



Board of Zoning Appeals Division I (September 5, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, September 05, 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-UV1-017 | 2352 Burke Street

Wayne Township, Council District #22, Zoned C-3
David & Valerie Ferguson

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile towing business, including the outdoor storage of inoperable vehicles and commercial vehicles (not permitted) with:

- a) A parking area without hard surfacing, durable painted lines and an ADA parking space (hard surfacing of parking areas, painted parking stalls and one ADA parking space required);
- b) An unenclosed trash dumpster (dumpster enclosure required); and
- c) A six-foot tall chain link, without required vinyl coating or equivalent treatment, perimeter fence with barbed wire (fence height limited to 3.5-foot tall within front yards, chain link must be vinyl coated, barbed wire fencing prohibited).

****Automatic Continuance to be acknowledged**

2. 2023-UV1-018 | 5524 Georgetown Road

Pike Township, Council District #8, Zoned C-3
GAT LLC, by David Kingen & Emily Duncan

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a liquor store (not permitted).

**** Continuance requested by petitioner**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2023-DV1-032 | 515 South East Street

Center Township, Council District #16, Zoned D-8 (RC) (TOD)
Daniel G Corsaro Family Investments LLC, by Mark Demerly

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to allow for vehicular access from Warsaw Street (access from improved alleys required).

4. 2023-DV1-037 | 3333 Ruckle Street

Center Township, Council District #9, Zoned D-5
Mithun Sinha & Jayeeta Ghose

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a three-foot rear yard setback (five-foot rear yard setback required).

- 5. 2023-DV1-038 (Amended) | 901 Shelby Street**
Center Township, Council District #17, Zoned SU-38 / D-5 (TOD)
Southeast Community Services Inc., by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 33.6-square foot projecting blade sign, projecting four feet from the surface of the building (projecting blade signs not permitted in Special Use Districts).

- 6. 2023-DV1-040 | 2058 Cornell Avenue**
Center Township, Council District #17, Zoned D-8
Benjamin J.A. and Alisha D. Gibbs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and secondary dwelling unit, with a 1.75-foot north side yard setback (three-foot side yard setbacks required).

- 7. 2023-DV1-041 | 7551 West Morris Street**
Wayne Township, Council District #22, Zoned I-4 / I-3
Target Corporation, by Eric Fiacable

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking area resulting in 14 double-loaded parking rows and 18 single-loaded parking rows, with parking area comprising 52.5 percent of the front yard (parking in the front yard limited to a single-double loaded row and 10 percent of the total area).

- 8. 2023-DV1-042 | 5354 North Delaware Street**
Washington Township, Council District #7, Zoned D-4 (MSPC)
Charles and Brenna Carroll, by Todd Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot south side yard setback (four-foot side yard setback required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 9. 2022-UV1-009 (rehearing) | 8930 West Washington Street**
Wayne Township, Council District #22, Zoned C-4 (FW)
S&S Center, LLC, by Sylvia B. Miller

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the continuation of automobile and motorcycle sales (not permitted).

- 10. 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).

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 11. 2023-DV1-039 | 209, 217 and 223 North Temple Avenue**
Center Township, Council District #17, Zoned D-5 (TOD)
City of Indianapolis – Department of Metropolitan Development, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on each lot, with 4.5-foot side yard setbacks and an open space of 52.5 percent (five-

foot side yard setbacks, 60 percent open space required) with each lot maintaining a 40-foot lot width and lot area of 5,000 square feet (minimum 60-foot lot width and lot area of 7,200 square feet required).

12. 2023-DV1-043 | 1710 West Morris Street

Center Township, Council District #16, Zoned C-4
Vincent & Abbera Utterback, by Andrew Wert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vehicular access from West Morris Street (exclusive vehicular access from improved alley required).

Additional Business:

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

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

Case Number: 2023-UV1-017
Address: 2352 Burke Street (approximate address)
Location: Wayne Township, Council District #22
Zoning: C-3
Petitioner: David & Valerie Ferguson
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile towing business, including the outdoor storage of inoperable vehicles and commercial vehicles (not permitted) with:

- a) A parking area without hard surfacing, durable painted lines and an ADA parking space (hard surfacing of parking areas, painted parking stalls and one ADA parking space required);
- b) An unenclosed trash dumpster (dumpster enclosure required); and
- c) A six-foot tall chain link, without required vinyl coating or equivalent treatment, perimeter fence with barbed wire (fence height limited to 3.5-foot tall within front yards, chain link must be vinyl coated, barbed wire fencing prohibited).

A timely automatic continuance has been filed by the petitioner, continuing this petition to the October 3, 2023 hearing of Division I.

EDH

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

Case Number: 2023-UV1-018
Address: 5524 Georgetown Road (approximate address)
Location: Pike Township, Council District #8
Zoning: C-3
Petitioner: GAT LLC, by David Kingen & Emily Duncan
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a liquor store (not permitted).

A timely continuance request was submitted by the Petitioner **continuing this matter from the September 5, 2023 hearing to the October 3, 2023 hearing**. This request requires approval by the Board of Zoning Appeals.

BB

STAFF REPORT

Item 3.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-032
Address: 515 South East Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: Daniel G. Corsaro Family Investments LLC, by Mark Demerly
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to allow vehicular access from Warsaw Street (access from improved alleys required).

RECOMMENDATIONS

Staff **recommends approval** of the variance request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING, CONTEXT AREA AND LAND USE

D-8 (RC) Compact Undeveloped

SURROUNDING ZONING AND LAND USE

North	-	D-8 (RC)	Undeveloped lot / two single-family dwellings
South	-	I-3 (RC)	Single-family dwelling
East	-	D-8 (RC)	Two single-family dwellings
West	-	I-3 (RC)	Industrial (Eli Lilly)

COMPREHENSIVE PLAN The Comprehensive Plan recommends the site for Traditional Neighborhood development.

REGIONAL CENTER APPROVAL

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. Along with this variance petition, a Regional Center Approval petition was filed for the proposed dwelling, through 2023-REG-029. The Regional Center Approval petition is subject to the grant of this petition.

HISTORY

- ◇ In 2019, this site was included in a companion rezoning and variance petition, along with the three parcels to the north, to rezone the parcels to D-8 (RC) and for variances of development
(Continued)

standards to provide for four 38-foot-tall single-family dwellings, with reduced front, side, and rear setbacks, reduced separation between buildings, 30% open space, and with the corner lot (subject site) with a dwelling being within the clear-sight triangles of the abutting streets and alley. Both petitions were approved. Two of the four dwellings have been constructed and a third dwelling has obtained Regional Center Approval.

REQUEST / ANALYSIS

- ◇ This request seeks to permit the remaining dwelling to have garage access from Warsaw Street, rather than the required access from an improved alley.
- ◇ The Comprehensive Plan recommends Traditional Neighborhood, and the site is one block from the Mile Square, so it is a highly urbanized area. Access from alleys is required to provide for fewer conflicts that pedestrians encounter while using sidewalks. Driveways increase those conflicts when placed along streets, as opposed when placed along alleys. However, this particular site is complicated due to the existing dwelling to the east being placed directly on the alley right-of-way, reducing the maneuverability of vehicles to gain access to and from the proposed garage.
- ◇ An amended site plan was submitted to the file on August 22, 2023. Staff has reviewed the site plan and believe the access to the garage, at a width of 18'-2", would be acceptable. Therefore, due to the practical difficulty in the use of the site, staff would support the request.

GENERAL INFORMATION

THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that East Street is a primary arterial, with a 78-foot right-of-way existing and proposed. Warsaw Street is a local street, with a 48-foot right-of-way existing and proposed.
URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is located within the Neighborhood Residential typology.
TRANSIT-ORIENTED DEVELOPMENT OVERLAY	The site is located within a transit-oriented development area.
SITE PLAN	File-dated June 26, 2023
Revised	File-dated July 12, 2023
Second Revision	File-dated August 22, 2023
ELEVATIONS	File-dated July 12, 2023
Revised	File-dated August 22, 2023
FINDINGS OF FACT	File-dated June 26, 2023

(Continued)

ZONING HISTORY - SITE

2023-REG-029; 515 South East Street, requests Regional Center Approval to provide for a single-family dwelling, **pending.**

2019-CZN-858 / 2019-CVR-858; 501-511 (odd) South East Street, requested a rezoning of 0.20 acre from the I-3 (RC) and CBD-2 (RC) districts to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, 38-foot tall single-family dwellings with attached garages, with 3.5-foot front, side and rear setbacks, seven feet between dwellings and 30% open space, and with the corner lot being within the clear sight triangles of the abutting streets and alley, **granted.**

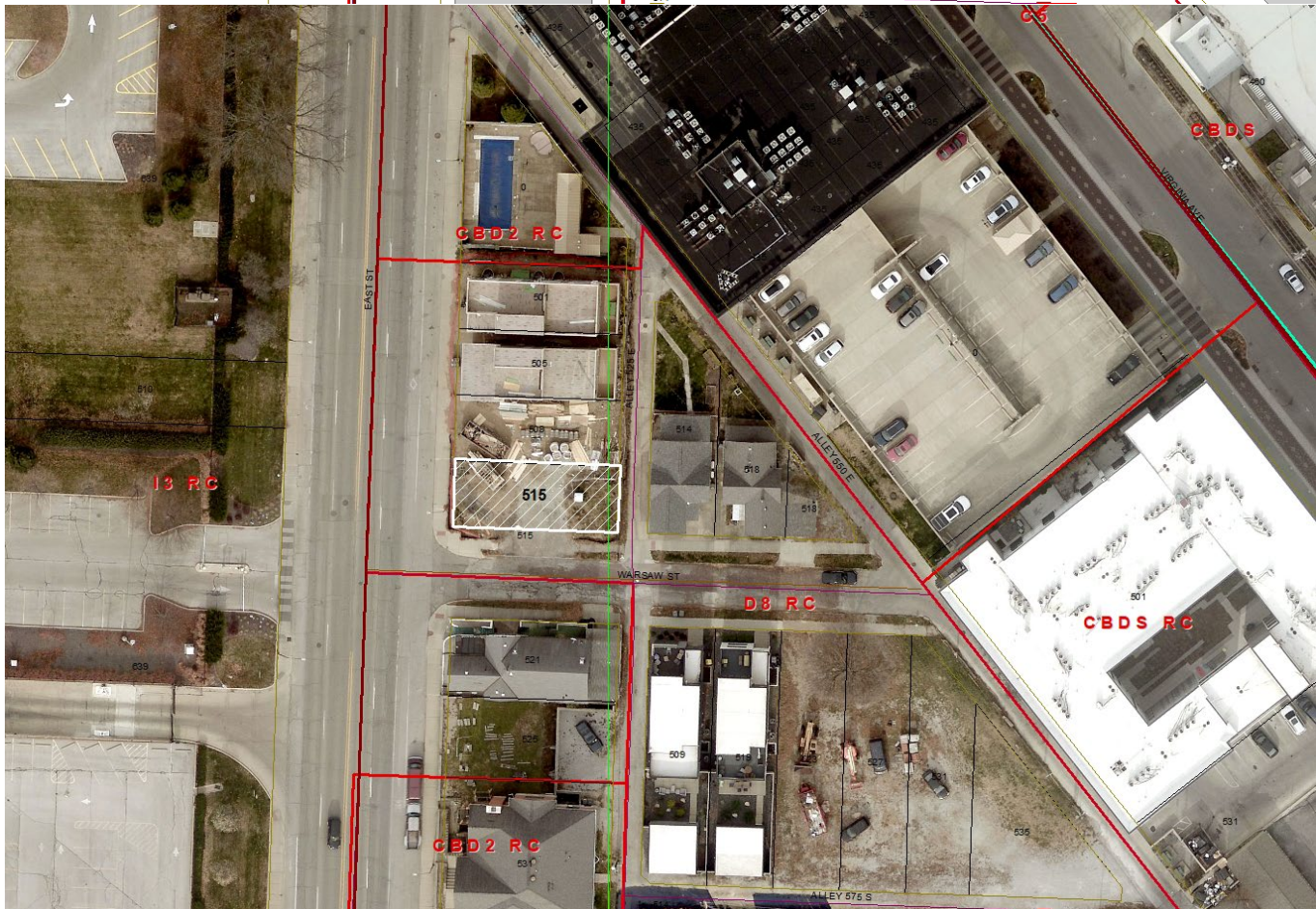
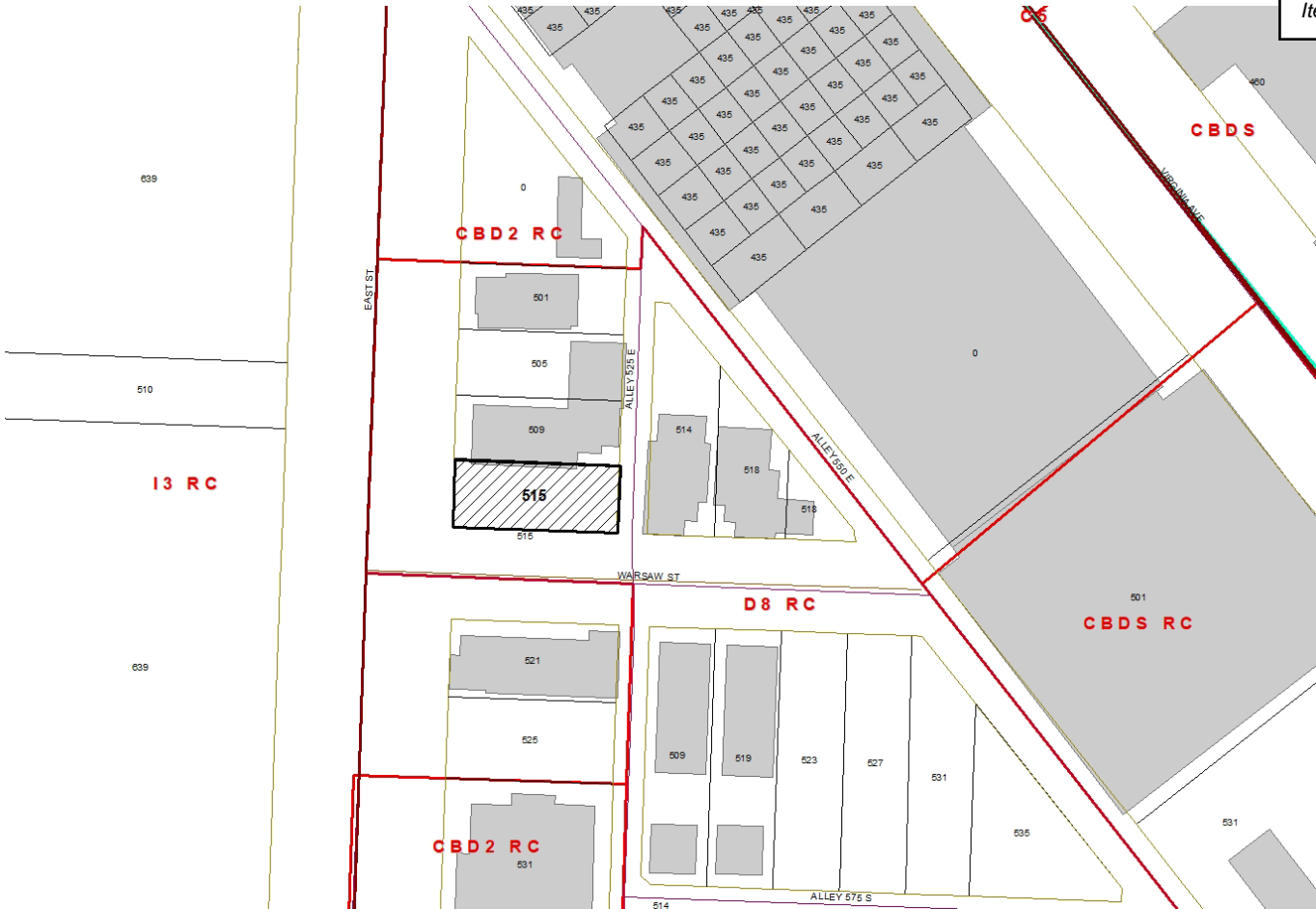
ZONING HISTORY - VICINITY

2023-REG-028; 509 South East Street, requests Regional Center Approval to provide for a single-family dwelling, **approved.**

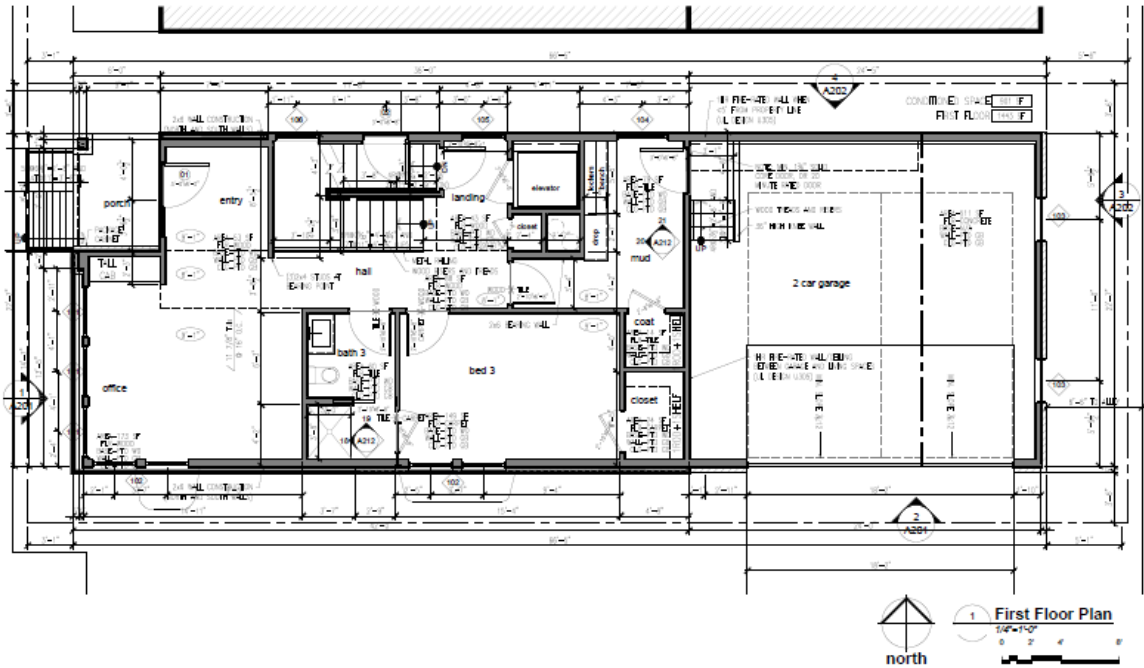
2021-REG-066 (High Impact); 501 South East Street, requested Regional Center Approval to provide for demolition of an existing single-family dwelling and for construction of a three-story detached single-family dwelling and attached garage, **approved.**

2021-REG-090; 509 South East Street, requested Regional Center Approval to provide for demolition of an existing single-family dwelling and a detached accessory use structure and for construction of a three-story detached single-family dwelling and attached garage, **approved.**

