



# Board of Zoning Appeals Board of Zoning Appeals Division I 6-4- 2024 Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, June 04, 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-DV1-019 | 6701 North College Avenue**  
Washington Township, Council District #7, Zoned D-9 (TOD) (FF)  
Broad Ripple Edgewater LLC, by Joseph Lee

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pool, related equipment and bathroom with an 24-foot setback from 67th Street (25-feet required) and a six-foot tall fence within its front yard (maximum 3.5-foot tall fence permitted).

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

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

- 2. 2024-DV1-014 | 2120 English Avenue (Amended)**  
Center Township, Council District #18, Zoned I-3  
Jenny Smalling

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 8-foot tall chain-link perimeter fence with slats or fabric screening (slats or fabric not permitted), in the front yards of English and Hamilton Avenues (not permitted).

- 3. 2024-DV2-011 (Amended) | 4233, 4235, and 4237 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 each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25

rear yard setback (maximum 19.9-foot front setback permitted, 20-foot rear setback required), resulting in open space ranging between 51.8 and 59.6 percent (60 percent open space required).

**4. 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).

**5. 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).

**\*\* Staff is requesting a continuance to the July 2, 2024 hearing of Division I in order to allow for further review**

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

**6. 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).

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

**7. 2024-UV1-008 | 5120 Senour Road**

Franklin Township, Council District #25, Zoned SU-2 / D-4  
Franklin Township Multi School Building Corporation, by Craig Flandermeyer

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.583-foot tall monument sign (five-foot sign permitted) with a 36.432 square foot digital display (not permitted).

**\*\* Petitioner to request a continuance and transfer of this petition to the June 18, 2024 hearing of Division III in order to allow for required notice**

**Additional Business:**

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



**BOARD OF ZONING APPEALS DIVISION I** **June 4, 2024**

**Case Number:** 2024DV1019

**Property Address:** 6701 North College Avenue (approximate address)

**Location:** Washington Township, Council District #7

**Petitioner:** Broad Ripple Edgewater LLC, by Joseph Lese

**Current Zoning:** D-9 (TOD) (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pool, related equipment and bathroom with a 24-foot setback from 67<sup>th</sup> Street (25-foot required) and a six-foot tall fence within its front yard (maximum 3.5-foot tall fence permitted).

**Current Land Use:** Multi-family Residential

**Staff Recommendations:** Staff recommends **approval** of the requests subject to commitments below.

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the variance requests subject to the following commitments:

- The fencing installed around the pool perimeter shall match the fence elevations provided to staff file dated April 23, 2024.
- Additional shrubs shall be planted or replanted at the southwest corner of the existing pool deck to provide a consistent vegetative screen between the pool and 67<sup>th</sup> Street.

## PETITION OVERVIEW

- The subject property is currently developed with a multifamily apartment building that offers an on-site swimming pool for the use of tenants within Edgewater Apartments and their guests. The site borders College Avenue to the west, the White River to the North, and is situated near the Indianapolis Art Center and Monon Trail to the east.
- An application for a wrecking permit was made earlier this year to allow for the existing pool to be removed and replaced with a new pool in the same location. New fencing around the pool perimeter would also be installed along with this scope of work. Existing landscape screening to the south, west and east would largely be preserved with any temporary removal to be replaced in kind upon conclusion of the construction. The placement and design of the pool and fence is shown within the Exhibits below.
- Placement of the pool as shown on the site plan would constitute a small encroachment into the required front yard depth of 25 feet for D-9 zoning. Grant of this variance would allow for the pool to be replaced with a front setback of 24 feet as well as for placement of a fence around the pool perimeter with a height of 6 feet (3.5 is the standard maximum height for residential front yards).
- Under most circumstances, a pool within the front yard would be disallowed by ordinance per use-specific standards for swimming pools. However, the section of ordinance governing general conditions for accessory uses within dwelling districts (744-306.A.5) specifically indicates that minor residential structures within D-9 zoning would solely need to comply with front setback requirements. Our offices have determined that this would overrule the use-specific standard and would allow for placement of the pool in front yard without an additional variance.
- The subject site is under the jurisdiction of both the Red Line TOD Strategic Plan as well as the Envision Broad Ripple Neighborhood Plan (additional details below). The parcel is also largely within a 100-year floodplain which would require issuance of a flood permit prior to the development to ensure compliance with relevant flood ordinance.
- The requested encroachment into the required front yard would only be one foot, and the location of the pool to be installed matches the location of the pool currently at the site. Given the minimal relief that would result from utilizing the existing footprint and the lack of other feasible locations at the site to place a swimming pool, staff is supportive of this request.
- Although fences within residential front yards are typically limited to a height of 3.5 feet, most residential front yards do not contain swimming pools. The zoning ordinance specifies that all swimming pools must either have a safety pool cover meeting IAC specifications or a fence with a minimum height of 5 feet. Given legitimate safety concerns and to prevent accidental drownings from people or animals entering the pool area, staff is supportive of a variance to allow for a taller fence height around the pool perimeter. This recommendation is conditioned upon commitments to ensure the fence does not utilize barbed wire and maintains adequate landscape screening.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-9 (TOD) (FF)	
<b>Existing Land Use</b>	Multi-family Residential	
<b>Comprehensive Plan</b>	Over 15 Residential Units per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-4	North: Floodway
	South: D-4	South: Park
	East: SU-7	East: Special Use
	West: D-3/D-4	West: 3.5-5 Res Units per Acre
<b>Thoroughfare Plan</b>		
College Ave	Primary Arterial	162-foot right-of-way existing and 88-foot right-of-way proposed
67 <sup>th</sup> Street	Local Street	42-foot right-of-way existing and 58-foot right-of-way proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	04/23/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	04/23/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	04/23/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Red Line Transit-Oriented Development Strategic Plan
- Envision Broad Ripple

**Pattern Book / Land Use Plan**

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

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



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

- The Red Line TOD Strategic Plan recommends this site for the Walkable Neighborhood Typology which emphasizes walkable areas that are primarily residential (small lot single-family attached or detached, with some mixed-use and multifamily at center) but may have a commercial node of one to two city blocks.

