



Board of Zoning Appeals
Board of Zoning Appeals Division I (July 2,
2024)
Meeting Agenda

Meeting Details

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

Date: Tuesday, July 02, 2024

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

1. 2024-DV1-018 | 7920 North College Avenue, Town of Williams Creek

Washington Township, Council District #2, zoned D-S (TOD)
Curtiss & Jennifer Wall, by Brent Bennett

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with an 11-foot north side yard setback (15 feet required).

2. 2024-DV1-020 | 4521 Norwaldo Avenue

Washington Township, Council District #8, zoned D-5 (W-1)
K&D Epic Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot wide, 5,880-square foot-lot (minimum 60-foot lot width and area of 7,200 square feet required) with four-foot side setbacks (five feet required) and a walking path with a zero-foot south side yard setback (two feet required).

3. 2024-DV1-022 | 4450 Evanston Avenue

Washington Township, Council District #8, zoned D-5 (W-1)
K&D Epic Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot wide, 5,200-square-foot lot (60-foot wide, 7,200 square foot lot area required) with four-foot side yard setbacks (five feet required) and a walking path with a one-foot south side yard setback (two feet required).

4. 2024-UV1-010 | 7012 Doris Drive

Wayne Township, Council District #16, zoned D-3 (W-5)
Nicole Baker

Variance of use to provide for the operation of an adult family care facility, for up to four individuals (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

5. 2024-UV1-006 | 2052, 2060, 2064 and 2102 South Meridian Street

Center Township, Council District #18, zoned C-7
Summit Indianapolis LLC, by Kevin G. Buchheit

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a substance abuse treatment facility within 200 feet of a protected district (500-foot separation required).

6. 2024-UV1-007 | 5075 West 38th Street

Wayne Township, Council District #5, zoned C-5
Arnid LLC, by David Bayt

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage for vehicles awaiting repair that is equivalent to 231.52 percent of the gross floor area of the primary building (limited to 25 percent).

PETITIONS FOR PUBLIC HEARING (New Petitions):

7. 2024-DV1-017 | 2719 Madison Avenue

Center Township, Council District #18, zoned C-5
TGA SC Global Indy I LP, by Jay Ingrassia

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall wooden privacy fence and a six-foot tall chain link privacy fence within the front yards of Madison Avenue and East Street (maximum fence height of five feet permitted) with the chain link fence being topped with barbed wire (prohibited, chain link fences not permitted within the front yard) and encroaching within the clear sight triangle of the driveways along East Street (not permitted).

8. 2024-DV1-021 | 3559 Central Avenue

Center Township, Council District #8, zoned D-5
Denise Garcia

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a 14.5-foot front yard setback from Central Court North (20 feet required).

9. 2024-DV1-023 | 6325 East Southport Road

Franklin Township, Council District #24, zoned D-A / D-P
Brian & Tiffany Lee Ann Elliot, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn, being two-feet taller and 195 square feet larger than the primary dwelling (not permitted).

10. 2024-UV1-009 | 1307 South High School Road

Wayne Township, Council District #17, zoned C-4 (TOD)
Sohum Hotels Indy West LLC, by Russel Brown

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 122-unit hotel (not permitted), with a 70-foot front building line from Washington Street (maximum 10-foot building line permitted), one primary entry (four required), and parking within the front yard (prohibited) and with zero-foot landscape strip along the frontage and deficient landscaping (six-foot landscape strip required), and a chain link fence within the front yard of Washington Street (not permitted).

**** Automatic Continuance filed by petitioner, continuing this petition to the August 6, 2024 hearing of Division I**

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.



BOARD OF ZONING APPEALS DIVISION I **July 2, 2024**

Case Number: 2024-DV1-018

Property Address: 7920 North College Avenue, Town of Williams Creek (approximate address)

Location: Washington Township, Council District #2

Petitioner: Curtiss & Jennifer Wall, by Brent Bennett

Current Zoning: D-S (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with an 11-foot north side yard setback (15 feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JULY 2, 2024 BZA DIVISION III HEARING

- This petition was automatically continued by a registered neighborhood organization from the June 4, 2024 BZA Division III hearing to the July 2, 2024 BZA I hearing.

STAFF RECOMMENDATION

- Staff recommends approval for this petition

PETITION OVERVIEW

- This petition would provide for the construction of an attached garage with an 11-foot north side yard setback (15 feet required).
- The subject site is improved with a primary single-family house, with an attached garage located on the north side of the structure. The proposed addition would use the existing curb cut and driveway on site.
- The subject property is approximately 135 feet in width and 0.56 acres in area. These measurements are deficient compared to the D-S standards of 150 feet minimum in lot width, and 1-acre minimum lot size. This represents a degree of practical difficulty upon the owner for meeting side setback requirements.



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

- Additionally, the proposal would meet the characteristics of the Comprehensive Plan recommendation of Suburban Neighborhood and the proposal would be in accordance with the Infill Housing Guidelines recommendations of not overshadowing primary buildings and coordinating styles of the primary and accessory uses. For these reasons, Staff is unopposed to the request for a reduced north side yard setback.

GENERAL INFORMATION

Existing Zoning	D-S (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-S (TOD)	North: Single-family residential
South:	D-S (TOD)	South: Single-family residential
East:	D-2 (TOD)	East: Single-family residential
West:	D-S (TOD)	West: Single-family residential
Thoroughfare Plan		
North College Avenue	Primary Arterial	90 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	4/3/24	
Site Plan (Amended)	N/A	
Elevations	4/3/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/2/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan
- Infill Housing Guidelines



Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Rural or Estate Neighborhood typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line Transit Oriented Development overlay but is not within ½ mile of an existing Red Line transit station.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to building additions and side setbacks the Infill Housing Guidelines document recommends:
 - Do not overshadow primary structures
 - For undersized lots, look to surrounding context for appropriate sizing

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

94-V3-93; 7898 North College Avenue (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of six single-family residences without public street frontage, (each lot shall have a minimum of 75 feet of frontage on, and gain direct access to a public street), **approved**.

EXHIBITS





Department of Metropolitan Development Division of Planning Current Planning

PLOT PLAN FOR PART OF LOT THREE WILLIAMS CREEK ESTATES, MERIDIAN HILLS



CAUTION!
SCALE: 1" = 30'

LOCATION OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE BASED UPON ABOVE GROUND EVIDENCE (including but not limited to, manholes, inlets, valves, vaults, etc.) AND OTHER RECORD INFORMATION. THERE MAY BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE WAS OBSERVED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO START OF ANY AND ALL CONSTRUCTION.

LEGAL DESCRIPTION:

THE EAST PART LOT NUMBER 3, IN WILLIAMS CREEK ESTATES, MERIDIAN HILLS, AN UNPLATTED SUBDIVISION, MARION COUNTY, INDIANA, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGES 30 AND 31, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, MORE PARTICULARLY BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 ON THE WEST LINE OF SAID LOT 3, THENCE EAST 180 FEET ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 2, THENCE SOUTH 135 FEET ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 3, THENCE EAST 180 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF LOT 3, THENCE SOUTH OF THE NORTHEAST CORNER OF SAID LOT 3, THENCE NORTH 135 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 3, THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 3, 135 FEET TO THE PLACE OF BEGINNING.



GENERAL NOTES

- THE PURPOSE OF THIS DRAWING IS TO OBTAIN A BUILDING PERMIT AND IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. NO MONUMENTS WERE SET. DO NOT USE TO ESTABLISH FENCE OR BUILDING LINES. NO RESPONSIBILITY IS EXTENDED HEREIN TO THE LAND OWNER OR OCCUPANT.
- ALL UNDERGROUND SEWERS AND UTILITIES SHOWN ARE PLOTTED BY SCALE FROM DESIGN PLANS. THE ACTUAL FIELD LOCATION MAY VARY.
- ALL NEW CONSTRUCTION (EXPOSED EARTH) SHOULD BE SEDED OR GRADED. IF SEEDING IS DELAYED, USE TEMPORARY SEED COVER OF 2 BUSHELS OF WHEAT, RYE OR OATS PER ACRE. MUCH ALL SLOPES GREATER THAN 6:1.
- SANITARY SEWER CONNECTION SHALL BE MADE WITH APPROVED COUPLING AS MANUFACTURED BY FERRO (OR EQUAL).
- FINISHED FIRST FLOOR ELEVATION AND/OR EXTERIOR GRADES AT THE HOUSE SHALL BE 2 FEET ABOVE FINISHED GRADE. THE FINISHED GRADE SHALL BE 6 INCHES FROM THE FOUNDATION AT LEAST SIX INCHES IN THE FIRST TEN FEET. MAINTAIN DRAINAGE PATTERNS AS SHOWN.
- LOCATION OF EXISTING UTILITIES IS BASED UPON READILY AVAILABLE INFORMATION AND IS NOT WARRANTED AS ACCURATE OR COMPLETE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES. CONTACT THE MARION COUNTY PUBLIC WORKS DEPARTMENT FOR STAKE LOCATIONS, CALL 1-800-382-2544 TWO WORKING DAYS IN ADVANCE.
- INSTALL DRIVEWAY BASE STONE BEFORE BEGINNING CONSTRUCTION. USE FOR OFF THE MAIN AREA ACCESS TO AND FROM LOT. KEEP CONSTRUCTION TRAFFIC OFF THE MAIN AREA.
- CHANGES ALONG THE SIDE LOT LINES ARE TO BE MAINTAINED SO AS TO PROVIDE POSITIVE SURFACE DRAINAGE TO THE FRONT AND REAR OF THE LOT. AT NO TIME SHALL SURFACE DRAINAGE BE ALLOWED TO CROSS THE SIDE LOT LINES.

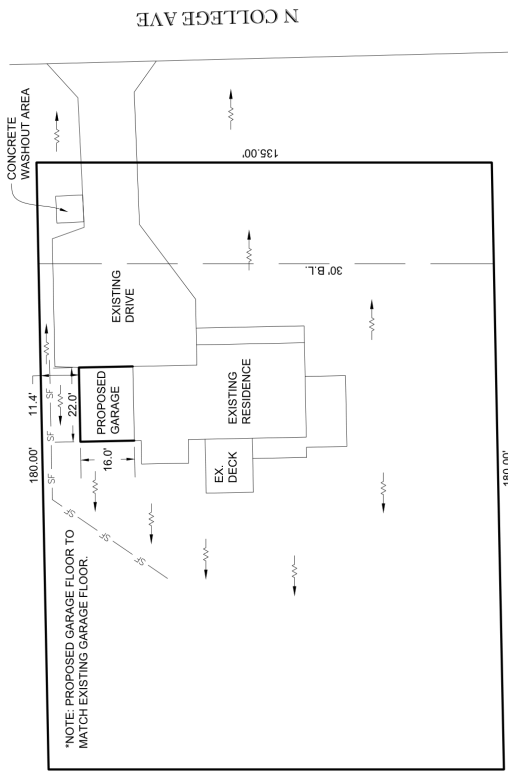
THIS PROPERTY APPEARS TO BE WITHIN ZONE X (UNSHARED), AS SCALED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY MAPPING (FIRM, MAP NUMBERS 188910004H1, EFFECTIVE DATE APRIL 19, 2016).

THE UNDERSIGNED HEREBY CERTIFIES THAT THE EXISTING AND PROPOSED ELEVATIONS SHOWN HEREON WERE ESTABLISHED UNDER MY SUPERVISION AND, IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA PROFESSIONAL SURFACE DRAINAGE WILL BE SATISFACTORY FOR RESIDENTIAL CONSTRUCTION.

CERTIFIED THIS 19TH DAY OF JANUARY, 2024.



THE PURPOSE OF THIS DRAWING IS FOR OBTAINING A BUILDING PERMIT UNDER THE INDIANA BUILDING CODE. THIS DRAWING IS NOT A PERMIT AND DOES NOT CONSTITUTE AN ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT. NO MONUMENTS WERE SET. DO NOT USE TO ESTABLISH FENCE OR BUILDING LINES. NO RESPONSIBILITY IS EXTENDED HEREIN TO THE LAND OWNER, OCCUPANT OR OTHER ENTITIES.



*NOTE: PROPOSED GARAGE FLOOR TO MATCH EXISTING GARAGE FLOOR.

EROSION CONTROL NOTES:
 EXISTING VEGETATIVE STRIP 10' WIDE MINIMUM TO REMAIN ALONG SIDE AND REAR LOT LINES WHERE POSSIBLE.
 EXCESS DIRT FROM CONSTRUCTION TO BE REMOVED FROM SUBDIVISION.

IT IS THE BUILDER'S RESPONSIBILITY TO VERIFY ALL ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.

