



# Board of Zoning Appeals BZA Division II (January 9, 2024) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, January 09, 2024

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

## PETITIONS REQUESTING TO BE CONTINUED:

### 1. **2023-SE2-002 | 3210 Chief Lane**

Decatur Township, Council District #22, Zoned I-3  
Reagan Outdoor Advertising, by Jon Campbell

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 by a state agency, along a freeway within I-465 (not permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign, of which the relocated off-premise sign will have a height of no greater than 65-feet tall (maximum height of 40 feet permitted), a setback of five feet from Rand Road (20-foot setback required), within 50 feet from another outdoor advertising signs (1,000-feet of radial spacing required between signs), being located within 400 feet of the centerline of an Interstate Ramp (500-foot separation from interstate ramp entries required) and being located within no less than 148 feet from protected districts (300-foot separation from protected districts required).

**\*\*Automatic Continuance filed by Petitioner**

### 2. **2023-DV2-036 | 7508 Central Avenue**

Town of Meridian Hills, Washington Township, Council District #2, Zoned D-1  
John & Marcia Taylor, by Brian J. Tuohy

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 107.66-foot front yard setback from Central Avenue (114.25-foot front yard setback required).

**\*\*Automatic Continuance filed by a registered neighborhood organization**

### 3. **2023-DV2-038 | 8245 Allisonville Road**

Washington Township, Council District #3, Zoned C-4  
Raising Cane's Restaurants, LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment, with a drive through, including stacking and service units, within the front yard of East 82nd Street, with a 9.2 front yard setback (service units and stacking spaces not permitted)

along facades adjacent to public rights-of-way with a width greater than 30-feet or related front yards, minimum 10-foot setback required) and without the required screening and exclusive bypass aisle.

**\*\*Automatic Continuance filed by a City-County Councilor**

**4. 2023-UV2-014 | 35 East Morris Street**

Center Township, Council District #16, Zoned D-5  
Living Log Aquatic Services LLC, by Matthew Kerkhof

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with outdoor seating, storage and unscreened operations (not permitted, any outdoor operations must be screened), a 100-foot wide parking area within the front yard of Morris Street (parking within front yard limited to 30-foot in width) and a barbecue pit with a five-foot front yard setback from Charles Street, located in front of the primary building (minimum 20-foot front yard setback required, accessory structures not permitted within the front yard).

**\*\* Continuance requested by staff to February 13, 2024.**

**5. 2023-UV2-015 | 7069 Riverfront Avenue**

Washington Township, Council District #2, Zoned D-4 (FW)  
Linda Kelly, by Andrew Wert

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage within the floodway (prohibited), with a 12.5-foot front yard setback from Riverfront Avenue (20-foot front yard setback required).

**\*\*Withdrawal to be acknowledged.**

**Petitions for Public Hearing**

**PETITIONS TO BE EXPEDITED:**

**6. 2023-DV2-037 | 8120 Sycamore Road**

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

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

**7. 2023-UV2-017 | 1701 West 18th Street**

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

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

**PETITIONS FOR PUBLIC HEARING (Transferred Petitions):**

**8. 2023-SE2-001A | 2400 Roosevelt Avenue (Indecisive)**

Center Township, Council District #17, Zoned I-3  
Reagan Outdoor Advertising, by Michelle Noppenberger

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and SR-37 by a state agency, along a freeway within I-465 (not permitted).

**9. 2023-UV1-023 | 7217 Woodland Drive (Indecisive)**

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

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

**10. 2023-UV1-026 | 6524 Dover Road (Transferred)**

Washington Township, Council District #3, Zoned D-S  
Larry Rockafellow, by Melissa Iannucci

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the temporary location of an accessory building without a primary building (not permitted) and the construction of a single-family dwelling on a .60-acre, 120-foot wide lot (minimum 150-foot lot width and area of one acre required), resulting in a 33.5-foot aggregate side yard setback (35-foot aggregate required).

**PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**11. 2023-DV2-034 | 1949 Alvord Street**

Center Township, Council District #17, Zoned D-8  
Kathryn Ramseyer, by Melissa Iannucci

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a front building line of 26 feet (maximum 19.9-foot front building line permitted) and a detached garage with four-foot side yard setbacks (five-foot side yard setbacks required).

**12. 2023-DV2-035 | 5602 North Keystone Avenue**

Washington Township, Council District #9, Zoned C-4  
T5 Keystone LLC, by Timothy E. Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through with only one stacking space before the final component (two stacking spaces required) that faces a public right-of-way greater than 30-foot wide (not permitted).

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto: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-SE2-002 (Amended)  
**Address:** 3210 Chief Lane (approximate address)  
**Location:** Decatur Township, Council District #22  
**Zoning:** I-3  
**Petitioner:** Reagan Outdoor Advertising, by Jon Campbell  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 by a state agency, along a freeway within I-465 (not permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign, of which the relocated off-premise sign will have a height of no greater than 65-feet tall (maximum height of 40 feet permitted), a setback of five feet from Rand Road (20-foot setback required), being located within 400 feet of the centerline of an Interstate Ramp (500-foot separation from interstate ramp entries required) and being located within no less than 148 feet from protected districts (300-foot separation from protected districts required).

The petitioner has filed an automatic continuance, continuing this petition from the January 9, 2024, hearing, to the February 13, 2024, hearing.

RU

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**BOARD OF ZONING APPEALS DIVISION II**

**January 9, 2024**

**Case Number:** 2023-DV2-036

**Property Address:** 7508 Central Avenue (approximate address)  
Town of Meridian Hills

**Location:** Washington Township, Council District #2

**Petitioner:** John and Marcia Taylor, by Brian J. Tuohy

**Current Zoning:** D-1

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 107.66-foot front yard setback from Central Avenue (114.25-foot front yard setback required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff has no recommendation for the petition

**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

A timely automatic continuance was filed by a registered neighborhood organization, continuing this petition to the February 13, 2024 BZA II hearing, requiring the Board’s acknowledgement.

**STAFF RECOMMENDATION**

Staff has no recommendation for the petition.

**PETITION OVERVIEW**

This petition is to be continued to the February 13, 2024 BZA II hearing.

**STAFF REPORT**

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

**Case Number:** 2023-DV2-038  
**Address:** 8245 Allisonville Road (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** C-4  
**Petitioner:** Raising Cane’s Restaurants, LLC, by Joseph D. Calderon  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment, with a drive through, including stacking and service units, within the front yard of East 82<sup>nd</sup> Street, with a 9.2 front yard setback (service units and stacking spaces not permitted along facades adjacent to public rights-of-way with a width greater than 30-feet or related front yards, minimum 10-foot setback required) and without the required screening and exclusive bypass aisle.

City County Councilor Daniel Boots has filed an automatic continuance, **continuing this petition from the January 9, 2024, hearing, to the February 13, 2024, hearing.**

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**STAFF REPORT**

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

**Case Number:** 2023-UV2-014  
**Address:** 35 East Morris Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-5  
**Petitioner:** Living Log Aquatic Services, LLC, by Matthew Kerkhof  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with outdoor seating, storage and unscreened operations (not permitted, any outdoor operations must be screened), a 100-foot wide parking area within the front yard of Morris Street (parking within front yard limited to 30-foot in width) and a barbecue pit with a five-foot front yard setback from Charles Street, located in front of the primary building (minimum 20-foot front yard setback required, accessory structures not permitted within the front yard).

Staff requests a second **continuance from the January 9, 2024 hearing to the February 13, 2024 hearing** as additional time is needed to revise the site plan and petition.

At the November 21, 2023 hearing, the Board granted Staff's request for a continuance to the January 9, 2024 hearing to allow time to revise the site plan.

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**STAFF REPORT**

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

**Case Number:** 2023-UV2-015  
**Address:** 7069 Riverfront Avenue (approximate address)  
**Location:** Washington Township, Council District #2  
**Zoning:** D-4 (FW)  
**Petitioner:** Linda Kelly, by Andrew Wert  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage within the floodway (prohibited), with a 12.5-foot front yard setback from Riverfront Avenue (20-foot front yard setback required).

The petitioner has submitted a written request to withdraw the request.

This petition was continued for cause at the request of the petitioner from the November 21, 2023 hearing to the December 12, 2023 hearing, and from the December 12, 2023 hearing to the January 9, 2024 hearing.