**Neighborhood / Area Specific Plan**

- The Envision Broad Ripple Plan recommends this site for residential development with over 15 units per acre. The site’s proximity to College Avenue also designates it as being part of Critical Area 1 which seeks to preserve existing residential uses along the west side of College, limit the height of new multi-family structures along the east side, and maintain appropriate spacing from the Indianapolis Art Center and open space for floodplain protection. The plan makes no specific reference to pools or fences.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2015HOV034 ; 888 E 66<sup>th</sup> Street (southeast of site)**, Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for one square inch of openings for every one square feet of enclosed area (one square foot of openings for every two square feet of enclosed area required), **approved.**

**2015CZN801 ; 6616 Ferguson Street (southeast of site)**, Rezoning of 1.34 acres from the D-4 (FF) and D-10 (FF) districts to the D-10 (FF) classification to provide for multi-family development, **approved.**

**2015CVR801 ; 6616 Ferguson Street (southeast of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a four-story, 93-unit multi-family dwelling (a) with 15-foot front setbacks from 66th and Ferguson Streets, with the 66th Street entryway having an 11-foot front setback (minimum 25-foot front setback required), (b) with a 10-foot southwest side perimeter yard and zero-foot north and northwest perimeter yards (20-foot perimeter yards required), (c) with a 1.94 floor area ratio (maximum 0.80 floor area ratio required), (d) with a 0.18 open space ratio (minimum 0.87 open space ratio required), (e) with a livability space ratio of 0.10 (minimum 0.49 livability space ratio required), and (f) with a major livability space ratio of zero (minimum major livability space ratio of 0.095 required), **approved.**

**2004ZON804 ; 912 E 68<sup>th</sup> Street (east of site)**, rezoning of 9.03 from C-4, D-9, and SU-7 zoning to the SU-7 designation to allow for Indianapolis Art Center facilities, **approved.**

**2002UV2024 ; 6847 Ferguson Street (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance and the Flood Control Districts Zoning Ordinance to provide for a two-story, 1,352 square foot addition to a single-family dwelling (not permitted), and to provide for venting of the attached residential addition in accordance with the federal standards of one square inch of opening for one square foot of enclosed area (one square foot of opening for two square feet of enclosed area required), **approved.**

**2000UV1020 ; 6630 Ferguson Street (southeast of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for an office (not permitted) within an existing single-family dwelling, **approved.**

**84-UV2-47 ; 812 E 67<sup>th</sup> Street (east of site)**, variance of use of the Commercial Zoning Ordinance to provide for a 42 x 60 foot building addition and the addition of seven spaces to the existing parking lot, **approved.**

