



Board of Zoning Appeals BZA Division III (February 21, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, February 21, 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. 2022-DV3-046 (Amended) 1321 Sturm Avenue**
Center Township, Council District #17, Zoned D-8
Chase & Kristin Glassburn, by David Kingen & Emily Duncan

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing two-foot rear yard setback of Lot 24 (15-foot rear setback required); and on Lot 25, provide for:

- a) The construction of a single-family dwelling with a 79-foot setback from Oriental Avenue (maximum setback of 19.9 feet permitted); and
- b) A six-foot fence within the front yard of Oriental Street (maximum 3.5-foot-tall fence permitted); and
- c) A three-foot corner side yard setback (eight-foot corner side yard setback required); and
- d) A 10-foot rear setback (minimum 15-foot rear setback required).

*Continuance Requested by Petitioner

- 2. 2022-DV3-049 (Amended) 2315 North Spencer Avenue**
Warren Township, Council District #13, Zoned I-2
Jaspal S Athwal, by David Kingen & Emily Duncan

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide five shade trees (ten shade trees required) and to legally establish a zero-foot northern side yard setback (10-foot side setback required); a six-foot tall fence within the front yards of Spencer Avenue and 23rd Street being within the clear sight triangle of a street and alley (front yard fence height limited to 3.5-feet, not permitted in the clear sight triangle); with a dumpster in the front yard of Spencer Avenue (not permitted).

***Withdrawn

- 3. 2023-DV3-002 | 3620 South East Street**
Perry Township, Council District #16, Zoned C-5
Felbram Holdings LLC, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of seven unenclosed trash enclosures within the front yard of National Avenue (not permitted, enclosures required).

**Automatic Continuance filed. Hearing continued to March 21st.

4. *2023-DV3-003 | 1739 and 1795 North Shadeland Avenue

Warren Township, Council District #19, Zoned MU-2
VAG Indiana LLC, by Ryan Grassly

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an enclosed dumpster within the front yard of 18th Street (not permitted); a drive-through within 18 feet of a protected district without the required transitional yard landscaping and screening of service units (25-foot separation required, landscaping required), a stacking space within the front yard of 18th Street (not permitted) and zero-stacking spaces provided at the exit of the service unit (two stacking spaces required); a building with a 28-foot front setback from 18th street, a 12.8% front building line along 18th Street (maximum 25-foot front setback and 60% front building line required along Connector Frontage,), and a 23.9-foot front building line along Shadeland Avenue (40% front building line required along Buffer/Suburban Frontages); on a lot with deficient landscaping.

**Automatic Continuance filed. Hearing continued to March 21st.

5. 2023-DV3-005 | 7548 East Washington Street

Warren Township, Council District #19, Zoned C-5 (TOD)
Ray Skillman Realty LLC, by Michael Kalberg

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a car dealership with:

- a) A surface parking lot with a six-foot front yard setback from Washington Street and Mitchner Avenue (25-foot setback required along Connector Frontages, improvements not permitted within the front setback);
- b) A surface parking lot maintaining a 56% width of the lot at the front building line along Washington Street and 64% width of the lot along Mitchner Avenue (40% maximum width of the lot along Connector Frontages);
- c) Three single-loaded rows of parking in front of the building along Washington Street (one double-loaded row of parking permitted);
- d) A building with a 125' front setback from Washington Street and a 30-foot front setback from Mitchner Avenue (maximum 25-foot front yard setback permitted), a 46% width along Washington Street and 13% along Mitchner Avenue (minimum building width of 60% required);
- e) A zero-foot transitional yard along the northern lot line (15-foot transitional yard required);
- f) Deficient landscaping; and
- g) 29 and 30-foot wide driveway widths (24 feet maximum width permitted).

**Automatic Continuance filed. Hearing continued to March 21st.

6. 2023-UV3-003 | 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) 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).

**Automatic Continuance filed. Hearing continued to March 21st.

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2023-SE3-001 | 7201 Pendleton Pike

Lawrence Township, Council District #13, Zoned C-4 (TOD)
REL P Pendleton LLC C/O RD Management LLC, by Chris Greene

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the reuse of an existing building that would allow for the operation of an Extra Large Retail Sales/Service facility (retail sales greater than 20,000 square feet require grant of a special exception).

Expedited

8. 2023-UV3-002 | 5825 East 38th Street

Warren Township, Council District #13, Zoned C-3, C-1, D-4 (TOD)
Down But Not Out Communications, Inc., by John Cross

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a boxing gym and instruction facility as a primary use (not permitted).

Expedited.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2022-DV3-056 | 4411 East Thompson Road (Amended)

Perry Township, Council District #24, Zoned D-A
Dana Eveland

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 20.08-foot detached garage, being taller than the 13-foot tall primary structure (not permitted).

10. 2022-UV3-037 | 1410 East Epler Avenue

Perry Township, Council District #24, Zoned C-1 / C-3 (TOD)
Indianapolis Insulators Union Local #18, by Michael Rabinowitch

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building to be used as a union insulators training facility, with a front setback of 35 feet (maximum 10-foot setback required along Pedestrian / Urban Frontages) and a required front building line of 56% (80% front building line required).

11. 2022-UV3-039 | 1751 South Meridian Street

Center Township, Council District #16, Zoned C-1
Derick Williams, by Hannah Able

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an event center and eating establishment, with a parking area maintaining a zero-foot transitional yard along the alley and a two-foot north transitional yard (eight-foot transitional yard along alley and 10-foot side transitional yard required), a trash enclosure and an outdoor patio with a five-foot transitional yard along Caven Steet (10-foot front transitional yards required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2023-DV3-001 | 5505 and 5855 Brookville Road

Warren Township, Council District #12, Zoned I-4
AOZI Brookville Building I, LLC, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of an industrial site and building expansion resulting in, collectively, multiple double-loaded and single-loaded rows of parking within the front yards of Irvington Avenue, Brookville Avenue and Arlington Avenue (parking in front of a building limited to one double-loaded row in Industrial Districts); and to provide for loading areas within the front yard of Brookville Road (not permitted), with 9-foot by 18-foot employee parking spaces (180-square foot parking spaces required) and deficient landscaping.

13. 2023-DV3-004 | 10220 East Washington Street

Warren Township, Council District #19, Zoned C-4 (TOD)
Indy WS40 LLC, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with:

- a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required);
- b) a surface parking area within the minimum 50-foot front yard setback (not permitted);
- c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted);
- d) and a 46% front building line (80% required).

14. 2023-DV3-006 | 6039 South Harding Street

Perry Township, Council District #20, Zoned D-A (FF)
Robert E. Wampler and Linda L. Waites

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a) A carport, being taller than the primary building, and another mini barn located within the front yard of Harding Street, and with a 20-foot front yard setback from Harding Street (accessory structures not permitted in front of, or taller than, the primary building, 35-foot front yard setback required);
- b) A mini barn with a six-foot north side yard setback, and another with an eight-foot north side yard setback, resulting in a 50-foot aggregate side yard setback (minimum 30-foot side yard setback, 75-foot aggregate side yard setback required); and
- c) Resulting in an open space of 82% (85% open space required).

15. 2023-UV3-004 | 3049 North Post Road

Warren Township, Council District #14, Zoned I-3
Volumod Indy LLC, by David Gilman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor display and sales of modular homes within the required front yard and not abutting a building exterior wall and a 48-foot front setback from Post Road (not permitted, 60-foot front yard setback required).

Additional Business:

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

STAFF REPORT

Item 1.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV3-046 (Amended)
Address: 1321 Sturm Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: D-8
Petitioner: Chase & Kristin Glassburn, by David Kingen & Emily Duncan
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing two-foot rear yard setback of Lot 24 (15-foot rear setback required); and on Lot 25, provide for:

- a) The construction of a single-family dwelling with a 79-foot setback from Oriental Avenue (maximum setback of 19.9 feet permitted); and
- b) A six-foot fence within the front yard of Oriental Street (maximum 3.5-foot-tall fence permitted); and
- c) A three-foot corner side yard setback (eight-foot corner side yard setback required); and
- d) A 10-foot rear setback (minimum 15-foot rear setback required).

This petition was automatically continued by a registered neighborhood organization, from the November 2022, hearing, to the December 20, 2022, hearing.

A continuance for cause was requested by the petitioner, from the December 20, 2022, hearing, to the January 17, 2023, hearing, to allow time to submit additional information and amend the request.

The petitioner has submitted additional information and variance requests, to amend the request. Therefore, this petition **will need to be continued to the February 21, 2023**, hearing, with additional notice.

The petitioner has requested that this petition **be continued for cause, from the February 21, 2023 hearing to the March 21, 2023 hearing, with additional notice**. The petitioner intends to submit new information to amend the petition a third time requiring new notice. As this will be the fourth continuance for this petition, this will be the last continuance that Staff will support. If the new information is not submitted to Staff for review, in a timely manner prior to February 21, 2023, then this petition should be dismissed.

RU

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

Case Number: 2022-DV3-049 (Amended)
Address: 2315 North Spencer Avenue (approximate address)
Location: Warren Township, Council District #13
Zoning: I-2
Petitioner: Jaspal S Athwal, by David Kingen & Emily Duncan
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide five shade trees (ten shade trees required) and to legally establish a zero-foot northern side yard setback (10-foot side setback required); a six-foot tall fence within the front yards of Spencer Avenue and 23rd Street being within the clear sight triangle of a street and alley (front yard fence height limited to 3.5-feet, not permitted in the clear sight triangle); with a dumpster in the front yard of Spencer Avenue (not permitted).

This petition was continued from the December 20, 2022 hearing to the January 17, 2023 hearing to allow the petitioner additional time to provide new information for review and amend the request.

An amended site plan was submitted January 9, 2023, which did not allow staff sufficient time for review. Therefore, this petition was continued from the January 17, 2023 hearing to the February 21, 2023 hearing to allow staff additional time to review the new information and amend the request.

The petition was amended and published, but the petitioner submitted a request to **withdraw** this petition. This would require the Board's acknowledgement.

MI

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

Case Number: 2023-DV3-002
Address: 3620 South East Street (approximate address)
Location: Perry Township, Council District #16
Zoning: C-5
Petitioner: Felbram Holdings LLC, by Joseph D. Calderon
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of seven unenclosed trash enclosures within the front yard of National Avenue (not permitted, enclosures required).

A timely automatic continuance request was submitted by a registered neighborhood organization **continuing this matter from the February 21, 2023 hearing to the March 21, 2023 hearing**. This would require the Board's acknowledgement.

AR

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV3-003
Address: 1739 and 1795 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #19
Zoning: MU-2
Petitioner: VAG Indiana LLC, by Ryan Grassly
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an enclosed dumpster within the front yard of 18th Street (not permitted); a drive-through within 18 feet of a protected district without the required transitional yard landscaping and screening of service units (25-foot separation required, landscaping required), a stacking space within the front yard of 18th Street (not permitted) and zero-stacking spaces provided at the exit of the service unit (two stacking spaces required); a building with a 28-foot front setback from 18th street, a 12.8% front building line along 18th Street (maximum 25-foot front setback and 60% front building line required along Connector Frontage,), and a 23.9-foot front building line along Shadeland Avenue (40% front building line required along Buffer/Suburban Frontages); on a lot with deficient landscaping.

A registered neighborhood organization has filed a timely automatic continuance, **continuing this petition from the February 21, 2023, hearing, to the March 21, 2023, hearing.** This would require the Board's acknowledgement.

RU

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-005
Address: 7548 East Washington Street (approximate address)
Location: Warren Township, Council District #19
Zoning: C-5 (TOD)
Petitioner: Ray Skillman Realty LLC, by Michael Kalberg
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a car dealership with:

- a) A surface parking lot with a six-foot front yard setback from Washington Street and Mitchner Avenue (25-foot setback required along Connector Frontages), improvements not permitted within the front setback);
- b) A surface parking lot maintaining a 56% width of the lot at the front building line along Washington Street and 64% width of the lot along Mitchner Avenue (40% maximum width of the lot along Connector Frontages);
- c) Three single-loaded rows of parking in front of the building along Washington Street (one double-loaded row of parking permitted);
- d) A building with a 125' front setback from Washington Street and a 30-foot front setback from Mitchner Avenue (maximum 25-foot front yard setback permitted), a 46% width along Washington Street and 13% along Mitchner Avenue (minimum building width of 60% required);
- e) A zero-foot transitional yard along the northern lot line (15-foot transitional yard required); and
- f) Deficient landscaping; and
- g) 29 and 30-foot wide driveway widths (24 feet maximum width permitted).

A timely automatic continuance request was submitted by a registered neighborhood organization **continuing this matter from the February 21, 2023 hearing to the March 21, 2023 hearing**. This would require the Board's acknowledgement.

MI

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

Case Number: 2023-UV3-003
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) 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).

A timely automatic continuance request was submitted by a registered neighborhood organization **continuing this matter from the February 21, 2023 hearing to the March 21, 2023 hearing.** This would require the Board's acknowledgement.

MI

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-SE3-001
Address: 7201 Pendleton Pike (approximate address)
Location: Lawrence Township, Council District #13
Zoning: C-4 (TOD)
Petitioner: RELP Pendleton LLC C/O RD Management LLC, by Chris Greene
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the reuse of an existing building that would allow for the operation of an Extra Large Retail Sales/Service facility (retail sales greater than 20,000 square feet require grant of a special exception).

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

EXISTING ZONING AND LAND USE

C-4	Compact	Commercial
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SURROUNDING ZONING AND LAND USE

North	C-4	Commercial
South	SU-1	Religious Use
East	C-S/D-5	Commercial / Residential (Single-family dwellings)
West	C-4/D-5	Commercial / Residential (Single-family dwellings)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial development and special use development.
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LAND USE

- ◇ The 12.28-acre subject site is developed with a large commercial building with associated parking lot. It is surrounded by a mix of commercial and residential uses to the west, north and east with a religious use to the south.

SPECIAL EXCEPTION

- ◇ The grant of the request would allow the reuse of an existing building for the operation of an Extra Large Retail Sales/Service facility.
- ◇ Per Table 742-207-1 Commercial and Industrial Use Limitations, Extra Large Retail Sales/Service (20,001+ square feet) is only permitted in the C-4 district by special exception.

(Continued)

STAFF REPORT 2023-SE3-001 (Continued)

- ◇ This limitation is in place to preserve the land within the Transit Oriented Development Secondary Zoning District for more compact, walkable, and urban development patterns within public investment in the transit system. One specific design objective is to provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
- ◇ Since the site contains a large existing commercial building, staff determined that the reuse of the building would be appropriate to allow an Extra Large Retail Sales/Service facility based on the large availability of commercial space within the building.
- ◇ The building is a multi-tenant building that currently has one tenant so it can be expected that other large tenant spaces could be proposed to utilize the remainder of the building in the future.
- ◇ The petitioner provided parking calculations showing that the necessary parking will be provided on site.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN	Pendleton Pike is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 107-foot existing right-of-way and a 104-foot proposed right-of-way.
	Elmhurst Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
SECONDARY DISTRICT	Transit Oriented Development Secondary Zoning District (TOD).
OVERLAY	This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Purple Line.
SITE PLAN	File-dated January 3, 2023.
PARKING AND CIRCULATION PLAN	File-dated January 3, 2023.
AMENDED PARKING PLAN	File-dated February 3, 2023.
PLAN OF OPERATION	File-dated January 3, 2023.

(Continued)

STAFF REPORT 2023-SE3-001 (Continued)**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2019-UV1-012; 7201 Pendleton Pike (subject), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a stand-alone ATM (not permitted), **granted**.

2018-UVL-001; 4004 Kingman Drive / 7190 Pendleton Pike (north of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through lane within the D-3 district, **granted**.

2001-UV2-036; 3815 North Shadeland Avenue (west of site), Variance of use of the Commercial Zoning Ordinance to provide for automobile sales (not permitted), and a variance of development standards of the Commercial Zoning Ordinance to provide for a 21-foot-wide aisle and maneuvering area (24-foot width required), **granted**.

95-LSV-11; 7204 Pendleton Pike (north of site), Variance of development standards of the Commercial Zoning Ordinance to permit the construction of a fast-food restaurant with a drive through service unit at the side of a building abutting a protected district and an illuminated pole sign located 80 feet from a protected district (minimum 600 feet required), **granted**.

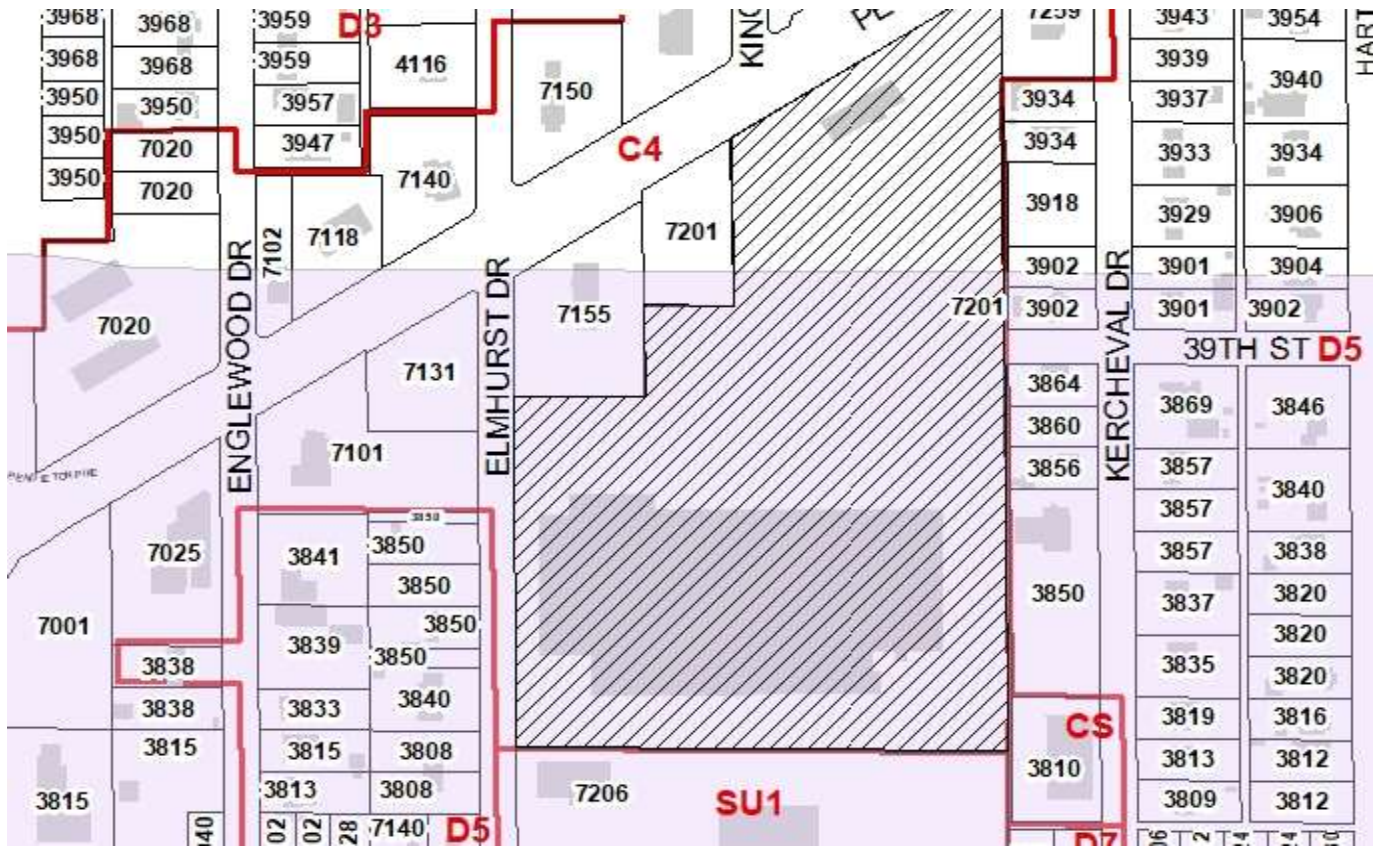
94-V2-21; 7201 Pendleton Pike (subject), Variance of development standards of the Commercial Zoning Ordinance to permit a building and garden shop addition with outdoor display of 11,900 square feet, **granted**.