D. Kruse
 DALE T. KRUSE
 P.S. No. LS20000224
 STATE OF INDIANA

NO.	DATE	BY	IS/UNREVIEWED
ALARIE BUILDING & RENOVATION COMPANY MIKE ALARIE (317) 710-6070			
CRUSE ENGINEERS Civil Engineers & Land Surveyors 7384 Business Center Drive Avon, Indiana 48125-9526 (317) 272-5659 - Fax: (317) 272-2410			
BUILDER: ALARIE BUILDING & RENOVATION COMPANY 7920 NORTH COLLEGE AVENUE INDIANAPOLIS, INDIANA 46240			
DATE	01-19-2024	DRAWN	JTB
LOCATION	7920 NORTH COLLEGE AVENUE INDIANAPOLIS, INDIANA 46240		
PROJECT	7920 NORTH COLLEGE AVENUE INDIANAPOLIS, INDIANA 46240		
SHEET	3 OF 2		







BOARD OF ZONING APPEALS DIVISION II **July 2, 2024**

Case Number: 2024DV1020

Property Address: 4521 Norwaldo Avenue (approximate address)

Location: Washington Township, Council District #8

Petitioner: K&D Epic Holdings LLC, by David Gilman

Current Zoning: D-5 (W-1)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot wide, 5,880-square foot-lot (minimum 60-foot lot width and area of 7,200 square feet required) with four-foot side setbacks (five feet required) and a walking path with a zero-foot south side yard setback (two feet required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends **approval** of these variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of these variance requests.

PETITION OVERVIEW

- The subject site is currently zoned D-5 for residential uses and is undeveloped. Surrounding properties are also zoned D-5 and developed with single-family residences. The property is located within the Fall Creek Wellhead Protection Area which would not impact dimensional standards for residential development.
- Grant of this variance request would allow for placement of a duplex and associated paved areas with several zoning non-conformities per the site plan within the Exhibits: the lot itself has deficient width and area for development of a duplex, and side yard setback variances would be needed for the primary structure (four feet) and walking path (zero feet). The initial submittal indicated placement of a 4-car parking pad with deficient side setbacks in the rear yard but this was amended to a 2-car parking area at staff request.



Department of Metropolitan Development
Division of Planning
Current Planning

- Duplexes, as well as multi-unit houses up to 4 units, are permitted in the D-5 zoning classification. The petitioner has indicated that the houses are to be offered for sale as individual units in the future, making the proposed structure ineligible for the multi-unit house classification and subject to dimensional standards for duplexes found within Table 742.103.03 of the Zoning Ordinance.
- The D-5 zoning designation is intended for medium and large-lot housing formats, primarily for detached houses but may incorporate small-scale multi-unit building types in strategic locations. Relevant comprehensive plan guidance indicates that duplexes would be optimally placed either on corner lots or on block with fewer than 25% of lots developed with multiunit housing, and that the spacing of buildings should reflect the broader context of surrounding properties.
- The existing lot dimensions would be deficient for construction of duplexes, but construction of a multi-unit house with similar or greater density (2-4 units) would be allowed at this property without the need for variances of lot area and width. Given that multi-unit houses up to 4 units are permitted on lots that are 40-feet wide, and are of similar intensity as the proposal, Staff is unopposed to the request for reduced lot area and width.
- Side setback regulations are in place to ensure adequate and somewhat uniform space between buildings and to allow minimum room for fireproofing and potential maintenance. Staff would consider a reduction from five feet to four feet a minor deviation from ordinance requirements that does not violate Infill Housing Guidelines and would recommend approval of the side setback request for the building.
- The proposed southern walkway would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet. The portion leading to the entrance of Unit 1 would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. Staff feels this would be a minor deviation from ordinance requirements and is supportive of the request.



GENERAL INFORMATION

Existing Zoning	D-5 (W-1)	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-family Residential
	South:	South: Single-family Residential
	East:	East: Single-family Residential
	West:	West: Single-family Residential
Thoroughfare Plan		
Norwaldo Avenue	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	5/10/2024	
Site Plan (Amended)	06/14/2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/10/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site for the Traditional Neighborhood living typology and indicates that duplexes should either be located on corner lots or interspersed with single-family homes at a rate below 25% of the primary structures on the block.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines indicate that undersized lots should attempt to emulate the surrounding context for appropriate housing sizes and that building spacing should reflect and reinforce the character of spacing found on the existing block while allowing room for maintenance.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2021DV3054 ; 4440 Norwaldo Avenue (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback for the primary structure (20-foot setback required) and to legally establish a 1.5-foot north side setback (three-foot setback required), **approved**.

2020DV1005 ; 1901 E 46th Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a beauty salon, restaurant, and a brewpub with eight parking spaces, with one space within the right-of-way of Norwaldo Avenue, with zero handicapped parking spaces, and to legalize the existing building within the clear sight triangle of the abutting streets (22 parking spaces and one van handicapped space required, parking not permitted within the right-of-way, structures not permitted within clear sight triangles), **approved**.

2018UV3007 ; 4545 Norwaldo Avenue (north of site), Variance of use the Consolidated Zoning and Subdivision Ordinance to provide for an addiction and counseling center, **approved**.

2005ZON171 ; 1721 E 46th Street (northwest of site), Rezoning of 0.7 acres from D-5 to SU-1 to legally establish and provide for the expansion of religious worship and related accessory uses, **approved**.

95-HOV-99 ; 1816 45th Street (southwest of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a two-family residence with a front setback from East 45th Street of 15 feet (minimum front setback of 18 feet required), **approved**.

95-HOV-97 ; 4455 Norwaldo Avenue (south of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family residence with a front setback from East 45th Street of six feet (minimum front setback of 10 feet required), **approved**.

90-V2-81 ; 2003 E 46th Street (northeast of site), variance of development standards of the Commercial Zoning Ordinance to provide for an addition to an existing building with a front yard setback of 49 feet from Crittenden Street (60 feet required) and a 4.70 feet rear yard setback (20 feet required) and a total of 14 parking spaces (27 parking spaces required), **approved**.

EXHIBITS

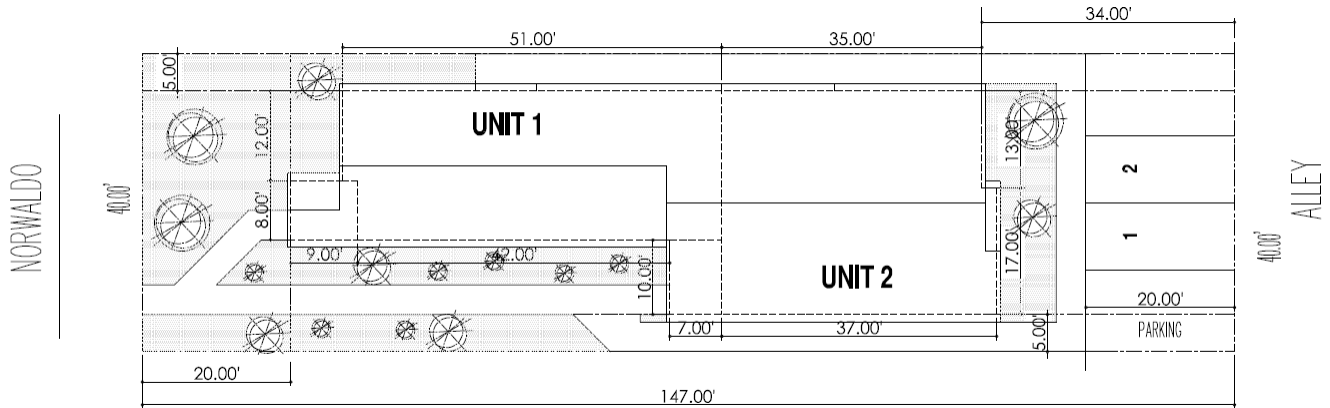
2024DV1020 ; Aerial Map





Department of Metropolitan Development
 Division of Planning
 Current Planning

2024DV1020 ; Site Plan



2024DV1020 ; Findings of Fact

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

All of the proposed dwellings will be constructed to current building codes and health department standards. The site has adequate utilities available and direct access to a public street.

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

The area is a mix of small unit housing with a variety of architectural styles. The proposed use will be compatible with the developed neighborhood and the new investment in the area will have a positive impact on the property values.

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

The site is being offered as for sale and affordable to individuals with a some disability. The 2 unit dwellings offer the opportunity to own a home in an environment that is within walking distance or near public transportation to get to needed shopping and professional services. The proposed development does not qualify for a "multi-unit house" since it will be for sale and not as rental dwellings.

2024DV1020 ; Photographs



Photo 1: Subject Site Viewed from Norwaldo (West)



Photo 2: Adjacent Property to North

2024DV1020 ; Photographs (continued)



Photo 3: Adjacent Property to South

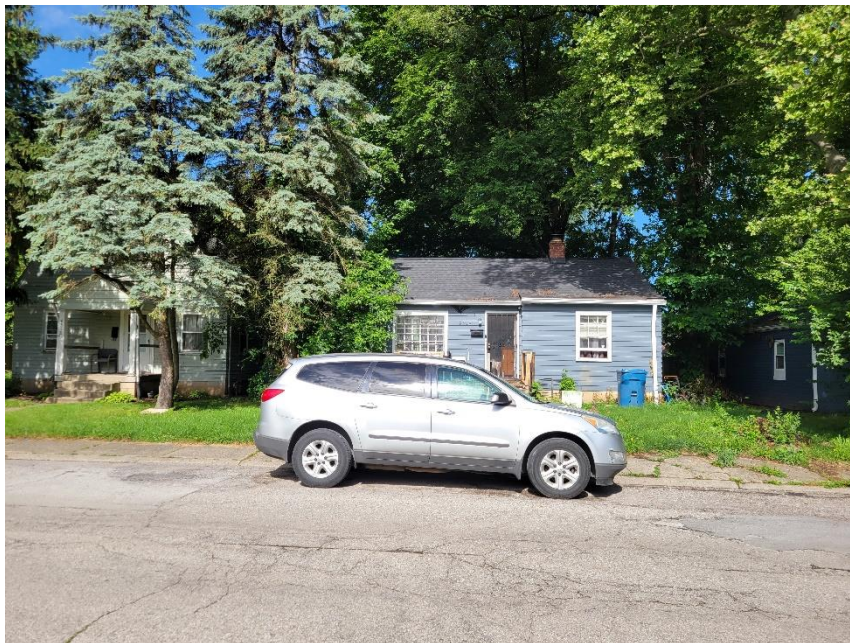


Photo 4: Adjacent Property to West



BOARD OF ZONING APPEALS DIVISION II **July 2, 2024**

Case Number: 2024DV1022

Property Address: 4450 Evanston Avenue (approximate address)

Location: Washington Township, Council District #8

Petitioner: K&D Epic Holdings LLC, by David Gilman

Current Zoning: D-5 (W-1)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot wide, 5,200-square-foot lot (60-foot wide, 7,200 square foot lot area required) with four-foot side yard setbacks (five feet required) and a walking path with a one-foot south side yard setback (two feet required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends **approval** of these variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of these variance requests.

PETITION OVERVIEW

- The subject site is currently zoned D-5 for residential uses and is undeveloped. Surrounding properties are also zoned D-5 and developed with single-family residences. The property is located within the Fall Creek Wellhead Protection Area which would not impact dimensional standards for residential development. This petition would focus solely on the southern undeveloped portion of the property which would likely be readdressed prior to permitting.
- Grant of this variance request would allow for placement of a duplex and associated paved areas with various zoning non-conformities per the site plan within the Exhibits: the lot itself has deficient width and area for development of a duplex, and side yard setback variances would be needed for the primary structure (four feet) and walking path (one foot). The initial submittal indicated a front building line of 17 feet and placement of a 4-car parking pad with deficient side setbacks in the rear yard, but this was amended to a 20-foot FBL and 2-car parking area at staff request.



Department of Metropolitan Development
Division of Planning
Current Planning

- Duplexes, as well as multi-unit houses up to 4 units, are permitted in the D-5 zoning classification. The petitioner has indicated that the houses are to be offered for sale as individual units in the future, making the proposed structure ineligible for the multi-unit house classification and subject to dimensional standards for duplexes found within Table 742.103.03 of the Zoning Ordinance.
- The D-5 zoning designation is intended for medium and large-lot housing formats, primarily for detached houses but may incorporate small-scale multi-unit building types in strategic locations. Relevant comprehensive plan guidance indicates that duplexes would be optimally placed either on corner lots or on blocks with fewer than 25% of lots developed with multiunit housing and that front setbacks and the spacing of buildings should reflect the context of surrounding properties.
- The existing lot dimensions would be deficient for construction of duplexes, but construction of a multi-unit house with similar or greater density (2-4 units) would be allowed at this property without the need for variances of lot area and width. Given that multi-unit houses up to 4 units are permitted on lots that are 40-feet wide, and are of similar intensity as the proposal, Staff is unopposed to the request for reduced lot area and width.
- Side setback regulations are in place to ensure adequate and somewhat uniform space between buildings and to allow minimum room for fireproofing and potential maintenance. Staff would consider a reduction from five feet to four feet a minor deviation from ordinance requirements that does not violate Infill Housing Guidelines and would recommend approval of the side setback request for the building.
- The proposed southern walkway would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet. The portion leading to the entrance of unit B-1 would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. Staff feels this would be a minor deviation from ordinance requirements and is supportive of the request.



GENERAL INFORMATION

Existing Zoning	D-5 (W-1)	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-family Residential
	South:	South: Single-family Residential
	East:	East: Single-family Residential
	West:	West: Single-family Residential
Thoroughfare Plan		
Evanston Avenue	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	5/10/24	
Site Plan (Amended)	06/14/2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/10/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site for the Traditional Neighborhood living typology and indicates that duplexes should either be located on corner lots or interspersed with single-family homes at a rate below 25% of the primary structures on the block.

