



Board of Zoning Appeals  
Board of Zoning Appeals Division II (July  
9, 2024)  
Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, July 09, 2024

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2024-DV2-025 | 1670 Columbia Avenue**  
Center Township, Council District #13, zoned D-8 / SU-1  
Karissa Grove, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vertical addition and conversion of a single-family dwelling into a two-unit-multi-unit house resulting in a three-foot corner side yard setback (eight-feet required) and a four-foot south side yard setback (five-feet required) and a third story (limited to 2.5 stories).

**\*\* Petitioner requesting a continuance to the August 13, 2024 hearing of Division II**

- 2. 2024-UV2-011 | 1237 Evison Street**  
Center Township, Council District #18, zoned D-5  
Rachel & Cory Alban, by Justin Kingen

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a second 1,106-square-foot primary dwelling (one primary dwelling permitted per lot).

**\*\* Petitioner requesting a continuance to the August 13, 2024 hearing of Division II**

- 3. 2024-UV2-010 | 3707 Woodview Trace**  
Pike Township, Council District #1, zoned MU-1  
Basis Woodview LLC, by David Kingen and Emily Duncan

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of pet hotel and daycare facility with outdoor turf area and kennel space (not permitted) and the location of a dumpster within the front yard and an eight-foot tall fence within the west side yard and south rear yard (dumpster enclosures not permitted within front yards, fences limited to 6 feet tall).

**\*\* Automatic continuance filed by registered neighborhood organization, continuing this to the August 13, 2024 hearing of Division II**

## Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

**4. 2024-DV2-022 | 1950 Kessler Boulevard West Drive**

Washington Township, Council District #2, zoned C-3  
ASA Above The Rest LLC, by Misty Nigh

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a second drive-thru sign along a single drive lane (maximum one drive-thru sign per drive lane permitted).

**5. 2024-DV2-024 | 2415 and 2427 North Rural Street**

Center Township, Council District #8, zoned D-5  
Martindale Brightwood Community Development Corporation, by Susie Wilson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of two lots, to build a duplex on each lot, resulting in lot widths of eight and 22 feet (60-foot lot widths required) and a total lot area of 4,065 square feet (7,200 square feet of lot area required), with each duplex providing four-foot north and south side yard setbacks (five feet required).

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

**6. 2024-DV2-019 | 6176 Carrollton Avenue**

Washington Township, Council District #7, zoned D-5 (TOD)  
JLILY LLC, by Ted Darnall

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and attached carport with a 3-foot southern side yard setback (five-feet required).

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

**7. 2024-DV2-015 | 2366 Winthrop Avenue** Center Township, CD #8, Zoned D-8

Angela and Kendrick Davis, by Sharmin Frye

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a 35-foot tall, three-story single-family dwelling (maximum 2.5-story dwelling permitted).

**8. 2024-DV2-016 | 921 East 24th Street** Center Township, CD #8, Zoned D-8

Angela Davis, by Sharmin Frye

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 34-foot tall, three-story single-family dwelling (maximum 2.5-story dwelling permitted), with a three-foot west side yard setback (five feet required) and a front-loaded garage (prohibited along terrace frontages) resulting in an open space of 24 percent (40 percent required).

**9. 2024-DV2-021 | 5797 Sunset Lane, Town of Crow's Nest**

Washington Township, CD #2, Zoned D-S  
David & Victoria Schneider Temple, by Misha Rabinowitch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 50-foot front yard setback from Sunset Lane (93-feet required) and a 135-foot wide driveway within the front yard (30-foot width permitted).

**10. 2024-UV2-008 | 6135 Furnas Road**

Decatur Township, Council District #21, zoned D-A  
Eduardo E Guzman & Nydia Botero

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping contractor, including the storage of nine commercial vehicles and the placement of a commercial shipping container (not permitted) with a 12-foot west side yard setback (15-feet required) and a 50-foot wide parking area within the front yard (30-foot width permitted).

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

**11. 2024-DV2-023 | 1313 West 86th Street**

Washington Township, Council District #2, zoned C-4  
FIF, LLC, by Joseph Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign, being the third freestanding sign along 86th Street (two permitted), and located within 130 feet of another freestanding sign to the east (300-foot separation required).

**12. 2024-UV2-009 | 8245 Camby Road**

Decatur Township, Council District #21, zoned D-3  
Gonzalo Arreola & Josefina Ochoa

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor (not permitted) and the construction of a 1,600-square foot pole barn, being larger than the primary dwelling, (accessory structure may not be larger than primary building).

**Additional Business:**

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



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-DV2-025

**Property Address:** 1670 Columbia Avenue (approximate address)

**Location:** Center Township, Council District #13

**Petitioner:** Karissa Grove, by Justin Kingen

**Current Zoning:** D-8 / SU-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vertical addition and conversion of a single-family dwelling into a two-unit-multi-unit house resulting in a three-foot corner side yard setback (eight-feet required) and a four-foot south side yard setback (five-feet required) and a third story (limited to 2.5 stories).

**Current Land Use:** Residential

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

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

**PETITION HISTORY**

- The petitioner is requesting a continuance to the August 13, 2024 BZA Division II hearing, which would be without additional notice unless new variances are needed.



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-UV2-011

**Property Address:** 1237 Evison Street (approximate address)

**Location:** Center Township, Council District #18

**Petitioner:** Rachel & Cory Alban, by Justin Kingen

**Current Zoning:** D-5

**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a second 1,106-square-foot primary dwelling (one primary dwelling permitted per lot).

**Current Land Use:** Residential

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

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

**PETITION HISTORY**

- The petitioner is requesting a continuance to the August 13, 2024 BZA Division II hearing, which would be without additional notice unless new variances are needed.



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-UV2-010

**Property Address:** 3707 Woodview Trace (approximate address)

**Location:** Pike Township, Council District #1

**Petitioner:** Basis Woodview LLC, by David Kingen and Emily Duncan

**Current Zoning:** MU-1

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of pet hotel and daycare facility with outdoor turf area and kennel space (not permitted) and the location of a dumpster within the front yard and an eight-foot tall fence within the west side yard and south rear yard (dumpster enclosures not permitted within front yards, fences limited to 6 feet tall).

**Current Land Use:** Vacant Commercial Office

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

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization to continue this petition from the July 9, 2024 hearing to the August 13, 2024 hearing date. A full staff report will be available in advance of that hearing.