91-V1-47; 3934 North Kercheval Drive (east of site), Variance of development standards of the Dwelling District Zoning Ordinance to permit the construction of a detached garage resulting in the total accessory uses exceeding 75% of the floor area of the residence, **withdrawn**.

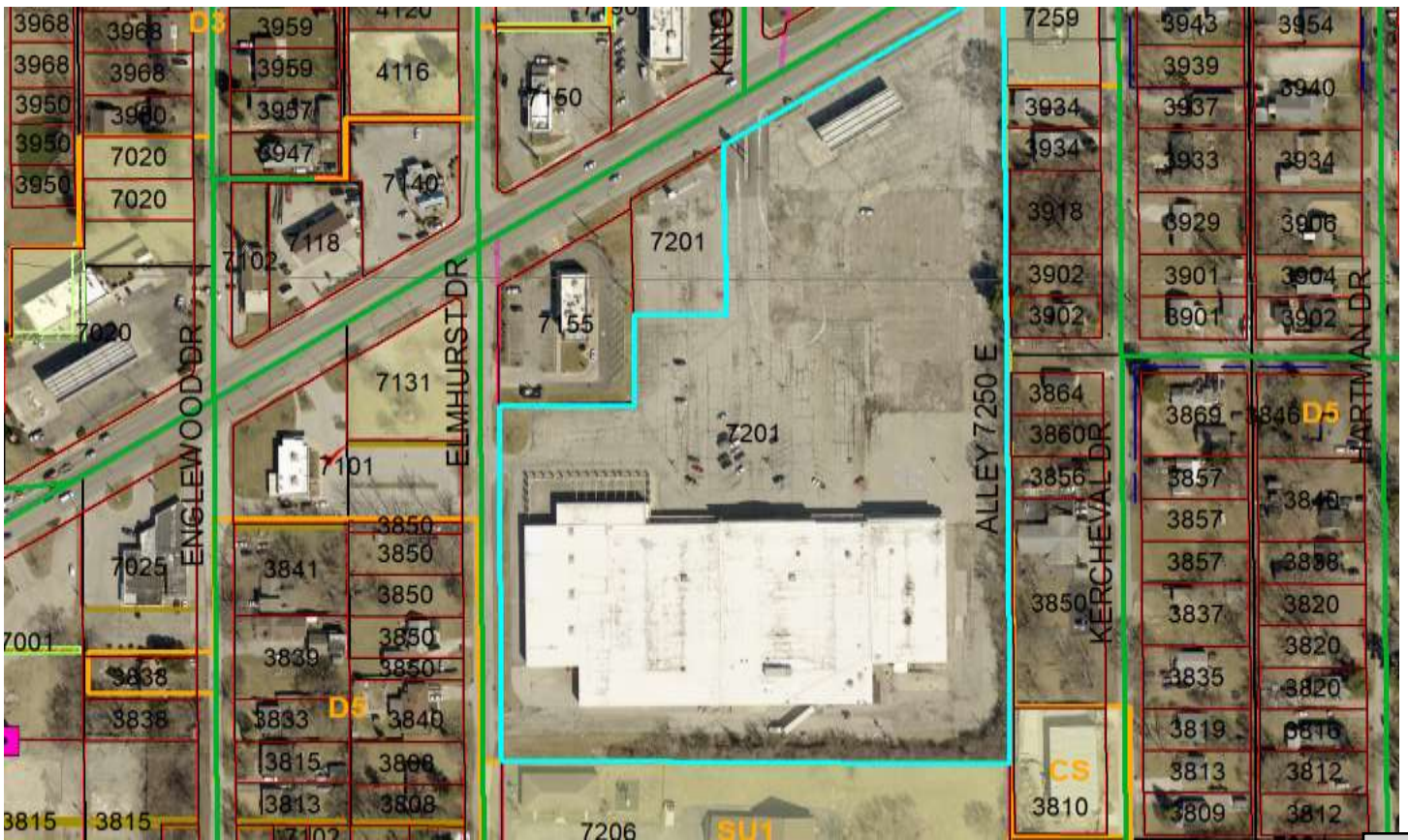
89-V2-141; 3838 Englewood Drive (west of site), Variance of use of the Commercial Zoning Ordinance to permit an inground pool with a deck for an existing single-family residence, **granted**.

MI

2023-SE3-001; Location Map



2023-SE3-001; Aerial Map



15





7201 Pendleton Pike
Parking Requirement Calculation
 Petition 2023-SE3-001

Space Name	Square Footage (SF)	Minimum Off-Street Vehicle Spaces per 350 SF	Maximum Off-Street Vehicle Spaces per 200 SF	Required ADA Parking Spaces	Bike Spaces 10% of OSV Spaces, minimum
O'Reilly Auto Parts Store	29,827	86	150	4	8 *
Future Tenant #1	27,060	78	136	4	8
Future Tenant #2	2,340	7	12	1	1

* Exception #2 states no more than 8 bike parking spaces are required per pedestrian entrance



7201 PENDLETON PIKE
PARKING CALCULATION PLAN

REL P PENDLETON, LLC

810 Seventh Ave – Floor 10, New York NY 10019

December 12, 2022

Re: Plan of Operation – 7201 Pendleton Pike, Indianapolis IN 462226

Dear Sir or Madam:

REL P PENDLETON, LLC is the owner of the property located at 7201 Pendleton Pike. Upon this property is a retail strip building. The ownership has filed plans for an O'Reilly Auto Parts retail operation to open within it.

The hours operation of the store will be 7:30 am to 10:00 pm Monday through Saturday and 8:30 am to 9:00 pm on Sunday. The store will employ approximately 5 to 7 employees. The store will be 30,000 square feet. The property has overnight security.

In addition to the O'Reilly Auto Parts store, two additional spaces will be created for lease. At present we do not have tenants for these spaces, so it is unknown what use they will take, other than what is permissible by the zoning code.

Thank you,



Christian Greene.

REL P PENDLETON. LLC



Photo of the Subject Property: 7201 Pendleton Pike



Photo of the tenant space to be used.



Photo of the western property boundary looking south along Elmhurst Drive.



Photo of the southern property boundary.



Photo of the parking lot of the site looking north.



Photo of the commercial outlot north of the subject site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-002
Address: 5825 East 38th Street (approximate address)
Location: Warren Township, Council District #13
Zoning: C-3, C-1, D-4 (TOD)
Petitioner: Down But Not Out Communications, Inc., by John Cross
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a boxing gym and instruction facility as a primary use (not permitted)

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-3/C-1/D-4 Compact Commercial

SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwellings)
South	D-4 / C-3	Residential (Single-family dwellings) /
East	C-3	Undeveloped
West	C-1	Church

COMPREHENSIVE PLAN The Comprehensive Plan recommends office commercial and community commercial development.

- ◇ The 0.89-acre site is developed with a commercial building and associated parking lot. The immediate area consists of predominately residential development with a church to the west and commercial uses further east.

VARIANCE OF USE

- ◇ The grant of the request would allow for a boxing gym and instruction facility as the primary use where it is not permitted.
- ◇ The use is categorized under Indoor Recreation and Entertainment, which is only permitted in C-4, C-5, C-7, MU-3, MU-4, and the Commercial Business Districts as a primary use

(Continued)

STAFF REPORT 2023-UV3-002 (Continued)

- ◇ The subject site is split zoned between three zoning classifications which are C-3, C-1, and D-4. The use would be allowed as an accessory use in the C-1 and C-3 districts, but not in the D-4 district.
- ◇ Since the proposal would have the entire building and new addition dedicated for the boxing gym and instruction facility, it would be considered the primary use of the site and would not be permitted.
- ◇ The petitioner confirmed that the existing garage doors would remain closed during operation so that sound associated with the establishment shall not be audible outside of the building in which the activity is occurring, per the use-specific standard.
- ◇ Staff determined that the need for the variance arises from the inconsistent zoning of the site, which would prevent the use on site, which staff would have otherwise supported if zoned appropriately. However, to prevent more intense uses from locating at this site, staff is supportive of the use variance rather than a complete rezoning of the site.
- ◇ The Comprehensive Plan recommends office commercial development for the western half of the site and community commercial development for the eastern half. Both of these typologies allow for small-scale offices, retailing, and personal or professional services along primary arterial streets, which would include the gym and training facility.
- ◇ Staff is supportive of the proposed use since it would align with the Comprehensive Plan recommendation.
- ◇ Furthermore, the site falls within a ¼ mile of a proposed Purple Line Bus Rapid Transit Station that would promote a variety of uses for a dense mixed-use neighborhood center as envisioned by the Purple Line Transit-Oriented Development Strategic Plan (2021).

GENERAL INFORMATION

THOROUGHFARE PLAN	38 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 76-foot existing right-of-way and a 88-foot proposed right-of-way.
SECONDARY DISTRICT	Transit Oriented Development Secondary Zoning District (TOD)
OVERLAY	This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Purple Line.
SITE PLAN	File-dated December 27, 2022.
ELEVATIONS	File-dated December 27, 2022.
FLOOR PLANS	File-dated December 27, 2022. (Continued)

STAFF REPORT 2023-UV3-002 (Continued)

PLAN OF OPERATION File-dated December 27, 2022.

FINDINGS OF FACT File-dated December 27, 2022.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2012-CZN-828 / 2012-CVR-828; 5950 East 38th Street (northeast of site), Rezoning of 0.54 acre from the C-4 District to the C-3 classification to provide for a convenience store / gasoline station and a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a trash container with a zero-foot front yard setback and in front of the established building line (20-foot transitional setback required, not permitted in front of the established building line), carryout food service within zero feet of a D-5 zoned protected district (100-foot separation required), and to legally establish a zero-foot front yard along 38th Street, a zero-foot north side yard, a zero-foot north front yard, and zero-foot west front yard (minimum 20-foot transitional front yard, minimum 20-foot transitional side yard, minimum 10-foot front yard required),

2008-UV2-028; 5815 East 38th Street (west of site), Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for the expansion of a school for children with dyslexia (not permitted, school originally permitted by petition 2002-UV1-019), with a 1,152-square foot mobile classroom structure, having fifteen off-street parking spaces, with a one-foot grass strip along 165 feet of the west property line and a paved playground area with a zero-foot setback along the remainder of the west property line (minimum twenty-foot west side transitional yard required) and a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a portion of a playground and an unenclosed dumpster for a school for children with dyslexia (not permitted), **granted**.

2007-UV1-014; 5901 East 38th Street (east of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the sale of automobiles (not permitted), provide for a 4,000-square foot, 20 parking space, outdoor display area not adjacent to a building (maximum 200-square foot outdoor display area adjacent to a building required), legally establish a three-foot front landscape strip along East 38th Street (minimum ten-foot landscape strip required), legally establish a zero-foot west side transitional yard (minimum twenty-foot west side transitional yard required), **granted**.

2004-UV3-001; 5811 East 38th Street (west of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a 314-square foot embalming room addition, and a 198-square foot front porch addition to an existing funeral home, in D-4 (FF), **granted**.

(Continued)

STAFF REPORT 2023-UV3-002 (Continued)

2003-UV3-001; 5811 East 38th Street (west of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a funeral home, and to provide for a 1,405-square foot addition, and a 2,720-square foot garage for eight commercial vehicles, in D-4 (FF), **granted**.

2002-UV1-019; 5815 East 38th Street (west of site), Variance of Use of the Commercial Zoning Ordinance to provide for a school for children with dyslexia, in C-1, **granted**.

2001-LNU-011; 5811 East 38th Street (west of site), Certificate of Legal Non-Conforming Use for a funeral home in the D-4 district, **approved**.

90-AP-117; 5950 East 38th Street (northeast of site), Modification of commitments related to 84-Z-106 to provide for an alternate site plan, to provide landscaping along the site's frontages of East 38th Street and Arlington Avenue rather than a brick-capped wall, **approved**.

87-UV1-58; 5825 East 38th Street (east of site), Variance of use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the construction and use of a three-unit residence, **granted**.

81-UV2-90; 5825 East 38th Street (east of site), Variance of use and development standards to permit automobile cleaning, restoration, etc., use in an abandoned service station, with maximum of 13 cars being serviced at one time, with not over two cars remaining on premises, with existing pole sign to remain, **granted**.

80-UV3-1; 3802 North Arlington Avenue (northeast of site), Variance of use and development standards to provide for sales and service of tires, batteries and accessories in an existing building, **granted**.

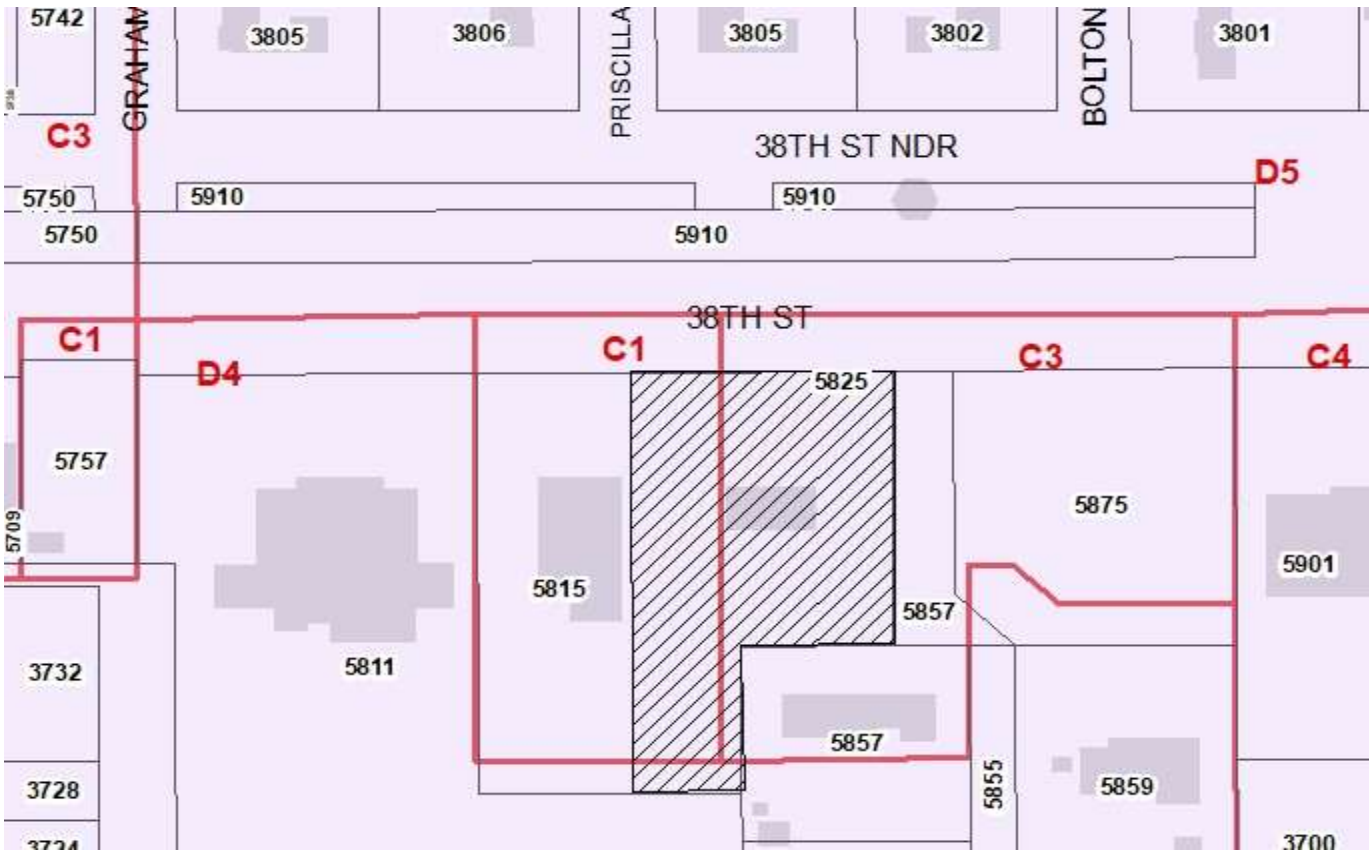
69-V1-183; 3802 North Arlington Avenue (northeast of site), Variance of use, setback and rear yard requirements to provide for a gasoline service station, **granted**.

62-V-512; 3790 North Arlington Avenue (east of site), Requested permission to allow for retail sale of packaged liquor within existing business building, **granted**.

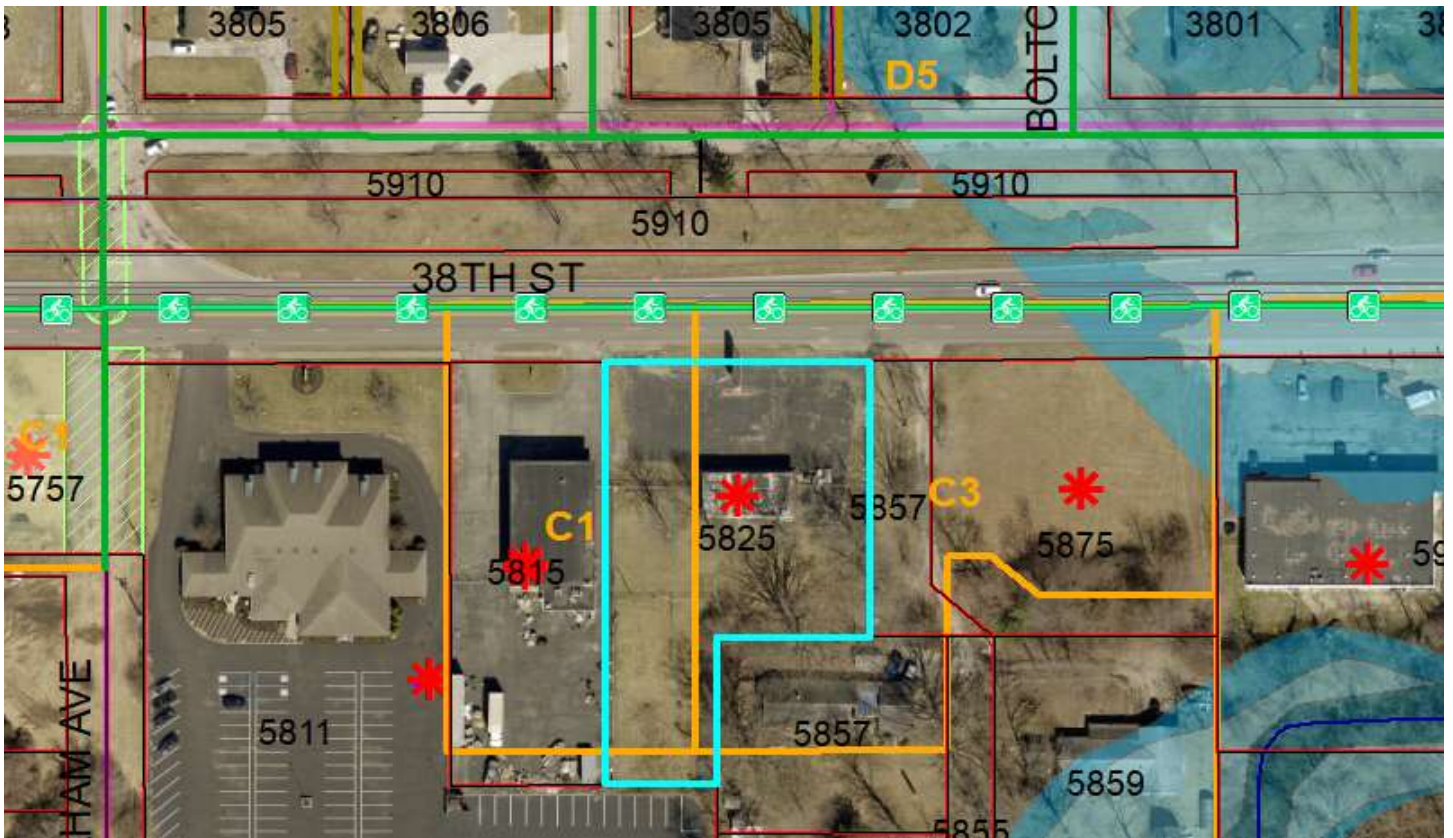
62-V-185; 3790 North Arlington Avenue (east of site), Variance of use to allow for an open air auto sales lot, **granted**.

