



**Board of Zoning Appeals
Board of Zoning Appeals Division II
(November 12th, 2024)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, November 12, 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

2024-UV2-026 (Amended) | 2355 North Meridian Street

Center Township, Council District #12, zoned C-4 (TOD) (RC)
Zaremba Group, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service or repair facility (not permitted) with a front building line of 61.7 percent (80 percent required) with parking located 15 feet from Meridian Street and 26 feet from 24th Street with portion not located to the rear of the building (50-foot setback, location behind building required), 24-foot and 25-foot driveway widths accessing Meridian Street and 24th Street (16 feet permitted, curb cut for accessory parking access not exclusively from an improved alley), one primary entry (two required), and deficient landscaping.

****Petitioner to withdraw**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-DV2-036 | 2526 and 2528 North Harding Street

Center Township, Council District #12, zoned D-5 (W-5)
Paradigm Construction & Development LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit home on each lot, with a proposed four-foot corner side yard setback along 26th Street and side walks and parking areas with zero-foot side yard setbacks (eight-foot corner side yard setback, two-foot side yard setback for walkways, three-foot side yard setbacks required).

****Staff and Petitioner request continuance to the December 10, 2024 hearing of Division II**

2. 2024-DV2-037 | 3265 Ruckle Street

Center Township, Council District #8, zoned D-5
O&D Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit multi-unit-house with a 20-foot front building line setback from Ruckle Street (maximum 19.9-foot permitted), a five-foot rear yard setback (20-feet required), a walkway with a 0.5-foot side yard setback (two-foot required) and zero off-street parking spaces (three required).

****Petitioner to request a continuance to the December 10, 2024 hearing of Division II**

3. 2024-DV2-038 | 2959 and 2953 Ruckle Street

Center Township, Council District #8, zoned D-5
O&D Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multi-unit house on each lot, with a 25-foot front building line (maximum 19.9 feet permitted), with a five-foot corner side yard setback (eight-foot required) and walking paths with a 0.5-foot side yard setbacks (two-foot required) and parking areas with zero-foot side yard setbacks (five-foot required).

****Petitioner to request a continuance to the December 10, 2024 hearing of Division II**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2024-DV2-034 | 9521 Haver Way

Washington Township, Council District #2, zoned C-3 / C-5
McDonalds USA LLC, by Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 25-foot tall internally illuminated pylon sign (internal illumination not permitted).

5. 2024-DV2-035 | 2161 Gent Avenue

Center Township, Council District #12, zoned D-5 (W-5)
Theodore Karras, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a two-unit-multi-unit house with walking paths with a .5-foot side yard setback (two-foot side yard setbacks required).

6. 2024-DV2-041 | 2461 Sheldon Street

Center Township, Council District #8, zoned D-5
Intend Indiana, by Mia Guterrez and Joe Fillenworth

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a front building line of 26 feet (range of 10 feet to 19.9 feet required) and encroaching within the clear sight triangle of the intersection of 25th and Sheldon Streets (encroachment not permitted), and construction of a walkway with a 0-foot side yard setback (2 feet required).

7. 2024-DV2-042 | 2419 East 62nd Street

Washington Township, Council District #7, zoned C-4
CFT NV Developments, LLC, by Ross McArthur

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of an additional 10-foot-tall drive-thru sign for each drive lane (one sign per drive lane permitted, six-foot tall maximum permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2024-DV2-031 | 2701 North College Avenue

Center Township, Council District #8, zoned MU-2
JBCC Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a surface parking lot with four spaces (11 required) and a zero-foot front yard setback from 27th Street (50-foot setback, location behind building required).

9. 2024-UV2-013 | 5455 West 56th Street

Pike Township, Council District #6, zoned SU-2 / SU-38
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display within 70 feet of a protected district (digital display not permitted within zoning, 600' digital display separation required).

10. 2024-UV2-022A | 6701 Zionsville Road

Pike Township, Council District #6, zoned SU-2
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 85 feet of a protected district (600-foot separation required).

11. 2024-UV2-022B | 7001 Zionsville Road

Pike Township, Council District #6, zoned SU-2
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 288 feet of a protected district (600-foot separation required).

12. 2024-UV2-022C | 2811 Barnard Street

Pike Township, Council District #1, zoned SU-2
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 50 feet of a protected district (600-foot separation required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2024-DV2-040 | 2010 Mansfield Street

Center Township, Council District #12, zoned D-5 (W-1)
Jennifer & David Ojo

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a parking area without exclusive alley access and a zero-foot south side yard setback (alley access required, five-foot side yard setback required).

Additional Business:

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

BOARD OF ZONING APPEALS DIVISION II

November 12, 2024

Case Number: 2024-UV2-026 (Amended)
Property Address: 2355 North Meridian Street (approximate address)
Location: Center Township, Council District #12
Petitioner: Zaremba Group, by Joseph D. Calderon
Current Zoning: C-4 (TOD) (RC)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service or repair facility (not permitted) with a front building line of 61.7 percent (80 percent required) with parking located 15 feet from Meridian Street and 26 feet from 24th Street with portion not located to the rear of the building (50-foot setback, location behind building required), 24-foot and 25-foot driveway widths accessing Meridian Street and 24th Street (16 feet permitted, curb cut for accessory parking access not exclusively from an improved alley), one primary entry (two required), and deficient landscaping.

Current Land Use: Vacant

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

November 12, 2024: The petitioner has indicated that they will withdraw this petition from consideration by the Board and will make that request on the day of the hearing.

October 8, 2024: Between the time of the previous continuance and this hearing date, the interpretive decision was made by the Interim Current Planning Administrator that the proposed use would be more accurately considered an automobile service or repair facility as opposed to a retail sales facility. Staff is requesting a continuance to the November 12th hearing date to allow for amended notice to be sent by the applicant reflecting the use variance request. A full staff report will be made available in advance of that date.

September 10, 2024: An additional zoning non-conformity was noted by staff during the review process for this petition that would need to be mentioned within the variance request. This will require a continuance to the October 8th hearing per petitioner request. A full staff report will be made available in advance of that date.



BOARD OF ZONING APPEALS DIVISION II **November 12th, 2024**

Case Number: 2024-DV1-036

Property Address: 2526 and 2528 North Harding Street (Approximate Address)

Location: Center Township, Council District #12

Petitioner: Paradigm Construction & Development LLC, by David Gilman

Zoning: D-5 (W-5)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit home on each lot, with proposed four-foot corner side yard setback along 26th Street and sidewalks and parking areas with zero-foot side yard setbacks (eight-foot corner side yard setback, two-foot side yard setback for walkway, three-foot side yard setbacks required).

Current Land Use: Residential

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

To allow further discussion between staff and the petitioner, this petition should be **continued** to the **December 10th, 2024**, hearing at both the staff's and the petitioner's request. A full staff report will be available in advance of that hearing.



BOARD OF ZONING APPEALS DIVISION II **November 13, 2024**

Case Number: 2024-DV2-037
Address: 3265 Ruckle Street (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: O&D Holdings LLC, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit multi-unit-house with a 20-foot front building line setback from Ruckle Street (maximum 19.9-foot permitted), a five-foot rear yard setback (20-feet required), a walkway with a 0.5-foot side yard setback (two-feet required) and zero off-street parking spaces (three required).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has indicated they will be requesting a continuance for cause, **continuing this petition from the November 13, 2024, hearing, to the December 10, 2024, hearing, with notice if amended.** This will require the Board’s acknowledgement.



BOARD OF ZONING APPEALS DIVISION II **November 13, 2024**

Case Number: 2024-DV2-038
Address: 2959 and 2953 Ruckle Street (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: O&D Holdings LLC, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit multi-unit house on each lot, with a 25-foot front building line (maximum 19.9 feet permitted), with a five-foot corner side yard setback (eight-feet required) and walking paths with a 0.5-foot side yard setbacks (two-feet required) and parking areas with zero-foot side yard setbacks (five-feet required).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has indicated they will be requesting a continuance for cause, **continuing this petition from the November 13, 2024, hearing, to the December 10, 2024, hearing, with notice if amended.** This will require the Board’s acknowledgement.



BOARD OF ZONING APPEALS DIVISION II

November 12, 2024

Case Number: 2024-DV2-034

Property Address: 9521 Haver Way (approximate address)

Location: Washington Township, Council District #2

Petitioner: McDonalds USA LLC, by Jennifer Milliken

Current Zoning: C-3 / C-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 25-foot tall internally illuminated pylon sign (internal illumination not permitted).

Current Land Use: Vacant

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 installation of a 25-foot tall internally illuminated pylon sign (internal illumination not permitted).
- The subject site was rezoned in 2024 to the C-3 classification to allow for commercial development by the same petitioner as this variance petition. The C-3 district is intended for neighborhood-scale development which is generally characterized low intensity, smaller-sized structures, and accessibility for all modes of travel. The C-3 district does not allow for internally illuminated signage in effort to limit the intensity and impact that development has on the site and surrounding area. Internally illuminated signs are not down-shielded, allowing light to radiate outwards from the sign in all directions to garner attention. This allows the illumination to spill onto bordering properties and adjacent roadways. Additionally, at this height, the projected light will have a larger range of effect. The Sign Ordinance revisions of 2019 contemplated these scenarios and put greater restriction on internal illumination in the Commercial districts that would potentially be found closer to residential areas (namely C1-C3).



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

- The proposed freestanding sign would be located at the northwest corner of the subject site, at the intersection of East 96th Street and Haver Way. Staff finds any claimed practical difficulty for needing C-4 and above-style development, after the petitioner requested a rezoning to C-3, to be entirely self-imposed. Moreover, Staff does not believe that the submitted Findings of Fact state a true practical difficulty for needing the internal illumination, as other illumination options are permitted in the C-3 district. Therefore, Staff is opposed to the variance and requests that the proposed signage be built to meet the standards set forth by the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-3 / C-5	
Existing Land Use	Vacant	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	N/A	North: N/A
South:	C-5	South: Commercial
East:	C-4	East: Commercial
West:	C-5	West: Commercial
Thoroughfare Plan		
East 96 th Street	Primary Arterial	53 feet of right-of-way existing and 119-feet proposed
Haver Way	Local Street	48 feet of right-of-way existing and 148-feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/4/24	
Site Plan (Amended)	N/A	
Elevations	10/4/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/4/24	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2024-CZN / CVR-816; Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for restaurant drive through service units located on a façade adjacent to a public right-of-way that exceeds 30 feet in width and off-street stacking spaces located within a front yard along a public right-of-way that exceeds 30 feet in width (not permitted).and rezoning from the C-3, C-4 and C-2 districts to the C-3 district, **approved.**

2003-ZON-158; 9520 Haver Way (subject site and southwest of site), Rezoning of 1.83 acres from the C-3 district, to the C-S classification to provide for automobile rental (passenger) / cleaning facility, limited to C-3 uses, and a job printing facility and a caterer, **approved.**

94-Z-88; 3131 East 96th Street (subject site), Rezoning of 1.058 acres, being in the C-3 District, to the C-4 classification to provide for an existing gasoline service station with four bay service areas and an attached car wash, **approved.**

94-CV-12; 3131 East 96th Street (subject site), Variance of development standards of the Sign Regulations and Commercial Zoning Ordinance to provide for the placement of a 52.6 square foot ground sign (maximum 20 square feet permitted) 6.42 feet in height (maximum 4 feet permitted), with a logo/identification panel (not permitted), and a 187.1 square foot pole sign with pricing panels (not permitted), **granted.**

Zoning History – Vicinity

2021-ZON-118; 3003 and 3009 East 96th Street (west of site), Rezoning of 1.34 acres from the C-1 district to the C-5 district, **approved.**

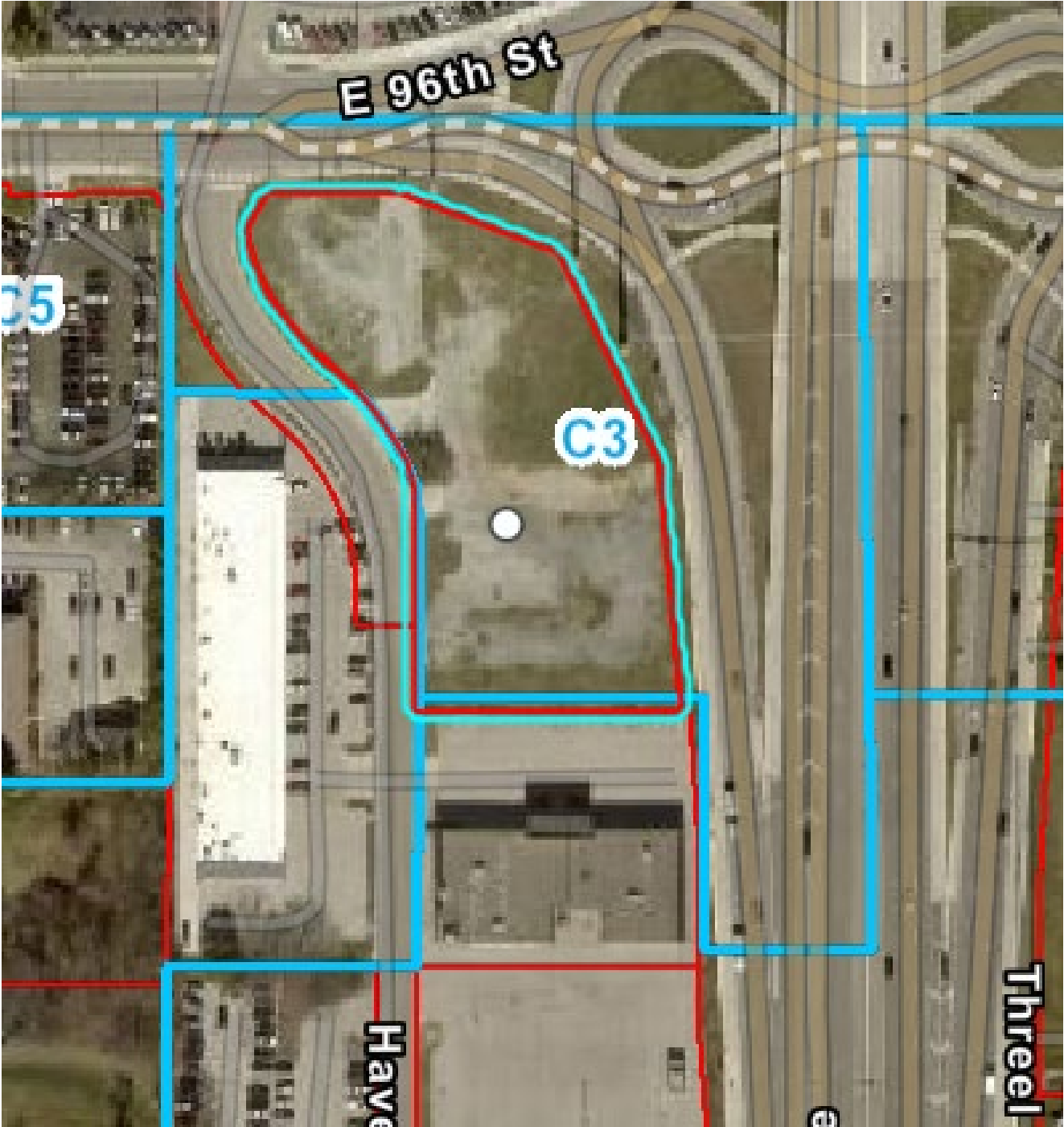
2014-ZON-018; 3009 East 96th Street (west of site), Rezoning of 0.67 acre, from the C-1 District to the C-5 classification to provide for automobile sales, **withdrawn.**

99-CP-15Z; 9415 Whitley Drive (southwest of site), rezoning 0.93 acre from the C-S to C-S classification to provide for a 10, 200 square foot office building, **approved.**

99-Z-174; 9445 Haver Way (south of site), Rezoning of 0.94 acre from C-3 to C-5 to provide for general commercial uses, including automobile sales and display, **approved.**

89-Z-117; 9410 Whitley Drive (southwest of site), Rezoning of 10.267 acres, being in the C-1 District, to the C-S classification, to provide for the construction of self-storage mini-warehouses, **approved.**

EXHIBITS



25' Next Gen Road Sign



SIGN DETAILS:

Routed aluminum faces with LED illuminated Arch logo, feature panel text, and side panel
 Next Gen Red, PMS 123C Yellow, and Next Gen Silver
 Optional Wood grain McCafé panel is illuminated

Drawings reflect capacity for up to three secondary panels; in this location only the McCafé panel will be used; the word McCafé will be illuminated.

Everbrite, LLC
 4949 S. 110th Street, Greenfield, WI 53228
 Phone: 414-529-3500 • Fax: 414-529-7191
 Website: www.everbrite.com

Part No: 25' NEXT GEN ROAD SIGN W/ FEATURE PANELS

Description: 25' NEXT GEN ROAD SIGN W/ FEATURE PANELS

Project No: 497734-4

Drawn By: CMH

Date: 04/02/24

These product sheets are the exclusive property of Everbrite, LLC. Use of this property in any manner without express written permission of Everbrite, LLC is prohibited. Drawings are for graphic purposes only and not for construction. Please refer to engineering specifications and detail drawings.