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-DV2-022

**Property Address:** 1950 Kessler Boulevard West Drive (approximate address)

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

**Petitioner:** ASA Above The Rest LLC, by Mistie Nigh

**Current Zoning:** C-3

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a second drive-thru sign along a single drive lane (maximum one drive-thru sign per drive lane permitted).

**Current Land Use:** Commercial Multi-tenant

**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**

- The subject site contains a previously existing multitenant commercial center with accessory drive-thru as legalized by petition 2006UV1035. The site is zoned C-3 and is bordered by a vacant commercial structure to the north, Crooked Creek Elementary School to the west, a fueling station to the south, and residential uses to the east. The property is near Crooked Creek but is not within a 100-year floodplain.
- The café company tenant within this property that currently utilizes the drive-thru unit made permit applications earlier this year for new signage at the site. This application included new drive-thru signage but no proposed changes to the existing layout of the drive lane. Their application was initially held for the height of proposed secondary freestanding directional signage as well as the placement of two drive-thru signs along the same drive lane (maximum one allowed per drive lane).



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- The sign permit has since been issued per revised plans reducing the height of directional signage and changing the second smaller drive-thru sign to a speaker post and canopy. This allows the property owner to have all other signs installed while this variance case progresses.
- The primary drive-thru sign (see sign M in Exhibits) serves as a menu board showing available products and was approved for construction under SGN24-00251. The sign that is the subject of this variance request (sign L in Exhibits) would not display menu items but would solely be utilized to show customer orders in progress and confirm their accuracy. However, since that sign would be used exclusively by customers utilizing the drive-thru unit and would utilize static digital display, it would be classified as a second drive-thru sign and require a variance.
- The subject property is currently zoned C-3 to allow for commercial development with a range of retail sales and personal, professional, and business services. It also falls under the jurisdiction of the Michigan Road Corridor Plan which recommends it for commercial uses.
- The Indianapolis Zoning Ordinance places limits on the number of secondary freestanding signage that can be placed within commercial areas to limit the visual clutter and confusion that could be caused by duplicate signage. Staff notes that the proposed sign is approximately 10 square feet in size and is small enough that it would typically be allowed if it adjoined the other three panels of the existing sign. The modest distance between the existing menu board and the proposed sign (less than 3ft.) provides nearly the same exposure and views as if the sign were attached or integral to the menu board. Since the proposed drive-thru sign would be limited in scope to verifying accurate orders and would provide minimal disruption for surrounding properties, staff is supportive of the variance request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3		
<b>Existing Land Use</b>	Commercial Multi-tenant		
<b>Comprehensive Plan</b>	Commercial (per Michigan Road Corridor Plan)		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>	
	North:	C-3	North: Commercial
	South:	C-3	South: Community Commercial
	East:	D-2	East: Suburban Neighborhood
	West:	SU-2	West: Floodway/Community Comm
<b>Thoroughfare Plan</b>			
Michigan Road	Primary Arterial	118-foot right-of-way existing and 102-foot right-of-way proposed	
Kessler Boulevard WDR	Primary Arterial	109-foot right-of-way existing and 119-foot right-of-way proposed	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		





<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	05/09/2024
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	05/09/2024
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	06/14/2024
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Michigan Road Corridor Plan (1998)

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. It also designates the site as being within Critical Area 11 and advises against encroachment of existing commercial uses at the intersection of Michigan and Kessler past Crooked Creek or into existing residential or institutional areas.

**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

**2006ZON129**, REZONING of 0.805 acre, from the D-2 AND C-3 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

**2006UV1035**, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for an integrated center with C-3 uses and a drive-through facility (not permitted). Variance of Development Standards to provide for a 300-square foot outdoor seating area for a restaurant (not permitted), with carry-out food and a drive-through within twenty feet of a protected district (minimum 100-foot separation required), provide for a dumpster enclosure with the open side facing the protected district to the east (not permitted), and to provide for seven-foot front landscape strips along Michigan Road (minimum ten-foot front landscape strips required), **approved**.

**2003DV2013**, variance of development standards of the Sign Regulations to provide for a second additional south façade upper-level individual-letter wall sign being 70.59 square foot in area, a second additional north façade upper-level individual-letter wall sign, being 70.59 square feet in area, and a second west façade upper-level individual wall sign, being 68.11 square feet in area (maximum one upper level building identification sign per façade, **denied**.

**94-HOV-127**, variance of development standards of the Sign Regulations Zoning Ordinance to provide for the relocation of a pole sign with pricing panels (price panels not permitted), being 3 feet from the new right-of-way of Kessler Boulevard and 5 feet from the new right-of-way of Michigan Road (minimum 15 feet required each), resulting from widening and other improvements to the Michigan Road and Kessler Boulevard intersection, **approved**.

### ZONING HISTORY – VICINITY

**2020DV2015 ; 5620 Michigan Road (southwest of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a two-foot side transitional yard, to provide for a drive-through lane less than 25 feet from a protected district, without a bypass lane and without adequate parking lot circulation (not permitted) and encroaching into the stream protection corridor (20-foot rear transitional yard and 100-foot stream protection corridor required), **denied**.

**2010DV3025 ; 5675 Michigan Road (north of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for the sale of alcohol within 25 feet of a D-2 zoned protected district (100-foot separation required), **withdrawn**.

**2008DV3021 ; 5620 Michigan Road (southwest of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Commercial Zoning Ordinance to: (a) provide for drive-through for a restaurant within approximately 60 feet of a protected district (not permitted), (b) with one stacking space after the final drive-through component (minimum two stacking spaces required), (c) without an exclusive bypass aisle to allow vehicles to bypass the stacking area (bypass aisle required), (d) legally establish a drive-aisle with a zero-foot front setback, without a front landscape strip along a portion of Michigan Road (minimum



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ten-foot front landscape strip required), (e) legally establish a parking space with a two-foot front setback, with a two-foot wide front landscape strip (minimum ten-foot front landscape strip required), and (f) legally establish an 18-foot wide, two-way drive aisle (minimum 24-foot wide, two-way drive aisle required), **approved.**

**94-HOV-18 ; 5675 Michigan Road (north of site)**, variance of development standards of the Sign Regulations Zoning Ordinance to provide for the placement of a 12 square foot ground sign (maximum 1 square foot allowed), **approved.**