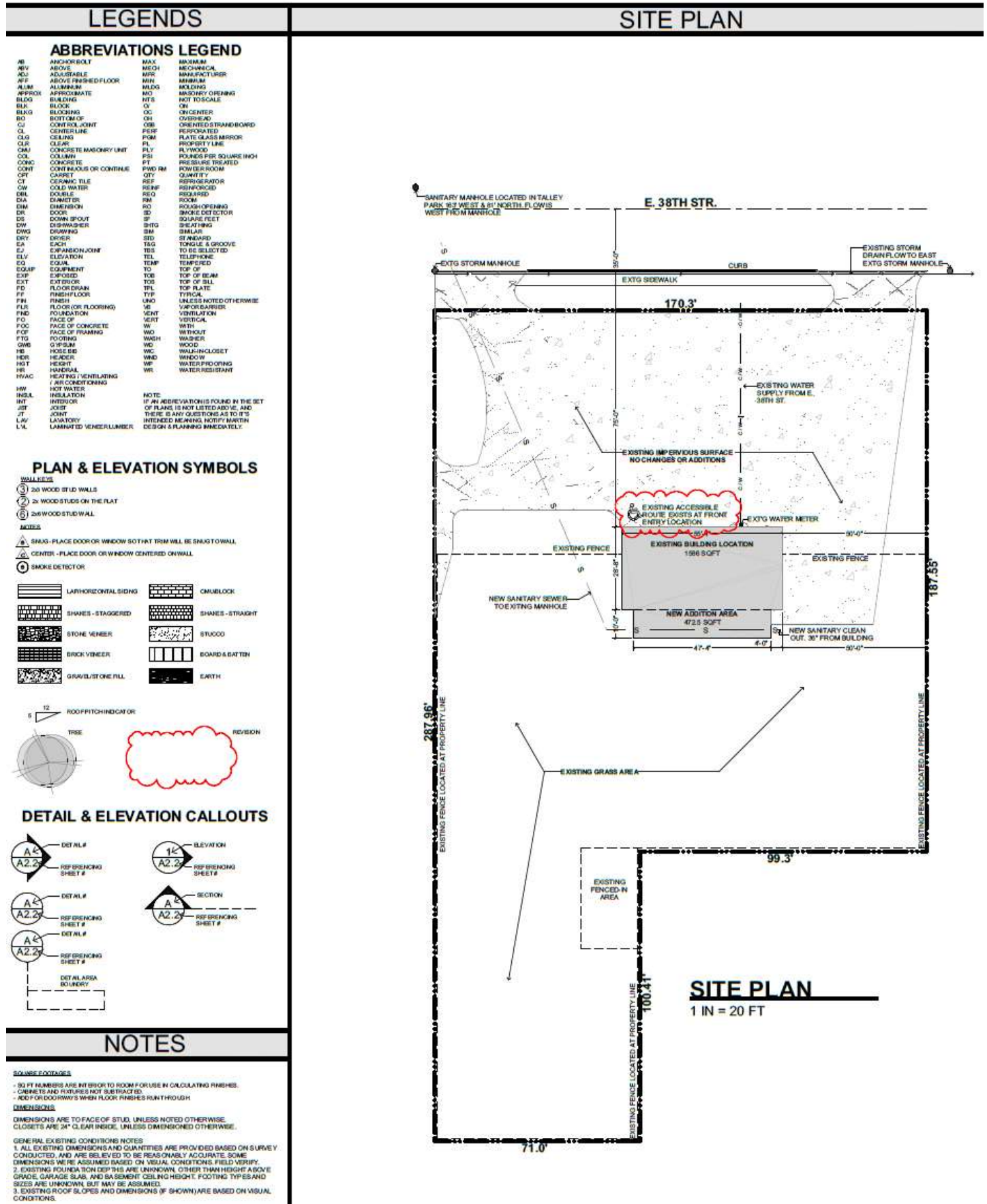
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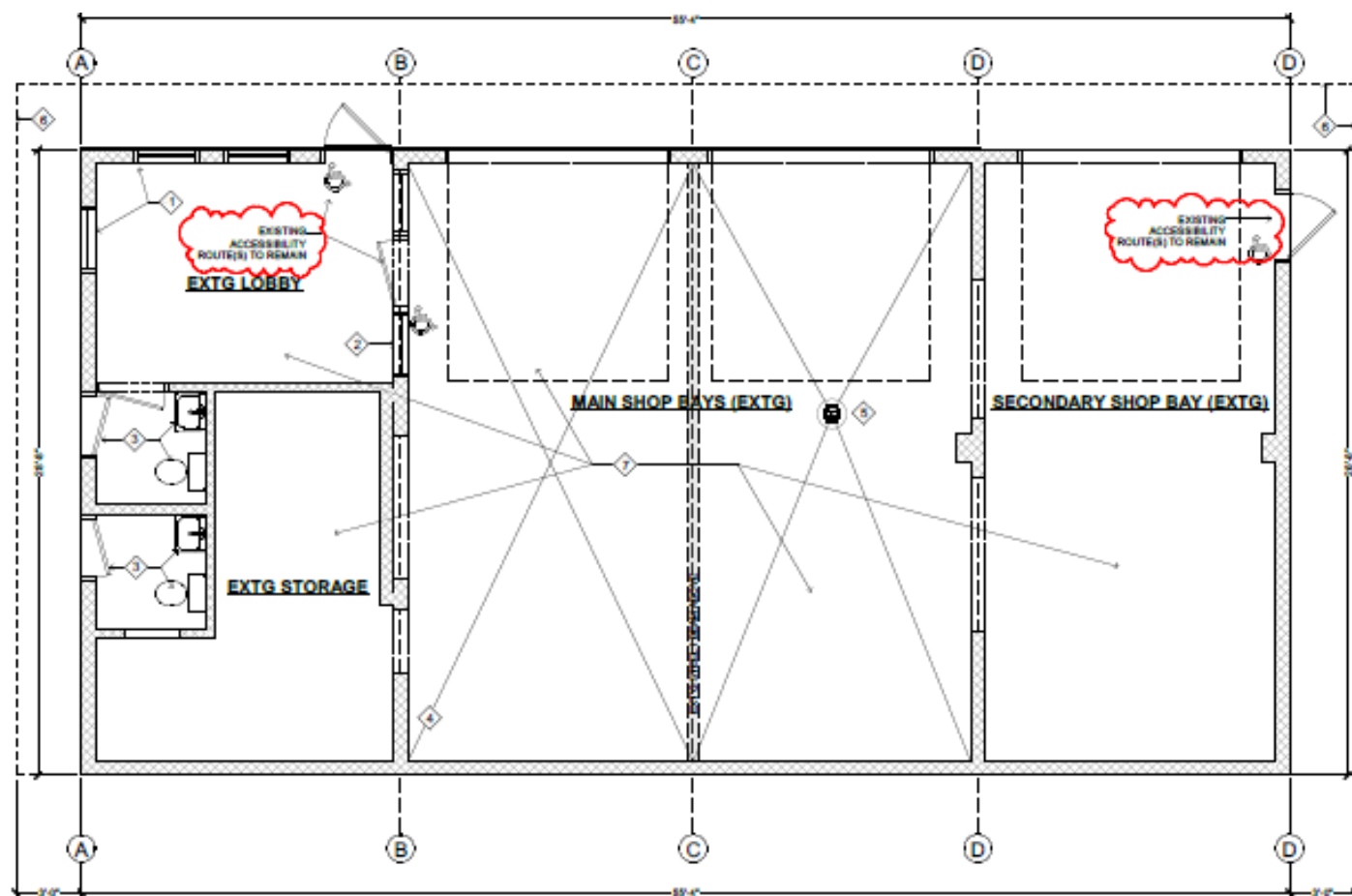
2023-UV3-002; Location Map



