



Board of Zoning Appeals Division III (July 18, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, July 18, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-DV3-025 | 6248 Iona Road

Warren Township, Council District #18, Zoned D-S
Maxwell Fall, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 2,592-square foot pole barn within the front yard (accessory structures not permitted within the front yard).

**** Continuance requested by petitioner; additional notice required.**

2. 2023-UV3-015 | 3545 North Shadeland Avenue

Warren Township, Council District #13, Zoned C-4
Hobby Shop Paint & Collision Corp., by Andrew Wert

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an outdoor storage trailer and a six-foot tall fence and dumpster within the front yards of Twin Oaks Drive and Shadeland Avenue (outdoor storage not permitted, fence height limited to 3.5-foot tall within front yards, dumpster enclosures not permitted within front yard).

**** Continuance requested by petitioner**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2023-MO3-001 | 720 Eskenazi Avenue

Center Township, Council District #16, Zoned HD-1 (FW)
The Health & Hospital Corporation of Marion County, by Joseph D. Calderon

Modification of Commitment One of 2019-DV3-025, further modified by the approval of 2019-MO3-004, to allow for the permanent location of a sign located on the skybridge above Dr. Harvey Middleton Way.

4. 2023-DV3-024 | 7745 Surrey Drive

Perry Township, Council District #23, Zoned D-2
Jeffrey & Shannon Reedy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a wooden privacy fence within the rear yard, with a height ranging between eight and 10 foot tall (maximum six-foot tall fence permitted within rear yard).

5. 2023-DV3-027 | 3719 South East Street

Perry Township, Council District #16, Zoned C-5
International Brotherhood of Electrical, Workers Local 1393, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 40-foot-tall building addition (maximum 25-foot-tall buildings permitted along transitional yard).

6. 2023-UV3-008 | 5718 Roxbury Court

Lawrence Township, Council District #13, Zoned D-2
John & Elizabeth Sandvig, by Steven Sandvig

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached second primary dwelling (not permitted) with an 21.9-foot rear yard setback and the extension of an existing driveway with a zero-foot west side yard setback (25-foot rear yard setback, seven-foot side yard setbacks required).

7. 2023-UV3-016 | 3351 North Meridian Street

Center Township, Council District #9, Zoned C-1 / D-9 (TOD)
Dove Recovery House for Women, Inc., by Brian J. Tuohy

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion of an existing transitional housing for women, with counseling therapy services to current and former residents (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2023-UV3-003 (Amended) | 3146 and 3202 Arbor Street

Perry Township, Council District #20, Zoned D-4 (FF)
Jose Ariza

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor with outdoor storage and multiple commercial vehicles (not permitted, prohibited within the Floodway Fringe) with a parking area in the front yard greater than 30 feet in width (maximum 30-foot wide parking area permitted) and a six-foot fence within the front yard of Arbor Street and a four-foot fence in the front yard of Arbor Street and Murray Street, encroaching within the clear sight triangle of these intersecting streets (maximum 3.5-foot tall fence permitted in front yards, encroachment of clear sight triangle not permitted) and a 336 square-foot garage with a three-foot rear setback (accessory structure not permitted without a primary structure and five-foot rear setback required).

**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

Item 1.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV3-025
Address: 6248 Iona Road (approximate address)
Location: Warren Township, Council District #18
Zoning: D-S
Petitioner: Maxwell Fall, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 2,592-square foot pole barn within the front yard (accessory structures not permitted within the front yard).

The petitioner has indicated their intent to request a **continuance for cause with notice, from the July 18, 2023, hearing, to the August 15, 2023, hearing**, to allow time to amend the petition and provide new notice. Staff will have no objection to this first request.

RU

STAFF REPORT

Item 2.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-UV3-015
Address: 3545 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #13
Zoning: C-4
Petitioner: Hobby Shop Paint & Collision Corp., by Andrew Wert
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an outdoor storage trailer and a six-foot tall fence and dumpster within the front yards of Twin Oaks Drive and Shadeland Avenue (outdoor storage not permitted, fence height limited to 3.5-foot tall within front yards, dumpster enclosures not permitted within front yard).

The petitioner's representative has indicated they will be out of town on the July 18 hearing date, and has submitted a request to **continue for cause without notice, from the July 18, 2023, hearing, to the August 15, 2023, hearing**. Staff will have no objection to this first request.

RU

STAFF REPORT

Item 3.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MO3-001
Address: 720 Eskenazi Avenue (Approximate address)
Location: Center Township, Council District # 16
Petitioner: The Health and Hospital Corporation of Marion County, by Joseph D. Calderon
Request: Modification of Commitment One of 2019-DV3-025, further modified by the approval of 2019-MO3-004, to allow for the permanent location of a sign located on the skybridge above Dr. Harvey Middleton Way.

RECOMMENDATIONS

Staff **recommends approval** of the petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

HISTORY

- ◇ Previously, this site obtained a temporary variance and Regional Center Approval for a banner to be placed on a skybridge within the campus of Eskenazi Hospital, through 2019-DV3-025 and 2019-REG-038, respectively, in July 2019.
- ◇ Staff requested that the variance term end within a relatively short period of time due to the sign advertising the renaming of a nearby building (off-site) rather than new construction. The staff believed that updated signage at the newly named building could provide adequate advertisement within a few months.
- ◇ The 2019-DV3-025 variance grant included one commitment, which stated that the sign be removed by December 31, 2019.

MODIFICATION REQUEST – 2019-MO3-004

- ◇ In late 2019, the petitioner requested that the terms of this commitment be extended to April 30, 2020. That petition, 2019-MO3-004 was granted.
- ◇ The petitioner submitted information by a sign company that indicates that they advise “against removal of the window perf on the Eskenazi skywalk due to the temperatures below manufacturer’s recommended specifications for removal. Manufacturer’s specification for removal is above 60 degrees.” Staff did not object to this proposed modification because it is based on factual information.

(Continued)

CURRENT REQUEST

- ◇ The petitioner proposes to eliminate the time frame to remove the banner sign, and to provide for the sign to be changed up to four times per year. The proposed commitment change also would limit the width of the of the sign to 80% of the width of the skybridge.
- ◇ The original intent of the sign was to inform the renaming of a facility within the hospital campus. Due to the pandemic, the idea shifted to promote the work of healthcare employees. This modification would allow for a banner on site to promote this work, plus other activities that would occur on this campus.
- ◇ The location of the banner and skybridge is away from public rights-of-way and only visible when interior to the campus. Therefore, staff would support this request.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

HD-1 (RC) Sidney and Lois Eskenazi Hospital

SURROUNDING ZONING AND LAND USE

North	-	PK-1 (RC)	Fall Creek
South	-	UQ-1 (RC)	IUPUI student housing / campus
East	-	UQ-1 (RC)	IUPUI campus
West	-	UQ-1 (RC)	Richard L. Roudebush VA Medical Center

COMPREHENSIVE PLAN The Center Township Land Use Plan recommends Regional Special Use development.

TRANSIT ORIENTED DEVELOPMENT The site is not within the boundaries of a transit-oriented development overlay.

THOROUGHFARE PLAN The Marion County Thoroughfare Plan indicates that 10th Street and Michigan Street are primary arterials, with a 90-foot rights-of-way existing and proposed.

ZONING HISTORY - SITE

2019-MO3-004; 720 Eskenazi Avenue, requested a Modification of Commitment One of 2019-DV3-025 to change the removal date of a temporary banner from December 31, 2019, to April 30, 2020, **approved**.

2019-DV3-025; 720 Eskenazi Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,437-square foot temporary banner sign on 100% of a skybridge (maximum three percent permitted), **granted (ends on December 31, 2019)**.

(Continued)

2019-REG-038; 720 Eskenazi Avenue, requested Regional Center Approval to provide for a banner on a skybridge until December 31, 2019, **approved**.

2017-DV1-068; 720 Eskenazi Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a freestanding sign, with three additional freestanding elements within 15 linear feet and two other freestanding signs, within 180 feet of each other, and to provide for eight vehicle entry point signs, up to nine feet tall and 23 square feet, with less than a two-foot front setback, and to provide for directional signs up to 9.5 feet tall and 40 square feet, with less than a 10-foot setback, **granted**.

2013-REG-057; 720 Wishard Way, requested Regional Center Approval for signage on the Faculty Office Building, **approved**.

2013-REG-041; 720 Wishard Way, requested Regional Center Approval for artwork on a five-story parking garage, **approved**.

2010-REG-053; 720 Wishard Way, requested Regional Center Approval for Phase Two of construction of a hospital (hospital building and ambulatory clinic building, with surface parking), **approved**.

2009-REG-070; 1461 West 10th Street and 791 Union Drive, requested Regional Center Approval for Phase One of construction of a hospital (parking garage), **approved**.

2009-CZN-833 / 2009-CAP-833; 1461 West 10th Street and 791 Union Drive, requested a rezoning of 36.976 acres from the UQ-1 (RC)(W-1) (FW) District, to the HD-1(RC) (W-1) (FW) classification to provide for hospital uses and Hospital District One Approval to provide for a master plan for construction of a hospital campus, **approved**.

ZONING HISTORY – VICINITY

None.

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**COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.**

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

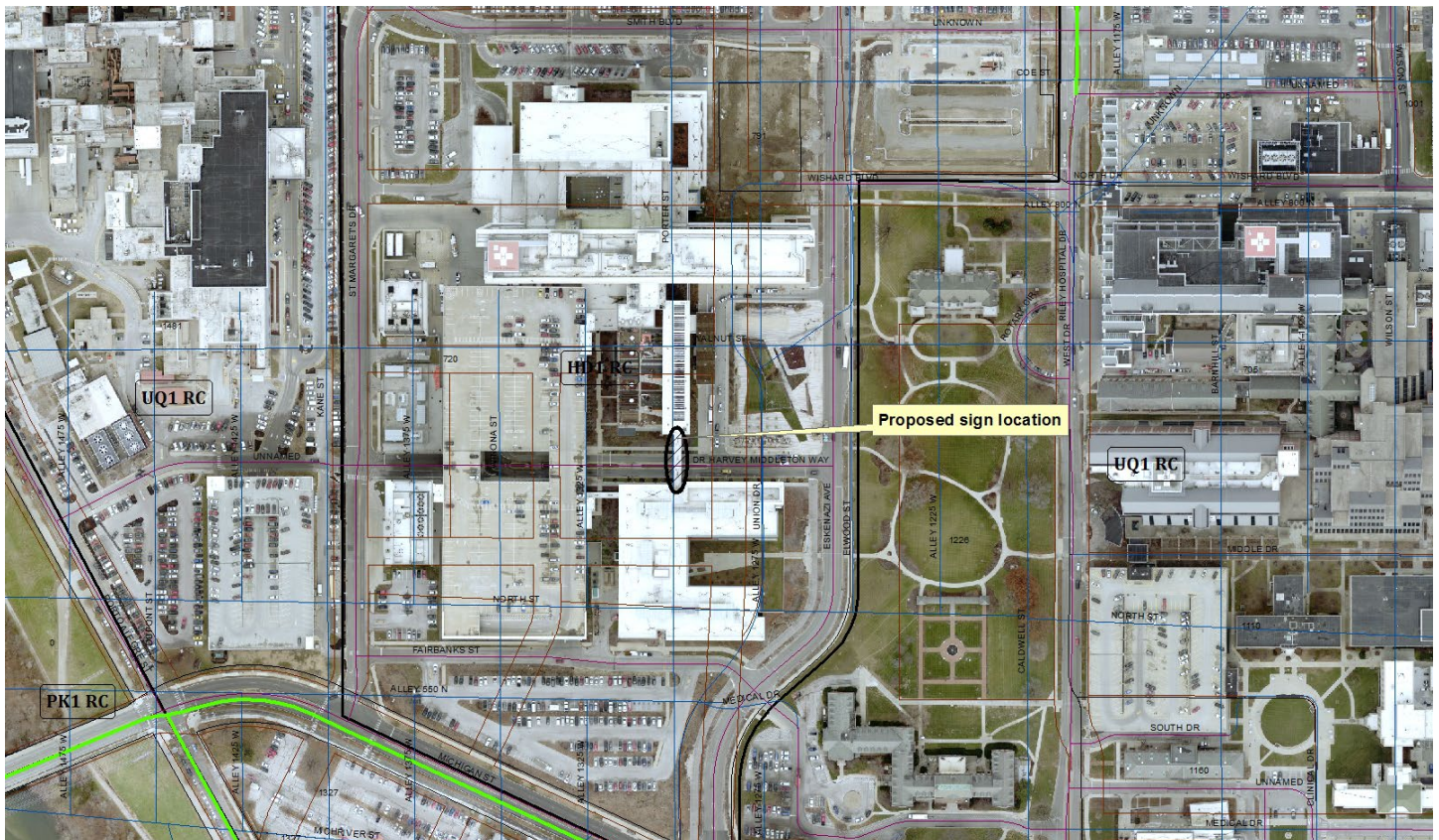
Legal Description: See Exhibit "A attached hereto and incorporated by reference