Red Line / Blue Line / Purple Line TOD Strategic Plan



- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines indicate that undersized lots should attempt to emulate the surrounding context for appropriate housing sizes and that front setbacks and building spacing should reflect and reinforce the character found on the existing block.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2018UV3007 ; 4545 Norwaldo Avenue (northwest of site), Variance of use the Consolidated Zoning and Subdivision Ordinance to provide for an addiction and counseling center, **approved**.

97-NC-76 ; 4548 Caroline Street (northeast of site), issuance of a certificate of legal non-conforming use of a portion of a property as an unimproved surface parking lot, **approved**.

95-HOV-97 ; 4455 Norwaldo Avenue (west of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family residence with a front setback from East 45th Street of six feet (minimum front setback of 10 feet required), **approved**.

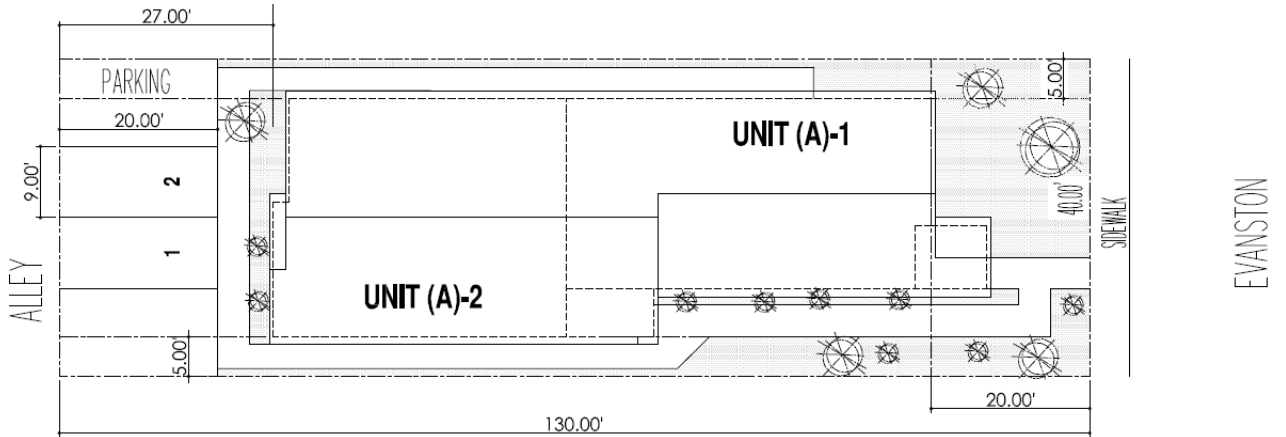
EXHIBITS

2024DV1022 ; Aerial Map





2024DV1022 ; Site Plan



2024DV1022 ; Findings of Fact

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

All of the proposed dwellings will be constructed to current building codes and health department standards. The site has adequate utilities available and direct access to a public street.

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

The area is a mix of small unit housing with a variety of architectural styles. The proposed use will be compatible with the developed neighborhood and the new investment in the area will have a positive impact on the property values.

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

The site is being offered as for sale and affordable to individuals with a some disability. The 2 unit dwellings offer the opportunity to own a home in an environment that is within walking distance or near public transportation to get to needed shopping and professional services. The proposed development does not qualify for a "multi-unit house" since it will be for sale and not as rental dwellings.

2024DV1022 ; Photographs



Photo 1: Subject Site Viewed From Evanston (East)



Photo 2: Adjacent Property to East and Southeast

2024DV1022 ; Photographs (continued)



Photo 3: Adjacent Property to the North

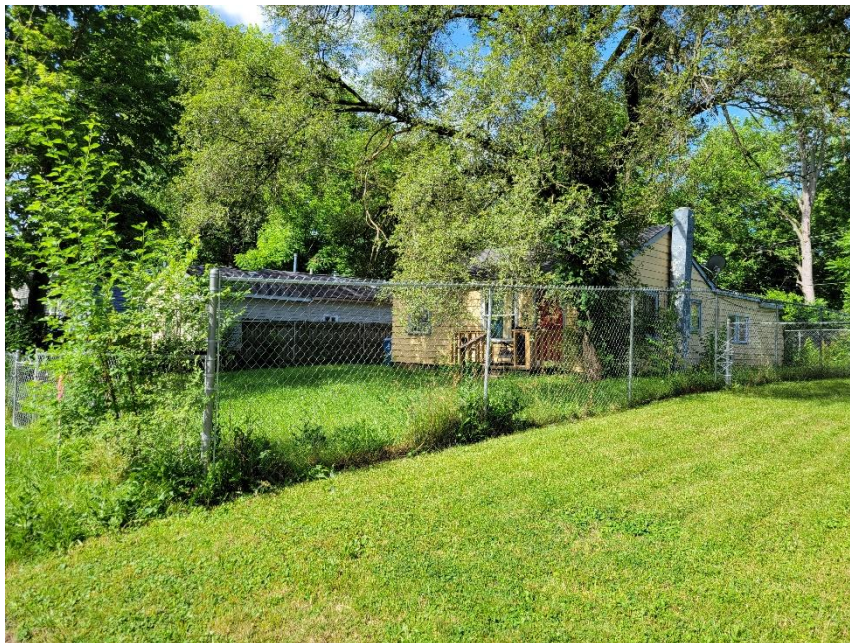


Photo 4: Adjacent Property to the South



BOARD OF ZONING APPEALS DIVISION I

July 2, 2024

Case Number: 2024-UV1-010
Address: 7012 Doris Drive (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-3 (W-5)
Petitioner: Nicole Baker
Request: Variance of use to provide for the operation of an adult family care facility, for up to four individuals (not permitted).

Current Land Use: Single-Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

The variance grant shall be subject to the site plan, and the plan of operation, both file-dated June 3, 2024.

PETITION OVERVIEW

- ◇ The request would provide for the operation of an adult family care facility, for up to four individuals
- ◇ The proposed use would be similar to a Group Home for the developmentally disabled, which would be allowed in the D-3 district, in regards to traffic, noise, and hours of operation. There would be no external changes to the site, as shown on the proposed site plan, file-dated June 3, 2024.
- ◇ The subject site is adjacent to other residential developed properties in the D-3 and D-5 Districts. In Staff’s opinion, the request would be consistent with surrounding residential properties.



GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 North: Single-Family dwelling
	South:	D-3 South: Single-Family dwelling
	East:	D-3 East: Single-Family dwelling
	West:	D-3 West: Single-Family dwelling

Thoroughfare Plan			
	Doris Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	Yes, W-5		
Site Plan	June 3, 2024		
Findings of Fact	May 28, 2024		
Elevations	N/A		
Landscape Plan	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

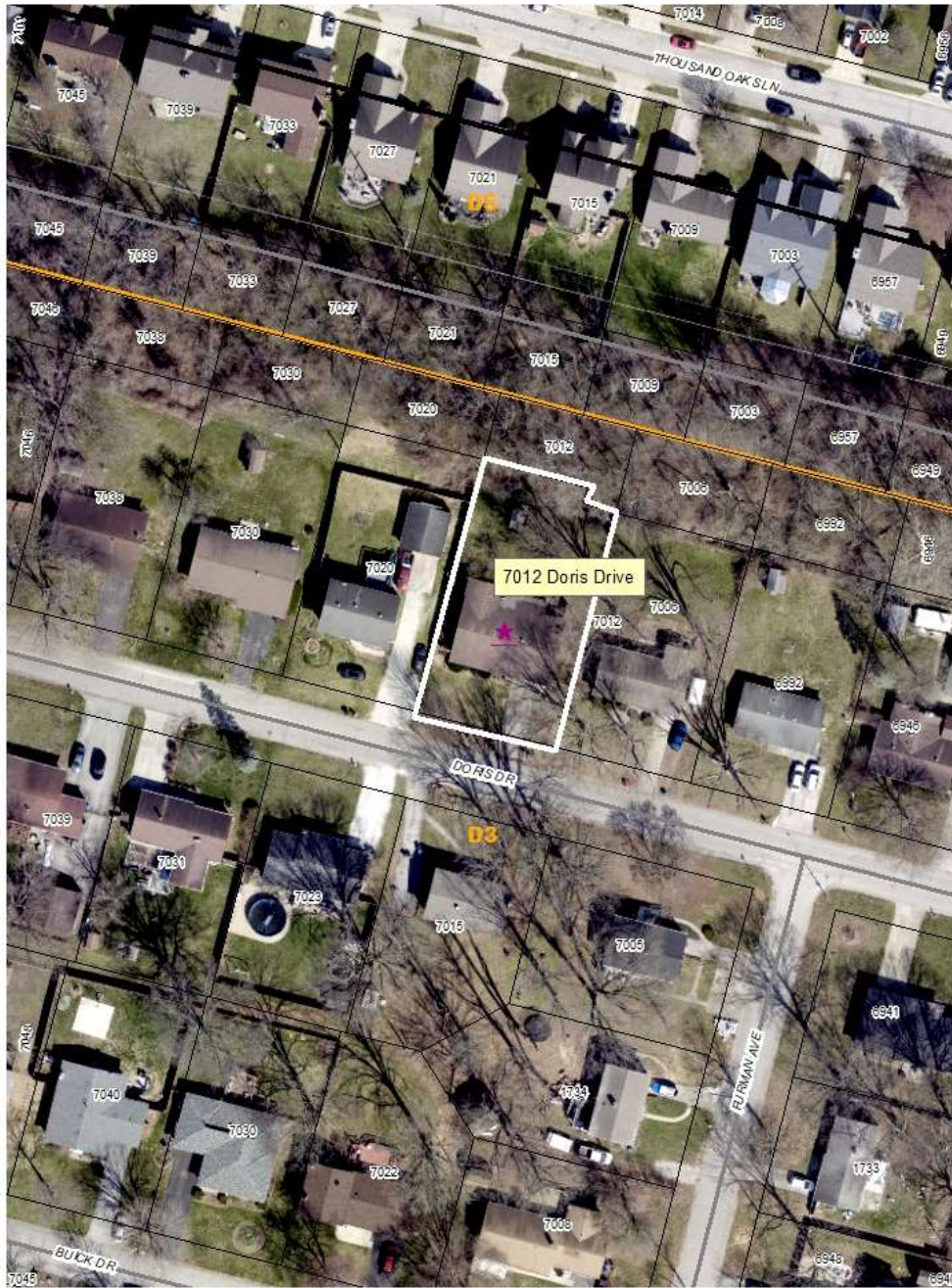
2008-DV2-015; 1112 Farley Drive (south of site), requested a variance of development standards to provide for the construction of a 720-square foot detached garage, resulting in an accessory building area of 840 square feet or 75.34 percent of the main floor area of the primary structure, and an accessory use area of 1,719 square feet or 154.127 percent of the total living area of the primary structure, **granted**.

2006-UV2-027; 6826 Doris Drive (east of site), requested a variance of use to provide for the storage of a commercial truck and an 8.5-foot by twenty-foot trailer in the driveway, **denied**.