2023-UV3-002; Aerial Map



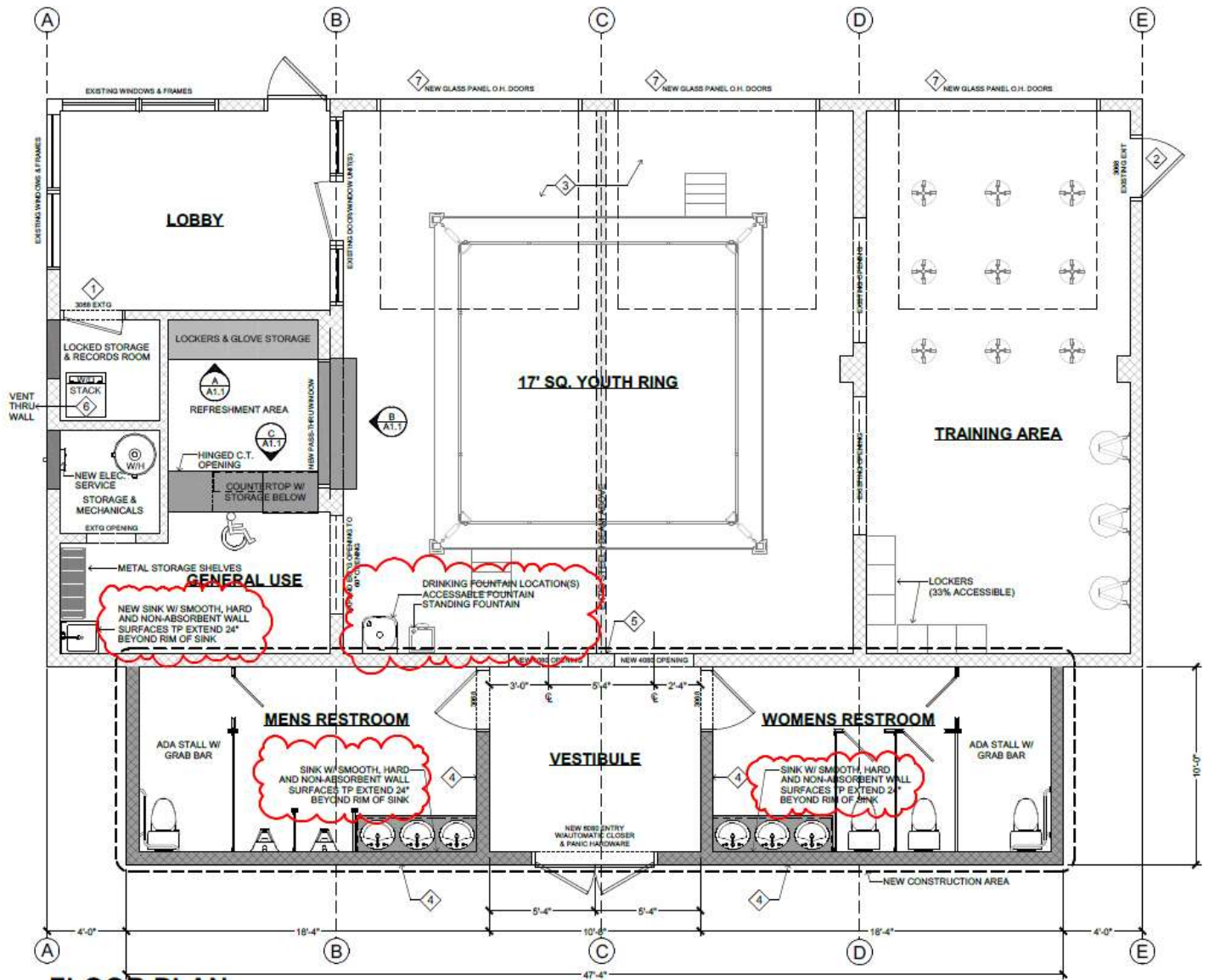




EXISTING FLOOR PLAN

FLOOR AREA: 1586 SQ FT
W/ REMOVAL/RECYCLE NOTES
1/4 IN = 1 FT

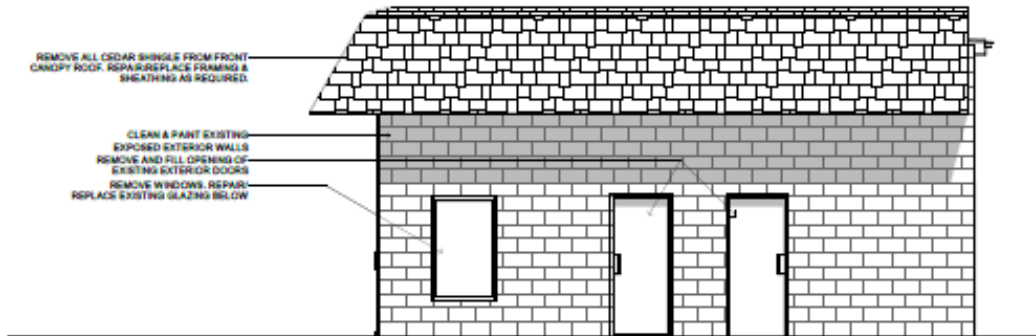
2023-UV3-002; Proposed Floor Plan



FLOOR PLAN

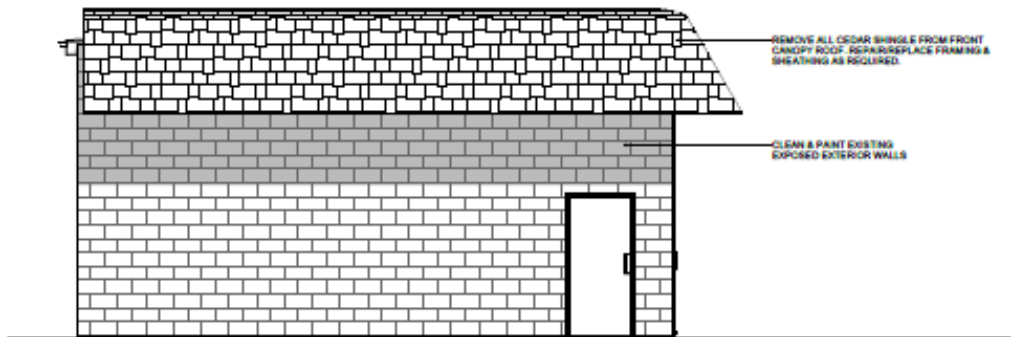
FLOOR AREA: 2060 SQ FT

1/4 IN = 1 FT



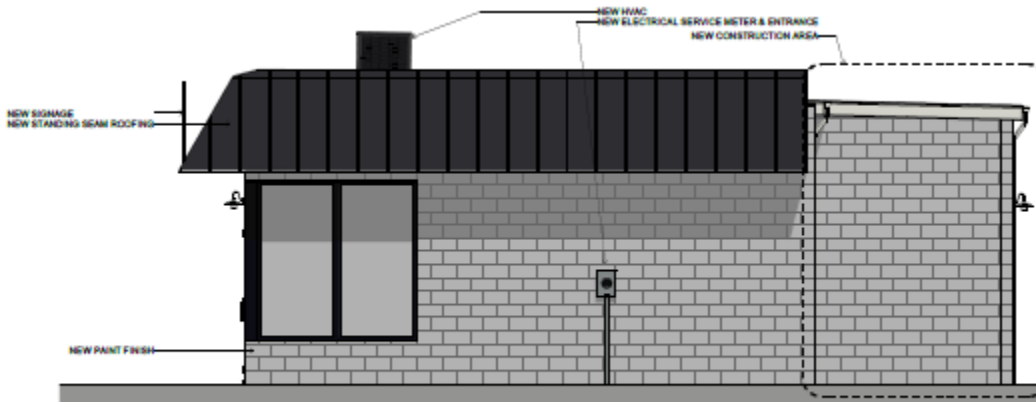
EXISTING WEST ELEVATION

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



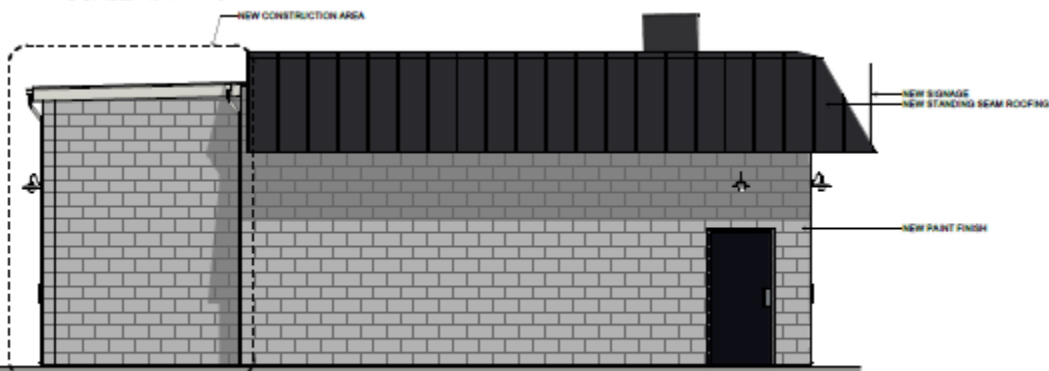
EXISTING EAST ELEVATION

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



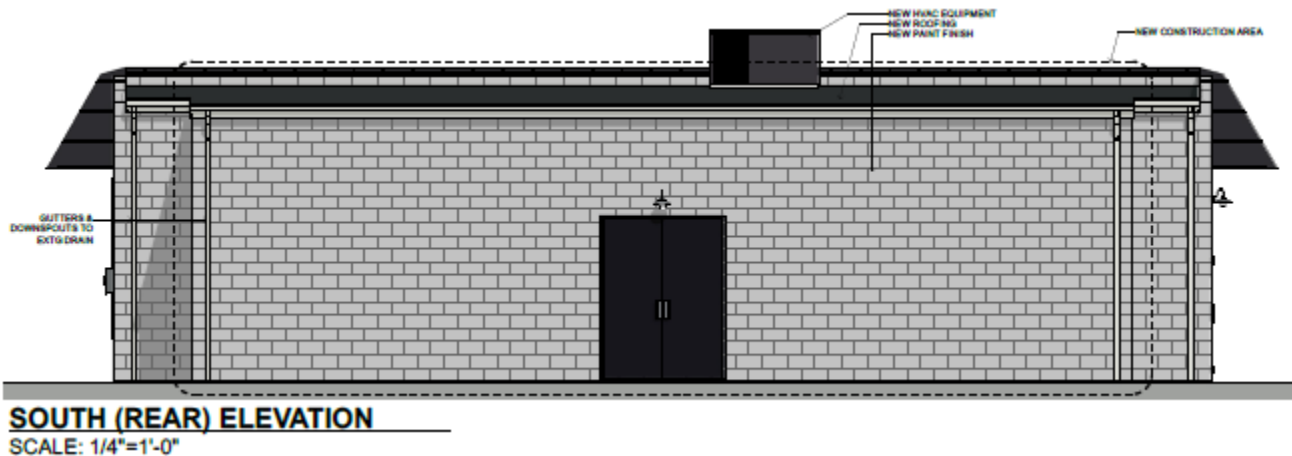
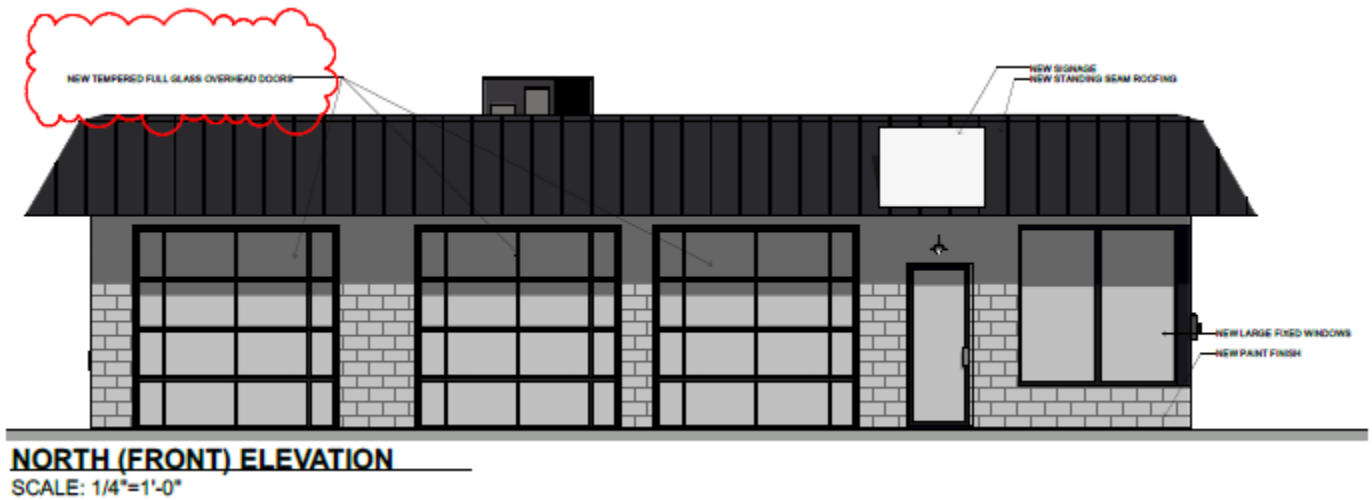
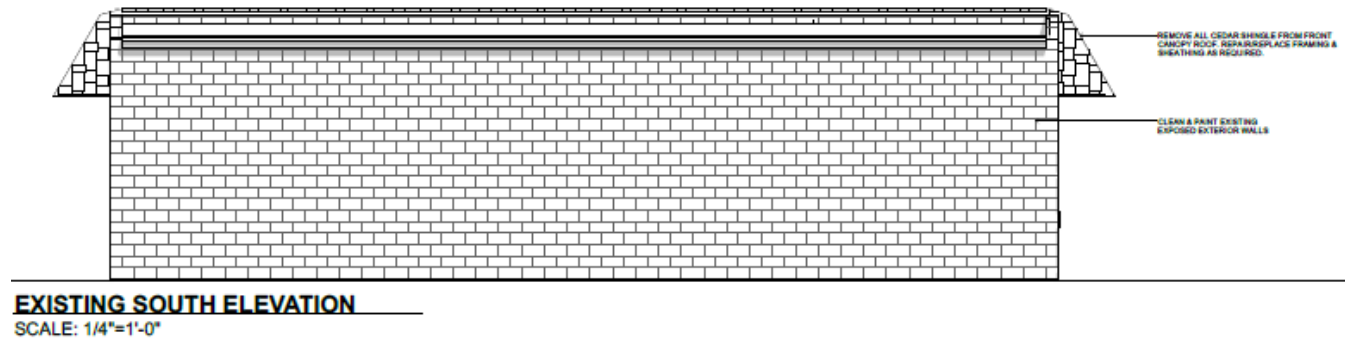
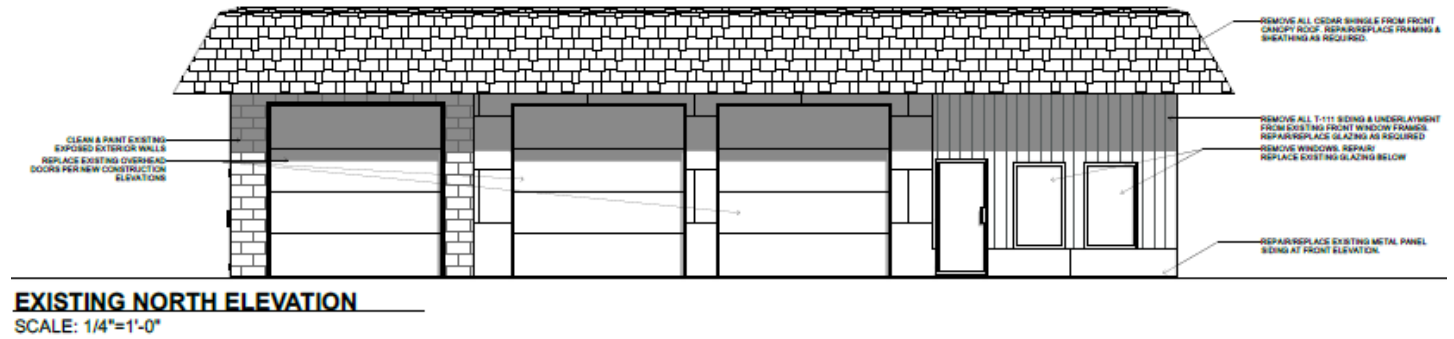
WEST (LEFT) ELEVATION

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



EAST (RIGHT) ELEVATION

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

2023-UV3-002; Elevations (Continued)

Plan of Operation

DBNO Boxing Gym

OVERVIEW & PURPOSE

Our vision is to provide the community with a boxing facility to train and develop at-risk youth both physically and mentally through technical training, physical conditioning, and character training. The highlight of the vision is to form a competitive boxing team that will be ambassadors for The DBNO Character First Boxing Program.

Workforce

1. Two employees and up to three volunteers, everyone works onsite and during class sessions.
2. Workers come to work by car or public transit and park in the parking lot in front of the building.
3. Will have an alarm security system.

Clients

1. At-risk youth and adults.
2. 12 per class, with 3 group sessions a day.
3. Clients come by car or public transit and park in the parking lot in front of the building.

Processes conducted on site

1. Will conduct physical boxing training along with teaching personal Character First skills.

Materials

1. Heavy bags, speed bags, jump ropes, boxing gloves, headgear, hand wraps and a boxing ring.
2. No hazardous materials used.
3. For safety, head gear, hand wraps and mouth guards.

Shipping & Receiving and Waste

Daily mail by mail truck's random frequency.

Everyday trash is put in trash containers and handled by employees. No hazardous waste and no recycling implemented.



Photo of the Subject Property: 5825 East 38th Street



Photo of the Subject Property: 5825 East 38th Street



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



Photo of the rear yard.



Photo of the church west of the site.



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

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV3-056 (Amended)
Address: 4411 East Thompson Road (approximate address)
Location: Perry Township, Council District #24
Zoning: D-A
Petitioner: Dana Eveland
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 20.08-foot detached garage, being taller than the 13-foot tall primary structure (not permitted).

ADDENDUM FOR FEBRUARY 21, 2023

This petition was continued from the January 17, 2023 to the February 21, 2023 hearing at the request of staff.

Amendment: The petitioner provided updated plans noting a reduced 44-foot by 29-foot garage that resulted in the 85% open space being met. This eliminated the open space variance, which did not require new notice to be provided.

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

January 17, 2023

RECOMMENDATIONS

Staff **recommends denial** of the request as submitted.

If the petitioner were to **meet the 85% open space and remove the commercial vehicles from the site**, then staff would recommend approval of an amended request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

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

North	D6-II	Residential (Multi-family dwellings)
South	D-A	Residential (Single-family dwelling)
East	D-A	Residential (Single-family dwelling)
West	D-A	Residential (Single-family dwelling)

(Continued)

STAFF REPORT 2022-DV3-056 (Continued)**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends suburban neighborhood development.

- ◇ The subject site is developed with a one-story single-family dwelling, detached garage, storage shed, and an in-ground pool. It is surrounded by single-family dwellings in each direction except for the multi-family dwellings to the north.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the construction of a pole barn to be taller than the primary structure with 83% open space.
- ◇ Section 743-306.A states that any accessory use shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot. This regulation is in place to prevent residential districts being developed with garages and barns that are out of character with the development pattern of the area.
- ◇ Furthermore, the Ordinance does not allow for the height of an accessory building to exceed the height of the primary building. As proposed, the pole barn would measure 20.08 feet tall, which would be 7.08 feet taller than the existing 13-foot-tall dwelling.
- ◇ Staff determined that there is a practical difficulty regarding the height of the primary structure and the limitation it poses on an accessory structure that would require 12- to 13-foot-tall garage doors to store a recreational vehicle.
- ◇ Due to the proposed placement of the structure being at the rear of the property and with it being screened from the street frontage, staff is not opposed to the height variance requested.
- ◇ However, the 85% required open space of the D-A district could be met with a reduction of the size of the proposed pole barn.
- ◇ The petitioner confirmed that the storage shed would be removed with the construction of the new pole barn, which would have otherwise decreased the amount of open space on site.
- ◇ A revised site plan was provided with accurate dimensions of the single-family dwelling and garage, which increased the open space to 84.6%. Staff would still require that the 85% be met.
- ◇ With the conclusion of the site visit, it was brought to staff's attention that two commercial vehicles, a storage unit and an open trailer measuring longer than 12 feet in length, were stored on site. Since the storage of such vehicles is not permitted in a dwelling district, the petitioner confirmed that they would be removed from the property and would not be stored on site.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN	Thompson Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 100-foot existing right-of-way and a 90-foot proposed right-of-way.
SITE PLAN	File-dated December 7, 2022.
AMENDED SITE PLAN	File-dated January 3, 2022.
FINAL SITE PLAN	File-dated January 23, 2022.
ELEVATIONS	File-dated December 7, 2022.
FINAL ELEVATIONS	File-dated January 23, 2022.
FLOOR PLAN	File-dated December 7, 2022.
FINAL FLOOR PLAN	File-dated January 23, 2022.
FINDINGS OF FACT	File-dated December 7, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2006-DVB-004; 1709 South 9th Avenue (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an aluminum awning with a 20-foot front yard setback (minimum 30-foot front yard setback), **denied**.

97-V2-26; 4419 East Thompson Road (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 26 by 36-foot addition to a detached garage being 1,656 square feet or 88% of the main floor area of the primary structure (maximum 1,398 square feet or 75% of the primary structure required) for an existing single-family residence, **granted**.

(Continued)

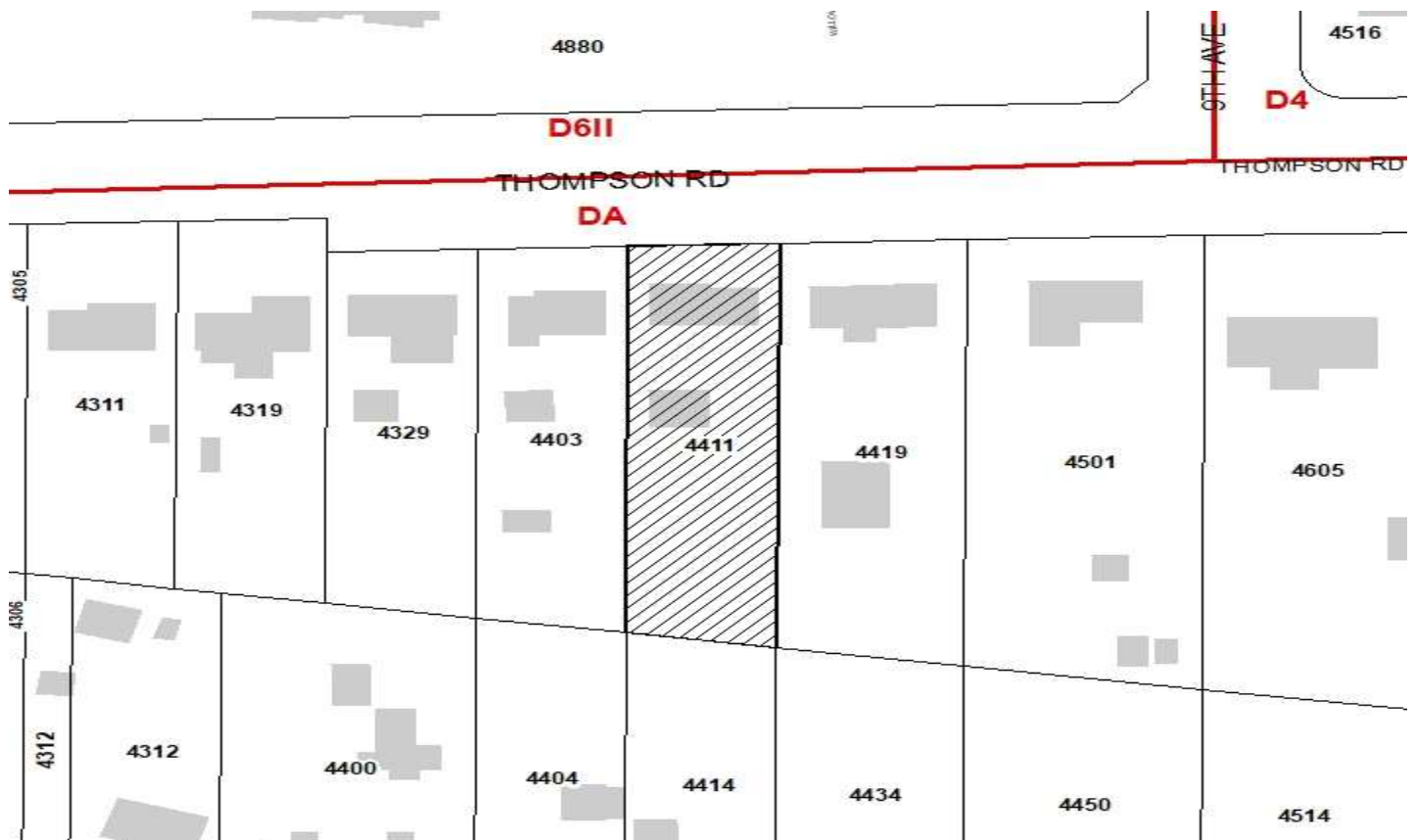
STAFF REPORT 2022-DV3-056 (Continued)

93-UV2-33; 4701 East Thompson Road (east of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale of flowers, bushes grown on site and the sale of garden and lawn supplies and accessories and a variance of development standards of the Sign Regulations of Marion County to permit the placement of a 32 square foot ground sign (one square foot permitted), **denied.**

90-UV2-70; 4701 East Thompson Road (east of site), Variance of use and development standards to permit a lawn and garden center with retail sales, outdoor storage and a 4 by 8-foot ground sign, **denied.**

83-V2-83; 4715 East Thompson Road (east of site), Variance to allow a door to be added to the carport approved by the previous variance, **granted.**

MI



2022-DV3-056; Aerial Map



SITE PLAN LEGEND

- 6' PRIVACY FENCE (EXIST)
- P / L — PROPERTY LINE
- SILT FENCE PERIMETER
- STORM WATER FLOW DIRECTION
- ▨ EXISTING STRUCTURE OUTLINE (TO REMAIN)
- NEW WORK (PROPOSED)
- ⊗ CONCRETE WASHOUT LOCATION (SEE DETAIL)

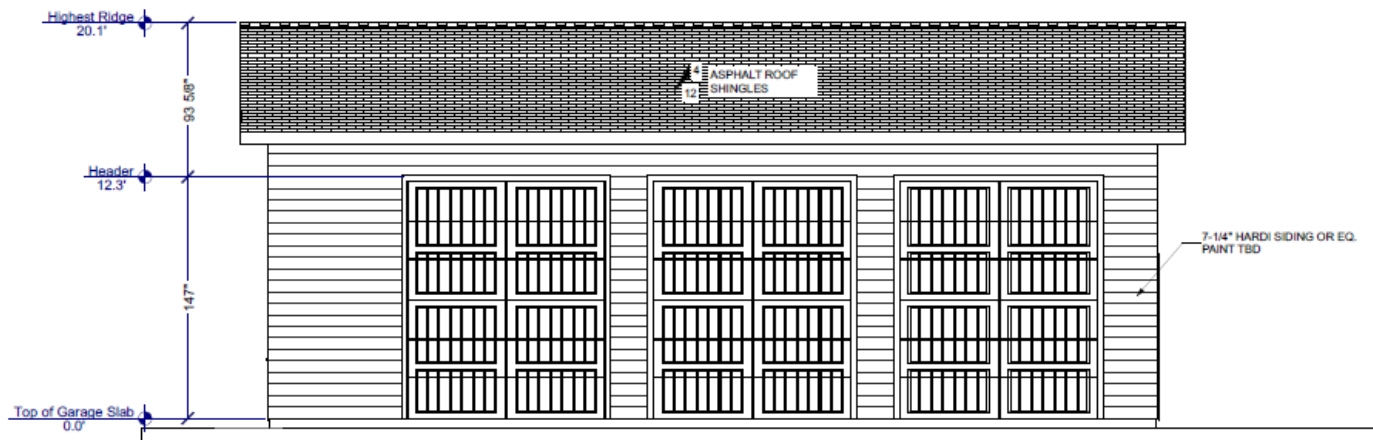




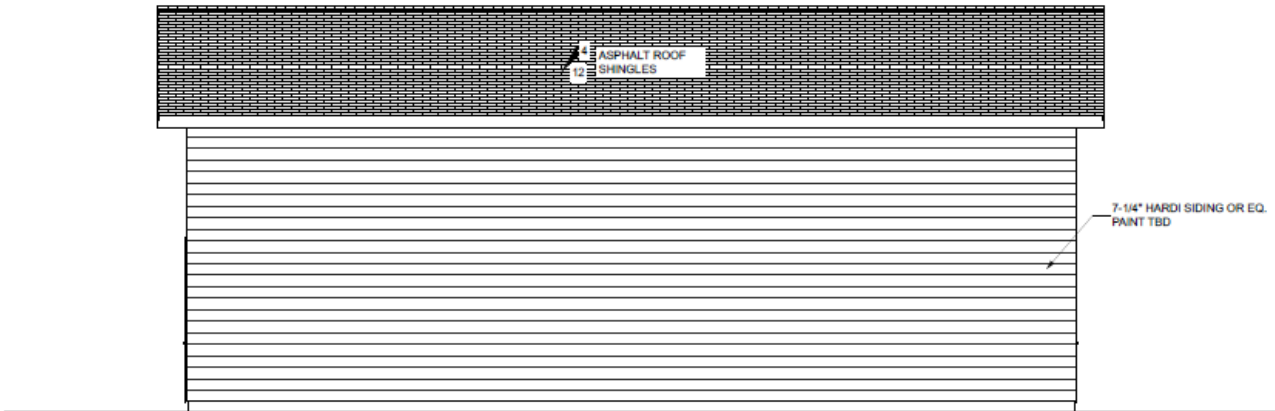


1 SITE PLAN
A5 SCALE: 1"=20'

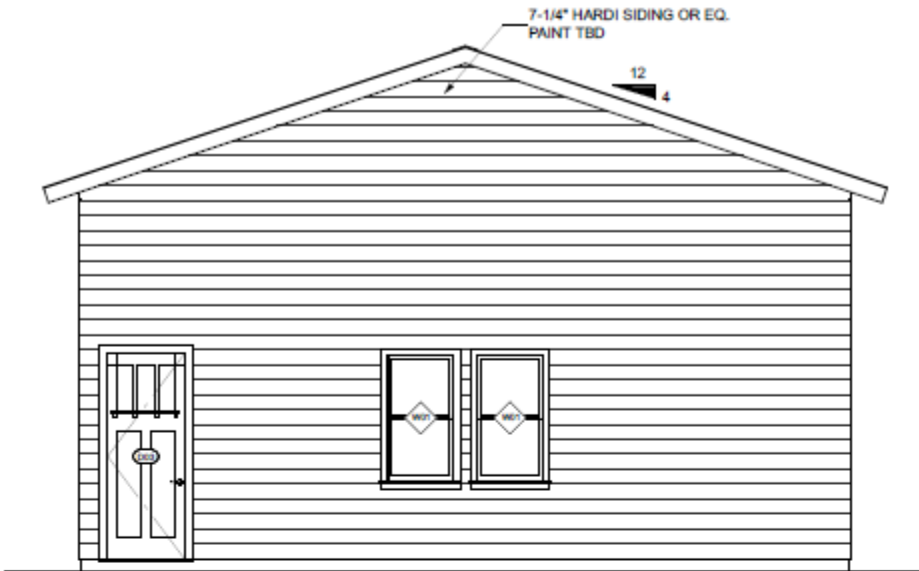




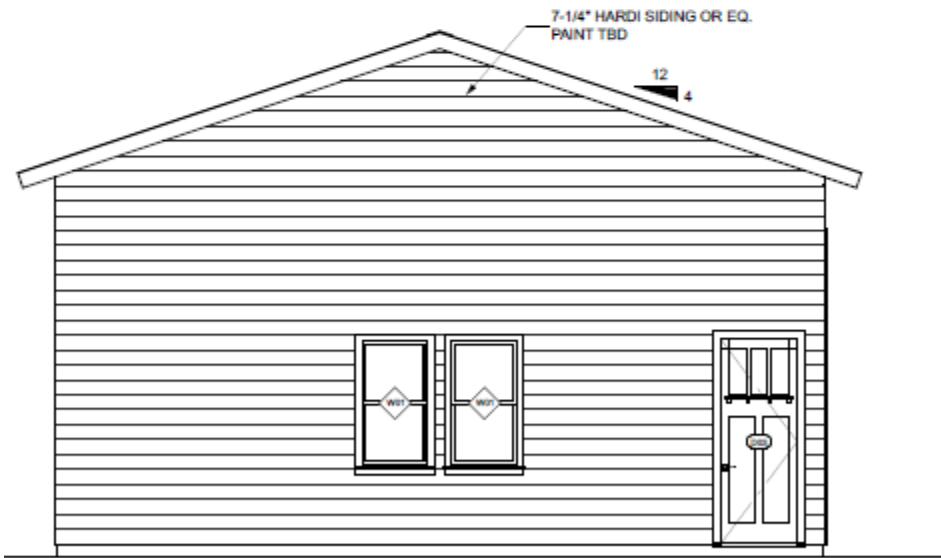
1 FRONT ELEVATION
A3 SCALE: 1/4"=1'