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

**Case Number:** 2023DV2037

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

**Location:** Washington Township, Council District # 2

**Petitioner:** Matthew and Michelle Pheffer, by Jose Calderon

**Current Zoning:** D-S

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

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

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



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

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

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

**GENERAL INFORMATION**

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



<b>Thoroughfare Plan</b>		
Sycamore Street	Local Street	Existing ROW: 61' Prop ROW: 50'
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/11/2023	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/11/2023	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood living typology for this site.
- This site falls within the environmental overlay, which indicates that impact should be minimized on the natural environment and that development should preserve or add at least 30% of the parcel as tree canopy or naturalized area.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**



Department of Metropolitan Development  
Division of Planning  
Current Planning

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.
- The IHG recommends that front setbacks should match the context of the existing block and be built within existing setback ranges of adjacent properties. The newly proposed front setback would fall within the existing setback range of neighboring houses.
- The IHG indicates that for lots that do not meet current size requirements such as this one, the surrounding context could be used to dictate appropriate housing sizes.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

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

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

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

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

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

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

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

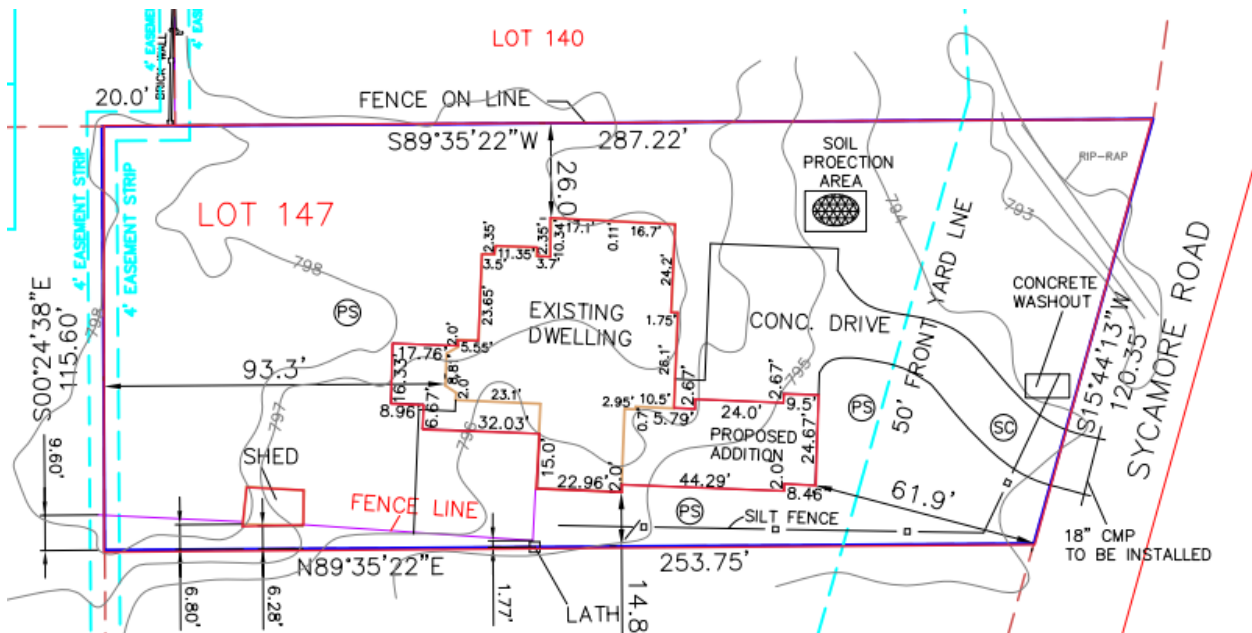
**71-P-95; 0 Southern Ave (north of site)**, approval of a preliminary plan of a subdivision plat to be known as PENNSYLVANIA HEIGHTS, dividing 3.50 acres into 18 lots, being in A-2 district, to be platted according to D-5 zoning requirements, **approved**.

**EXHIBITS**

**2023DV2037 ; Aerial Map**



**2023DV2037 ; Site Plan**





**2023DV2037 ; Findings of Fact**

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

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

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

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

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

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

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**2023DV2037 ; Pictures**



Photo 1: View of the Subject Site



Photo 2: Facing South







**BOARD OF ZONING APPEALS DIVISION II**

**January 9, 2024**

**Case Number:** 2023-UV2-017

**Property Address:** 1701 West 18<sup>th</sup> Street (approximate address)

**Location:** Center Township, Council District #11 (#12 Beginning 2024)

**Petitioner:** Joy’s Helping Hand Child Care, by Jamika J. Cooper

**Current Zoning:** I-1

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

**Current Land Use:** Commercial

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

**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

**PETITION OVERVIEW**

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



**GENERAL INFORMATION**

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

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Light Industrial working typology for this site.



**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site

**Infill Housing Guidelines**

- Not Applicable to the Site

**Indy Moves**

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

- Not Applicable to the Site



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

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

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

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

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

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

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





<p>2 JAN 2024          0240014</p> <p><b>D1.1</b>          COPYRIGHT 2023</p>	<p><b>SITE CONTEXT PLAN</b></p> 		<p><b>Joy's Helping Hands Day Care</b></p> <p>1701 West 18th Street          Indianapolis, IN 46202</p> <p><small>PRELIMINARY - NOT FOR CONSTRUCTION. APPROVAL, PERMITS OR CONSTRUCTION SHALL BE OBTAINED FROM THE CITY OF INDIANAPOLIS.</small></p>	<p><b>CD CARSON DESIGN ASSOCIATES</b></p>
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### Helping Children Reach for the Stars!

#### Plan of Operation:

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

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

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

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











**STAFF REPORT**

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

**Case Number:** 2023-SE2-001A  
**Address:** 2400 Roosevelt Avenue (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** I-3  
**Petitioner:** Reagan Outdoor Advertising, by Michelle Noppenberger  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and SR-37 by a state agency, along a freeway within I-465 (not permitted).

**ADDENDUM FOR JANUARY 9, 2024**

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

**December 12, 2023**

**RECOMMENDATIONS**

Staff **recommends approval** of the Special Exception request.

**SUMMARY OF ISSUES**

**LAND USE**

**EXISTING ZONING AND LAND USE**

Compact I-3 Commercial Contractor

**SURROUNDING ZONING AND LAND USE**

North D-5 Single-family residential / Interstate I-70  
South D-5 / I-3 Single-family residential / Undeveloped  
East I-3 Commercial contractor / Industrial uses  
West D-5 / SU-1 Single-family residential / Religious uses / Interstate I-70

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends light industrial uses for the site.

(Continued)

**SPECIAL EXCEPTION**

- ◇ An outdoor advertising off-premise sign is defined in the Ordinance as “A sign that directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. This limitation does not apply to the content of commercial messages.”
- ◇ The need for the special exception arises from a condition peculiar to the property involved because a road expansion project included West Thompson Road, and the expansion of SR-37/I-69 by INDOT would eliminate the sign’s existing location at 1720 W. Thompson Road on private property causing the relocation of the sign.
- ◇ Indiana Code 8-23-20-25.6 reads as follows:

*Sec. 25.6.*

*(a) As used in this section, “market area” means a point within the same county as the prior location of an outdoor advertising sign.*

*(b) This section applies only to an outdoor advertising sign located along the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991, or any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.*

*(c) If an outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway, the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may:*

- (1) elevate a conforming outdoor advertising sign; or*
- (2) relocate a conforming or nonconforming outdoor advertising sign to a point within the market area, if the new location of the outdoor advertising sign complies with the applicable spacing requirements and is located in land zoned for commercial or industrial purposes or unzoned areas used for commercial or industrial purposes.*

*(d) If within one (1) year of an action being filed under IC 32-34, an owner can demonstrate that the owner has made good faith efforts to relocate a conforming or nonconforming outdoor advertising sign to a conforming location within the market area, but the owner has not obtained a new conforming location, the outdoor advertising sign will be treated as if it cannot be relocated within the market area. Notwithstanding subsection (e) and IC 8-23-20.5, if an outdoor advertising sign cannot be elevated or relocated to a conforming location and elevation within the market area, the removal or relocation of the outdoor advertising sign constitutes a taking of a property interest and the owner must be compensated under section 27 of this chapter, Notwithstanding subsections (d) and (g), if a conforming outdoor advertising sign cannot be elevated or relocated within the market area, the removal or relocation of the conforming outdoor advertising sign constitutes a total taking of a real property interest, including the sign structure, and the owner must be compensated under section 27 of this chapter.*

(Continued)

*(e) The county or municipality, under IC 36-7-4, may, if necessary, provide for the elevation or relocation by ordinance for a special exception to the zoning ordinance of the county or municipality.*

*(f) The elevated outdoor advertising sign or outdoor advertising sign to be relocated, to the extent allowed by federal or state law, may be modified:*