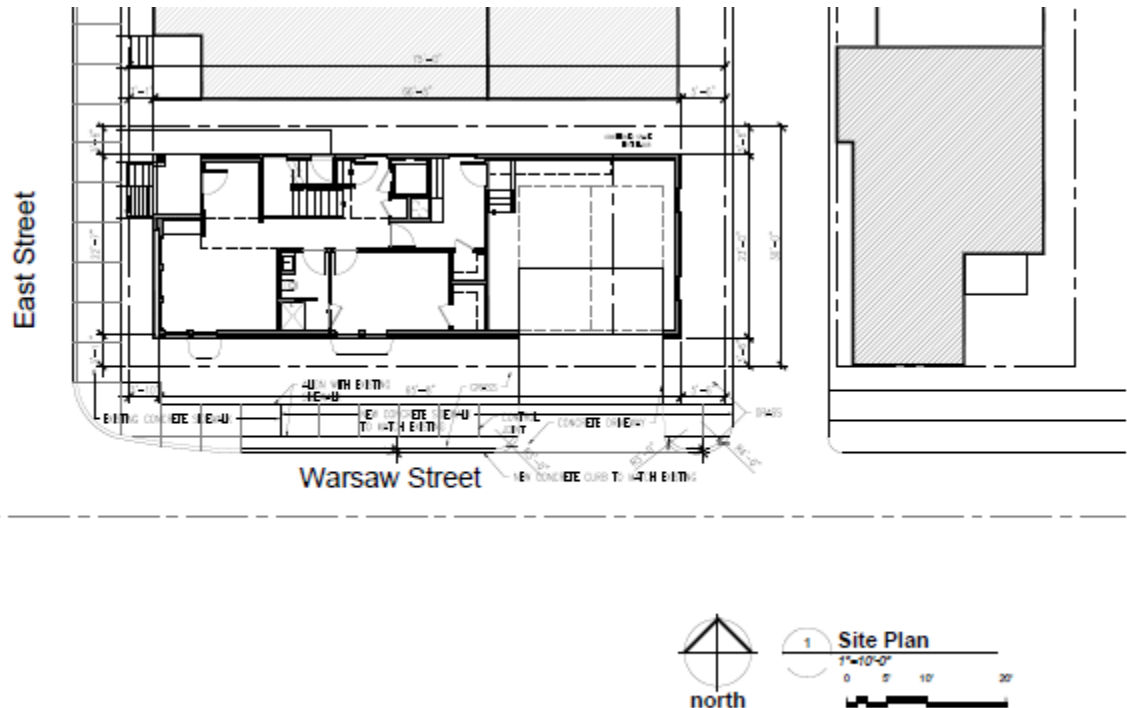
JY



Zoning maps of the site

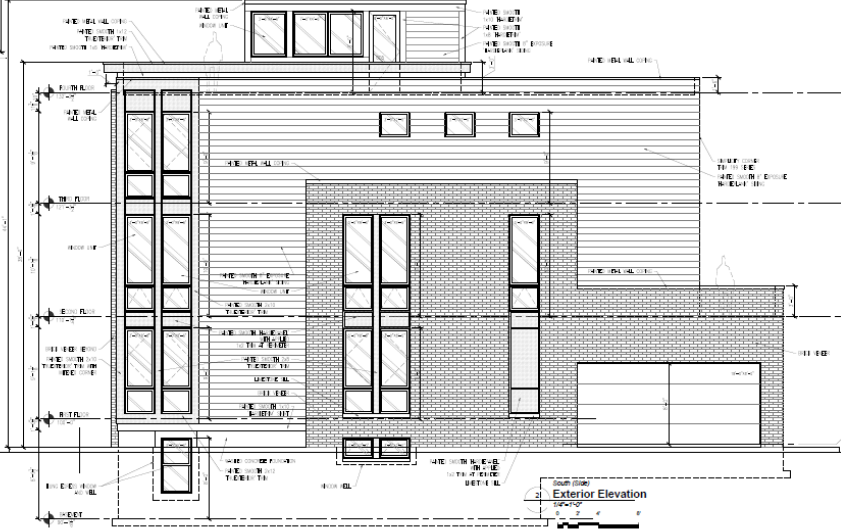
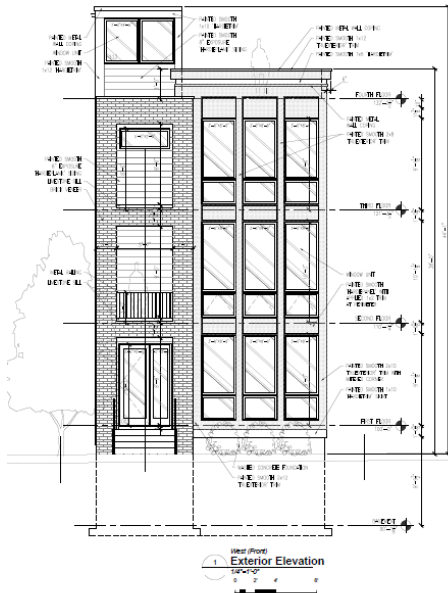


- GENERAL NOTES:
1. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHICAGO AND THE STATE OF ILLINOIS CODES AND ORDINANCES.
 3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
 4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.



STAFF REPORT 2023-DV1-032 (Elevations)

Item 3.



- GENERAL NOTES:
1. SEE PLANS FOR ALL DIMENSIONS AND NOTES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. SEE ARCHITECT'S SPECIFICATIONS FOR MATERIALS AND FINISHES.
 4. SEE ARCHITECT'S SPECIFICATIONS FOR WINDOW AND DOOR SCHEDULES.
 5. SEE ARCHITECT'S SPECIFICATIONS FOR ROOFING AND CLADDING.

WINDOW & DOOR SCHEDULE:

NO.	TYPE	SIZE	FINISH
101	1	1200 x 1200	RE
102	2	1200 x 1200	RE
103	3	1200 x 1200	RE
104	4	1200 x 1200	RE
105	5	1200 x 1200	RE
106	6	1200 x 1200	RE
107	7	1200 x 1200	RE
108	8	1200 x 1200	RE
109	9	1200 x 1200	RE
110	10	1200 x 1200	RE
111	11	1200 x 1200	RE
112	12	1200 x 1200	RE
113	13	1200 x 1200	RE
114	14	1200 x 1200	RE
115	15	1200 x 1200	RE
116	16	1200 x 1200	RE
117	17	1200 x 1200	RE
118	18	1200 x 1200	RE
119	19	1200 x 1200	RE
120	20	1200 x 1200	RE

ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
NOT FOR CONSTRUCTION
DATE: 10/10/2023
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

East Place Development
100 East Main, Anderson, SC
Domeny Architects
architectural • interior • landscape
704.525.1234
www.domenyarchitects.com

A201

- GENERAL NOTES:
1. SEE PLANS FOR ALL DIMENSIONS AND NOTES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. SEE ARCHITECT'S SPECIFICATIONS FOR MATERIALS AND FINISHES.
 4. SEE ARCHITECT'S SPECIFICATIONS FOR WINDOW AND DOOR SCHEDULES.
 5. SEE ARCHITECT'S SPECIFICATIONS FOR ROOFING AND CLADDING.

WINDOW & DOOR SCHEDULE:

NO.	TYPE	SIZE	FINISH
101	1	1200 x 1200	RE
102	2	1200 x 1200	RE
103	3	1200 x 1200	RE
104	4	1200 x 1200	RE
105	5	1200 x 1200	RE
106	6	1200 x 1200	RE
107	7	1200 x 1200	RE
108	8	1200 x 1200	RE
109	9	1200 x 1200	RE
110	10	1200 x 1200	RE
111	11	1200 x 1200	RE
112	12	1200 x 1200	RE
113	13	1200 x 1200	RE
114	14	1200 x 1200	RE
115	15	1200 x 1200	RE
116	16	1200 x 1200	RE
117	17	1200 x 1200	RE
118	18	1200 x 1200	RE
119	19	1200 x 1200	RE
120	20	1200 x 1200	RE

ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
NOT FOR CONSTRUCTION
DATE: 10/10/2023
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

East Place Development
100 East Main, Anderson, SC
Domeny Architects
architectural • interior • landscape
704.525.1234
www.domenyarchitects.com

NOT FOR CONSTRUCTION
DATE: 10/10/2023
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

A201



View of subject site looking north along East Street sidewalk



View of subject site (top); views of dwellings along Warsaw Street looking east



View of the alley east of the subject site and the abutting dwelling to the east



View of an existing driveway access to a single-vehicle garage along Warsaw Street



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 5, 2023

Case Number: 2023-DV1-037

Property Address: 3333 Ruckle Street (approximate address)

Location: Center Township, Council District #9

Petitioner: Mithun Sinha & Jayeeta Ghose

Current Zoning: D-5

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

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this request

Recommended Motion: Motion to approve petition 2023-DV1-037

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of this request.

PETITION OVERVIEW

- This request would provide for a detached garage with a 3-foot rear yard setback (5-foot rear yard setback required).
- Detached garages that are accessed via alley are a common development pattern in the immediate surrounding area. Additionally, with the garage having been built prior to the current owner, any existing conditions that do not meet compliance with the Ordinance are not the fault of the current owner and, thus, represent a practical difficulty.
- Therefore, Staff would not be opposed to the reduced rear yard setbacks to accommodate the current footprint of the existing garage.

GENERAL INFORMATION

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

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan		
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Single-family residential
South:	D-5	South: Two-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
Ruckle Street	Local Street Existing ROW: 50 feet Proposed ROW: 48 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/16/2023	
Site Plan (Amended)	N/A if not applicable	
Elevations	N/A if not applicable	
Elevations (Amended)	N/A if not applicable	
Landscape Plan	N/A if not applicable	
Findings of Fact	6/16/2023	
Findings of Fact (Amended)	N/A if not applicable	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Infill Housing Guidelines
- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)

Pattern Book / Land Use Plan

- Please see Neighborhood / Area Specific Plan below

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site



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

Neighborhood / Area Specific Plan

- The Mapleton-Fall Creek Neighborhood Land Use Plan (2013) document seeks to improve the Mapleton-Fall Creek neighborhood and “further its goals of new housing opportunities, recreational options, improved transportation connectivity and promoting business and entrepreneurship.
- The document recommends residential use at a density of 5-8 units per acres for this 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.
- 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
- This 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

N/A

ZONING HISTORY – VICINITY

81-Z-152; 3359 Ruckle Street (north of site), request to rezone 2.14 acres, involving numerous scattered lots, being in the D-5 and D-8 districts, to SU-1 classification, to provide for church use, **approved**.

2005ZON019; 3334 Central Avenue (west of site), rezoning from C-3 Commercial District to allow for 3336-3338 to be used as a family life center for adjacent Raphael Health Center; to allow for 3334 to be used for parking for Raphael Health Center; to allow 3340 to be used for parking for Raphael Health Center. Non-profit community health & services center, **approved**.

2006ZON001; 3401 Central Avenue (north of site), rezoning of 4.7 acres, being in the D-3 district, to the D-8 classification to legally establish, and to provide for additional improvements to an existing multi-family residential development, **approved**.

2014HOV017; 3305 Ruckle Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling, with 19-foot front setbacks from 33rd Street and Ruckle Street and a parking pad with a 19-foot front setback from 33rd Street (25-foot front setbacks required), **approved**.

2017HOV054; 3335 Central Avenue (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish primary and accessory residential uses, including a single-family dwelling and a detached garage (not permitted), with a five-foot rear transitional setback (eight-foot rear transitional yard required), **approved**.

2017UV2026; 510 Fairfield Avenue (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility, with a 95-foot tall monopole tower (not permitted), with a five-foot lightning rod, without landscaping; (landscaping required), and with barbed wire (not permitted), **denied**.

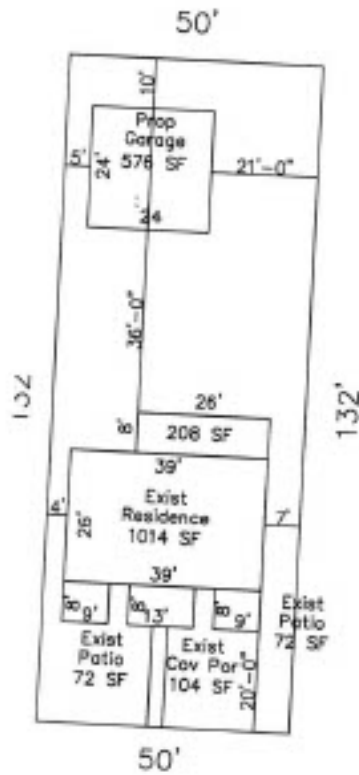
2018ZON123; 3345 Ruckle Street (north of site), Rezoning of 0.15 acre from the SU-1 district to the D-5 classification, **approved**.

2021DV1041; 615 E 33rd Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a driveway to 33rd Street (alley access required), **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS



16816-0324
RECEIVED

NOV 19 2016

Subject to all Local and State
 Building Codes and Zoning
 Ordinances

3333 Ruckle St

SITE PLAN
 SCALE: 1"=30'

Trevor Phillips
 3333 Ruckle St
 Indianapolis, In 46205



Department of Metropolitan Development
Division of Planning
Current Planning

To,
The Hearing Officer,
Metropolitan Board of Zoning Appeals
Marion County, Indiana

June 5th, 2023

Ref: Variance petition related to Case# VIO23- 002899

Dear Sir/Madam,

I am a resident of 3333 Ruckle St, Indianapolis 46205. I am a scientist and serve as Assistant Professor at the Department of Surgery, Indiana University School of Medicine with my research focusing on surgical implant complications.

I recently received a notice from the zoning inspector Steven Hardiman related to zoning violation associated with my garage (notice letter attached). Sir, I had bought the property in April 2021, the garage existed at that time. It was built by the previous owner. While buying the property no flags were raised by the surveyor or the Title company. Hence, without my fault, I am going through this process with substantial time and fiscal expense.

My garage follows a similar trajectory of garages present in the alley. I have provided photographs of my neighbor's garage. The existing garage doesn't pose any obstruction or harm to my neighbors. Considering these facts, I would request to grant variance so that I can retain the garage.

Thank you

Mithun Sinha, PhD

3333 Ruckle St, Indianapolis
46205



Department of Metropolitan Development
Division of Planning
Current Planning



MAPLETON-FALL CREEK
NEIGHBORHOOD ASSOCIATION

P.O. BOX 20837 • INDIANAPOLIS, IN • 46220 • INFO@MFCNA.ORG • WWW.MFCNA.ORG

August 21, 2023

Metropolitan Board of Zoning Appeals
Division I
200 E. Washington Street
Indianapolis, IN 46204

RE: 2023-DV1-037, 3333 Ruckle Street

Dear Noah Stern, Associate Planner:

The board of the Mapleton-Fall Creek Neighborhood Association, which represents the community surrounding the subject parcel, has voted to support the variance of development to allow for the existing garage on the property.

The Association is encouraged by the communication directly from the homeowners Mithun Sinha and Jayeeta Ghose. They were both kind enough to attend our August monthly meeting to share about their garage and answer questions from neighbors. Given the challenges for new homeowners, we are happy to support our neighbors in their effort to reconcile with the city ordinances.

Please accept this letter as our support of the variance request. We recommend this petition be approved.

Sincerely,

Travis Tatlock
President
Mapleton-Fall Creek Neighborhood Association
president@mfcna.org







STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-038 (Amended)
Address: 901 Shelby Street (*Approximate Address*)
Location: Center Township, Council District #17
Zoning: SU-38 / D-5 (TOD)
Petitioner: Southeast Community Services Inc., by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 33.6-square foot projecting blade sign, projecting four feet from the surface of the building (projecting blade signs not permitted in Special Use Districts).

RECOMMENDATION

Staff **recommends approval** of this request.

Amended Petition: This petition was amended to reduce the size of the proposed blade sign. Additional notice was not needed, as the request did not increase the deviation from the Ordinance over that of the original notice.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-38, D-5	Compact	Multi-service center
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SURROUNDING ZONING AND LAND USE

North	C-5, D-5	Single-family dwellings, multi-family dwelling building
South	C-5, D-5	Retail buildings, single-family dwellings
East	D-5	Single-family dwelling, two-family dwelling
West	C-5, D-5	Single-family dwellings, retail building, food pantry

(Continued)

STAFF REPORT 2023-DV1-038 (Continued)

COMPREHENSIVE LAND USE PLAN The Center Township Comprehensive Plan (2018) recommends Village Mixed-Use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The petitioner requests a variance to allow a projecting sign on a building within a Special Use district. Projecting signs are not permitted in the Special Use districts.
- ◇ Special Use (SU) districts are those zoning districts that permit specific land uses that have characteristics that make them different than the uses found in the more generalized zoning districts such as the dwelling, commercial and industrial districts. There are 26 SU districts, and the land uses they've been established for range widely from hospitals to sewage treatment facilities. The most-commonly found SU districts are the SU-1 that provides for religious uses and the SU-2 that provides for schools.
- ◇ As the most common SU districts are generally found in or adjacent to residential areas, the sign regulations for SU districts were written with the idea that the signs should be modest in size, type and location so as not to be intrusive on the residential area. For example, in commercial districts seven types of primary building signs are permitted, but in the SU districts the only primary building signs permitted are wall, canopy and roof-integral signs. Likewise, in commercial districts the area of a wall sign may be 20% of the size of the front elevation. In a SU district, the area of a wall sign may be only 3% of the size of the front elevation.
- ◇ The subject site is zoned SU-38, which is a district established for Community Centers. The Ordinance defines Community Center as "public or quasi-public facilities used for recreational, social, educational and cultural activities of a neighborhood or community. This definition includes facilities designed for the conduct of sport and leisure time activities and other customary and usual recreational activities such as athletic clubs; auditoriums; assembly halls; community, multi-service, neighborhood, or senior citizens' centers, swimming pools, and game courts."
- ◇ The subject site is located with dwellings to the north, east and south. There is also a commercial structure to the south and a food pantry in a commercial structure to the west.
- ◇ The proposed sign is modest in size and thickness at 44" by 144" and four inches in thickness.

(Continued)

STAFF REPORT 2023-DV1-038 (Continued)

- ◇ The subject building is historic, and the subject site is within 300 feet of a local historic preservation district. Staff consulted with the staff of the Indianapolis Historic Preservation Commission, who advised that, as proposed, the sign would be appropriately located on the building and would be appropriately sized for the building and streetscape. As such, staff is recommending approval of this petition.

GENERAL INFORMATION

THOROUGHFARE PLAN

Shelby Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

Pleasant Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 55-foot existing right-of-way and a 48-foot proposed right-of-way.

Woodlawn Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-foot existing right-of-way and a 48-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

2001-ZON-827; 1125 Pleasant Avenue, requested the rezoning of 1.63 acres from the D-5 district to the SU-38 district, **approved**.

99-UV3-45; 1121 Pleasant Street, requested variances of use and development standards to provide for a modular office building, **approved**.

(Continued)

STAFF REPORT 2023-DV1-038 (Continued)**ZONING HISTORY – VICINITY**

2011-ZON-076; 1116 Woodlawn Avenue (southwest of site), requested the rezoning of 0.05 acre from the C-5 district to the D-5 district, **approved**.

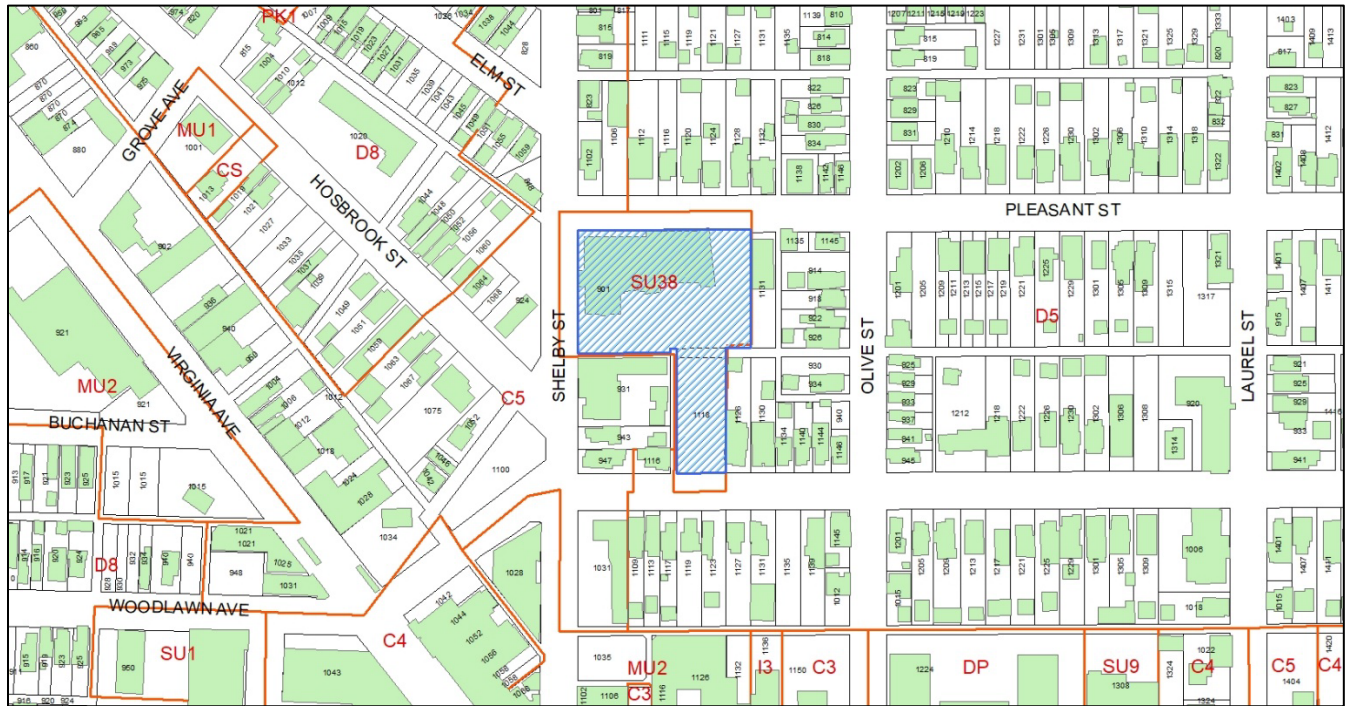
2011-DV2-004; 924 Shelby Avenue (west of site), requested a variance of development standards to provide for parking in the right-of-way and clear sight triangle, **approved**.