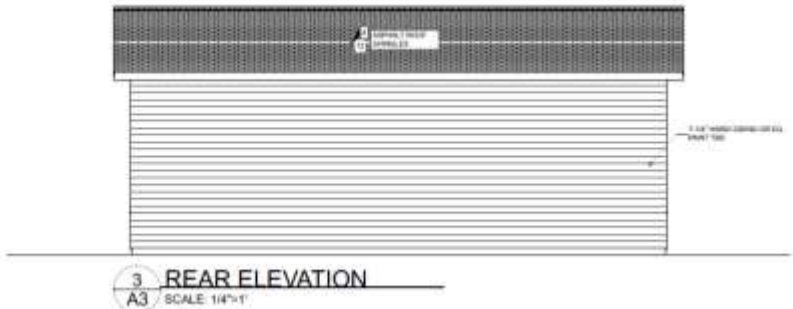
3 REAR ELEVATION
A3 SCALE: 1/4"=1'



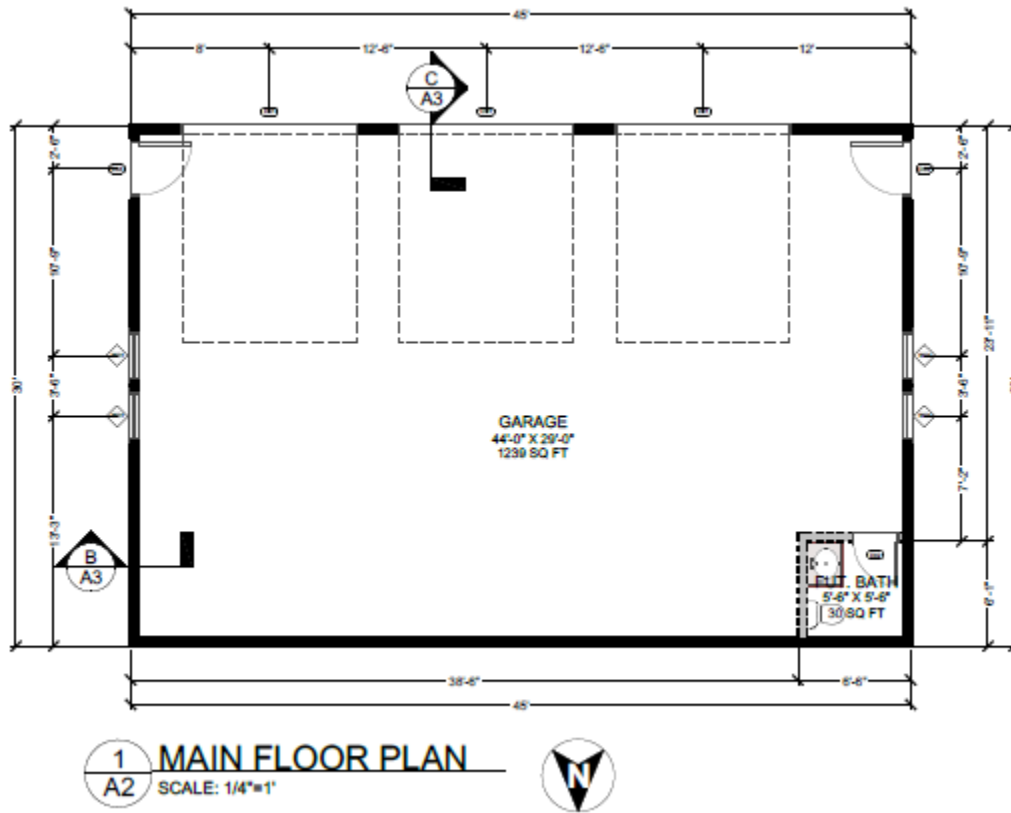
2
A3 RIGHT ELEVATION
SCALE: 1/4"=1'



4
A3 LEFT ELEVATION
SCALE: 1/4"=1'



2022-DV3-056; Floor Plan



2022-DV3-056; Final Floor Plan

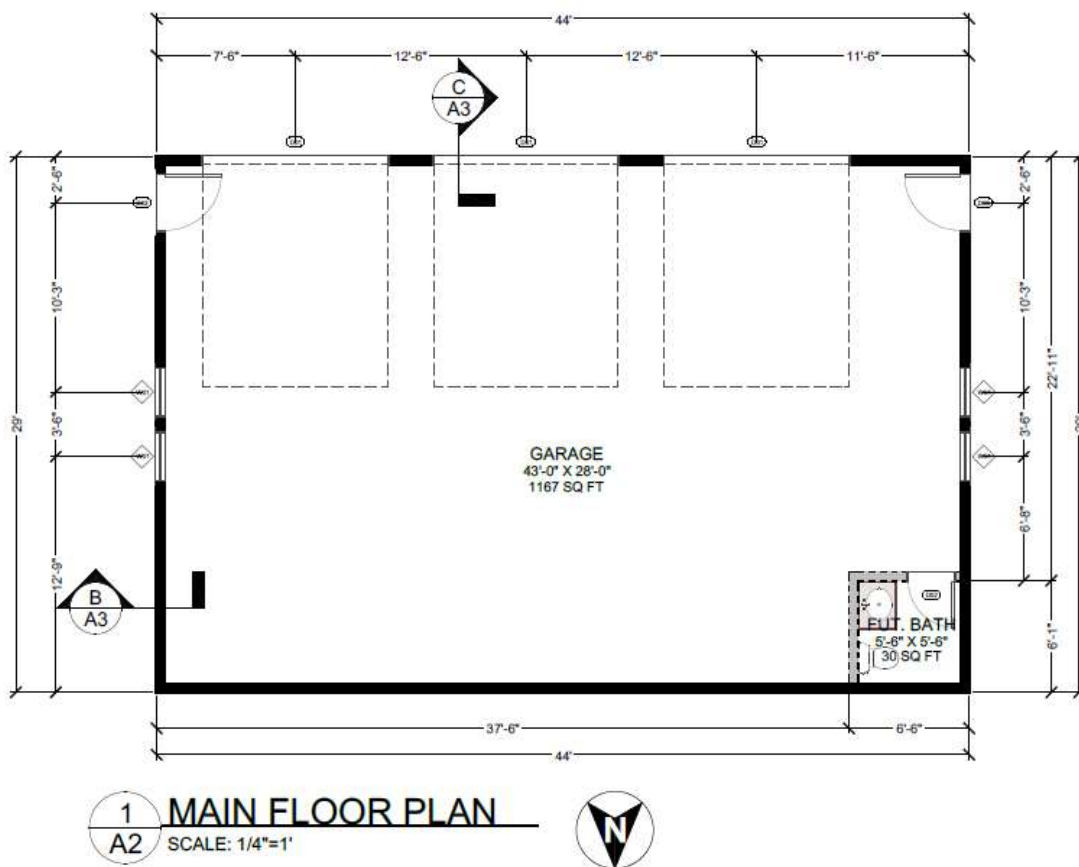




Photo of the Subject Property: 4411 East Thompson Road



Photo of the existing pool area.



Photo of the stoorage shed to be removed.



Photo of the proposed location of the pole barn.



Photo of the commercial vehicle on site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV3-037
Address: 1410 East Epler Avenue (approximate address)
Location: Perry Township, Council District #24
Zoning: C-1 / C-3 (TOD)
Petitioner: Indianapolis Insulators Union Local #18, by Michael Rabinowitch
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building to be used as a union insulators training facility, with a front setback of 35 feet (maximum 10-foot setback required along Pedestrian / Urban Frontages) and a required front building line of 56% (80% front building line required).

February 21, 2023

This petition was automatically continued from the January 17, 2023 hearing to the February 21, 2023 hearing by a remonstrator.

The petitioner has submitted an amended site plan, shown in the exhibits below.

January 17, 2023

RECOMMENDATIONS

Staff recommends **approval** of these requests, subject to the following commitment being reduced to writing on the BZA's Exhibit "A" forms at least three days prior to the hearing:

That a landscape plan and green factor be subject to Administrator's Approval, prior to the issuance of an Improvement Location Permit

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-1 / C-3	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	C-1	Undeveloped
South	D-1	Single-family residential
East	C-3	Commercial
West	C-1	Union Hall

(Continued)

STAFF REPORT 2022-UV3-037 (Continued)**LAND USE PLAN**

The 2019 Marion County Land Use Plan recommends community commercial development.

- ◇ This site is zoned C-1 and is undeveloped. A small portion of the site along the east property line is zoned C-3. This site is in the Transit Oriented-Development overlay district. It is two parcels west of Madison Avenue Red Line route.
- ◇ The adjacent site to the west is also owned by the petitioner and is developed with a union hall and related parking. The subject site's proposed development is an expansion for a vocational training facility. East of site is a commercial corridor. South of site is a residential development. North and west of site are schools and special use.

VARIANCE OF USE

- ◇ This request would provide for a union insulators training facility (vocational training) in the C-1 / C-3 district. The use would be located entirely within the C-1 zoning. This use is permitted in C-4 or greater commercial districts or industrial districts.
- ◇ This use would be directly related to the existing union hall on the adjacent site to the west, which is a permitted C-1 use. Furthermore, school uses are existing nearby to the north and west. Staff believes that a training facility is related to school uses and the existing use; therefore, staff is not opposed to the variance of use.
- ◇ The training facility use would be contained within the proposed building, which would be consistent with the surrounding commercial uses.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for an increased front setback. The proposed front setback is 35 feet. The Transit Oriented Development overlay has a maximum setback of ten feet. The surrounding sites generally have setbacks greater than ten feet. The proposed 35-foot setback is more consistent with the neighborhood context, and would allow for increased frontage landscaping. Therefore, staff is not opposed to the increased front setback.
- ◇ This request would provide for a front building line that is 56 percent of the lot width where 80 percent is required. The intent of this requirement is to have the widest part of the building on the lot frontage. This lot is an irregular shape, so the lot width is larger closer to the street, and narrower towards the rear. The proposed building is rectangular, so there is some practical difficulty in meeting this standard; therefore, staff is not opposed to the reduced percentage for the front building line.
- ◇ Staff is requesting that approval of the variances of development standards be subject to a commitment for administrative approval of the landscape plan and green factor requirement.
- ◇ Staff would note that all other standards for the C-1 district TOD Overlay would apply, including entry features and transparency as described in Section 744-702 of the zoning ordinance.

(Continued)

STAFF REPORT 2022-UV3-037 (Continued)**GENERAL INFORMATION**

THOROUGHFARE PLAN	Epler Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 50-foot existing right-of-way and an 80-foot proposed right-of-way.
SECONDARY ZONING DISTRICT	Transit Oriented Development Overlay (TOD)
SITE PLAN	File-dated December 1, 2022.
SITE PLAN (AMENDED)	File-dated February 14, 2023.
PLAN OF OPERATION	File-dated December 1, 2022.
FINDINGS OF FACT	File-dated December 1, 2022.

ZONING HISTORY – SITE

2005-ZON-105, rezoning of 3.22 acres from to the SU-34 district, **approved**.

2015-ZON-046, rezoning of 5.34 acres to the C-1 district, **approved**.

ZONING HISTORY – VICINITY

2006-ZON-060, 5350 Madison Avenue, rezoning of 0.75 acre to the C-5 district, **approved**.

2006-APP-118, 5410 Madison Avenue, modification of commitments 88-Z-56 to delete restrictions on use and outdoor storage, **withdrawn**.

88-Z-56, 5410 Madison Avenue, rezoning of 0.75 acre to the C-5 district, **approved**.

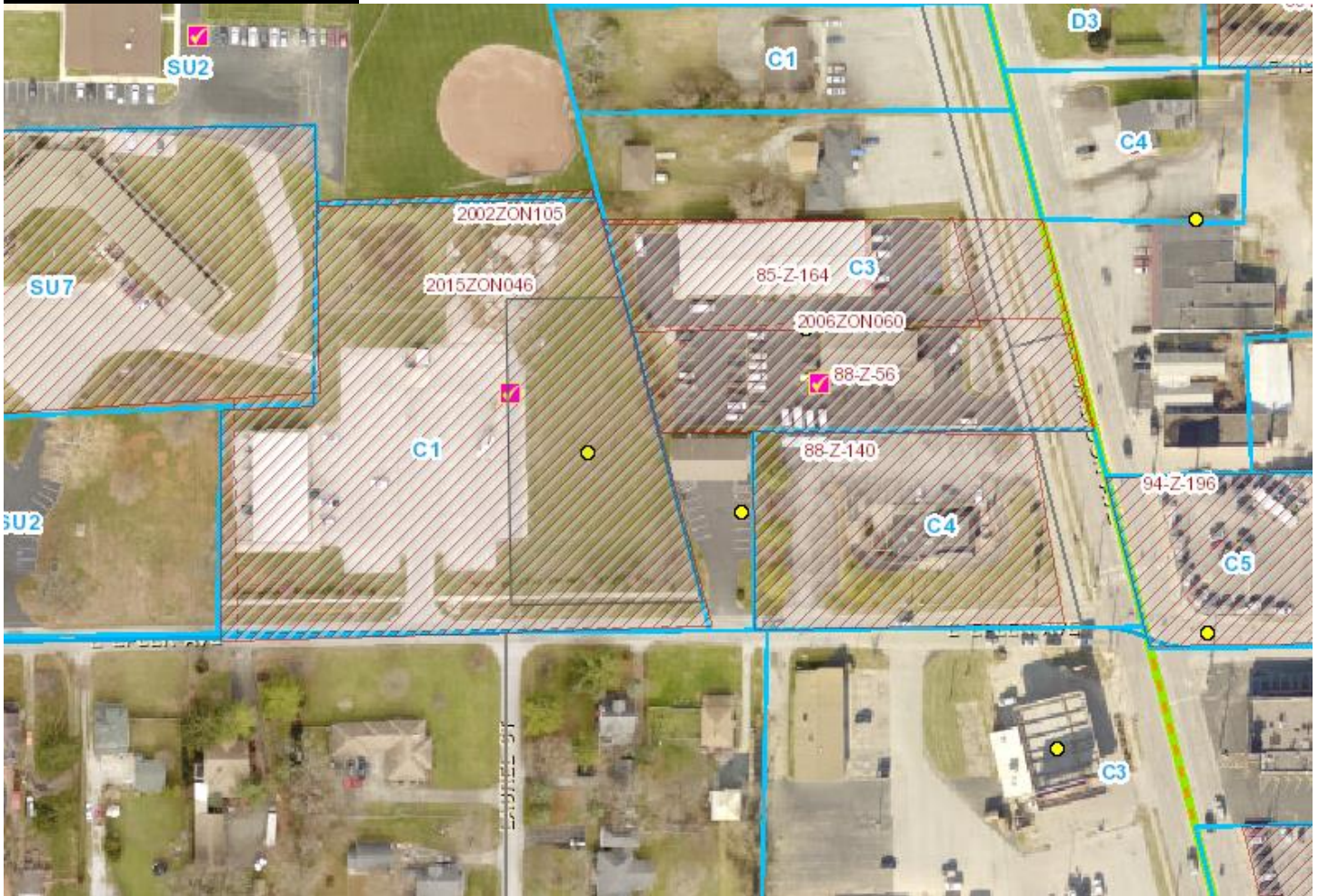
88-Z-140, 5452 Madison Avenue, rezoning of 1 acre to the C-4 district, **approved**.

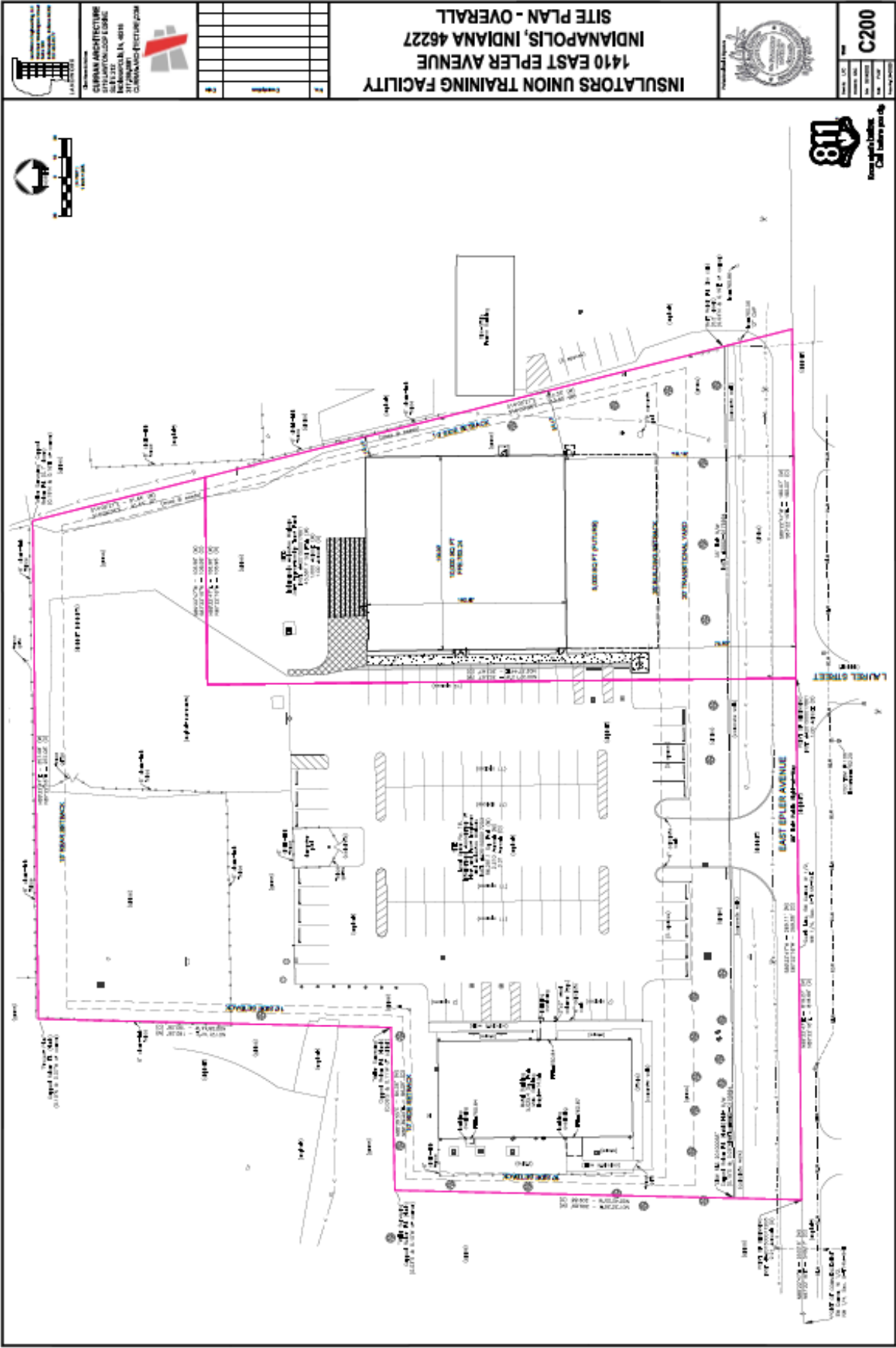
87-UV2-63, 1416 East Epler Avenue, variance to provide for an ambulance service sub-station, **approved**.