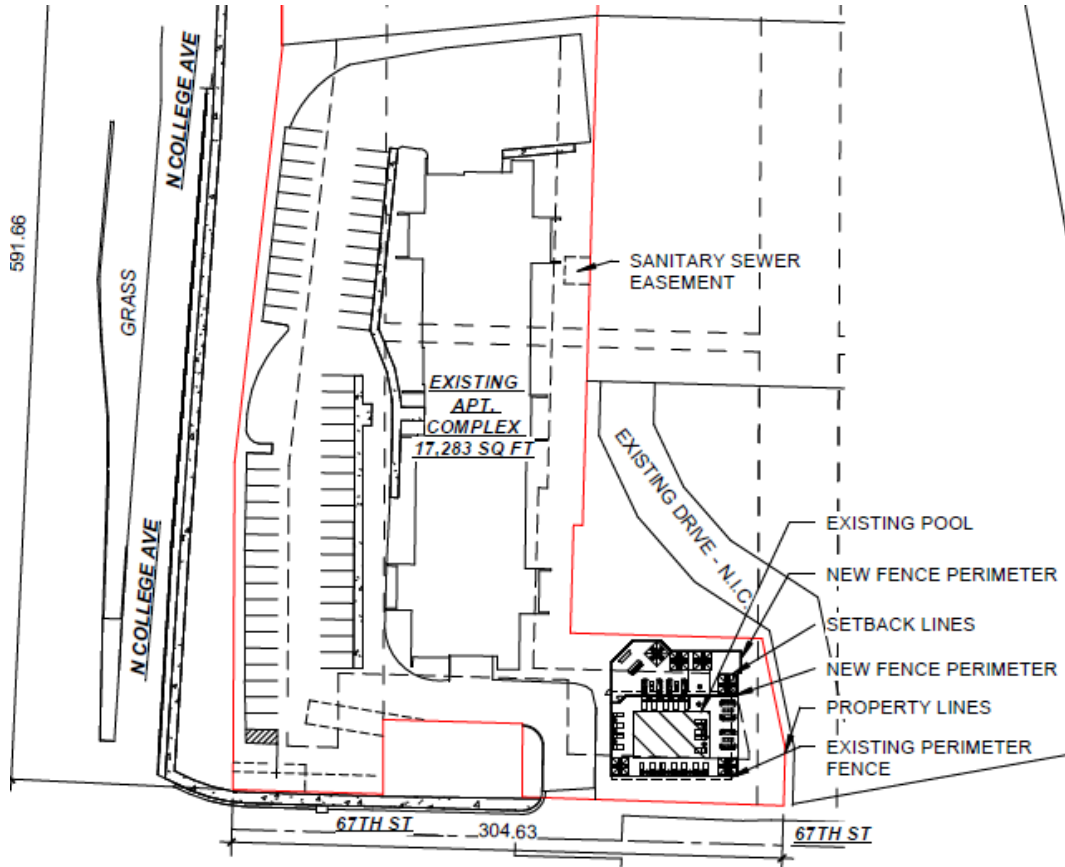
**EXHIBITS**

**2024DV1019 ; Aerial Map**

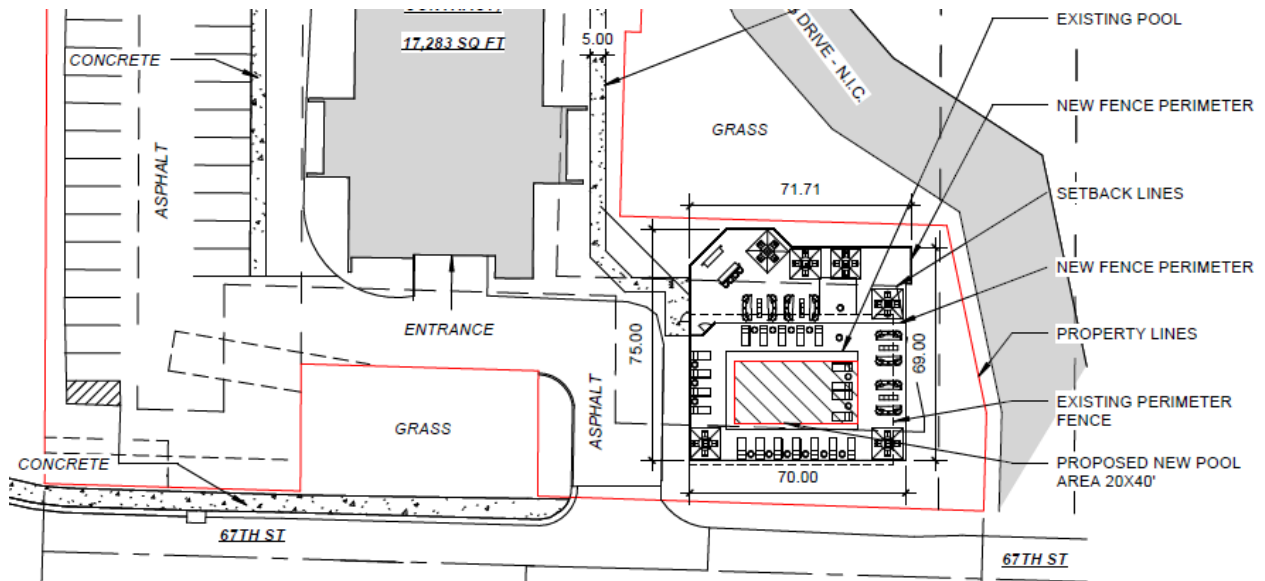




**2024DV1019 ; Site Plan**

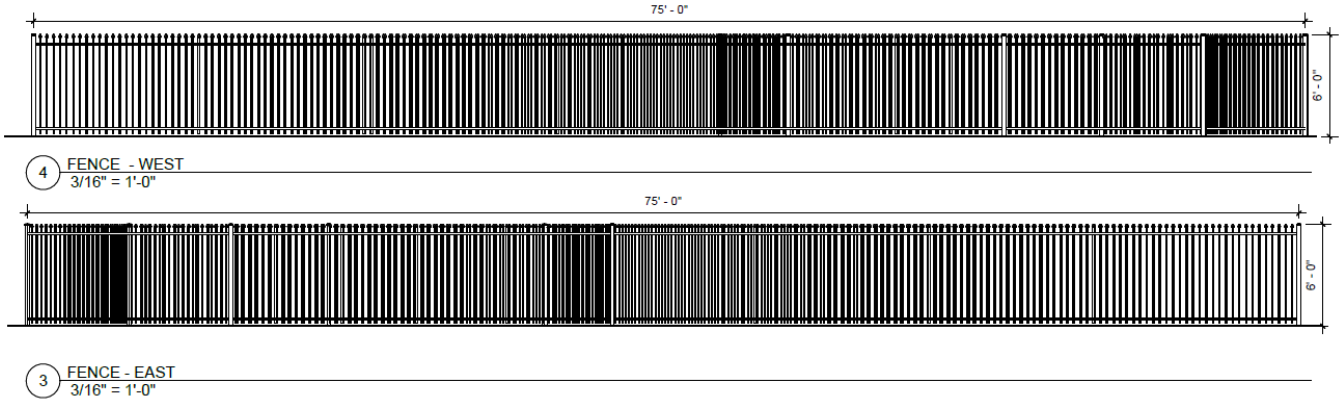


**2024DV1019 ; Site Plan (Detail)**





**2024DV1019 ; East/West Fence Elevations (North/South Similar)**



**2024DV1019 ; Findings of Fact**

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

the construction work is to reconstruct the existing pool in place and replace the fence with something much more attractive. This will improve the property and will improve a pool that is currently closed down until it can be brought up to modern safety standards.

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 pool, pool deck area and fenced areas will not affect any surrounding property's uses nor will it be detrimental to value as the shuttered pool will be reconstructed in a safe and healthy manner.

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

the existing pool encroaches ever so slightly into the front yard setback, where we are proposing to put this back into the same location. In order to avoid this, the rear yard would end up being compromised so the pool replacement is intended to maintain the existing setbacks. Also, the new fence is required to be a minimum height for pool protection, which based on the position of the pool, violates the ordinance for height in the front yard. However, code requires the taller fence around all sides of the pool for protection and denial of the variance would result in the pool being unusable.