RU

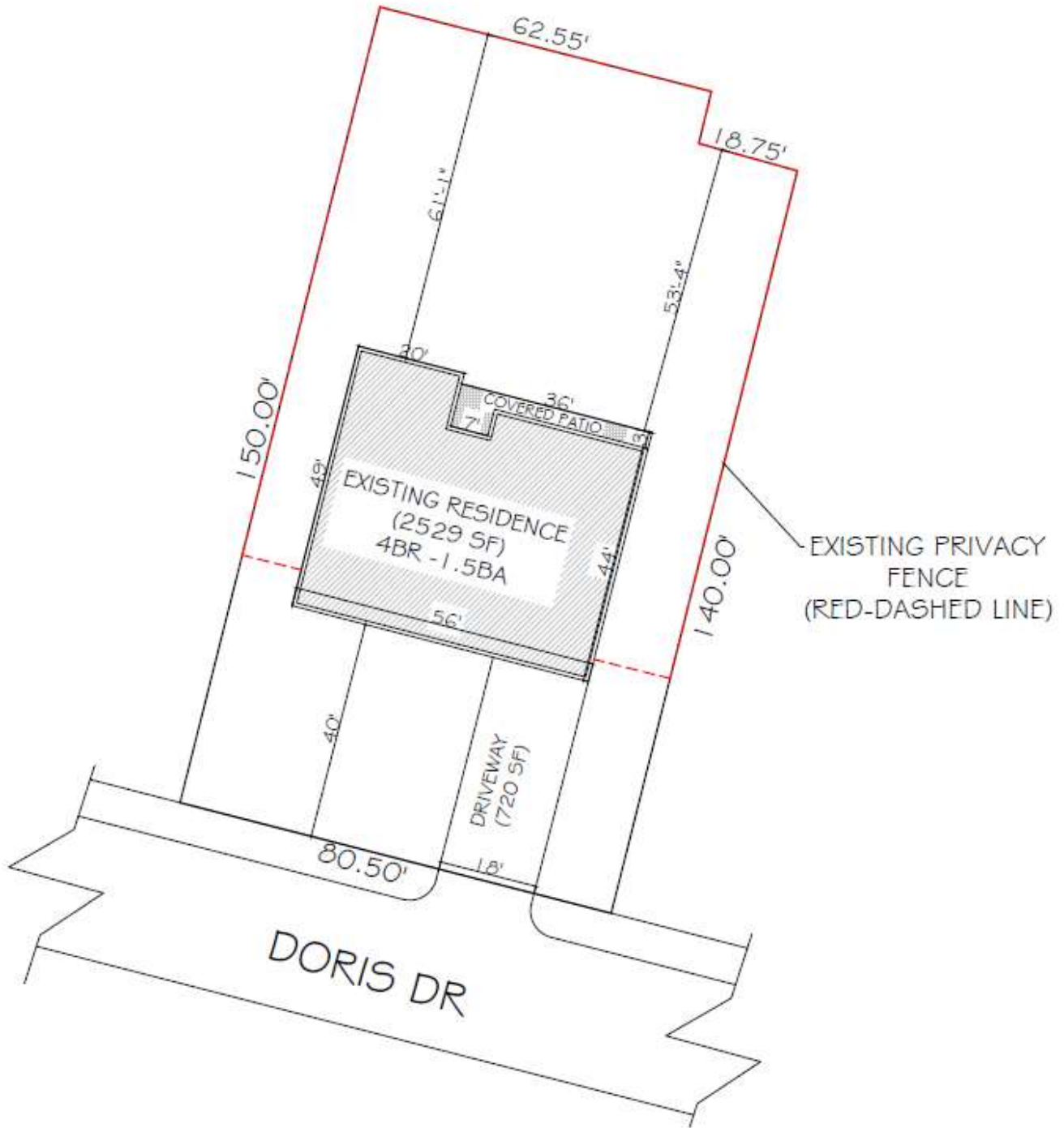
EXHIBITS

Location Map





Site Plan file-dated 6-3-2024



**Plan of Operation file dated 6-3-2024****BEATIFIC AT CARE FAIRY OPERATIONAL PLAN**

Beatific at Care Fairy is proposing a variance of use as a residential adult family care home for aged and disabled individuals. Our agency will provide living arrangements for up to 4 residents and assist them with activities of daily living. Our operations will not have any negative impact on our neighbors as our residents live nestled in the comfort of our home. We do not intend to require any home modifications as the space in the home is a 4 bedroom, 1.5 bath, screened patio, and fenced in back yard.

In the event of future growth, we will acquire additional locations for our business. Having our residents live in a home-structured environment is more conducive to providing them with the quality of care they desire. We are a very small business and goal is to

Workforce

- Total number of employees are 3, including the administrator.
- Staffing for our agency will be 1 personal care attendant per shift.
- We will have an administrator on-site during office hours.
- The office hours of operation are Monday-Saturday 7am-4pm.
- We will provide care for up to 4 residents.

Client & Customers

- Our clients are our residents only.
- Visitors are allowed at any time between Monday-Saturday 9am-9pm and Sunday, 9am-5pm.
- Maximum of 2 visitors per resident.
- Parking for visitors is in the driveway, which accommodates 4 cars.

On-site Processes

- Activities of daily living for residents, which include cleaning, cooking, laundry, transportation, etc.

Materials Used

- N/A

Shipping & Receiving

- N/A

Waste

- N/A



Findings of Fact

Petition Number _____

**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

The residence will be used as a group home for up to 4 adults. We will not be licensed as an assisted living home, but will provide some of the same services for residents as if they were in an assisted living home.

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
No activities will de-value the property or that of the neighbors.

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

The current zoning of the property is D3. This request is for a variance of use because residents will be living there for a fee in exchange for shelter and personal care services, such as laundry, cooking, assistance with mobility, etc.

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 property was purchased by a business to conduct business that is lawful and similar to that of a single family.

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

The variance in use will not disrupt the community and the use of the home will be for residential business use.

DECISION

Photographs



Photo of the subject site existing single family dwelling, looking north.



Photo of rear of the subject site existing single family dwelling, looking southwest.



Photo of adjacent single-family dwelling to the east, looking north.



Photo of adjacent single-family dwelling to the west, looking north.



BOARD OF ZONING APPEALS DIVISION I

June 4, 2024

Case Number: 2024-UV1-006
Address: 2052, 2060, 2064 and 2102 South Meridian Street (approximate address)
Location: Center Township, Council District #18
Zoning: C-7
Petitioner: Summit Indianapolis LLC, by Kevin G. Buchheit
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a substance abuse treatment facility within 200 feet of a protected district (500-foot separation required).

Current Land Use: Vacant Commercial Building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization from the May 14, 2024, hearing, to the June 4, 2024, hearing.

At the June 4, 2024, hearing, this petition was continued for cause by the petitioner to the July 2, 2024 hearing.

STAFF RECOMMENDATION

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

1. The variance grant shall be subject to the plan of operation, file dated March 20, 2024.
2. The variance grant shall be subject to substantial compliance with the site plan, file-dated March 20, 2024.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a substance abuse treatment facility within 200 feet of a protected district where a 500-foot separation is required.
- ◇ The subject site is adjacent to Commercial and Industrial zoned properties on all sides. To the east are several residential properties that are zoned C-3. The protected district within 500 feet is zoned D-5 and is located to the east of the C-3 zoned district fronting on South Meridian Street.
- ◇ The Comprehensive Plan recommends traditional neighborhood uses for the subject site. The proposed use limited by the plan of operation, would be similar to a medical office or clinic, or group home which are recommended uses in the traditional neighborhood category. Therefore, in Staff's opinion, the impact would not be an increase in intensity.



- ◇ The use in question is permitted in the C-7 District. The request would allow for a reduction in the required separation from a protected district, located approximately 200 feet to the east, across Meridian Street. The protected district is located behind a C-3 district, and not immediately adjacent to the subject site.
- ◇ Locating facilities of this nature can be difficult. The difficulty arises from real and perceived negative impacts; therefore, care should be taken to mitigate any negative consequences upon neighboring properties. The Plan of Operation addresses issues such as occupancy, hours of operation and security that limit any potential impact on nearby properties in Staff’s opinion.
- ◇ The Plan of Operation, as proposed, would help with the integration of the facility into the residential area, and to mitigate any negative consequences upon neighboring properties. Therefore, the use of the property, included in this petition, should comply with the Plan of Operation, file-dated March 20, 2024.
- ◇ To limit any future expansion without Staff input, any approval shall also be subject to substantial compliance with the site plan, file-dated March 20, 2024.

GENERAL INFORMATION

Existing Zoning	C-7	
Existing Land Use	Vacant Commercial building	
Comprehensive Plan	Traditional Neighborhood	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North: C-S	Urban farm
	South: C-7	Religious use / Automobile repair
	East: C-3	Community commercial/Single-family dwellings
	West: C-7 / I-3	Automobile Salvage
Thoroughfare Plan		
South Meridian Street	Primary Arterial	55-foot existing right-of-way and a 78-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Site Plan	March 20, 2024	
Elevations	N/A	
Commitments	Pending	
Landscape Plan	N/A	
Findings of Fact	May 24, 2024	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology for this site. This typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2016-UV1-010; 2033 South Meridian Street (northeast of site), requested a variance of use to provide for a tattoo parlor, without the grant of a special exception and within 500 feet of a protected district, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

2011-CZN/CVR-813; 2206 South Meridian Street (south of site), requested a rezoning of 3.15 acres from the C-1, C-3 and I-2-S Districts to the C-3 classification to provide for retail uses, and a variance of development standards of the Commercial Zoning Ordinance to provide for a 10,075-square foot building, with a zero-foot front yard, without landscaping along Tabor Street and an eight-foot setback for the parking lot along Tabor Street, **denied**.

2011-ZON-013; 2010-2052 South Meridian Street and 2017-2029 Bluff Road (north of site), requested a rezoning of 3.15 acres, from the C-7 District, to the C-S classification to provide for D-A and C-3C uses, an urban farm with educational uses and classes, and on-site animal and insect husbandry, **approved**.

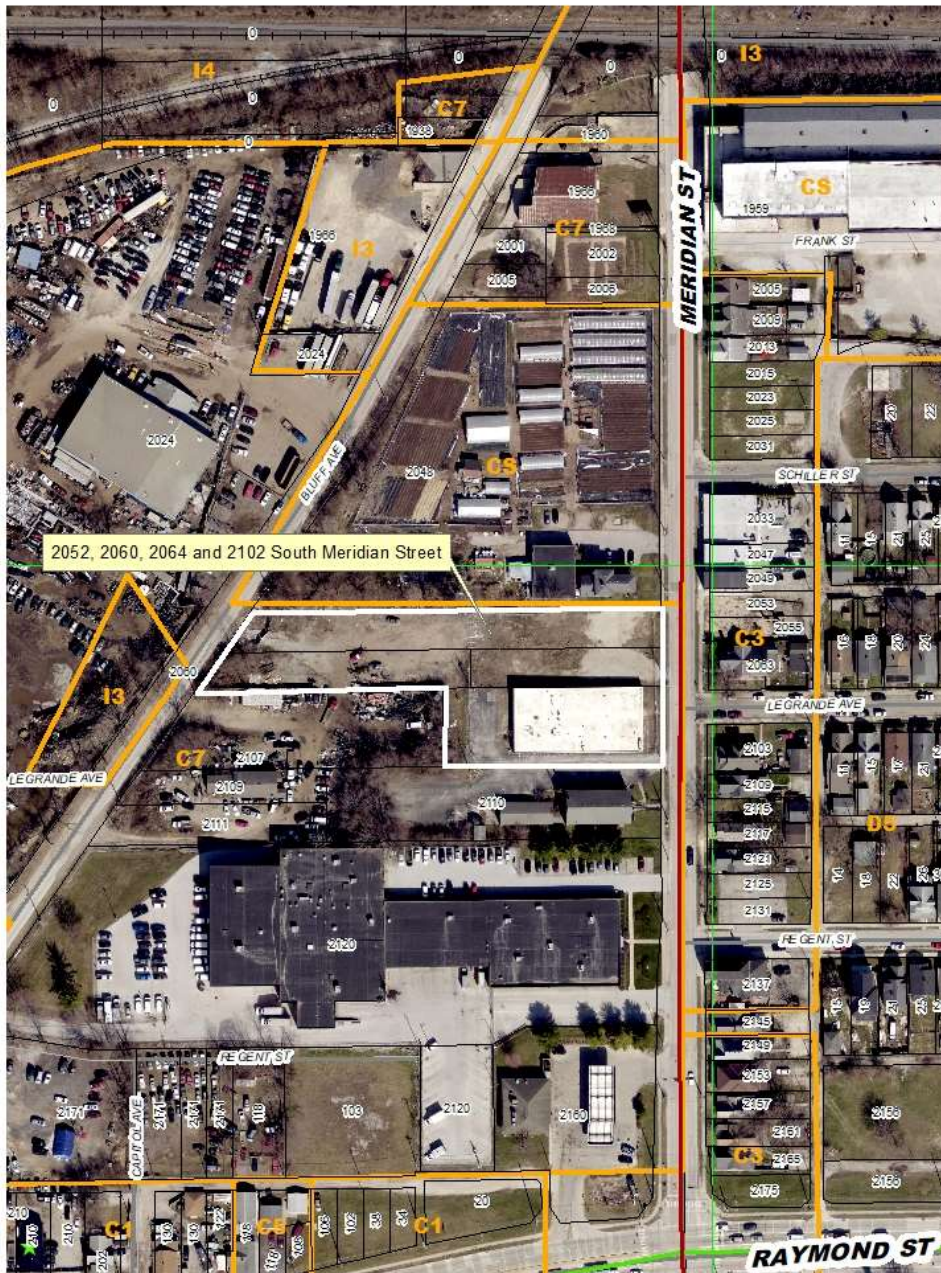
2006-UV3-025; 2032 South Meridian Street (north of site), requested variance of use of the CZO to provide for a heating and cooling contractor, and for a 5,000-square foot addition to the existing 4,500-square foot building, **granted**

2006-ZON-100; 2213 South Meridian Street (south of site), requested rezoning of 0.11 acre from C-1 to D-5, **approved**.