**91-UV1-124 ; 5659 Michigan Road (south of site)**, variance of use of the Commercial Zoning Ordinance to permit the construction of an automatic car wash 175.0 feet from a residential zoning district (a 200.0 foot separation required), **approved.**

**91-UV3-95 ; 5620 Michigan Road (southwest of site)**, variance of use of the Commercial Zoning Ordinance to permit the continued operation of outdoor sales of seasonal produce, **approved.**

**86-Z-219 ; 5675 Michigan Road (north of site)**, rezoning of 1.3 acres from D-2 to the C-3 zoning classification for a 1-story restaurant and drive-through use, **approved.**

**84-HOV-94 ; 5659 N Michigan Road (south of site)**, variance of development standards of the Sign Regulations of Marion County to provide for a pole sign identifying both the gasoline and food sales, **approved.**

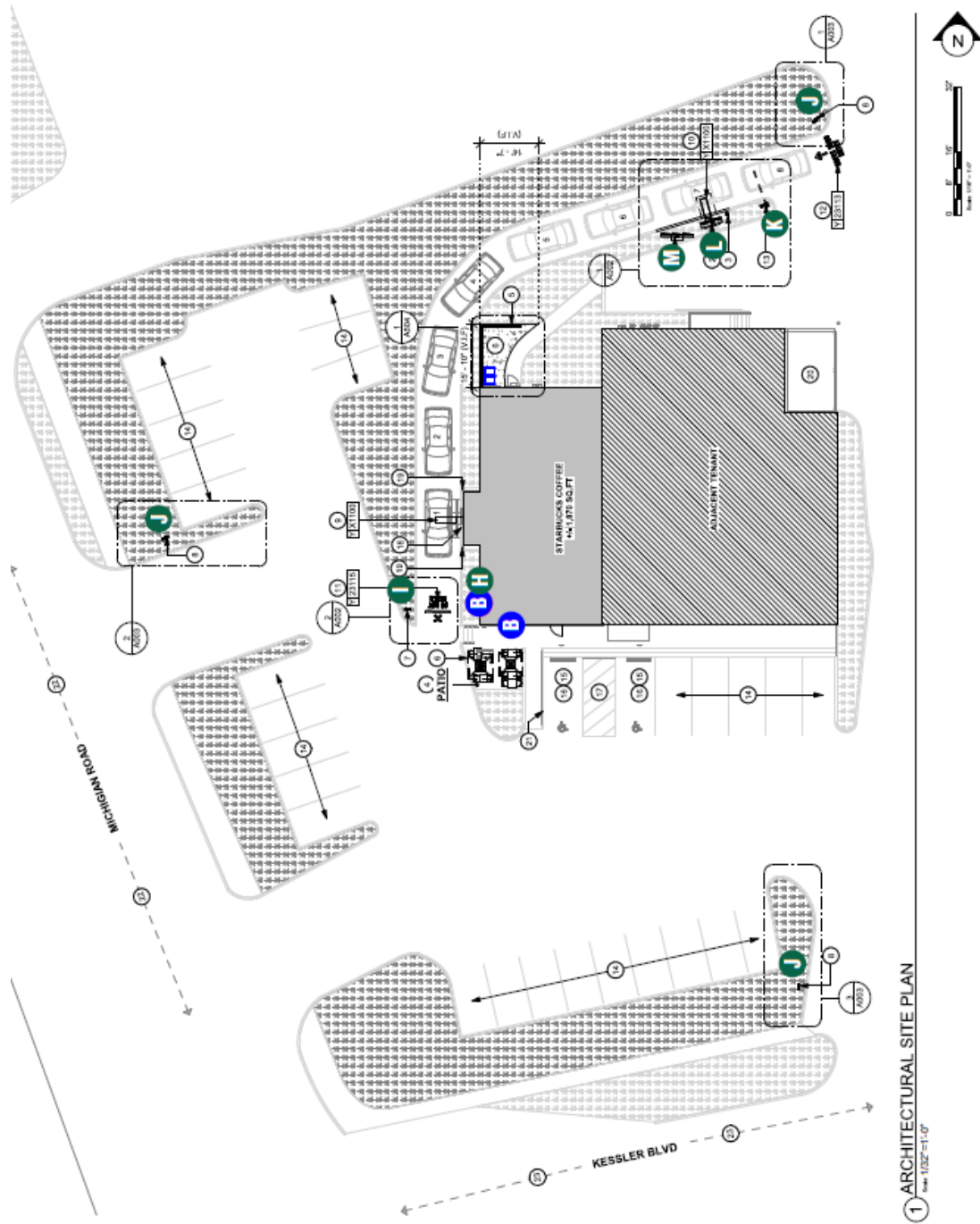
**84-Z-82 ; 5686 Michigan Road (west of site)**, rezoning of 1.83 acres from D-3 to the SU-2 zoning classification to allow for school uses, **approved.**