- (1) to elevate the sign to make the entire advertising content of the sign visible; and*
- (2) to an angle to make the entire advertising content of the sign visible; and*
- (3) in size or material type, at the expense of:
  - (A) the owner, if the modification in size or material type of the outdoor advertising sign is by choice of the owner; or*
  - (B) the department, if the modification in size or material type of the outdoor advertising sign is required for the outdoor advertising sign to comply with IC 22-13.**

*(g) This section does not exempt an owner or operator of a sign from submitting to the department any application or fee required by law.*

*(h) At least twelve (12) months before the filing of an eminent domain action to acquire an outdoor advertising sign under IC 32-34, the department must provide written notice to the representative of the sign owner identified on the outdoor advertising sign permit that is on file with the Indiana Department of transportation that a project has been planned that may impact the outdoor advertising sign.*

*(i) If the agency fails to provide notice required by subsection (h) within (12) twelve months of an action being filed against an owner under IC 32-24, the owner may receive reasonable compensation for losses associated with the failure to receive timely notice. However, failure to send notice required by subsection (h) is not a basis of an objection to a proceeding under IC 32-23-1-8.*

- ◇ The current Zoning and Subdivision Ordinance does align with state code, which provides for a special exception to the zoning ordinance to allow for an elevation or relocation of the outdoor advertising sign if the sign must be moved or removed due to construction or highway widening.
- ◇ The owner has a government imposed practical difficulty due to a road expansion project that includes the sign's current location at 1720 W. Thompson Road, and the expansion of I-69 by INDOT, which would eliminate the sign's existing location on private property causing the relocation of the sign.
- ◇ State code notes that there should be the option to elevate the sign or relocate the sign but does not specify that both options must be granted. Since the widening of SR-37/I-69 is out of the petitioner's control, staff is supportive of the special exception request as proposed.

(Continued)

**STAFF REPORT 2023-SE2-001A (Continued)**

**GENERAL INFORMATION**

THOROUGHFARE PLAN

This portion of Roosevelt Avenue 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.

This portion of I-70 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a freeway, with a 340-foot to 480-foot existing right-of-way.

SITE PLAN

File-dated September 11, 2023.

ELEVATIONS

File-dated September 11, 2023.

FINDINGS OF FACT

File-dated September 11, 2023.

**ZONING HISTORY**

**2022-UV2-010; 2400 Roosevelt Avenue (subject site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 70-foot tall, 14-foot by 48-foot digital off-premise advertising sign, with an eight-foot setback from Interstate 70, within Interstate 465, within 100 feet of a protected district, adjacent to an exit roadway and to allow for digital messages to display for minimum of eight seconds, **withdrawn**.

**83-Z-69; 2408 Roosevelt Avenue (subject site)**, requested the rezoning of 3.53 acres, being in the D-5 and C-3 districts, to I-3-U classification to provide for the Rural/I-70 Industrial Park Phase II Urban Renewal Plan, **approved**.

**98-Z-210; 2411 Roosevelt Avenue and 18 other addresses (south of site)**, requested the rezoning of 6.6 acres, being in the D-5 and C-3 Districts, to the I-3 classification to provide for medium industrial uses, **approved**.

**87-HOV-109; 2503 Bloyd Avenue (northeast of site)**, requested a variance of development standards to provide for the development of the subject site without the required public street frontage, **granted**.

**86-HOV-29; 2502 Roosevelt Avenue (east of site)**, requested a variance of development standards to provide for the development of the subject site without the required public street frontage, **granted**.

**84-HOV-66; 2507 Roosevelt Avenue (south of site)**, requested a variance of development standards to provide for an additional to an existing manufacturing facility within the required front yard setback with no landscaping in the front yard, and with loading maneuvering encroaching into the right-of-way, **granted**.

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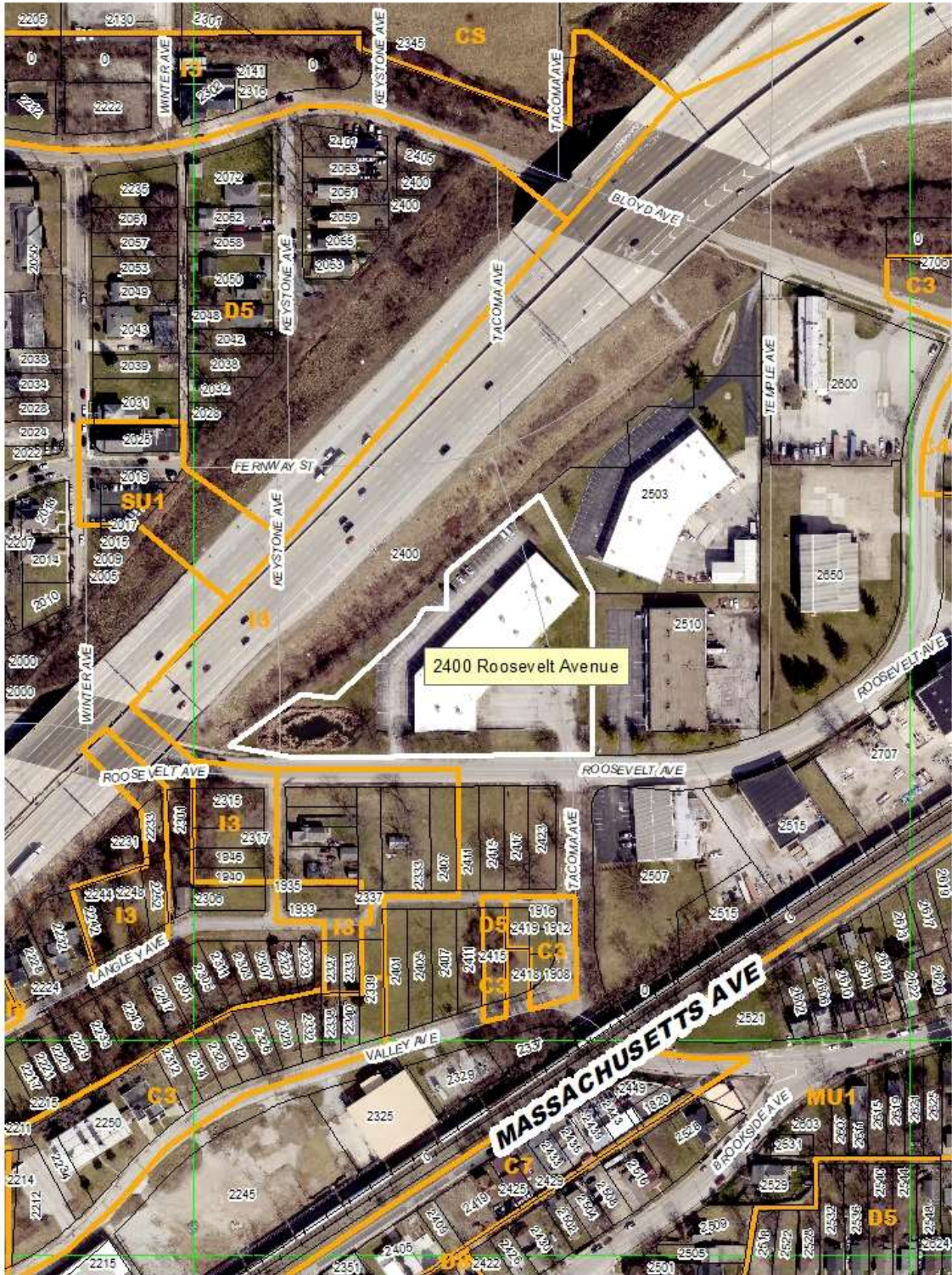






Photo of subject site, looking northwest.



Photo of subject site, proposed sign relocation area, looking north.



Photo of subject site, proposed sign relocation area, looking west.



Photo of adjacent Interstate I-70 elevation, looking north



Photo of adjacent protected district to the south.



Photo of adjacent commercial contractor use to the east, looking north.