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division II
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 sign will be substantially similar to other signs located in the vicinity. The proposed sign is a pylon-type sign of 25 feet in height, which meets the requirements of Table 744-906-1. Primary Freestanding Signs in Commercial and Industrial Districts. The only variance being requested is for the sign to be internally illuminated, which would be allowed in the C4 district or greater. Surrounding properties are zoned C4, C5 or CS. The sign is new construction and aesthetically designed. The sign is over 700 feet from the nearest protected district and should not be visible from any dwellings located in the 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:

The surrounding uses are all commercial in nature and will benefit from the traffic generated by the McDonald's restaurant that is currently under construction. The illuminated sign will help customers to find the store, as its visibility is challenged by its orientation to the elevated 96th & Keystone overpass. Being able to find the store more easily will also prevent customers from wrong turns that would impact area traffic. The sign is over 700 feet from the nearest protected district and should not be visible from any dwellings located in the area. The sign is directly across the street from a car dealership, whose lighting intensity far exceeds the lighting of this sign.

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

The subject property is immediately adjacent to the intersection of 96th Street and Keystone Avenue, which includes a large figure 8 round-about underneath of raised Keystone Avenue, which is higher speed and limited access. The abutments, on which the raised Keystone Avenue sits, severely obstruct the visibility of the restaurant from the east side of Keystone. Moreover, vehicles travelling north or south on Keystone have to use exit ramps to get to 96th Street and the entrance to the McDonald's. Without the internal illumination, which is permitted on each of the properties immediately west and south of the subject parcel, the sign would not adequately notify drivers on Keystone or those on 96th east of Keystone of the presence of the McDonald's Restaurant in time for them to safely adjust their planned route to get to the restaurant.

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 II

November 12th, 2024

Case Number: 2024-DV2-035

Property Address: 2161 Gent Avenue (Approximate address)

Location: Center Township, Council District #12

Petitioner: Theodore Karras, by David Gilman

Current Zoning: D-5 (W-5)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit-multi-unit house with walking paths with a 0.5-foot side yard setback (two-foot side yard setbacks required).

Current Land Use: Residential

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance petition.

PETITION OVERVIEW

- This petition is requesting for the required 2ft side yard setback to be reduced to 0.5ft to provide for a walking path from the back parking area to the individual units of the proposed two-unit multi-unit dwelling.
- This vacant parcel is 0.16 acres (6969.6 sqft) and is currently zoned D-5.
- This neighborhood consists of compact lots with either duplexes or single-family homes on both sides of the street.
- This parcel is a compact and the proposed home at its widest portion is 25ft in width. There will be a sidewalk leading from the alley parking locations to the entrance of each unit.
- Each sidewalk is 5ft. in width.
- The 5ft sidewalk will provide adequate walking space for the future tenants of the proposed units.
- With the 0.5ft side yard setback it will still provide 11ft between the home to the north and around 14.5ft between the home to the south. This is seemingly wider than many of the homes that are already existing off of Gent Avenue.



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

- Staff recommends **approval** for this petition because it’s a compact, it is congruous with the surrounding neighborhood in terms of lot sizes and building typology. The 0.5ft side yard setback still provides adequate spacing and will provide extra space for the sidewalks that are needed for ease of access to the proposed units that will be built on this property.

GENERAL INFORMATION

Existing Zoning	D-5 (W-5)	
Existing Land Use	Vacant	
Comprehensive Plan	Dwelling 3.5-5 Units per Acre	
Surrounding Context	Zoning	Surrounding Context
	North: I-3	North: Heavy Industrial
	South: I-2	South: Heavy Industrial
	East: I-2	East: Heavy Industrial
	West: D-5	West: Dwelling 3.5–5 Units per Acre
Thoroughfare Plan		
22 nd Street	Local Street	33 ft right-of-way existing and 48 ft right-of-way proposed.
Gent Avenue	Local Street	49 ft right-of-way existing and 48 ft right-of-way proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	10/06/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/06/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Infill Housing Guideline

Pattern Book / Land Use Plan

- The area in which this property is situated is currently in a Land Use plan area that recommends 3.5-5 dwellings per acre. But the closest match to this, and the existing context is the definition for a Suburban Neighborhood.
 - 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. (pg 17)

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

- Side Setback: This is the distance between the side lot line and buildings or other structures. (pg 12)
- Reinforce Spacing on the Existing Block New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block. (pg 12)
- Leave Room for Maintenance Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders. (pg 12)

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

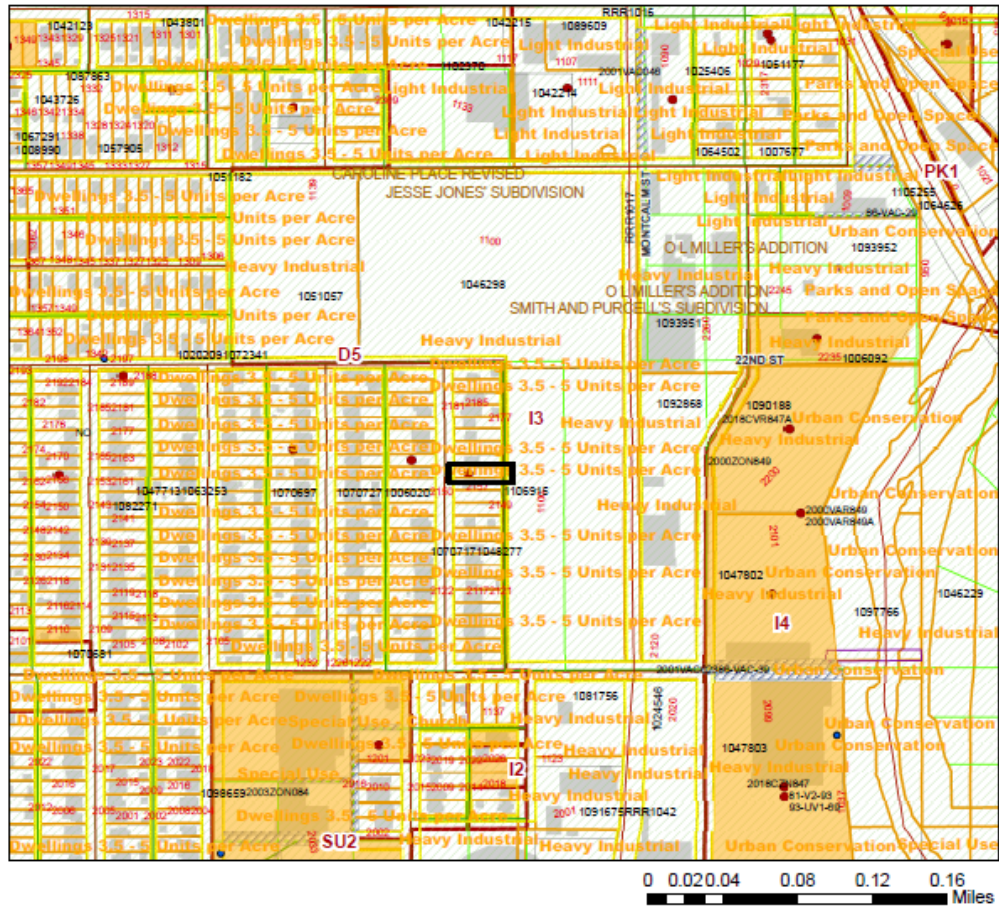
N/A

ZONING HISTORY – SURROUND AREA

- 2000-VAR-849 – 2101 Montcalm Street
 - Also 2101-2235 Montcalm Street
 - AP
- 2000-VAR-849A – 2101 Montcalm Street
 - Also 2101-2235 Montcalm Street
 - AP
- 2003-DV1-039 – 2168 Gent Avenue
 - Manufactured home with reduced setbacks.
 - AP
- 2003-SE1-007 – 2168 Gent Avenue
 - 1,456 square foot manufactured home in D-5.
 - AP
- 2003-UV3-031 – 2024 Gent Avenue
 - Construction trailer and 8-foot-tall fence in D-5 District, originally filed as 2024+2028 gent and 1215+1225 w 21st St.
 - AP
- 2003-ZON-084 – 2033 Sugar Grove Avenue
 - Sugar Grove Street and West 20th Street various addresses sidewalk construction.
 - AP
- 2003-ZON-138 – 1223 W 20th Street
 - 1223 W 20th Street
 - AP
- 2003-ZON-157 – 1201 W 21st Street
 - 1201, 1215, & 1225 West 21st Street
 - AP
- 2006-HOV-012 – 2170 White Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 9-foot side yard aggregate (minimum 10-foot side yard aggregate required).
 - AP
- 2006-UV1-027 – 2197 Dexter Street
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a non-for-profit community youth outreach program in an existing single-family dwelling (not permitted).
 - TMP
- 2018-CVR-847A – 2069 Montcalm Street

- Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the processing and storage of stone without the grant of a special exception (not permitted), with temporary facilities for eight years (maximum five years permitted), with I-4 setbacks (Compact context) for the processing and storage area (150-foot front and 175-foot rear setback required by GSB secondary district), to provide for stone storage within 80 feet of the high-water mark (100-foot setback required by GSB secondary district), to maintain the approved setbacks of 20 feet, with a parking at a zero-foot setback (50-foot landscape buffer required by GSB secondary district), to eliminate the requirement for landscaping, including earthen berms and vegetated buffer strip along the right-of-way and lot lines and maintain the existing setback, without landscaping, as approved by previous variances (not permitted by GSB secondary district), to maintain the locations of the existing driveways (200-foot separation required by GSB secondary district), to permit the noise level to exceed the 70 db(C) and 60 db (A) (not permitted by GSB secondary district).
 - Approved
- 2018-CZN-847 – 2069 Montcalm Street
 - Rezoning of 6.23 acres from the I-3 (W-1) and D-5 (W-1) districts to the I-4 (W-1) classification, with certain uses eliminated.
 - Approved
- 2021-ZON-070 – 2110 Dexter Street
 - Rezoning of 0.11 acre from the C-3 district to the D-5 district.
 - Approved
- 2022-ZON-079 – 2018 Rembrandt Street
 - Rezoning of 0.36 acre from the I-2 (W-5) district to the D-5 (W-5) district.
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS**

- Built/Platted
- OPER_STATUS**
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Area map of area surrounding 2161 Gent Avenue.



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 dwelling 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 proposed walkways would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet. The portion leading to the entrances would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. The reduced lot width is a minor deviation to the ordinance requirement and would not violate the infill Housing Guidelines.

Exhibit 2: Findings of Fact submitted by the petitioner.

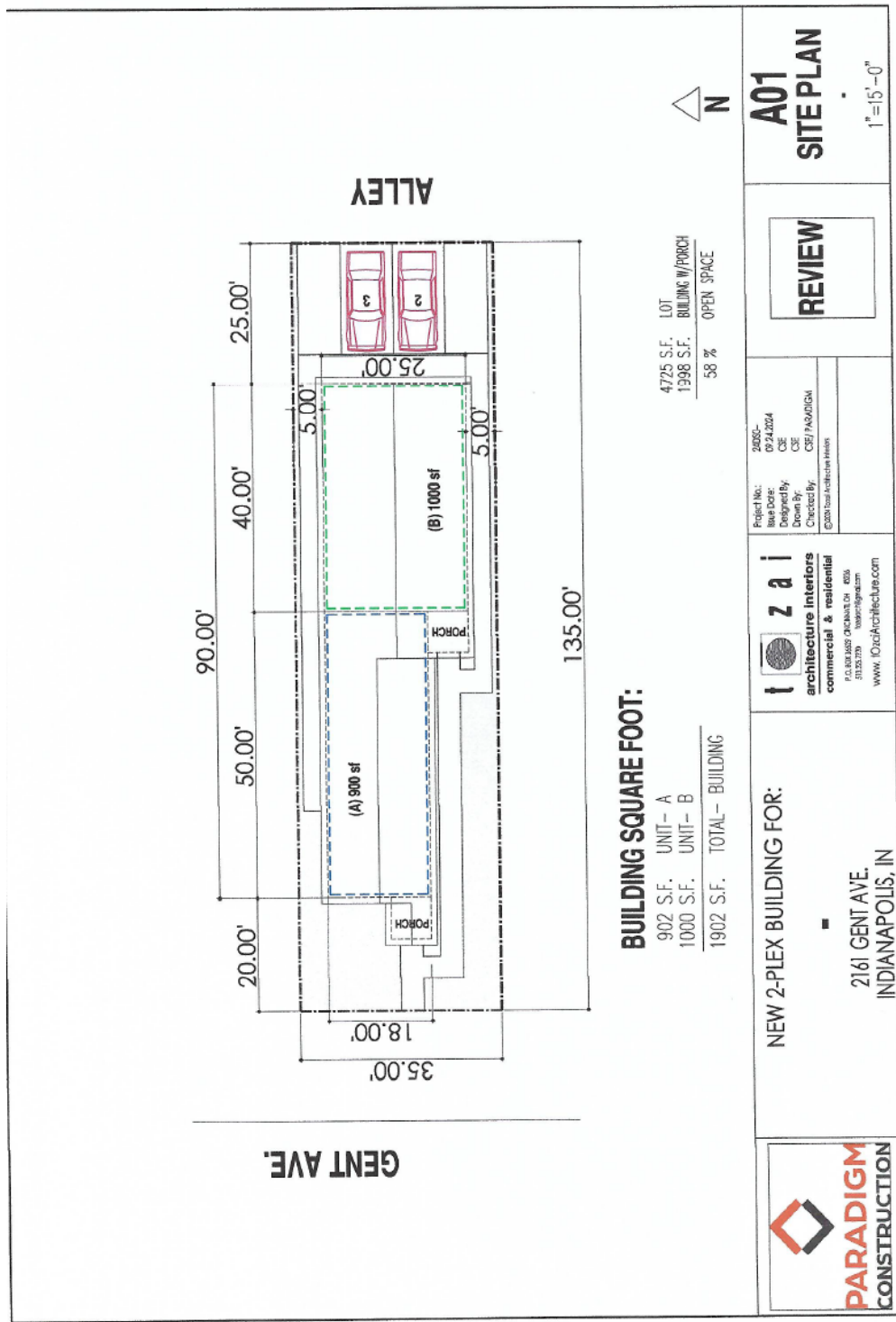


Exhibit 3: Site plan for the proposed two unit multi-family for this parcel.



Exhibit 4: 2161 Gent Avenue parcel.



Exhibit 5: Home to the south of 2161 Gent Avenue.



Exhibit 6: Other homes south of 2161 Gent Avenue.



Exhibit 7: Homes to the north of 2161 Gent Avenue.



Exhibit 8: Home across the street to the east of 2161 Gent Avenue.



BOARD OF ZONING APPEALS DIVISION II **November 12, 2024**

Case Number: 2024-DV2-041
Property Address: 2461 Sheldon Street (*approximate address*)
Location: Center Township, Council District #8
Petitioner: Intend Indiana, by Mia Gutierrez and Joe Fillenwarth
Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a front building line of 26 feet (range of 10 feet to 19.9 feet required) and encroaching within the clear sight triangle of the intersection of 25th and Sheldon Streets (encroachment not permitted), and construction of a walkway with a 0-foot side yard setback (2 feet required).

Current Land Use: Undeveloped

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 2461 Sheldon Street is an undeveloped corner-lot parcel within a residential context. It is bordered by Frederick Douglass Park to the north and single-family homes in all other directions. The property was developed with a home that was demolished in 2016 which had an area of 996 square feet and a front building line of 18 feet.
- Approval of this variance would allow for construction of a new home built through the LIFT Indy 2021 grant program with 1350 square feet of livable space and a front building line of 26 feet. The site would also be improved with a front porch, rear ADA wood ramp, and parking pad bordering the alley (see site plan within Exhibits). Variances would be required for (a) the proposed front building line (b) encroachment of the home into the required clear-sight triangle and (c) the 0-foot southern side-yard setback of the proposed walkway.