**EXHIBITS**

**2024DV2022 ; Aerial Map**



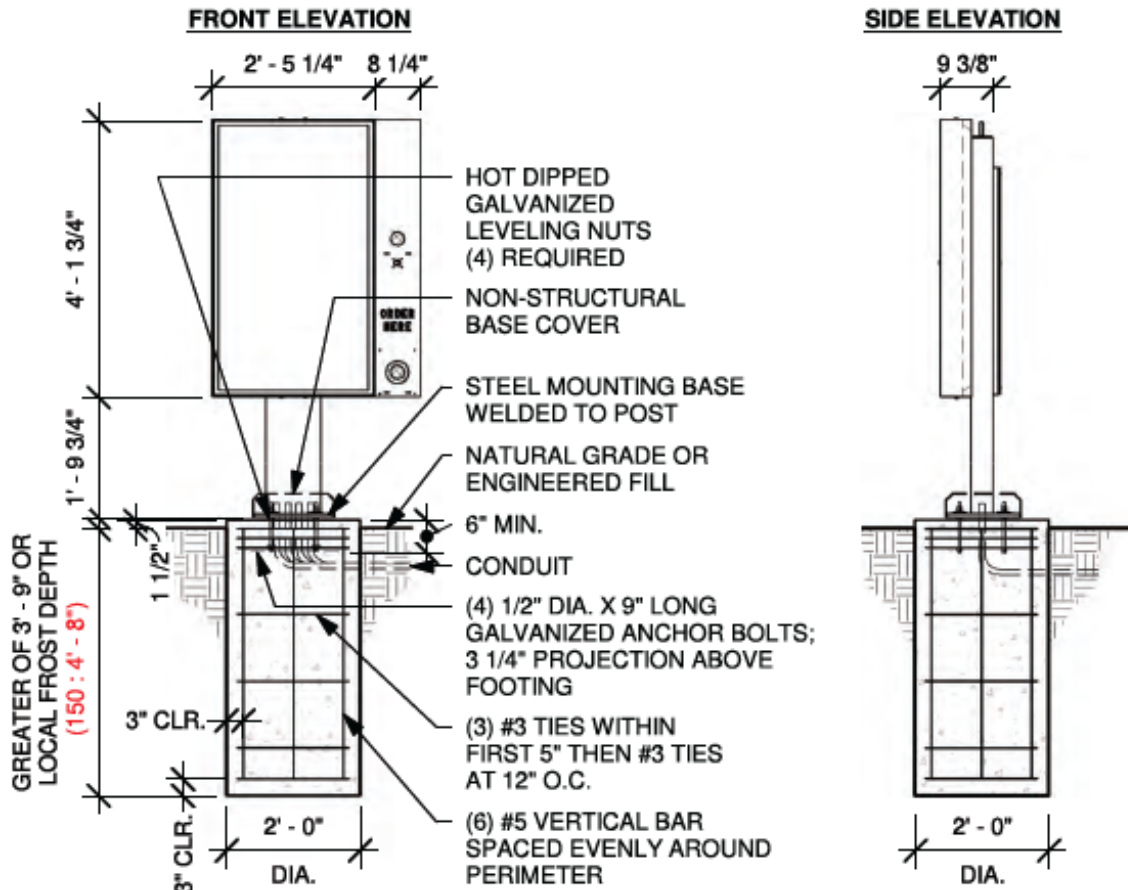
**2024DV2022 ; Site Plan**



**2024DV2022 ; Secondary Drive-Thru Sign (variance needed; Sign L on site plan)**

Qty. 1

**L**



**DT DIGITAL ORDER SCREEN POST GROUND FOOTING**

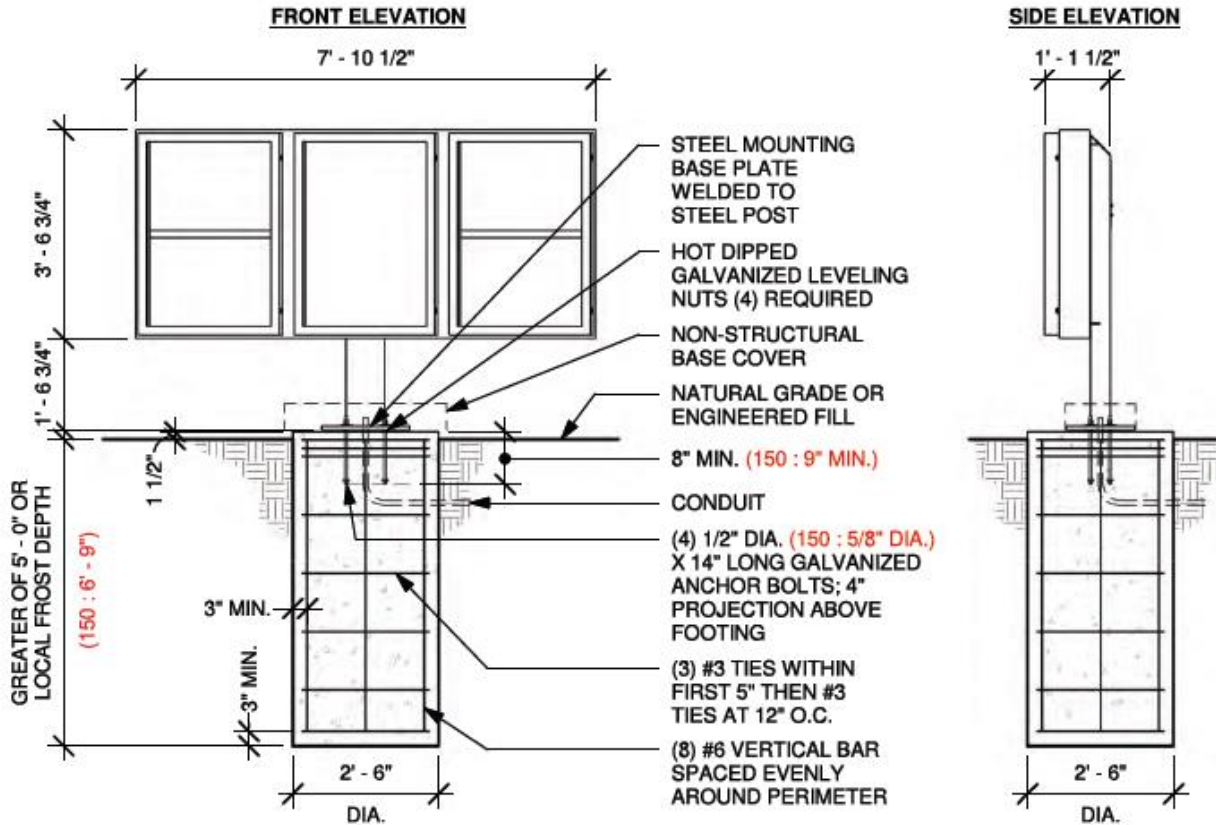
Scale: 3/8" = 1'-0"

**2024DV2022 ; Primary Drive-Thru Sign (allowed by-right; Sign M on site plan)**

Qty. 1



304# stainless steel





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**2024DV2022 ; Findings of Fact**

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

This sign is a digital order screen only. Long drive thru lines can cause traffic issues and potentially traffic incidents as well, within reason a digital order screen helps to raise efficiency in the drive thru process to help minimize these potential hazards making it a positive impact for the community.

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 digital order screen cannot be seen from the back of it and can only be seen by the customer ordering, therefor, signage will not affect the use and value of the areas adjacent to the property.

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

The digital order screen serves an important purpose as part of the drive thru process. It is imperative that customers in the drive thru are served as quickly and efficiently as possible to maximize business, ensure a positive customer experience and to prevent long drive thru lines. The digital order screen is also beneficial to customers that may have hearing impairments as they are able to see their order on the screen and correct any issues before it is prepared rather than relying solely on a speaker post. This maximizes business for Starbucks and provides a good customer experience for everyone.