**STAFF REPORT**

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

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

**ADDENDUM**

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

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

**RECOMMENDATIONS**

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

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

**EXISTING ZONING AND LAND USE**

C-4 Metro Community-Regional Commercial (vacant restaurant)

**SURROUNDING ZONING AND LAND USE**

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

**COMPREHENSIVE PLAN** The Comprehensive Plan recommends Community Commercial development.

(Continued)

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

**VARIANCE OF USE**

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

**VARIANCE OF USE FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

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

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

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

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

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

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

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

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

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

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

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

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

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

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



**GENERAL INFORMATION**

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

**ZONING HISTORY – SITE**

EXISTING VIOLATIONS: None

PREVIOUS CASES

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

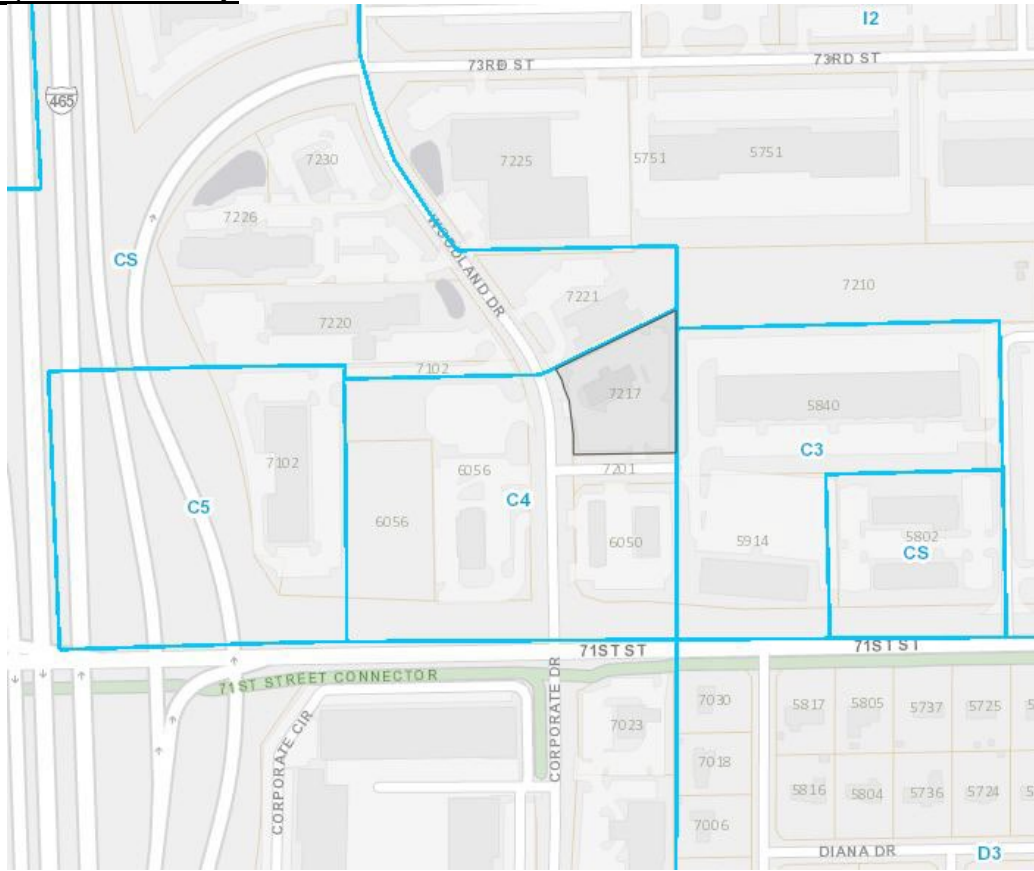
**ZONING HISTORY – VICINITY**

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

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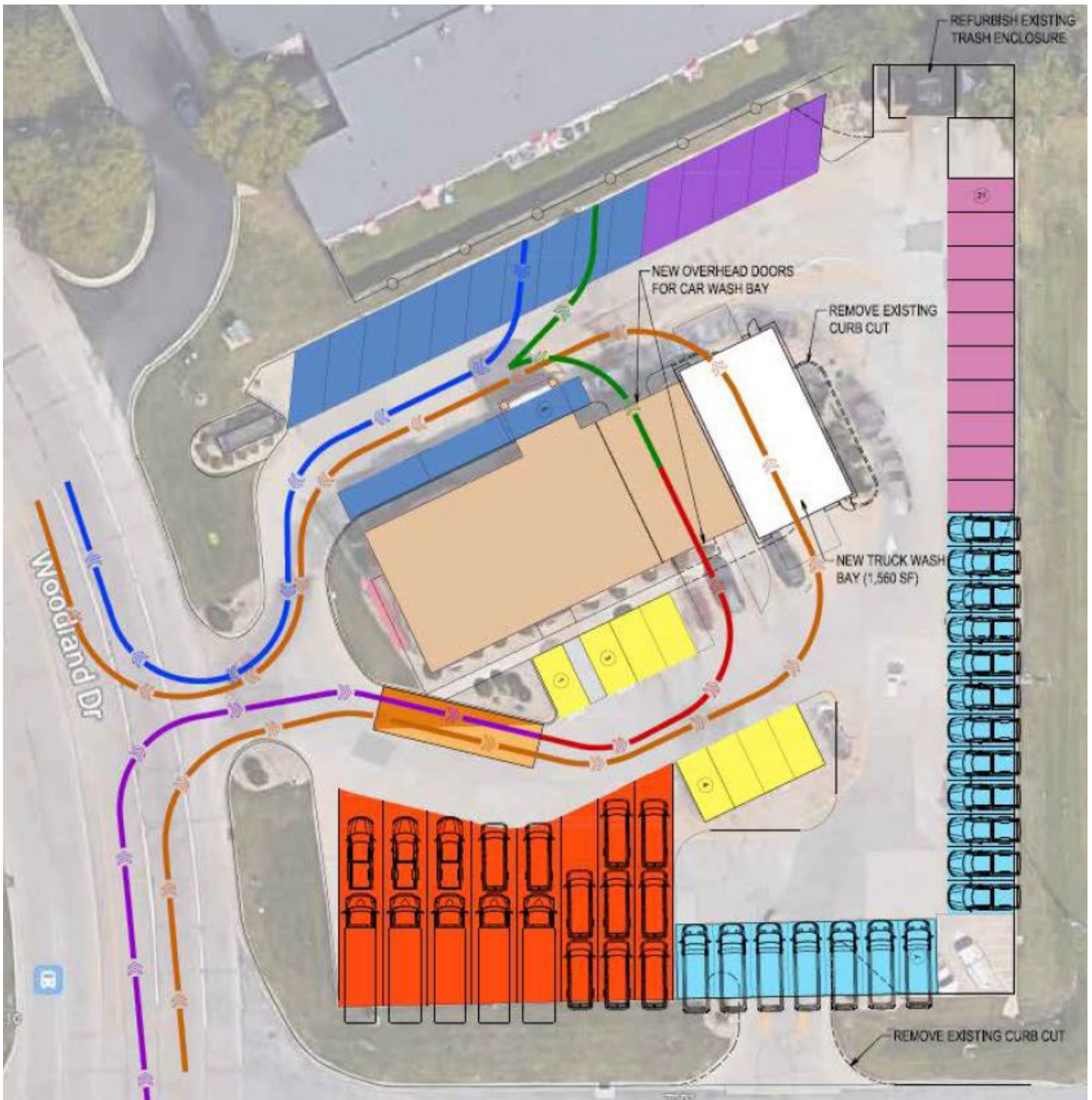
**2023-UV1-023; Location Map**



**2023-UV1-023; Aerial Map**



(Continued)



(Continued)



Photo of the Subject Property, view from north



Photo of the Subject Property, view from south

(Continued)



View of north neighbor site (child day care)



View south (Woodland Dr/71<sup>st</sup> St)

(Continued)



View west from site



Industrial site north of subject site

**STAFF REPORT**

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

**Case Number:** 2023-UV1-026  
**Address:** 6524 Dover Road (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** D-S  
**Petitioner:** Larry Rockafellow, by Melissa Iannucci  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the temporary location of an accessory building without a primary building (not permitted) and the construction of a single-family dwelling on a .60-acre, 120-foot-wide lot (minimum 150-foot lot width and area of one acre required), resulting in a 33.5-foot aggregate side yard setback (35-foot aggregate required).

**January 9, 2024**

This petition was automatically continued and transferred from the December 5, 2023 hearing to the January 9, 2024 hearing.

**December 5, 2023**

**RECOMMENDATIONS**

Staff **recommends approval** of the request.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

**EXISTING ZONING AND LAND USE**

D-S	Metro	Residential accessory garage (no primary structure)
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**SURROUNDING ZONING AND LAND USE**

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

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Suburban Neighborhood development.

- ◇ The subject site is a 0.60-acre, 120-foot-wide lot, developed with a residential accessory structure (no primary structure). The site is part of a single-family residential development in the Allisonville neighborhood.