**2024DV1019 ; Pictures**



Photo 1: Subject Site from South



Photo 2: Pool from Southwest

**2024DV1019 ; Pictures (continued)**



Photo 3: Pool from Northwest



Photo 4: Taken from Pool Looking West

**2024DV1019 ; Pictures (continued)**



Photo 5: Taken from Pool Looking South

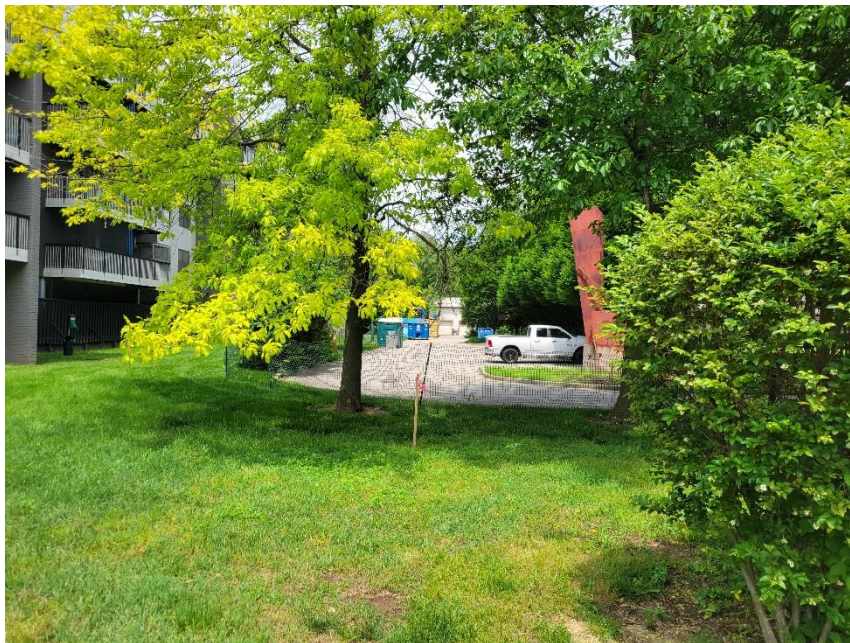


Photo 6: Taken from Pool Looking North



**BOARD OF ZONING APPEALS DIVISION I**

**June 4, 2024**

**Case Number:** 2024-DV1-014 (Amended)  
**Address:** 2120 English Avenue (approximate address)  
**Location:** Center Township, Council District #18  
**Zoning:** I-3  
**Petitioner:** Jenny Smalling  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 8-foot tall chain-link perimeter fence with slats or fabric screening (slats or fabric not permitted), in the front yards of English Avenue and Hamilton Avenue (not permitted).

**Current Land Use:** Commercial Contractor

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the May 14, 2024, hearing, to the June 4, 2024, hearing.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition as amended.

**PETITION OVERVIEW**

- ◇ The original petition was amended to remove the request for barbed wire and the request to encroach within the clear sight triangle of the intersection of English and Hamilton Avenues.
- ◇ The amended request added an increase in the height of the fence to eight feet and provided for screening with slats or fabric.
- ◇ The purpose of the I-3 district is designed as an intermediate central city district for industries which are heavier in character than those permitted in the Light Industrial District, but which are not of the heaviest industrial types.
- ◇ The fence as proposed is compatible to the I-3 zoning district and would provide for screening of a permitted outside storage yard. The height would be similar to the gutter line of the building and would not be excessive in Staff’s opinion.
- ◇ Removing the fence out of the clear sight triangle and the previously requested barbed wire reduces the impact of the fence and increases the setback from the corner. Therefore, the request would be a minor deviation from the Ordinance, and supportable by Staff.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-3	
<b>Existing Land Use</b>	Commercial Contractor	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-5	Single-family dwelling
	South: D-5	Parking lot
	East: D-5	Religious Use
	West: I-3	Single-family dwelling
<b>Thoroughfare Plan</b>		
English Avenue	Primary Arterial	60-foot existing right-of way and 78-foot proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Site Plan</b>	March 15, 2024	
<b>Findings of Fact</b>	March 15, 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**

**2003-UV1-033; 2120 English Avenue (subject site)**, requested a variance of use to provide for an expansion of religious uses, **granted**.

**95-UV3-7; 2120 English Avenue (subject site)**, requests a variance of use of the Industrial Zoning Ordinance to provide for religious uses, **granted**.

**71-UV2-089; 2101 English Avenue (south of site)**, requested a variance of use, transitional side yard, and front-loading area requirements to permit existing fire station building to be used for an office and light metal fabrication, with off-street parking provided, and sign fastened to stainless steel on front of building consisting of ten-inch plastic letters, **granted**.