2008-DV2-002; 924 Shelby Street (west of site), requested a variance of development standards to provide for deficient setbacks and landscaping, automobile display within the right-of-way, parking in the right-of-way, no handicapped parking and a trash enclosure in the front yard, **denied**.

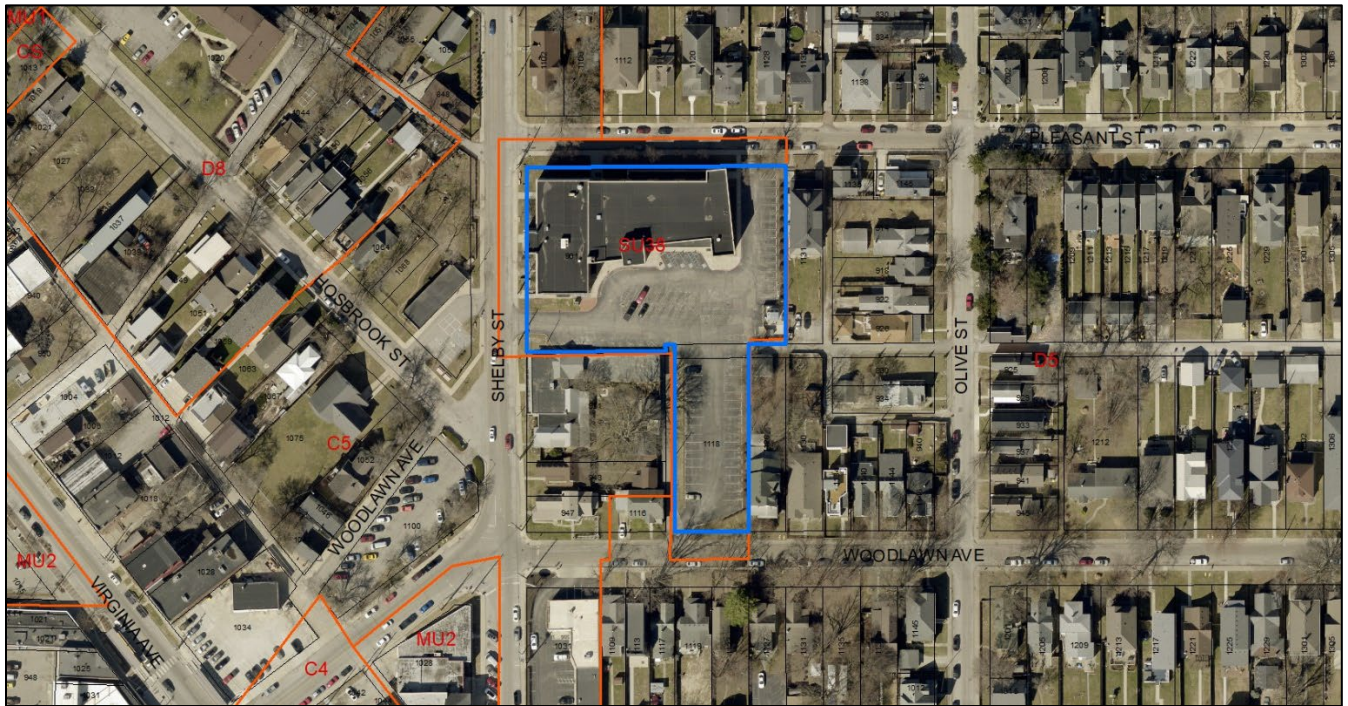
2002-UV1-024; 904 Shelby Street (west of site), requested a variance of use to provide for a multi-family dwelling in a commercial district, **approved**.

klh

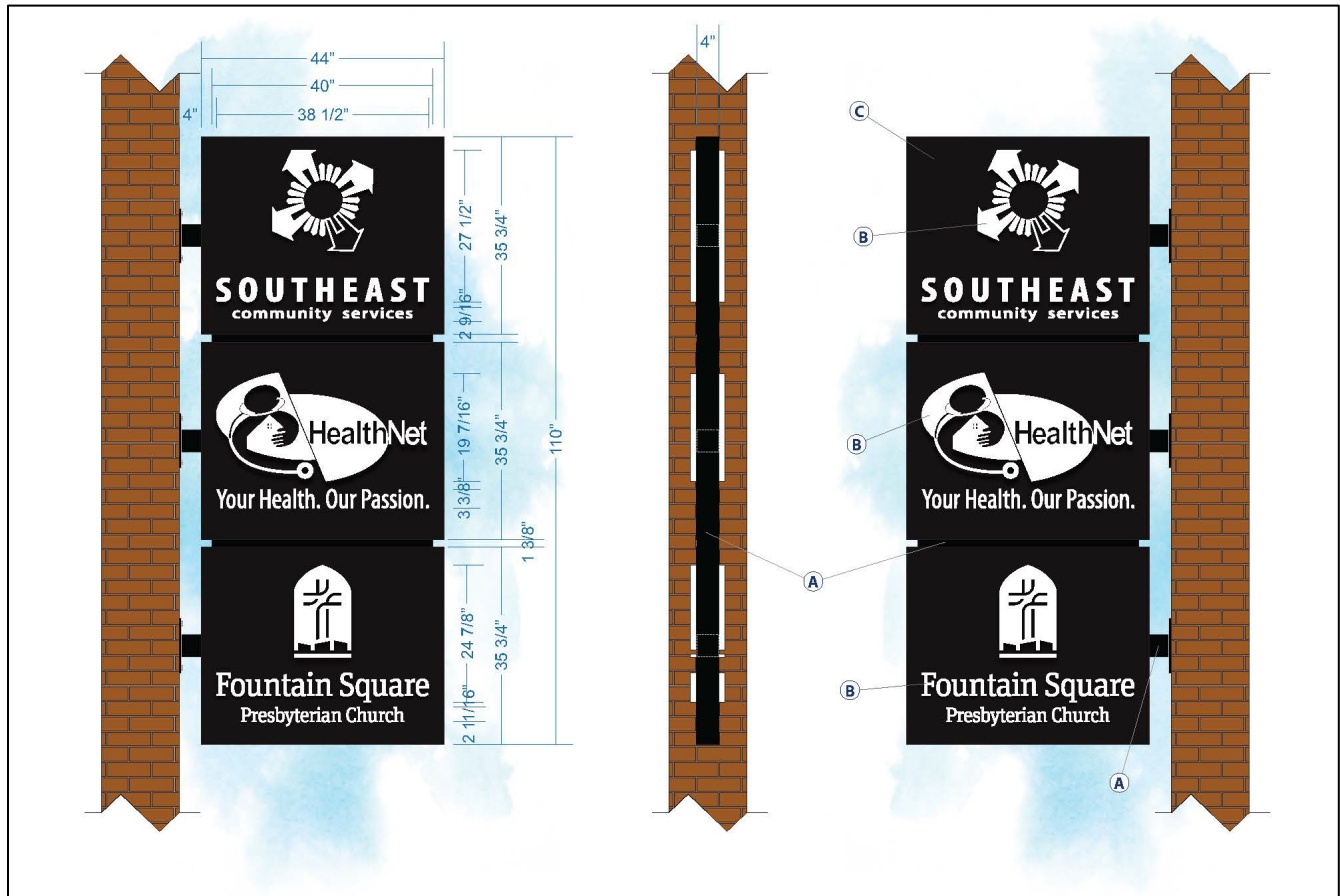
STAFF REPORT 2023-DV1-038, Location



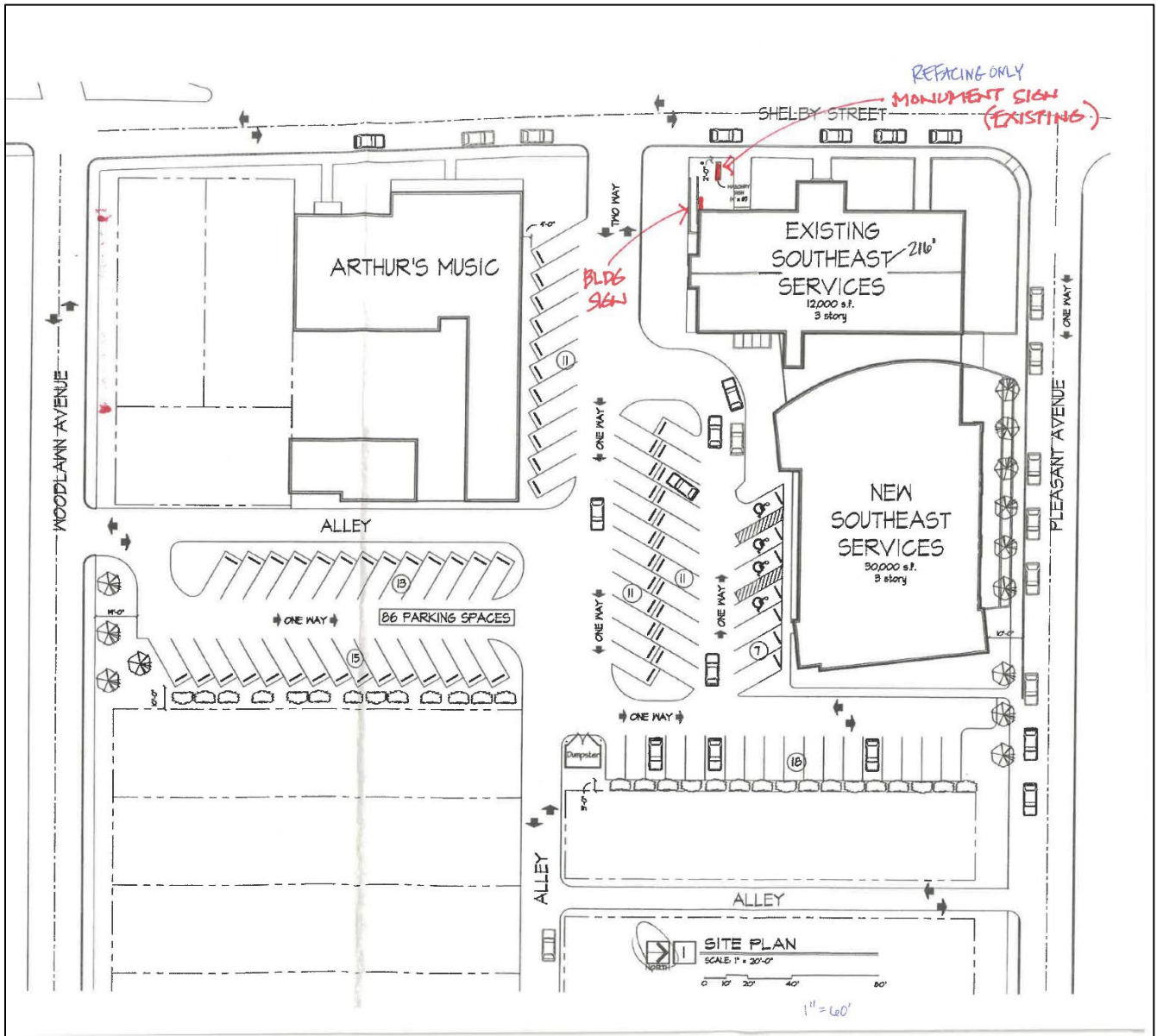
STAFF REPORT 2023-DV1-038, Aerial photograph (2022)



2023-DV1-038; Sign Elevations



2023-DV1-038; Site Plan



2023-DV1-038; Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**FINDINGS OF FACT**

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

the proposed sign will not interfere with vehicular or pedestrian view corridors on Shelby Street.

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:

there is adequate separation of the proposed projecting sign, and the zoning along Shelby Street is Commercial (C-5) both north and south of the Subject Property, which would permit such a sign.

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

the Subject Property is located in an older urban area where projecting signs are appropriate, and some of the existing uses in the building on the Subject Property are commercial in nature, which the ordinance contemplates as being appropriate for projecting signs.

DECISION

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

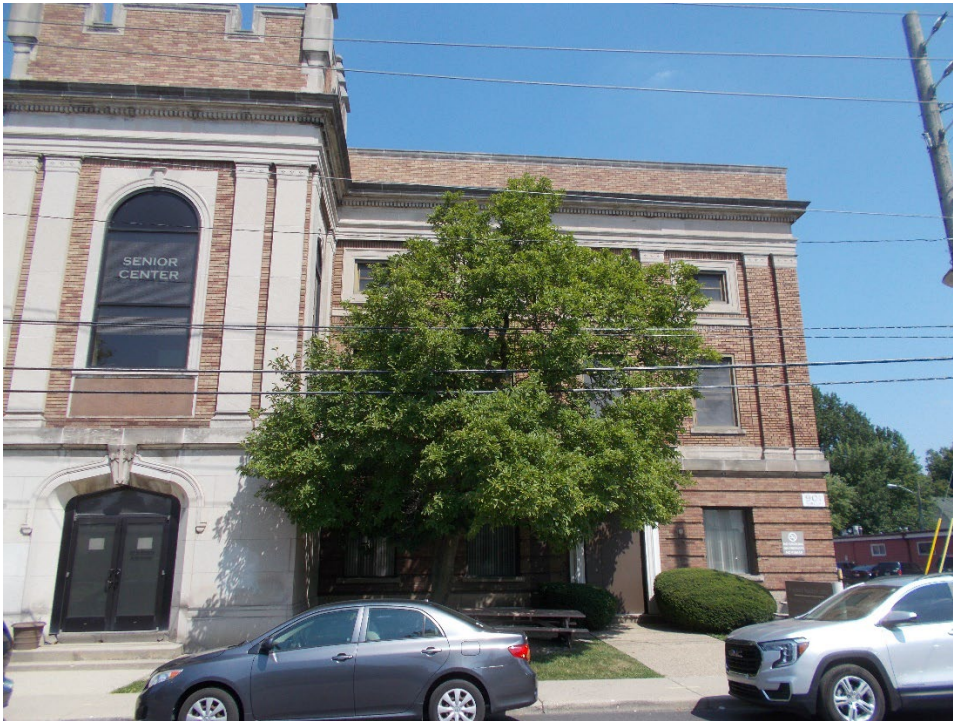
Adopted this _____ day of _____, 20 ____

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2023-DV1-038; Photographs



Looking southeast across Shelby Street at the subject site.



Looking east at site from Shelby Street. The sign would be located on the upper right portion of the building. The existing monument sign can be seen behind the vehicle to the right.



Looking north along the Shelby Street frontage of the subject site. The projecting sign is proposed for the near corner of the building.



Looking southeast at the neighbor to the south.



Looking north at a neighbor to the west.



Looking north along Shelby Street at the neighbors to the west.



Looking west across Shelby Street from the subject site at the neighbors to the west.



Looking north on Shelby Street from the northwest corner of the subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 5, 2023

Case Number: 2023-DV1-040

Property Address: 2058 Cornell Avenue (approximate address)

Location: Center Township, Council District #17

Petitioner: Benjamin J. A. and Alisha D. Gibbs

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage and secondary dwelling unit, with a 1.75-foot north side yard setback (three-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this request

Recommended Motion: Motion to approve petition 2023-DV1-040

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of this request.

PETITION OVERVIEW

- This request would provide for the construction of a detached garage and a secondary dwelling unit above, with a 1.75-foot north side yard setback (3-foot side yard setbacks required).
- Both detached garages and secondary dwelling units that are accessed via alley are common development patterns of the surrounding area. The proposed designs will include a 633 sq. ft. secondary dwelling unit and small attic space above the detached garage. The height of the accessory structure is to be shorter than the height of the primary structure and, therefore, in compliance with the Ordinance.
- The width of the subject site is 37 feet, narrower than many lots in the D-8 district that have widths exceeding 40 feet. Likewise, the proposed building footprint of the accessory structure will have a matching north side yard setback as the primary structure- 1.75 feet. With the subject site being



Department of Metropolitan Development
Division of Planning
Current Planning

narrow, and the accessory structure north side yard setback not exceeding the primary structure north side yard setback, Staff, therefore, is not opposed to reduced side yard setback to accommodate a new accessory structure.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-8	North: Church
	South: D-8	South: Single-family residential
	East: D-8	East: Single-family residential
	West: D-8	West: Single-family residential
Thoroughfare Plan		
Cornell Avenue	Local Street: Existing ROW: 50 feet Proposed ROW: 48 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/20/2023	
Site Plan (Amended)	8/18/2023	
Elevations	7/20/2023	
Elevations (Amended)	8/18/2023	
Landscape Plan	N/A if not applicable	
Findings of Fact	7/20/2023	
Findings of Fact (Amended)	N/A if not applicable	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan



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

- 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 garages be loaded and accessed from an alley, when possible
- The request is in accordance with these recommendations.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Enter Recommendation by Pattern Book or “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.
- 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
- This 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

N/A

ZONING HISTORY – VICINITY

99-UV3-82; 2062 Bellefontaine Street (west of site), Variance of Use to provide for a 1,152 sq. ft. variety store in an existing building, **approved**.

2004UV2003; 1002 E 21st Street (north of site), Variance of Use to provide for a thrift store in a warehouse in an I-3 district, **approved**.

2010DV2027; 2009 Bellefontaine Street (west 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**.

2011ZON073; 1013 e 20th Street (south of site), Rezoning of 2.139 acres from the I-3-U District to the D-P classification to provide for 84 multifamily units at a density of 39.27 units per acre, **approved**.

2018DV2016; 2037 Bellefontaine Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with an attached garage to a single-family dwelling, creating an open space of 49% (minimum 55% required) and to legally establish a 12-foot front setback and eight feet between dwellings (18-foot front setback and 10 feet between dwellings required), **withdrawn**.

2020DV1040; 2041 Cornell Avenue (south 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**.

2020DV1063; 2103 Bellefontaine Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage, on a lot with 28.5 feet of frontage (30 feet of frontage required), with a 0.5-foot front yard along Bellefontaine Street, 4.5-foot separation between dwellings, and with an eleven-foot rear setback (18-foot front setback or average, 10 feet between dwellings and 15-foot rear setback required), **approved**.

2020DV2050; 816 e 21st Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with five-foot front setback, five-foot rear setback and 44% open space (18-foot front setback or average, 15-foot rear setback and 55% open space required), **approved**.



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

2021DV2021; 823 E 21st Street (west 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**.



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

GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SETS AND MATCH WITH DIMENSIONS TO ADJUST PRIOR TO COMMENCEMENT.

2. CONTRACTOR TO MATCH FINISH AND MAKE GOOD ALL DEFICIENCIES AS NOTED BY SURVEY PRIOR TO INSTALLATION OF NEW CONSTRUCTION FINISHES.