2024DV2022 ; Photographs



Photo 1: Subject Site viewed from South



Photo 2: Subject Site viewed from West

**2024DV2022 ; Photographs (continued)**



Photo 3: End of Drive Lane viewed from North



Photo 4: Drive Lane viewed from West

**2024DV2022 ; Photographs (continued)**



Photo 5: Drive Lane viewed from Northwest



Photo 6: Beginning of Drive Lane viewed from East

**2024DV2022 ; Photographs (continued)**



Photo 7: Subject Property from North



Photo 8: Adjacent Property to North

**2024DV2022 ; Photographs (continued)**



Photo 9: Adjacent Screening to East



Photo 10: Adjacent Property to South



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-DV2-024

**Property Address:** 2415 & 2427 North Rural Street (approximate address)

**Location:** Center Township, Council District #8

**Petitioner:** Martindale Brightwood Community Development Corporation, by Susie Wilson

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of two lots, to build a duplex on each lot, resulting in lot widths of eight and 22 feet (60-foot lot widths required) and a total lot area of 4,065 square feet (7,200 square feet of lot area required), with each duplex providing four-foot north and south side yard setbacks (five feet required).

**Current Land Use:** Partially Constructed Two-Family Dwellings

**Staff Recommendations:** Staff recommends **approval** of the request.

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

**PETITION HISTORY**

This petition is scheduled for initial hearing on July 9, 2024, before Division II of the Board of Zoning Appeals.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request.

**PETITION OVERVIEW**

- The variance petition 2024DV2003 approved the construction of Two-Family Dwellings at 2415 and 2427 N Rural Street (the subject sites) with 30-foot wide lots, containing total lot areas of 4,065 square feet and parking pads with three-foot southern side yard setbacks. The site plans provided along with that variance application indicated compliant side setbacks of 5 feet and made no mention of subdivision of the lots.
- An application to replat these parcels for individual sale with lot widths of 22 feet and 8 feet is currently scheduled for hearing on July 10<sup>th</sup>, 2024, and the preliminary plat shows side setbacks of four feet. These deficient lot widths and setbacks were not included within the original grant of this variance, so a new petition including that variance has been filed to facilitate approval of 2024PLT028. All other development standards are met or previously addressed by 2024DV2003.



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- The Land Use Pattern Book recommends Traditional Neighborhood development. Specifically, Two-Family Dwellings are encouraged to be located on corner lots, or along a block, so long as they do not comprise greater than 25% of the primary buildings. While there are multi-family structures in the area, the request would represent the only two two-family dwellings along this portion of the 2400 block of North Rural Street. Therefore, the request would comply with the Land Use Pattern Book.
- The Infill Housing Guidelines is a component of the overall Marion County Comprehensive Plan that advises residential infill development, with particular regard to site configuration and aesthetic considerations. These guidelines specifically emphasis vicinity context regarding setbacks, building orientation, building spacing, massing, open space, and landscaping. After review of the filed site-plan, Staff has determined that the request complies with these guidelines and does not propose any deviation.
- Staff would note that this portion of Martindale Brightwood is bound by institutional uses to the west, including religious uses, a juvenile detention center and a court facility. Enterprise Park, an industrial integrated center, is also located directly to the southwest, and I-70 is located directly south. Staff believes this proximity to such uses establishes the immediate area as a transitional buffer, and that increased density would be appropriate.
- In addition, Staff believes this increased density advances the Livability Principles of the Ordinance, specifically to promote equitable, affordable housing through the introduction of four new dwelling units; and enhancing economic competitiveness by providing increased housing stock near employment centers. For these reasons, staff would have no objection to approval of the request to allow for subdivision of Lots 13 and 16 to allow for lot widths of 22 feet and 8 feet.
- Side setback requirements exist to maintain uniform and visually appealing spacing between houses while maintaining adequate space for maintenance. The side setback shown on the site plan from the initial variance was a compliant five feet, but the plat document shows a 4-foot separation. Staff feels that this would be a minor deviation from ordinance standards that would still allow room for maintenance and fireproofing without violating the basic tenets of the Infill Housing Guidelines and would recommend approval of the side setback request as well.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Partially Constructed Two-Family Dwellings	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Undeveloped Lots & Single-Family Dwellings
South:	D-5	South: Undeveloped Lots & Single-Family Dwellings
East:	D-5	East: Single-Family Dwellings
West:	D-5	West: Single-Family Dwellings
<b>Thoroughfare Plan</b>		
Rural Street	Local Street	60-feet existing and 48-feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 23, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	May 23, 2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Land Use 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.





**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**

- Two-Family Dwellings are encouraged to be located on corner lots, or along blocks where no more than 25% of the primary residential structures comprise of Two-Family Dwellings. Side setbacks should match the existing context of surrounding properties on the block.

**Indy Moves**

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

- Not Applicable to the Site



## ZONING HISTORY

### ZONING HISTORY – SITE

**2024DV2003**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling on each lot, both with 30-foot lot widths and lot areas of 4,065 square feet (minimum lot width of 60 feet and area of 7,200 square feet required), each with a parking pad with a three-foot south side yard setback (five-foot side yard setbacks required), **approved**.

### ZONING HISTORY – VICINITY

**2023DV3012 ; 2411 N Rural Street (south of site)**, (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 30-foot-wide lot with an area of 4,050 square feet (minimum 60-foot lot width, minimum 7,200 square foot lot area), with an eight-foot lot width for proposed plat of Lot 17A and a 22-foot lot width for proposed plat of Lot 17B, **approved**.