Statement of Modification or Termination of COMMITMENTS:

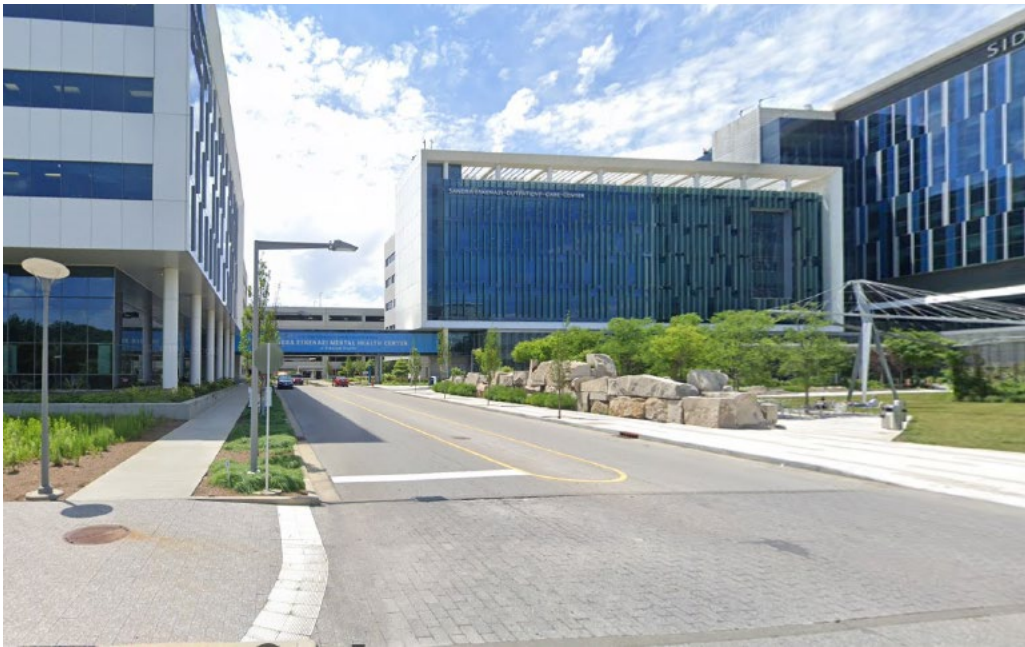
1. Commitment No. 1 in that certain Variance Commitment provided in case number 2019-DV3-025 and recorded as Instrument No. A201900070077, as modified by that certain Commitment Modifying or Terminating Existing Commitments under Case No. 2019-MO3-004 and recorded as Instrument No. A _____ is hereby further modified to read as follows: "The skybridge sign shall only provide messages related to employee engagement or public service announcements, shall not exceed 80% of the length of the skybridge, and may be changed up to 4 times per year"

These modified COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest therein. These modified COMMITMENTS may be further modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

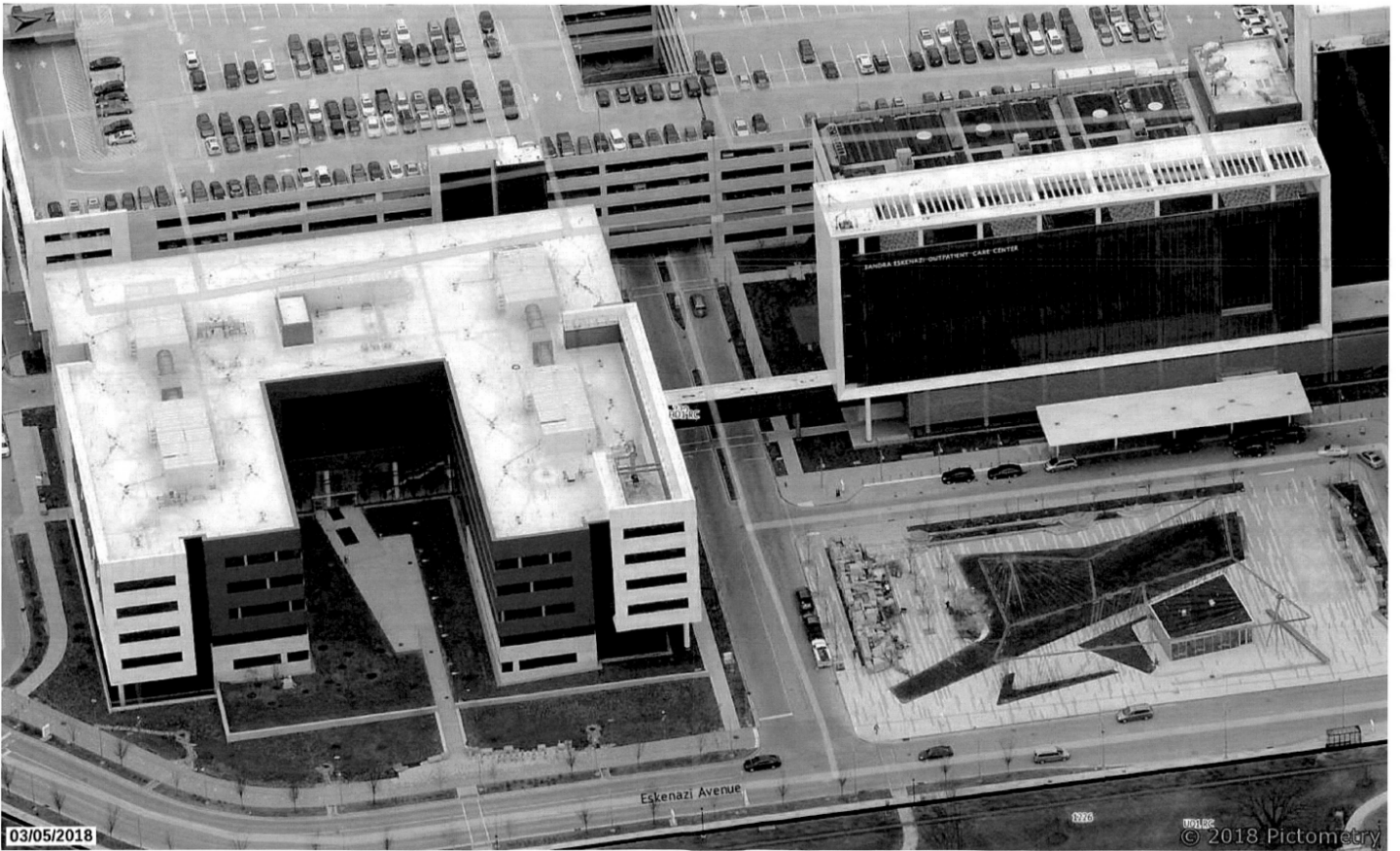
Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Hearing Examiner of the Metropolitan Development Commission in petition #2023-MO3-___.



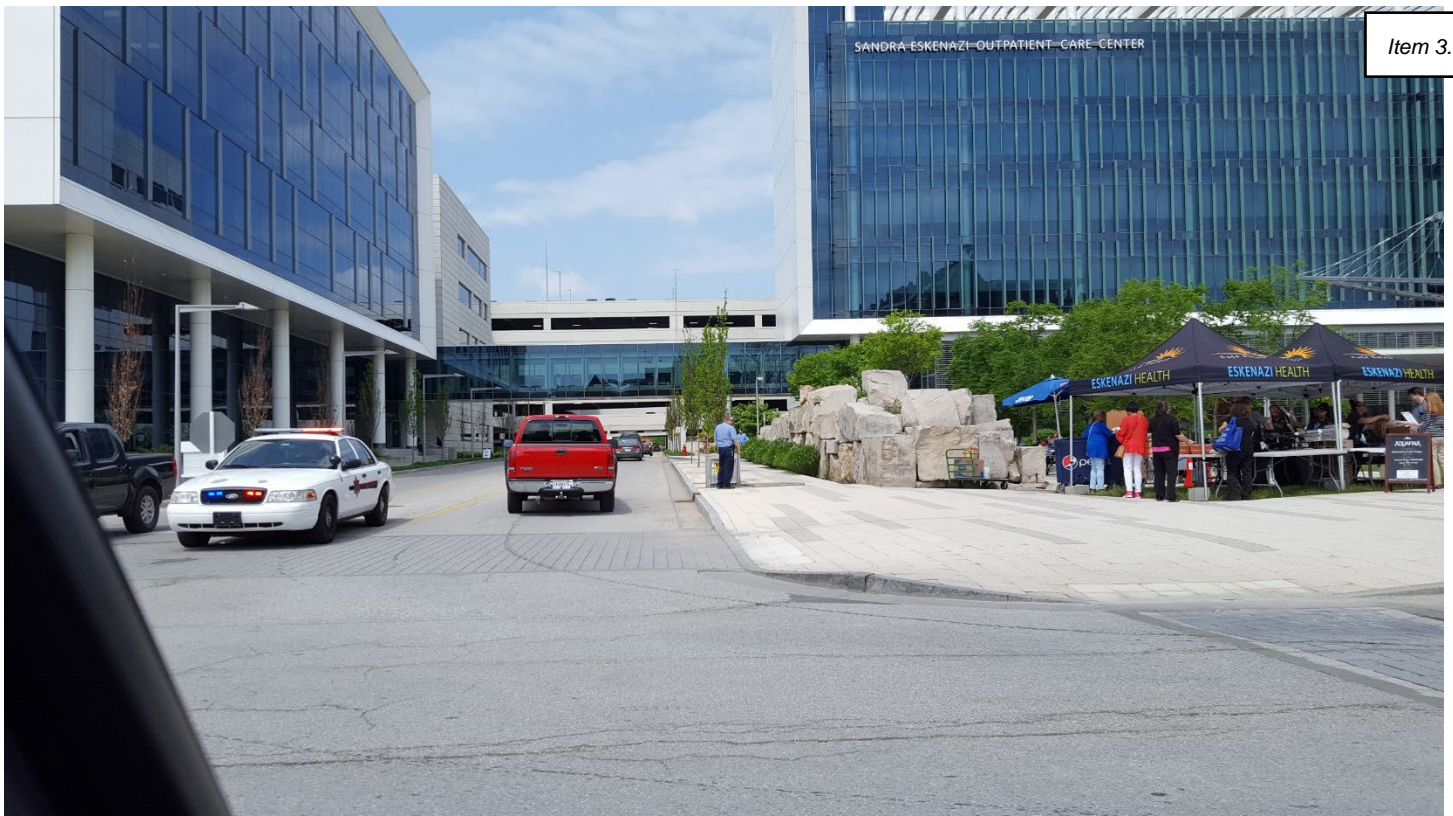
Aerial identifying sign location



Current sign







Item 3.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-024
Address: 7745 Surrey Drive (approximate address)
Location: Perry Township, Council District #23
Zoning: D-2
Petitioner: Jeffrey & Shannon Reedy
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a wooden privacy fence within the rear yard, with a height ranging between eight and ten feet tall (maximum six-foot-tall fence permitted within rear yard).