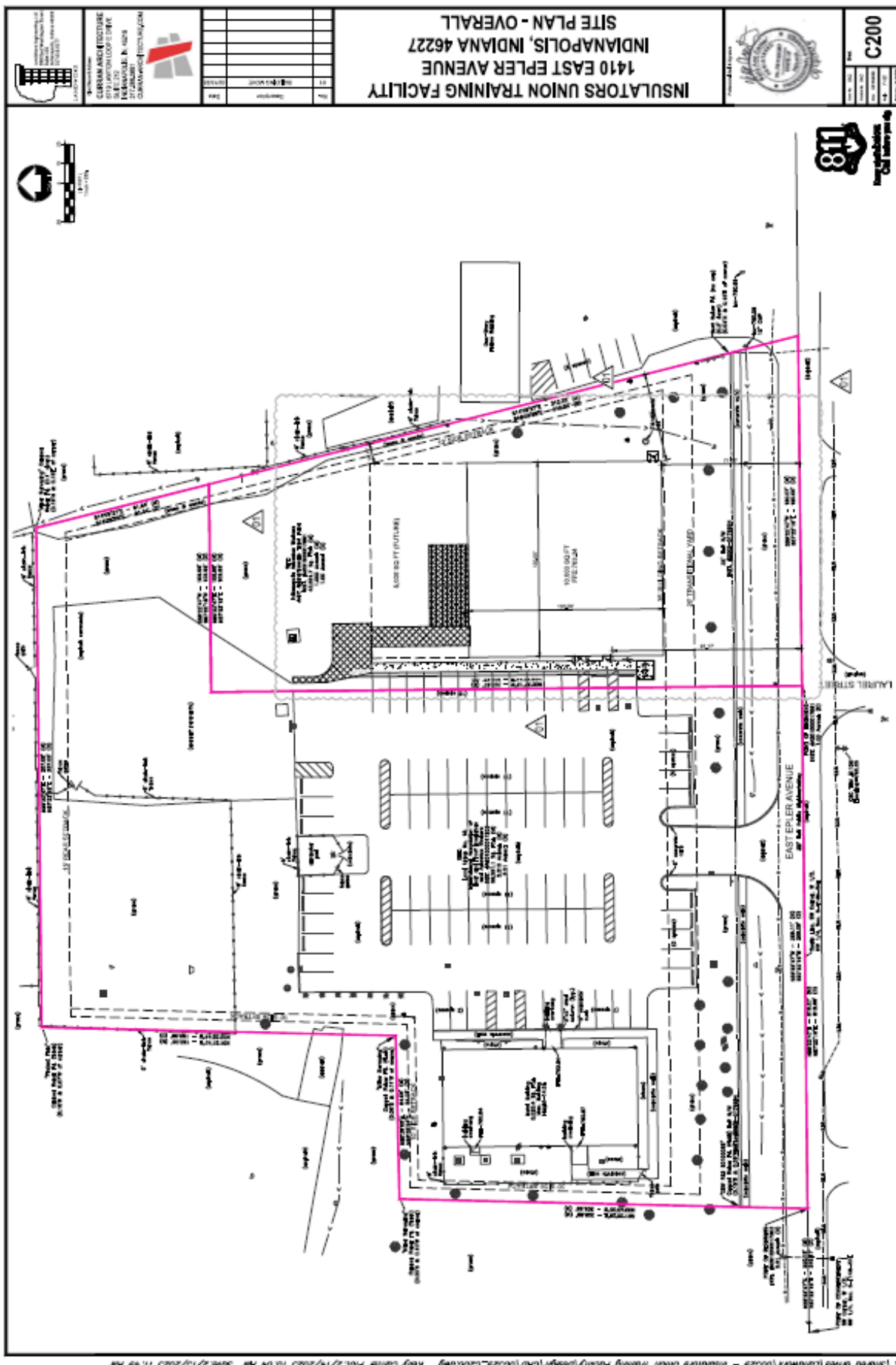
85-Z-164, 5350 Madison Avenue, rezoning of 0.75 acre to the C-3 district, **approved**.

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2022-UV3-037; Aerial Map







2022-UV3-037; Plan of Operation**Indianapolis Insulators Union Local #18 Training Facility****PLAN OF OPERATION****Facility Description**

Indianapolis Insulators Union Local #18 ("Local #18) plans to construct a 10,000 square foot building to be used to train its apprentices in the skilled trade of insulation solutions.

Description of Business

Local #18 will be using the facility to train its apprentices in the skilled trade of Union Insulators. Local #18 provides insulation solutions for all types of mechanical systems, but their training facility will specifically have mock piping systems and duct work used for training purposes.

Hours of Operation

Trainings are held on Saturdays from 8:00 A.M. to 4:30 P.M. Meetings are held once or twice per week, starting at 4:30 P.M. and running until 7:00 P.M. at the latest. The current schedule may be adjusted to allow for trainings any time Monday through Friday from 7:00 A.M. to 3:30 P.M. Trainings occur four to five times every month.

Occupancy

Trainings will have 50 people or less. Meetings will have 10 to 20 people.

2022-UV3-037; Findings of Fact

**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**

Training operations will be contained inside the proposed building, which will be on land that Petitioner already owns and has a continuous presence. The building will not disrupt the commercial-residential character of the surrounding area where a number of large buildings and businesses already exist.

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 petitioner's training facility will be largely self-contained and not disturb the businesses and residences in the surrounding area. Ample on-site parking and the low frequency of trainings (4-5 times per month) will not cause traffic congestion in the area. Because training occurs inside, the facility will not cause noise pollution. Additionally, the volume of occupants will not exceed that of existing businesses and schools in the surrounding area.

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

The property is particularly well-suited for the training facility because it is just across the parking lot from their already existing union hall. The large vacant lot and adjoining parking area provides space and parking accommodations for a training facility such as this one.

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 proposed use is consistent with the intensity of uses otherwise permitted in the C-1 zoning classification. The parcel has remained empty despite substantial development in the surrounding area, and a self-contained training facility does not substantially diverge from the character of the surrounding schools and businesses.

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

There are a number of schools in the surrounding area. Although this is a training center, the heavy presence of education facilities establishes that a self-contained training facility will not disturb the commercial-residential nature of the area. Additionally, the fact that the union already has a meeting hall there establishes that the union's presence will not disrupt the surrounding community.



Subject site viewed from Epler Avenue, facing north



Subject site viewed from parking lot, facing east



Subject site viewed from parking lot, facing east



West of site, adjacent union hall. Site curb cut shown left.



Subject site street frontage and south of site, facing southeast



Subject site frontage and east of site, facing east



South of site



Southwest of site

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV3-039
Address: 1751 South Meridian Street (approximate address)
Location: Center Township, Council District #16
Zoning: C-1
Petitioner: Derick Williams, by Hannah Able
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an event center and eating establishment, with a parking area maintaining a zero-foot transitional yard along the alley and a two-foot north transitional yard (eight-foot transitional yard along alley and 10-foot side transitional yard required), a trash enclosure and an outdoor patio with a five-foot transitional yard along Caven Steet (10-foot front transitional yards required).

ADDENDUM FOR FEBRUARY 21, 2023

This petition was continued for cause by the petitioner from the January 17, 2023 hearing, to the February 21, 2023 hearing.

January 17, 2023

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	C-1	Commercial
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SURROUNDING ZONING AND LAND USE

North -	D-8	Two-Family Dwelling
South -	D-8	Two-Family Dwelling
East -	D-5	Undeveloped
West -	D-8	Undeveloped

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed Use for the site.
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(Continued)

STAFF REPORT 2022-UV3-039 (Continued)**VARIANCE OF USE**

- ◇ The proposed use would include an 1,800-square foot facility as an event center and eating establishment.
- ◇ The maximum capacity outlined in the original Plan of Operation would be 50 guests, with one to two staff members. Food and beverage service would be provided by groups, renters, or outside caterers.
- ◇ Event centers or indoor spectator venue uses are permitted in the C-4 district and are generally considered a high-intensity regional commercial use due to the amount of parking they require. The site is currently zoned C-1, or office commercial, which tends to typically serve the surrounding neighborhoods.
- ◇ Staff is concerned that adequate off-street parking provisions would not be provided due to the amount of parking needed for the proposed use. The submitted site plan indicates the subject site has two parking spaces available on site. The plan of operation indicates valet parking would be available but provides no details or information as to the location or operation of the valet parking.
- ◇ In addition to the two staff members and 50 possible attendees, parking would need to be provided for any outside catering service, including food trucks if used.
- ◇ The strict application of the terms of the zoning ordinance does not constitute an unusual and unnecessary hardship for the property, since the site is zoned C-1 and could be used for any number of uses permitted, by right, in the C-1 zoning classification without the need for a use variance. Any practical difficulty is self-imposed by the desire to use the site as an event center.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The purpose of the transitional yard setback requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required transitional yard setbacks, the impact of the proposed use upon the less intense uses, such as the residential neighborhood uses to the east, west and north would be detrimental and injurious to the overall community.
- ◇ As requested, the reduced transitional yard setbacks would place an undue hardship on the surrounding protected residential uses.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN	<p>This portion of South Meridian Street is indicated as a primary arterial on the Official Thoroughfare Plan, with a 50-foot existing right-of-way and a 78-foot proposed right-of-way.</p> <p>This portion of Caven Street is indicated as a local street on the Official Thoroughfare Plan, with a 38-foot existing right-of-way and a 48-foot proposed right-of-way.</p>
SITE PLAN	File-dated December 14, 2022
PLAN OF OPERATION	File-dated December 14, 2022
FINDINGS OF FACT	File-dated December 14, 2022

ZONING HISTORY

2022-DV2-046; 14 East Caven Street (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit house on a 30-foot wide, 3,000-square foot lot, encroaching into the clear sight triangles of Caven Street and the intersecting alley, and the intersecting alleys along the rear and western lot lines, **ongoing**.

2021-ZON-097; 1747 South Meridian Street (north of site), requested a Rezoning of 0.09 acre from the C-1 district to the D-8 district, **approved**.

2018-HOV-057; 21 East Caven Street (east of site), requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 15-foot front setback and with seven and nine feet between dwellings, **approved**.

2004-UV2-001; 13 East Caven Street and 14, 18, and 22 Adler Street (south of site), requested a Variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for a popcorn production, distribution, and retail outlet, **granted**.

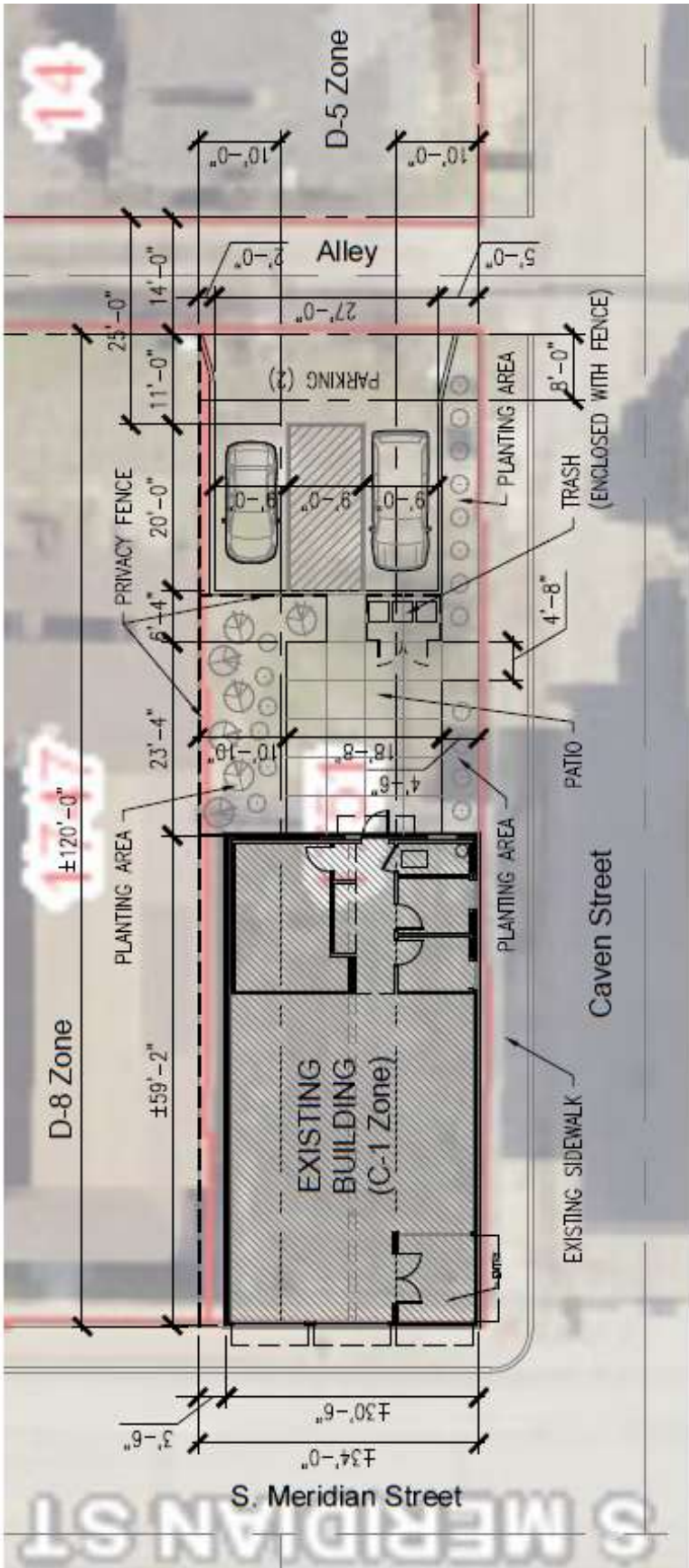
2003-ZON-035; 1805, 1807, 1817, 1821, and 1827 South Meridian Street (south of site), requested Rezoning 0.66 acre from D-8 and C-1 to the C-S classification to legally establish a popcorn production, distribution, and retail outlet, **approved**.

2001-UV3-033; 1741 South Meridian Street (north of site), requested a Variance of use of the Dwelling Districts Zoning Ordinance to legally establish a contractor's warehouse and a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,943-square foot commercial warehouse, with a 6.5-foot setback from Meridian Street, a zero-foot side setback from the south property line and a two-foot side setback from the north property line and a two-foot aggregate side setback; and a garage with a two-foot rear setback and a nine-foot aggregate side setback, **granted**.

RU

2022-UV3-039; Location Map





2022-UV3-039; Plan of OperationPlan of Operation

1751 S. Meridian Street

The proposed use of the existing building will be as a small event center and banquet hall for less than 50 occupants. The space will include a flexible open space, a prep/support room for use by visiting caterers and other support services, and restrooms. The plan for the space is to rent it out for small events including weddings, birthdays, showers, community meetings, and training workshops. The owner would also like to use the space for shared community events such as markets, pop-up shops, and pop-up restaurants.

The proposed exterior patio is supplemental to the interior and would not have a separate event or group. The proposed parking will provide an accessible space for visitors as well as a space for catering services as needed. Valet parking will be provided for events as needed.

Trash will be enclosed at the rear in rolling bins or dumpster to be collected along the alley.

Staff would include one or two employees to supervise events. Any food and beverage service staff would be provided by the groups or individuals renting the space. Any alcohol served on the premises for events will require either temporary permits and/or an appropriately licensed caterer per state laws.



Subject site looking east.



Subject site rear, looking west.



Adjacent residential uses to the north, looking east.



Adjacent residential uses to the south, looking east.

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-001
Address: 5505 and 5855 Brookville Road (approximate address)
Location: Warren Township, Council District #12
Zoning: I-4
Petitioner: AOZI Brookville Building I, LLC, by Joseph D. Calderon
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of an industrial site and building expansion resulting in, collectively, multiple double-loaded and single-loaded rows of parking within the front yards of Irvington Avenue, Brookville Avenue and Arlington Avenue (parking in front of a building limited to one double-loaded row in Industrial Districts); and to provide for loading areas within the front yard of Brookville Road (not permitted), with 9-foot by 18-foot employee parking spaces (180-square foot parking spaces required) and deficient landscaping.

RECOMMENDATIONS

Staff **recommends denial** of this petition as proposed.

Staff would **recommend approval** of this petition if the petitioner would agree to the following commitments:

The variance grant shall be subject to an amended site plan, to be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit. At a minimum, the amended site plan shall provide a vehicle access connector from the employee parking lot and accessing the proposed curb cut entrance/exit from Brookville Road.

The variance grant shall be subject to an amended landscaping plan, to be submitted for Administrator's Approval, prior to issuance of an Improvement Location Permit. At a minimum, the amended landscaping plan shall be similar to the landscaping plan file-dated February 14, 2023, and provide a planting schedule for the specific plants to be planted. Landscaping shall be installed in accordance with the approved plan no later than one year after approval and maintained thereafter.

(Continued)

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

Compact	I-4	Warehouse
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SURROUNDING ZONING AND LAND USE

North -	SU-1/ D-5/ C-3/ C-4/ C-5/ C-7	Church / Single-family dwellings / Commercial Retail / Heavy Commercial
South -	I-4	Railroad yard
East -	C-3 / I-3	Gas Station / Warehouse
West -	D-5/D-8/C-5	Single-family dwellings / Neighborhood commercial

COMPREHENSIVE PLAN	The Comprehensive plan recommends Heavy Industrial for the site, with an overlay district for Industrial Reserve.
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- ◇ The subject site is zoned I-4 and was previously developed with an industrial automotive foundry complex. The foundry complex has since been demolished and the site was originally proposed to be developed with several warehouses and associated parking.
- ◇ A prior petition (2021-DV2-042) requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial development with multiple double-loaded rows of parking in the front yard of Irvington Avenue and to provide for loading areas in the front yard of Brookville Road. That petition was granted, with the original development anticipated to accommodate several warehouse uses.
- ◇ The original development has since been amended from containing several warehouses to one large warehouse, with associated parking. The current request reflects the amended development.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The proposed site plan and landscape plan, indicates the employee parking area would be to the east of the warehouse building, with access limited to Arlington Avenue only. Staff is concerned with that amount of traffic generated for a single entrance and exit, especially during a shift change, that negative impacts will be imposed on adjacent properties. DPW and IMPD have both indicated that they would not support a traffic signal, either permanent or operating only during shift changes, at this location due to its proximity to the Brookville Road and Arlington Avenue signalized interchange, and for other traffic safety reasons.

(Continued)

- ◇ Therefore, a secondary exit and entrance is needed for the employee parking lot. DPW and Staff has proposed an internal connection from the employee parking lot, to the internal driveway that uses the existing entrance/exit on Brookville Road, which would help provide relief from the employee parking lot for both entering and exiting, especially during shift changes. The petitioner has not yet agreed to this recommendation. Staff, along with DPW and IMPD, feels strongly that this access is needed, and therefore will recommend denial of the petition in its entirety if it is not included in the site plan.
- ◇ Therefore, if approved, Staff is requesting approval be subject to an amended site plan, to be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit. That at a minimum, the amended site plan shall provide a vehicle access connector from the employee parking lot and accessing the proposed curb cut entrance/exit from Brookville Road.
- ◇ The Consolidated Zoning and Subdivision Ordinance limits parking areas in the front yard to one double-loaded row of parking, to help limit the impact of excessive parking on adjacent uses, and limit the visual impact created by a large area of parking.
- ◇ The proposed parking areas in the front yard of Brookville Road and Arlington Avenue would provide multiple double-loaded and single-loaded rows of parking and would be similar to the parking areas that existed with the previous use. The parking area as proposed in the front yard of Irvington Avenue was previously approved with petition 2021-DV2-042. Additional landscaping above Ordinance requirements along the Brookville Road and Arlington Avenue frontages are proposed and would help mitigate any negative impact on the adjacent residential protected district. The deficient landscaping would primarily be located within the delivery vehicle parking lot, located immediately to the east of the warehouse structure. The employee parking would provide Ordinance complaint landscaping with approximately 62 shade trees for the parking lot interior landscaped area, where 57 would be required. However, none of the proposed landscaping has been identified with a planting schedule.
- ◇ Therefore, if approved, Staff is requesting approval be subject to a commitment for a landscape plan to be submitted for Administrator's Approval prior to issuance of an Improvement Location Permit. At a minimum, the proposed landscaping shall be similar to the landscaping plan file-dated February 14, 2023, and provide a planting schedule for the specific plants to be planted. Landscaping shall be installed in accordance with the approved plan no later than one year after approval and maintained thereafter.
- ◇ The Consolidated Zoning and Subdivision Ordinance prohibits loading areas to be in front of the primary building. This is due primarily to traffic conflicts created by activities along public streets and their poor aesthetic qualities.
- ◇ The site is currently developed with a large warehouse, and a portion of the frontage containing loading docks fronting on Brookville Avenue was previously approved with petition 2021-DV2-042. The current petition, if granted, will approved additional loading docks fronting on Brookville Road due to an unplanned expansion of the primary warehouse. These expanded loading docks will also be screened with a previously agreed upon four-foot mounding and evergreen trees along Brookville Avenue.