Department of Metropolitan Development
Division of Planning
Current Planning

- The required front building line for homes on this block would be within the range of 10 feet to 19.9 feet per frontage design standards found within Table 744-701-2 of the Zoning Ordinance. Although properties within D-5 zoning often utilize a range of 20 feet to 50 feet, since the majority of existing homes (and each of the six homes to the south of the subject site) on this specific block fall within the 10'-19.9' range, Terrace Frontage standards would be applicable. Additionally, the applicable side setback for the walkway would be two (2) feet per Table 744-204-1 of the Ordinance.
- This parcel is zoned D-5 to allow for medium- and large-lot housing formats (primary detached houses) within either new walkable suburban neighborhoods or infill situations in established urban areas. Similarly, the Comprehensive Plan recommends it to the Traditional Neighborhood living typology for a full spectrum of housing types with compact and well-connected development that should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. The Infill Housing Guidelines indicate that corner lots should reflect the context of both blocks when possible and that in instances in which neighboring setbacks differ, new development should build within the existing setback range.
- Full compliance with ordinance standards at this property is difficult given the need for both a front building line of less than 20 feet and requirements related to the clear-sight triangular area. Placement of a home with a compliant front-building line would encroach substantially more into the visual area needed to keep pedestrians and motorists safe, but shifting the home fully outside of that area would increase the disparity of the front building line with neighbors to the south. The applicant's findings also mention that shifting the house further to the east might also impact the placement of the rear parking pad and required 20-foot rear setback for the house.
- Staff notes that the recent addition of a large family center to the park directly north of this property represents a substantial investment that will likely result in an increase in pedestrian activity in this area. Preserving as much of the clear-sight triangle as possible should be of greater importance given this context and a home with a compliant front building line would compromise much more of this area. The currently proposed layout would only have the proposed front porch encroaching into the required clear sight area; the covered open space provided by the porch would afford much greater visibility than would otherwise exist if the building were moved further to the west and enclosed space was placed in the clear-sight area. Additionally, given that the southern walkway would be 10 feet from the closest neighbor and the residence would meet its setback, staff feels the walkway request is minor in nature. Staff recommends approval of the requested variances.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: PK-1	North: Public Park
	South: D-5	South: Residential
	East: D-5	East: Residential
	West: D-5	West: Residential
Thoroughfare Plan		
25 th Street	Secondary Arterial	48-foot right-of-way existing and 56-foot right-of-way proposed
Sheldon Street	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	No	
Site Plan	09/30/2024	
Site Plan (Amended)	N/A	
Elevations	10/21/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/30/2024	
Findings of Fact (Amended)	10/25/2024	

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 this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types with compact and well-connected development that should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. Housing near parks is encouraged.



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 when neighboring setbacks are different, infill development should build within the 'setback range' created by varied front building lines of adjacent homes. Additionally, on corner sites, building setbacks should reflect the context of both streets.

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

2022CVR831 ; 1616 E 25th Street (northeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide sidewalks only adjacent to the proposed structure along 25th Street and Ralston Avenue (additional sidewalks required along perimeter of park site based on proposed size of building), **approved**.

2008HOV011 ; 2361 Sheldon Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 7.9-foot front setback from East 24th Street (minimum 25-foot front setback required), **approved**.

EXHIBITS

2024DV2041 ; Aerial Map





2024DV2041 ; Findings of Fact

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

Our request for a variance will not alter the proposed use of the site. The project was funded and proposed in partnership with the City of Indianapolis' LIFT Indy 2021 program, and is designed to provide an affordable homeownership opportunity for existing neighborhood residents. The nature of the lot requires that a variance be requested so that a single-family home could be fit onto the lot while still allowing line of sight for drivers on Sheldon St. The addition of a new-construction, owner-occupied property in the neighborhood will provide opportunity for a local family to become homeowners at an affordable rate. The construction would act as an investment into the neighborhood, turning what is now a vacant lot into a property that provides additional tax-base to the city.

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 primarily residential area, zoned D5. The addition of a single-story, single-family residential building will not substantially effect the intended or current uses of the surrounding areas.

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

The back porch is several inches over the rear setback line. Changing this would require a new site plan and building plan, which would create additional expense and difficulties in developing the property to be sellable at an affordable rate.

2024DV2041 ; Photographs



Photo 1: Subject Site from West



Photo 2: Subject Site from Northwest

2024DV2041 ; Photographs (continued)



Photo 3: Adjacent Property to West



Photo 4: Adjacent Property to North

2024DV2041 ; Photographs (continued)



Photo 5: Adjacent Property to South



Photo 6: Front Building Lines of Homes to South



BOARD OF ZONING APPEALS DIVISION II **November 12, 2024**

Case Number: 2024DV2042

Property Address: 2419 E 62nd Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: CFT NV Developments, LLC, by Ross McArthur

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of an additional 10-foot tall drive-thru sign for each drive lane (one sign per drive lane permitted, six-foot tall maximum permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 2419 East 62nd Street is a recently platted outlot that fronts along 62nd Street. It is located within the Glendale Town Center shopping mall which contains a variety of commercial uses. The subject parcel contains a multi-tenant sign with panels for advertising four (4) businesses; this sign was one of four multitenant signs installed for the mall along both 62nd Street and Keystone Avenue in 2007.
- A variance and zoning permit were recently approved for this property to house a fast-food restaurant with accessory drive-thru, and that restaurant is seeking to place signage on drive-thru order canopies through approval of this variance petition (see proposed elevations within the Exhibits). The scope of work also includes placement of a new multi-tenant monument sign that would replace the existing sign at the property; staff has determined that their proposed sign could be placed by-right without the need for grant of a variance.



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

- The shared 62nd Street frontage contains two (2) other primary freestanding signs: a multi-tenant pylon sign is approximately 298 feet to the east, and a monument sign for the Buffalo Wild Wings restaurant is approximately 955 feet to the east. The Walgreens sign placed at the southeast corner of the 62nd and Keystone intersection is only around 210 feet from the subject sign but is oriented toward Keystone and is therefore not considered a part of this frontage’s sign allotment. Ordinance rules (744-906-1.C) allows for two (2) monument signs and a pylon sign along a shared frontage over 500 feet in length if each were separated by 300 feet. Because there is a 300-foot separation between the proposed monument sign and its closest neighbor, no variance is needed.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The Comprehensive Plan recommends it to the Village Mixed-Use typology to create compact and walkable gathering places with a wide range of small businesses, housing types and public facilities to either strengthen existing town centers or promote new neighborhood centers.
- Although no variance would be required for the proposed monument sign, only one (1) drive-thru sign is allowed per drive lane and the proposed signage on each drive-thru canopy in addition to menu boards would result in a second drive-thru sign for each lane. Staff notes that the proposed order canopy would be allowed at the height of 10 feet if there was no associated signage. The proposed size of the sign area on the canopies is only 4.25 square feet (which would be substantially smaller than the maximum size of 40 square feet allowed for drive-thru signs) and would exclusively serve to provide information to maximize the efficiency of the drive-thru. Since the proposed signs would provide minimal disruption for surrounding properties, would be limited in scope to helping motorists know where to order and would be placed upon canopies that are otherwise compliant, staff is supportive of this minor deviation from requirements.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
62 nd Street	Primary Collector	90-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	



Wellfield Protection Area	No
Site Plan	09/29/2024
Site Plan (Amended)	N/A
Elevations	09/29/2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	09/29/2024
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to create compact and walkable gathering places with a wide range of small businesses, housing types and public facilities to either strengthen existing town centers or promote new neighborhood centers.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2023DV2009, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted) and zero percent transparency along the northern façade and beside public pedestrian entries (40% transparency required along facades within 50 feet of a public street and on facades with a public entry), **approved**.

ZONING HISTORY – VICINITY

2007DV1066 ; 6055 N Keystone Avenue (southwest and east of site), variance of development standards of the Sign Regulations to provide for (a) an 18.33-foot tall, 86.5-square foot building entry pole sign with an approximately 300-foot front setback from 62nd Street, being within 220 feet of another freestanding sign (minimum 300-foot separation required); (b) An 18.33-foot tall, 86.5-square foot building entry pole sign with an approximately 400-foot front setback from Keystone Avenue, being the sixth freestanding sign along Keystone Avenue (maximum four freestanding signs permitted along approximately 1,430 feet of street frontage for an integrated center), and resulting in a total sign area of 1,242 square feet for freestanding signs along Keystone Avenue (maximum total sign area of 900 square feet permitted for an integrated center with greater than 1,100 square feet of street frontage), **approved**.

2007DV1023 ; 6055 N Keystone Avenue (southwest of site), variance of development standards of the Sign Regulations to provide for the construction of a twelve-foot tall, 48.5-square foot pylon sign along North Keystone Avenue, resulting in a total sign area of 1,155.5 square feet of freestanding signs along North Keystone Avenue (maximum sign area of 900 square feet permitted for an integrated center with greater than 1,100 feet of street frontage), and located within 265 feet of another freestanding sign along North Keystone Avenue (minimum 300-foot separation required), **approved**.

2004DV2012 ; 2620 E 62nd Street (northeast of site), variance of development standards of the Commercial Zoning Ordinance to provide for a dental office with a nine-foot north transitional yard (minimum twenty-foot transitional yard required when abutting a protected district) and a variance of development standards of the Sign Regulations to provide for the location of a ground sign with a three-foot front setback from the existing right-of-way (fifteen-foot front setback required), **approved**.

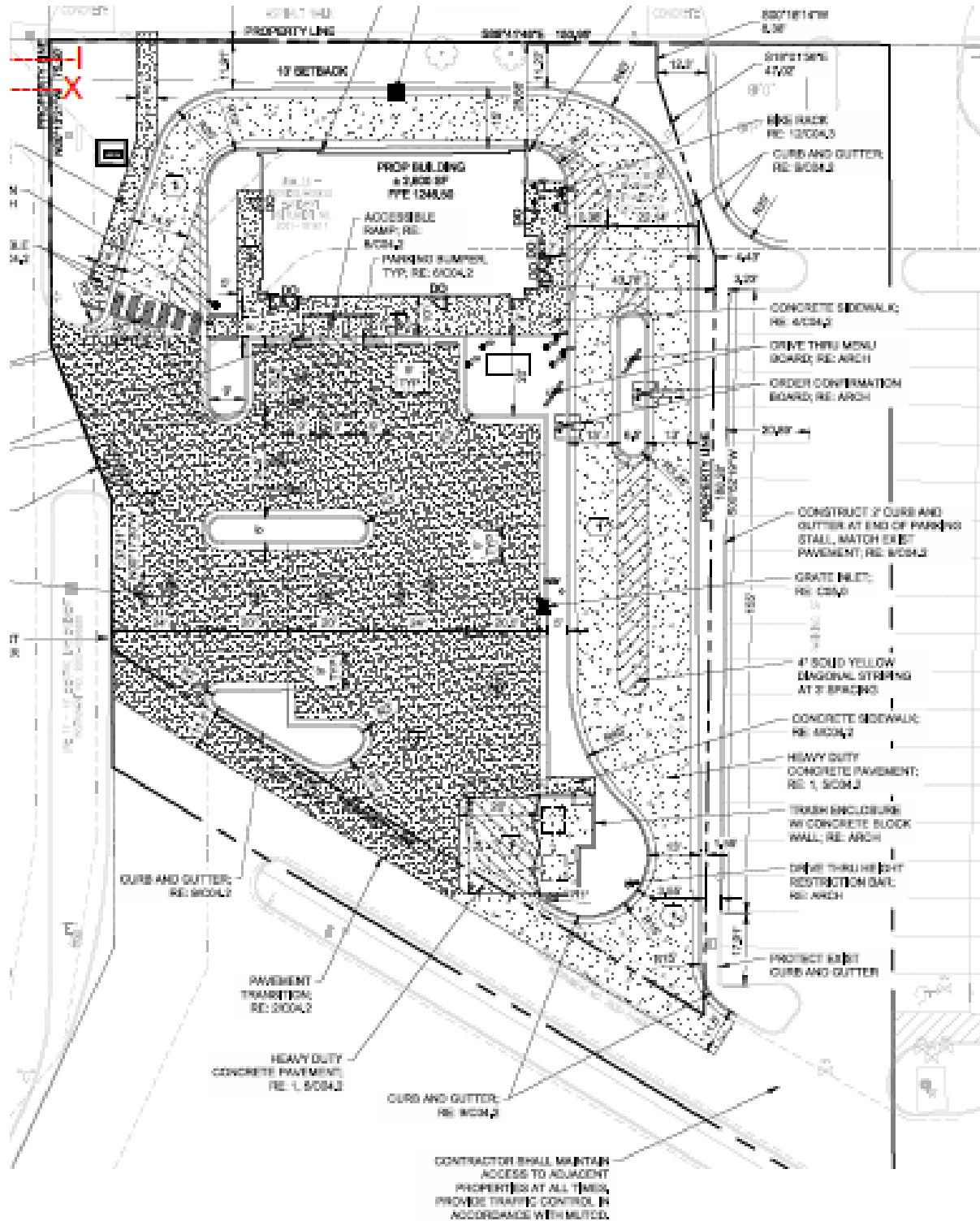
2002DV2012 ; 6191 Keystone Avenue (west of site), variance of development standards of the Sign Regulations to provide for a 25-foot tall pole sign with 36 square feet devoted to an electronic variance message board located 20 feet from a signalized intersection (minimum 125 feet separation required for an electronic variable message board from a signalized intersection), **approved**.

EXHIBITS

2024DV2042 ; Aerial Map



2024DV2042; Site Plan

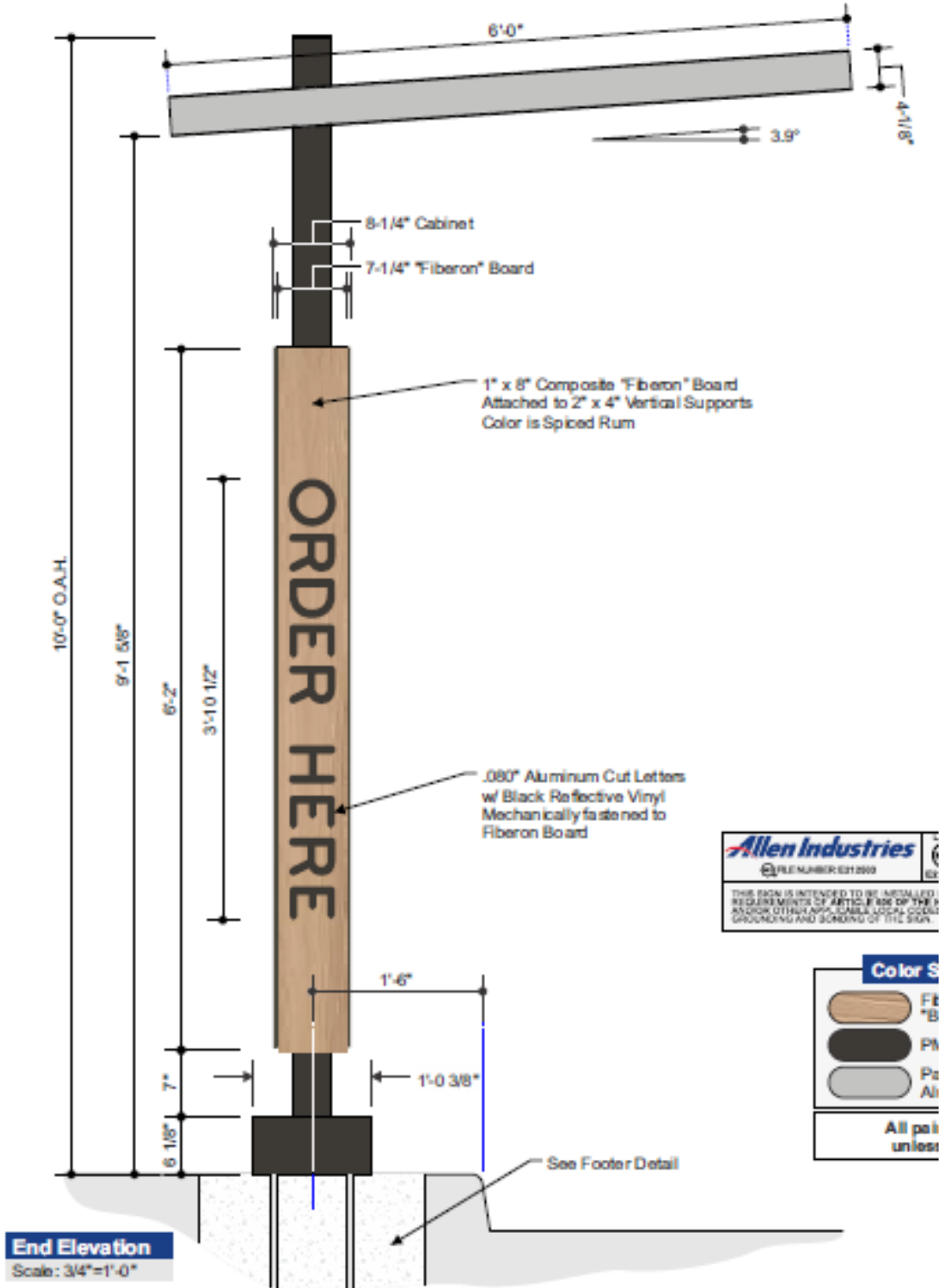


2024DV2042 ; Sign Elevation (Monument)



Front Elevation
Scale: 3/4"=1'-0"

2024DV2042 ; Sign Elevation (Drive-Thru Canopy)





2024DV2042 ; Findings of Fact

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

This is an existing sign. City code requires sign to come into compliance if any structural changes are being made to the sign.

The new Panda Express on this property would like to add a small panel to the existing sign. The location of the sign will remain in the exact same position maintaining all the original site lines and required setback.