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

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

North	D-2	Single-Family residential
South	D-2	Single-Family residential
East	C-4	Commercial
West	D-2	Single-Family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ The subject site is a residential property in the Carriage Estates subdivision of the Linden Wood neighborhood. This lot is approximately 27,400 square feet and developed with a two-story dwelling, accessory buildings, and a pool and game court.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a fence on the rear property line with a height ranging from eight to ten feet. The maximum height permitted for a residential fence in the rear yard is six feet.
- ◇ Staff typically would not support variances for increased fence heights: however, this property is downhill from an abutting highway, U.S. 31 South. As shown in the site photos, the fence has been erected, and is at a much lower elevation than the abutting street. Because of the change in topography, staff would not be opposed to an increased fence height.

(Continued)

STAFF REPORT 2023-DV3-024 (Continued)

- ◇ Staff would note that this variance should only apply to the rear lot line. Fences in side yards shall comply with ordinance standards in Sec. 744-510.

GENERAL INFORMATION**THOROUGHFARE PLAN**

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

US 31 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 150-foot existing and proposed right-of-way.

SITE PLAN

File-dated June 30, 2023

FINDINGS OF FACT

File-dated June 30, 2023

ZONING HISTORY – VICINITY

2007-DV3-058A, 7667 Shelby Street, variance to legally establish a 70-square foot electronic variable message sign component within 100 feet of a protected district, and within approximately fifteen feet of a signalized traffic intersection, **denied**.

2007-DV3-058B 7667 Shelby Street, variance to legally establish a 41.75-foot-tall, 465-square foot pole sign, **approved**.

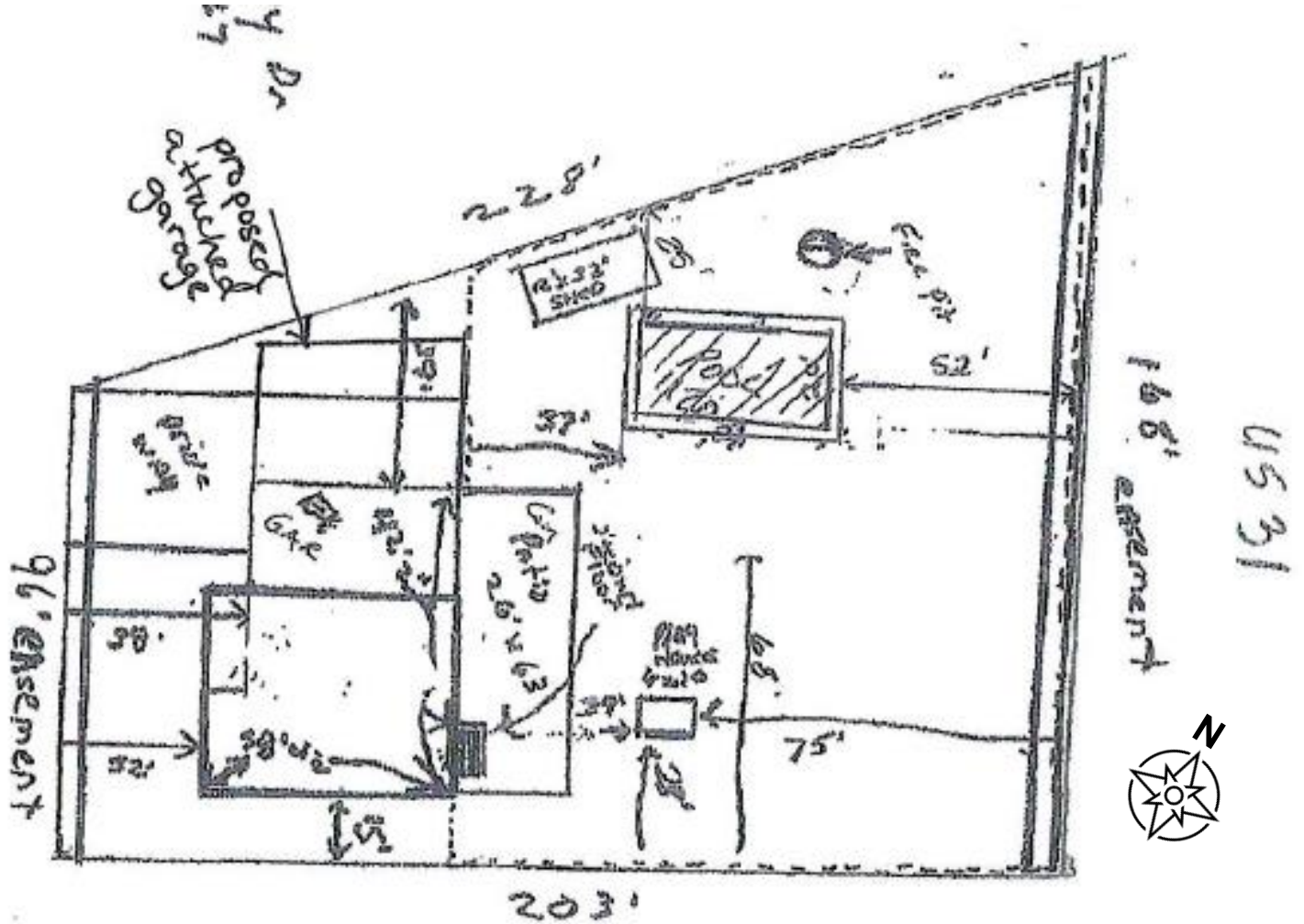
91-HOV-90, 7731 Shelby Street, variance to permit placement of a second integrated center sign, **approved**.

61-P-77, Approval of a plat to be known as Carriage Estates.

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2023-DV3-024; Site Plan





Subject site's front yard on Surrey Drive, looking northeast



Subject site south side yard, existing fence shown right



Subject site north side yard, existing fence shown center



Rear yard fence viewed from US 31, looking west



View of US31 and fence, shown left, looking north

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-027
Address: 3719 South East Street (approximate address)
Location: Perry Township, Council District #16
Zoning: C-5
Petitioner: International Brotherhood of Electrical Workers, Local 1393, by John Cross
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 40-foot-tall building addition (maximum 25-foot-tall buildings permitted along transitional yard).

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

C-5	Compact	Commercial
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SURROUNDING ZONING AND LAND USE

North	C-5	Commercial
South	C-5	Commercial
East	D-A	Greenhouse
West	C-5	Commercial

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ The subject site consists of two existing commercial buildings and associated parking within an integrated center. The properties nearby on either side of East Street create a corridor containing a mix of community and regional commercial uses.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a building addition with a height of 40 feet on a transitional yard. The maximum height along a transitional yard is 25 feet, but that height may be increased one foot for each additional foot from the minimum setback. The minimum transitional yard is 15 feet, and the proposed setback is 20.39 feet, so the maximum height per this exception would be 30 feet. The maximum height for C-5 where not along a transitional yard is 65 feet.

(Continued)

STAFF REPORT 2023-DV3-027 (Continued)

- ◇ The transitional yard requirement is required because of the site to the east, zoned D-A, which is a dwelling district; however, the D-A district also permits agricultural uses. The current use of the property is a greenhouse.
- ◇ Staff would note that the D-A district allows building heights of 35 feet for primary structures (buildings used for agriculture are considered primary uses in the D-A district as well as single-family dwellings). These structures may increase up to 45 feet for every foot greater than the required side setbacks.
- ◇ The proposed addition is only ten feet taller than the height permitted by exception for a C-5 transitional yard, and only five feet taller than the maximum height permitted in the adjacent D-A district. Staff would also note that the existing agricultural use on the abutting property is more commercialized than a typical dwelling district. Therefore, staff would not be opposed to a slightly increased height.

GENERAL INFORMATION

THOROUGHFARE PLAN	East Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 120-foot existing and proposed right-of-way.
SITE PLAN	File-dated June 13, 2023
ELEVATIONS	File-dated June 13, 2023
BUILDING SECTION	File-dated June 13, 2023
FINDINGS OF FACT	File-dated June 13, 2023

ZONING HISTORY – VICINITY

2020-CPL-818, 3620 South East Street, approval of a Subdivision Plat to be known as Felbram Plaza North Subdivision, dividing 18.43 acres into five lots, with a waiver of sidewalks, **approved**.

2020-CVR-818, 3620 South East Street, variance to provide for the replacement of an existing pole sign with a 36-foot tall, 260-square foot pole sign with a two-foot front setback from East Street, **approved**.

2015-ZON-091, 3604 Madison Avenue, rezoning of three acres from the D-A district to the C-7 classification to provide for truck and trailer repair, **approved**.

2013-ZON-053, 3800 South East Street, rezoning of 4.82 acres from the D-4 and C-5 districts to the C-5 classification to provide for automobile-related uses, **approved**.

95-Z-189, 3715 South East Street, rezoning of 2.008 acres from the C-3 district to the C-4 classification to provide for sale of automobile parts and accessories, **approved**.