RU \*\*\*\*\*

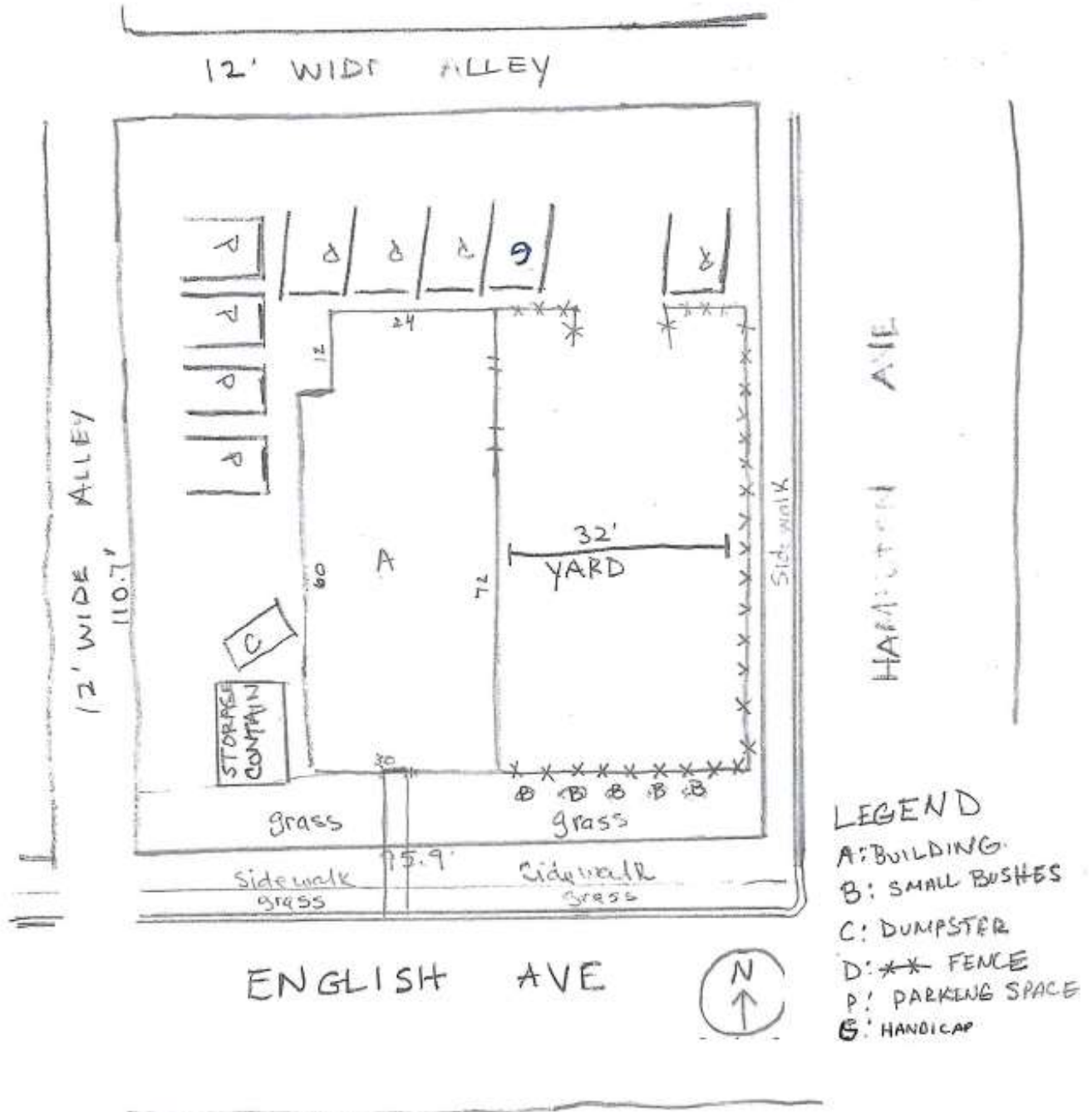


**EXHIBITS**

Location Map



Site Plan





**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

the fencing without screening does not impeded sight in either direction and is designed to be transparent, allowing unobstructed views for drivers and pedestrians. It serves as a protective barrier for petitioners property without obstructing visibility in the clear sight triangular area.

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

there is no property directly butted up to property as it is surrounded by roads or alleys. Property is well maintain with updates in the last 5 years that has increased property value. The variance will not negatively impact neighbor's esthetic or property values. The company has given back to multiple homeowners in area by improving homes in the scope of owners speciality which increased or improved homes value.

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

The existing site plan allocates a large portion to parking, which are no longer needed due to change in usage patterns. Adhering to strict application would force us to maintian the parking areas, removing the available space for essential operations & crucial to safeguard petitioner's property. The existing site plan does not account for the addition to the building that also would impeded parking and tree in the existing site plan.

**DECISION**

Photographs



Subject site, looking north



Subject site side yard with existing fencing, looking northwest.



Adjacent religious use zoned D-5, to the east, looking north



Adjacent single family dwelling to the north, looking west.



**BOARD OF ZONING APPEALS DIVISION I**

**June 4, 2024**

**Case Number:** 2024-DV2-011 (Amended)  
**Property Address:** 4233, 4235 and 4237 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 each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25 rear yard setback (maximum 19.9-foot front setback permitted, 20-foot rear setback required), resulting in open space ranging between 51.8 and 59.6 percent (60 percent open space required).

**Current Land Use:** Vacant  
**Staff Recommendations:** Staff recommends approval of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- **ADDENDUM FOR JUNE 4, 2024 BZA DIVISION I HEARING**
- This petition was continued and transferred from the April 2, 2024 BZA Division I hearing to the May 14, 2024 BZA Division I hearing to allow for revision of the site plan.
- The petition was continued with new notice to the June 4, 2024 BZA Division I hearing to add needed variances to the request.

**STAFF RECOMMENDATION**

- Staff recommends approval of this petition.

**PETITION OVERVIEW**

- This petition would provide for the construction of a duplex on each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25 rear yard setback (maximum 19.9-foot front setback



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

permitted, 20-foot rear setback required), resulting in open space ranging between 51.8 and 59.6 percent (60 percent open space required).