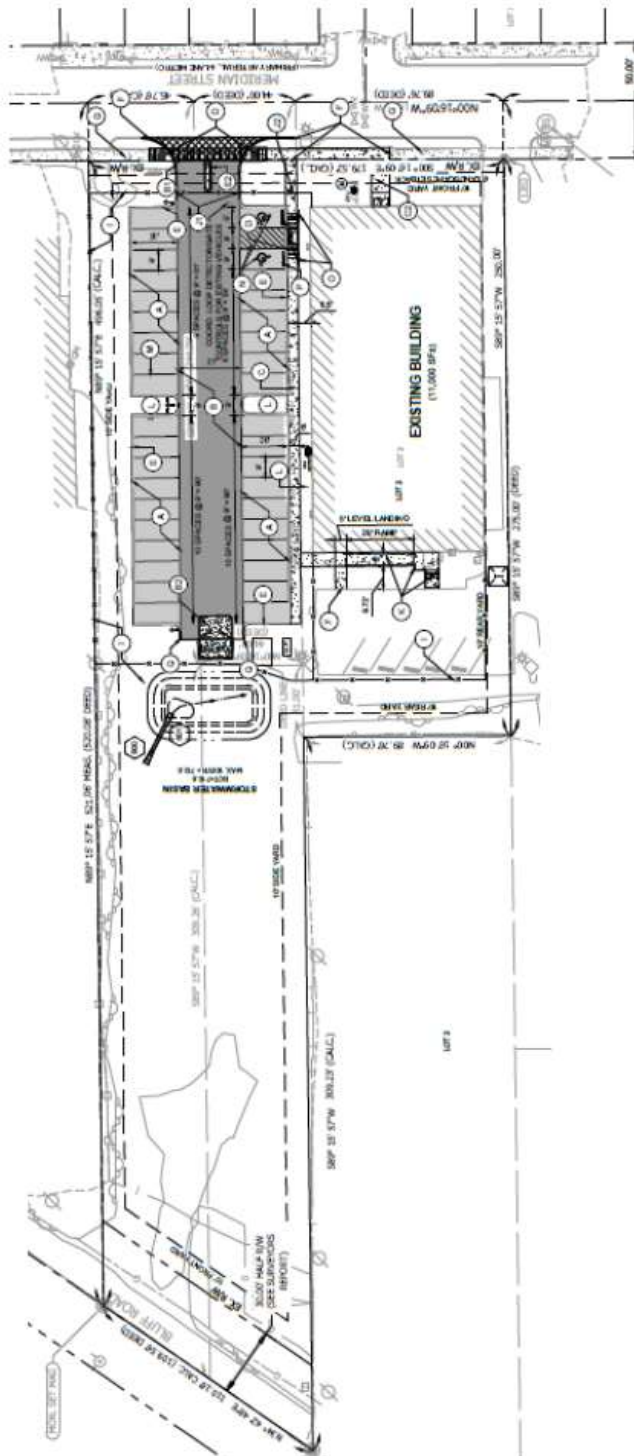
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EXHIBITS

Location Map



Site Plan



Plan of Operation - file dated March 20, 2024.



2102 S. Meridian

Details of Proposed Use

Hickory Recovery Network is a recovery focused setting offering evidenced based programming to assist our patients with sustaining sobriety after their acute detoxification. Patients will be offered group and individual therapy focusing on, but not limited to, relapse prevention, skills development, processing group with licensed therapist, and therapeutic based intervention services. Patients will participate in learning about addiction through individual therapy sessions with a credentialed therapist. During their stay, family therapy sessions will be offered to educate our patients and their families on the importance of developing a sober support system. As most of us know, treatment within addiction is individualized. In addition to our evidenced based curriculum within group therapy, patients will also be offered holistic therapies with the idea of encompassing the “whole” person, rather than just relapse prevention. These services will include yoga, mindfulness, meditation, and other relaxation techniques.

Workforce

The facility will employ approximately 75 full time employees, including a range of skilled workers such as social workers, therapists, and nurses, and other staff such as behavioral health technicians, housekeepers, dietary, and administrative roles. All work will be performed on-site, and employees may travel to work via public or private transportation. The on-site parking will be used for employee parking.

Clients & Customers

The facility expects to serve adults, 18 and over with diagnosed substance use disorder and often with co-occurring mental health disorders. Clients will be transported to the site by third parties such as other healthcare facilities, healthcare transport providers, or by our drivers. The vast majority of clients arrive during daytime hours, but we will take admissions as necessary for client care during overnight and weekend hours as well. Clients will not drive themselves or have vehicles that require on-site parking.

Processes Conducted on Site

All programming is conducted on-site. The facility will be a locked, secured facility. A walled/fenced courtyard will be included on-site for outdoor activities of clients, with any such courtyard activities monitored at all times by staff.

Our program strives to guide our clients through lasting sobriety by developing an effective aftercare plan that incorporates a continuity of care while they begin their journey



through the recovery process. Our therapists will work with patients to identify their next placement for continuity of care. Patients and clinicians will work collaboratively in developing aftercare appointments including but not limited to residential treatment, outpatient programming, sober living, and continued mental health appointments.

Patients will also be provided transportation services to ensure their safety upon completion of the program. Assisting our clients in the next appropriate step down level of care is crucial for Hickory Recovery Network. Therefore, we will partner with local transportation services to ensure we get our patients to their next placement in the recovery process. In the event transports become too high risk, we will partner with local emergency transportation services to make sure our patients get to their next location safely.

Materials Used

Materials used onsite are those typical for residential healthcare: food and hygiene care supplies, prescription and over-the-counter medications, office supplies, janitorial supplies. Most vendors will deliver supplies during daytime hours, typically scheduling deliveries between 7:00a.m. and 3:00p.m. Medications necessary for patient care may be delivered as needed in the evening. The largest supplier we will have is our food vendor—likely to deliver twice per week in a standard “box” truck. Other vendors are expected to have similar or smaller delivery vehicles.

Shipping & Receiving

We do not ship anything. Most delivered items are consumed on site.

Waste

The facility will generate standard waste to be picked up by ordinary business waste management service vendor. All waste will be properly handled and stored in designated dumpsters or containers until pickup.

Very minimal amounts of medical waste will be generated on-site. All medical waste will be handled properly and secured in medical waste containers provided by and emptied by our medical waste disposal vendor.



Findings of Fact

Petition Number 2024-UV1-006
Variance of Use
Findings Of Fact

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

the impact of the property redevelopment and proposed use to the community will be similar to the impact from the prior nursing home use and will be less intrusive as to traffic and parking as the facility's clients will not have visitors during their treatment stays. Moreover, all client activities occurring on-site will be held in the building or enclosed in a private courtyard area, rather than having some outside activities of residents and visitors which could be viewed by or affect neighbors. The planned development and use of the property will not increase the property's production of waste, use of utilities and other resources, or other footprint in the community as compared to the prior nursing home use or as compared to other typical C-7 use types. The redevelopment of the site represents a significant investment in the community while eliminating an unused property, which, over time, can attract nuisance activities. The proposed use and site redevelopment will activate the site in a positive way, improve the aesthetic appearance of the Meridian Street corridor and function as a buffer between residential uses to the east and heavier nonresidential uses to the west.

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 significant investment in the redevelopment and renovation to the building and the grounds include beautification and improvements that will increase the property value and its future use potential. The redevelopment of the building and site represent a significant investment in the neighborhood and offers a use intensity transition and buffer between adjacent industrial uses to the west and less intensive land uses to the east. The proposed use will also positively impact area real estate by establishing a round-the-clock presence on the real estate, replacing vacant building and lot that can attract unwanted uses and activity at the site. The proposed use is similar operationally to the prior nursing home but with less traffic impact.

3. The need for the variance arises from some condition peculiar to the property involved, because:

The vacant structure that is available will be, after renovation, very suitable for the proposed use, which is similar operationally to the prior use, a nursing home. The use classification description is not an exact fit but was recommended by the City as the best fit, which happens to require a use variance due to proximity to a protected district. The proposed use represents an opportunity for infill re/development and enhanced aesthetic appearance and activity on South Meridian Street, joining other new business and residential development along the corridor. The infill re/development of the site provides the opportunity to establish a land use buffer between less intense uses to the east and more intense industrial uses to the west.

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: such terms would prevent the redevelopment and use of an existing facility for a residential healthcare use that is very similar in operations to the prior nursing home use and much needed by the greater community. Furthermore, the proposed use focuses on treating the whole person through individualized therapy, counseling and other individual and group activities designed to lead clients to sustainable sobriety and detoxification and a successful and productive life after treatment, all of which is not allowed at this location without the benefit of an approved variance. Also, the zoning ordinance does not provide a land use classification that is a perfect fit to the proposed use, which use classification was identified by the City as being a close fit even though the "primary function" of administering and dispensing schedule II controlled substances, as defined by the ordinance, is not the primary function of the proposed use.

5. The grant does not interfere substantially with the comprehensive plan, because:

As a refinement of plan guidelines for this neighborhood, the low-intensity residential healthcare facility has aspects to its business operations that would provide for better transition between commercial and less intensive residential land uses located to the east of South Meridian Street and more intensive heavy industrial land uses located to the west of Bluff Avenue. The proposed use is also compatible with "Community Commercial" recommendations (areas to the east and south) for "small-scale office, retailing, and personal or professional services" along the thoroughfare.

Photographs



Subject site single family dwelling, looking west



Subject site proposed garage location at back of lit, looking west



Adjacent religious use to the south zoned C-7, looking west



Adjacent urban farm to the north, looking west.



Adjacent single family dwelling use to the east, zoned C-3



Adjacent single family dwelling use to the east, zoned C-3,
with a D-5 protected district further to the east.

BOARD OF ZONING APPEALS DIVISION I **July 2, 2024**

Case Number: 2024-UV1-007
Property Address: 5075 West 38th Street (approximate address)
Location: Wayne Township, Council District #5
Petitioner: Arnid LLC, by David Bayt
Current Zoning: C-5
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage for vehicles awaiting repair that is equivalent to 231.52 percent of the gross floor area of the primary building (limited to 25 percent).
Current Land Use: Commercial
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JULY 2, 2024 BZA DIVISION I HEARING

- This petition was continued from the June 4, 2024 BZA Division I hearing to the July 2, 2024 BZA Division III hearing due to an indecisive vote.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for outdoor storage of vehicles that is equivalent to 231.52 percent of the gross floor area of the primary building (limited to 25 percent).
- During the June 4 hearing, the petitioner formally withdrew the portion of the request regarding vehicles awaiting repair, limiting the scope of this petition to that of outdoor storage of vehicles that are in overflow inventory. Additionally, it came to Staff’s attention that the subject site does not provide sufficient transitional yard in between the dwelling district along the southeast portion of the lot and has never been in compliance for this standard. Therefore, unless the petitioner agrees to add the required transitional yard, the petition will need to be continued and renoticed to add that variance.

- If the petitioner does agree to add the required transitional yard, Staff continues to recommend denial of the request.
- Staff finds the proposed storage area for vehicles to be a significant deviation from typical and orderly development for the surrounding area, and to be the introduction of a primary use, being heavy outdoor storage, that is not permitted in C-5 zoning districts. The proposal, therefore, constitutes a changing of use, meaning a use variance is required, and all development standards be met. This amount of storage of vehicles represents a high intensity use that puts heightened pressure on the adjacent dwelling district and is characteristic of C-7 zoning districts and not of C-5. Further, the property’s C-5 zoning has historically only allowed outdoor storage that is accessory and subordinate to the primary use. In 2015, Indy Rezone continued and reaffirmed this principle and codified only allowing an area equal to 25% of the size of the primary use for outdoor vehicle storage. Even though this use has been in operation on this site for many years, it is not legally non-conforming and has never been legally established.
- Staff continues to request a landscape plan as an element of this petition, as the site is devoid of essentially any interior or frontage landscaping, in addition to not meeting the required transitional yard. Staff sees this as poor development and substandard to the goals of the Lafayette Square/International Marketplace Area Plan of creating a clean and green environment, creating a more pedestrian-friendly environment, and reducing flooding and runoff.
- Finally, Staff does not find there to be any practical difficulty for needing the use variance and finds the desire for the variance to be entirely self-imposed. Likewise, the petitioner’s findings of fact do not mention any practical difficulty/hardship for the variance. For these reasons, Staff recommends denial of the request in its entirety.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Commercial	
Comprehensive Plan	Auto-related Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	North: Commercial
South:	SU-1	South: Commercial
East:	C-4	East: Commercial
West:	C-5	West: Commercial
Thoroughfare Plan		
West 38 th Street	Primary Arterial	140 feet of right-of-way existing and 134 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection	No	

Area	
Site Plan	3/21/24
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	2/21/24
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Lafayette Square Area Plan: An International Marketplace (2010)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Auto-related Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Lafayette Square Area Plan: An International Marketplace (2010) recommends auto-related commercial for this site.
- More broadly, the plan also calls for making the area a pedestrian-friendly environment through urban design and beautification, creating a clean and green environment, and reducing flooding.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

94-V2-15, variance of development standards of the Sign Regulations to permit the enlargement of an existing individual pole sign in an integrated center to 240 square feet (maximum 75 square feet permitted by a prior petition for this site, 88-V2-50), **denied**.

69-Z-290, rezoning of 11.41 acres, being in D-4 district to the C-5 classification to provide for auto sales and repair, **approved**.

ZONING HISTORY – VICINITY

2018UV1045; 5101 W 38th Street (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for parking for school buses (not permitted), with 15-foot transitional yards (20-foot side and rear transitional yards required), **approved**.