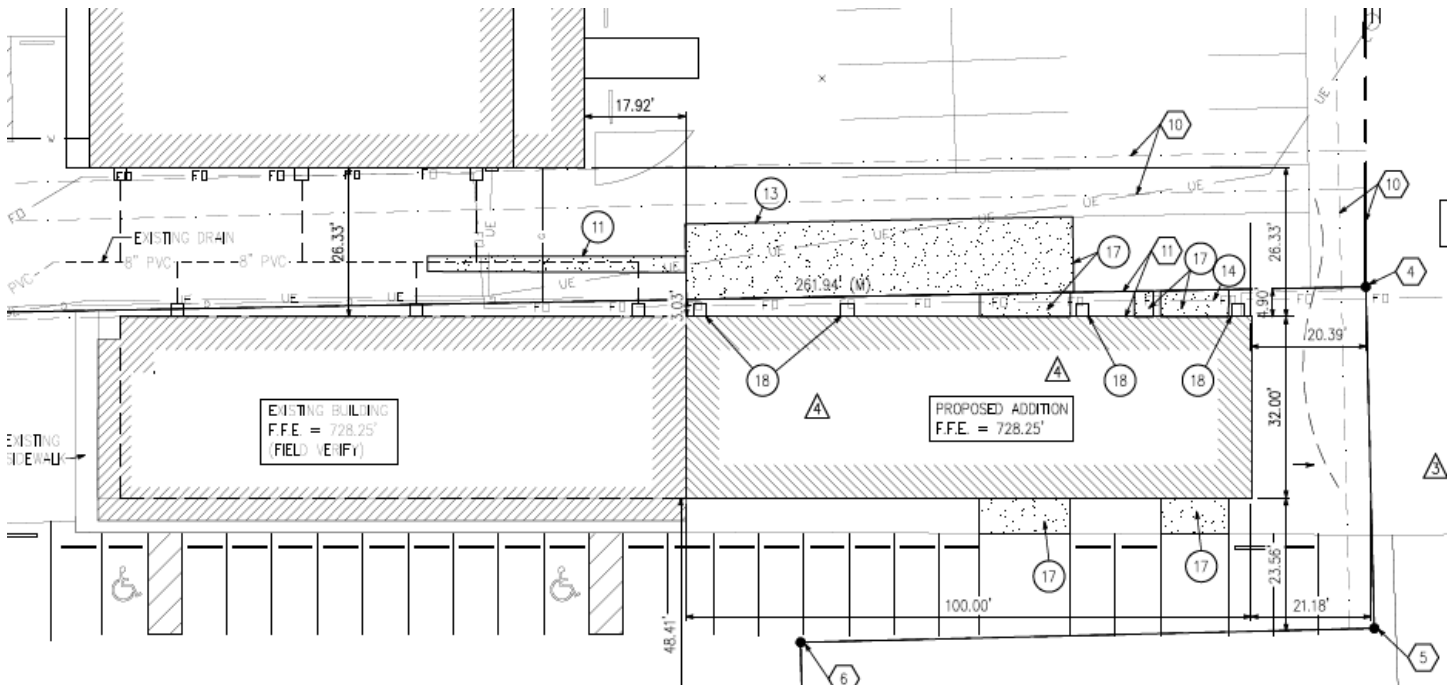
94-Z-128, 3715 South East Street, rezoning of 2.288 acres from the D-A district to the C-3 classification to provide for a restaurant, **approved**.

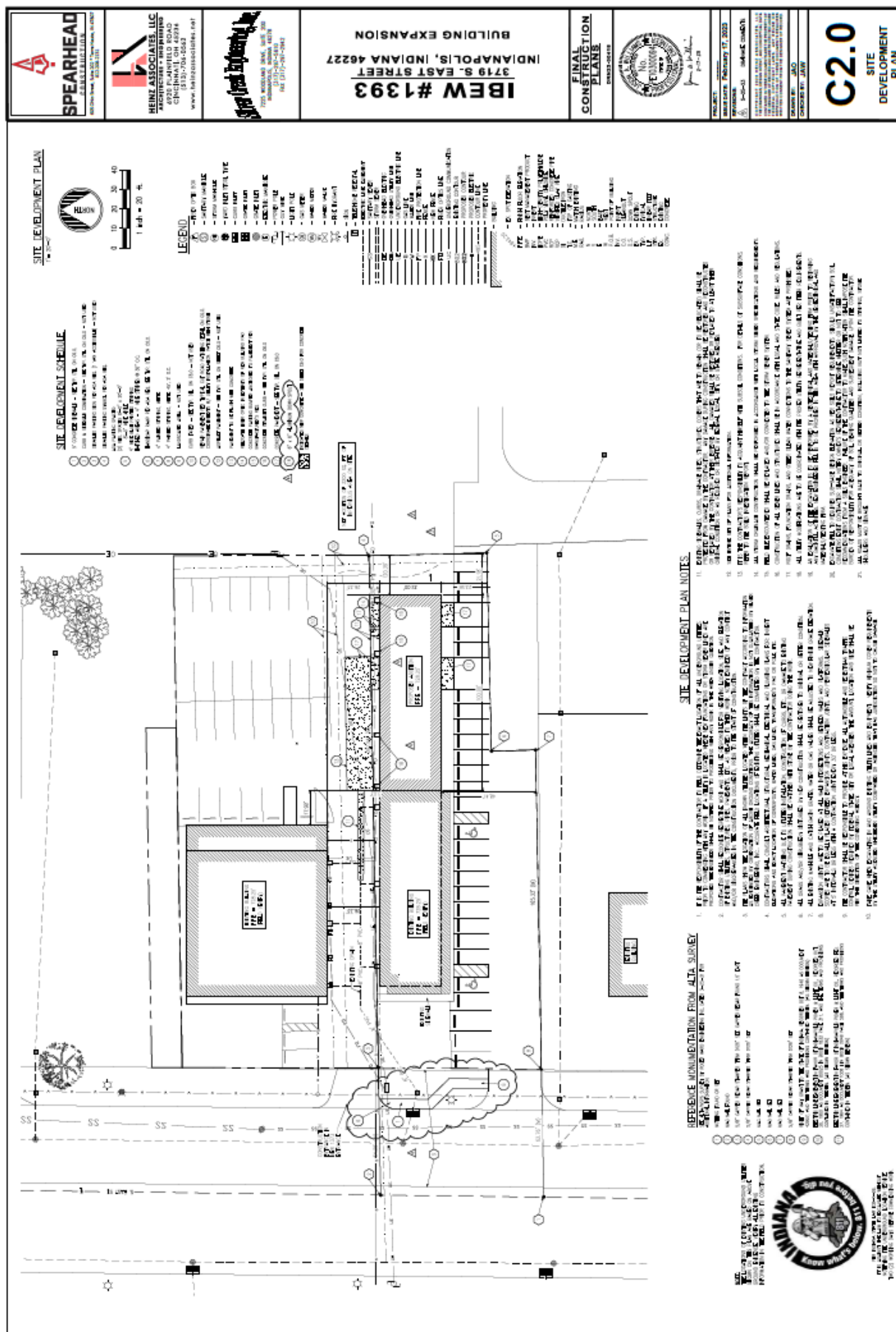
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2023-DV3-027; Aerial Map

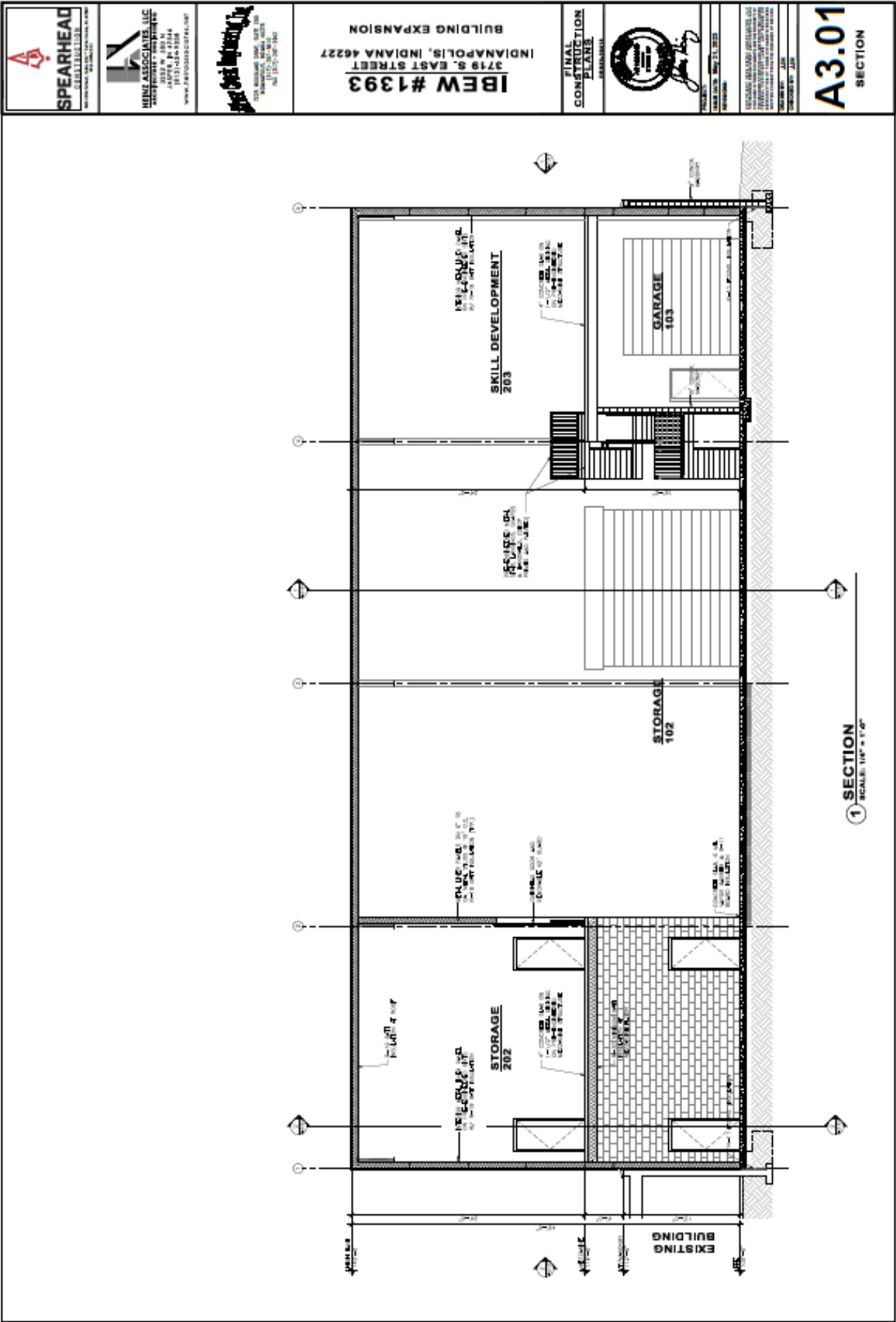


2023-DV3-027 Site Plan Detail











Subject site front yard and north building, looking north



Subject site front yard, looking east



South side yard and west of site, looking west



Proposed addition location viewed from south side yard, looking northwest



Proposed addition location in rear yard, looking north



Rear transitional yard. D-A property shown right, looking north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-008
Address: 5718 Roxbury Court (approximate address)
Location: Lawrence Township, Council District #13
Zoning: D-2
Petitioner: John & Elizabeth Sandvig, by Steven Sandvig
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached second primary dwelling (not permitted) with a 21.9-foot rear yard setback and the extension of an existing driveway with a zero-foot west side yard setback (25-foot rear yard setback, seven-foot side yard setbacks required).

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	D-2	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 0-1.75 dwelling units per acre.
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VARIANCE OF USE

- ◇ The request for a second primary dwelling would not be for a standalone dwelling structure. Instead, it would be for an addition to the primary dwelling to allow for an in-law's quarters. Since the addition would exceed the standards for a secondary accessory dwelling, it would be considered a second primary dwelling by definition.