(Continued)

STAFF REPORT 2023-DV3-001 (Continued)

- ◇ The grant of the petition would allow for deficient parking spaces measuring 9 feet by 18 feet, with the reduced sized parking spaces designated for employee parking.
- ◇ Sec. 744-404.D.2 of the Ordinance notes that parking space measurements for all other uses other than residential shall be not less than nine feet in width nor less than 18 feet in length and at least 180 square feet in total area.
- ◇ Since the deficient sized parking spaces would be designated specifically for employees, who would be on site by choice, and not for customers who would be required to be on site for services provided, then Staff has no objection to this reduction and would find it a minor deviation from the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN

This section of Brookville Road east of Ritter Avenue is classified in the Official Thoroughfare Plan as a primary arterial, with a 34-foot existing half right-of-way, and a 44-foot proposed half right-of-way.

This section of Brookville Road west of Ritter Avenue is classified in the Official Thoroughfare Plan as a primary collector, with a 34-foot to 38-foot existing half right-of-way and a 44-foot proposed half right-of-way.

This section of Arlington Avenue is classified in the Official Thoroughfare Plan as a primary arterial, with a 55-foot existing half right-of-way and a 59.5-foot proposed half right-of-way.

This section of English Avenue is classified in the Official Thoroughfare Plan as a primary arterial, with a 40-foot existing and proposed half right-of-way.

This section of Irvington Avenue is classified in the Official Thoroughfare Plan as a local street, with a 25-foot existing and proposed half right-of-way.

SITE PLAN

File-dated December 14, 2022.

LANDSCAPE PLAN

File-dated February 14, 2023

FINDINGS OF FACT

File-dated December 14, 2022

(Continued)

ZONING HISTORY

2021-DV2-042; 5505 and 5565 Brookville Road (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial development with multiple double-loaded rows of parking in the front yard of Irvington Avenue and to provide for loading areas in the front yard of Brookville Road, **granted**.

2006-ZON-814/2006-VAR-814; 5560 and 5630 Brookville Road (north of site), requested the rezoning of 0.344 acre from the D-5 District, to the C-5 classification, to provide for general commercial uses, **approved**; requested a variance of development standards of the Commercial Zoning Ordinance to provide for a patio outdoor seating area with a 38-foot front setback from the centerline of Brookville Road, to provide for a zero-foot east side transitional yard, without landscaping in the required front yard, and to provide for parking spaces with deficient maneuvering area, **granted**.

2004-ZON-157; 5550 Brookville Road (north of site), requested the rezoning of 0.55 acre from D-5 and C-1 to C-5, **granted**.

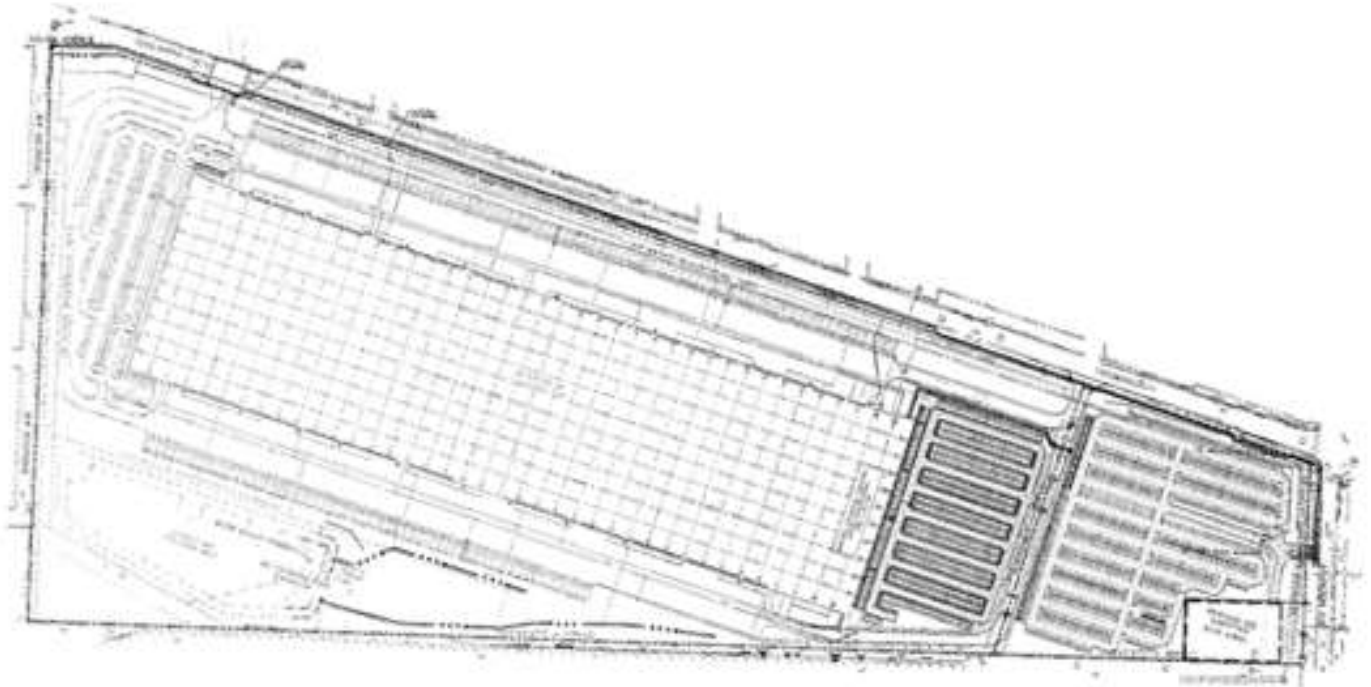
2003-UV1-032; 5502-5536 Brookville Road (north of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a concrete contractor's office and to provide for a 4,000-square foot accessory storage facility with a three-foot west front yard setback from the existing right-of-way of Shimer Avenue, **granted**.

2002-ZON-134; 5536 Brookville Road (north of site), requested the rezoning of 0.78 acres, being in the C-1, C-5 and D-5 Districts, to C-5 classification to provide for a truck repair facility and storage, **approved**.

RU

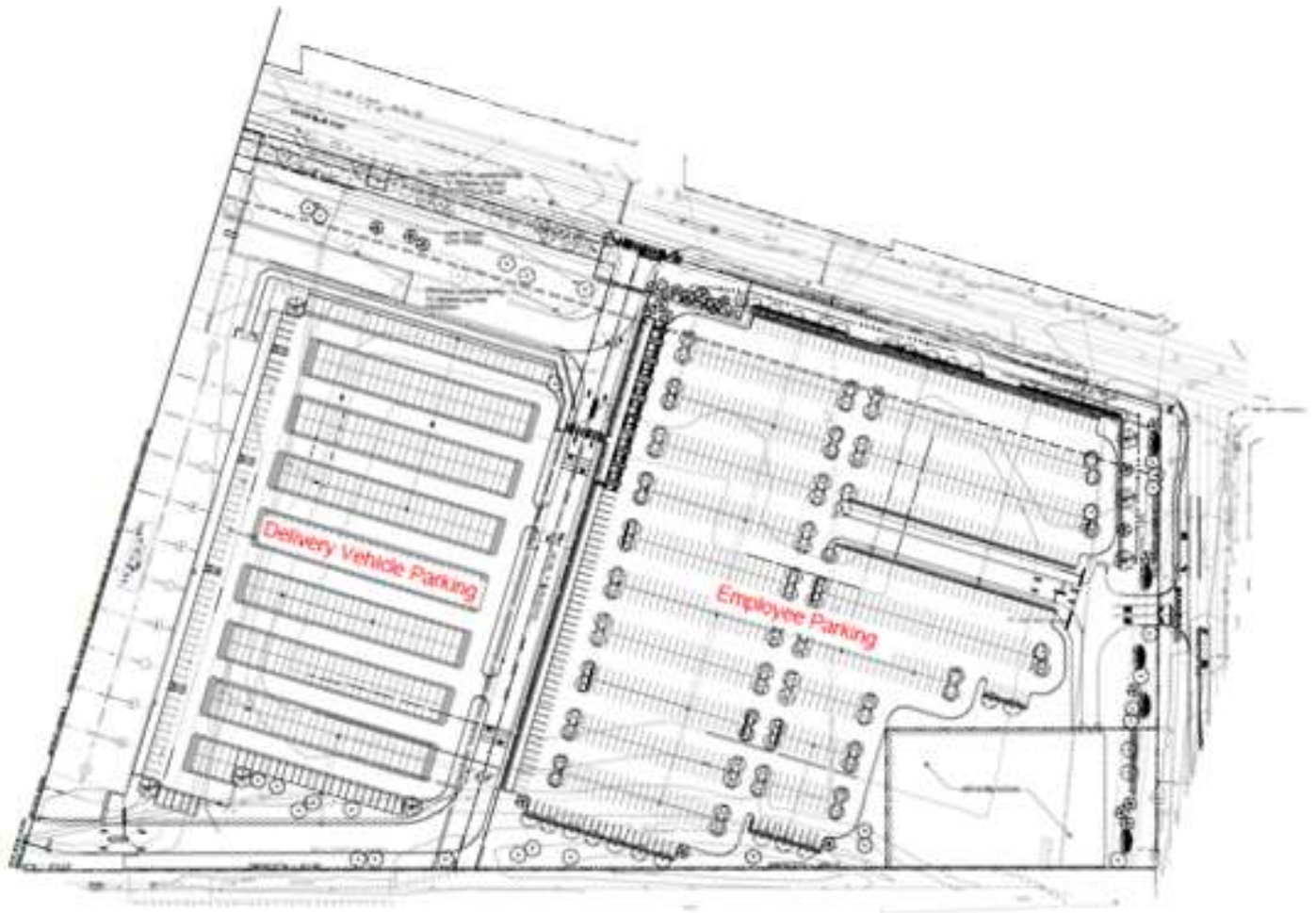
2023-DV3-001: Location Map





2023-DV3-001: Site Plan delivery vehicle and employee parking areas







View of subject site existing warehouse with loading docks facing Brookville Avenue, with previously approved mounding and evergreen landscaping.



View of subject site Brookville Road frontage, proposed location of delivery vehicle parking area, looking south.



View of subject site Brookville Road frontage, proposed employee parking area, looking south



View of subject site Arlington Avenue frontage, and proposed employee parking lot entrance/exit area, looking west



View of existing commercial uses, adjacent to subject site along the eastside of Arlington Avenue looking east.



View of existing commercial uses, adjacent to subject site along the northside of Brookville Road looking north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-004
Address: 10220 East Washington Street (approximate address)
Location: Warren Township, Council District #19
Zoning: C-4 (TOD)
Petitioner: Indy WS40 LLC, by Joseph D. Calderon
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with:

- a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required);
- b) a surface parking area within the minimum 50-foot front yard setback (not permitted);
- c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted);
- d) and a 46% front building line (80% required).

RECOMMENDATIONS

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

The variance grant shall be subject to the installation of a sidewalk, approximately 195 feet in length, along the western parcel line, connecting from the existing Washington Street sidewalk and terminating at the north parcel line. The sidewalk installation would need to be completed prior to the occupation of any tenant bay in this development.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	C-4	Vacant commercial restaurant building to be demolished.
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SURROUNDING ZONING AND LAND USE

North	C-4	Regional integrated commercial shopping center
South	C-4	Commercial retail / restaurant
East	C-4	Commercial restaurant
West	C-4	Commercial retail

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Regional Commercial uses for the site. With an overlay for the Blue Line Transit Oriented Development.

(Continued)

STAFF REPORT 2023-DV3-004 (Continued)

- ◇ The subject site is an integrated center totaling 1.92 acres. This portion of Washington Street will be going through substantial change because it is a selected segment along the proposed Blue Line transit system. Therefore, the property is also located within the Transit Oriented Development Overlay district, which is more restrictive on automotive uses. The surrounding neighborhood consists of previously developed commercial uses. The subject site's integrated center contains commercial tenants, such as a clinic, retail, and a bank.
- ◇ The subject site is zoned C-4 (Community-Regional District). The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature several large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
 - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
 - Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
 - Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
 - Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ For the request to provide an accessory drive through within 600 feet of a transit station with access provided by a private drive, where alley access is required, the subject site is in the Metro context and was originally developed without alleys. Previous and proposed access is derived from the rear of the site from an internal access or private drive, without direct access from Washington Street. Therefore, Staff does recommend approval of the request for an accessory drive through within 600 feet of a transit station with access provided by a private drive, as the intent of the Ordinance is being met, without the actual access from or the development of an alley, and the request would be a minor deviation from the Ordinance.

(Continued)

STAFF REPORT 2023-DV3-004 (Continued)

- ◇ For the request to provide a surface parking area within the minimum 50-foot front yard setback, in Staff's opinion, there is a practical difficulty in developing the site due to the long and shallow nature of the parcel, which could create access and circulation issues if the parking lot was required to meet the 50-foot site setback for this proposed development. Since there is no direct access from Washington Street, and the parking lot as designed, either to the side or rear of the proposed buildings, does meet the intent of the 50-foot setback in Staff's opinion. Therefore, Staff does recommend approval of the request for a surface parking area within the minimum 50-foot front yard setback.
- ◇ The Ordinance requires a 10-foot maximum front yard setback for commercial uses to limit the distance of primary structures from sidewalks and pedestrian rights-of-way, and to dissuade a larger amount of parking in the front yard, which has negative connotations. This design standard of the Transit Oriented Design (TOD) Overlay is vital to ensuring an appropriate pedestrian-oriented streetscape along approved bus rapid transit lines.
- ◇ The request to provide for the construction of a freestanding commercial building with a 20-foot front setback from Washington Street, is a result of an existing 20-foot utility easement, that prohibits development within it. The primary intent of the required 10-foot front setback is to dissuade parking areas in the front yard. The proposed site plan has placed all parking areas to the side and rear of the building, thus complying with the intent. Therefore, the request for a 20-foot front setback would have a practical difficulty due to the existing easement, and in Staff's opinion, would be a minor deviation from the Ordinance.
- ◇ The required front building line percentage is 80%. The *front building line* percentage is defined as the percentage of the lot frontage which must be occupied by at least a portion of the front building (740-201.B).
- ◇ Staff does recommend approval of the request for a building comprising 46% of the building line where 80 percent building line width required. As proposed, the 46% building line would be a minor deviation, and would not have any negative impact on adjacent properties.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of West Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 145-foot existing and proposed right-of-way.

SITE PLAN

File-dated January 17, 2023.

FINDINGS OF FACT

File-dated January 17, 2023.

(Continued)

ZONING HISTORY

2022-UV3-031; 10435 East Washington Street (east of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 23.5-foot front building line, 4% of the building line, **withdrawn**.

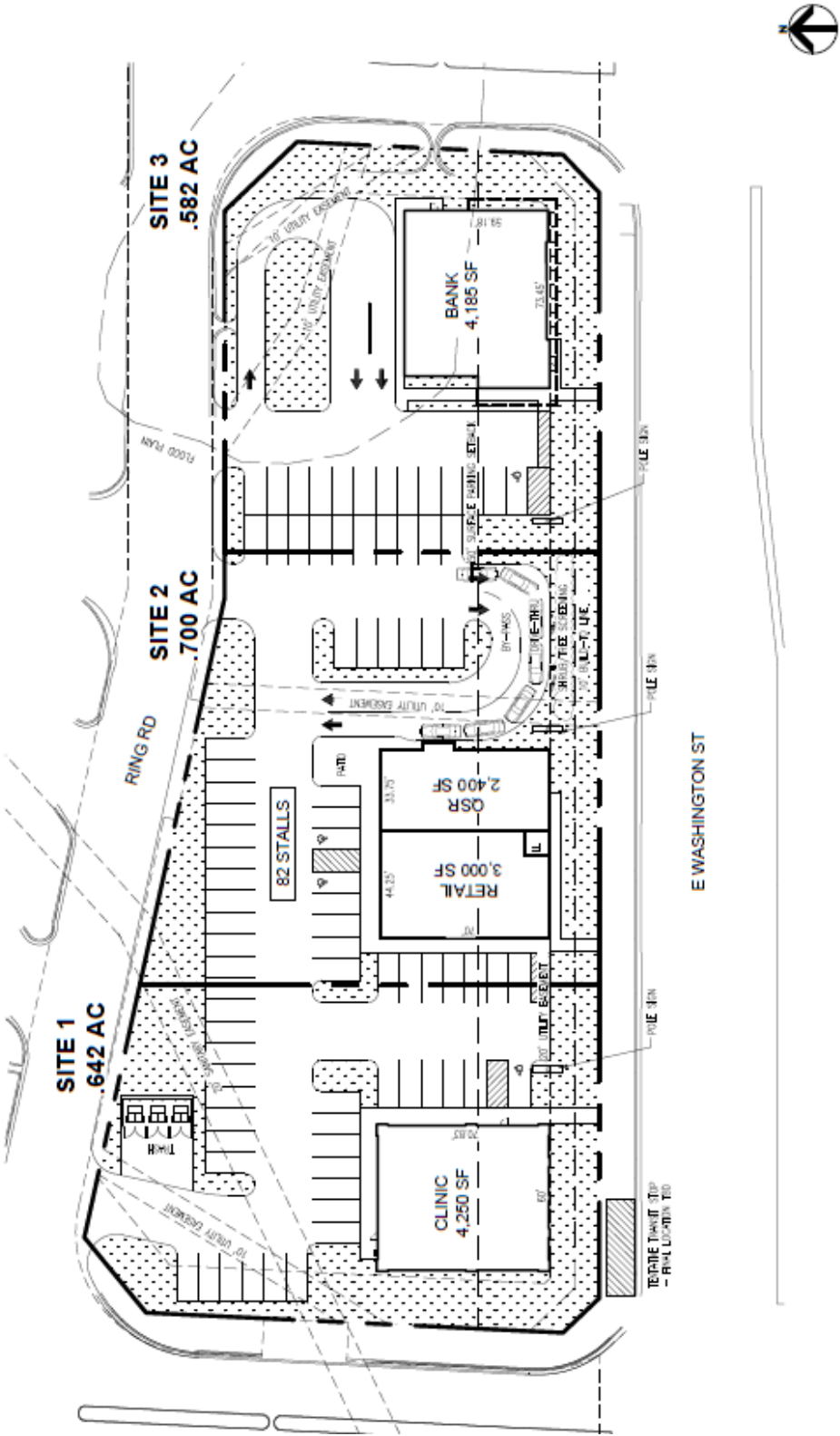
2018-UV2-008; 10501 East Washington Street (east of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor with outdoor storage, **approved**.

2011-UV2-018; 10009 East Washington Street (south of site), requested a variance of use to provide for a daycare center in a 4,200-square foot tenant space, **granted**.

2010-DV2-005; 10002 East Washington Street (west of site), requested a variance of development standards to provide for an 18-foot tall, 43.5-square foot freestanding sign, within the clear sight triangle of Mitthoeffer Road and Washington Street, with a five-foot front setback from Washington Street, **denied**.

RU







Subject site looking north.



Subject site adjacent existing parking lot, looking north



Adjacent commercial uses to the west of site, looking northwest



Adjacent regional commercial uses to the north,



Adjacent commercial restaurant use to the east of site, looking north.



Adjacent commercial uses to the south.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-006
Address: 6039 South Harding Street (approximate address)
Location: Perry Township, Council District #20
Zoning: D-A
Petitioner: Robert E. Wampler and Linda L. Waites
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a) A carport, being taller than the primary building, and another mini barn located within the front yard of Harding Street, and with a 20-foot front yard setback from Harding Street (accessory structures not permitted in front of, or taller than, the primary building, 35-foot front yard setback required);
- b) A mini barn with a six-foot north side yard setback, and another with an eight-foot north side yard setback, resulting in a 50-foot aggregate side yard setback (minimum 30-foot side yard setback, 75-foot aggregate side yard setback required); and
- c) Resulting in an open space of 82% (85% open space required).