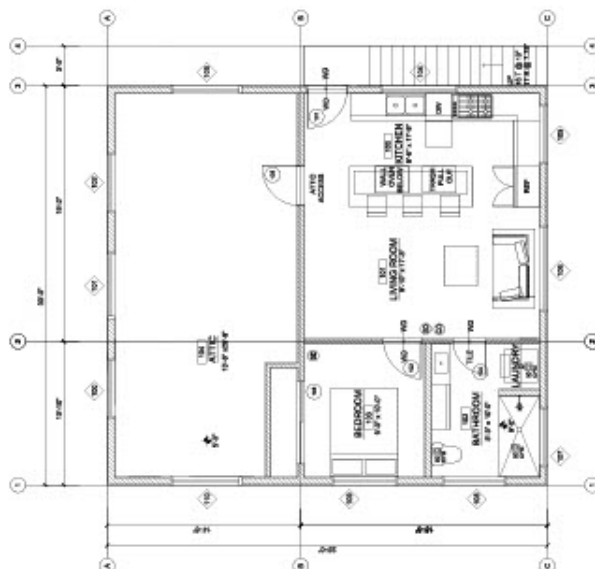
3. GENERAL CONTRACTOR TO VERIFY IN FIELD WITH ARCHITECT, ARCHITECT AND IN-PLUMB CONTRACTOR ACCESSIBLE PANELS AND SHUTTER VALVE LOCATIONS.

4. GENERAL CONTRACTOR TO FILL AND REPAIR ALL DEFICIENCIES AS NOTED BY SURVEY PRIOR TO STARTING NEW WORK. ALL NEW WORK SHALL BE MATCHED TO EXISTING WORK.

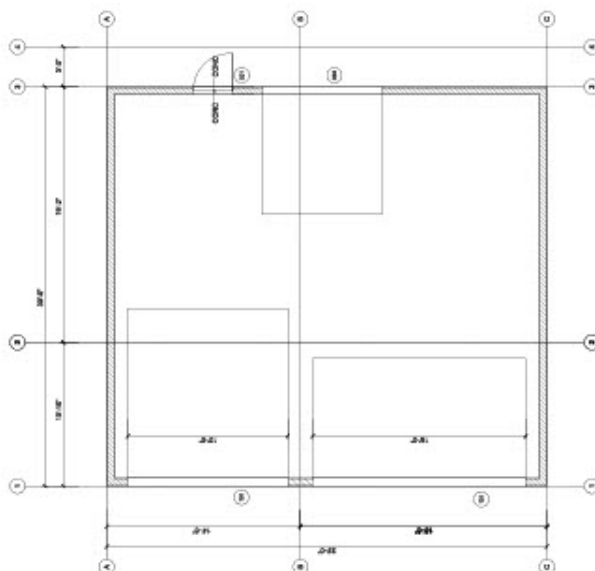
CONCLUSIONS

	FABRIC WALL CONSTRUCTION TO REMAIN
	FABRIC WALL CONSTRUCTION TO BE REMOVED
	MIR WALL CONSTRUCTION SEE B-6 AND
	PARTITION TYPE
	NONCERAMIC
	CERAMIC
	DOOR SWT.
	POSITIVE OCCUPANCY
	ILLUMINANT (SEE MCH)

PROJECT _____
 DRAWING NO. _____
 TITLE _____
 FLOOR PLANS _____
 A100
 ISSUE _____
 GUARANTEE PERMIT _____
 DATE _____
 JULY 11, 2022



1 UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"



1
GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

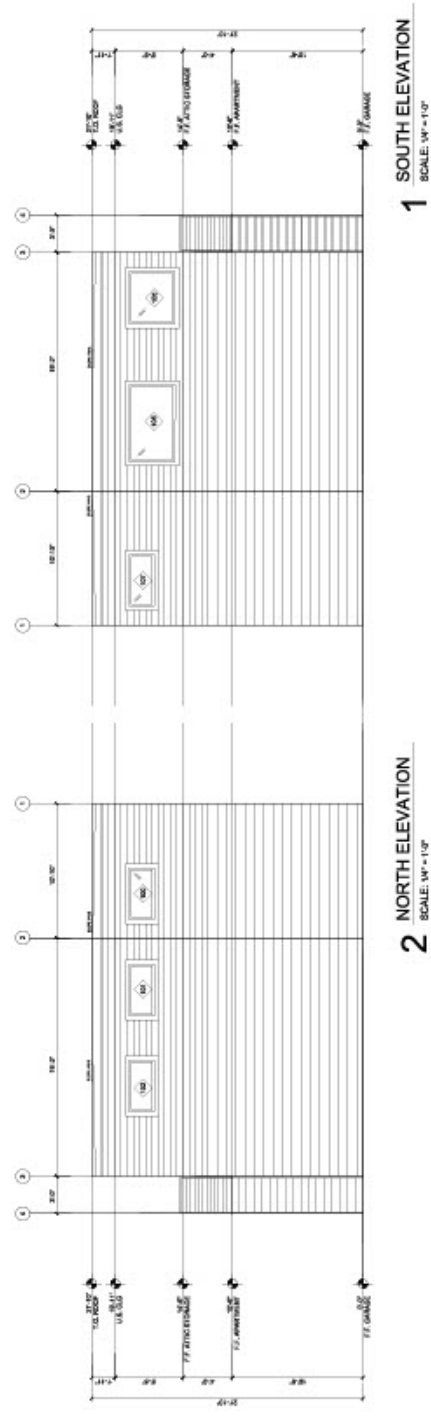
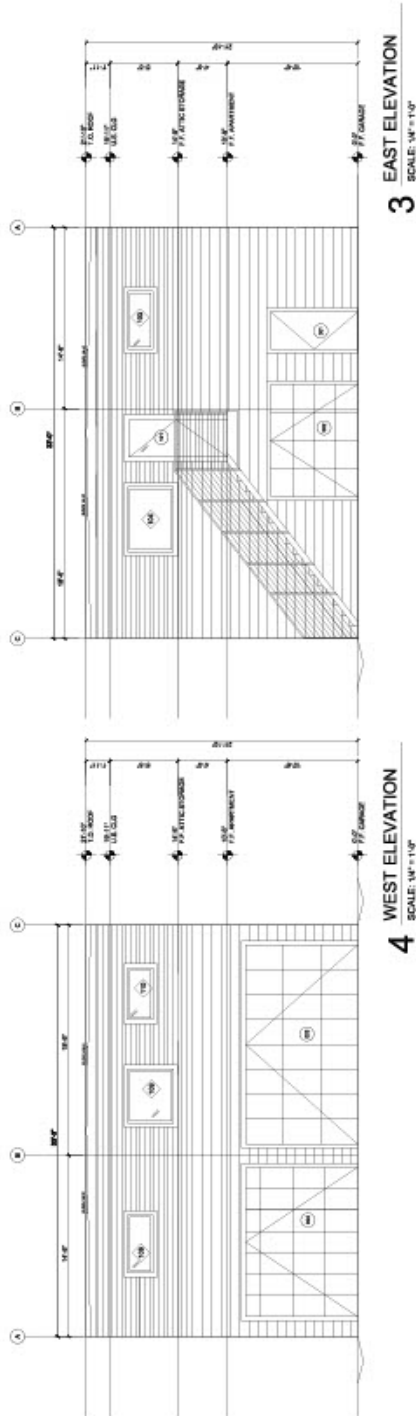
GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND CORRECT ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. CONTRACTOR TO VERIFY, REPAIR AND MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION OF NEW CONSTRUCTION.
3. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
4. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
5. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
6. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
7. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
8. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
9. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.
10. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED.

LEGEND

- EXISTING FULL CONSTRUCTION TO REMAIN
- EXISTING FULL CONSTRUCTION TO BE REMOVED
- NEW FULL CONSTRUCTION PER M.P. AND
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- NEW FULL CONSTRUCTION PER M.P. AND

PROJECT RESIDENCE
DATE 7/11/2022
LOCATION ELEVATIONS
A200
ISSUE VARIANCE PERMIT
DATE JULY 11, 2022







Department of Metropolitan Development
Division of Planning
Current Planning





STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-041
Address: 7551 West Morris Street (approximate address)
Location: Wayne Township, Council District #22
Zoning: I-4 / I-3
Petitioner: Target Corporation, by Eric Fiacable
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking area resulting in 14 double-loaded parking rows and 18 single-loaded parking rows, with parking area comprising 52.5 percent of the front yard (parking in the front yard limited to a single double-loaded row and 10 percent of the total area).

RECOMMENDATIONS

Staff **recommends approval** of the request subject to a commitment that the existing and proposed parking lot landscaping be subject to administrative approval prior to issuance of an improvement location permit.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

I-3 / I-4	Metro	Industrial
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SURROUNDING ZONING AND LAND USE

North	I-3 / I-4	Industrial
South	I-3 / I-4	Industrial
East	SU-9 / I-3 / I-3	Fire Station / Industrial
West	I-3 / I-4	Industrial

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Office/Industrial Mixed-Use

- ◇ The subject site is a 117.28-acre lot and developed with an industrial building, semi-trailer parking and loading, and vehicle parking. This site is located near the intersection of Morris Street and Girls School Road, and has frontage on both streets. The property is within the Chapel Hill / Ben Davis Neighborhood and part of the Airport Economic Development Area.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide the expansion of an existing parking area resulting in 14 double-loaded parking rows and 18 single-loaded parking rows, with parking area comprising 52.5 percent of the front yard.

(Continued)

STAFF REPORT 2023-DV1-041 (Continued)

- ◇ The zoning ordinance limits parking in the front yard to one double-loaded row of parking in all industrial districts. Double-loaded parking describes a parking configuration where the vehicles face each other, with maneuvering aisles on each side. Parking in the front yard of industrial districts is also limited to 10 percent of the front yard (the area between the building line and the right-of-way). The ordinance does not limit the number of parking spaces for wholesale distribution or storage uses.
- ◇ The subject site was developed with several single and double-loaded rows of parking in the front yard prior to the current zoning ordinance. This request would expand the parking areas to the east on the Morris Street frontage and the Girls School Road frontage. The existing building is situated on the site so that all undeveloped areas for potential expansion are in the front yards. The side yards on the west and south are currently developed with semi-trailer parking and loading areas. Due to the limited availability for expansion, staff would not oppose the requests for parking in the front yard.
- ◇ Staff does not typically support variances related to parking standards; however, staff believes that enhanced landscaping as requested by commitment could reduce the impact of the expansion. The ordinance does not require that existing parking meet landscaping standards where it is an increase of less than one hundred percent; however, staff believes that requiring landscaping for the existing parking is warranted given the amount of parking in the front yards being requested.
- ◇ Regarding the commitment, staff would note that the landscaping area for the existing parking should as nearly as possible meet the six percent uncovered vehicle areas in Table 744-505-2 and credits for adjustment in Table 744-505-3; since the existing parking lot is not being modified, staff may allow for flexibility in landscaping locations.

GENERAL INFORMATION**THOROUGHFARE PLAN**

Morris Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 66-foot existing right-of-way and an 80-foot proposed right-of-way.

Girls School Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 75-foot existing right-of-way and a 112-foot proposed right-of-way.

SITE PLAN

File-dated July 20, 2023

FINDINGS OF FACT

File-dated July 20, 2023

ZONING HISTORY – SITE

88-Z-274, rezoning of 32.7 acres from the I-3S district to the I-4S district, **withdrawn**.

ZONING HISTORY – VICINITY

2021-UV3-012, 7777 West Morris Street, variance to provide for an artisan food and beverage establishment with accessory outdoor seating, **approved**.

(Continued)

STAFF REPORT 2023-DV1-041 (Continued)

2014-DV2-002, 7777 West Morris Street, variance to legally establish a second sign along the approximately 591-foot frontage of West Morris Street, with said sign being approximately 135 feet east of the other sign, **withdrawn**.

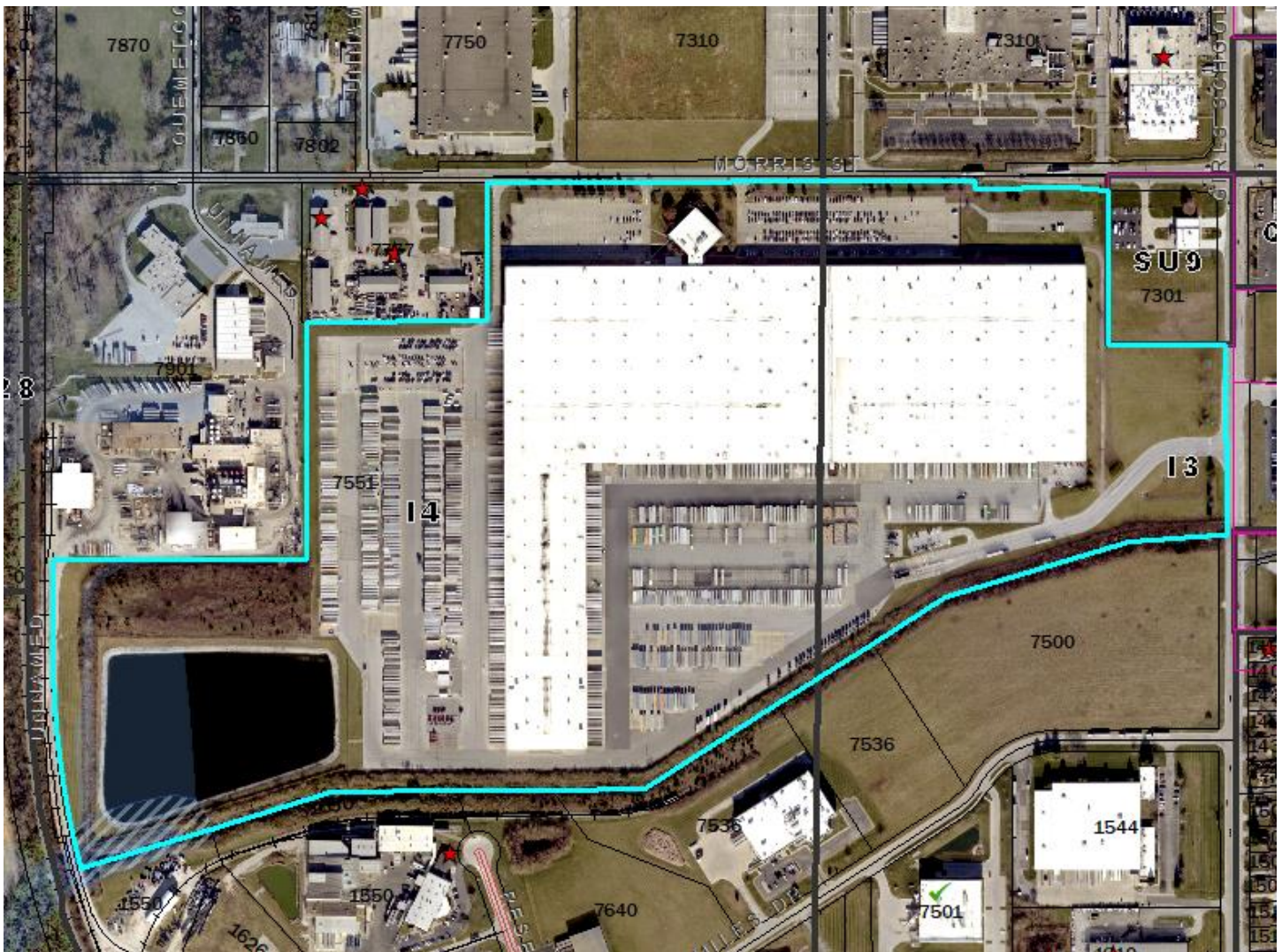
2005-UV2-040, 7777 West Morris Street, variance to provide for a dog daycare and boarding facility within an existing 5,280-square foot industrial building, with an outside pet exercise area, **approved**.

2000-UV2-017, 7777 West Morris Street, variance to legally establish an office and to provide for associated instructional activities, **approved**.

83-Z-159, 7301 West Morris Street, rezoning of five acres from the I-3S district to the SU-9 district, **approved**.

83-z-140, 1610 South Girls School Road, rezoning of 46.69 acres from the I-3S/I-4S district to the D-P district, **denied**.

AR

2023-DV1-041; Aerial Map

2023-DV1-041; Findings of Fact

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**FINDINGS OF FACT****1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:**

There is no increase in traffic to or from the site because no increase in employees is associated with these improvements. Parking will only be relocated from

The parking lots as proposed will allow for the separation of employee parking and truck yards. This separation results in a safer environment for employees who no longer need to park and walk through truck yards

Additional entry points to parking areas will reduce queuing onto public streets as vehicles are waiting to enter the site.

The project is within an industrial/commercial area and none of the improvements are abutting residential areas.

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:

There are no residential areas abutting the property and the improvements do not adversely impact the adjacent industrial and commercial users.

Proposed parking lot size and locations are similar to the existing parking lots on this site.

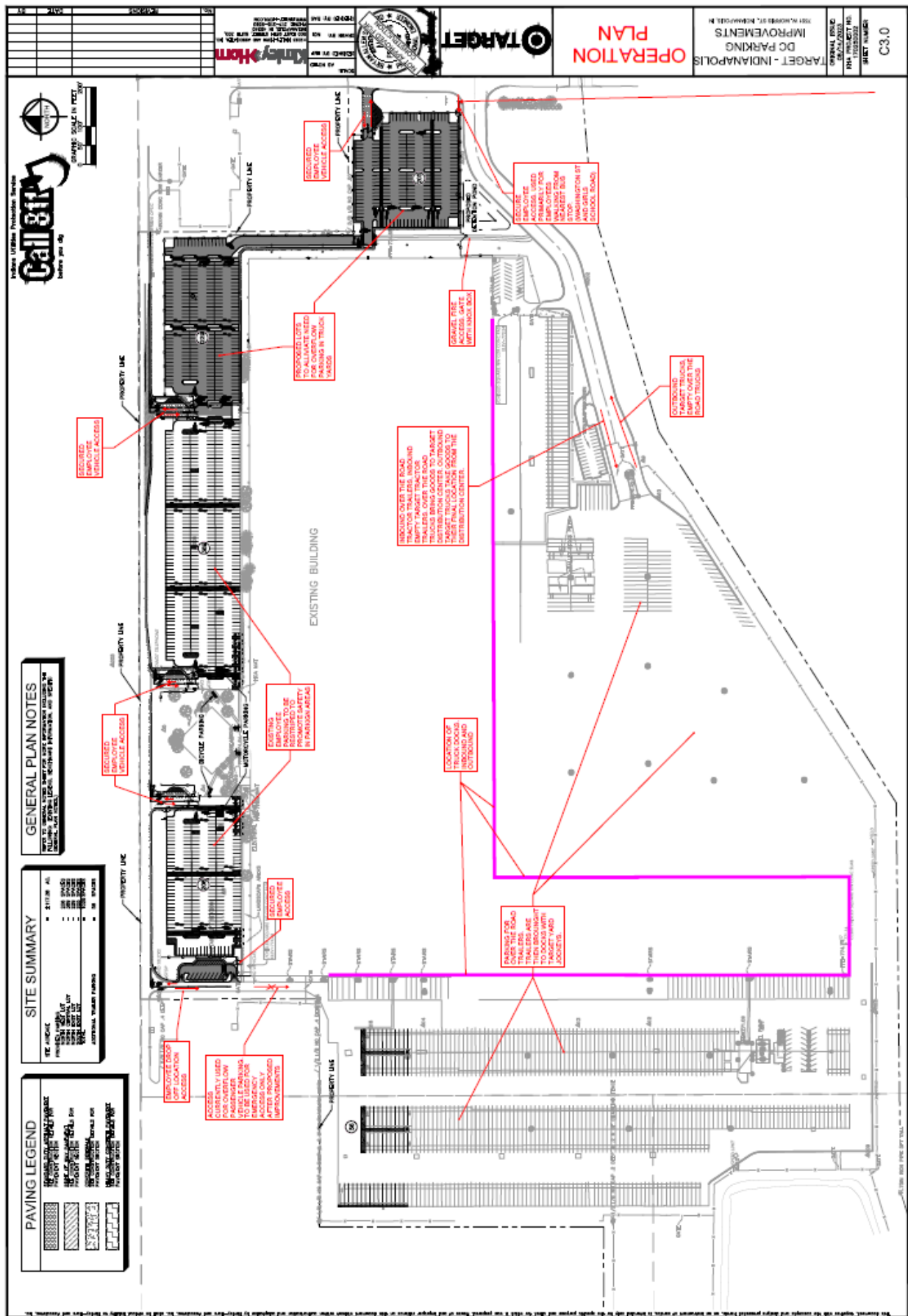
The property north of the target property utilizes three rows of parking in the front yard with 1 row being double loaded, so these improvements would not be incongruent with adjacent sites.