**EXHIBITS**

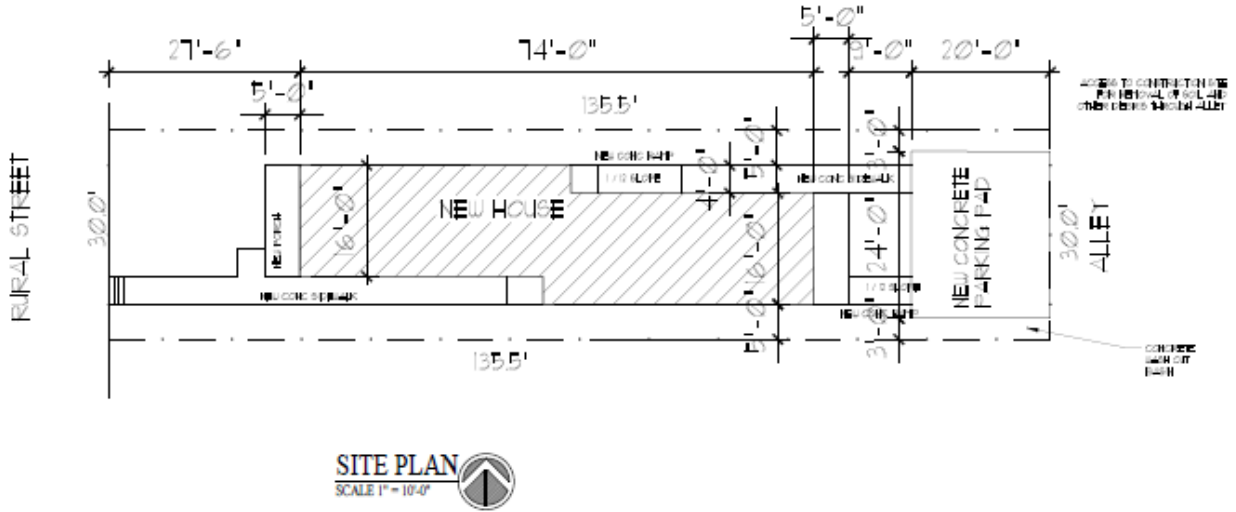
**2024DV2024 ; Aerial Map**



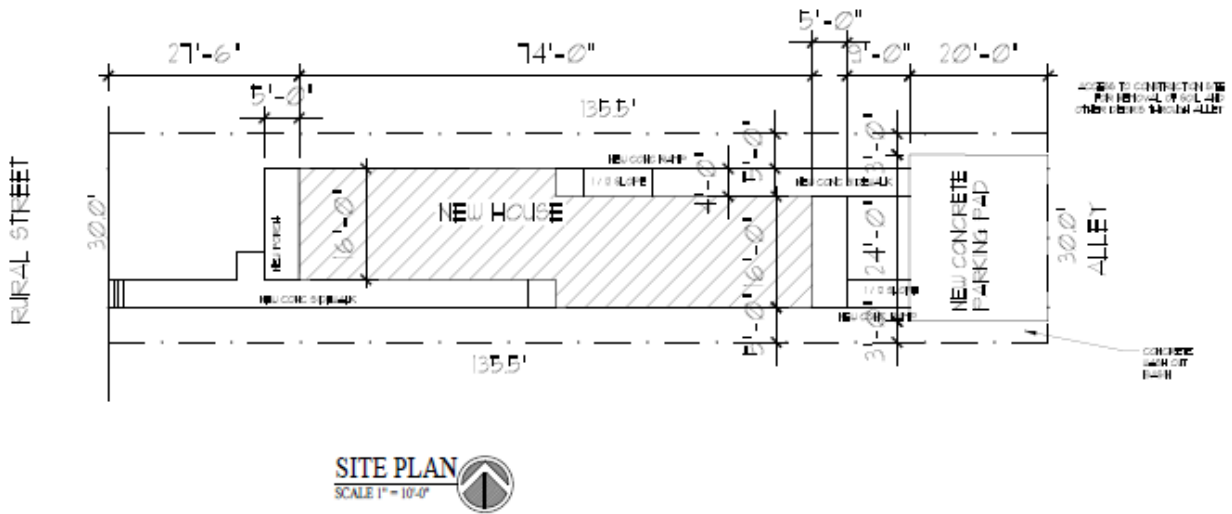


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**2024DV2024 ; Site Plan 2415 N Rural**