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-A	Metro	Residential
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SURROUNDING ZONING AND LAND USE

North	C-S	Union Hall
South	C-S	Fleet Terminal
East	D-A	Residential (Single Family)
West	I-2	Food Processing/Packaging

LAND USE PLAN

The Comprehensive Plan recommends office commercial development.

- ◇ The .43-acre site is developed with a single-family residence and three accessory structures. The residence is a 1,121 sq ft single story home built in approximately 1965.
- ◇ The site is bounded by commercial to the north and south, light industrial to the west, and single-family dwellings to the east.

STAFF REPORT 2023-DV3-006 (Continued)**VARIANCE OF DEVELOPMENT STANDARDS**

◇ The request would allow:

- An accessory structure (carport) to remain in a front yard where the ordinance only permits accessory structures within side or rear yards; within a front setback which no structures are permitted (at about 20' from the right of way where 35' is required); and which is taller than the primary structure where ordinance requires all accessory structures to be subordinate so they may not be larger or taller than the primary structure.
- A second accessory structure (shed) to remain in the front yard and 6' from the north side lot line and a third structure (shed) to remain 8' from the north side lot line where 15' side yard setback is required as an exception to the 30' requirement for homes in the D-A district built prior to 1989.
- An open space deficiency of 82% where 85% is required in the D-A district. No more than 15% of the lot may be covered by structures. In this case, the home, carport, and three sheds cover 18% of the lot.

DEVELOPMENT STANDARDS FINDINGS OF FACT

- ◇ Criterion 3 states "THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE." The petitioner's response is "The property is located in a 100-year flood zone. The relocation of the sheds to other locations puts them at risk due to standing water during heavy rains."
- The subject site has a rear yard of a size and topography which would accommodate a reasonable amount of residential accessory structures. Because the entire property is of a consistent elevation and within the flood zone, staff finds no practical difficulty which would prohibit the placement of the accessory structures within the rear yard. Staff could find no other practical difficulty which exists to allow for an accessory structure taller than the primary structure, insufficient open space, or reduced setbacks.

GENERAL INFORMATION**THOROUGHFARE PLAN**

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

SITE PLAN

File-dated January 17, 2023.

FINDINGS OF FACT

File-dated January 17, 2023.

(Continued)

STAFF REPORT 2023-DV3-006 (Continued)**ZONING HISTORY – SITE****EXISTING VIOLATIONS:****VIO22-007767, December 2022**◇ **Section 740-1005.A.2.**

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-barn, shed, or carport exceeding 200sq. feet).

◇ **Section 740-1005.A.3.**

The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Scrap wood, crates, sheet metal, buckets, tarps, and other miscellaneous items throughout the property).

◇ **Section 740-1005.A.4.**

The outdoor storage of inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Truck camper shell, and other miscellaneous vehicle parts throughout the property).

◇ **Section 740-1005.A.8.**

Failure to comply with use-specific standards and zoning district development standards for the D-A district; (743-306.4.a - Detached accessory structures shall not be located closer to any front lot line than the established front yard setback....Mini-barn/shed and carport).

◇ **Section 740-1005.A.8.**

Failure to comply with use-specific standards and zoning district development standards for the D-A district; (743-306.AA.1.b - No recreational vehicle shall be parked outside in the front yard, unless parked on a hard surfaced area of the driveway or interior access drive).

◇ **Section 740-1005.A.8.**

Failure to comply with use-specific standards and zoning district development standards for the D-A district; (Table 744-201-1: - Mini-barn/shed located in the 15 ft. side yard setback).

PREVIOUS CASES: None.

(Continued)

STAFF REPORT 2023-DV3-006 (Continued)**ZONING HISTORY – VICINITY**

2004ZON018; 1319 West Edgewood Avenue (south and east of site), Rezoning of 14 acres from the C-3 district to the C-S district classification, **approved**.

99-Z-48; 1319 West Edgewood Avenue (south and east of site), Rezoning of 6.2 acres from the D-A district to the C-S district classification, **approved**.

99-Z-29; 6030 South Harding Street (west of site), Rezoning of 2 acres from the D-A district to the I-2 district, **approved**.

96-Z-74; 6007 South Harding Street (north of site), Rezoning of .81 acres from the D-A district to the C-S district, **approved**.

BB

2023-DV3-006; Location Map

Location map

(Continued)

STAFF REPORT 2023-DV3-006 (Continued)



Location map with floodplain

2023-DV3-006; Aerial Map

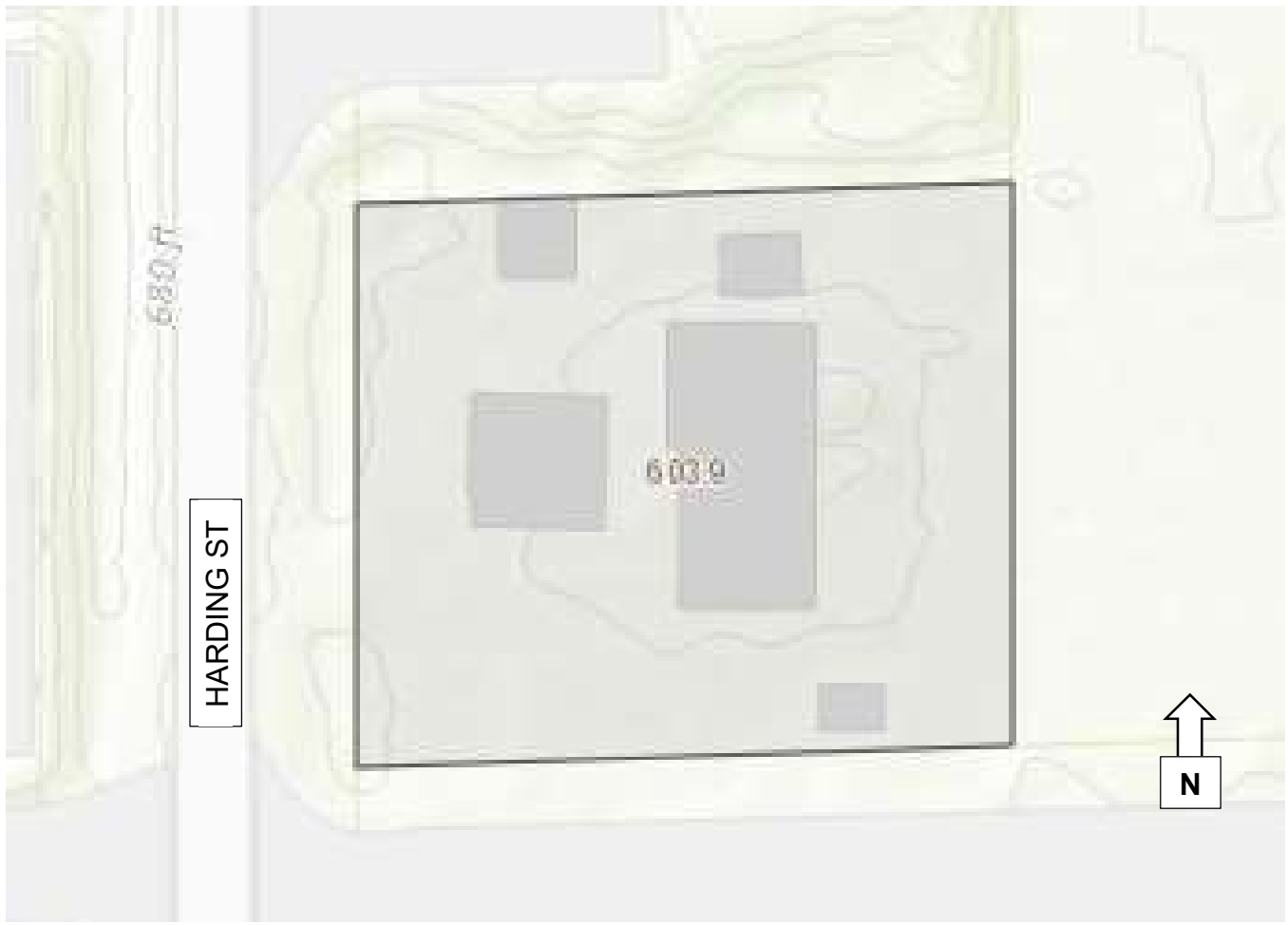


(Continued)

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96

2023-DV3-006; Topographic Site Plan



(Continued)

STAFF REPORT 2023-DV3-006 (Continued)**2023-DV3-006; Findings of Fact****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 variances being requested involve a concrete pad and shed that have been in place since prior to purchase by petitioner in 2004. The other shed and car port have been in place since prior to 2008. They do not negatively affect the public health, safety, morals and general welfare of the community. Due to the industrialization of the area, the petitioner is now surrounded by commercial business on all four sides of his home.

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 value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the occupants of the adjacent properties purchased/rented/occupied the properties AFTER the structures were added to the petitioner's property. If anything, the petitioner has likely had a reduction of property value due to the industrialization / commercialization of the four adjacent properties.

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

The property is located in a 100 year flood zone. The relocation of the sheds to other locations puts them at risk due to standing water during heavy rains.

(Continued)

2023-DV3-006; Photographs

Photos of the Subject Property: 6039 South Harding Street



View 1 from south, excessive height of carport



View 2 from south, inadequate front setback

(Continued)



View 1 from west, inadequate side setback from north lot line



North neighbor

(Continued)

2023-DV3-006; Photographs (Continued)



West neighbor



South neighbor

STAFF REPORT

Item 15.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-004
Address: 3049 North Post Road (approximate address)
Location: Warren Township, Council District #14
Zoning: I-3
Petitioner: Volumod Indy LLC, by David Gilman
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor display and sales of modular homes within the required front yard and not abutting a building exterior wall and a 48-foot front setback from Post Road (not permitted, 60-foot front yard setback required).

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

I-3 Office / Warehouse

SURROUNDING ZONING AND LAND USE

North -	I-4	Warehouse
South -	SU-1	Religious Uses
East -	C-S	Warehouse
West -	C-3 / C-5	Community Center / Automotive repair

COMPREHENSIVE PLAN The Comprehensive Land Use Plan recommends heavy industrial uses for the site.

VARIANCE OF USE

- ◇ The subject site is zoned in the I-3 district, which is designed as an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.
- ◇ The I-3 district does allow for an unlimited amount of outdoor storage, however, the outdoor storage is required to be to the rear of the building. An exception to the front yard restriction of outdoor display and storage would be if the outdoor display would be abutting a building exterior wall. The proposed location would not be abutting an exterior wall and would place the outdoor storage and display in the front yard of Post Road, with a reduced front yard setback of 48 feet.

(Continued)

- ◇ The proposed outdoor storage and display location would be an inappropriate encroachment and intrusion into the front yard of this commercial / industrial area because it is not in harmony with the adjacent industrial properties, who are able to meet the Ordinance standards for outdoor storage and display. Furthermore, staff is most concerned that, if approved, further outdoor storage and display areas in front yards would follow and encroach upon the Post Road arterial, which is a main traffic throughfare in this area, connecting to the I-70 Interstate to the south.
- ◇ The proposed location of the outdoor storage and display is not a result of a hardship imposed upon the site by the Ordinance, as the site has been in compliance since 1960 when it was originally developed, and other nearby similarly zoned industrial properties are able to comply with the Ordinance requirement as well.
- ◇ The proposed location of the outdoor storage and display is a self-imposed hardship due to the desire to visually publicize and promote the product to drive by traffic. The outdoor storage and display could be more appropriately located to the rear of the building, where ample open space remains to accommodate the proposed site plan, without the need for a variance. Consequently, an unusual and unnecessary hardship does not exist, and the subject site could continue to be used without the requested variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested 48-foot front setback is a self-imposed hardship as a result of the petitioner's variance of use request to place a product display for modular structures in the front yard.
- ◇ If the product display would be moved to the rear of the structure, where ample open space is available, then the requested variance for a reduced front setback would not be needed. If the open space to the rear is already dedicated for other uses, then the request would cause the site to be overdeveloped and another location should be determined to fit the needs of the petitioner, including a proper outdoor display area.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since there is adequate open space to the rear of the structure to provide for a product display area, without the need for a setback variance. Any practical difficulty is self-imposed by the desire to use the site for a product display area in the front yard with a reduced front setback.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of North Post Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 112-foot existing and proposed right-of-way.

This portion of East 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial, with a 100-110-foot existing and proposed right-of-way.

(Continued)

SITE PLAN	File-dated January 13, 2023
PLAN OF OPERATION	File-dated January 13, 2023
FINDINGS OF FACT	File-dated January 13, 2023

ZONING HISTORY

2004-UV2-027; 2961 North Post Road (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the annual temporary seasonal sales of fireworks and Independence Day related party supplies between June 1st and July 10th, **granted**.

99-UV2-33; 2945 North Post Road (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motor vehicles, and to provide for a zero-foot transitional yard on the east and south property lines with no landscaping, **granted**.

99-V2-33; 2945 North Post Road (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motor vehicles, and to provide for a zero-foot transitional yard on the east and south property lines with no landscaping, **granted**.

99-Z-148; 9045 East 30th Street (south of site), Rezoning of 0.758 acre, being in the C-3 District, to the SU-1 classification to provide for religious uses, **approved**.

99-Z-121; 9202 East 30th Street (east of site), Rezoning of 11 acres from the I-3-S District to the C-S classification to provide for tire and tube sales, and a tire retread facility, **approved**.

97-HOV-35; 3120 North Post Road (west of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a 150 by 96.33-foot building addition with a side yard setback of 28.3 feet, **granted**.

94-Z-92; 9041 East 30th Street (south of site), Rezoning of 0.758 acre from C-3 to SU-1 to provide for a religious use, **approved**.

88-SE1-10; 9350 East 30th Street (east of site), Industrial Special Exception to provide for an industrial park, **granted**.

88-Z-251; 9151 East 30th Street (southeast of site), Rezoning of 10 acres, from C-3 to SU-1 to provide for a church parking lot, **approved**.

84-UV2-117; 3002 North Post Road (west of site), Variance of use of the Industrial Zoning Ordinance to provide for a used car sales lot with outside display at six feet from the right-of-way, **granted**.

(Continued)

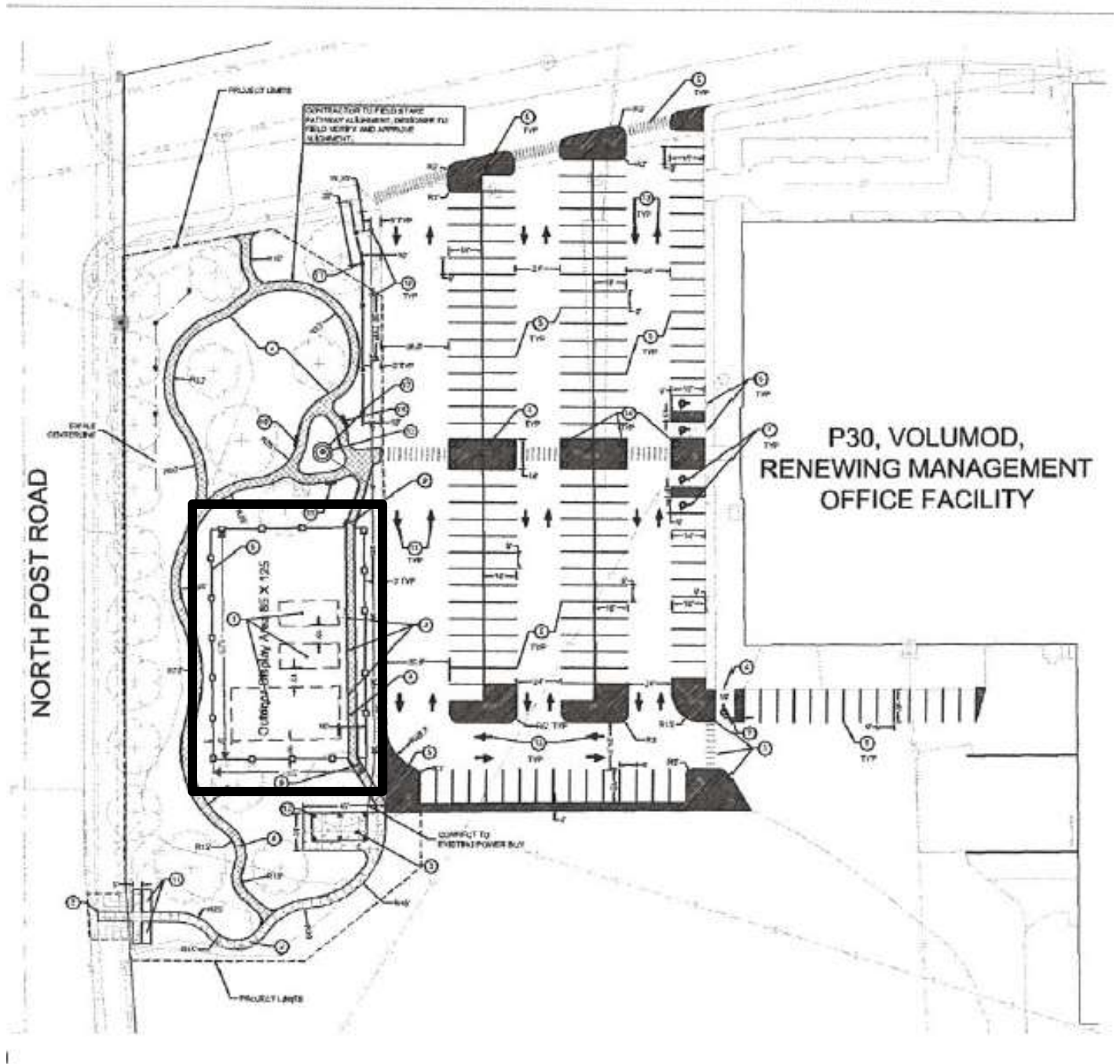
84-V1-72; 3129 North Post Road (north of site), Variance of development standards of the Industrial Zoning Ordinance to provide for the use of two open loading berths located on the front of the building, between the front building setback line and Post Road, **granted.**

78-UV2-115; 2945 North Post Road (south of site), Variance of use and development standards to permit the conversion of an existing service station into a convenience grocery store, with sales of gasoline and relocate canopy over pumps, one pole sign, and sign on building, **granted.**

RU

This aerial map displays a residential neighborhood with property boundaries and lot numbers. The map includes the following streets and lot information:

- Streets:** POST RD, 30TH ST, CHAMBERLY LN, CRANMERE ST, DUNWOODY LN, BRERETON CT, WADE LYNDE DR, ELWYN DR.
- Lot Numbers and Codes:**
 - 3250, 3233, 9145, 9215, 9225, 9226
 - 3120, 3104 (SU42), 3000, 3049, 3000, 3115, 9302
 - 3020 (C3), 3002 (C3), 3045 (C3), 3045 (SU1), 2501 (SU1), 8931 (SU2)
 - 2826 (D5), 2814, 2810, 2813
 - 3117 (D4), 3025, 3035, 3045, 3104, 3106, 3112, 3116, 3120, 3124, 3125, 3122, 2731, 2805
 - 2735, 3025, 3035, 3045, 3104, 3106, 3112, 3116, 3120, 3124, 3125, 3122, 2731, 2805
 - 2826, 2814, 2810, 2813
- Highlighted Property:** 3049 North Post Road



Plan of Operation

3039 N Post Road

January 10, 2023

The use variance will allow for an outdoor display area for modular homes in a paved area 85 X 125 or 10,625 sq ft. The display units will be securely affixed to the pavement and will have electrical service but will not have plumbing or water services. The units will be replace from time to time to introduce a new product.

The outdoor display area will be provided with full shield security lights and open to the public Monday through Saturday 8am to 8pm.



Existing subject site looking east.



Existing subject site building, looking southeast.



Proposed outdoor display and storage area with reduced front setback, looking west.



Existing outdoor storage area to the rear of the building, looking east.



Existing open space to the rear of the building, looking north from East 30th Street.



Additional existing open space to the rear of the building, looking northeast from East 30th Street.



Adjacent religious use to the south.



Adjacent industrial use to the north.