(Continued)

STAFF REPORT 2023-UV3-008 (Continued)

- ◇ The addition was also defined as a second primary dwelling due to the submitted floor plans not showing an interior connection to the primary dwelling. However, it is believed that the addition would have a connecting interior door to classify it as an addition, and in that case, this use variance would not be needed. If there is no interior connection, the addition would still have minimal impact on surrounding properties in Staff's opinion, as it would be to the rear of the primary dwelling, would be similar to the existing dwelling elevations, and would not detract from the residential nature or setting of the surrounding neighborhood.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- ◇ The subject property would require a 25-foot rear setback. As proposed, the addition to the primary dwelling would have a 21.9-foot rear setback. This setback reduction would be for two corners of the addition, and not the entire addition itself.
- ◇ Staff considered the various topography changes of the site and adjacent landscaping screening to determine that the proposed setback reduction would not have any negative impact on any adjacent properties.
- ◇ The existing driveway was constructed with a legally non-conforming zero-foot west side yard setback. The request to extend it to the 21.9-foot setback, would require a variance of development standards for the extension. As the driveway has existed with the reduced side setback for some time without any negative impact, in Staff's opinion, the proposed driveway extension would not have any negative impact either.

GENERAL INFORMATION

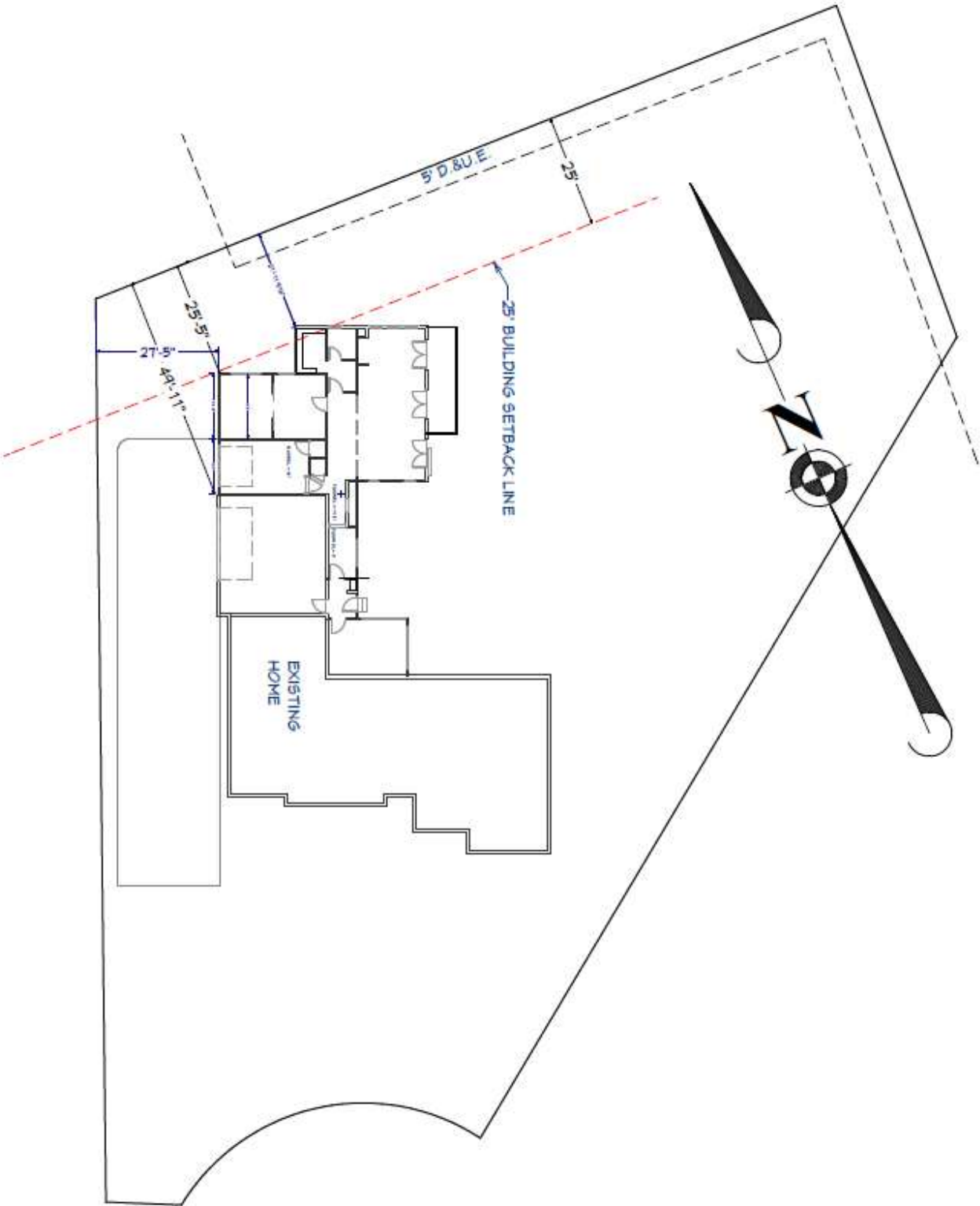
THOROUGHFARE PLAN	This portion of Roxbury Court is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.
SITE PLAN	File-dated June 19, 2023.
ELEVATIONS	File-dated June 19, 2023.
FINDINGS OF FACT	File-dated March 1, 2023.

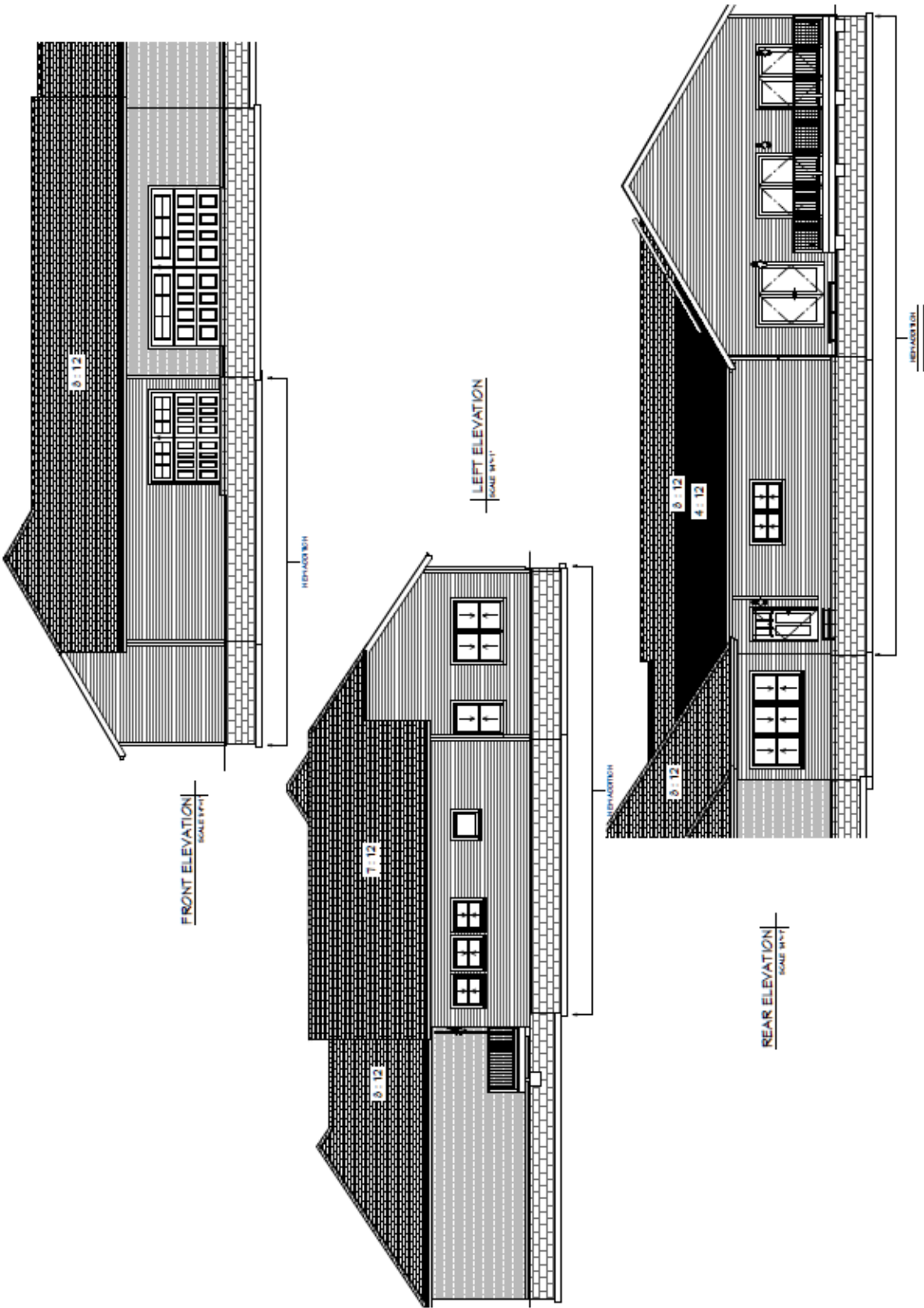
ZONING HISTORY

1981-DVS-45; 5228 Brendonridge Road (east of site), requested a variance of development standards to permit the construction of an addition to the existing single-family dwelling to feature a two-car garage and enclosed swimming pool, **granted**.

RU









Subject site looking north



Subject site proposed addition area, looking west.



Existing driveway with zero-foot west side setback to be extended north with addition, looking north



Subject site rear setback line.



Adjacent property to the west, looking north.



Adjacent property to the southeast, looking east

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-016
Address: 3351 North Meridian Street (approximate address)
Location: Center Township, Council District #9
Zoning: C-1 / D-9 (TOD)
Petitioner: Dove Recovery House for Women, Inc., by Brian J. Tuohy
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion of an existing transitional housing for women, with counseling therapy services to current and former residents (not permitted).

RECOMMENDATIONS

Staff **recommends approval** of this request subject to the July 5, 2023 site plan and June 14, 2023 plan of operation.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-1/D-9	Compact	Transitional Living Quarters
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SURROUNDING ZONING AND LAND USE

North	SU-2	High School
South	C-S	Multi-service outreach center?
East	D-5	Elementary School
West	D-9	Residential (Multi-family dwellings)

NEIGHBORHOOD PLAN

The Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommends office commercial use development.

- ◇ The 0.995-acre site is developed with a two-story building and associated parking area. The site is surrounded by a variety of uses such as schools, multifamily dwellings, and social services.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for transitional housing and parking for women, with counseling therapy services to current and former residents, to provide for recovery from alcohol and drug abuse and addiction.

(Continued)

STAFF REPORT 2023-UV3-016 (Continued)

- ◇ Transitional living quarters is defined as a residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation and similar human service functions. This definition does not include a group home, daily emergency shelter, diversion center, or residential facilities or shelters for residents who are required to leave during the day for work or other purposes.
- ◇ The same use is operated on site at a smaller scale per 2016-UV2-003. It can be similarly associated with emergency shelters, which would be allowed in the C-3 zoning district, in regard to traffic, noise, and hours of operation.
- ◇ Staff is comfortable with the expansion of the use on the subject site since it has operated on site since 2016 without issues and would continue to offer much needed services to the community.
- ◇ The proposal would raise the number of residents being served from 42 to 55. The expansion would provide for additional rooms, offices and amenities needed to support 13 new residents.
- ◇ The grant of the request would not interfere substantially with the Comprehensive Plan recommendation of office commercial uses because the site has a dental office, and the proposed use includes offices that will be expanded with the additional residents to be assisted.