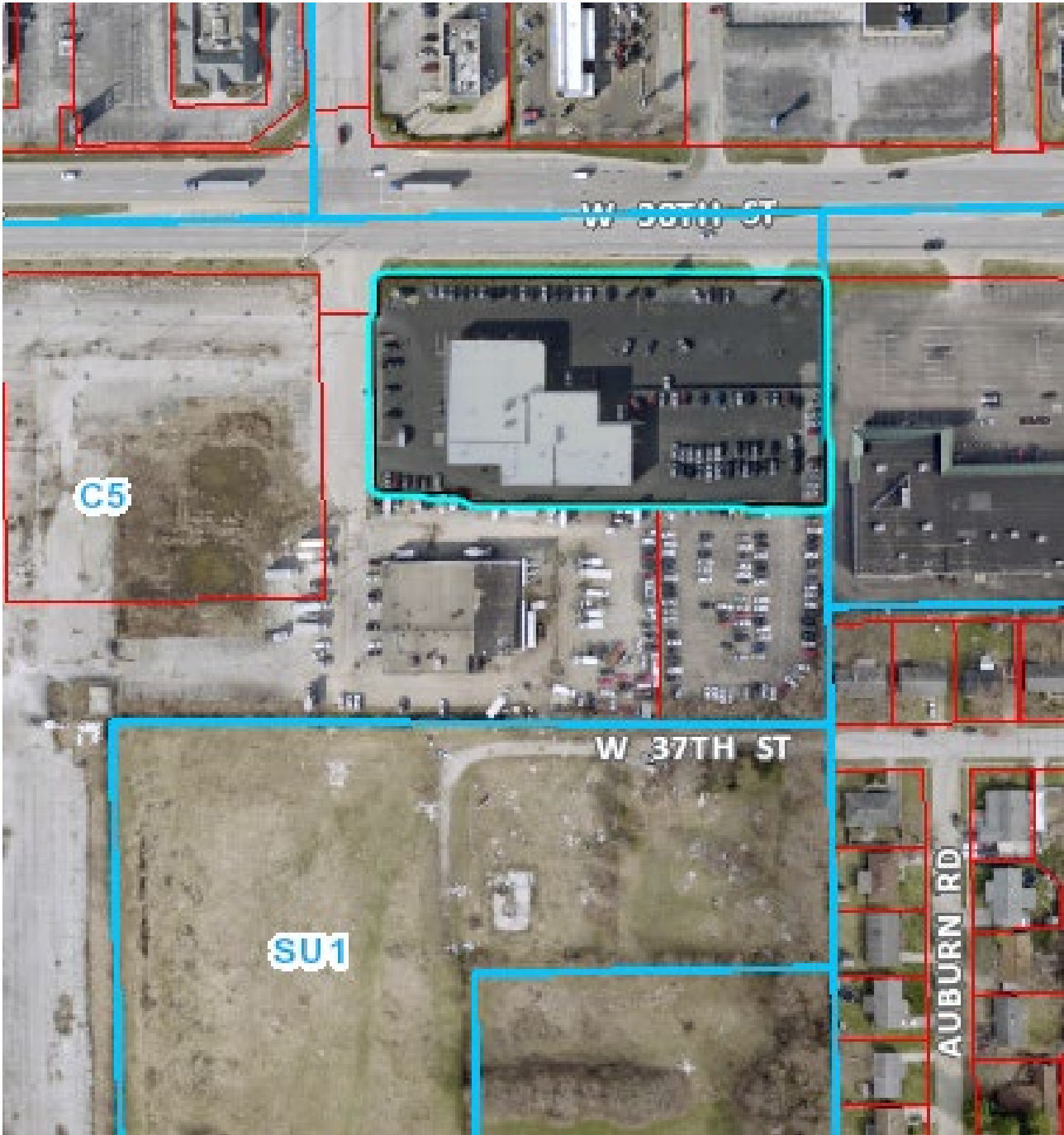
92-V1-114; 3831 Gemco Lane (north of site), Variance of development standards of the Sign Regulations of Marion County to permit the placement of a 5 foot ground sign (4 feet maximum height permitted) for an individual user within an integrated center (one integrated center sign permitted), **denied**.

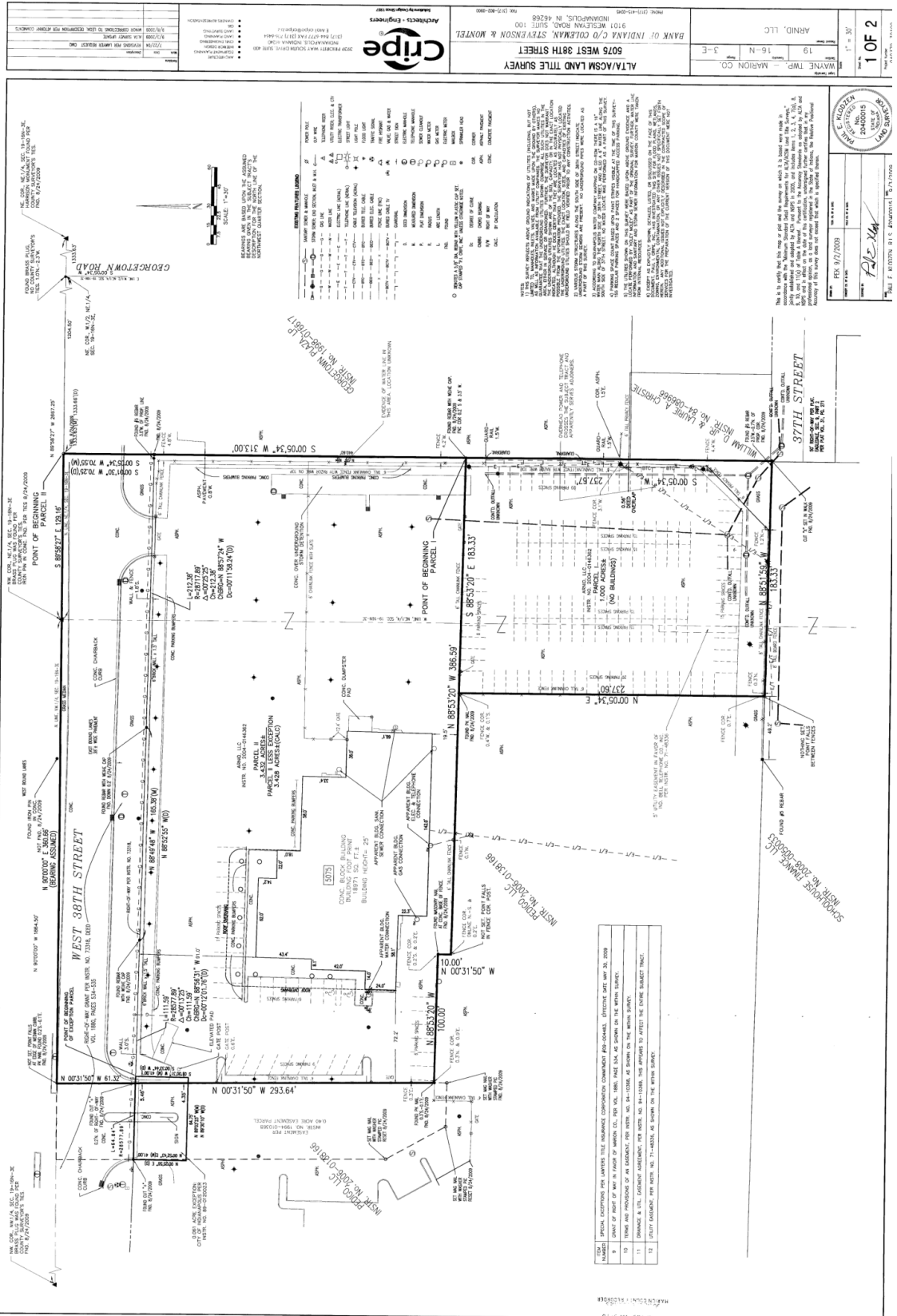
87-Z-140; 5151 W 38th Street (south of site), rezoning of 5.48 acres being in the SU-1 district, to the C-5 classification to provide for an expansion on an automobile and truck dealership for parking and storage, **approved**.

87-UV3-74; 5054 W 38th Street (north of site), variance of use of the Commercial Zoning Ordinance to provide for the use of an existing building as an adult cabaret with live entertainment, **withdrawn**.

83-Z-143; 5025 W 37th Street (south of site), rezoning of 15.73 acres, being in the D-6II district, to the SU-1 classification to provide for a church, **approved**.

EXHIBITS





PLAN OF OPERATION

Oak Motors operates a used car dealership at the subject property. This consists of employees of the company negotiating with the general public for the sale of used cars. The property at issue is in two stages. The first is the primary storage space for used cars and is located in the front of the property. The second is the secondary lot located at the back of the property. As Oak Motors conducts its business by purchasing used car at auction, the back lot of the property is used to store those vehicles. It holds approximately 15 to 20 cars for up to two weeks.

Workforce. The dealership is staffed by seven salespeople who work from 10am to 7pm Monday through Friday, and 10am-6pm on Saturday. The employees park on the west side of the building in designated parking.

Clients and Customers. Typical customers of Oak Motors are the general public seeking purchase of a used car. They come on site and park in visitors parking. The amount of customers per day varies greatly, but there is traffic each day of the week except Sunday.

Processes Conducted on Site. As previously stated, the business is engaged in the marketing and sale of used vehicles to the general public. This involves the customer walking around the lot with a salesperson to choose and test drive vehicles. There is an alarm system security that monitors for break in and fire thorough Circle City Alarm Company.

Materials. There are no materials utilized on site other than the inventory of used cars for sale.

Shipping and Receiving. New inventory is brought in as needed to replenish sold inventory. The cars are brought in by a tow truck or vehicle hauler.

Waste. No waste is created by the company.

/s/ David J. Bayt

Corporate Counsel, Oak Motors



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

**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

It is the operation of a used car sales and service based operations.

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

It is the operation of a used car sales and service based operations.

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

It is needed to store cars that are awaiting repair.

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

Storing the cars at a separate location would be cost prohibitive and injurious to the reputation of Oak Motors in servicing car rep

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

The use of the lot will continue as it has always been used in service to cars awaiting service.

DECISION

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

Adopted this _____ day of _____, 20 ____









Board of Zoning Appeals Division I **July 2, 2024**

Case Number: 2024-DV1-017

Property Address: 2719 Madison Avenue

Location: Center Township, Council District #18

Petitioner: TGA SC Global Indy I LP, by Jay Ingrassia

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall wooden privacy fence and a six-foot tall chain link privacy fence within the front yards of Madison Avenue and East Street (maximum fence height of five feet permitted) with the chain link fence being topped with barbed wire (prohibited, chain link fences not permitted within the front yard) and encroaching within the clear sight triangle of the driveways along East Street (not permitted).

Staff Reviewer: Eddie Honea, Principal Planner II

CONTINUANCE

Due to deficient notice, this petition must be continued to the August 6, 2024 hearing of Division I. The petitioner has asked Staff to make this request on their behalf and is in support of the request. Staff would note that this would nullify the ability of the petitioner to exercise an automatic continuance going forward.

EDH



BOARD OF ZONING APPEALS DIVISION I

July 2, 2024

Case Number: 2024-DV1-021

Property Address: 3559 Central Avenue (approximate address)

Location: Center Township, Council District #8

Petitioner: Denise Garcia

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a 14.5-foot front yard setback from Central Court North (20 feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for a building addition, resulting in a 14.5-foot front yard setback from Central Court North (20 feet required).
- The subject site is improved with a residential structure that dates back to 1919. Staff has various concerns regarding the proposed addition to the residence. First, the proposal represents a substantial increase in the size and massing of the house and constitutes over-development compared to the surrounding context. Second, the petitioner does not have any floor plans or elevations of the proposed addition at this time, leaving details regarding height, massing, and aesthetics unknown. Additionally, Staff is concerned by the potential for this proposed addition to impact or destroy the exterior façade of the residence which is one of unique character and quality.
- Further, Staff does not find any practical difficulty related to the site itself that necessitates the variance. The petitioner’s Findings of Fact do not identify any practical difficulty/hardship related to the variance. Likewise, given that the house is currently well behind the required setbacks, the site already contains a significant amount of open space along both Central Avenue and Central Court



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

North for a building addition that would not require setback variances. Finally, Staff believes alternative designs and layouts for a proposed addition exist that do not result in the need for a variance, such as placing a portion of the building addition along Central Avenue, as opposed to placing the addition solely on Central Court North. For all these reasons, Staff recommends denial of the request and asks that the proposal be revised to be compliant with the setbacks and more in line with the surrounding character.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-3	West: Single-family residential
Thoroughfare Plan		
Central Avenue	Primary Arterial	60 feet of right-of-way existing and 78 feet proposed
Central Court North	Local Street	40 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/23/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/23/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)



- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable. Please see Neighborhood / Area Specific Plan

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Mapleton-Fall Creek Neighborhood Land Use Plan recommends 5-8 residential units per acre for this site.

Infill Housing Guidelines

- With regards to building massing and building additions, the Infill Housing Guidelines recommends:
 - The massing and new construction of additions should be characteristic of surrounding buildings, particularly on local streets.
 - Build with respect to the street
 - Design strategically to match context

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2020DV1006; 3529 Central Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall iron and wood fences within the front yards of Central Avenue and Central Court South and within the clear sight triangle of the abutting streets and the abutting street and driveway (maximum 42-inch fence permitted or 48-inch tall fence with 30% opacity or less; fences not permitted within the clear sight triangle), **approved**.