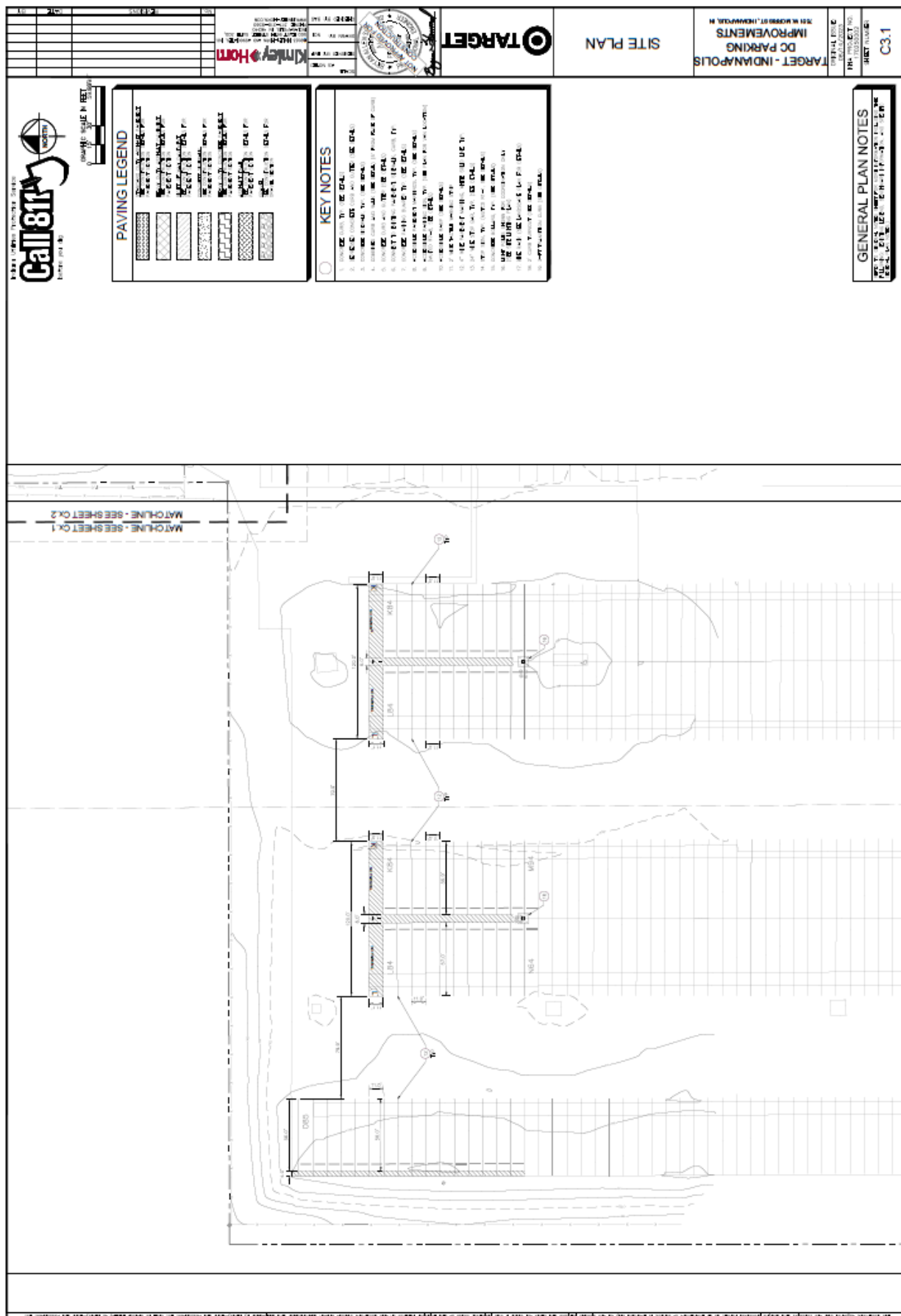
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

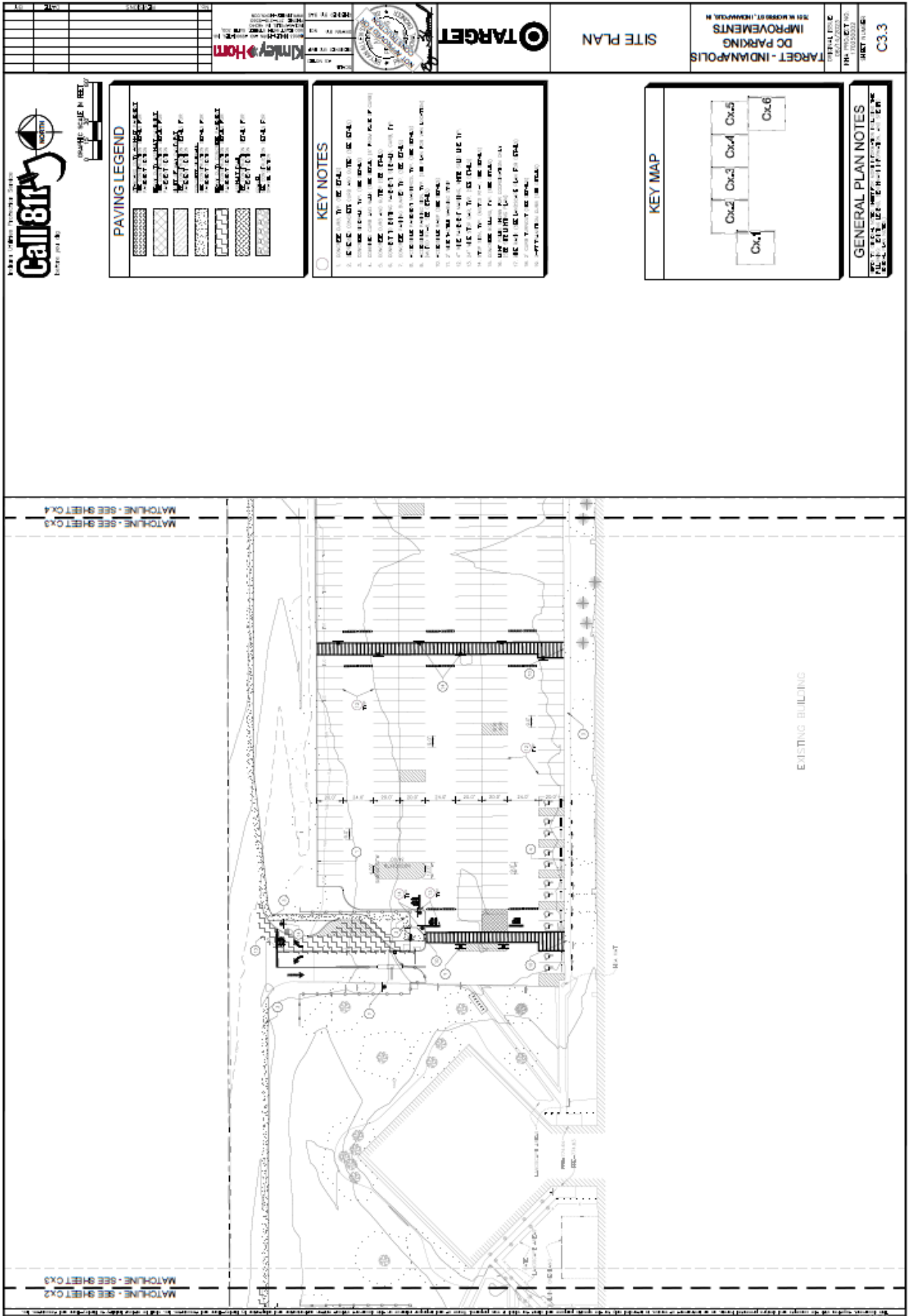
Due to the existing improvements being made prior to the current zoning standards, there is not adequate area for parking out side of the front yards.

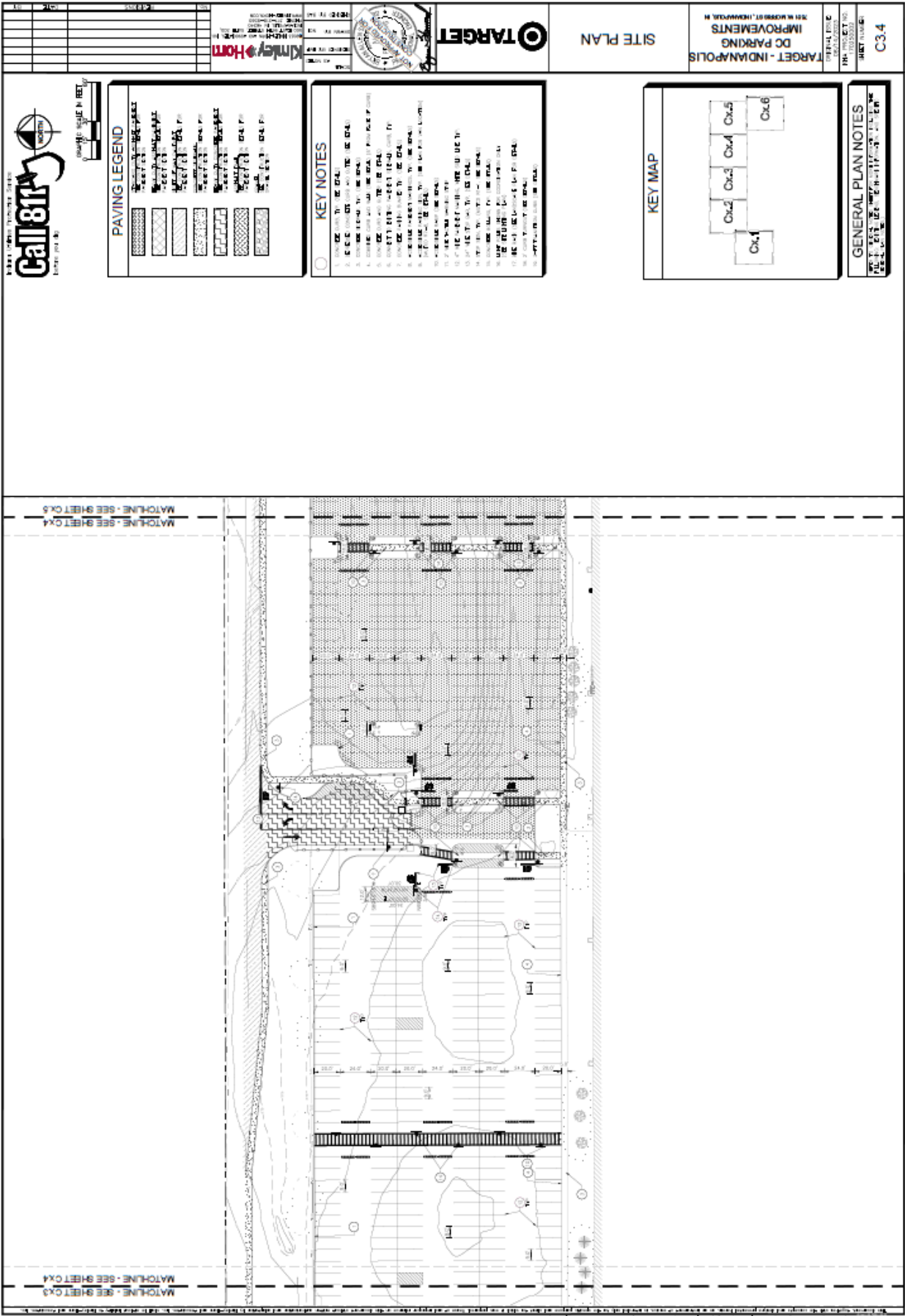
One double-loaded row of parking does not allow for sufficient parking outside of the truck yards to eliminate car parking within the truck yards.

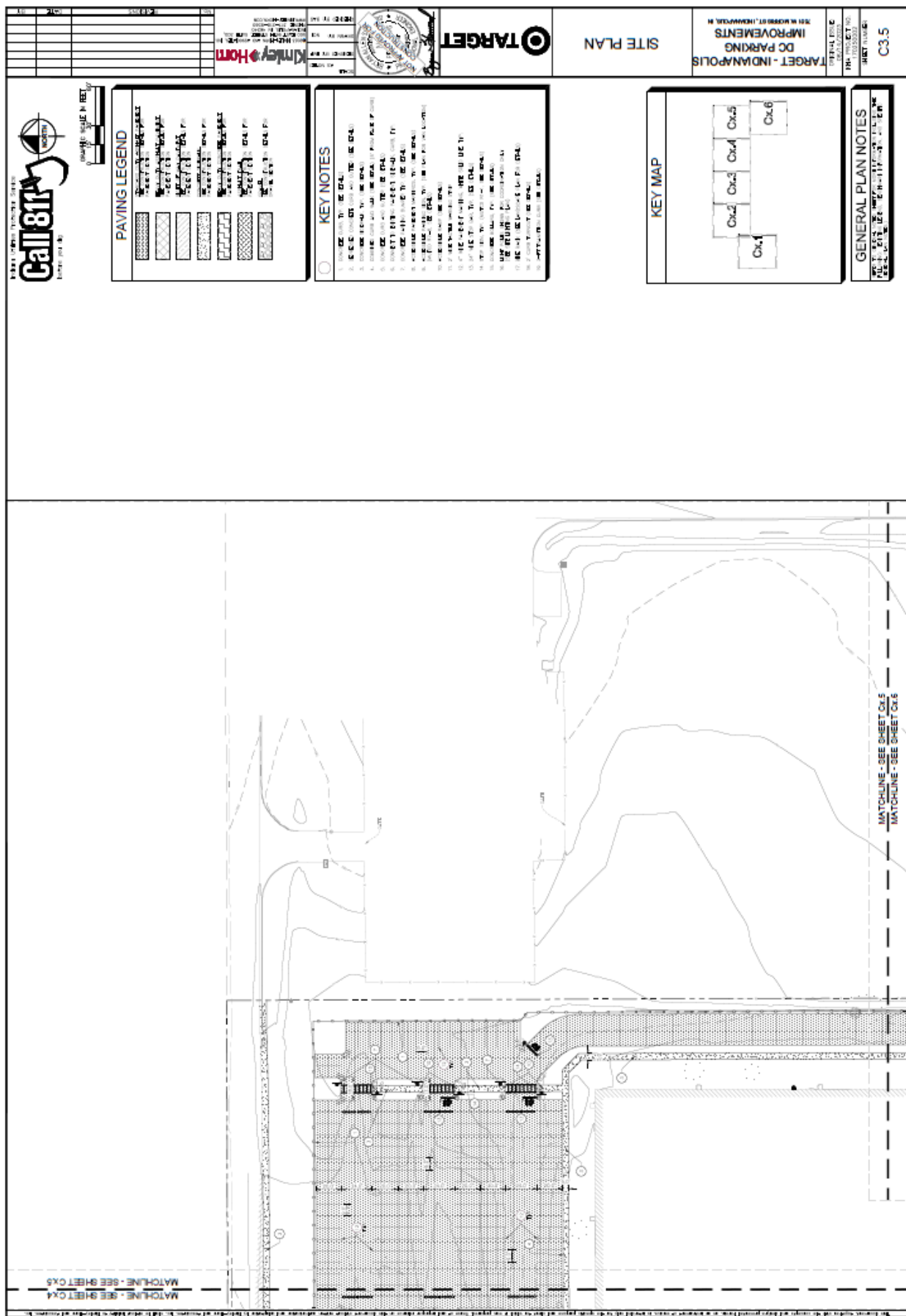


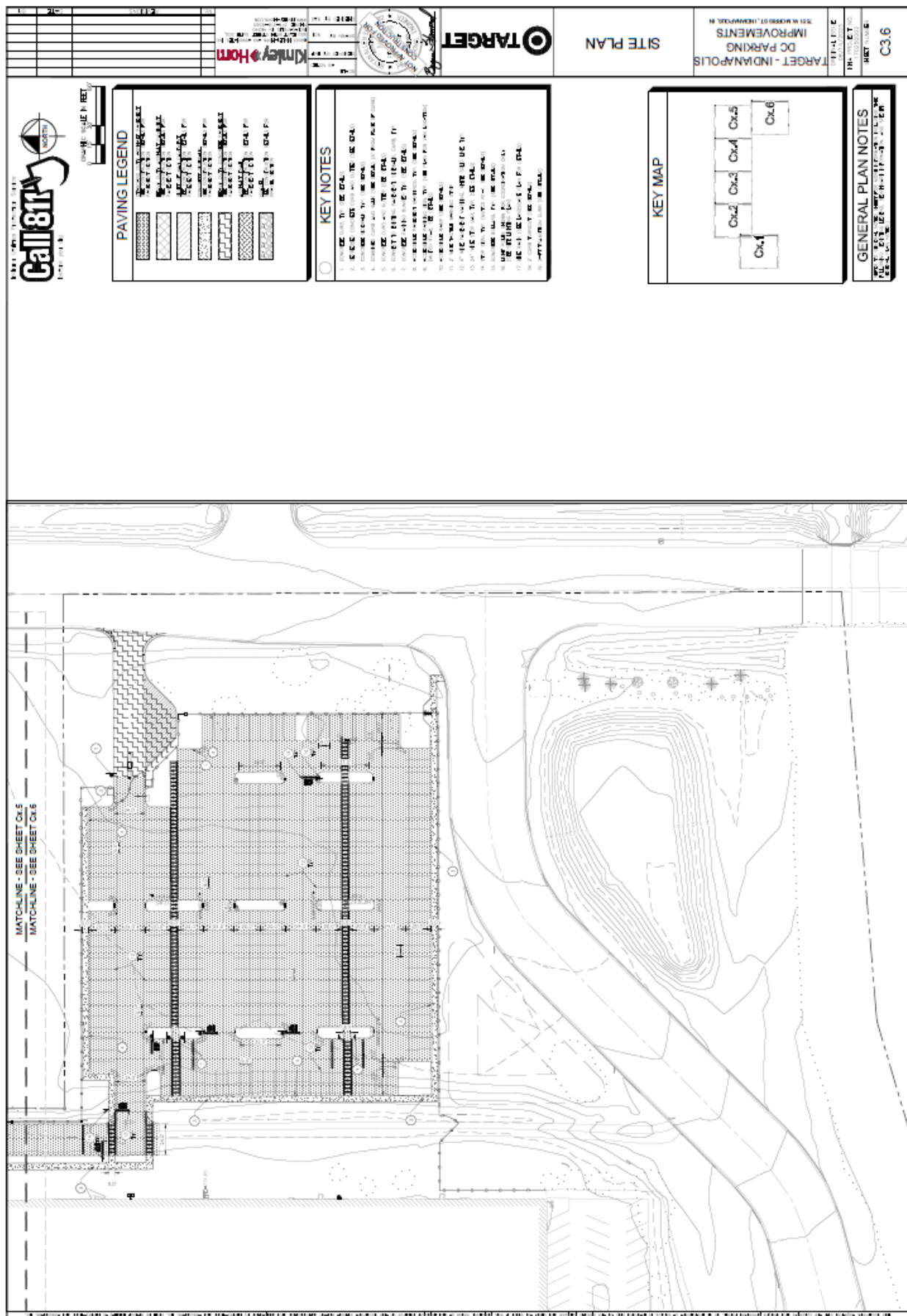














Subject site existing parking entrance



Subject site existing parking



Subject site existing parking



Subject site existing parking



Proposed parking expansion on Morris Street



Proposed parking expansion on Morris Street



Proposed parking on Morris Street, Proposed parking on Girls School Road in left background

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-042
Address: 5354 North Delaware Street (*Approximate Address*)
Location: Washington Township, Council District #7
Zoning: D-4 (MSPC)
Petitioner: Charles and Brenna Carroll, by Todd Williams
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot south side yard setback (four-foot side yard setback required).