GENERAL INFORMATION

THOROUGHFARE PLAN	Meridian Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 70-foot existing right-of-way and a 78-foot proposed right-of-way.
SITE PLAN	File-dated July 5, 2023.
FLOOR PLANS	File-dated June 14, 2023.
PLAN OF OPERATION	File-dated June 14, 2023.
FINDINGS OF FACT	File-dated June 14, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

2016-UV2-003; 3351 North Meridian Street (subject site), Variance of use of the Commercial and Dwelling Districts Zoning Ordinance to provide for transitional housing and parking for women, with counseling therapy services to current and former residents, **granted with commitments.**

(Continued)

STAFF REPORT 2023-UV3-016 (Continued)

60-V-153; 3351 North Meridian Street (subject site), Variance of use to provide for an office building with identification sign and off-street parking, **granted**.

ZONING HISTORY – VICINITY

2023-UV2-001; 101 East 34th Street (east of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a coffee shop (not permitted), **granted**.

2015-UV2-016; 3345 North Pennsylvania Street (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the conversion of the second floor of a two-story detached garage, with a three-foot south side setback (minimum four-foot side setback required), into an 800-square foot dwelling unit (one dwelling unit permitted per lot, minimum 900 square feet required), **granted**.

2009-DV2-020; 3401 North Meridian Street (north of site), Variance Of Development Standards of the Sign Regulations to provide for the erection of a 15-foot tall, 160-square foot pole sign, with a 48-square foot electronic variable message sign (EVMS) component, located approximately 50 feet from a dwelling district and 20 feet from a signalized intersection (maximum four-foot tall sign permitted within 600 feet of a dwelling district; EVMS not permitted in SU-2 District, EVMS not permitted within 600 feet of a protected district; EVMS not permitted within 125 feet of signalized intersection), with the lowest point of the sign face being less than nine feet above grade (minimum nine-foot clearance required), **denied**.

2008-VAR-802; 3402 and 3416 North Meridian Street, and 3401, 3403, 3415 and 3420 Salem Street (northwest of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a four-story, 59,926 square-foot multifamily building containing 52 dwelling units with a) a 34-foot front setback from the existing right-of-way of Meridian Street (minimum 40-foot front setback required), and with a 10-foot front setback from the existing right-of-way of 34th Street (minimum 30-foot front setback required), b) a floor area ratio (FAR) of 0.979 (maximum FAR of 0.800 permitted), c) an open space ratio (OSR) of 0.793 (minimum OSR of 0.870 required), d) a livability space ratio (LSR) of 0.240 (minimum LSR of 0.490 required), e) a major livability space ratio (MLSR) of 0.083 (minimum MLSR of 0.095 required), f) with parking, within the required 30-foot front yard along 34th Street (not permitted), within the required 25-foot front yard along Salem Street (not permitted), and within the required twenty-foot north and east perimeter yards (not permitted), and g) with a total car ratio (TCR) of 0.788 (minimum TCR of 0.940 required) and a variance of Use and development standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot at 3720 Salem Street, with two-foot north and south side setbacks, and a zero-foot rear setback, within the required twenty-foot side and rear perimeter yards (not permitted), **granted**.

91-V1-14; 3333 North Meridian Street (south of site), Variance of development standards of the Dwelling Districts Zoning to permit the placement of a ground sign to be located 10 feet from the right-of-way of North Meridian Street (15 feet required) and to allow the placement of a 24 square foot wall sign (one sign permitted not to exceed 1 square foot), **granted**.

88-UV2-30; 3341 North Illinois Street (southwest of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor storage of motor vehicles and parking in the required transitional yard, **granted**.

(Continued)

STAFF REPORT 2023-UV3-016 (Continued)

87-HOV-130; 3337 North Pennsylvania Street (east of site), Variance of development standards of the Dwelling Districts Zoning to provide for a twenty-six-foot tall, detached garage (twenty-foot maximum height permitted), **granted**.

84-UV1-24; 3401 North Meridian Street (north of site), Variance of use to provide for recreational facilities and a freestanding sign, **portions granted and denied**.

84-UV2-120; 3402 North Meridian Street (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction and use of a retail drug store with off-street parking provided, **dismissed**.

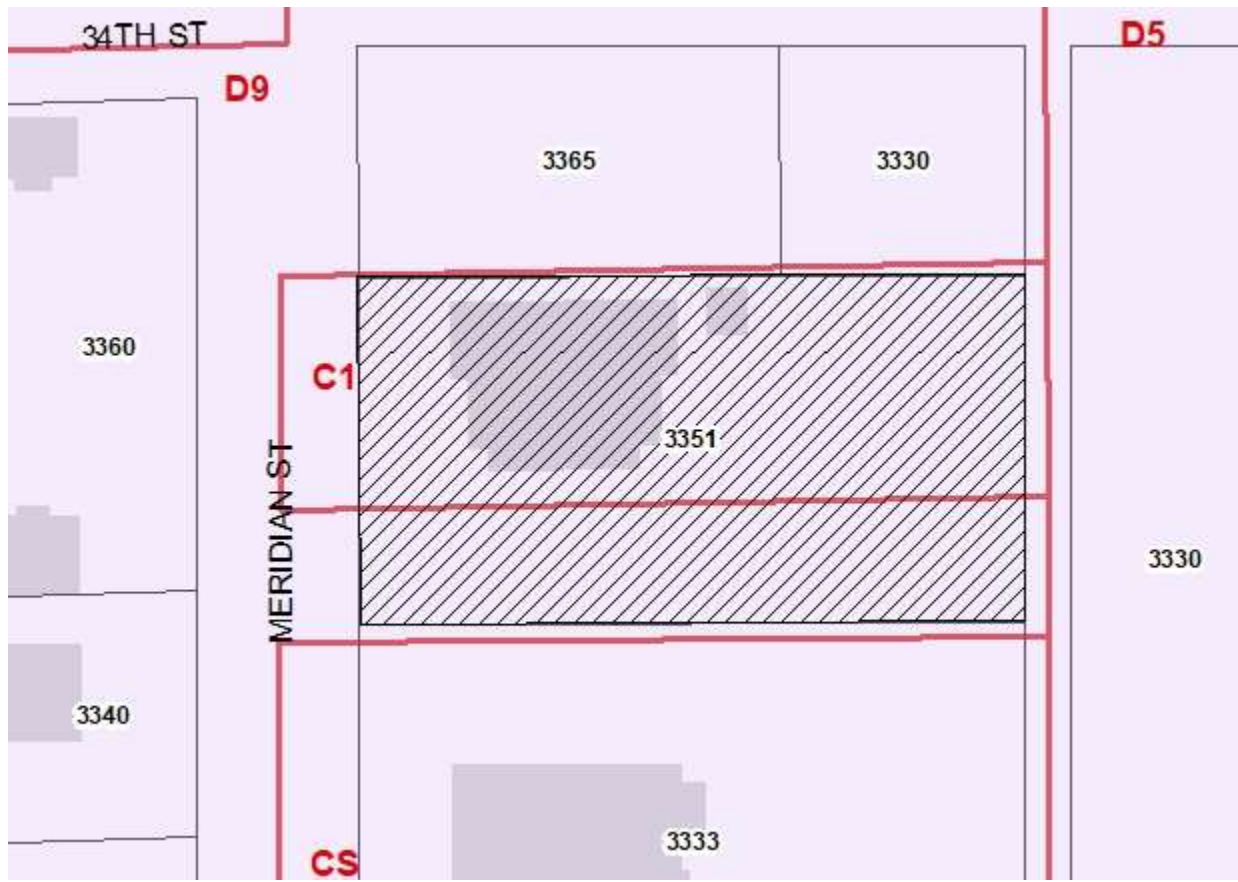
83-SE1-1; 65 West 34th Street (west of site), Commercial Special Exception to establish an amusement arcade with more than four (4) amusement machines in an existing commercial building, **denied**.

83-V1-47A; 65 West 34th Street (west of site), Variance of development standards of the 76-AO-2 to permit an amusement arcade with more than four (4) video amusement games in an existing commercial building within 500 feet of a residential zoning district, **denied**.

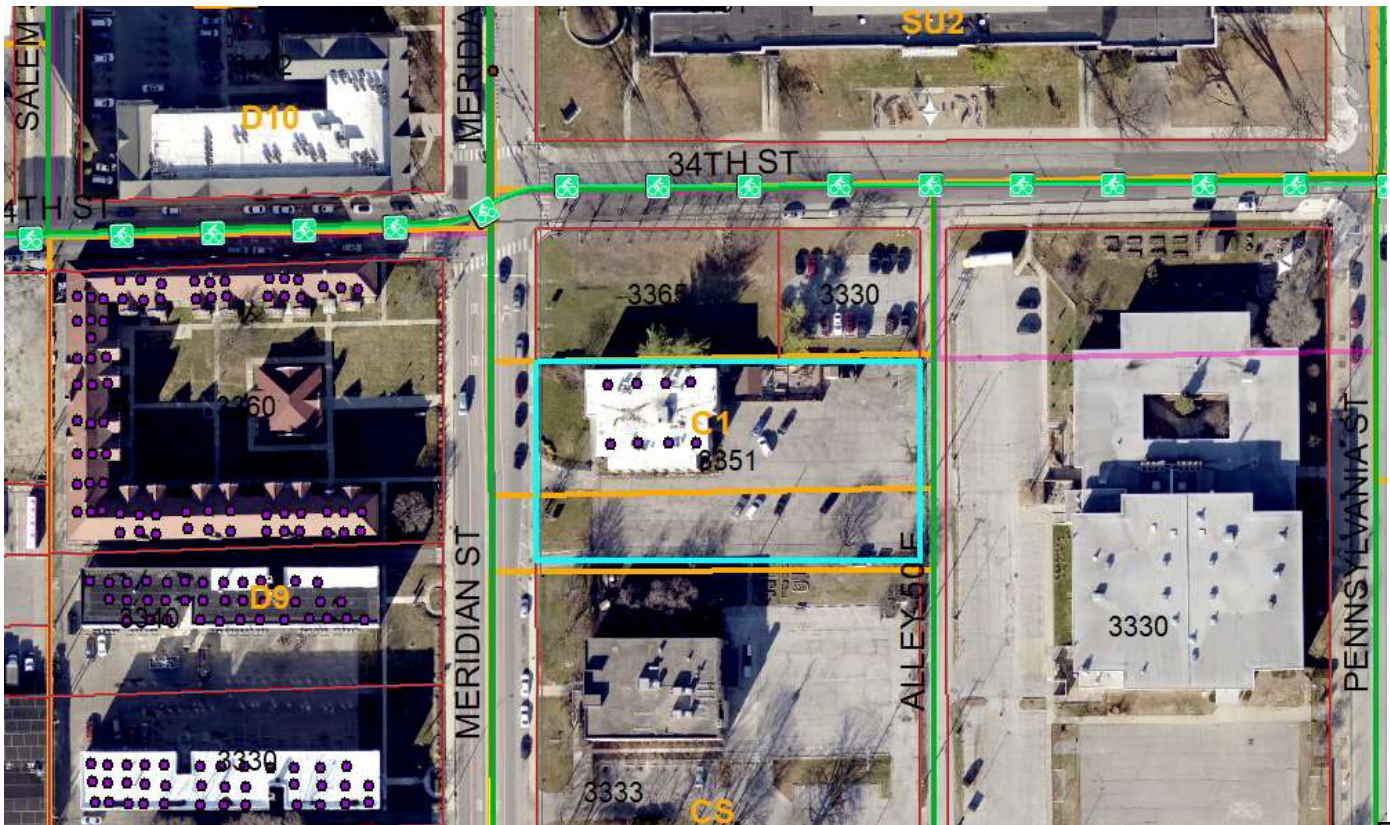
75-UV3-25; 3402 North Meridian Street (northwest of site), Variance of use, setback and development standards to erect a restaurant with signs, **denied**.