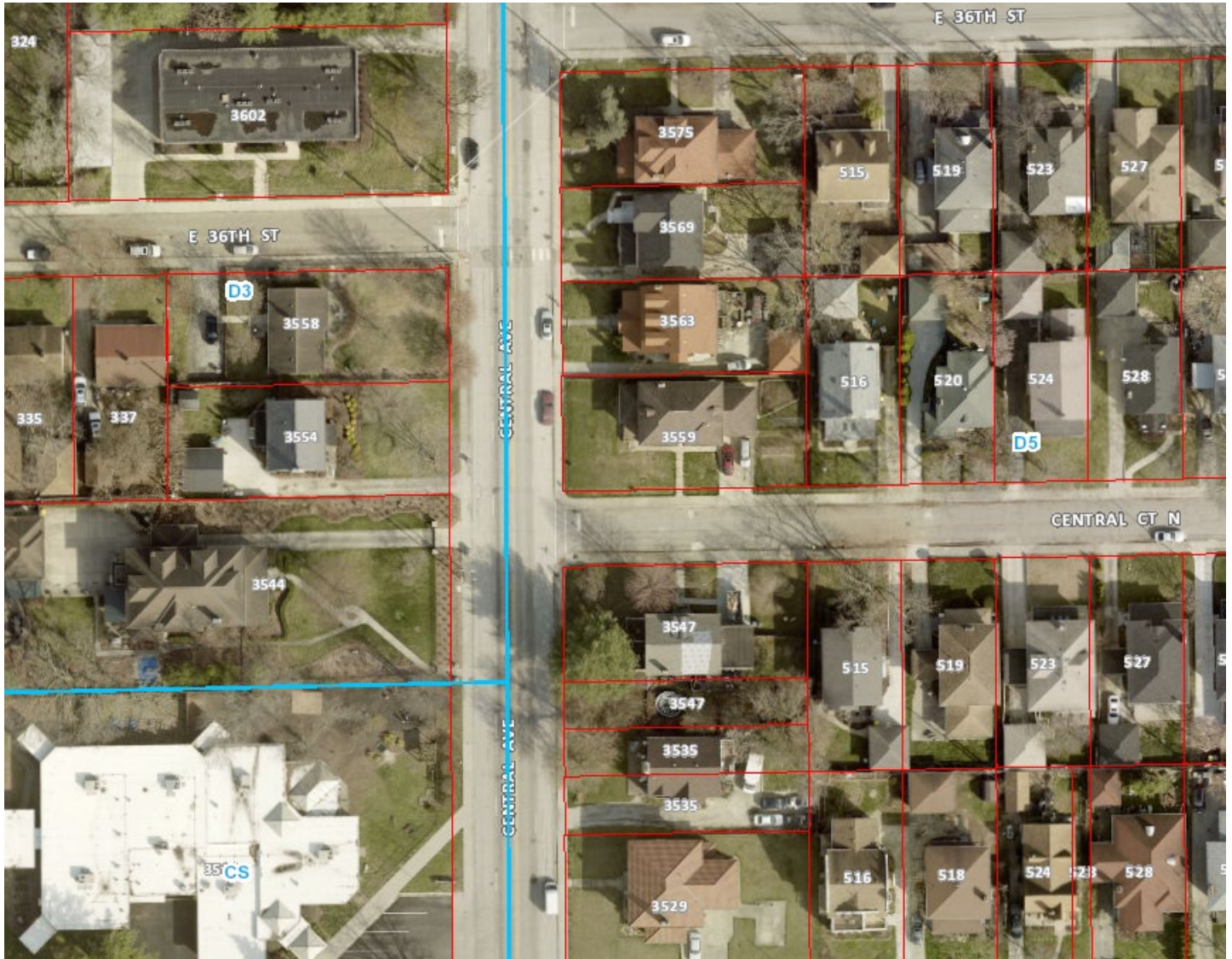
2004DV2001; 3554 Central Avenue (west of site), variance to legally establish a 6.83-foot tall fence in the rear yard and a 9.67-foot tall fence in the side yard, with eight-foot and ten-foot posts, respectively, **dismissed**.

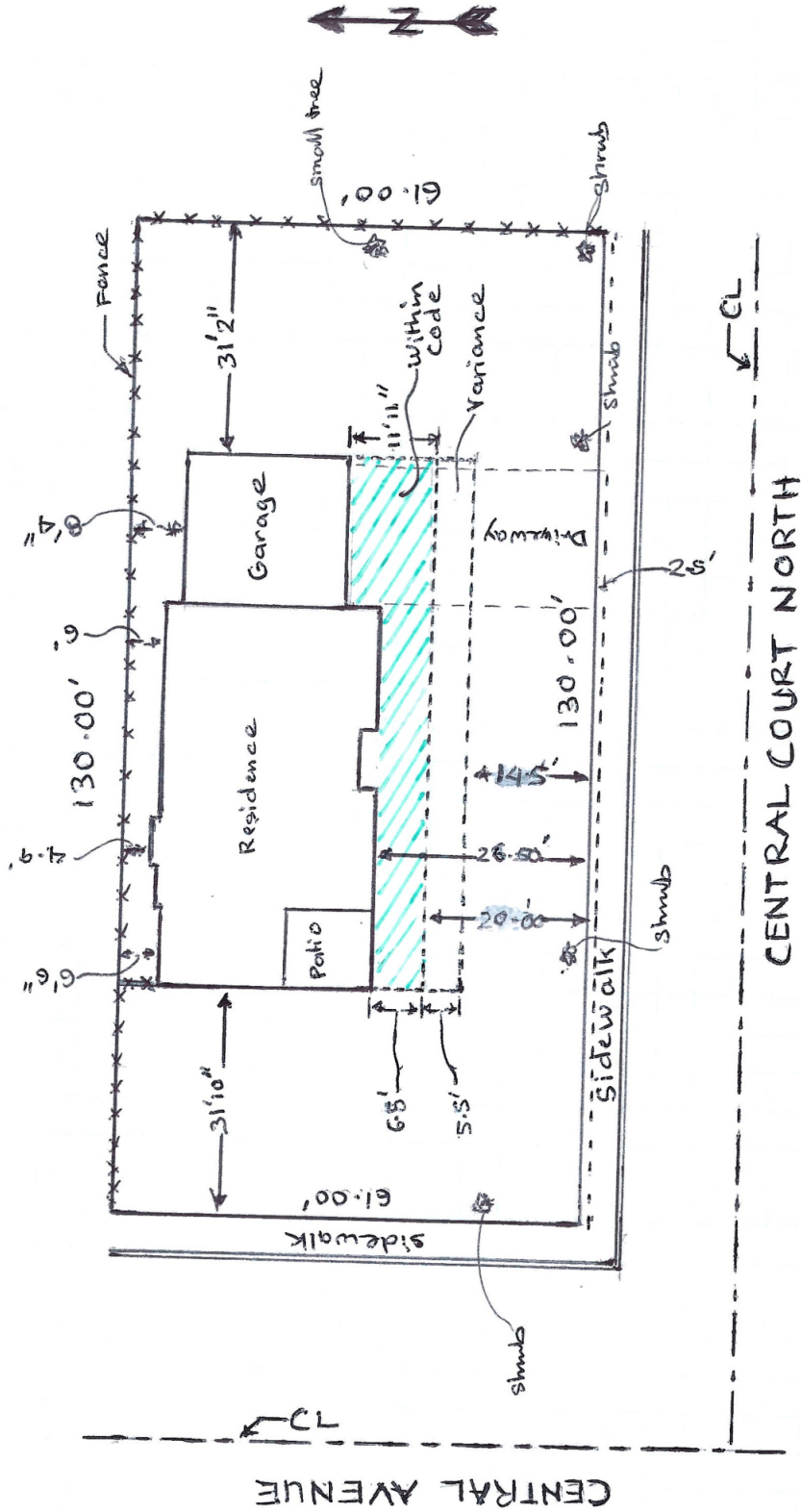
96-V2-62; 523 Central Court North (east of site), variance to permit a greenhouse and a deck with a 4.5-foot east side yard setback, and to legally establish a dwelling with a 0.4-foot west side yard setback and a five-foot aggregate side yard setback, and to legally establish a detached garage with a 2.5 rear yard setback in the D-5 district, **approved**.

87-UV1-137; 3588 Central Avenue (west of site), variance to provide for the use of an existing building for professional offices including an oral surgeon in a D-3 district and a two-foot by three-foot freestanding sign, **approved**.

85-Z-219; 3601 Washington Boulevard (west of site), rezoning petition initiated by the Commission to correct a mapping error in Ordinance 84-OA-5 which omitted the zoning district classification for the affected property previously zoned to the D-3 classification on the Base Map Number 18, **approved**.

EXHIBITS





CL - Center Line

CENTRAL COURT NORTH

3559 CENTRAL AVENUE

Scale 1" = 20'



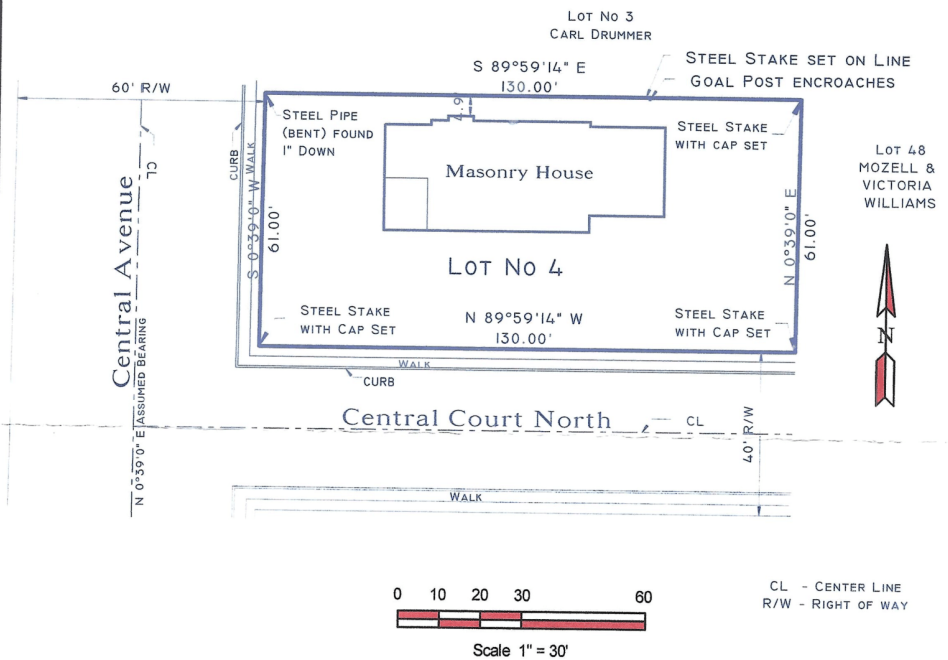
Department of Metropolitan Development
Division of Planning
Current Planning



ALIG ENGINEERING, INC.
8271 N. WASHINGTON BLVD.
INDIANAPOLIS, IN 46240
317-254-5670

RE: Denise Garcia
3559 Central Avenue
Indianapolis, In. 46205

PARCEL DESCRIPTION: LOT NO 4 IN JOSE-BALZ CENTRAL AVENUE ADDITION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGE 116 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.



Surveyors Report:

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of uncertainties in the reference monuments, discrepancies in record descriptions and plats, inconsistencies in lines of occupations and the relative position accuracy of the measurements. There may be unwritten rights associated with these uncertainties. This Relative Position accuracy of the corners of the parcel established by this survey is within the specifications for a Suburban Survey as defined by IAC 865.

Subject parcel is located in a recorded subdivision in Marion County Indian. The right of way lines and lot dimensions were obtained from said subdivision plat. The location of the centerlines of, Central Avenue and Central Court were established by measurement between the curbs of said streets and alleys. There are no bearings called for in the record description, therefore an assumed bearing system was established using the center line of Central Avenue. Plat distances, found monuments on adjacent and near parcels as well as pavement spits for the block were used in establishing the boundary lines and corners of subject parcel. Lines of occupation: There is a row of bushes approximately 2' west of the East property line as established in this survey. Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded plats used in this survey. There were no discrepancies or overlaps found in the deed for this and the adjoining parcels. Existing Monumentation was found at the northwest corner of this parcel. Uncertainty of this monument location is up to 3 inches. The origin of this monument is unknown. All survey monuments set or found this survey are flush with existing grade unless otherwise noted. The measurements shown on the herein drawing are field measurements (m), unless noted otherwise. (D) Deed, (P) plat. This Instrument prepared without the use Title Commitment

I, the undersigned, HEREBY CERTIFY, that to the best of my professional knowledge and belief that the within described Plat represents a true and accurate survey completed by myself on July 20, 2010 and correctly represents the boundary line of the above described real estate.

JULY 22, 2010

Douglas S. Alig
Douglas S. Alig
Registered Land Surveyor No. 20300024





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The subject of extending the front building line out pass the required minimum of 20 ft does not impact the neighborhood.
The house is located on a corner lot. The variance requested would not encroach into the clear-sight-triangle.
Proposed front setback of 14.5 ft when 20 ft is required would not pose a public safety or health risk to the neighborhood.

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

The proposed setback variance would not impact the neighborhood since the requested variance is not between houses along the east block of Central Court North. This would not negatively impact adjacent property owners. The proposed dwelling variance would protect surrounding property values due to the proposed improvement.

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

The proposed 14.5 ft front setback for the property improvement at this location do not negatively impact the streetscape, neighborhood and would represent a minor deviation from the Ordinance.