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-4	Compact	Single-family dwelling
-----	---------	------------------------

SURROUNDING ZONING AND LAND USE

North	D-4	Single-family dwelling
South	D-4	Single-family dwelling
East	D-4	Single-family dwelling, two-family dwelling
West	D-4	Single-family dwelling

COMPREHENSIVE LAND USE PLAN The Washington Township Comprehensive Plan (2018) recommends Traditional Neighborhood.

- ◇ The subject site was platted in 1915 as a part of the Ambleside Addition. It sits on the southwest corner of Delaware Street and 54th Street. 54th Street curves as it passes the site, which creates an unusually shaped lot that is significantly narrower on the west end than the east end. The site is not served by an alley.

(Continued)

STAFF REPORT 2023-DV1-042 (Continued)

- ◇ Historic mapping and aerial photography indicate that the structure predates the mid-1950s and is quite possibly older than that. An aerial photograph from 1937 shows a structure on the site, but the photo is too blurry to determine if it is the existing structure. The Assessor's property card gives a build date of 1928 for both the house and garage.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the site. This land use typology is intended to provide for a variety of housing options including single-family dwellings.
- ◇ The subject site is within the jurisdictional area of the Meridian Street Preservation Commission. This State agency has the authority for prior approval of variance petitions within its jurisdiction. If the MSPC gives prior approval to a variance, the petition may proceed through the City's land use petition process. However, the MSPC's prior approval does not obligate the Board of Zoning Appeals to approve a petition.
- ◇ This request was heard by the MSPC on July 18, 2023 and was given prior approval.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The petition seeks a variance to provide for the construction of an attached garage with a one-foot south side yard setback, where the Ordinance requires a four-foot side yard setback. The existing garage was constructed with a one-foot side setback.
- ◇ Among the reasons that the Ordinance regulates setbacks is to provide adequate space around buildings for air movement, drainage, and maintenance space without trespassing onto the neighbor's property.
- ◇ The petitioner is interested in building a workshop addition onto the existing garage. The addition would meet the standards of the Ordinance. However, it was discovered that over time the structure of the garage had deteriorated to the point that it could fail. Total demolition and rebuilding is warranted. However, demolition of the existing garage would remove any legal non-conforming status that the garage might have, so a variance is required to replace the garage on its existing footprint, as is proposed by the petitioner.
- ◇ An Ordinance-compliant location for a garage would be difficult on this site given its unusual shape. Moving the garage to the north to a point where it would be compliant would shorten the driveway to the extent that a vehicle parked in the driveway would be partially in the right-of-way and possibly obstructing the public sidewalk. The existing garage is modest in size, so reducing its footprint would render it impractical.

(Continued)

STAFF REPORT 2023-DV1-042 (Continued)

- ◇ Staff takes the setback provisions of the Ordinance seriously, and if this was a completely clear site and a new build, staff would be unlikely to recommend approval of a one-foot side setback. However, given the positioning of the existing dwelling, the development history of the site, and the unusual shape and narrow width of the site, staff believes the deviation from the Ordinance is warranted and is recommending approval of the variance.

GENERAL INFORMATION

THOROUGHFARE PLAN

Delaware Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-foot existing right-of-way and a 48-foot proposed right-of-way.

54th 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.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2013-HOV-055; 5332 North Delaware Street (south of site), requested a variance of development standards to provide for a garage with a 3.5-foot rear setback, **approved**.

2004-HOV-027; 5353 North Delaware Street (east of site), requested a variance of development standards to provide for an accessory structure with a two-foot rear setback and a two-foot side setback, **approved**.

klh

STAFF REPORT 2023-DV1-042, Location



STAFF REPORT 2023-DV1-042, Aerial photograph (2022)



2023-DV1-042; Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**FINDINGS OF FACT**

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

Current Garage location is original to home. As far as we are aware there has never been an objection to the existing location..

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:

Garage will be reconstructed in exact existing location. The original brick will be salvaged as much as possible and reused.

The proposed garage workshop extension on the west side of the garage will be 5' off the property line and will not expand the non-conformity.

The structure will have gutter and downspouts installed diverting the water away from the neighbors and the use will remain the same (personal storage).

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

To comply with current set back requirements would move garage into the driveway making the driveway not functional and limit use.

DECISION

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

Adopted this _____ day of _____, 20 ____

2023-DV1-042; Photographs



Looking west across Delaware Street at the subject site.



Looking west along the south property line of the subject site showing the existing south setback.



Looking southwest along the curve of 54th Street.



Looking south across 54th Street at the site.



Looking southeast across the site from its northwest corner.



Looking north across 54th Street from the subject site at the neighbors to the north.



Nearby setbacks along an alley.



Looking southeast at the neighbor to the east.



Nearby side yard setback.

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV1-009 (rehearing)
Address: 8930 West Washington Street (approximate address)
Location: Wayne Township, Council District #22
Zoning: C-4 (FW)
Petitioner: S&S Center, LLC, by Silvia Miller
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the continuation of automobile and motorcycle sales (not permitted).

ADDENDUM FOR SEPTEMBER 5, 2023

On August 2, 2022, the petitioner requested the petition be continued due to the lack of a full Board, having only three Board members present. Several remonstrators were also present that objected to the continuance, as the petition had already been continued two times previously by the petitioner for three months total, from May 10, 2022, to August 2, 2022.

The Board of Zoning Appeals, Division One, did not make a motion to continue the petition, so it was heard, and subsequently, the Board voted 0-3 to deny the original petition. Upon denial, the petitioner filed a Judicial Review, requesting a rehearing due to only having three board members present.

On May 25, 2023, an Agreed Motion to Remand was filed with the Court, allowing for the petition to have a rehearing to give the petitioner the opportunity to bring this matter before the current Board, with the goal of having more Board members present to achieve a more equitable determination.

This petition was originally scheduled for rehearing on August 1, 2023. The petitioner having a conflict with that date, filed an automatic continuance, continuing the rehearing of the petition from the August 1, 2023, hearing, to the September 5, 2023, hearing.

No new information has been submitted to the file. Therefore, **Staff continues to recommend denial** of this petition.

ADDENDUM FOR AUGUST 2, 2022

This petition was continued for cause at the request of the petitioner, for two months from the June 7, 2022 hearing, to the August 2, 2022 hearing.

No additional information has been submitted to the file for Staff to consider. Therefore, Staff **continues to recommend denial** of this request.

(Continued)

STAFF REPORT 2022-UV1-009 (Continued)

ADDENDUM FOR JUNE 7, 2022

This petition was continued for cause at the request of the petitioner, from the May 10, 2022 hearing, to the June 7, 2022 hearing.

The petitioner has notified Staff that they are in the process of obtaining new representation, and will be requesting a two-month continuance. If all parties involved, including remonstrators, are in agreement with the two-month continuance request, then Staff will not object. Otherwise, Staff will only support a one month continuance. If additional time is still needed, then Staff will recommend the petition be withdrawn, and refiled after the additional time has been obtained.

May 10, 2022

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-4	Automobile and motorcycle sales
-----	---------------------------------

SURROUNDING ZONING AND LAND USE

North -	D-5	Undeveloped / Single-family dwellings
South -	SU-46	Undeveloped
East -	C-4	Commercial restaurant
West -	C-4	Automobile repair

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial uses, with an overlay of environmentally sensitive area for the northern portion of the lot.
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- ◇ A previous petition (2017-UV3-001), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile and motorcycle sales. That petition was granted, subject to 16 commitments, including limiting the use to four years.
- ◇ This requested petition, if approved, would be subject to 12 commitments, removing the four-year limit, and allowing the sales indefinitely.

(Continued)

STAFF REPORT 2022-UV1-009 (Continued)

VARIANCE OF USE

- ◇ This request would provide for automobile and motorcycle sales, all C-5 uses, within an area associated with neighborhood commercial and residential development, with D-5, C-4 and SU-46 zoning. A C-5 use at this location would represent a deviation from the Comprehensive Land Use Plan recommendation of community commercial uses.
- ◇ Retail automobile and motorcycle sales are generally considered a high-intensity commercial use, along with go-cart raceways, tractor sales, outdoor flea markets, and newspaper printing and publishing. The C-5 zoning classification is intended for uses that often tend to have extensive outdoor display and activity, bright lighting and noise; characteristics that negatively affect lesser zoned districts.
- ◇ The proposed uses would require extensive outdoor storage of product, materials and equipment, which runs counter to the intent of the C-4 District. Staff believes that this request, if approved, would detract from a streetscape that is already overburdened with a number of existing businesses possessing poorly maintained outdoor storage.
- ◇ The two adjacent parcels to the west of this petition site have previously been granted variances for heavy commercial (C-5) uses related to automotive sales and body shop repair (86-UV2-6) (83-UV1-1).
- ◇ Staff has concerns that recommending approval of the variance request would continue the encroachment of heavy commercial and C-5 use conversions towards the residential portion of the Bridgeport neighborhood to the north and east.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned C-4 and can be utilized for C-4 uses without the benefit of a variance of use.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of West Washington Street is indicated in the Official Thoroughfare Plan as a primary arterial, with a 165-foot existing and proposed right-of-way.
SITE PLAN	File-dated March 23, 2022.
FINDINGS OF FACT	File-dated February 28, 2022.

(Continued)

STAFF REPORT 2022-UV1-009 (Continued)

ZONING HISTORY

2017-UV3-001; 8930 West Washington Street (subject site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile, motorcycle and light vehicle sales and rental, **granted, subject to commitments limiting the use to four years**

2016-UV1-026; 8639 West Washington Street (east of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the rental and leasing of vans, **granted.**

2009-ZON-023; 8647 and 8653 West Washington Street; requests rezoning of 1.371 acres from the "A" District to the C-3 classification to provide for community-regional commercial uses; **approved.**

2006-UV2-034; 8704 West Washington Street; requests variance of use of the CZO to legally establish an existing single-family dwelling with deficient setbacks; **granted.**

96-UV1-40; 9012 West Washington (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a 25 by 75-foot addition for an existing automobile body shop, repair, paint and rebuilding shop, permitted by petition 83-UV1-1 (automobile body paint and rebuilding not permitted in a C-4 District, **dismissed.**

86-UV2-6; 9002 West Washington Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the outside display and sales of automobiles, **granted.**

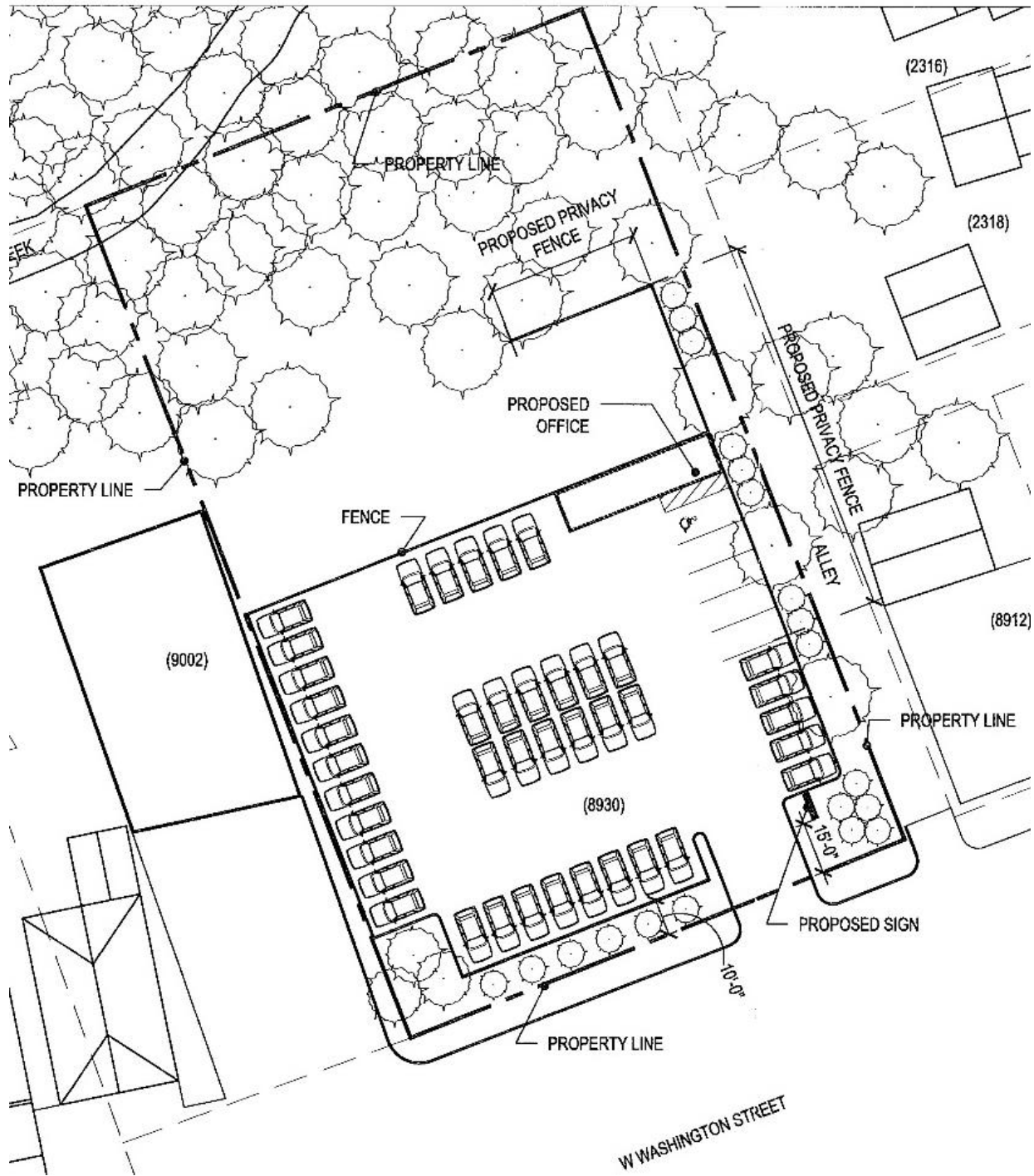
83-UV1-1; 9012 West Washington Street (subject site), requests a variance of use and development standards of the Commercial Zoning Ordinance to permit the use of an existing garage as an automobile body shop with a side and rear addition, **granted.**

RU

* * * * *







PLAN OF OPERATION

Employees: Two (2)

Music No outside noise on the site.

Maintenance: No work on any vehicle on the site

Hours of Operation: 9 am to 7 pm Monday thru Saturday

Signs/ Promotions: No temporary signs, no banners, no streamers

Lighting: Any exterior lighting shall be affixed to the building and will not project light onto any protected district. No free-standing pole lights shall be erected.

Litter/ weeds: Shall be picked and removed from the site within twenty four (24) hours

ATTACHMENT D

Petitioner agrees to the following commitments:

1. No "buy here, pay here" operation shall be permitted on the premises
2. No banners or string lights shall be permitted. There shall be only outside lighting for security purposes.
3. No junk, wrecked or inoperable vehicles or storage of auto parts shall be permitted to be stored on the subject real estate at any time.
4. There shall be no major vehicle repair on the subject real estate.
5. Business hours shall be no longer than 9 AM to 7 PM, Monday through Saturday
6. Only one free standing sign shall be permitted on the property. No electronic variable message sign (EVMS) component shall be permitted.
7. All lighting shall be of the shielded type.
8. There shall be no vending machines located on the outside of the building.
9. The maximum number of vehicles will be 40 cars (only).
10. Landscaping will be professionally maintained including plants, shrubs and trees to be replaced expeditiously if/when they die.
11. Privacy fencing shall be maintained including the eastern exposure of the property.
12. A secure entrance gate/chain arrangement shall be installed and kept in good working order.

ATTACHMENT "D"

Petitioner agrees to the following commitments:

1. No "buy here, pay here" operation shall be permitted on the premises
2. No banners or string lights shall be permitted. There shall be only outside lighting for security purposes.
3. No junk, wrecked or inoperable vehicles or storage of auto parts shall be permitted to be stored on the subject real estate at any time.
4. There shall be no major vehicle repair on the subject real estate.
5. Business hours shall be no longer than 9 AM to 7 PM, Monday through Saturday.
6. Any dumpster utilized in the operation shall be enclosed per code. Pick up or emptying of the dumpster shall occur only between the hours of 8 AM and 5 PM.
7. Only one free standing sign shall be permitted on the property. No electronic variable message sign (EVMS) component shall be permitted.
8. All lighting shall be of the shielded type.
9. There shall be no vending machines located on the outside of the building.
10. The privacy fence as depicted on the site plan along the northeast part of the property shall be installed prior to the operation of this facility.
11. The maximum number of vehicles will be 40 cars (only) with an age no greater than 12 years.
12. Landscaping will be professionally maintained including plants, shrubs and trees to be replaced expeditiously if/when they die.
13. Privacy fencing shall be maintained including the eastern exposure of the property.
14. A secure entrance gate/chain arrangement shall be installed and kept in good working order.
15. Bridgeport Neighborhood Alliance endorsement of this improvement to 8930 West Washington Street is subject to Department of Metropolitan Development variance and ATTACHMENT D approval.
16. The Variance shall be for a period of four (4) years. The four (4) year time shall commence upon the issuance of the auto dealership license issued by the State of Indiana, Bureau of Motor Vehicles. The petitioner shall file a copy of the license with the Department of Metropolitan Development within ten (10) days of the license being issued.



subject site looking north



Subject site existing frontage landscaping per 2017 commitments, however dead and not replaced.



Adjacent single-family dwellings to the north and east of site, looking east



Adjacent commercial restaurant to the east of site, looking north



Adjacent undeveloped airport related uses to the south of site



Adjacent automotive repair commercial use to the west of site, looking north.

STAFF REPORT

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).

ADDENDUM FOR SEPTEMBER 5, 2023

Due to a lack of quorum, this petition was continued from the August 1, 2023, hearing, to the September 5, 2023, hearing at the request of the petitioner.

August 1, 2023

This petition was continued for cause at the request of the petitioner, from the July 6, 2023, hearing, to the August 1, 2023, hearing.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	I-1	Neighborhood Commercial Uses
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SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwelling / Agricultural uses
South -	C-3	Undeveloped
East -	I-1	Single-family dwelling
West -	D-A	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends village mixed-use
--------------------	---

(Continued)

VARIANCE OF USE

- ◇ This request would provide for a personal motor vehicle repair shop, or an automobile service or repair use as defined by the Ordinance.
- ◇ An automobile service or repair facility is a permitted C-4 use and are generally considered a medium-intensity commercial use. Such uses often are large traffic generators and are characterized by having primarily indoor operations.
- ◇ The proposed use would provide outdoor storage of motor vehicles awaiting repair on the adjacent gravel parking area, although the submitted site plan and plan of operation does not indicate this, nor place any limits on how many are to be stored at any given time. This storage area would be within 70 feet of a protected district, where a 500-foot separation would normally be required.
- ◇ The existing gravel parking lot is non-compliant, and unstriped. An additional variance would be needed if it is intended to remain.
- ◇ The plan of operation also does not indicate or limit the number of outdoor vehicles to be stored at any given time. Leading to the possibility of unattended and inoperable vehicles remaining on site for lengthy periods of time. The uncertainty of this could overwhelm the site and significantly negatively impact adjacent property owners if this variance was to be granted.
- ◇ The proposed use would be inconsistent with the Comprehensive Plan recommendation of village mixed use for the site. The village mixed use recommendation is intended for low-intensity neighborhood-based retail commercial and office uses, which serve a predominantly residential market adjacent to or very near the location of the use. These uses generally contain no, or extremely limited outdoor display of merchandise. Automotive uses, including an automobile service or repair facility is not a recommended use in the Village Mixed Use plan recommendation.
- ◇ The proposed use would require extensive outdoor storage of automotive vehicles awaiting repair, which runs counter to the intent of the existing I-1 zoning district, and the Comprehensive Plan recommendation for village mixed use. Staff believes that this request, if approved, would negatively impact the adjoining residential uses to the east.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned I-1 and can be utilized for I-1 uses without the benefit of a variance.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Southeastern Avenue is indicated in the Official Thoroughfare Plan as a primary collector, with an 80-foot existing and proposed right-of-way.