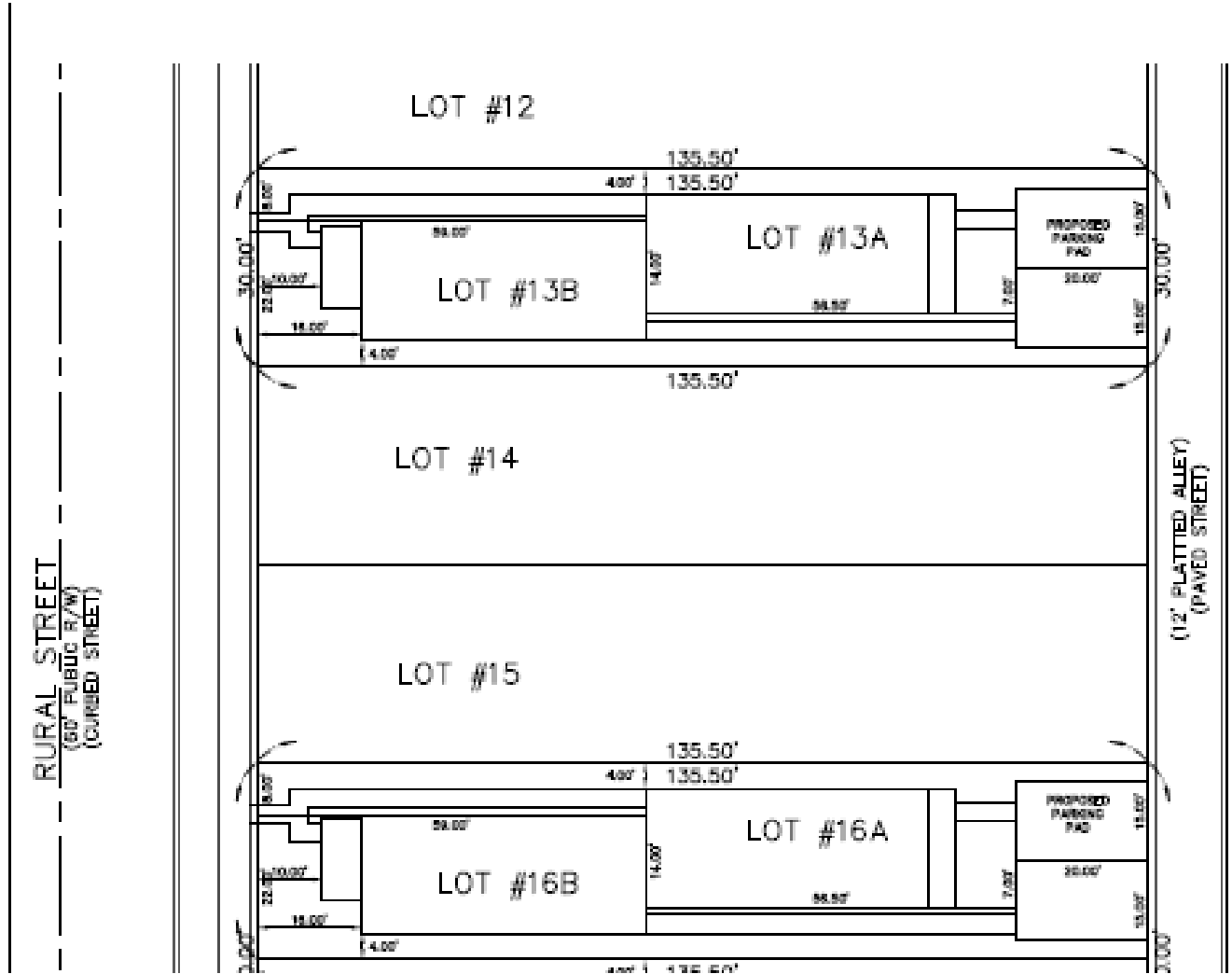
**2024DV2024 ; Site Plan 2427 N Rural**





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2024DV2024 ; Proposed Plat with 22-foot and 8-foot Widths





**2024DV2024 ; Findings of Fact**

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

Proposed plans for development on this site would not be injurious to any property adjacent. The request for 2 family dwellings would benefit and provide a new overall facade to the existing area.

Empty lines for additional text.

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 petition is within the single family dwelling development plan for the area. Petitioning for this approval will give access to provide affordable housing for residents within the community.

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

This project was approved and issued permits to begin construction and has such begun construction of these dwellings. Plan review for additional projects, the matter was brought to attention of the development requirements for the parcel and as such, the petition is necessary to obtain proper approval to continue with completion of these parcels.

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**2024DV2024 ; Photographs**



Photo 1: 2415/2417 N Rural Viewed from Across Street to West



Photo 2: 2415/2417 N Rural Viewed from West

**2024DV2024 ; Photographs (continued)**



Photo 3: 2427/2429 N Rural Viewed from Across Street to West



Photo 4: 2427/2429 N Rural Viewed from West



**2024DV2024 ; Photographs (continued)**



Photo 5: Both Structures Viewed from West



Photo 6: Existing Community Garden Site Between Structures



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024DV2019 (Amended)

**Property Address:** 6176 Carrollton Avenue (approximate address)

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

**Petitioner:** JLILY LLC, by Ted Darnall

**Current Zoning:** D-5 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and attached carport with a 3-foot southern side yard setback (five-feet required).

**Current Land Use:** Residential

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

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

**PETITION HISTORY**

**7-9 Addendum:** This petition received an indecisive 2-1 vote at the Division II hearing on June 11, 2024. It was then automatically continued to the July 9, 2024 hearing. Staff has no additional comment beyond emphasizing that existing street parking would also be a route to ordinance compliance without the need for a variance.

**6-11 Addendum:** This petition was scheduled for initial hearing on May 21, 2024. The scope of the petition was altered by the petitioner to remove requests for northern side and rear setbacks but also to ask for a narrower southern side yard setback (original request was for 3.5'). In order to allow time for adequate notice to be sent, this case was continued by petitioner request to the June 11, 2024 hearing.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this request.

**PETITION OVERVIEW**

- The subject site is a 4900 square-foot lot that is currently being developed with a new single-family residence. The property is in Broad Ripple and both it and adjacent neighbors are zoned D-5 for residential uses. It is to the east of College Avenue which houses a mix of commercial uses zoned C-1/MU-2 and commercial uses within D-5 zoning legalized by use variances.



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- The previous home at this property was demolished and permits for new residential development were issued in 2023 indicating side setbacks of 5 feet and a rear setback of 20 feet. Construction is underway, and along with the variance application an updated site plan was provided to Current Planning staff in April showing a carport with a width of 11 feet (previous had shown 8 feet) as well as non-compliant setbacks of 3.5 feet for the side yards and 15.3 feet for the rear yard. Upon additional surveying of the site in May, it was ascertained that the compliant northern and western side and rear setbacks shown on the original permit plans were accurate and the only variance needed would be a 3-foot southern side setback to allow for carport construction.
- The site was not the subject of any enforcement action or violation: the variance request was made by the applicant to allow for a carport with a width of 10 feet instead of 8 feet based on their claim that a carport width of 8 feet would not allow for car doors to be opened. Grant of this variance would legalize the house currently under construction with deficient side and rear setbacks. The most recent site plan provide in May also shows placement of two frontage trees which meets ordinance requirements for landscaping.
- This property is zoned D-5 to allow for medium and large-lot housing formats (primarily detached houses) within walkable neighborhoods. It is also under the jurisdiction of several components of the Comprehensive Plan: additional recommendations from the Red Line TOD Strategic Plan, Envision Broad Ripple Plan, and Infill Housing Guidelines can be found below that broadly contemplate walkable residential development with side setbacks that reflect the existing context. The TOD Plan indicates that surface parking should be discouraged in favor of garages (the exposed parking space below the carport would fall into the former category).
- The Indianapolis Zoning Ordinance provides regulation on setbacks to ensure adequate separations between buildings on adjacent properties and to shape an appropriate relationship between private development and public streetways. Approval of a variance allowing deviance from these standards would need to be based on the existence of a site-specific practical difficulty that wouldn't feasibly allow for development of the parcel without grant of variances. The site plan previously approved for permits clearly shows a workable version of site development that meets setback requirements, and placement of a surface parking space without carport cover would also be allowed in the southern yard without the need for variance. Therefore, staff does not feel that a legitimate practical difficulty exists and would recommend denial of the request.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	8 – 15 Residential Units per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: 8-15 Res Units per Acre
	South:	South: 5-8 Res Units per Acre
	East:	East: 5-8 Res Units per Acre
	West:	West: 8-15 Res Units per Acre
<b>Thoroughfare Plan</b>		
Carrollton Avenue	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	04/05/2024	
<b>Site Plan (Amended)</b>	05/03/2024	
<b>Elevations</b>	05/03/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	04/05/2024	
<b>Findings of Fact (Amended)</b>	05/03/2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Red Line TOD Strategic Plan
- Envision Broad Ripple Plan
- Infill Housing Guidelines

**Pattern Book / Land Use Plan**

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



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

- The Red Line TOD Strategic Plan recommends this site to the Walkable Neighborhood typology. This typology encourages walkable areas that are primarily residential (small lot single-family attached or detached) but may have a commercial node of one to two city blocks. The Plan indicates that off-street parking is discouraged and should be limited to garages.