- Duplexes, as well as multi-unit houses up to 4 units, are permitted in the D-5 zoning classification. The petitioner has stated that the houses are to be offered for sale and platted onto individual lots in the future, making the proposed units ineligible for the multi-unit house classification. Therefore, the development standards assigned for the proposal are bumped up to those associated with the duplex classification, including that the minimum lot width becomes 60 feet as opposed to 40-feet for multi-unit houses. 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 width.
- Given that the subject properties have deficient lot area, each being 40-feet wide and under 5000 square feet, a variance of development standards for reduced lot area would be necessary for any residential development, both for single-family and two-family residential. Therefore, Staff does find there to be reasonable practical difficulty with regards to meeting the lot size requirement as well as the open space requirement of 60%. Likewise, the deficient lot size also presents reasonable practical difficulty for meeting the rear yard setback standards. Further, with the subject sites abutting an SU-39 district (water tank) and not residential, the reduced rear setbacks would not present significant negative impact on the adjacent property to the rear. Therefore, Staff is unopposed to the variance for reduced rear setbacks.
- The petitioner has noted that ADA parking spaces will be needed to accommodate future residents at the subject site. For this to be possible, a transportation easement would be established that would push the sidewalk into the subject properties, creating additional road space to allow for the width necessary for ADA parking spaces (see site plan below). Additionally, with Chapter 744, Article IV, Section 1.H. of the Zoning Ordinance permitting legal on-street parking spaces to replace off-street parking requirements in the Compact Context Area, no off-street parking spaces are required for the subject sites.
- The proposal calls for front setbacks of the three duplexes to be between 21 and 31 feet, being beyond the maximum permitted front setback of 19.9 feet. However, with the sidewalk proposed to be pushed back due to the transportation easement, the duplexes would be located no further than 15 feet from the sidewalk, creating a design that would meet the intent of the front setback standard with regards to functionality and aesthetics. Therefore, Staff is unopposed to the request for reduced front setbacks.
- Finally, Staff would note that the proposal would serve to advance two of the Zoning Ordinance's Livability Principles: the first being to expand equitable and affordable housing choices, and the second being to enhance economic competitiveness by locating new housing in proximity to existing employment centers, being Keystone Avenue in this case. For these reasons, Staff does recommend approval of this petition.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	<b>D-5 (W-1)</b>	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5 (W-1)	North: Single-family residential
South:	D-5 (W-1)	South: Single-family residential
East:	SU-39 (W-1)	East: Water pumping station
West:	D-5 (W-1)	West: Single-family residential
<b>Thoroughfare Plan</b>		
Evanston Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/28/24	
<b>Site Plan (Amended)</b>	4/22/24	
<b>Elevations</b>	5/3/24	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/28/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Indy Moves Transportation Integration Plan (2018)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Traditional 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 new housing units, the Infill Housing Guidelines document recommends:
  - For undersized lots, look at the surrounding context for appropriate housing sizes
  - Build within setback range when possible

**Indy Moves**

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

- The subject sites abut the future Nickel Plate Trail expansion that will connect to the Monon Trail at 42<sup>nd</sup> Street.
- The subject sites are located under ¼ mile from the Fall Creek Greenway.