This portion of East Troy Avenue is indicated in the Official Thoroughfare Plan as a primary collector, with a 30-foot existing right-of-way and an 80-foot proposed right-of-way.

SITE PLAN

File-dated June 2, 2023.

PLAN OF OPERATION

File-dated June 2, 2023.

FINDINGS OF FACT

File-dated June 2, 2023.

ZONING HISTORY

2013-HOV-012; 7102 Southeastern Avenue (southeast of site), requested a variance of use to legally establish an existing single-family dwelling and to provide for the construction of a 712-square foot detached garage in a C-3 zoning district, **granted**.

97-HOV-55; 7201 Troy Avenue (east of site), requested a variance of use to provide for an above ground pool associated with an existing single-family dwelling in a C-3 zoning district, **granted**.

87-A2-1; 7016 Southeastern Avenue (east of site), requested an Administrative Appeal of the Administrator's denial of an Improvement Location Permit for the outside display and sale of automobiles, **denied**.

86-Z-94; 7016 Southeastern Avenue (east of site), requested the rezoning of 1.8 acres, being in the C-4 district, to the C-5 classification to allow the sale of used cars, **withdrawn**.

RU

2023-UV1-014: Location Map





The Auto Center

Plan of Operations

The Auto Center is headquartered in the historical H.A. Waterman Co building located at 7006 Southeastern Avenue, Indianapolis, Indiana. It provides local residences a convenient location for their personal auto repair and service needs. It is The Auto Center's goal to provide convenient, affordable, and excellent customer service to its clientele. It has been successful in meeting its goals as evidenced by its perfect rating on Google Reviews and Facebook Rating.

Services Provided:

The Auto Center provides personal service and repairs such as:

- A/C Installation & Repair;
- Engine Diagnostic & Repair;
- Battery Replacement;
- Brakes;
- Electrical Repair;
- Oil Change;
- Wheel and Tire Alignment; and
- Other routine services and repairs.

The Auto Center does not perform any vehicle body work.

Workforce:

The Auto Center currently employs five mechanics who operate on 5-10 customer vehicles per day. The Auto Center is open for business Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m.

Customers:

While open to all non-commercial customers, The Auto Center provides most of its services to residents in Franklin Township and Warren Township. Customers typically drop off their personal vehicles in the Auto Center's secure parking lot which has been upgraded to include asphalt parking spaces and ADA compliant parking spaces.

Materials Used and Services Conducted:

Auto repairs shops have historically been considered as having loud operations. However, The Auto Center is proud to use all electric tools which effectively silences their operation to surrounding landowners. The Auto Center does not generate any hazardous material or waste, other than motor oil, which is retained in drums and recycled off site every month.



Subject site looking north



subject site looking north.



Subject site, looking southwest



subject site looking southeast



Adjacent single family residential to the east of site, looking north.



Adjacent single family residential and agricultural use to the north of site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-039
Address: 209, 217, & 223 North Temple Avenue (approximate address)
Location: Washington Township, Council District #17
Zoning: D-5 (TOD)
Petitioner: City of Indianapolis – Department of Metropolitan Development, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on each lot, with 4.5-foot side yard setbacks and an open space of 52.5 percent (five-foot side yard setbacks, 60 percent open space required) with each lot maintaining a 40-foot lot width and lot area of 5,000 square feet (minimum 60-foot lot width and lot area of 7,200 square feet 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-5	Compact	Single-Family residential
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	D-5	Single-Family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ The subject site includes three undeveloped lots, 5,000 square feet each, located on the same block on the east side of Temple Avenue. These lots are within the Near Eastside Redevelopment Area.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide the construction of a duplex on each lot, with 4.5-foot side yard setbacks and an open space of 52.5 percent, with each lot maintaining a 40-foot lot width and lot area of 5,000 square feet.

(Continued)

STAFF REPORT 2023-DV1-039 (Continued)

- ◇ The walkable neighborhood district standards for duplexes require a 60-foot lot width and a 7,200 square foot lot area. A multi-unit house may have two to four units with a 40-foot lot width and a 5,000 square foot lot area; however, a multi-unit house may not be subdivided into single-family attached dwellings. Row houses may have 20-foot lot widths and a 2,000-square foot lot area, but are only permitted in D-5II or higher.
- ◇ Staff would note that the proposed duplexes would generally comply with the standards for multi-unit houses or row house standards, which would allow for the same number of units. The comprehensive plan recommendation for traditional neighborhood development would support two-family dwellings. Staff would note that this neighborhood has historically contained a mix of one and two-family dwellings, and existing non-conforming duplexes may be platted as single-family attached dwellings per Section 741-105.C. Therefore, staff would not be opposed to reduced lot width and area where it generally meets the intent of the development standards, and the project is compatible with the existing neighborhood development.
- ◇ This request would provide for 52.5 percent open space where 60 percent is required. Staff would note that this requirement is based on a 7,200 square foot lot area. The open space requirement for 5,000 square foot lots, whether single-family or a multi-unit dwelling, is 40 percent. Staff would not be opposed to a reduction for open space where it is a slight reduction that is consistent with the lot size.
- ◇ This request would provide for 4.5-foot side yards where 5 feet is required. The findings point out that the compact context standards for the D-3 and D-4 districts, which have less density, allow for a 4-foot side yard. Therefore, staff would not be opposed to a slight reduction of the side yards where it is consistent with similar districts.

GENERAL INFORMATION**THOROUGHFARE PLAN**

Temple Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

FINDINGS OF FACT

File-dated August 7, 2023

SITE PLAN

File-dated August 7, 2023

FLOOR PLAN

File-dated August 7, 2023

ELEVATIONS

File-dated August 7, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2021-UV2-018, 228 North Temple Avenue and others, variance of use and development standards for two-family dwellings, **approved**.

(Continued)

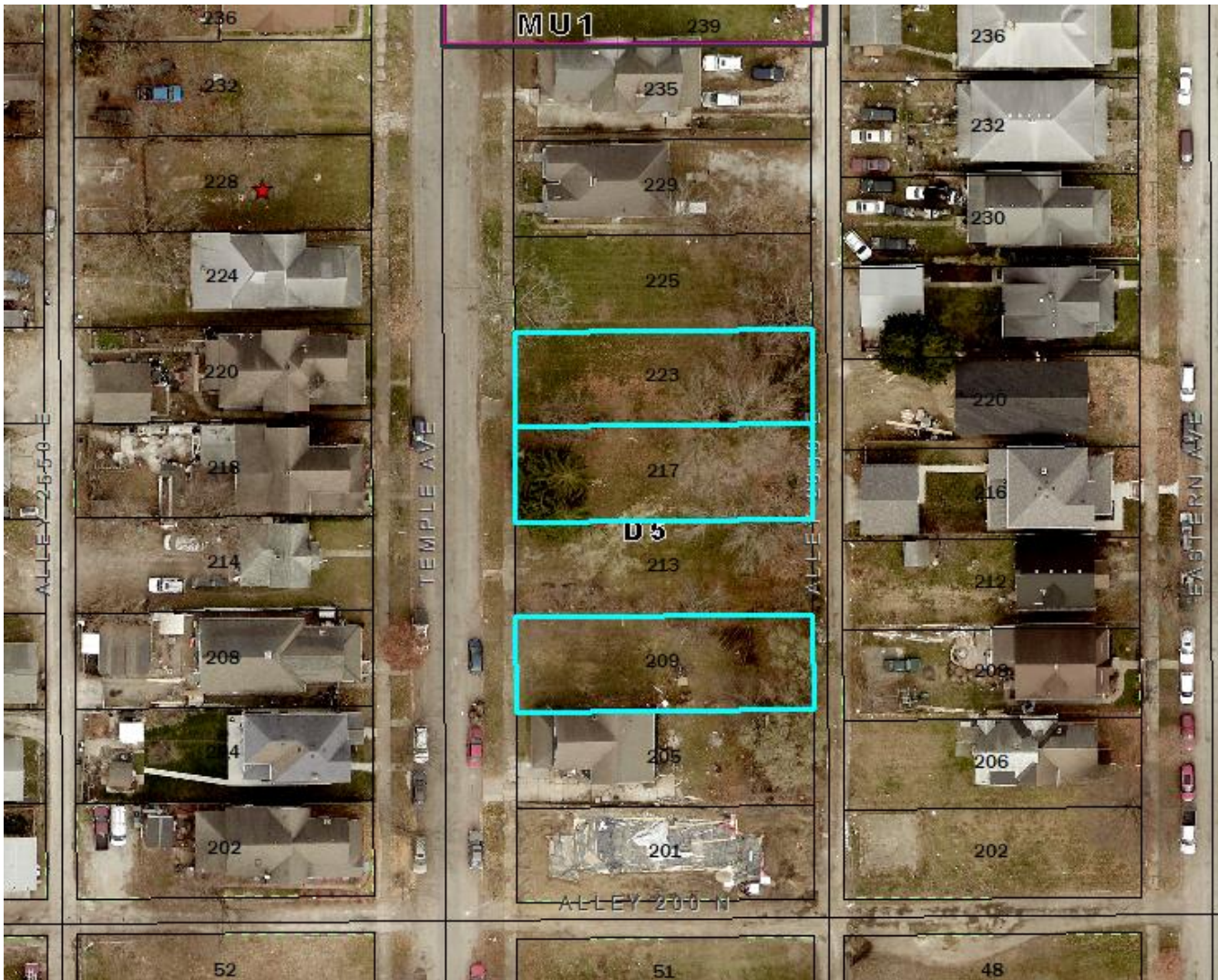
STAFF REPORT 2023-DV1-039 (Continued)

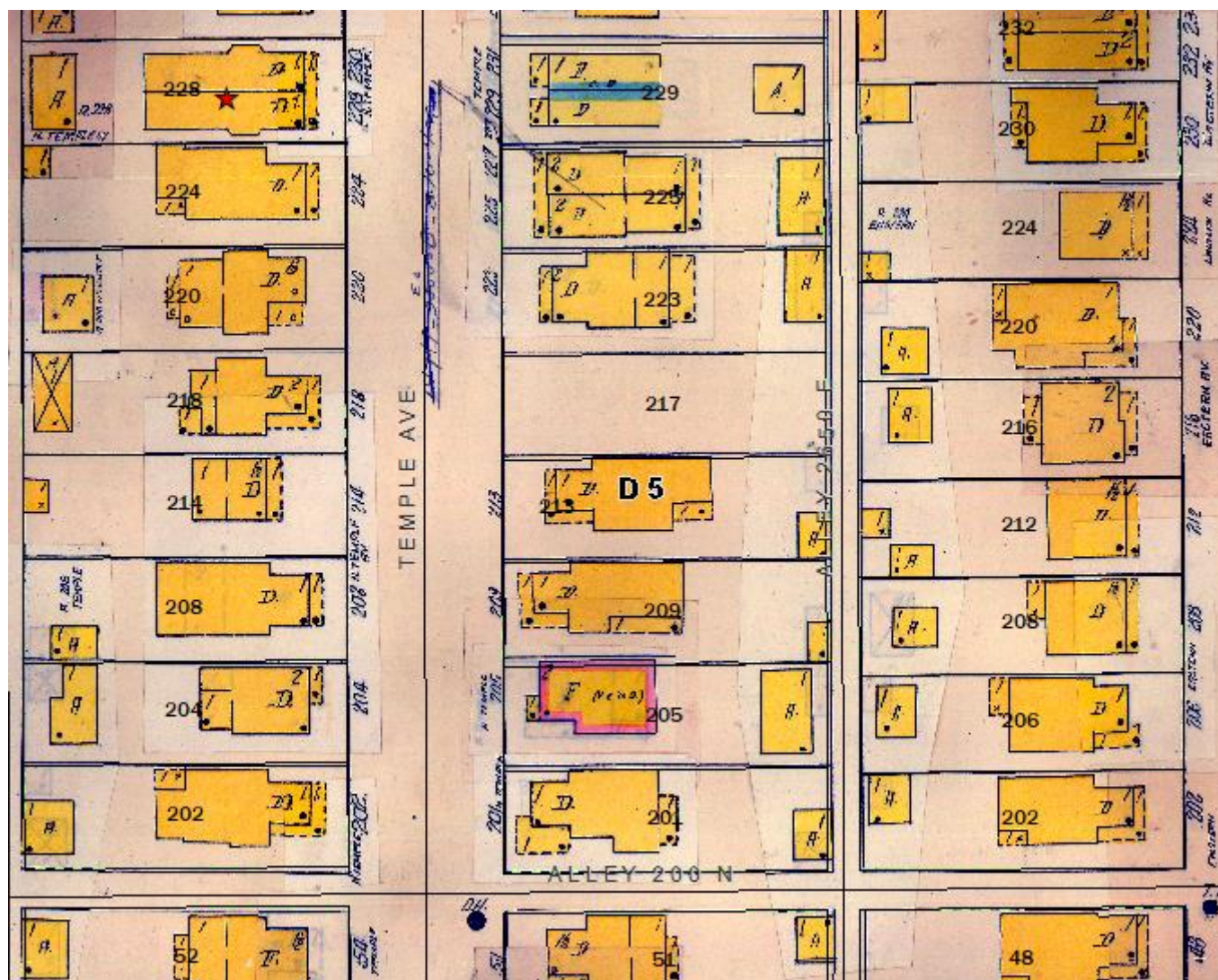
2019-CVR-816, 244 North Temple Avenue, variance to provide for the construction of two mixed-use buildings a) within the clear sight triangles of the abutting streets, b) with 9.75-foot (west) and 8.75-foot front transitional (east) setbacks from New York Street, c) with 2.4-foot (west) and 2.5-foot (east) front setbacks from Temple Avenue, without landscaping, d) with 10.7-foot (west) and 8.9-foot (east) side transitional setbacks, e) with a 9.9-foot west side and 11-foot south side transitional setback for the western parking lot and drive, f) a zero-foot east side transitional setback for the eastern parking and trash enclosure without landscaping, g) a 9.9-foot west side transitional setback for the western trash enclosure, and h) with 57, 162-square foot parking spaces, without interior landscaping and with access from Temple Avenue, **approved**.

2019-CZN-816, 244 North Temple Avenue, rezoning of 1.04 acres from the SU-1, D-8 and D-5 districts to the MU-1 classification to provide for two mixed-use buildings and 1,664-square feet of community space, **approved**.

98-Z-92, 2601 East New York Street, rezoning of 0.6 acres from the D-5/D-8 district to the SU-1 district, **approved**.

AR

2023-DV1-039; Aerial Map



Petition Number 2023-DV1-039

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division I
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:

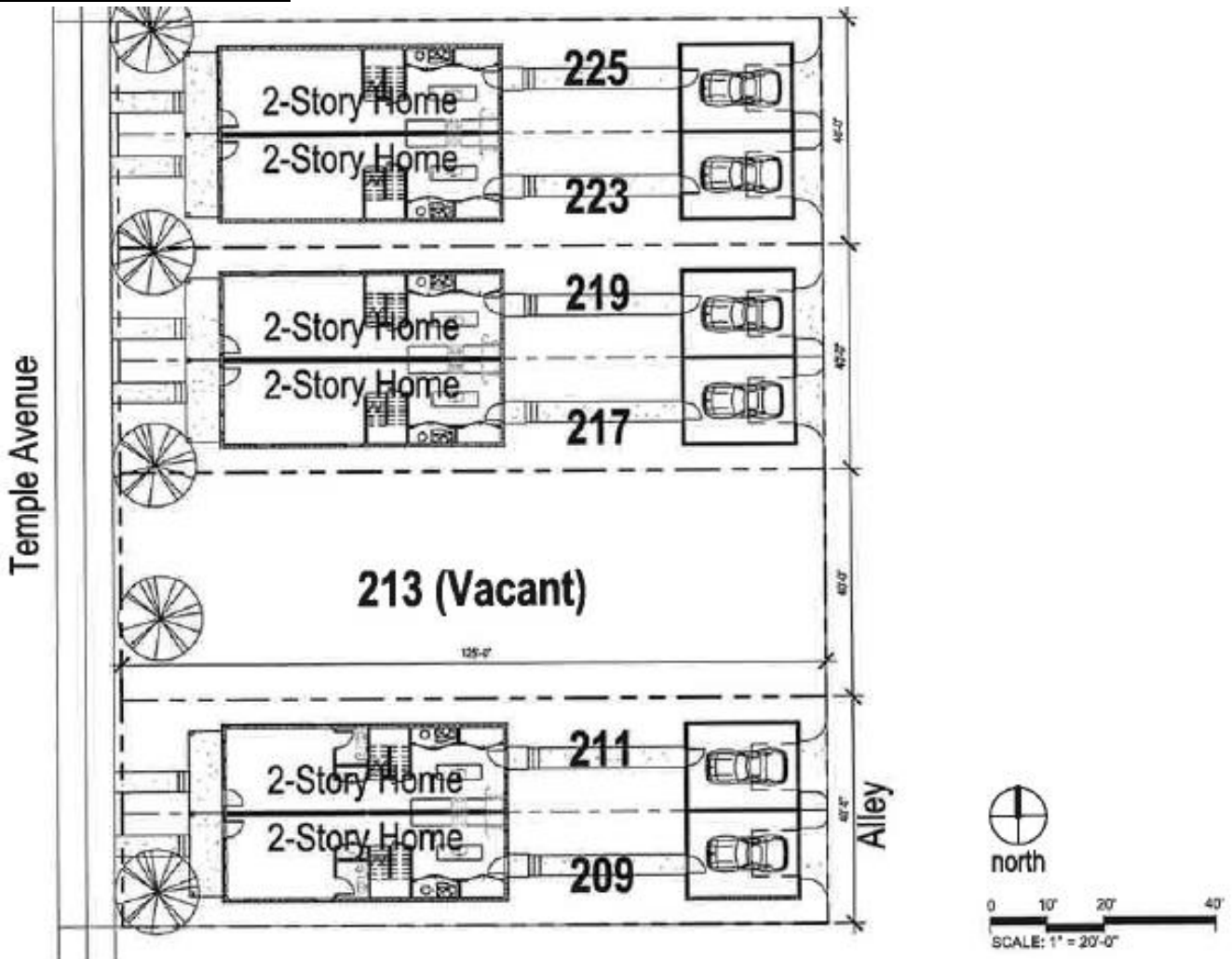
the duplex units will have adequate setbacks consistent to promote public safety, and side yard setbacks consistent with less dense zoning districts, such as D-3 and D-4. The proposed duplexes will be placed on the lots to provide new, safe and clean housing with adequate build-to lines and connectivity to sidewalks, thereby promoting the walkable neighborhood district goals, and this promoting the public health, safety and general welfare.