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:

This is an existing sign. All the original site lines and required setbacks will be maintained.

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

This is an existing sign. All the original site lines and required setbacks will be maintained.

2024DV2042 ; Photographs



Photo 1: Existing Sign Viewed from East



Photo 2: Existing Sign Viewed from West

2024DV2042 ; Photographs (continued)



Photo 3: Adjacent Multitenant Sign to East



Photo 4: Adjacent Walgreens Sign to West (oriented to Keystone)

2024DV2042 ; Photographs (continued)



Photo 5: Adjacent Property to Southeast



Photo 6: Adjacent Buffalo Wild Wings Sign (~ 955' to East)



BOARD OF ZONING APPEALS DIVISION II **November 12th, 2024**

Case Number: 2024-DV2-031

Property Address: 2701 N College Ave

Location: Center Township, Council District 8

Petitioner: JBCC Holdings LLC, By David Gilman

Current Zoning: MU-2

Request: Variance of Development Standards to allow a mixed-use development with seven (7) on-street parking spaces and a bicycle rack (8 stalls) for a total of eight (8) spaces provided (11 spaces required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of this variance request.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the third public hearing for this petition.

The first hearing occurred on September 10th, 2024, where this case was continued in order to allow time for staff and the petitioner to speak about the case.

The second hearing occurred on October 8th, 2024 where the case was continued in order to change the legal notice and get a clearer understanding on the variance that is being requested for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance request.

PETITION OVERVIEW

- This request would allow for this property to reduce the required number of off-street parking spaces allowing seven (7) on-street parking spaces and an eight (8) stall bike rack instead of the required eleven off street parking spaces.
- The 6,260sqft building is to be converted to have two (2) apartments on the second floor while the first floor will be converted into two (2) office spaces.
- All parking for this mixed-use property will be on the street.
- Bicycle parking on the property allows the Ordinance adjustments for the required off-street parking to go into effect. This adjustment allows “For every five bicycle parking spaces provided in excess of the required bicycle parking spaces (or where no bicycle parking is required), the



Department of Metropolitan Development
 Division of Planning
 Current Planning

minimum number of required off- street parking spaces may be reduced by one, up to a maximum reduction of five off- street parking spaces.” (pg 520) This petitioner is requesting that all the off- street parking into on street parking (reduction of three spaces). While the petitioner will be providing seven (7) off-street parking space and one (1) bike rack.

- Staff recommends **approval** of this petition because there is no space on the property which would allow off street parking unless built directly beside the dwelling to the east of this property. Staff believes with the combination of bike parking and on street parking, there will be enough provided space for the two (2) businesses, anticipated customers, and the two (2) apartments that will be at this location.

GENERAL INFORMATION

Existing Zoning	MU-2	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-3	North: Two-Family Dwelling
South:	C-1	South: Multi-Family Residential
East:	C-3	East: Two-Family Dwelling
West:	D-8	West: Exempt/Religious Uses
Thoroughfare Plan		
College Ave	Primary Arterial	62 foot right-of-way existing and 78 foot right-of-way proposed
27 th Street	Local Street	41 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	08/11/2024	
Site Plan (Amended)	08/21/2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/11/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS
 Comprehensive Plan



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

- City of Indianapolis Consolidated Zoning / Subdivision Ordinance
- Red Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- According to the Consolidated Zoning Plan personal or commercial services including consumer services or repair of consumer goods, hair and body care salon or service, financial and insurance services (banks and check cashing or validation services), laundromats, printing services and tattoo parlors need to have a minimum off-street vehicle parking space count of five (5) spaces or one (1) per 350 sqft, whichever is greater (pg 515).
- As required by the Consolidated Zoning Plan off street ADA parking spaces shall be provided, in the cause of a location with 0-25 parking spaces the location will need to have at minimum of one (1) ADA reserved space (pg 518)
- Setback requirements in the Consolidated Zoning plan for a MU-2 zoning, includes: (pg 477)
 - Front Yard Setback
 - 5ft-20ft
 - Front Transitional Yard
 - 20 ft
 - Side Transitional Yard/Abutting Alley
 - 15/10ft
 - Rear Transitional Yard/Abutting Alley
 - 15/10ft

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The study area for the Red Line corridor centered around the Central Business District, Meridian and College Avenue corrido, Shelby Street corridor and the Marion County/Johnson County line. The study assessed land use and market characteristics of the region and the proposed corridors in relation to each other using methodology based on research and approaches developed by the Center for Transit Oriented Development (CTOD) (pg 5).
- According to the Red Line plan north of downtown Indianapolis, the strongest stations were located along the College Avenue corridor. Stations in the CBD had the strongest market strength scores while station at Virginia and New Jersey and Meridian and 34th and 28th Street had high TOD readiness scores (pg. 6).

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable to the Site.

Indy Moves

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

- Indy Moves plans state that it is needed to adjust parking regulations and management of vehicle storage. The parking requirements incorporated in zoning codes are one of the most important determinants of which buildings get built, how they get built, and the transportation choices of those who inhabit them. Zoning ordinances dictate how many parking spaces a certain type of development must have, thereby inducing travel demand (by making it easier to drive) or reducing travel demand (by making it more difficult and encouraging walking, biking, and transit use as alternatives). Zoning codes can also encourage development patterns that are compact and walkable or spread out and difficult to connect without a car. Indy's recent zoning code update re-evaluated parking requirements and introduced parking maximums in some places, and the City should continue to consider further changes to avoid over parking in an era in which parking demand could drop dramatically (pg .

ZONING HISTORY

ZONING HISTORY – SITE

- 2023-ZON-092
 - Rezoning of 0.15 acre from the C-3 district to the MU-2 district to provide for mixed-use development. **Approved.**

ZONING HISTORY – SURROUNDING

- 2017-CZN-840: 717 E 27th St (Southeast of Site)
 - Rezoning of 0.06 acre from the C-1 district to the D-8 classification. **Scheduled for CCC.**
- 2019-ZON-032: 2637 N College Ave (South of Site)
 - Rezoning of 0.32 acre from the C-1 district to the D-8 classification. **Approved.**
- 2019-ZON-100: 725 E 27th St (East of Site)
 - Rezoning of 0.5 acre from the SU-1 district to the D-8 district. **Approved.**
- 2019-CPL-845: 2636 N College Ave (Southwest of Site)
 - Approval of a Subdivision Plat to be known as Re-plat of Lots Six and Seven in Losey's College Avenue Addition, dividing 0.32 acre into seven lots. **Approved.**
- 2019-CVR-845: 2636 N College Ave (Southwest of Site)
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four lots with 48% open space (55% required) and to provide for a three-foot south side setback on Lot Seven for the single-family attached dwelling, attached garage and trash container area (four-foot side setback required). **Approved.**
- 2021-CVR-813: 721 E 27th St (Southeast of Site)
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a building into a two-family dwelling (only originally constructed two-family dwellings permitted) and to legally establish and provide for 3.25-foot, four-foot, 6.5-foot and 10-foot rear setbacks for the two-family dwellings and proposed garages (15-foot rear setbacks required). **Approved.**

EXHIBITS



Exhibit 1: Area map around 2701 N College Ave

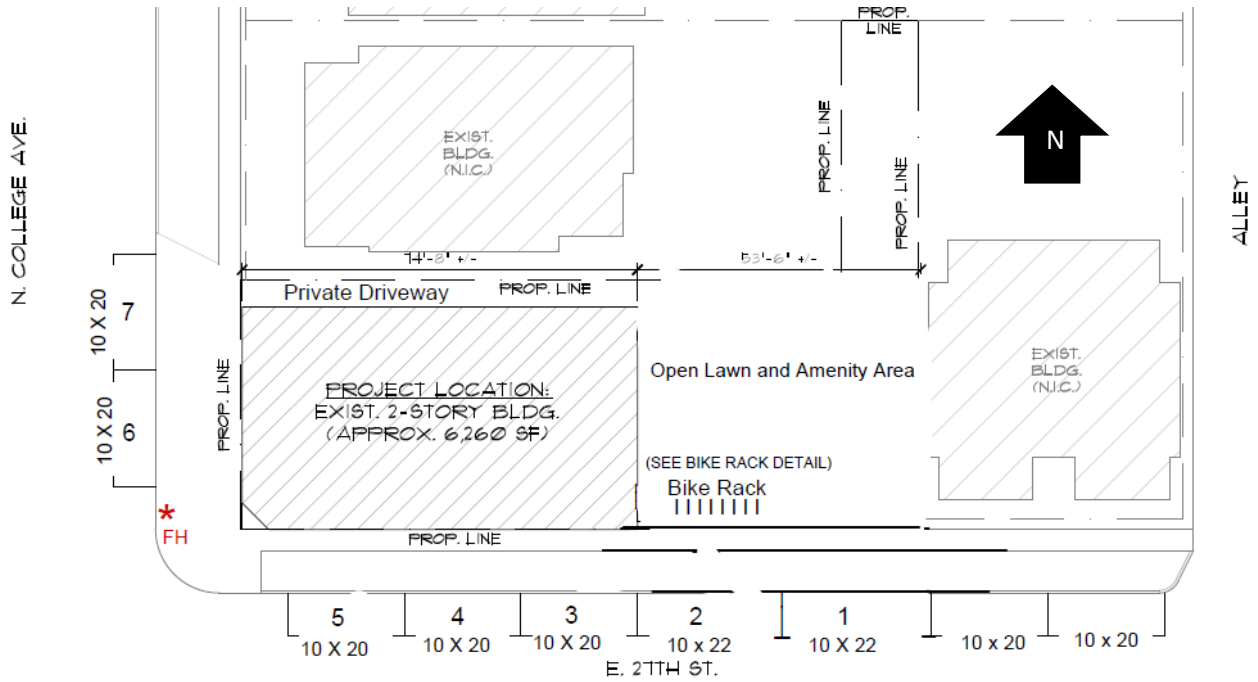
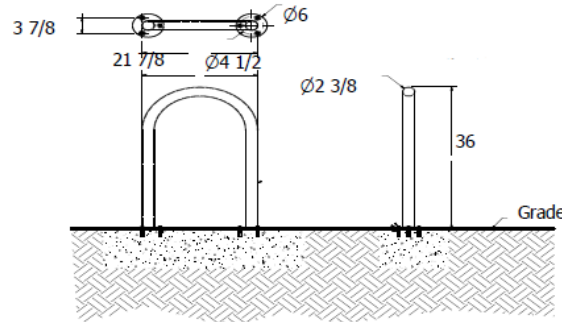


Exhibit 2: Site Plan of 2701 N College Ave

Bike Rack Typical of 8



- Embedment details are for reference illustration only. Minimum foundation sizes depend on local soil conditions, weather conditions and engineering requirements.
- Bike rack is provided as shown with parts listed below. Concrete foundation and/or installation not provided by Reliance Foundry.
- This drawing is not drawn to scale. Dimensions provided herein are for reference only. Please consult Reliance Foundry sales professionals if any dimension is critical

Exhibit 3: Bike Rack Detail



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 site has available parking along E 27th Street and College Avenue. The on-street parking will be adequate for the proposed low intensity uses. There are numerous examples across the City where only on-street parking is utilized.

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

The adjacent uses utilize both street and off-street parking. The subject parcel has 7-8 parking spaces that are along its frontage. The sites open space area could be an amenity area for the residents and a buffer yard for the residence to the east.

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 building was constructed in the late 1800s and has historically depended on street parking. The low intensity uses proposed for the building do not require the amount of parking required by the ordinance.

Exhibit 3: Findings of Fact submitted by the petitioner for 2701 N College Ave



Exhibit 4: Front of 2701 N College Ave.



Exhibit 5: Back of 2701 N College Ave, where planned bike rack will be built if approved by the BZA.



BOARD OF ZONING APPEALS DIVISION II **November 12, 2024**

Case Number: 2024-UV2-013

Property Address: 5455 W 56th Street (approximate address)

Location: Pike Township, Council District #6

Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon

Current Zoning: SU-2 / SU-38

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display within 70 feet of a protected district (digital display not permitted within zoning, 600' digital display separation required).

Current Land Use: Special Use (School)

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

October 8th 2024: The petitioner will make a for-cause continuance request to move this hearing to the November 12th date in order for additional time to discuss with school board members and others within the community. A full staff report will be made available in advance of that hearing date.

September 10th 2024: This petition was continued from the September 10th hearing date to the October 8th hearing to allow for the petition to be heard concurrently with other variance requests related to digital signage for Pike Township schools. A favorable recommendation was given to the petition by the PTRAs on the condition of various limiting commitments. Staff's recommendation is unchanged, but the commitments do reduce some of the negative externalities mentioned within the body of the report.

August 13th 2024: A timely automatic continuance was filed in advance of the August 13th, 2024 hearing date and this petition was subsequently continued to today's hearing (September 10th).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site currently houses Snacks Crossing Elementary School and is surrounded by residential and religious uses to the north, west and east. The property to the south is zoned SU-38 for use as a YMCA facility. The 56th Street frontage contains a second monument sign that is about 870 feet away from the subject sign at the corner of 56th and Moller.
- The variance petition 2014DV3059 was approved in 2014 to allow for the currently existing sign with a height of 7.33 feet and proximity of 70 feet to a dwelling district (600 feet typically required for the sign type). Although approval of that variance was conditioned upon elevations submitted at that time, refacing of the existing sign area would not constitute a change in the sign elevation.
- Grant of this variance would allow for placement of a EVMS digital message board onto the existing sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is around 70 feet from residences to the north).
- The property is primarily zoned SU-2 which is a special use designation for schools and educational uses (a small portion of the site is zoned SU-38 to the south). The Comprehensive Plan also recommends it to the Village Mixed Use typology for neighborhood gathering places with a wide range of small businesses, housing types and public facilities.
- The documentation submitted by the applicant indicates that the sign would have adequate separation from protected districts and facilities such as schools have a variety of events which would require flexibility in advertising. Staff disagrees that adequate buffering is provided given that the sign is 8 times as close to a protected district as the minimum separation required by ordinance without any indication of added screening, and there are various alternate methods by which events could be advertised (online, through the existing changeable copy sign, etc.).
- The zoning ordinance establishes wide buffers from residential areas as a requirement for placement of digital signage to reduce light pollution and reduce the risk of their brightness, scrolling displays, and potential usage during nighttime hours being a distraction for motorists (the risk is compounded for this given its proximity to an intersection). Additionally, SU-2 zoning is designed for a lower level of intensity for integration into neighborhood contexts and disallows digital displays entirely. The most recent amendments made to the city's sign regulations in 2018 included public feedback sessions, during digital sign proximity to residential areas was a frequently cited concern. Given these concerns as well as a lack of site-specific practical difficulty necessitating placement of the sign, staff would recommend denial of the variance.



GENERAL INFORMATION

Existing Zoning	SU-2 / SU-38	
Existing Land Use	Special Use (school)	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: D-A/D-4	North: Residential
	South: SU-38	South: Community Center
	East: SU-1/D-A	East: Church/Residential
	West: D-2/SU-1	West: Residential/Church
Thoroughfare Plan		
56 th Street	Primary Arterial	115-foot right-of-way existing and 102-foot right of-way proposed
Moller Road	Local Street	95-foot right-of-way existing and 50-foot right of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/04/2024	
Site Plan (Amended)	N/A	
Elevations	07/22/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/04/2024	
Findings of Fact (Amended)	Requested but not received by time of publication	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places with a wide range of small businesses, housing types and public facilities. Pedestrian-scale amenities should contribute to a walkable environment, and schools are contemplated land use types. The Plan offers no specific guidance for signage.

Red Line / Blue Line / Purple Line TOD Strategic Plan



-
- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2014DV3059, Variance of development standards of the Sign Regulations to provide for a 7.33-foot tall, 52-square foot freestanding sign within approximately 70 feet of the nearest dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

97-Z-210, rezoning of 41.8 acres to the SU-2 classification, **approved**.

ZONING HISTORY – VICINITY

2020ZON047 ; 5429 Lafayette Road (southwest of site), Rezoning of 5.43 acres from the D-A and D-2 districts to the SU-1 district to provide for religious uses, **approved**.

2013ZON025 ; 5355 Lafayette Road (southwest of site), Rezoning of 1.33 acres, from the SU-9 District, to the SU-1 classification to provide for religious uses, **approved**.

2010SE2002 ; 5429 Lafayette Road (southwest of site), Special Exception and variance of development standards of the Dwelling Districts Zoning Ordinance to provide for religious uses, including a 23.417-foot tall, 5,500-square foot sanctuary, and an off-street parking lot (religious uses permitted by special exception), (a) with a parking lot with a four-foot setback from the proposed right-of-way of Lafayette Road (40-foot setback from the proposed right-of-way required) and (b) with a 4.2-foot tall freestanding sign (maximum four-foot tall sign permitted), with a fifteen-foot setback from the existing right-of-way of Lafayette Road, **approved**.