## ZONING HISTORY

### ZONING HISTORY – SITE

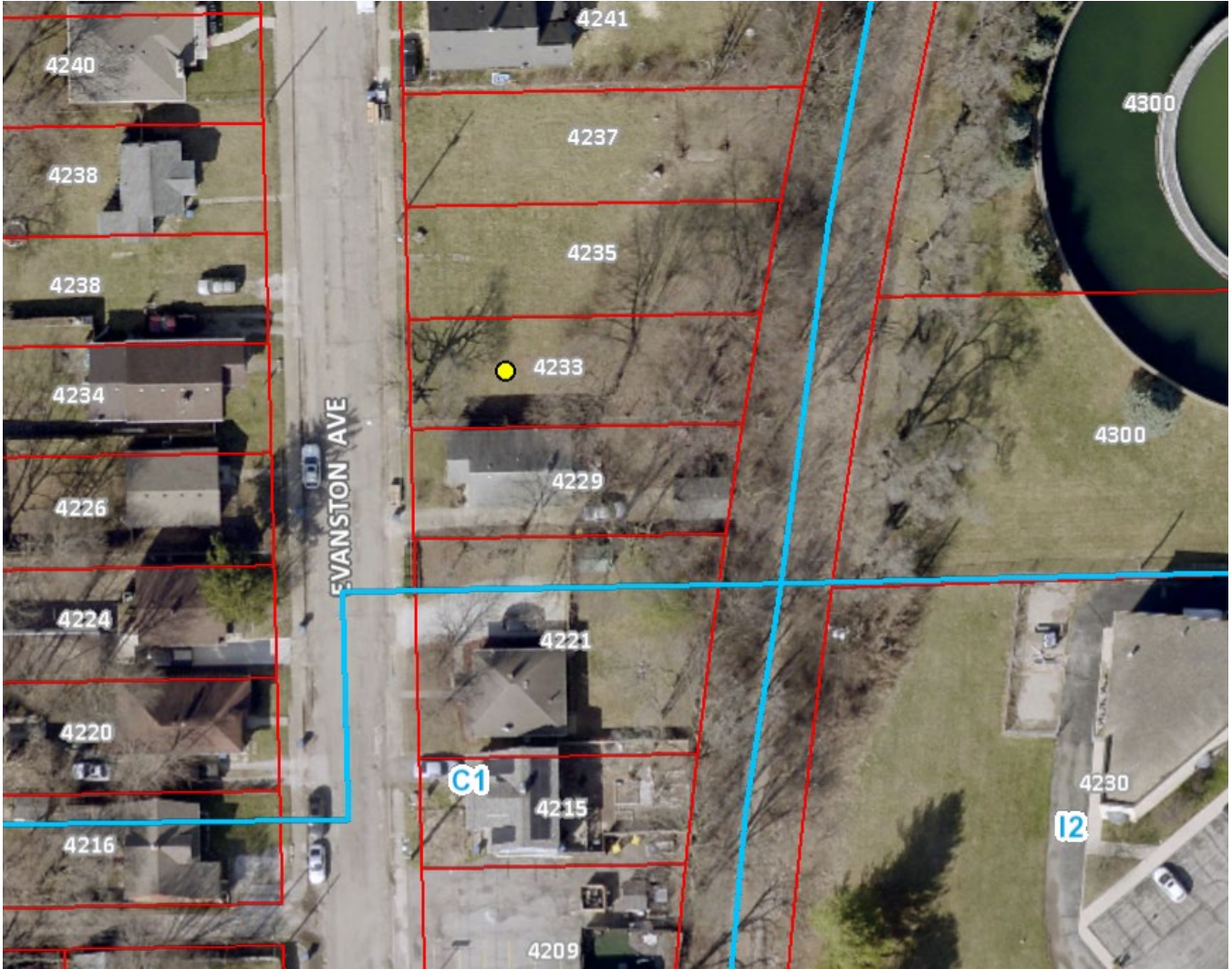
N/A

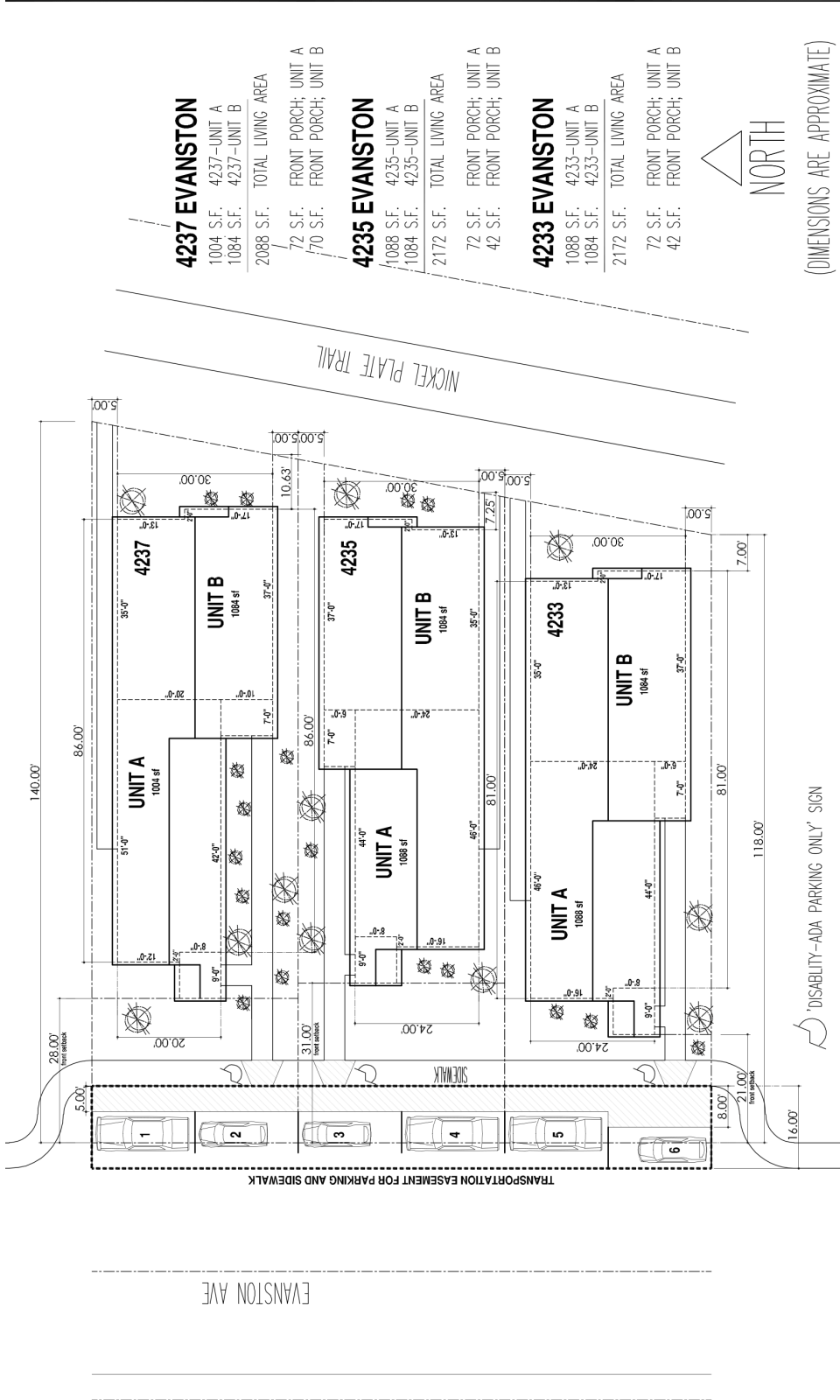
### ZONING HISTORY – VICINITY

**89-Z-18; 4260 Fall Creek Parkway North Drive (east of site)**, rezoning of 17 acres, being in the I-2-U district, to the SU-39 classification to conform with the Keystone Avenue Corridor Plan adopted August 1985, **approved.**

**83-UV1-121; 4209 Evanston Avenue (south of site)**, variance of use of the Commercial Zoning Ordinance to provide for a 19' x 24', second-story room addition to an existing restaurant/bar business, **approved.**

**EXHIBITS**





<p><b>PARADIGM CONSTRUCTION</b></p>	<p>NEW 2-PLEX BUILDING FOR: <b>NICKEL PLATE VILLAGE</b></p> <p>4233-35-37 EVANSTON AVE; INDIANAPOLIS, IN 46205</p>	<p><b>z a i</b> architecture interiors commercial &amp; residential</p> <p>10.900.6467 CINCINNATI, OH 45236 312.237.7320 zaia@zai.com www.zaiArchitecture.com</p>	<p>Project No.: 2403006 Issue Date: 04.18.2024 Designed By: CSE Drawn By: CSE Checked By: CSE/ PARADIGM © 2024, Total Architecture Interiors</p>	<p><b>A04</b> SITE PLAN</p> <p>1" = 15' - 0"</p>
	<p>TRANSPORTATION EASEMENT FOR PARKING AND SIDEWALK</p>			<p>(DIMENSIONS ARE APPROXIMATE)</p>