(Continued)

**STAFF REPORT 2023-UV1-026 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for the temporary location of an accessory building without a primary building, and the construction of a single-family dwelling on a 0.60-acre, 120-foot-wide lot, resulting in a 33.5-foot aggregate side yard setback.
- ◇ The accessory structure is an existing garage that was permitted in 1987; at that time, the subject parcel was combined with the parcel to the south. A prior variance permitted the accessory structure to be on its own lot without a primary structure, on a 0.689-acre lot with a 120-foot width per 2007-UV1-025. Staff had recommended denial of the request. The Board of Zoning Appeals granted the variance subject to commitments proposed by the petitioner, Instrument No.2008-0004273. Commitment #1 of the prior variance state that the variance would expire in 2012, and the petitioner would sell the parcel to an adjacent property.
- ◇ Staff typically would not support a variance of use to permit an accessory structure without a primary structure; however, this is an existing condition created by a prior variance approval. Staff would not be opposed where the existing site conditions of the site create a practical difficulty. Staff would also note that this portion of the request is temporary and dependent on the grant of variance to allow construction of a primary dwelling.
- ◇ This request would legally establish a non-compliant lot with 0.60 acres where one acre minimum is required, and 120-feet wide where a 150-foot-width is required. The ordinance allows development for single-family dwellings on lots with less than the minimum area and width if the lot was recorded prior to December 20, 1989 per Section 744-202.C. The subject parcel was created in 2004 and is therefore ineligible for this exception; however, the property exists in non-compliance and would be undevelopable for a primary dwelling without the grant of a variance. The strict application of the ordinance would result in practical difficulty for the use of this property. Staff would support a variance for reduced lot size and width where there is a practical difficulty related to an otherwise permitted primary use.
- ◇ Staff would note that there are examples of lots in the vicinity with less than one acre; multiple lots that front on Dover Road one block to the south are approximately 0.6 acre or smaller.
- ◇ The proposed dwelling would create an aggregate of 33.5 feet where 35 feet is required. Staff would note that each structure, existing and proposed, would meet the required side setbacks and aggregate individually, as shown on the site plan. This request would only reduce the aggregate setback by 1.5 feet. Staff would not oppose a slight reduction to the aggregate setback where the setbacks are otherwise compliant.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

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

**SITE PLAN**

File-dated October 16, 2023

**FINDINGS OF FACT (DEVELOPMENT STANDARDS)**

File dated October 16, 2023

**FINDINGS OF FACT (USE)**

File-dated November 13, 2023

(Continued)



**STAFF REPORT 2023-UV1-026 (Continued)****ZONING HISTORY – SITE**

**2007-UV1-025**, variance to legally establish a 1,536-square foot detached accessory building and accessory uses on a lot without a primary use, on a 0.6-acre lot, with a 120-foot lot width, **approved**.

**ZONING HISTORY -- VICINITY**

**2017-DV2-001, 6450 Allisonville Road**, variance to provide for an 8.33-foot-tall freestanding sign within approximately 50 feet of a dwelling district, **approved**.

**2012-DV3-011, 6735 Dover Road**, variance to provide for a 1,680-square foot, 17.5-foot-tall pole barn, with a 448-square foot porch, creating an accessory building area of 2,240 square feet or 106.46% of the main floor area of the primary dwelling and an accessory use area of 3,466 square feet or 164.7% of the total floor area of the primary dwelling, **approved**.

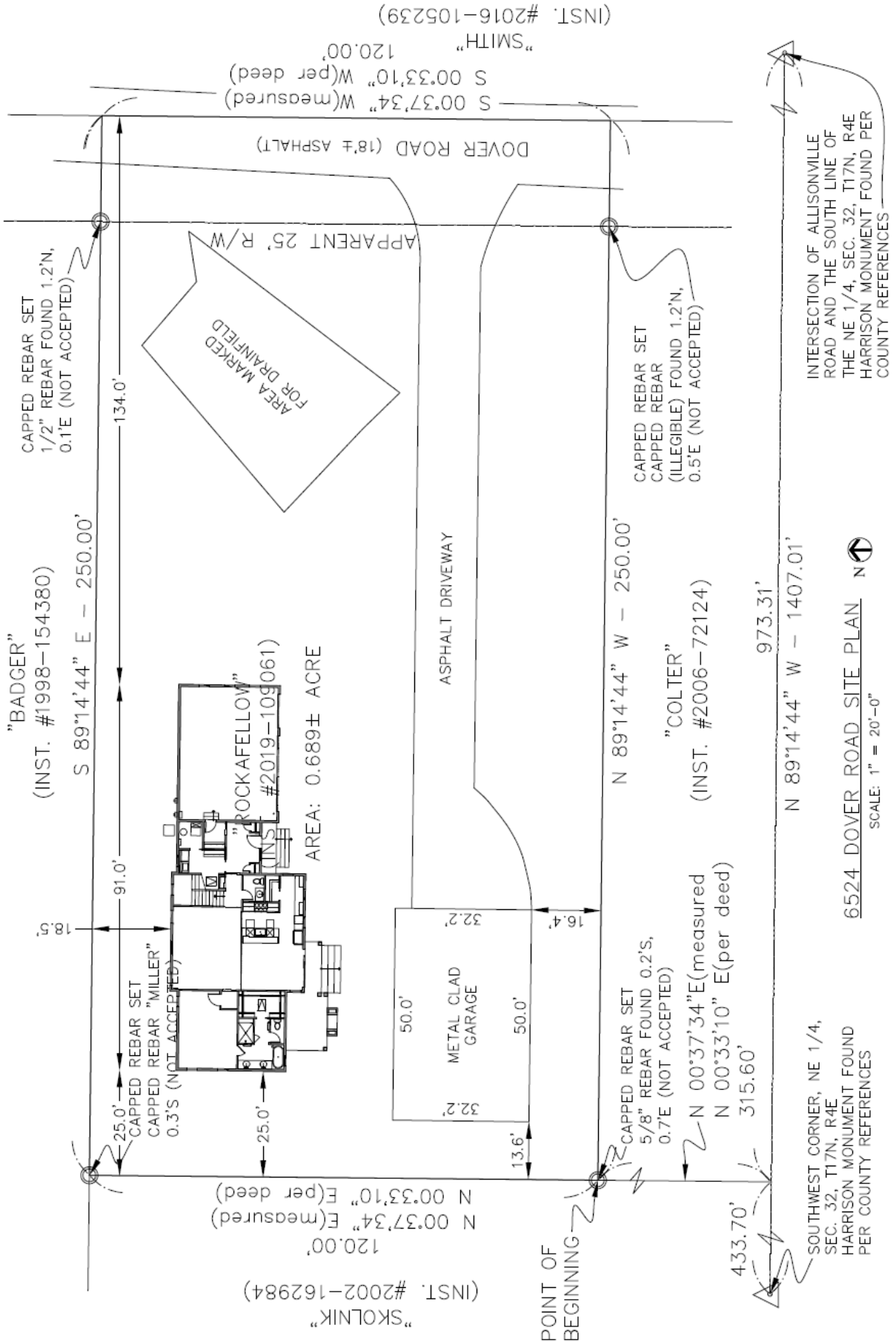
**2001-SE1-007, 4321 East 65<sup>th</sup> Street**, special exception to provide for religious uses, including associate pastor's residence, church meetings, and Sunday school in the D-2 district, **approved**.

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**2023-UV1-026; Aerial Map**

**2023-UV1-026; Site Plan**



6524 DOVER ROAD SITE PLAN  
SCALE: 1" = 20'-0"

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

while this is a non-conforming lot, it is not particularly unusual to this zoning district. On Dover Road, just south of 65th street, there are several lots around this size and at least two that are even smaller (6420 and 6424 Dover Road).  
Before the lot was split from the property to the south, an accessory structure was built on the property and thus has always existed on this lot.  
Building a single family home on it will create further continuity in the neighborhood.

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

the proposed single family home that would occupy the lot will be of a much higher price per square foot value than its' neighbors (due to its' smaller size) and thus add to the overall value of the neighborhood. The design fits within the confines of allowable covered space of this smaller lot.

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

the City allowed for an illegal property to be created in 2007 to a prior property owner. The current owner has attempted to sell the lot to both the property owner to the north and the property owner to the south for what he paid for the lot without success.

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

The current owner has since been told the lot is not in compliance and thus he must either sell the property or build a single family home on it. He is attempting to sell the lot to an owner who will build a single family home.

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

numerous non-conforming lots exist in the surrounding properties and the proposed single family home fits the intent of the D-S zoning.

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 lot was established in 2007 and has existed without problem since then.

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

the proposed single family home that would occupy the lot will be of a much higher price per square foot value than its' neighbors and thus add to the overall value of the neighborhood.

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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 was created by separating it from a larger parcel into two parcels with two different owners. There is no other land available to create the minimum one acre plot or meet the minimum lot frontage. Without a variance, this lot will remain with only an accessory building built on it.