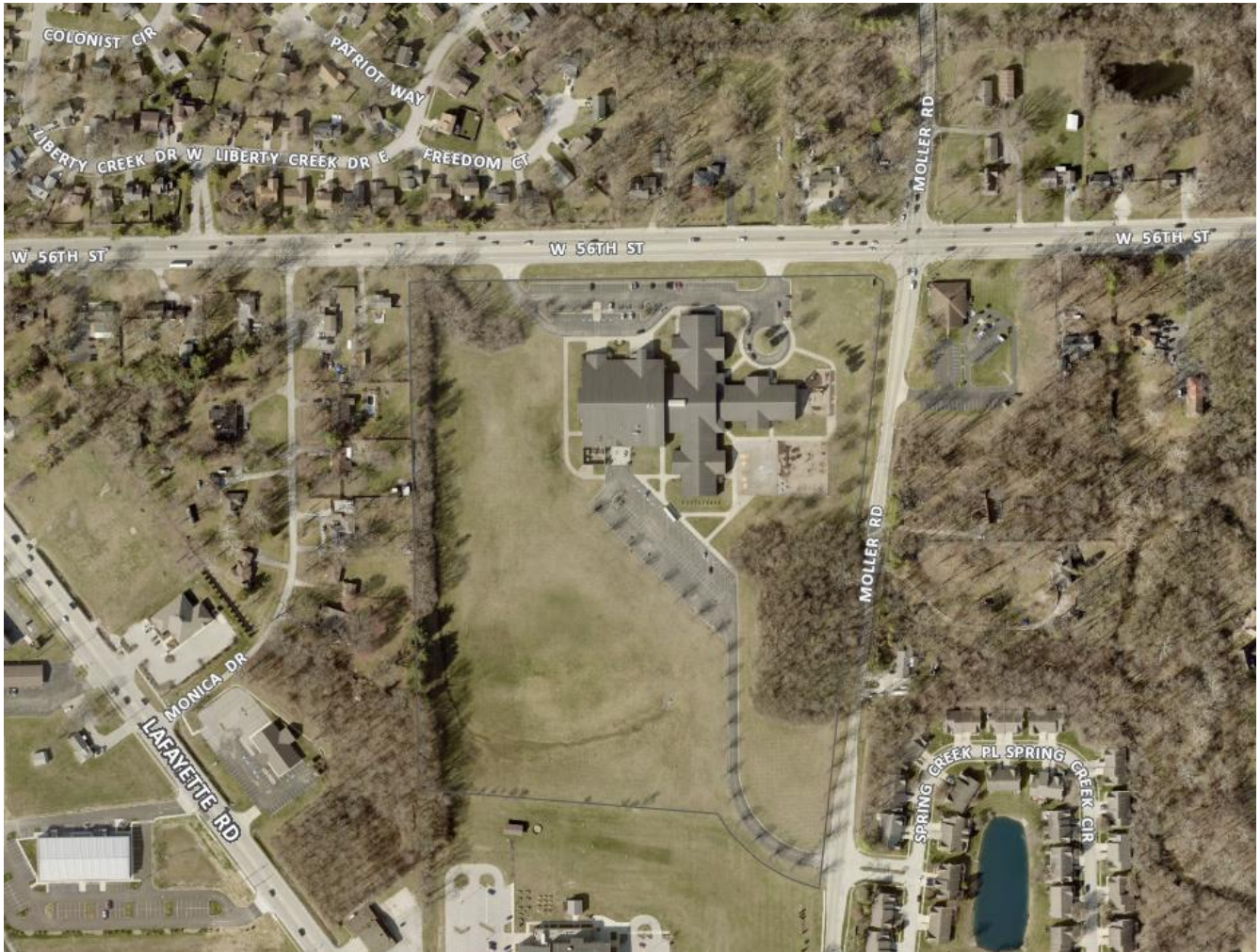
2009ZON808 ; 5315 Lafayette Road (south of site), rezoning of 14.392 acres to the SU-38 classification to provide for a YMCA facility, **approved**.

2009VAR808 ; 5315 Lafayette Road (south of site), variance of development standards of the sign regulations to provide for (a) a 25-foot tall, 160-square foot pole sign, with a 37.5-square foot electronic variable message sign (EVMS) component, located approximately 110 feet from a dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district; EVMS components not permitted in the SU-38 district; EVMS components not permitted within 600 feet of a protected district), and (b) a six-foot tall, 32 square foot pylon sign, located 40 feet from a dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

85-UV1-119 ; 5412 W 56th Street (north of site), variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for a dentist's office in a single-family residence, **approved**.

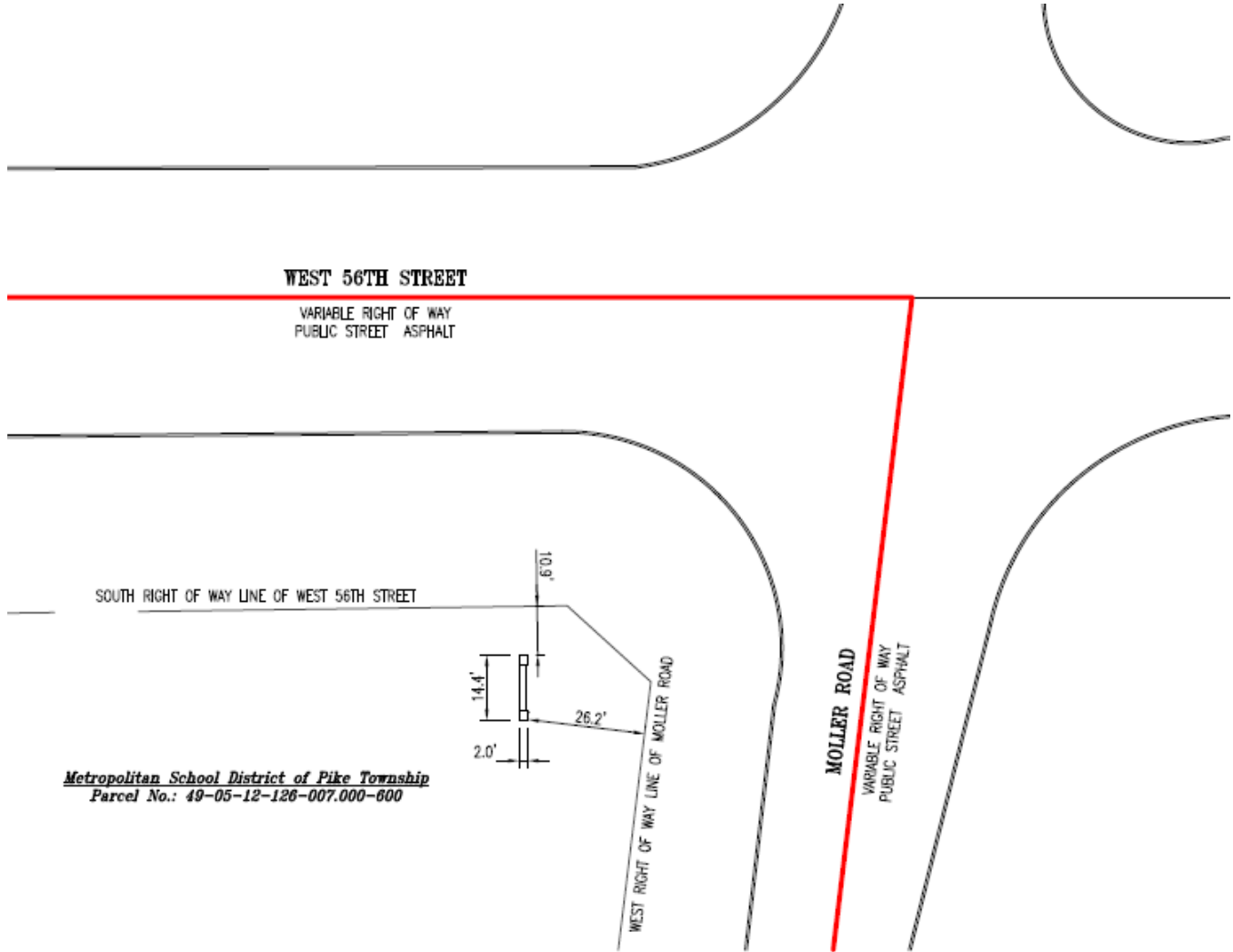
EXHIBITS

2024UV2013 ; Aerial Map



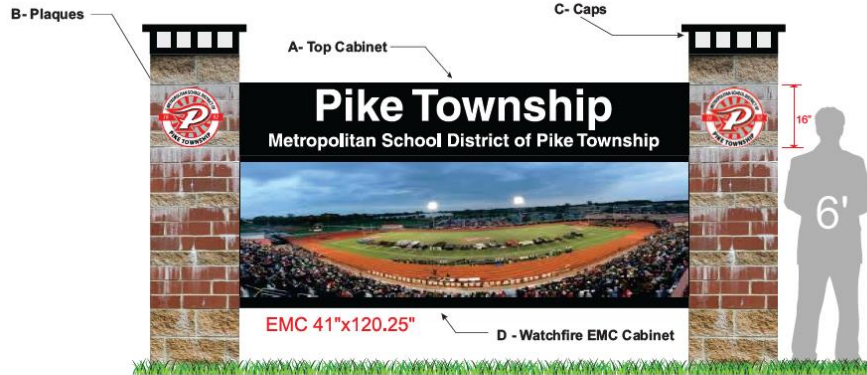


2024UV2013 ; Site Plan (NE Corner of Site)





2024UV2013 ; Elevation



- A** Top Sign Cabinet:
Double Sided
Cabinet: 2" x 2" Aluminum Tube Frame
200 Aluminum sets in
retainers finished Satin Black
Face: Roped Aluminum finished Satin Black backed with
illuminated translucent White Polycarbonate
Lighting: White LED
Mounting: Install sign between existing brick columns
NOTE:
Electrical to be provide to base
of pole. Mount sign will connect
to junction box at base of pole.
- B** MSDPT Plaques Illuminated
Material: 1/8" Thick Acrylic
Print Surface Graphics
Mounting: to brick columns with
- C** Caps to Brick Columns Illuminated
Material: Aluminum Tubing
Polycarbonate Lens
Lighting: White LED
Mounting: to top of brick columns
- D** 10 MM Watchfire EMC
Per attached specifications
Communications Cellular
Mounting: between existing
brick columns. Electrical to
be provided by customer at
base of sign. Mount Sign
make connection and register
the display with watchfire

2024UV2013 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
 the sign will be operated responsibly in accordance with commitments so as to not create any nuisance effects. Additionally, the proposed sign will allow the school district to display messages in a timely manner to the community, which will benefit the public health, safety and general welfare.

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 sign will have adequate separation from adjoining properties, and will be operated in accordance with commitments which will protect the use and value of adjoining properties.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
 the subject property is large and is home to many different activities related to school use, and the permitted sign types are not adequate to convey messages appropriate for such a large property.

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 limitations on digital display signs for school districts impose an undue burden in terms of being able to timely communicate important information to students, parents, and the community, especially considering the number of activities taking place on a school campus, as well as the size of the campus.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
 the proposed variance will allow a sign to more effectively convey messages related to school / school district activities, which supports school use contemplated or supported by the comprehensive plan.

2024UV2013 ; Photographs



Photo 1: Existing Sign Viewed from Southwest



Photo 2: Existing Sign Viewed from Southeast

2024UV2013 ; Photographs (continued)



Photo 3: Adjacent Property to the East



Photo 4: Adjacent Property to the North

2024UV2013 ; Photographs (continued)



Photo 5: Adjacent Property to the Northeast



Photo 6: Second Monument Sign Along Frontage (~875' to West)



BOARD OF ZONING APPEALS DIVISION II

November 13, 2024

Case Number: 2024-UV2-022A
Address: 6701 Zionsville Road (approximate address)
Location: Pike Township, Council District #6
Zoning: SU-2
Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 85 feet of a protected district (600-foot separation required).

Current Land Use: Public High School

Staff Recommendation: Staff recommends denial.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization, from the August 13, 2024, hearing, to the September 10, 2024, hearing, and continued for cause at the request of Staff from the September 10, 2024, hearing, to the October 8, 2024, hearing. The petitioner continued this petition for cause from the October 8, 2024, hearing, to the November 12, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The subject site currently houses a portion of Pike High School and is adjacent to residential uses to the west. The property to the south is zoned SU-37 for use as a Marion County Library. The Zionsville Road frontage contains a second monument sign that is about 425 feet to the north of the subject sign.
- ◇ The variance petition 2010DV1052 was approved in 2010 to allow for the currently existing sign with a height of six feet and proximity of 50 feet to a dwelling district (600 feet required separation for the sign type).
- ◇ Grant of this variance would allow for the replacement of the existing sign with a 6.33-foot tall sign, including an approximate 27.4 square foot EVMS digital message board onto the sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is around 85 feet from a protected district to the west containing multiple dwellings).



- ◇ The property is primarily zoned SU-2 which is a special use designation for schools and educational uses. The Comprehensive Plan also recommends it to the Regional Special Use typology for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county.
- ◇ The documentation submitted by the applicant indicates that the sign would have adequate separation from protected districts and facilities such as schools have a variety of events which would require flexibility in advertising. Staff disagrees that adequate buffering is provided given that the sign only meets 8% of the required separation from the protected district as the minimum separation required by ordinance without any indication of added screening, and there are various alternate methods by which events could be advertised (online, through the existing changeable copy sign, etc.).
- ◇ The zoning ordinance establishes wide buffers from residential areas as a requirement for placement of digital signage to reduce light pollution and reduce the risk of their brightness, scrolling displays, and potential usage during nighttime hours being a distraction for motorists (the risk is compounded for this given its proximity to an intersection). Additionally, SU-2 zoning is designed for a lower level of intensity for integration into neighborhood contexts and disallows digital displays entirely. The most recent amendments made to the city’s sign regulations in 2018 included public feedback sessions, during digital sign proximity to residential areas was a frequently cited concern.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the property owner’s preference or needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site, as the existing sign can continue to be used to convey school messaging.
- ◇ Given these concerns as well as a lack of site-specific practical difficulty necessitating placement of the sign, staff would recommend denial of the variance.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Public High School	
Comprehensive Plan	Recommends Regional Special Use	
Surrounding Context	Zoning	Surrounding Context
North:	SU-2	Public High School
South:	SU-37	County Library
East:	SU-2	Public High School
West:	D-3	Single-Family Dwellings

Thoroughfare Plan

Zionsville Road	Primary Collector	90-foot existing right-of-way and an 112-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 19, 2024	
Elevations	August 7, 2024	
Landscape Plan	N/A	
Findings of Fact - revised	September 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Regional Special Use for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Regional Special Use typology, which provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

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

2011-DV1-025; 5353 & 5401 West 71st Street and 6701 & 6901 Zionsville Road (includes subject site and other locations), requested a variance of development standards of the Sign Regulations to provide for three, six-foot tall, 27-square foot, free-standing directional signs; one, six-foot tall, 89-square foot, three-sided, free-standing directional sign; four, three-foot tall, nine-square foot, free-standing directional signs; and two, 3.5-foot tall, 12-square foot, free-standing directional signs, **granted**.

2010-DV1-052; 7601 & 6901 Zionsville Road and 5353 and 5401 West 71st Street (includes subject site and other locations), requests variance of development standards of the Sign Regulations to provide for four, six-foot tall free-standing signs, three along Zionsville Road and one along 71st Street, within approximately 50 feet of D-A and D-3 protected districts, and to provide for a six-foot tall sign and a 3.5-foot tall sign along Zionsville Road, with a separation of 160 feet, **granted**.

1997-V2-74A; 5555 West 71st Street (north of site), requests variance of development standards of the Sign Regulations to provide for Sign A, being a pylon sign, 9.16' by 14.5' and 15.9' in height, located at the intersection of 71st Street and Zionsville, within 325 feet of a Dwelling District; and with 67% of the sign face devoted to an electronic variable message center; as amended at the hearing, with the sign located 78 feet from the right-of-way of West 71st Street; 215 feet from the right-of-way of Zionsville Road; and 240 feet from the intersection of Zionsville Road and 71st Street, **granted**.

1997-V2-74B; 5555 West 71st Street (north of site), requests variance of development standards of the Sign Regulations to provide for Sign B, being a pylon sign, 8' by 10' and 10' in height, located along Zionsville Road, being located within 52 feet of a Dwelling District, and having a front setback of 2 feet from Zionsville Road, **granted**.

1985-HOV-135; 6525 Zionsville Road (south of site), requested a variance of development standards to provide for a double-faced ground sign to identify the Pike Library, **granted**.