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:

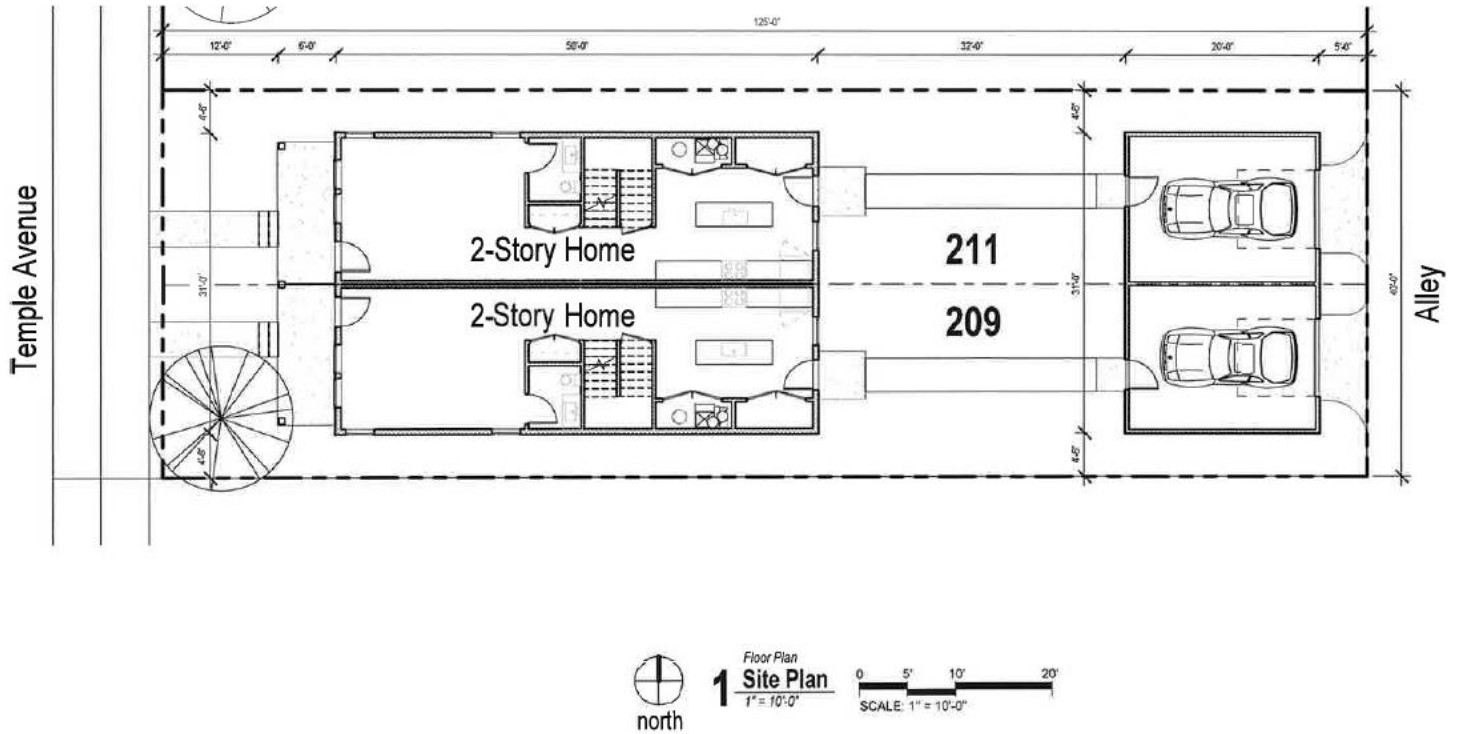
the lots will be developed in a manner consistent with the homes in the immediate neighborhood and will help support property values by providing investment in new, safe and clean housing.

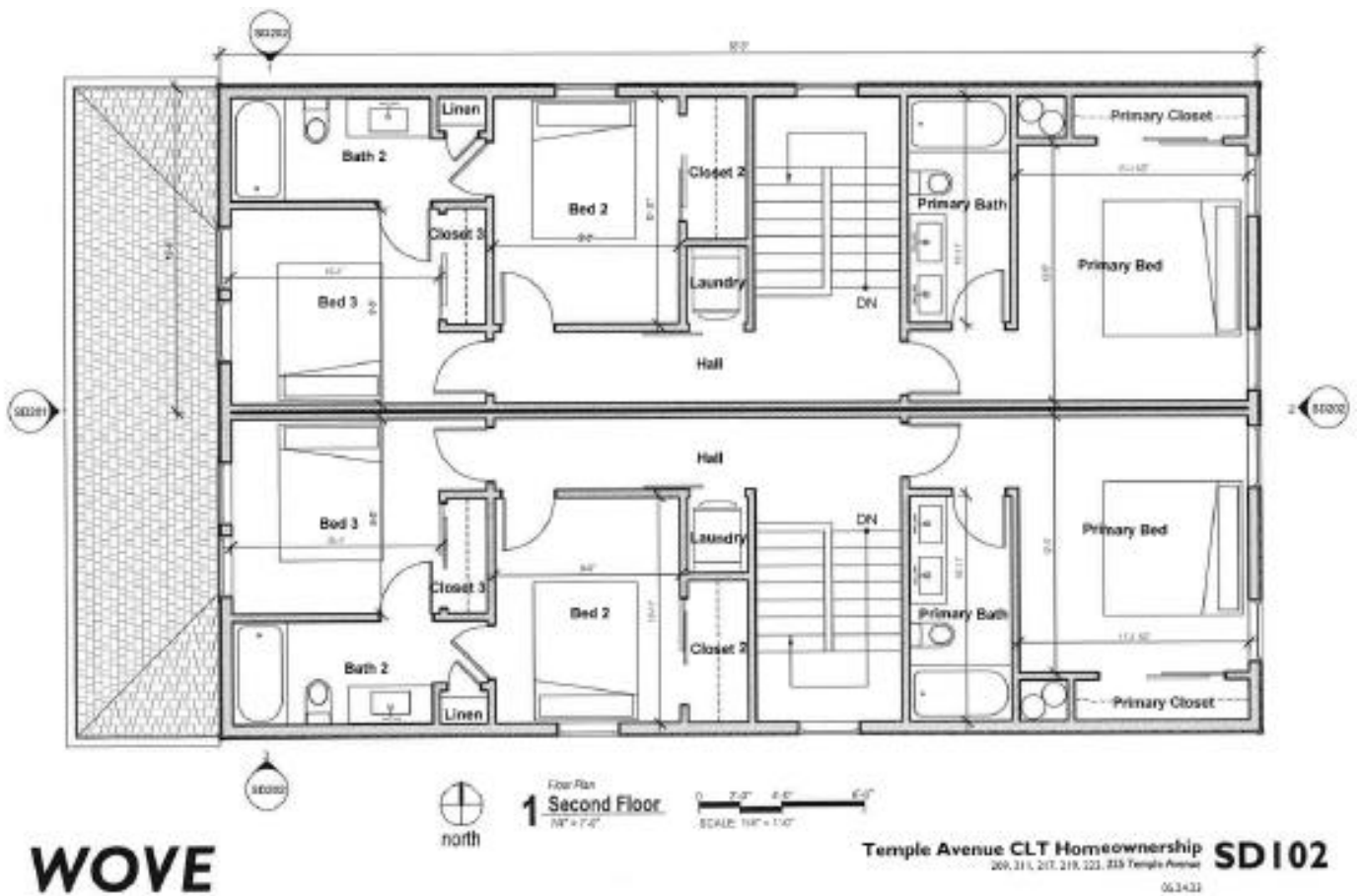
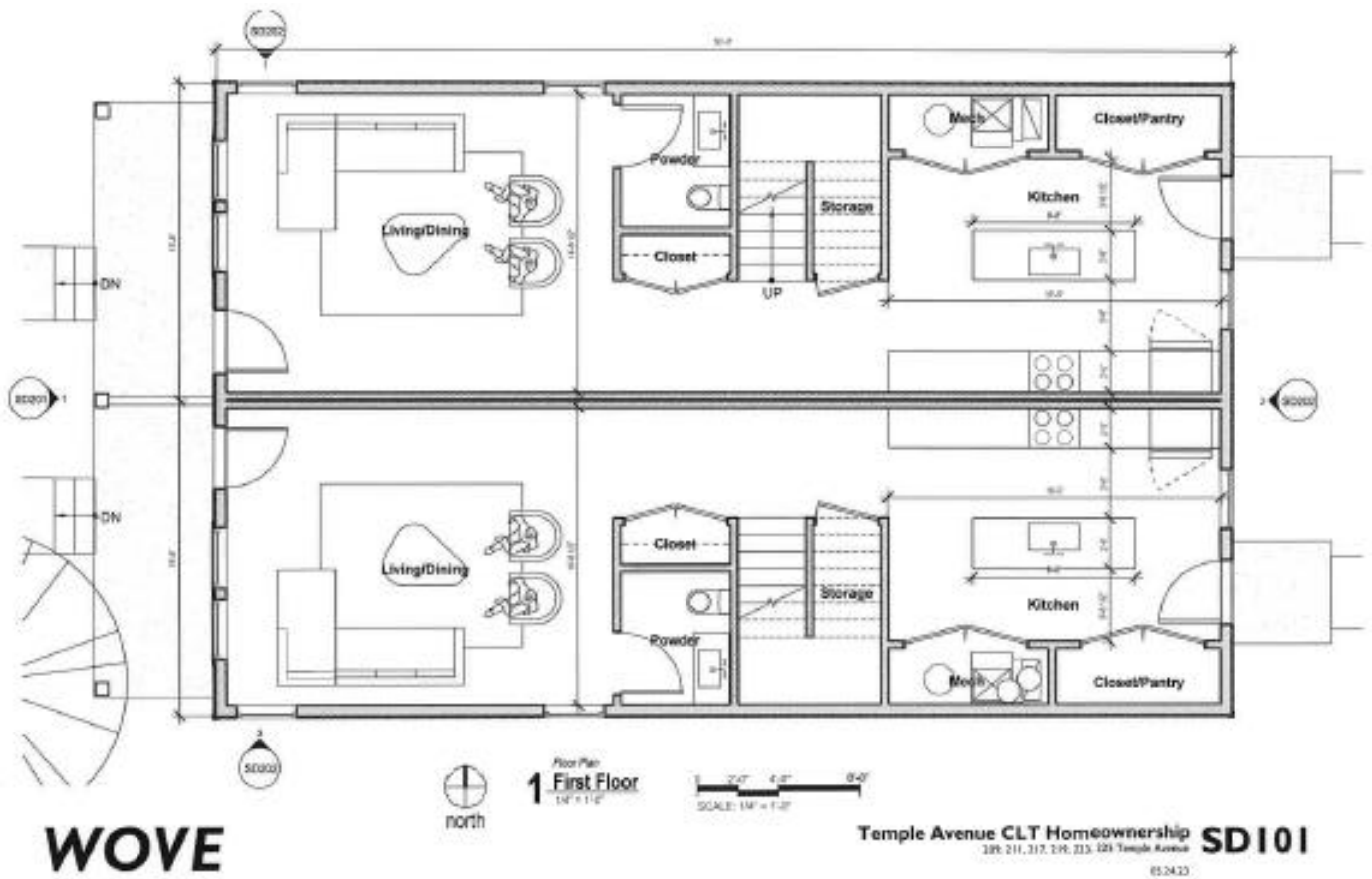
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the existing lots are platted, the proposed use is permitted, but the most recent standards apply to the redevelopment, thus imposing the need for a few variances, which are minor deviations from the ordinance standards.



Plan Detail







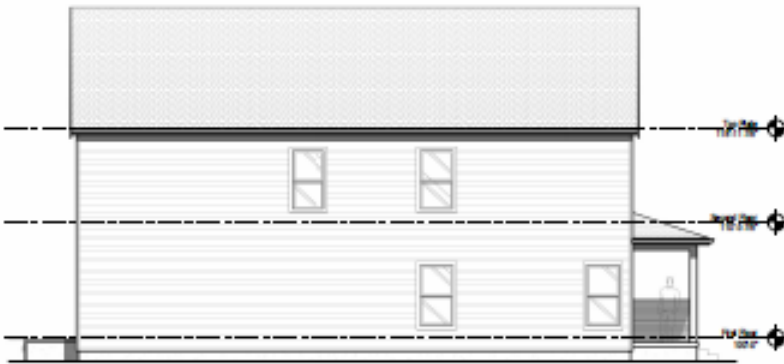
Building Elevation
1 Front/West
1/8" = 1'-0"

0 2'-0" 4'-0" 8'-0"
SCALE: 1/8" = 1'-0"

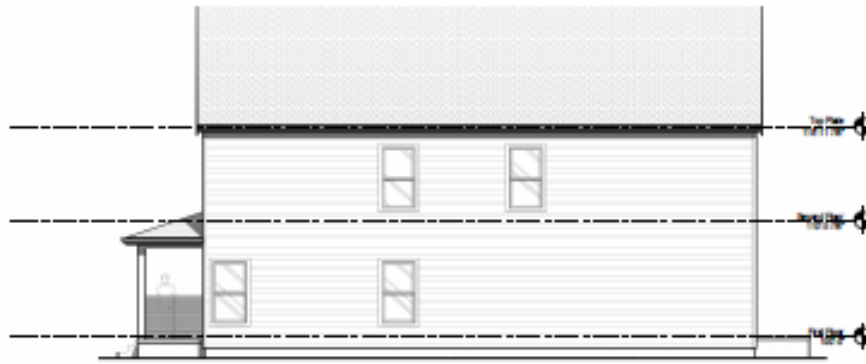
Temple Avenue CLT Homeownership **SD201**
209, 211, 217, 219, 223, 225 Temple Avenue
05.24.23



Building Elevation
2 Rear/East
1/8" = 1'-0"



Building Elevation
1 North
1/8" = 1'-0"



Building Elevation
3 South
1/8" = 1'-0"

Temple Avenue CLT Homeownership **SD202**
209, 211, 217, 219, 223, 225 Temple Avenue
05.24.23



WOVE

3D View
1 Perspective

Temple Avenue CLT Homeownership SD203
209, 211, 217, 219, 223, 225 Temple Avenue
05.24.23



Building Elevation
1 Streetscape
1" = 10'-0"

0 10' 20' 40'
SCALE: 1" = 20'-0"

WOVE
ARCHITECTURE + DESIGN

Temple Avenue CLT Homeownership SD204
209, 211, 217, 219, 223, 225 Temple Avenue
05.24.23



Subject Site, Temple Avenue frontage



Subject Site, 209 North Temple Avenue



Subject site, 217 North Temple Avenue



Subject site, 217 & 223 North Temple Avenue

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-043
Address: 1710 West Morris Street (approximate address)
Location: Center Township, Council District #16
Zoning: C-4
Petitioner: Vincent & Abbera Utterback, by Andrew Wert
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vehicular access from West Morris Street (exclusive vehicular access from improved alley required).

RECOMMENDATIONS

Staff **strongly recommends denial** of the variance request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING, CONTEXT AREA AND LAND USE

C-4	Compact	Commercial Hardware Supply
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SURROUNDING ZONING AND LAND USE

North	-	D-5	Single-family dwellings
South	-	D-8	Small-scale multi-family dwellings
East	-	C-4	Single-family dwellings
West	-	C-4	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends the site for residential development with a density of 5-8 units per acre.
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REQUEST / ANALYSIS

- ◇ The request, as proposed, would allow for the parking area to obtain vehicular access from West Morris Street in addition to the existing alley access along the northern portion of the site.
- ◇ Lots that abut improved alleys are required to obtain exclusive access from those alleys. This standard is intended to produce fewer points of conflicts between motorized traffic and pedestrians along the sidewalk network. Driveways increase those conflicts when placed along streets, as opposed when placed along alleys. Staff would note that the subject site already maintains access from the alley to the north. Given this existing access, Staff does not believe there to be a practical difficulty warranting approval of the request.

(Continued)

- ◇ Staff has received comment from the Department of Public Works indicating its opposition to this request. Specifically, this portion of West Morris Street is currently undergoing construction to implement Complete Streets, including a new sidewalk, curb, gutters, drainage infrastructure and a pedestrian trail. In addition, an angled median (See Exhibit A below) will be constructed along the centerline of Morris Street that would require modification or removal in order to accommodate semi-truck traffic, and therefore pose a detriment to public health, safety and welfare.

GENERAL INFORMATION

THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that West Morris is a primary arterial, with a 78-foot right-of-way existing and proposed. Reisner Street is a local street, with a 48-foot right-of-way existing and proposed.
SITE PLAN	File-dated July 27, 2023
FINDINGS OF FACT	File-dated July 27, 2023

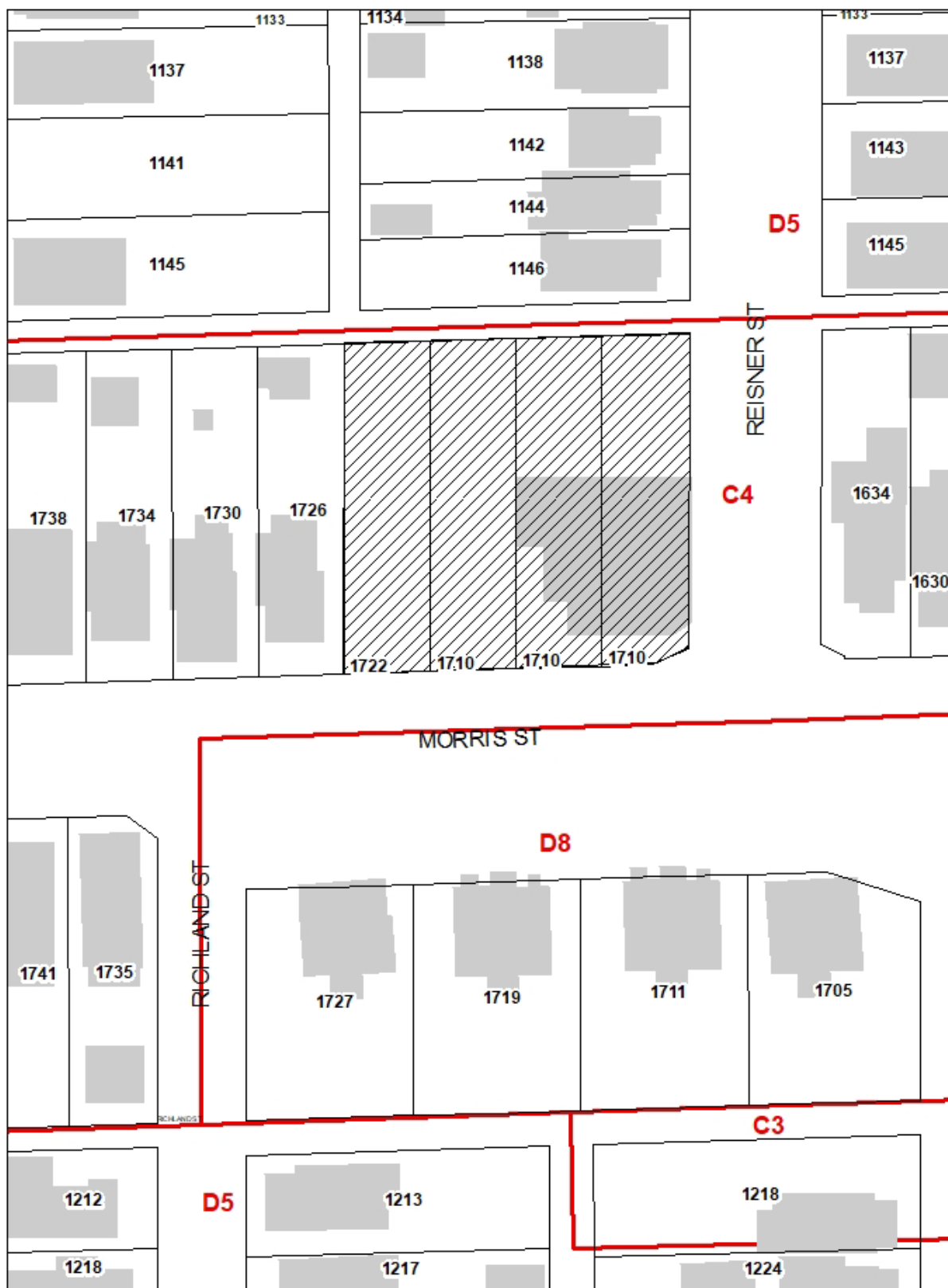
ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

1701-1731 West Morris Street; requests rezoning of .07 acre from the C-4 District to the D-8 classification for the development of single-family, two-family or attached multi-family residential uses; **approved.**

EDH







STAFF REPORT 2023-DV1-043 (Photos)



Photo One: Looking East along Morris Street



Photo Two: Facing West Along Morris Street



Photo Three: Facing Southwest Across Morris Street. Area of Proposed Improvements in Midground



Photo Four: Looking North Along Reisner Street



Photo Five: Area of Proposed Driveway. Current Commercial Vehicles



Photo Six: Existing Parking Area and Alley Access, Facing West