MI

2023-UV3-016; Location Map



2023-UV3-016; Aerial Map



SITE DATA

LOCATION: 3351 N MERIDIAN ST

DESCRIPTION: ATKINS & PERKINS
UNIVERSITY PLACE ADD LII & N 1/2 L30

SIZE: APPROX 43,350 SF

ZONING CLASS: C1/O9

BUILDING USE: TRANSITIONAL HOUSING
DENTAL OFFICE

BUILDING FOOTPRINT:
EXISTING - ±0.384 sf
ADDITION - ±4,000 sf

PARKING SPACES: 46

RESIDENTS

CURRENT	42
ADDITIONAL	15



PROPOSED SITE LAYOUT



ARCHITECT
WDi
A
ARCHITECTURE
WDI ARCHITECTURE, INC.
16 WEST 20TH STREET
BOCA RATON, FL 33433
P. 407.344.0400
F. 407.344.0100
www.WDiArchitecture.com



CLIENT

PROJECT
DOW RECOVERY HOUSE
EXPANSION AND RENOVATION
INDIANAPOLIS, IN

[illegible]

154

WILEY-INTERSCIENCE

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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Received 2008-09-01; accepted 2008-10-10

1850 1851 1852 1853 1854 1855 1856 1857 1858 1859 1860 1861 1862 1863 1864 1865 1866 1867 1868 1869 1870 1871 1872 1873 1874 1875 1876 1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668



↑ FIRST FLOOR - PRELIMINARY EXPANSION
OPTION B



↑ FIRST FLOOR - PRELIMINARY EXPANSION
OPTION B

- EXISTING STRUCTURE
- EXPANSION - APPROXIMATELY 8006 SF TOTAL BOTH FLOORS



Plan of Operation

3351 N. Meridian Street (the “Site”)

Proposed Use: Petitioner (“Dove House”) proposes to expand the existing building and the existing use (which was permitted by Case No. 2016-UV2-003) on the site to provide for transitional housing for women and to provide counseling therapy services to residents. A portion of the building and parking areas will also continue to be used as a dental office.

Additionally, once Dove House residents transition into independent living, such former residents may continue to receive therapy services at the facility. No detox services are offered. Children are permitted to visit their mothers at the facility.

Number of Residents: Maximum number of residents shall be 55 residents.

Security: The portion of the building occupied by Petitioner will remain locked at all times. The dental office will have a separate entrance to the building. Security lighting will be provided in parking areas and around the building.

Staff: At least one staff member will be on the site at all times (with different staff members being present for different shifts during the day).

Curfew: Curfew for all residents is 10:00 pm, unless the resident is working. Typically, the resident does not leave the site for the resident’s first 30 days at the facility.

Visitation: Residents may receive visitors from 1:00 pm – 6:00 pm on Saturdays and Sundays.

2016 Plan of Operation

Plan of Operation

Metropolitan Development

FEB 09 2016

Case No.: 2016-UV2-003

Approx. Address: 3351 N. Meridian Street (the "Site")

Division of Planning

Proposed Use: Petitioner ("Dove House") proposes to utilize a majority of the existing building on the Site for transitional housing for women and to provide counseling therapy services to residents. A portion of the building and parking areas will also continue to be used as a dental office.

Additionally, once Dove House residents transition into independent living, such former residents may continue to receive therapy services at the facility. No detox services are offered. Children are permitted to visit their mothers at the facility.

Number of Residents: Maximum number of residents shall be 42 residents.

Security: The portion of the existing building occupied by Petitioner will remain locked at all times. The dental office in the existing building will have a separate entrance to the building. Security lighting will be provided in parking areas and around the building.

Staff: At least one staff member will be on the site at all times (with different staff members being present for different shifts during the day).

Curfew: Curfew for all residents is 10:00 pm, unless the resident is working. Typically, the resident does not leave the site for the resident's first 30 days at the facility.

Visitation: Residents may receive visitors from 1:00 pm – 6:00 pm on Saturdays and Sundays.



Photo of the Subject Property: 3351 North Meridian Street



Photo of the existing building looking north.



Photo of the proposed location of the building addition.



Photo of the existing parking area looking east towards the alley.



Photo of the eastern property boundary.



Photo of the eastern property boundary.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-003 (Amended)
Address: 3146 and 3202 Arbor Street (approximate address)
Location: Perry Township, Council District #20
Zoning: D-4 (FF)
Petitioner: Jose Ariza
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor with outdoor storage and multiple commercial vehicles (not permitted, prohibited within the Floodway Fringe) with a parking area in the front yard greater than 30 feet in width (maximum 30-foot wide parking area permitted) and a six-foot fence within the front yard of Arbor Street and a four-foot fence in the front yard of Arbor Street and Murray Street, encroaching within the clear sight triangle of these intersecting streets (maximum 3.5-foot tall fence permitted in front yards, encroachment of clear sight triangle not permitted) and 336 square-foot garage with a three-foot rear setback (accessory structure not permitted without a primary structure and five-foot rear setback required).

This petition was automatically continued from the February 21, 2023 hearing to the March 21, 2023 hearing at the request of a registered neighborhood organization.

This petition was continued for cause from the March 21, 2023 hearing to the May 23, 2023 hearing at the request of the petitioner to allow additional time to amend the request and provide proper notice.

This petition was continued for cause from the May 23, 2023 hearing to the July 18, 2023 hearing to finalize changes to the request and provide proper notice.

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-4 Compact Commercial

(Continued)

STAFF REPORT 2023-UV3-003 (Continued)**SURROUNDING ZONING AND LAND USE**

North	D-4	Residential (Single-family dwelling)
South	D-4	Undeveloped
East	D-4	Undeveloped
West	D-4	Residential (Single-family dwellings)

COMPREHENSIVE PLAN The Comprehensive Plan recommends suburban neighborhood development.

- ◇ The approximate 0.96-acre six-parcel subject site is developed with an accessory structure and has outdoor storage of commercial vehicles and construction materials.
- ◇ The subject site is surrounded to the north and west by single-family dwellings, undeveloped residential parcels to the east and south and there appears to be a commercial building northwest of the site with an associated single-family dwelling.

VARIANCE OF USE

- ◇ The grant of the request would permit the operation of a commercial contractor with the parking of multiple commercial vehicles and the location of a detached garage on site.
- ◇ The purpose of the D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan.
- ◇ The use would be classified as a Commercial and Building Contractor, which is defined as an “establishment or activity that supplies materials and labor to fulfill work at a remote site and that work is typically a building trade or activity associated with the construction or maintenance of a physical building or structure. This definition includes uses such as contractors for awning; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; extermination/disinfection; fence; flooring; home remodeling; masonry/stonework/tile/setting; painting; pest control; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, lumber yards; swimming pool installation and services; home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services. This definition may include accessory offices for operation of the contracting business but does not include retail sales of goods to the public.
- ◇ Commercial and Building Contractors are only permitted in the C-5 and C-7 district, by special exception in the C-4 district, or in any industrial district since it is classified as a heavy commercial service in Table 743-1: Use Table.

(Continued)

STAFF REPORT 2023-UV3-003 (Continued)

- ◇ Commercial or industrial uses, when located on accurately zoned properties, require transitional yards to buffer such intense uses from protected districts which include dwellings and schools. In this instance, the proposed use would not be required to provide such buffer areas since the D-4 district is intended to be utilized for a variety of housing types. Therefore, the site provides insufficient screening to the surrounding dwelling districts, which staff finds concerning.
- ◇ Staff has concerns that the business could potentially expand with the additional storage of commercial vehicles and materials based on the availability of land that is covered with gravel and fenced in.
- ◇ The site is in the 100-year flood plain also categorized as the floodway fringe, specifically Zone AE. The purpose of the Floodway Fringe (FF) secondary zoning district is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas.
- ◇ It is the purpose of the Flood Control Secondary Zoning Districts to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
 4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
 6. Make federal flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.
- ◇ The storage of commercial vehicles is prohibited in the floodway fringe and staff would not support this intense use on the subject site the is environmentally sensitive.
- ◇ Lastly, the site would have a detached garage on site without a primary structure, which is not permitted.

VARIANCE OF USE FINDINGS OF FACT

- ◇ Staff finds that the grant would be injurious to the general welfare of the community since a commercial operation would attract additional traffic and unnecessary noise from the commercial vehicles on site.
- ◇ The use and value of the area adjacent to the property included in the variance would be adversely affected by the development of this proposed commercial use in the area by decreasing the desirability of the area for potential residents, largely due to the location of a heavy commercial use in a residential area.

(Continued)

STAFF REPORT 2023-UV3-003 (Continued)

- ◇ The need for the variance does not arise from a condition peculiar to the property in question because the sites could be developed residentially without the need for a variance.
- ◇ The strict application of the terms of the zoning ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought because the site is appropriately zoned residentially.
- ◇ Lastly, the proposed use would not align with the suburban neighborhood development recommendation of the Comprehensive Plan. In Staff's opinion, the request would represent a wholly inappropriate deviation from the Plan.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would permit an excessive parking area in the front yard, a detached garage with a three-foot rear setback and four-foot tall and six-foot tall fences in the front yard encroaching into the clear sight triangle.
- ◇ The D-4 district limits parking areas in the front yard to a maximum width of 30 feet. The proposal would have an approximate 212 wide parking area since the site plan notes that approximately half of the width of the lot would have a gravel surface area. The request would also have a three-foot rear setback where five feet is required for an accessory structure.
- ◇ Fences in the dwelling district are limited to 3.5 feet in the front yard or four feet if 30% opacity or less is met and six feet in the sides and rear yards. The request would allow for a four-foot-tall privacy fence along west Murray Street and along a portion of Arbor Avenue, which is not permitted. A six-foot tall gate would be proposed along Arbor Avenue and a six-foot tall fence would be located along the northern property boundary in the front yard.
- ◇ Staff would not support the encroachment in the clear sight triangle or proposed fence heights at this site since taller fences are meant to be more commercial in nature and that would not be appropriate in this residential neighborhood. The grant of the request would be injurious to the public safety of the community because the relocation of the fence outside of the clear sight triangles while meeting the height limitations of the Ordinance would provide the best opportunity for accident prevention in an area that does not have sidewalks for safe travel.
- ◇ The strict application of the terms of the Zoning Ordinance would not result in practical difficulty with the use of the site since residential development could be possible without requiring the development standards associated to a commercial use.
- ◇ For these reasons, staff is not supportive of the variance of development standards request.