RU

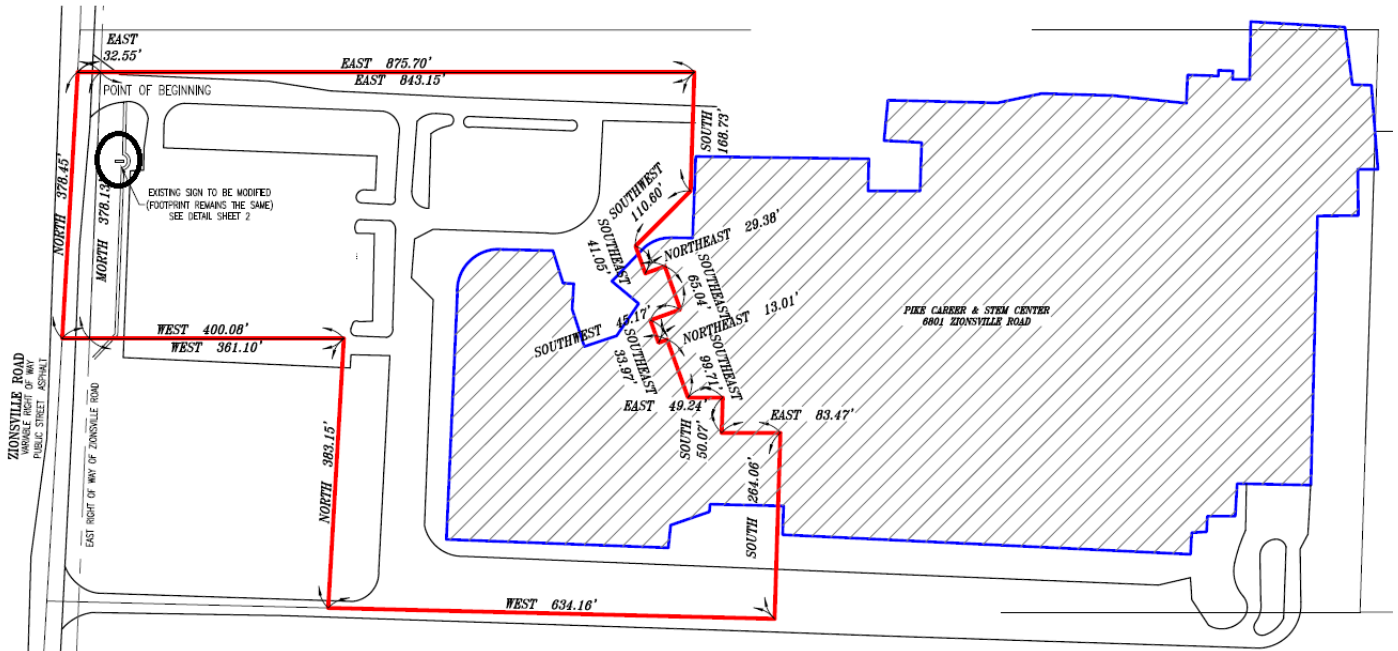
EXHIBITS

Location Map

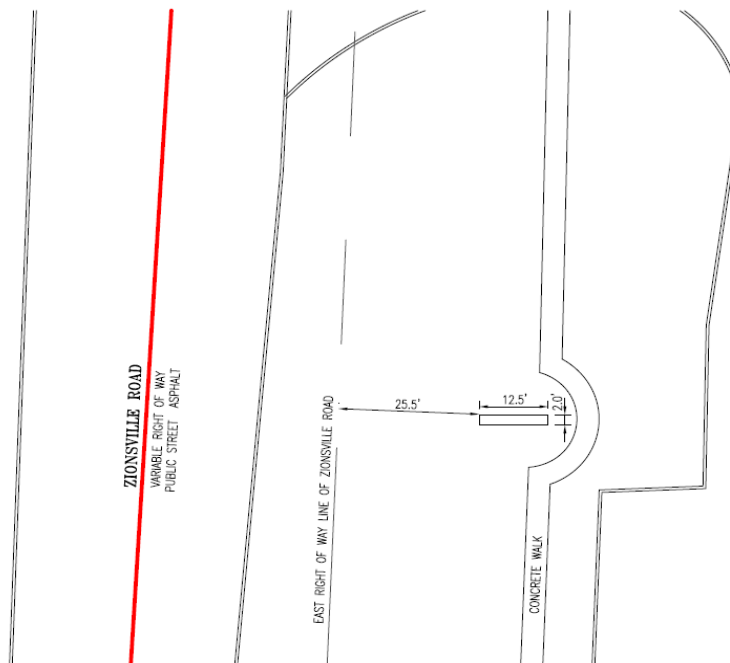


Site Plan

(Sign location in circle)



(Sign location close up)



Sign Elevation





Findings of Fact

Petition Number 2024-UV2-22A

**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 sign will be operated responsibly in accordance with commitments so as to not create any nuisance effects. Additionally, the proposed sign will allow the school district to display messages in a timely manner to the community, which will benefit the public health, safety and general welfare.

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 sign will have adequate separation from adjoining properties, and will be operated in accordance with commitments which will protect the use and value of adjoining properties.

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

the subject property is large and is home to many different activities related to school use, and the permitted sign types are not adequate to convey messages appropriate for such a large property.

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 limitations on digital display signs for school districts impose an undue burden in terms of being able to timely communicate important information to students, parents, and the community, especially considering the number of activities taking place on a school campus, as well as the size of the campus.

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

the proposed variance will allow a sign to more effectively convey messages related to school / school district activities, which supports school use contemplated or supported by the comprehensive plan.

Photographs



Existing subject site reader board sign, looking north.



Subject site public high school, looking east.



Existing protected district approximately 85 feet from proposed EVMS location, looking northwest



Existing protected district approximately 85 feet from proposed EVMS location, looking southwest.



Existing Marion County Public Library to the south of proposed sign.



Subject site public high school parking lot, looking north.



BOARD OF ZONING APPEALS DIVISION II

November 13, 2024

Case Number: 2024-UV2-022B
Address: 7001 Zionsville Road (approximate address)
Location: Pike Township, Council District #6
Zoning: SU-2
Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 288 feet of a protected district (600-foot separation required).

Current Land Use: Public Elementary School

Staff Recommendation: Staff recommends denial.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization, from the August 13, 2024, hearing, to the September 10, 2024, hearing, and continued for cause at the request of Staff from the September 10, 2024, hearing, to the October 8, 2024, hearing. The petitioner continued this petition for cause from the October 8, 2024, hearing, to the November 12, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The subject site currently houses the Central Elementary School and is adjacent to residential uses to the west. The Zionsville Road frontage contains a second monument sign that is about 720 feet to the southwest of the subject sign.
- ◇ The variance petition 97-V2-74A was approved in 1997 to allow for the current existing freestanding pylon sign with a height of 9.16 feet, and 67% of the sign face devoted to an electronic variable message sign, within approximately 325 feet of the nearest dwelling district, where a maximum four-foot tall sign is permitted, and within the required 600 feet separation from a dwelling district.
- ◇ Grant of this variance would allow for the replacement of the existing sign with a 7.83-foot tall sign, including an approximate 50 square foot EVMS digital message board onto the sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is approximately 288 feet from an adjacent protected district to the west containing multiple single-family dwellings).



- ◇ The property is primarily zoned SU-2 which is a special use designation for schools and educational uses. The Comprehensive Plan also recommends it to the Regional Special Use typology for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county.
- ◇ The documentation submitted by the applicant indicates that the sign would have adequate separation from protected districts and facilities such as schools have a variety of events which would require flexibility in advertising. Staff disagrees that adequate buffering is provided given that the sign will be within 288 feet of a protected district to the west, without the minimum separation required by ordinance and without any indication of added screening, and there are various alternate methods by which events could be advertised (online, through the existing changeable copy sign, etc.).
- ◇ The zoning ordinance establishes wide buffers from residential areas as a requirement for placement of digital signage to reduce light pollution and reduce the risk of their brightness, scrolling displays, and potential usage during nighttime hours being a distraction for motorists (the risk is compounded for this given its proximity to an intersection). Additionally, SU-2 zoning is designed for a lower level of intensity for integration into neighborhood contexts and disallows digital displays entirely. The most recent amendments made to the city’s sign regulations in 2018 included public feedback sessions, during digital sign proximity to residential areas was a frequently cited concern.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the property owner’s preference or needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site, as the existing sign can continue to be used to convey school messaging, or a conventional reader sign can be used instead.
- ◇ Given these concerns as well as a lack of site-specific practical difficulty necessitating placement of the sign, staff would recommend denial of the variance.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Public Grade School	
Comprehensive Plan	Recommends Regional Special Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	Office Commercial
South:	SU-2	Public High School
East:	SU-2	Public High School
West:	D-3 / C-1	Single-Family Dwellings / Office Commercial

Thoroughfare Plan		
Zionsville Road	Primary Collector	90-foot existing right-of-way and a 112-foot proposed right-of-way.
West 71 st Street	Primary Arterial	142-foot existing and proposed right-of-way
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 19, 2024	
Elevations	August 7, 2024	
Landscape Plan	N/A	
Findings of Fact - revised	September 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Regional Special Use for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Regional Special Use typology, which provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

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

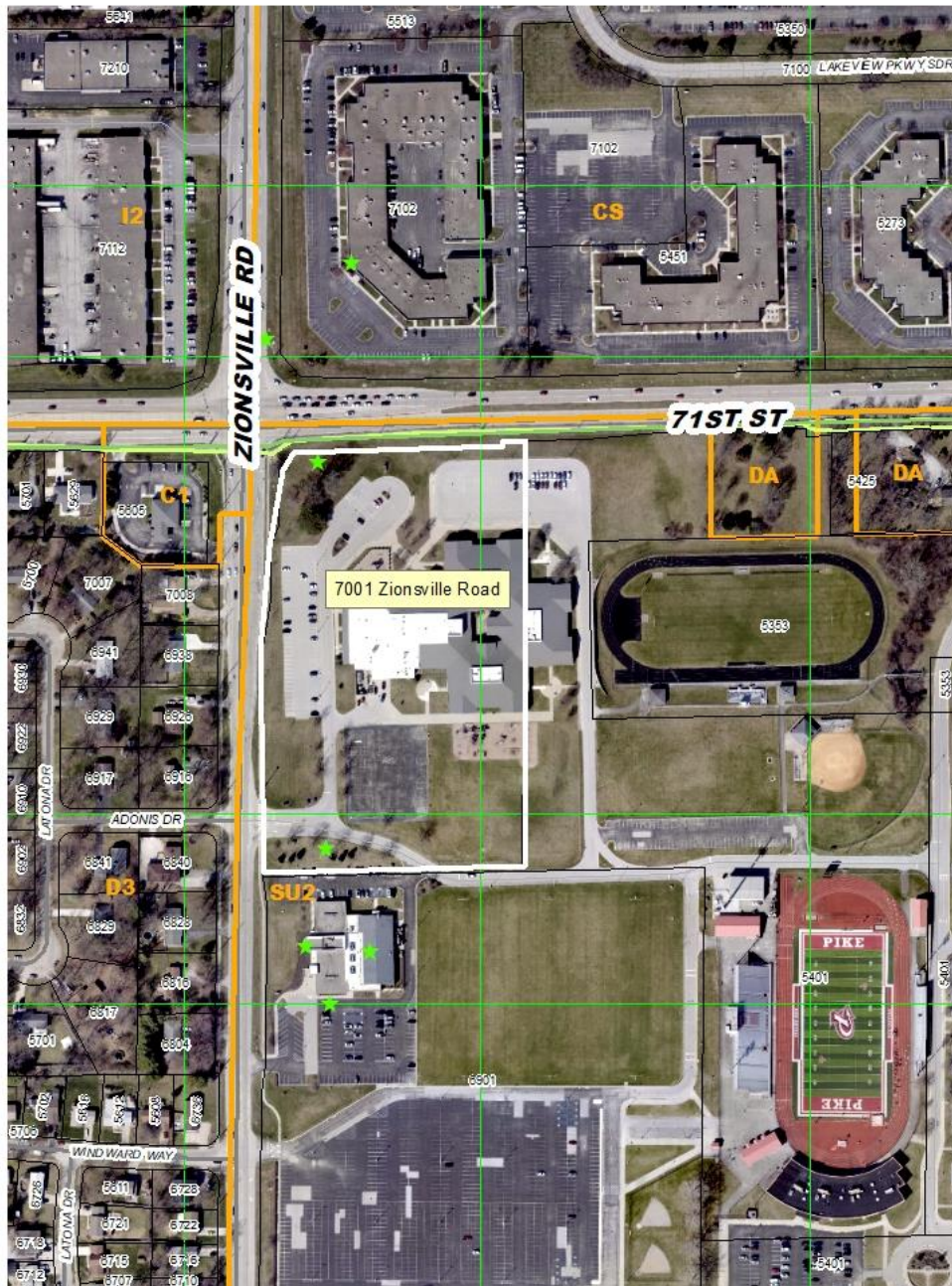
97-V2-74A; 5555 West 71st Street (subject site), requested a variance of use and development standards to provide for Sign A, being a pylon sign, 9.16' by 14.5' and 15.9' in height, located at the intersection of 71st Street and Zionsville Road, within 325 feet of a Dwelling District, and with 67% of the sign face devoted to an electronic variable message center, **granted**.

97-V2-74B; 5555 West 71st Street (subject site), requested a variance of use and development standards to provide for Sign B, being a pylon sign, 5.16' by 11.66' and 5.16' in height, located alongside Zionsville Road, within 52 feet of a Dwelling District, and with a front setback of two feet from Zionsville Road, **granted**.

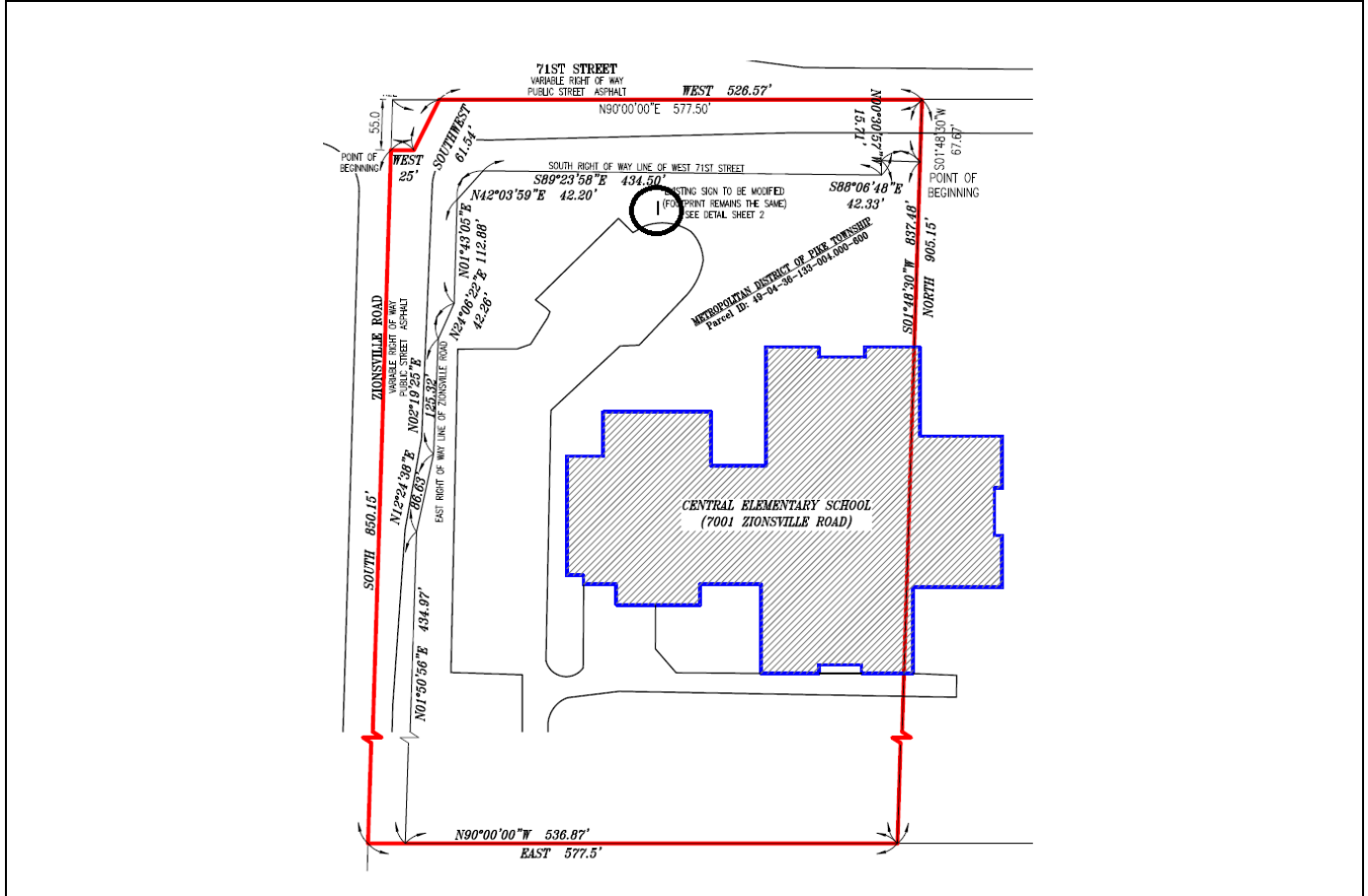
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EXHIBITS