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**2023-UV1-026; Photographs**



Subject frontage, looking north on Dover Road



Site viewed from Dover Road, looking west. Existing garage shown left. Adjacent (north) property shown right.



Site frontage, looking south on Dover Road



Adjacent property south of site



East of site



Southeast of site

STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-DV2-034  
**Address:** 1949 Alvord Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8  
**Petitioner:** Kathryn Ramseyer, by Melissa Iannucci  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a front building line of 26 feet (maximum 19.9-foot front building line permitted) and a detached garage with four-foot side yard setbacks (five-foot side yard setbacks required).

January 9, 2024

This petition was continued for cause at the request of the petitioner from the December 12, 2023 hearing to the January 9, 2024 hearing to allow for discussion with remonstrators. No new information has been provided.

December 12, 2023

RECOMMENDATIONS

Staff **recommends approval** of the request to provide for construction of a single-family dwelling with a front building line of 26 feet.

Staff **recommends denial** of the request to provide for construction of a detached garage with four-foot side setbacks.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

**LAND USE**

EXISTING ZONING AND LAND USE

D-8            Compact        Single-Family residential

SURROUNDING ZONING AND LAND USE

North        D-8            Single-Family residential  
South        D-8            Single-Family residential  
East         D-8            Single-Family residential  
West         D-8            Undeveloped (Townhomes proposed)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development

- ◇ The subject site is a 5,600-square foot lot with a 40-foot lot width. A single-family dwelling is under construction at this site. This site is within the Monon and 16<sup>th</sup> Redevelopment Area in the Martindale-Brightwood neighborhood.

(Continued)



**STAFF REPORT 2023-DV2-034 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a single-family dwelling with a 26-foot front building line where a maximum of 19.9 feet is permitted, and a detached garage with four-foot side yard setbacks where a five-foot setback is required.
- ◇ The frontage standards in Sec. 744-701 for the walkable neighborhood districts are either terrace or neighborhood frontages. The terrace frontage typically applies to the D-8 district, but the neighborhood frontage may apply where the context of the block establishes larger frontages as the predominant pattern (more than 50 percent of properties). The terrace frontage requires a 10 to 19.9-foot front setback, and the neighborhood frontage requires a 20 to 50-foot front setback. The front building line is determined by the exterior wall closest to the front property line.
- ◇ A permit was issued for this site based on the neighborhood frontage requirement as established by the adjacent properties; however, staff believes there is some ambiguity of interpretation based on the context of the block. Staff suggests that this variance should remain in the request to avoid any confusion for compliance, and staff is recommending approval of the increased front building line of 26 feet.
- ◇ The existing lot is 40 feet wide. The ordinance requires five-foot side setbacks, which would allow this property to construct a garage up to 30 feet wide. The proposed garage would be 32 feet wide and have three bays. The ordinance requires one off-street parking space per dwelling unit. Staff would suggest that the proposed garage width could be reduced, and it would still exceed the minimum parking requirements. Staff does not believe there is a practical difficulty in meeting the ordinance and is recommending denial for the reduced side yards.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

Alvord Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 62-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated November 1, 2023

**FINDINGS OF FACT**

File-dated November 1, 2023

**ZONING HISTORY – VICINITY**

**2023-PLT-096, 1902 and 1960 Alvord Street**, approval of a plat to be known as Alvord Street Townhomes, **approved**.

**2022-ZON-059 / 2022VAR004, 1902 Alvord Street**, rezoning of 1.38 acre from the MU-1 district to the D-8 district, variance to provide for a townhome development with lots ranging from 1,074 square feet to 1,091 square feet, with a 10-foot west rear setback, and with a main floor area ranging from 406 to 466 square feet, **approved**.

**2018CZN866 / 2018CPL866, 1932 Yandes Street**, rezoning of 1.04 acres from the D-8 and C-1 districts to the D-8 district, approval of a plat to be known as Yandes Homes Subdivision, **approved**.

**2011-ZON-077, 1902 Alvord Street**, rezoning of 2 acres from the I-3-U district to the C-2 district (MU-1), **approved**.

(Continued)

**STAFF REPORT 2023-DV2-034 (Continued)**

**2011-DV1-048, 1902 Alvord Street**, variance to provide for deficient major livability space, **approved**.

**2006-ZON-111, 1928, 1932, 1940, 1944, & 1946 Yandes Street**, rezoning of 0.642 acre from the SU-1 district to the D-8 district, **approved**.

**82-Z-105, 1930, 1934, & 1940 through 1960 Yandes Street, and 1955 through 1959 Alvord Street**, rezoning of 1.29 acres from the D-8 and C-1 district to the SU-1 district, **approved**.

**74-UV1-92, 1902 Alvord Street**, requested a variance of use to provide for the outdoor storage and repair of wrecking equipment and an office, and a variance of development standards for a fence with excess height, **denied**.

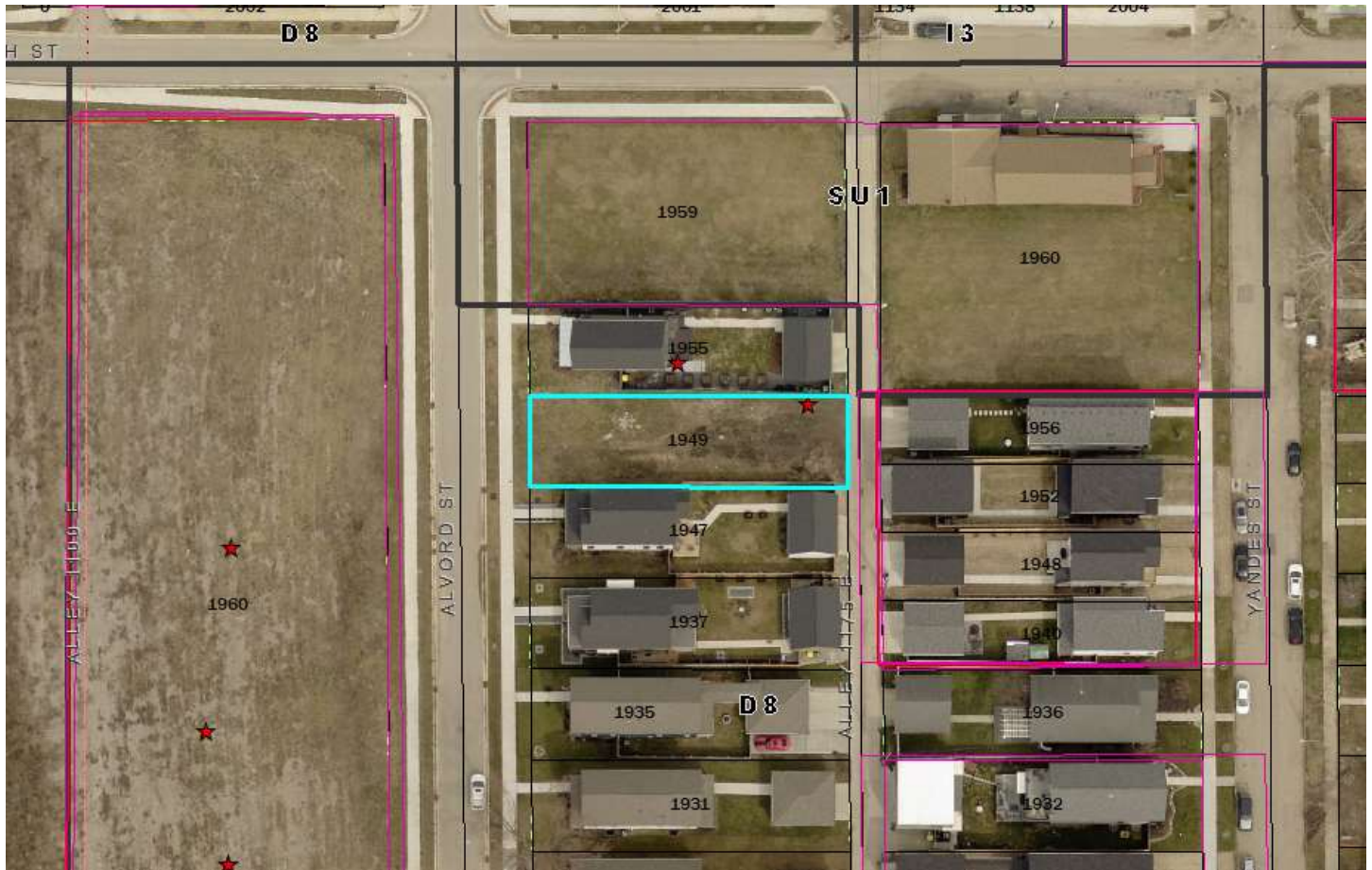
**73-UV2-64, 1902 Alvord Street**, requested a variance of use to provide for the outdoor storage and repair of wrecking equipment and an office, and a variance of development standards for a fence with excess height, **approved for a period of one year**.