GENERAL INFORMATION

THOROUGHFARE PLAN

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

(Continued)

STAFF REPORT 2023-UV3-003 (Continued)

FLOODWAY/FLOODWAY FRINGE	The eastern portion of this site is located in the 100-year floodplain of Highland Creek.
SITE PLAN	File-dated December 28, 2022.
AMENDED SITE PLAN	File-dated June 23, 2023.
PLAN OF OPERATION	File-dated January 26, 2023.
FINDINGS OF FACT	File-dated December 28, 2022.

ZONING HISTORY – SITE**EXISTING VIOLATIONS****1. VIO21-004938:**

- a. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Wood pallets, scrap metal, scrap wood and miscellaneous items throughout the property).
- b. The outdoor storage of inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Tires, box truck body and miscellaneous vehicle parts throughout the property).
- c. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder measuring more than 12 ft. in length, open trailer measuring 17 ft).
- d. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder measuring more than 12 ft. in length, closed trailer measuring 16 ft).
- e. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as a, Bobcat).
- f. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage of pallets of building material is not a permitted accessory use for a D-4 zoning district).
- g. Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (744-404.A.2.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).
- h. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.3. - Failure to obtain an Improvement Location Permit (ILP) for mini-barns or sheds exceeding 200 sq. ft.).
- i. Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Accessory uses or structures shall not be permitted on a lot prior to the erection of the primary building).

(Continued)

STAFF REPORT 2023-UV3-003 (Continued)**PREVIOUS CASES**

None.

ZONING HISTORY – VICINITY

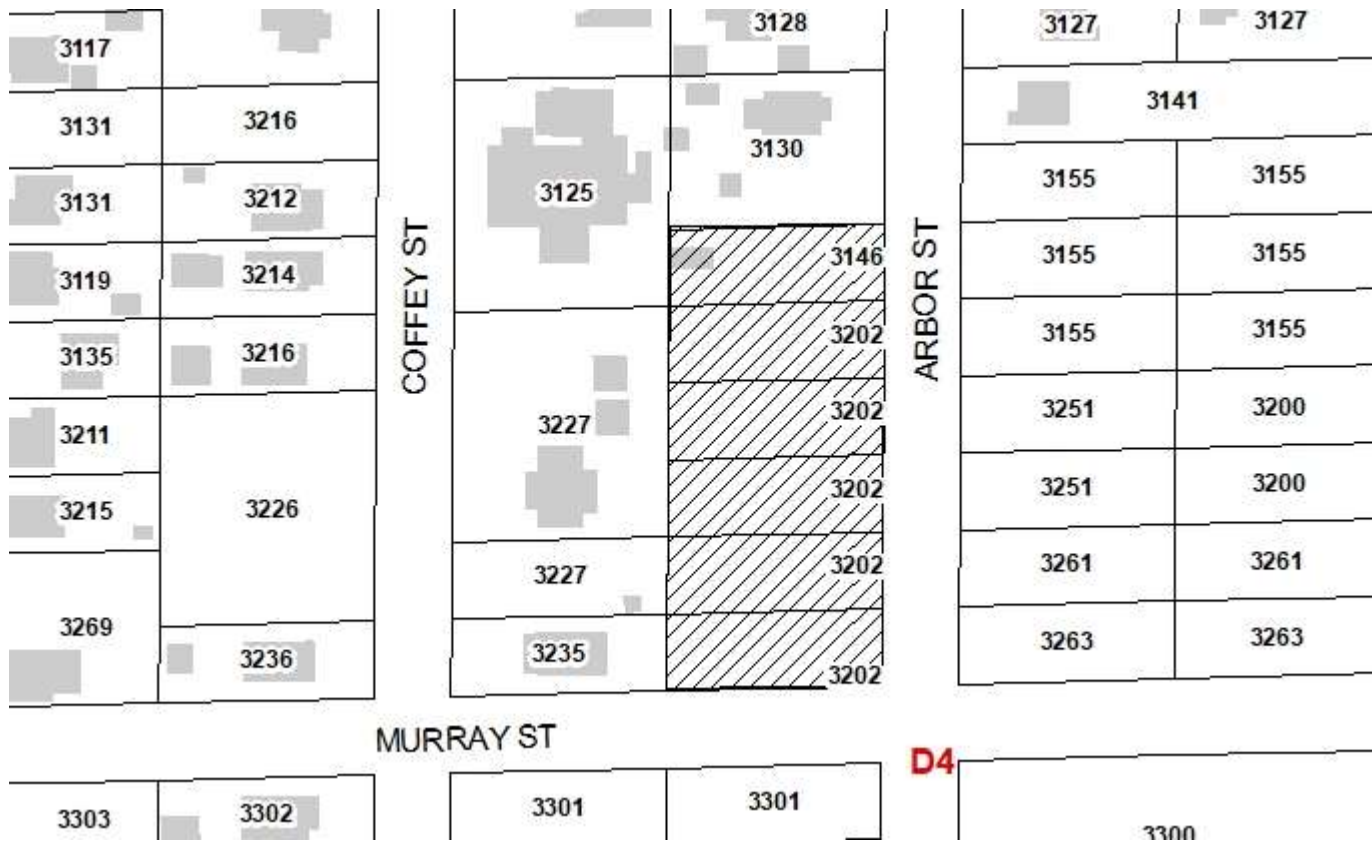
2001-DV2-068; 3304 Coffey Street (southwest of site), Variance of development standards of the Flood Control Districts Zoning Ordinance to legally establish a 24 by 36-foot, or 864 square foot accessory structure 10 feet below the base flood elevation (maximum accessory use area of 400 square feet permitted when not elevated above the base flood elevation), and the Dwelling Districts Zoning Ordinance to provide for the construction of 45 square foot breezeway resulting in 1,438 square feet of accessory use area, or 128% of the primary use of the lot (accessory use not permitted to exceed 99.9% of the total floor area of the primary use), **granted**.

92-UV2-118; 3306 South Chase Street (southwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to allow for the continued use of an existing mobile home (not permitted) for the care of the petitioner's aging parent and differently abled sibling, **granted**.

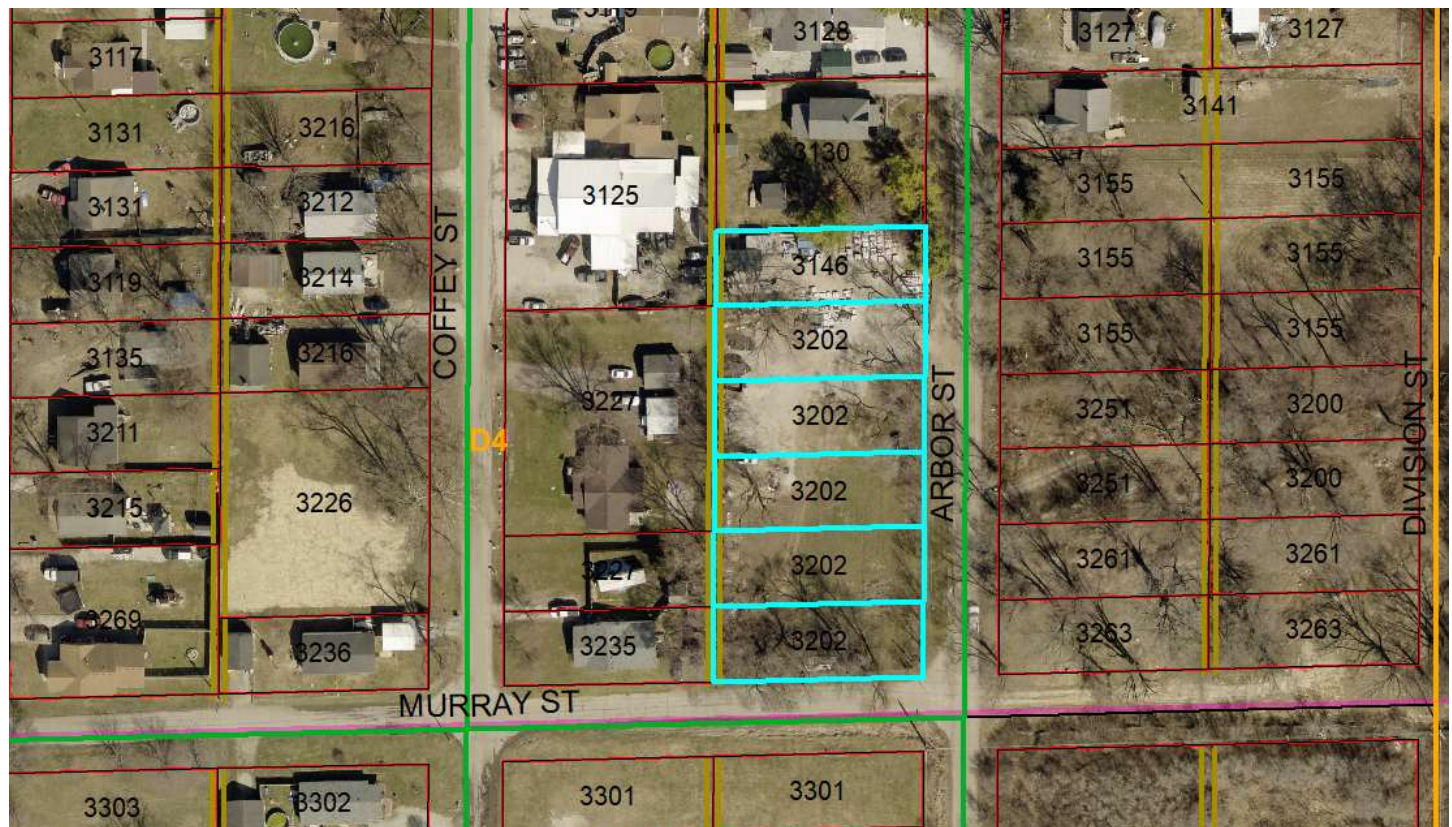
90-UV2-105; 3306 South Chase Street (southwest of site), Variance of use to permit the placement of a mobile home, **granted**.

85-UV1-84; 3331 Arbor Street (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3,200 square foot building to be used for storage of commercial trucks, minor repair, and maintenance of the trucks, **granted**.

MI



2023-UV3-003; Aerial Map





Plan of Operation

Currently at the property there is a total of 9 dump trailer, 3 diesel pickup trucks, and one Bobcat. The area where they are going to be parked and stored where there is gravel as shown in the site plan. There are no hours of operations or any employees. The reason why there is that amount of commercial vehicle is because I work in construction and roofing and need somewhere to store them.



Photo of 3202 Arbor Street and clear sight triangle encroachment.



Photo of the Subject Property: 3202 Arbor Street



Photo of the Subject Property: 3202 Arbor Street



Photo of the Subject Property: 3202 Arbor Street



Photo of the Subject Property: 3202 Arbor Street



Photo of the Subject Property: 3202 Arbor Street



Photo of 3146 Arbor Street and the four foot tall privacy fence in the front yard.



Photo of the northern property boundary with four-foot and six-foot privacy fence in the front yard.



Photo of the construction material stored on site.



Photo of the construction material stored on site and accessory structures.



Photo of the six-foot tall fences in the front yard of Murray Street.



Photo of the single-family dwelling west of the site at 3235 Coffey Street.



Photo of the single-family dwelling west of the site at 3227 Coffey Street.



Photo of what appears to be a commercial building northwest of the site at 3125 Coffey Street.



Single-family dwelling associated to the commercial building at 3125 Coffey Street.



Photo of the undeveloped lots south of the site.



Photo of the undeveloped lots east of the site.



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