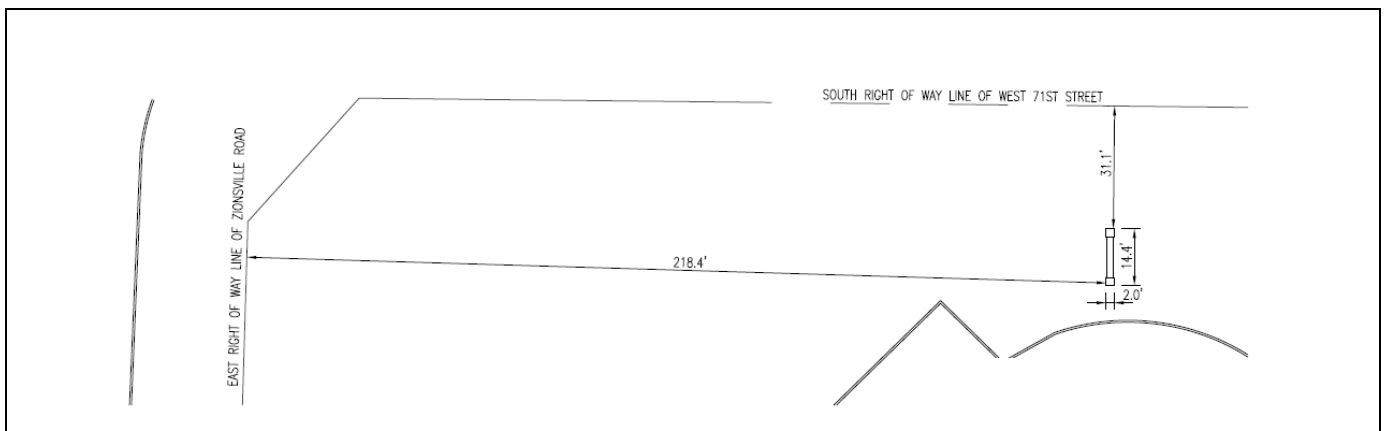
Location Map



Site Plan

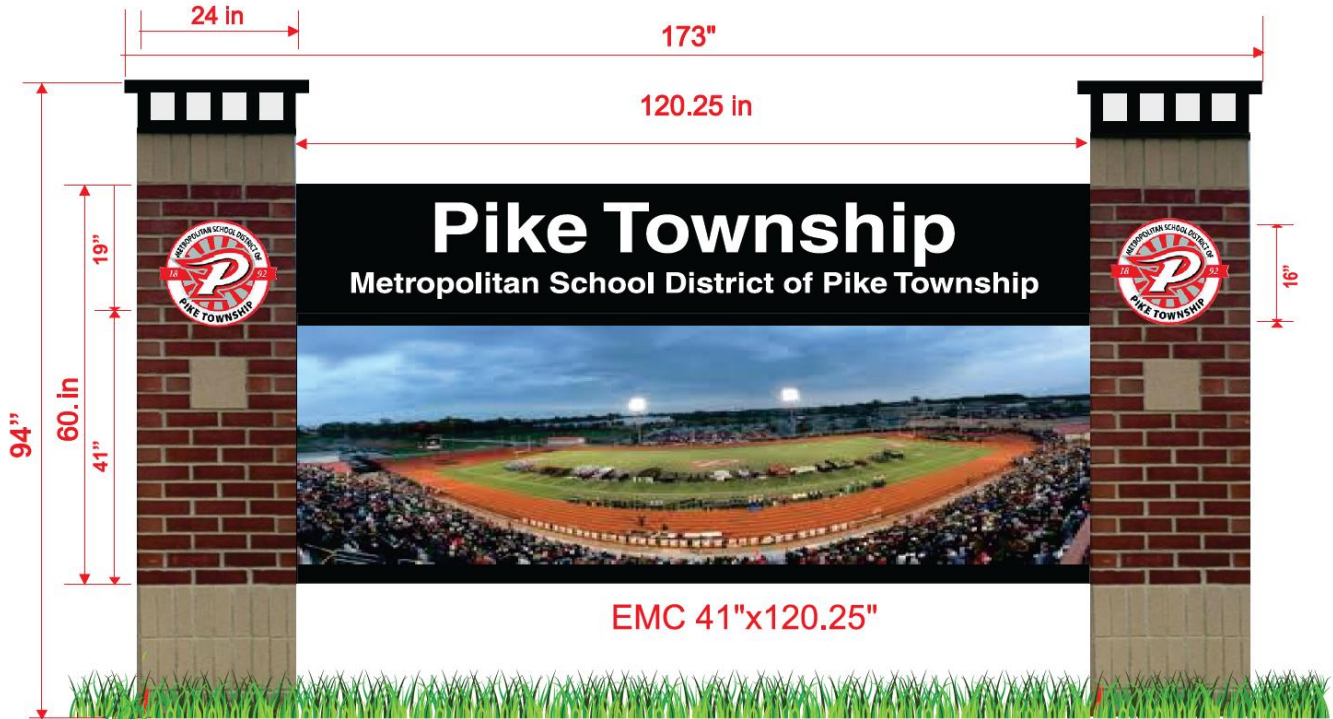


(Sign location in circle)



(Sign location close up)

Sign Elevation



<p>Midwest Signs 8560 E. 30th St. Indianapolis, IN 46219</p>	7001 Zionsville Road			CLIENT APPROVAL			<p>Copyright Notice: This drawing and all reproductions thereof are the property of Midwest Signs and may not be reproduced, published, changed, or used in any way without written consent. Note: Please proof for spelling, grammar layout, and placement.</p>
	Metropolitan School District of Pike Township			NAME	SIGNATURE	DATE	
AP	08/23/2023	N/A Scale					



Findings of Fact

Petition Number 2024-UV2-22B

**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 sign will be operated responsibly in accordance with commitments so as to not create any nuisance effects. Additionally, the proposed sign will allow the school district to display messages in a timely manner to the community, which will benefit the public health, safety and general welfare.

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 sign will have adequate separation from adjoining properties, and will be operated in accordance with commitments which will protect the use and value of adjoining properties.

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

the subject property is large and is home to many different activities related to school use, and the permitted sign types are not adequate to convey messages appropriate for such a large property.

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 limitations on digital display signs for school districts impose an undue burden in terms of being able to timely communicate important information to students, parents, and the community, especially considering the number of activities taking place on a school campus, as well as the size of the campus.

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

the proposed variance will allow a sign to more effectively convey messages related to school / school district activities, which supports school use contemplated or supported by the comprehensive plan.

Photographs



Existing subject site sign with electronic variable message center, looking east.



Subject site public grade school, looking south.



Adjacent protected district approximately 280 feet from proposed EVMS location, looking southwest



View of existing EVMS sign location, from adjacent protected district, looking northeast.

BOARD OF ZONING APPEALS DIVISION II **November 13, 2024**

Case Number: 2024-UV2-022C
Address: 2811 Barnard Street (approximate address)
Location: Pike Township, Council District #1
Zoning: SU-2
Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 50 feet of a protected district (600-foot separation required).

Current Land Use: Public Elementary School
Staff Recommendation: Staff recommends denial.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization, from the August 13, 2024, hearing, to the September 10, 2024, hearing, and continued for cause at the request of Staff from the September 10, 2024, hearing, to the October 8, 2024, hearing. The petitioner continued this petition for cause from the October 8, 2024, hearing, to the November 12, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The subject site currently houses the College Park Elementary School and is adjacent to residential uses to the north and south. The Barnard Street frontage contains a second monument sign that is about 247 feet to the west of the subject sign.
- ◇ The variance petition 2014-DV3-058 was approved in 2014 to allow for the current existing freestanding sign with a height of 8.67 feet, and 43-square feet, within approximately 30 feet of the nearest dwelling district, where a maximum four-foot tall sign is permitted, and within the required 600 feet separation from a dwelling district.
- ◇ Grant of this variance would allow for the replacement of the existing sign with a 6.91-foot tall sign, including an approximate 32 square foot EVMS digital message board onto the sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is around 50 feet from an adjacent protected district to the north containing multiple single-family dwellings).



- ◇ The property is primarily zoned SU-2 which is a special use designation for schools and educational uses. The Comprehensive Plan recommends Suburban Neighborhood typology for single-family housing, interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities.
- ◇ The documentation submitted by the applicant indicates that the sign would have adequate separation from protected districts and facilities such as schools have a variety of events which would require flexibility in advertising. Staff disagrees that adequate buffering is provided given that the sign will be within 50 feet of and immediately adjacent to a protected district to the north, without the minimum separation required by ordinance and without any indication of added screening, and there are various alternate methods by which events could be advertised (online, through the existing changeable copy sign, etc.).
- ◇ The zoning ordinance establishes wide buffers from residential areas as a requirement for placement of digital signage to reduce light pollution and reduce the risk of their brightness, scrolling displays, and potential usage during nighttime hours being a distraction for motorists. Additionally, SU-2 zoning is designed for a lower level of intensity for integration into neighborhood contexts and disallows digital displays entirely. The most recent amendments made to the city’s sign regulations in 2018 included public feedback sessions, during digital sign proximity to residential areas was a frequently cited concern.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the property owner’s preference or needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site, as the existing sign can continue to be used to convey school messaging.
- ◇ Given these concerns as well as a lack of site-specific practical difficulty necessitating placement of the sign, staff would recommend denial of the variance.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Public Grade School	
Comprehensive Plan	Recommends Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
North:	D-P	Single-family dwellings
South:	D-P	Multi-family dwellings
East:	D-6	Multi-family dwellings
West:	D-P	Multi-family dwellings

Thoroughfare Plan		
Barnard Street	Primary Collector	68-foot existing right-of-way and an 80-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 19, 2024	
Elevations	August 7, 2024	
Landscape Plan	N/A	
Findings of Fact - revised	September 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan 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

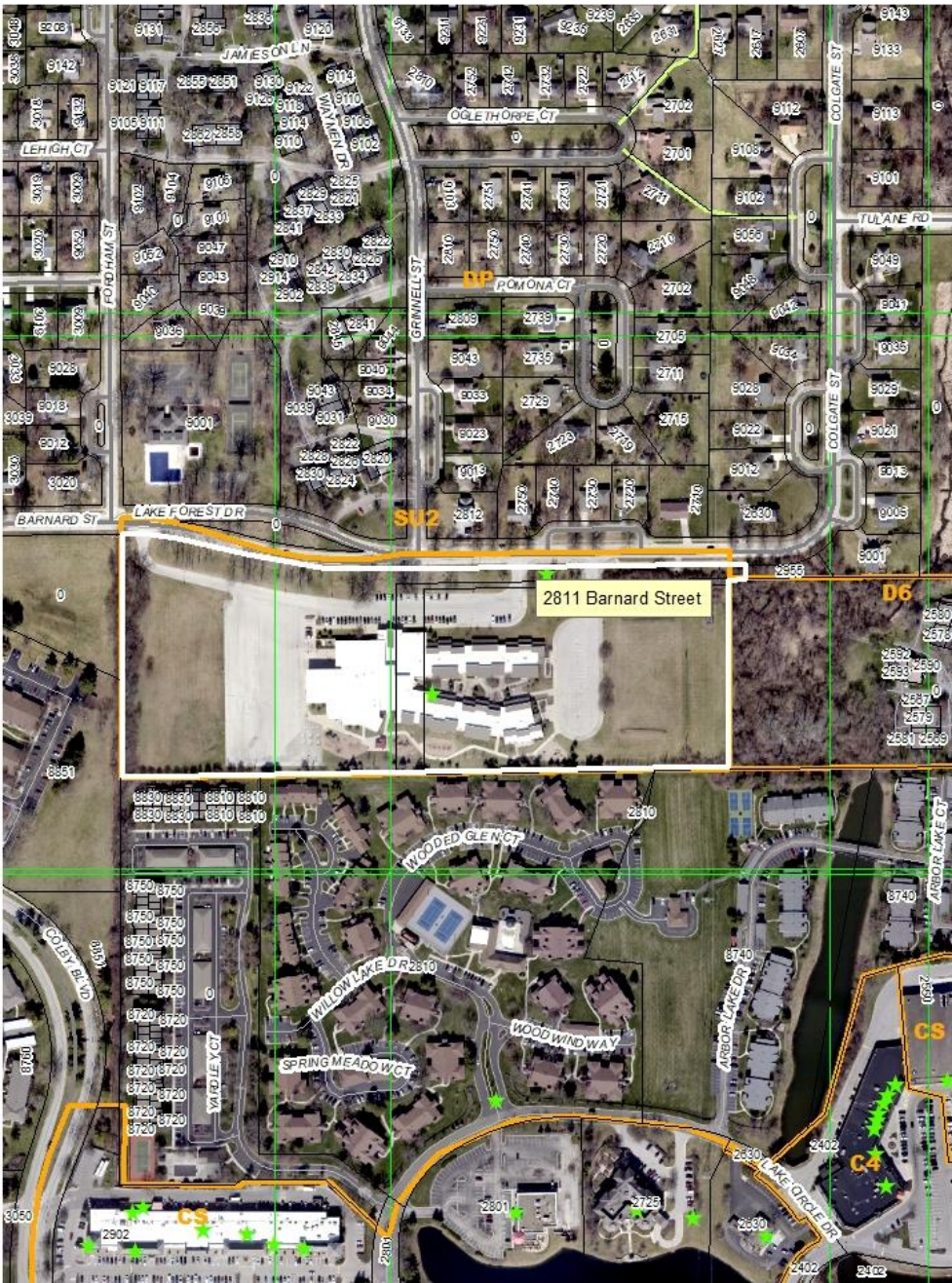
2014-DV3-058; 2811 Barnard Street (subject site), requested a variance of development standards to provide for an 8.67-foot tall, 43-square foot freestanding sign, within approximately 30 feet of the nearest dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district).

87-Z-105; 2811 Barnard Street (subject site), requested a rezoning of 16.78 acres, being in the D-P and A-2 districts, to the SU-2 classification to provide for the construction of an elementary school, **approved.**

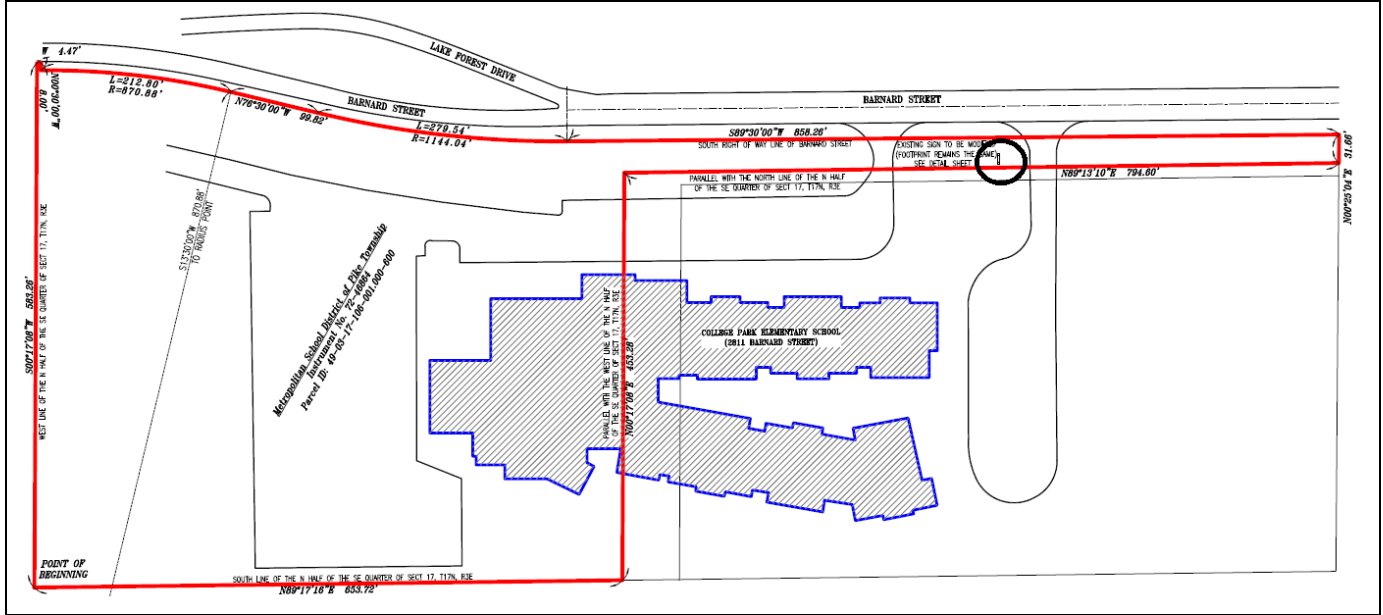
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EXHIBITS