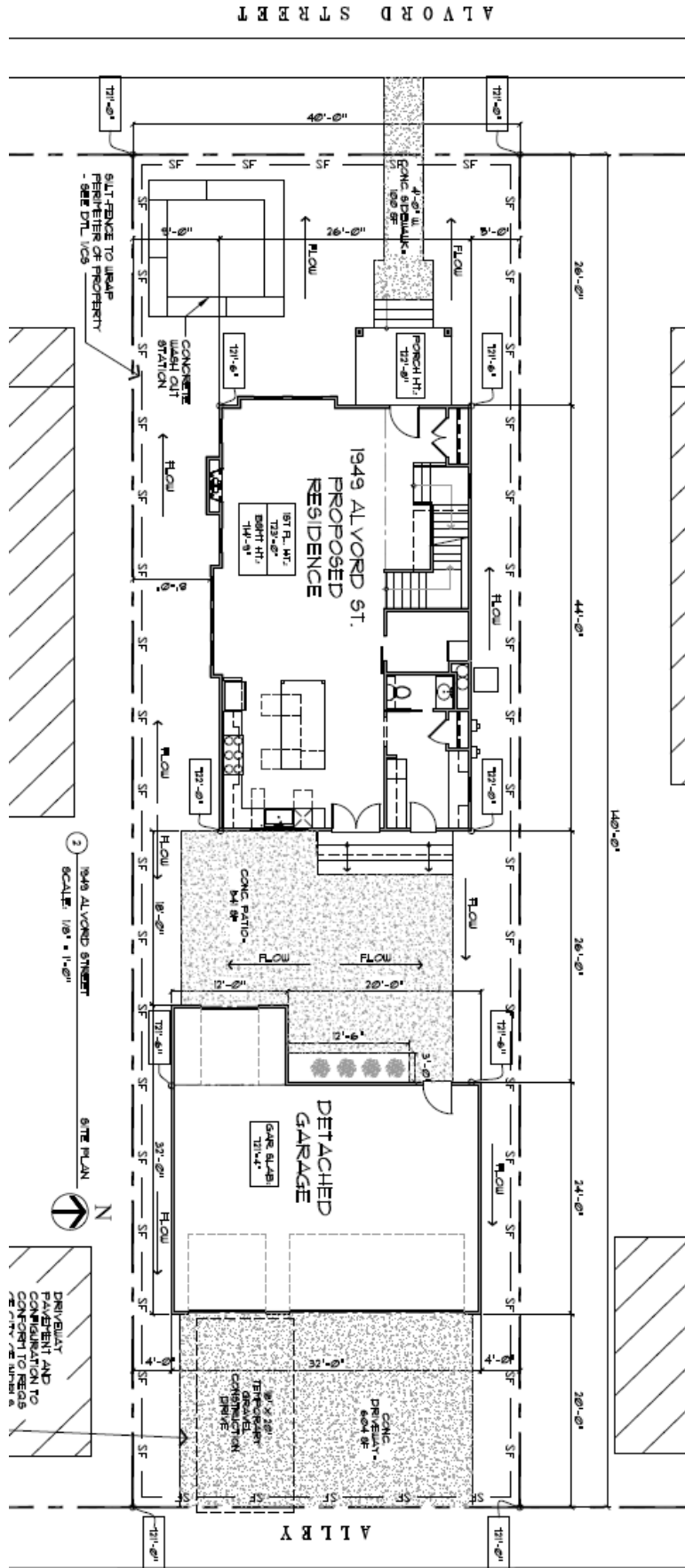
**50-V-239, 1955 Alvord Street**, variance to provide for a heat-treating business, **dismissed**.

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**2023-DV2-034; Aerial Map**





**2023-DV2-034; 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:

4'-0" setbacks are quite common in D8 zoning.

- For lots of 5,000 sf or less, only a 3'-0" setback is required. This lot is only 5,600 sf.

- In the historic districts of HMP and the ONS, a 4' setback on the garage is quite typical, even for lots larger than 5,600sf.

- Until 2021, the standard side yard setback for D8 was 4'-0" so anything built prior to 2021 is likely to have a similar setback

- Attached are some examples of 4' setbacks in the surrounding properties.

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 adjacent garages on either side are not so close to the property as to cause any sort of access issues. Furthermore, 4'-0" of clearance on 1949 Alvord, still allows for plenty of access on all sides of the garage. Finally, 4'-0" setbacks are a common occurrence in D8 zoning and even in the surrounding properties. Examples are attached and listed below.

1. 2001 Alvord: Garage and attached deck to house are 4'-0" from the south lot line.

2. 2005 Alvord: House bumpout @ stair is 4'-0" from the north lot line.

3. 1932 Yandes: Carriage house is 4'-0" from the property line.

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

The garage is not atypical to the neighborhood and is simply in keeping with neighboring properties.

**2023-DV2-034; Photographs**



Subject site front yard



View of properties on Alvord Street frontage



Subject site rear yard viewed from the alley

**STAFF REPORT**

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

**Case Number:** 2023-DV2-035 (Amended)  
**Address:** 5602 North Keystone Avenue (approximate address)  
**Location:** Washington Township, Council District #9  
**Zoning:** C-4  
**Petitioner:** T5 Keystone LLC, by Timothy E. Ochs  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through with only one stacking space before the final component (two stacking spaces required) that faces a public right-of-way greater than 30-foot wide (not permitted).

**ADDENDUM FOR JANUARY 9, 2024**

This petition was continued from the December 12, 2023, hearing, to the January 9, 2024, hearing at the request of the petitioner.

**December 12, 2023**

**RECOMMENDATIONS**

Staff **recommends denial** of this petition.

**Amended Petition:** This petition was amended to change the stacking space requirement from four stacking spaces required, to two stacking spaces required. Additional notice would not be needed, as the amended request would deviate less from the Ordinance than the original notice.

**SUMMARY OF ISSUES**

**LAND USE**

**EXISTING ZONING AND LAND USE**

C-4 Community Commercial

**SURROUNDING ZONING AND LAND USE**

North - C-4 / D-5 Commercial Contractor  
South - C-5 Integrated Commercial Center  
East - C-3 Commercial Retail uses  
West - D-5 Single-family dwellings

**COMPREHENSIVE PLAN**

The Comprehensive plan recommends community commercial uses for the site.

(Continued)

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The petitioner proposes to demolish and replace the existing structure, with a quick service oil change facility designed with a drive-through with only one stacking space before the final component that faces a public right-of-way greater than 30-foot wide.
- ◇ The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility that has a drive-through service unit.
- ◇ With the lack of the required stacking spaces and the proximity of the final component facing a public right-of-way, traffic at this site is likely to result in congestion and vehicular conflict.
- ◇ The proposed oil change facility with a drive-through with only one stacking space before the final component that faces a public right-of-way is a design component of the petitioner that is proposing the development, and not reflective of any requirement or difficulty imposed on the site, as the site was previously developed with and can still be developed with C-4 uses that are Ordinance compliant without the need for any variances.
- ◇ The petitioner’s findings of fact indicate that the practical difficulty in the use of the property does in fact result from the components of the drive through experience and are part of the overall design of the facility, and any changes to the design of the facility would be a practical difficulty.
- ◇ Staff disagrees, in that the petitioner did not do their due diligence in finding a site that accommodates their proposed design for a complete facility without the need for variances. Staff believes that since this is new construction, and not the reuse of the previous building, that the design of the new construction should relate to the site in meeting the Ordinance standards.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the proposed design of the facility or development. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This site would consist of new construction that could be designed to meet the terms of the Ordinance, but the petitioner has decided not to follow the Ordinance for their specific design. Therefore, Staff does recommend denial of the request as proposed.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	This section of North Keystone is classified on the Official Thoroughfare Plan as a primary arterial with a 98-foot existing right -of-way and a 104-foot proposed right-of-way  This section of East 56 <sup>th</sup> Street is classified on the Official Thoroughfare Plan.as a local street with a 70-foot existing and proposed right-of-way
SITE PLAN	File-dated November 8, 2023
FINDINGS OF FACT	File-dated November 8, 2023 (Continued)



**STAFF REPORT 2023-DV2-035 (Continued)****ZONING HISTORY**

**2018-ZON-065; 5581 North Keystone Avenue (southeast of site)**, requested the rezoning of 0.3 acre from the D-4 (W-5) district to the C-4 (W-5) classification, **approved**.