Renderings





Site Photos









**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.

**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. The C-S district to the east contains several residential properties zoned C-3. The protected district within 500 feet is zoned D-5 and is located to the east of the commercial zoned properties fronting on South Meridian Street.
- ◇ The Comprehensive Plan 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, 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 would be 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**

<b>Existing Zoning</b>	C-7	
<b>Existing Land Use</b>	Vacant Commercial building	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	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
<b>Thoroughfare Plan</b>		
South Meridian Street	Primary Arterial	55-foot existing right-of-way and a 78-foot proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 20, 2024	
<b>Elevations</b>	N/A	
<b>Commitments</b>	Pending	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	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**.

RU

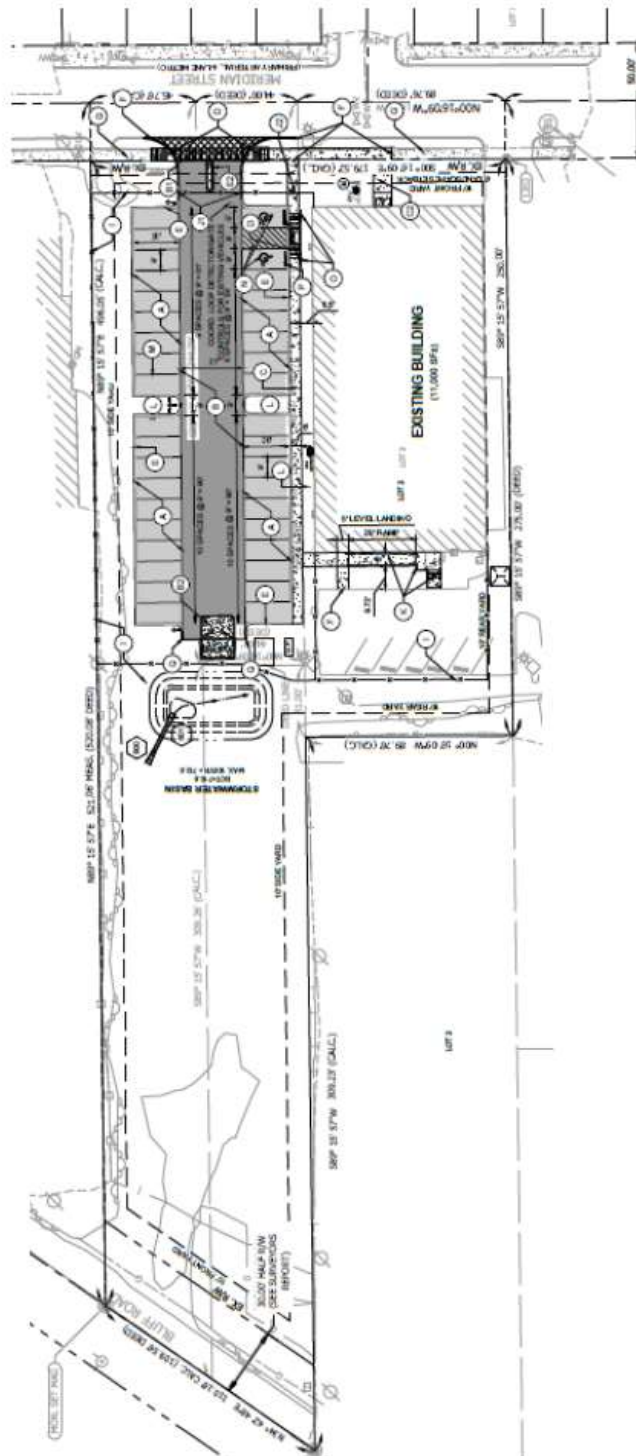
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**EXHIBITS**

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 lot, 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** **June 4, 2024**

**Case Number:** 2024-UV1-007

**Property Address:** 5075 West 38<sup>th</sup> 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 has no recommendation for this petition

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

**PETITION HISTORY**

**ADDENDUM FOR JUNE 4, 2024 BZA I HEARING**

- This petition was continued to the June 4, 2024 BZA Division I hearing to allow for further review of the proposals of this petition.
- Staff is requesting a second continuance to the July 2, 2024 BZA I hearing to allow for further review of the proposed site plan.



**BOARD OF ZONING APPEALS DIVISION I**

**June 4, 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 has no recommendation for this petition

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

**PETITION HISTORY**

- A registered neighborhood organization has filed a timely automatic continuance, continuing this petition to the July 2, 2024 BZA I hearing, without additional notice.



Department of Metropolitan Development  
Division of Planning  
Current Planning

Board of Zoning Appeals Division I

June 4, 2024

**Case Number:** 2024-UV1-008

**Property Address:** 5120 Senour Road

**Location:** Franklin Township, Council District 25

**Petitioner:** Franklin Township Multi School Building Corporation, by Craig Flandermeyer

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.583-foot tall monument sign (five-foot sign permitted) with a 36.432 square foot digital display (not permitted).

**Staff Reviewer:** Eddie Honea, Principal Planner II

**CONTINUANCE**

Due to a publication error, this petition is deficient on required notice. Therefore, this petition must be continued in order to provide satisfactory notice. The petitioner has stated they would like to transfer this petition to the June 18, 2024 hearing of Division III. Staff has no objection to the request.

EDH