DECISION

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

Adopted this _____ day of _____, 20 ____











BOARD OF ZONING APPEALS DIVISION I **July 2, 2024**

Case Number: 2024-DV1-023

Property Address: 6325 East Southport Road (approximate address)

Location: Franklin Township, Council District #24

Petitioner: Brian & Tiffany Lee Ann Elliot, by Josh Smith

Current Zoning: D-A

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn, being two-feet taller and 195 square feet larger than the primary dwelling (not permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the construction of a pole barn, being two-feet taller and 195 square feet larger than the primary dwelling (not permitted).
- The subject site is improved with a primary residential structure. The Zoning Ordinance does not allow accessory structures to be larger in area nor taller in height than the primary structure. This standard is in place to promote orderly development, maintain residential aesthetics, and to limit the introduction of higher intensity uses into lower intensity areas.
- The petitioner has indicated that the proposed detached garage would be used for storing numerous private vehicles, many of which are larger and more intense than typical automobiles that will not fit in a standard size garage. Staff finds the reasons for a garage of this size to be entirely self-imposed by the owner and does not find there to be any practical difficulty that prohibits the owner from constructing an Ordinance-compliant garage.



Department of Metropolitan Development
Division of Planning
Current Planning

- Staff has concerns of what the formal introduction of a use of this intensity and scale could mean for the future of the area, both through the potential expansion of the proposed use on this specific site, and the increased likelihood of the formulation of similar uses on nearby lots that could be sparked by the approval of this type of request. For these reasons, Staff recommends denial of the petition, and asks that the petitioner decrease the size and height of the proposed structure.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	North: Single-family residential
South:	D-P	South: Single-family residential
East:	D-A	East: Single-family residential
West:	D-A	West: Single-family residential
Thoroughfare Plan		
East Southport Road	Primary Arterial	30 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/2/24	
Site Plan (Amended)	N/A	
Elevations	5/2/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/2/24	
Findings of Fact (Amended)	6/14/24	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan



- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Don't overshadow primary building

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2018DV3060; 6251 E Southport Road (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 17.5-foot tall detached garage with a 10-foot rear setback (accessory structures cannot be taller than the dwelling, 15-foot rear setback required), accessed by a shared drive, **approved**.

2015DV1015; 6330 E Southport Road (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 432-square foot garage addition, creating an accessory use area of 10,489 square feet or 177% of the total floor area of the primary dwelling (maximum 5,922 square feet or 99.9% permitted), **approved**.

2002DV2029; 6350 E Southport Road (north of site), 1,500 SF POLE BARN EXCEEDING ACC USE AREA AND ACC STR AREA, **approved**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

- GENERAL SITE NOTES**
1. THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND GENERALLY ACCEPTED TRADE PRACTICES.
 2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT CITY OF INDIANAPOLIS CONSTRUCTION SPECIFICATIONS MANUAL.
 3. NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. SITE FEATURES AND TOPOGRAPHIC DATA HAVE BEEN OBTAINED FROM THE CITY OF INDIANAPOLIS. ALL SITE INVESTIGATION, FIELD VERIFICATION AND OTHER RELIABLE MEANS OF INVESTIGATION, ALL UTILITIES SHALL BE FIELD VERIFIED. ALL DRAINAGE, PAVING, CONTINUITY AND CONDITION, ETC. SHALL BE FIELD VERIFIED.
 4. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING, UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH THE CITY OF INDIANAPOLIS PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES TO THE PROJECT. SANITARY SEWER & WASTE DISCHARGE ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
 5. THIS SCOPE OF WORK IS DESCRIBED IN MATTER. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND GENERALLY ACCEPTED TRADE PRACTICES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND GENERALLY ACCEPTED TRADE PRACTICES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND GENERALLY ACCEPTED TRADE PRACTICES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND GENERALLY ACCEPTED TRADE PRACTICES.



- PLAN NOTES: XX**
1. EXISTING RESIDENCE
 2. EXISTING PORCH SLAB
 3. EXISTING PATIO SLAB
 4. EXISTING COVERED GAZEO
 5. EXISTING CONCRETE PATHWAY
 6. EXISTING GRAVEL DRIVEWAY
 7. SANITARY SEWERS
 8. STORM SEWERS
 9. STORM MANHOLES
 10. PROPOSED GARAGE (F.P.C. - 408.5)
 11. PROPOSED GRAVEL DRIVEWAY
 12. PROVIDE SILT FENCE FOR EROSION CONTROL AROUND PROJECT AREA AS REQUIRED BY THE LOCAL AUTHORITY
 13. PROVIDE CONCRETE WASH OUT AT THE ACCESS TO CONSTRUCTION SITE FROM EXISTING DRIVEWAY TO REMOVE SOIL AND DEBRIS FROM CONSTRUCTION SITE
 14. ACCESS TO CONSTRUCTION SITE FROM EXISTING DRIVEWAY TO REMOVE SOIL AND DEBRIS FROM CONSTRUCTION SITE

LEGAL DESCRIPTION

49-15-14-109-024-000-300
 6325 SOUTHPORT RD
 INDIANAPOLIS, IN 46237

SITE CALCULATIONS

ADDRESS: 6325 SOUTHPORT RD
 INDIANAPOLIS, IN 46237
 COUNTY: MARION
 LOT AREA: 43,225 SQ. FT.
 EXISTING RESIDENCE (FOOTPRINT): 1,448 SQ. FT.
 EXISTING PORCH SLAB: 238 SQ. FT.
 EXISTING COVERED GAZEO: 252 SQ. FT.
 EXISTING DRIVEWAY: 4,250 SQ. FT.
 PROPOSED GARAGE: 1,448 SQ. FT.
 PROPOSED GRAVEL DRIVEWAY: 6,977 SQ. FT.
 TOTAL AREA: 2,977 SQ. FT.
 TOTAL OPEN SPACE PERCENTAGE: 68.2%

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

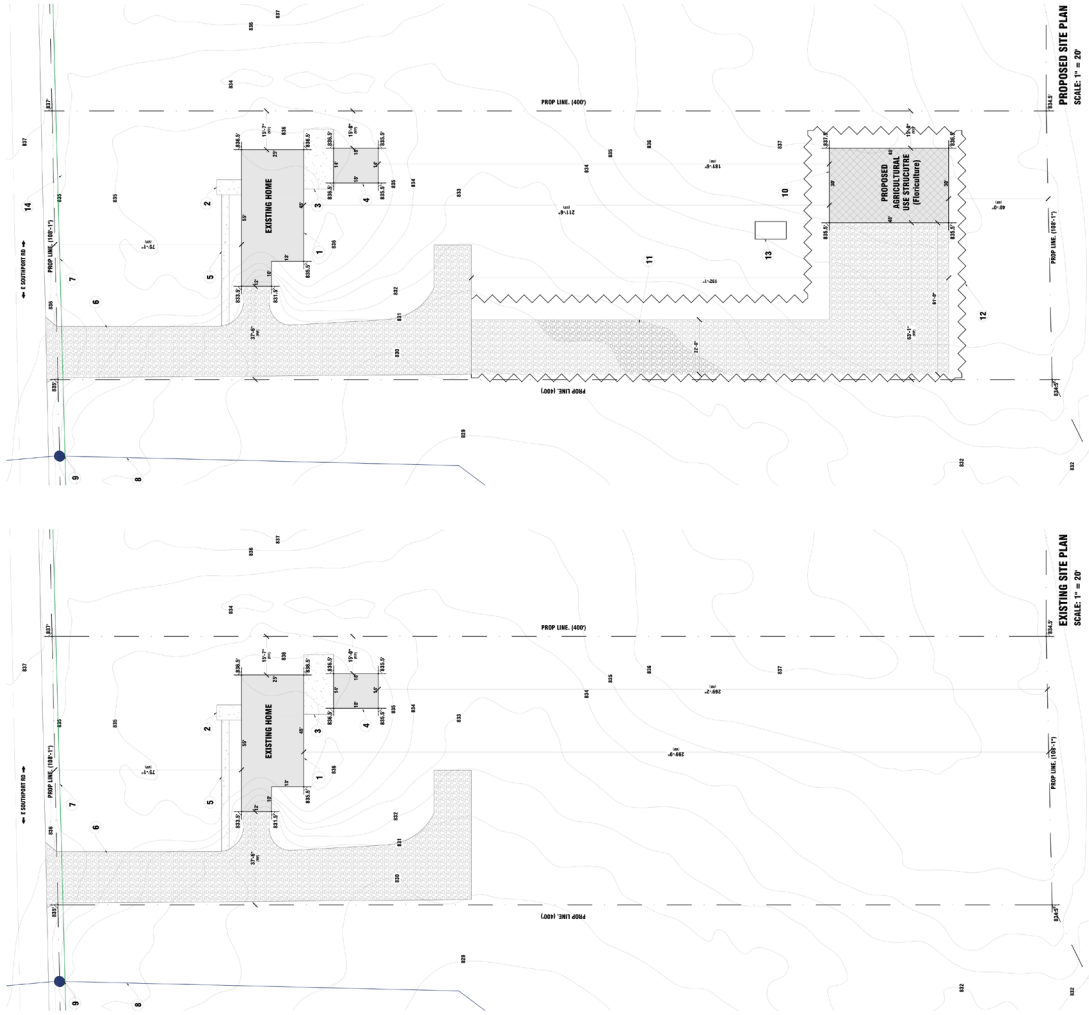
PROJECT
 6325 SOUTHPORT RD
 INDIANAPOLIS, INDIANA
 46237

DRAWN BY
 IZEL CHACON

DATE:
 FEBRUARY 5, 2024

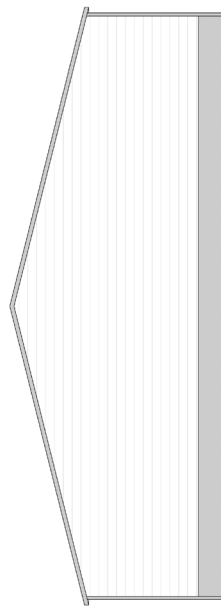
CERTIFIED BY
 C1

RIVERA GEOTECH
 1571 AVENUE AVENUE
 INDIANAPOLIS, IN 46221
 317.250.1514
 APRINE@RIVERAGEOTECH.COM

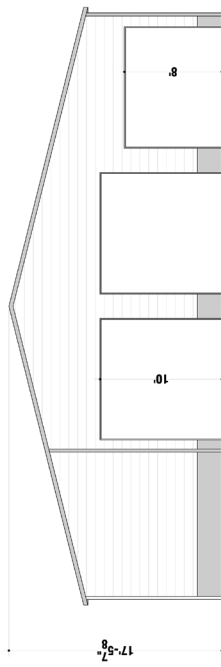




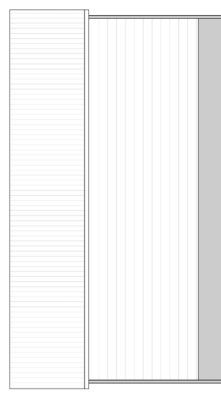
Department of Metropolitan Development
 Division of Planning
 Current Planning



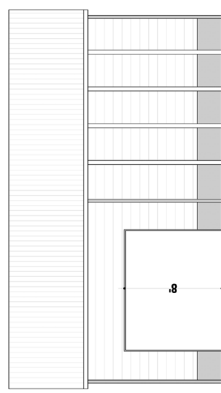
EAST



WEST



SOUTH



NORTH

PROJECT 6325 SOUTHPORT RD INDIANAPOLIS, INDIANA 46237	DRAWN BY IZEL CHACON	PROPOSED ELEVATION SCALE: 1/4"=1'-0"	 1972 OLIVER AVENUE INDIANAPOLIS, IN 46221 PLANNING@RIVERKAGROUP.COM
	DATE CERTIFIED BY FEBRUARY 5, 2024	PROPOSED ELEVATION SCALE: 1/4"=1'-0"	A1



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed accessory building is designed in a similar manner and style as other accessory buildings in the area and will be toward the rear of the property being less visible from the street. With the topography of the back yard, the roofline of the proposed garage will be within a few inches of the same elevation.

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 nature and scale of the proposed improvement is consistent with several neighbors on the same side of the same block on Southport Rd. There will be no use changes and with the addition of the garage, the property owner will be able to move his hobby vehicles indoors.

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

The design and hopeful storage capacity of the enclosed space would no longer be able to meet the needs of the current owner. Some of the hobby vehicles that the owner works on are lifted off-road type vehicles that cannot drive through a standard height garage door. These require a larger overhead door that forces the roof to moved upwards as well.

DECISION

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

Adopted this _____ day of _____, 20 ____









BOARD OF ZONING APPEALS DIVISION I **July 2, 2024**

Case Number: 2024-UV1-009
Address: 1307 South High School Road (approximate address)
Location: Wayne Township, Council District #17
Zoning: C-4 (TOD)
Petitioner: Sohum Hotels Indy West LLC, by Russell Brown
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 122-unit hotel (not permitted), with a 70-foot front building line from Washington Street (maximum 10-foot building line permitted), one primary entry (four required), and parking within the front yard (prohibited) and with zero-foot landscape strip along the frontage and deficient landscaping (six-foot landscape strip required), and a chain link fence within the front yard of Washington Street (not permitted).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has filed an automatic continuance, **continuing this petition from the July 2, 2024, hearing, to the August 6, 2024, hearing.** This will require the Board’s acknowledgement.