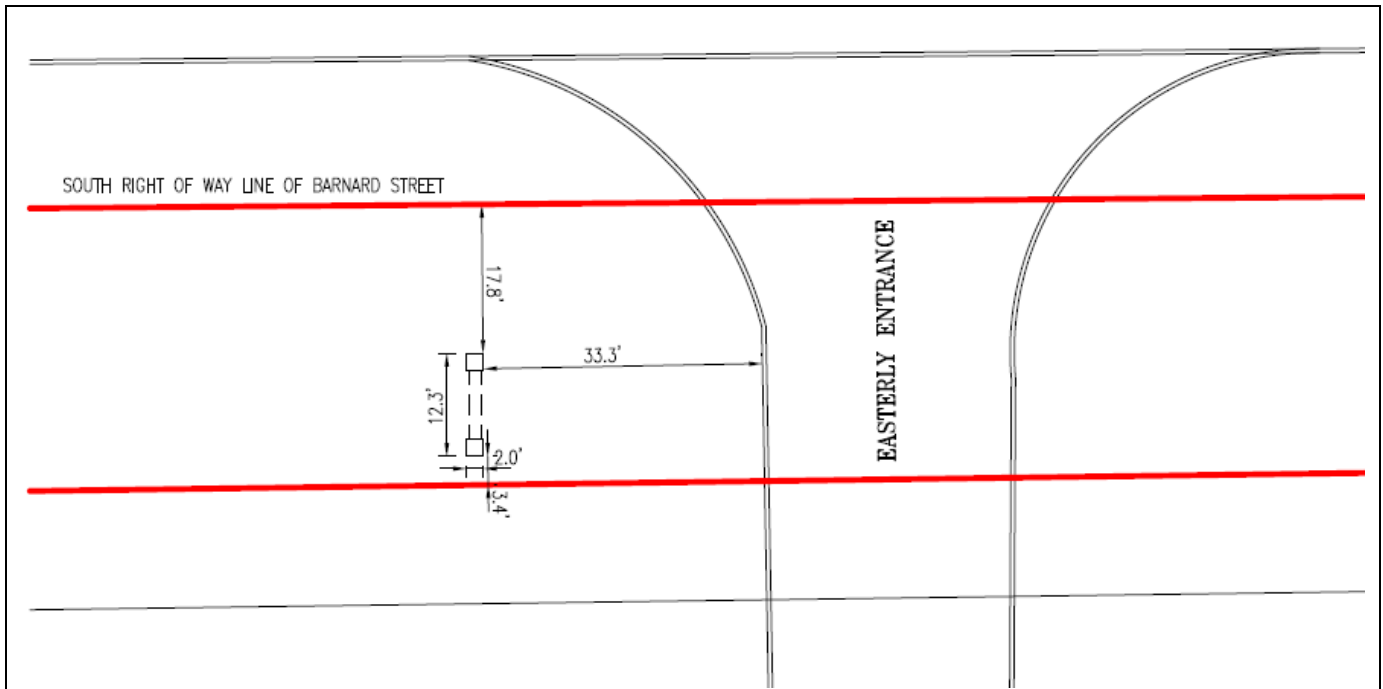
Location Map



Site Plan

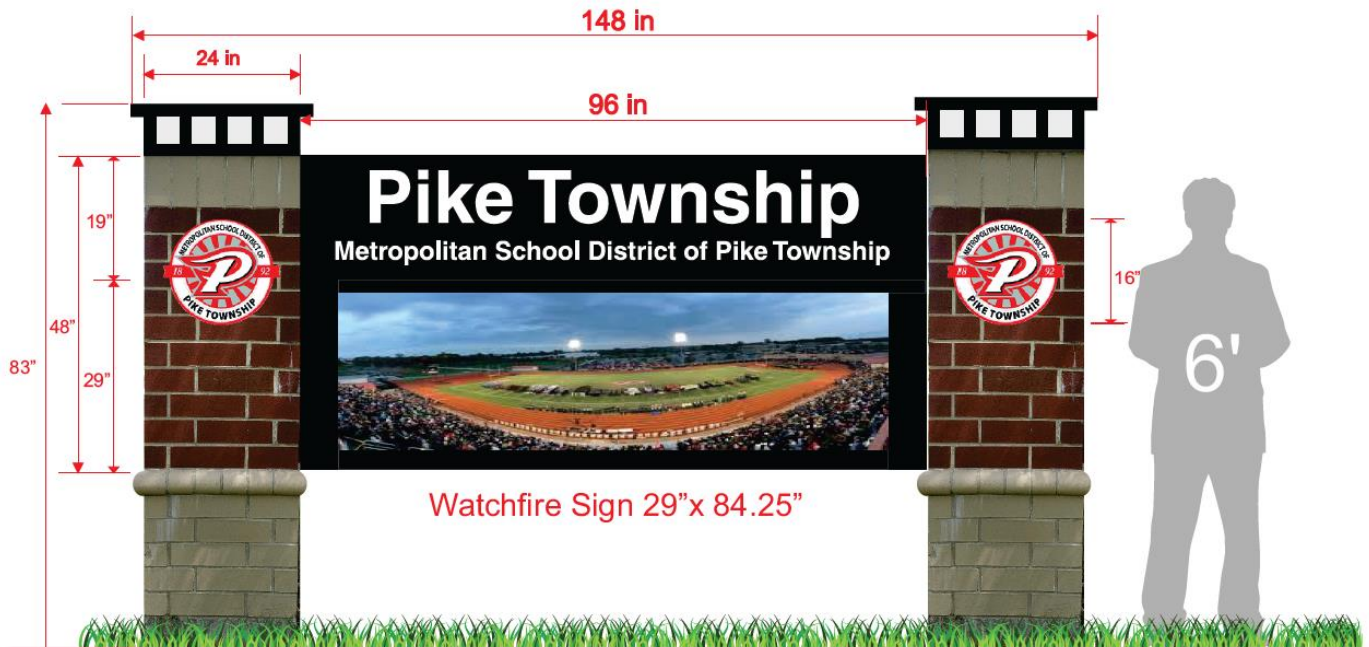


(Sign location in circle)



(Sign location close up)

Sign Elevation





Findings of Fact

Petition Number 2024-UV2-22C

**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 sign will be operated responsibly in accordance with commitments so as to not create any nuisance effects. Additionally, the proposed sign will allow the school district to display messages in a timely manner to the community, which will benefit the public health, safety and general welfare.

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 sign will have adequate separation from adjoining properties, and will be operated in accordance with commitments which will protect the use and value of adjoining properties.

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

the subject property is large and is home to many different activities related to school use, and the permitted sign types are not adequate to convey messages appropriate for such a large property.

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 limitations on digital display signs for school districts impose an undue burden in terms of being able to timely communicate important information to students, parents, and the community, especially considering the number of activities taking place on a school campus, as well as the size of the campus.

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

the proposed variance will allow a sign to more effectively convey messages related to school / school district activities, which supports school use contemplated or supported by the comprehensive plan.

Photographs



Existing subject site reader board sign, looking east.



Subject site public grade school, looking southwest.



Existing protected district approximately 50 feet from proposed EVMS location, looking northwest



Existing protected district approximately 50 feet from proposed EVMS location, looking northeast.



BOARD OF ZONING APPEALS DIVISION II **November 13, 2024**

Case Number: 2024-DV2-040
Address: 2010 Mansfield Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-5 (W-1)
Petitioner: Jennifer & David Ojo
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a parking area without exclusive alley access and a zero-foot south side yard setback (alley access required, five-foot side yard setback required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would legally establish the location of a parking area without exclusive alley access and a zero-foot south side yard setback.
- ◇ The Ordinance was amended in April of 2016 to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley for any new driveway, per Section 744-301 of the Ordinance. The "Access to accessory parking areas" provision states that "... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley." In addition, per Section 744-401 of the Ordinance. The "Access to and from parking lots and garages" provision states that "... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line."
- ◇ The Department of Business and Neighborhood Services has determined that the abutting alley to the west of the property is an "improved" alley, and therefore access from Mansfield Street to the parcel would not be allowed, per the Ordinance.



- ◇ Although the driveway was recently installed, it has had a history of providing parking access from the alley access. Aerial photos from as recent as Spring of 2022 show a vehicle accessing the lot from the alley.
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ The adjacent dwelling to the north at 2012 Mansfield Street has an existing garage with alley access, as indicated in Staff photograph #6. As does several other properties on the block.
- ◇ Staff will acknowledge that there are existing driveways with illegal non-permitted curb cuts similar to the subject site, and other driveways with legal curb cuts. These legal curb cuts and driveways predate the current Ordinance and are considered legally non-conforming. If the legally non-conforming driveways were to be removed, then they could not be replaced, and would have to have access installed from the alley as the subject site is required to do.
- ◇ No practical difficulty exists for the property since the site has previously established access from the improved alley and could continue to do so by right without a variance. In addition, adjacent properties have demonstrated their ability to provide garage access to the alley as well. Any practical difficulty related to the non-permitted curb cut access from Mansfield Street would be self-imposed, by the need to continue the use of the non-permitted and illegally installed driveway.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance requires a parking area to have a five-foot side setback, similar to other structures. The purpose of the setback is to provide for adequate separation and ventilation between structures and use areas. Allowing the reduced setback in this instance, would limit the area needed for emergency response between dwellings and would hinder that response. Possibly allowing additional damage to the primary dwelling and the adjacent dwelling.
- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required alley access and setback requirements of the Ordinance. Similar nearby properties on adjacent and nearby corners are able to comply with the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends 3.5-5 dwelling units per acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Single-Family dwelling
South:	D-5	South: Single-Family dwelling
East:	D-5	East: Single-Family dwelling
West:	D-5	West: Single-Family dwelling



Thoroughfare Plan		
Mansfield Street	Local Street	50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	Yes, One Year	
Site Plan	October 14, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	October 14, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5-5 dwelling units per acre for the site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

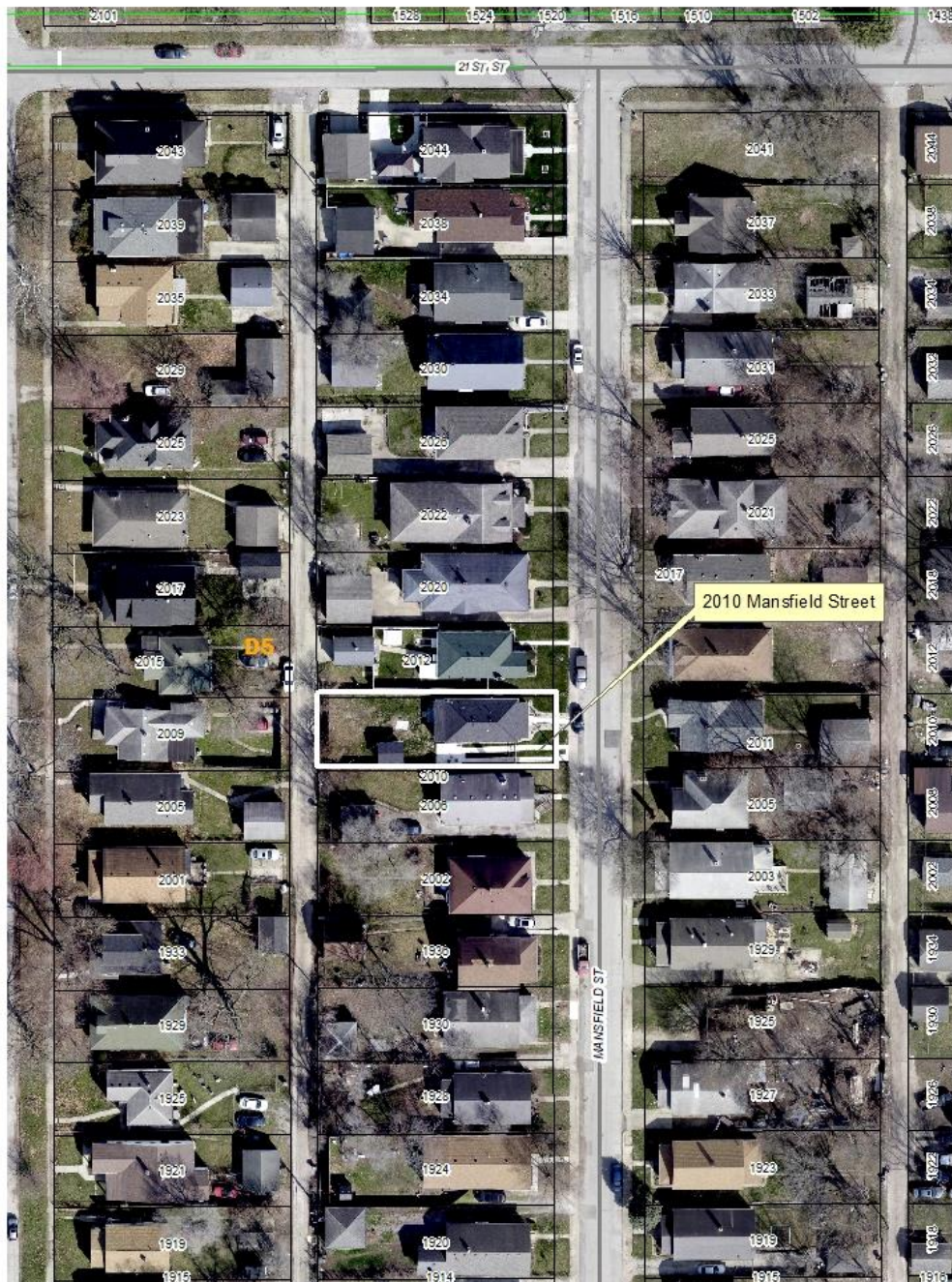
ZONING HISTORY

None

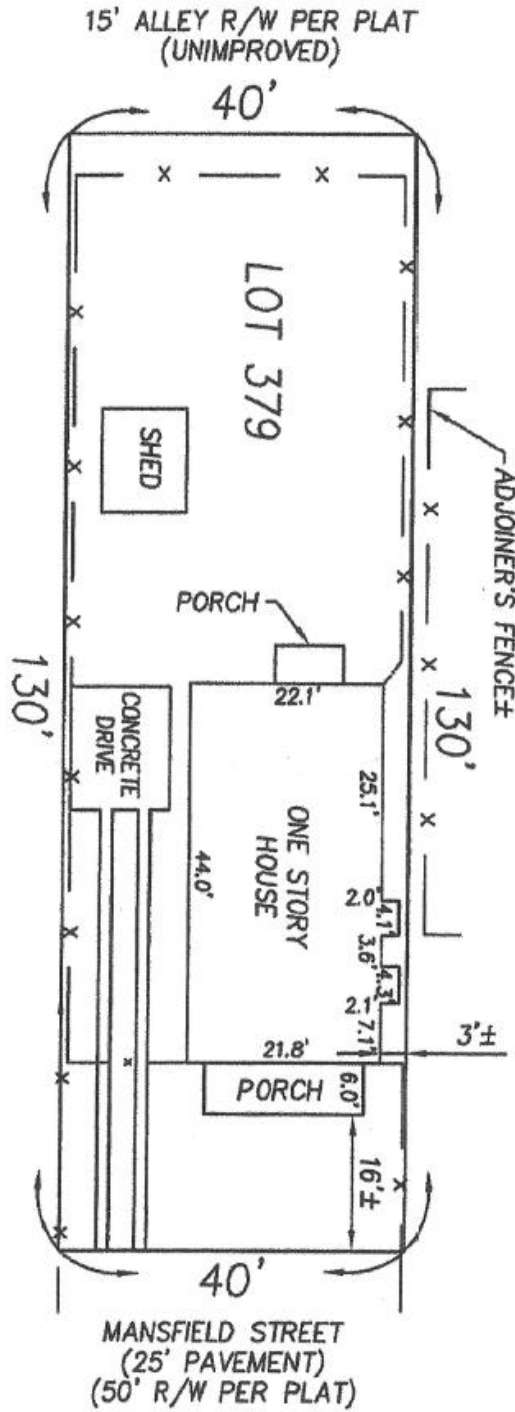
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EXHIBITS

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 variance will allow access to the property in a way that is common on this street and in this neighborhood.

It provides for ample off street parking allowing for vehicle using the roadway to have a clear path for travel and for parking.

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 manner by which the vehicles access this property is common in this area.

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

If the variance is not granted the current front driveway access would have to be dug up and removed. Fencing would have to be removed and/or replaced. Access to off street parking would be more cumbersome because the property does not have a garage and access to the back yard. The property "curb appeal" will be diminished.

Photographs



Photo 1 - Subject property looking west.



Photo 2 - Subject property existing low rise curb, that is driven over to access the non-permitted driveway, looking northwest.



Photo 3 - Subject property existing zero-foot side setback parking area (through the gate) looking west.



Photo 4- Adjacent property to the south with legally non-conforming driveway, permitted and installed prior to current ordinance, looking west.



Photo 5 - Subject site improved alley access, looking east



Photo 6 - Adjacent property to the north with alley access, looking east.