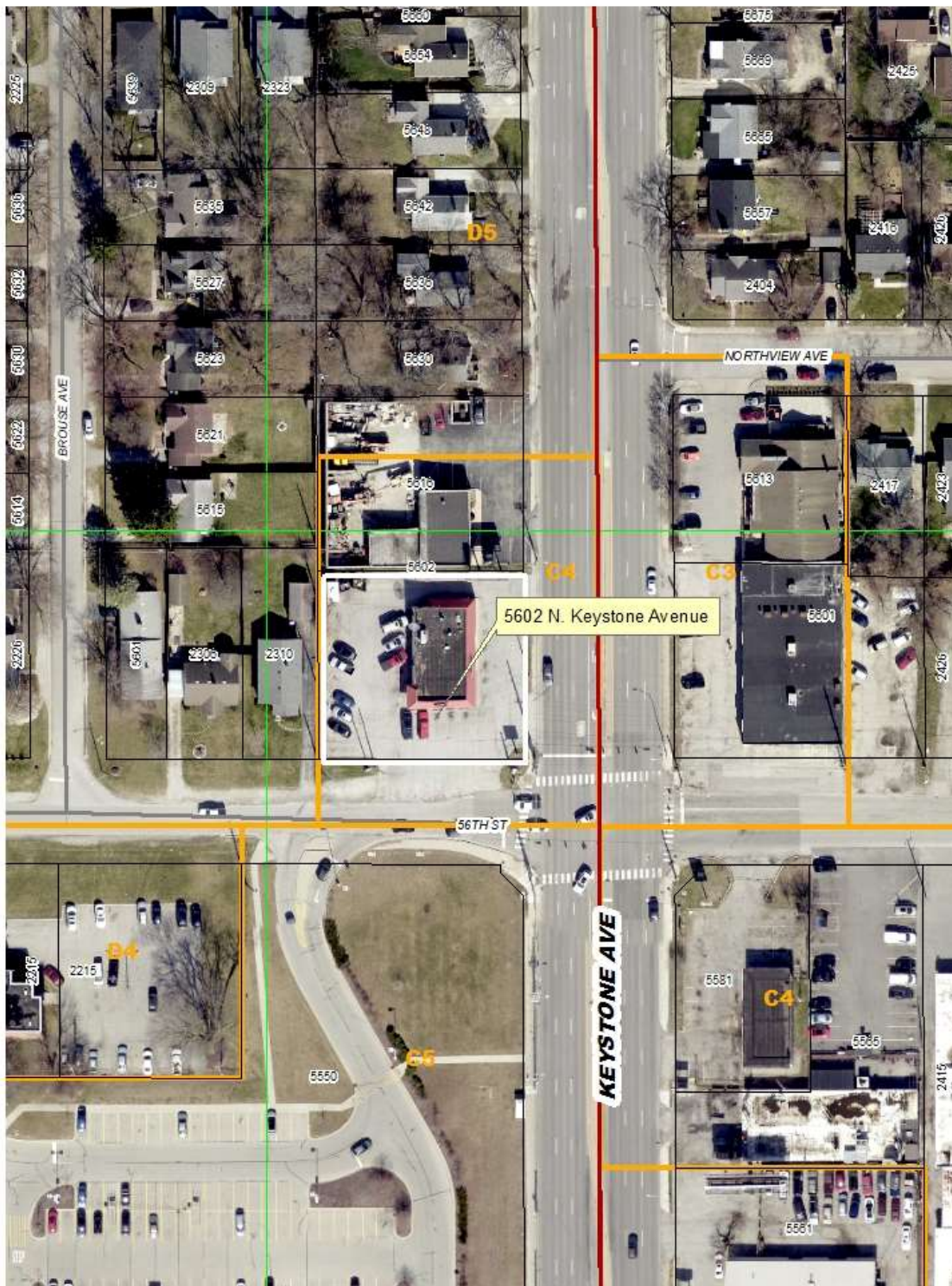
**2018-UV1-027; 5565 North Keystone Avenue (southeast of site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish three roof signs and a pylon sign with a three-foot front setback from Keystone Avenue, **granted**.

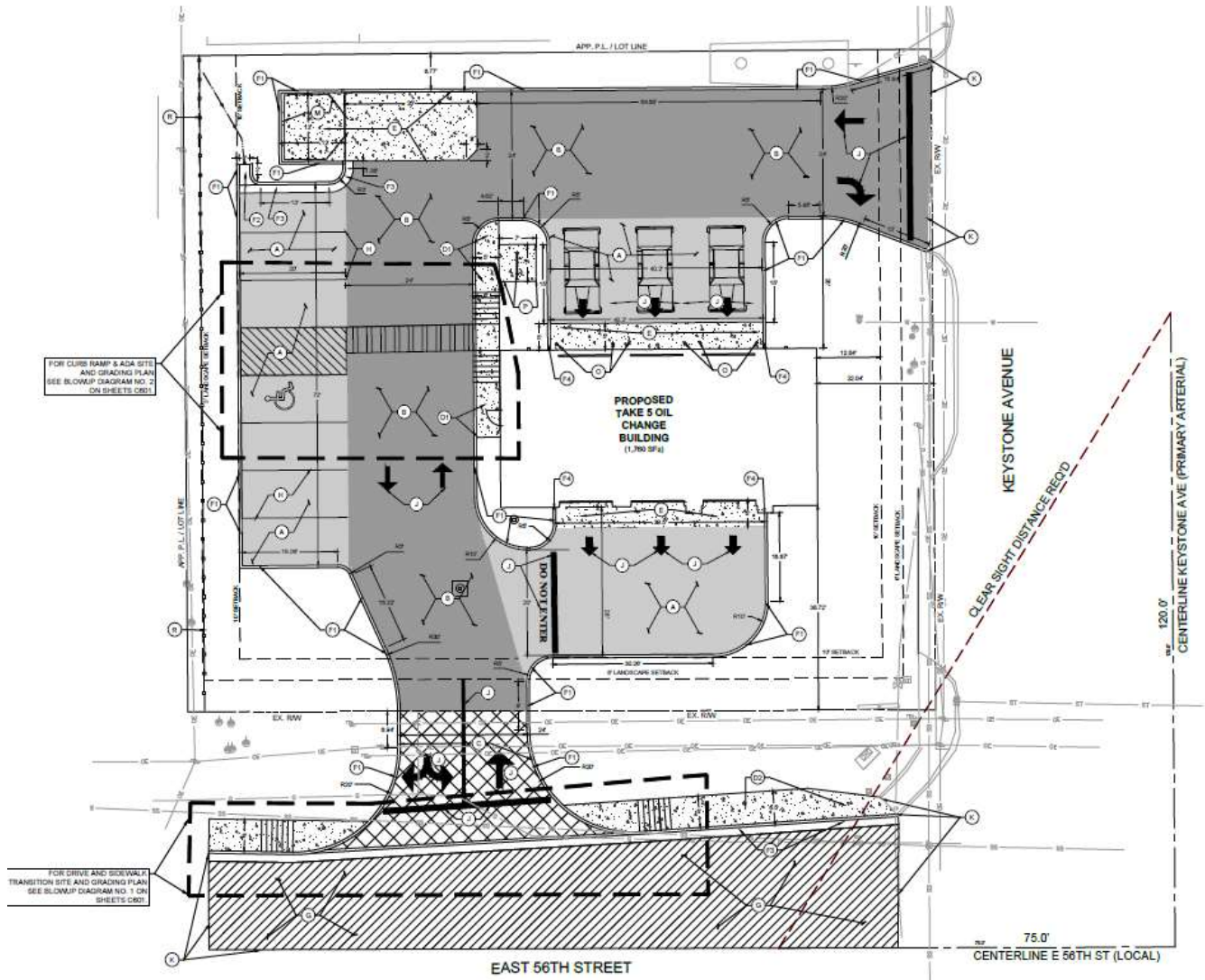
**2015-UV3-022; 5616 North Keystone Avenue (north of site)**, requested a variance of use and development standards of the Commercial and Dwelling Districts Zoning Ordinances to provide for a contractor, with outdoor storage of construction equipment, a parking lot, a gravel outdoor storage area, with a five-foot west side transitional setback, without landscaping, and a trash container enclosure, with said storage enclosed by a 10-foot tall fence, and with the parking area having a zero-foot front yard, **granted**.

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**2023-DV2-035: Location Map**







View of subject site, proposed building under construction, looking north from East 56<sup>th</sup> Street.



View of subject site, proposed building under construction, looking west from North Keystone Avenue.



View of adjacent single family residential to the west, looking north.



View of adjacent integrated commercial center to the south.