### Neighborhood / Area Specific Plan

- The Envision Broad Ripple Plan indicates that this site should be developed for residential purposes with 8-15 units per acre. It is also designated as being within Critical Area 4 due to its proximity to the College Avenue commercial corridor. Residential development within Critical Area 4 should avoid placement of parking within front yards and should maintain the setbacks, height, style, material, and massing of existing residential structures.

### Infill Housing Guidelines

- The Infill Housing Guidelines indicate that side setbacks should reflect and reinforce the character and spacing already existing on the block while allowing adequate room for maintenance and limiting uncharacteristically large gaps between houses.

### 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

**2019UV2004 ; 6173 N College Avenue (west of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a law office (not permitted), with deficient off-street parking (three parking spaces required), **approved**.

**2018UV2018 ; 6173 N College Avenue (west of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a hair and nail salon (not permitted) in an existing building, **withdrawn**.

**2016UV2012 ; 6161 N College Avenue (southwest of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance, to provide for a law office (not permitted), **approved**.

**2015UV1010 ; 6181 Carrollton Avenue (northeast of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for office uses (not permitted), **approved**.

**2012UV1005 ; 6161 N College Avenue (southwest of site)**, Variance of use and development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a massage and skin care studio (not permitted), with a four-foot tall, 28-square foot freestanding sign (not permitted), **approved**.

**2011UV2012 ; 6177 N College Avenue (northwest of site)**, Variance of use of the Commercial Zoning Ordinance to provide for carryout food service and catering business (not permitted), **approved**.

**2009UV1041 ; 6169 N College Avenue (southwest of site)**, Variance of use of the Commercial Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a spa offering beauty and esthetic, including make-up, facials, manicures, pedicures, therapeutic massage, hair styling, hair removal and the retail sale of beauty and health products (not permitted) and to provide for a three-foot tall, 14.01-square foot free-standing sign (not permitted), with a 10.67-foot front setback (15-foot front setback required), and with off-street parking provided, **approved**.

**2001DV3016 ; 6170 Carrollton Avenue (south of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576 square foot detached garage, with a one-foot side yard setback (minimum four-foot side yard setback required), **approved**.

**85-Z-194 ; 6177 N College Avenue (northwest of site)**, rezoning of 0.13 acres from D-5 to C-1 to provide for office uses, **approved**.

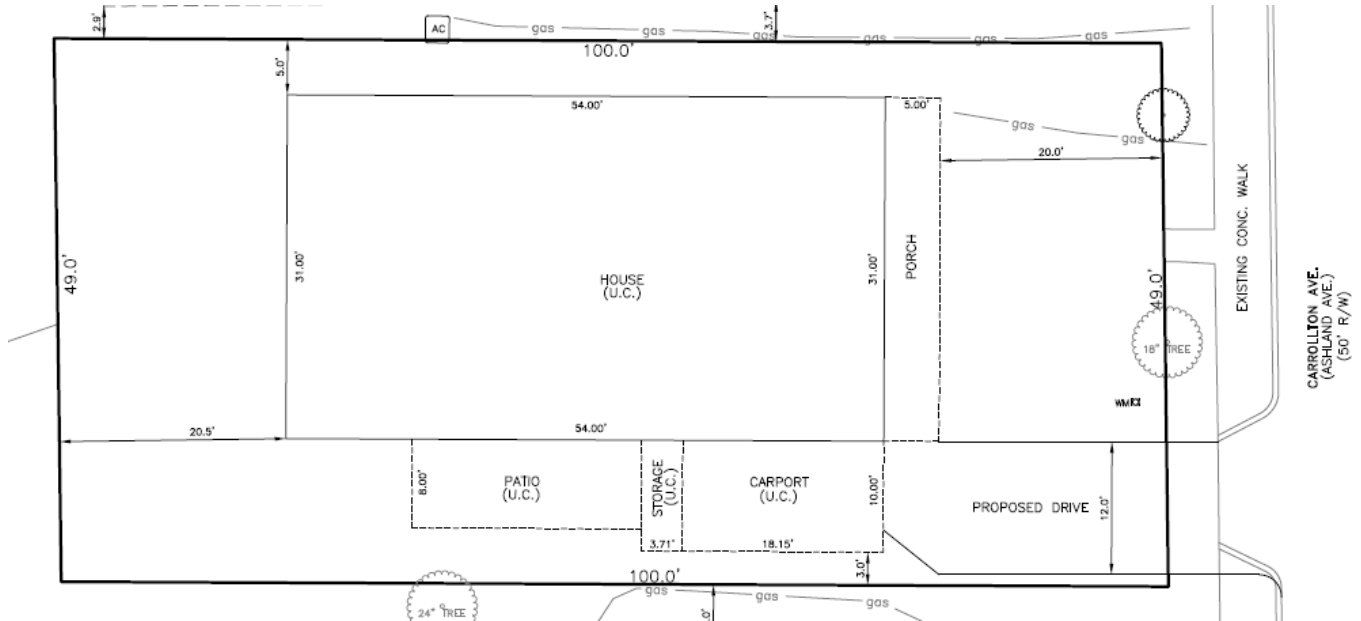
**EXHIBITS**

**2024DV2019 ; Aerial Map**





**2024DV2019 ; Site Plan**



**2024DV2019 ; Findings of Fact**

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

Proposed residence is replacing an existing residence that has existed on this site for decades. No additional burden will be placed on the existing infrastruce (roads, sewer & water systems). The existing drive accessing Carrollton avenue will be re-utilized with the curb cut location remaining the same.

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 use of the property will not change from it's current use of single family residential. The new residence constructed in place of the former residence will enhance surrounding property values. The existing home to the north is setback 3.7 feet from the lot line. The detached garage previously located on the subject property was setback 1.9 feet from the lot line. The existing home to the south is setback 6.0 feet from the lot line.

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

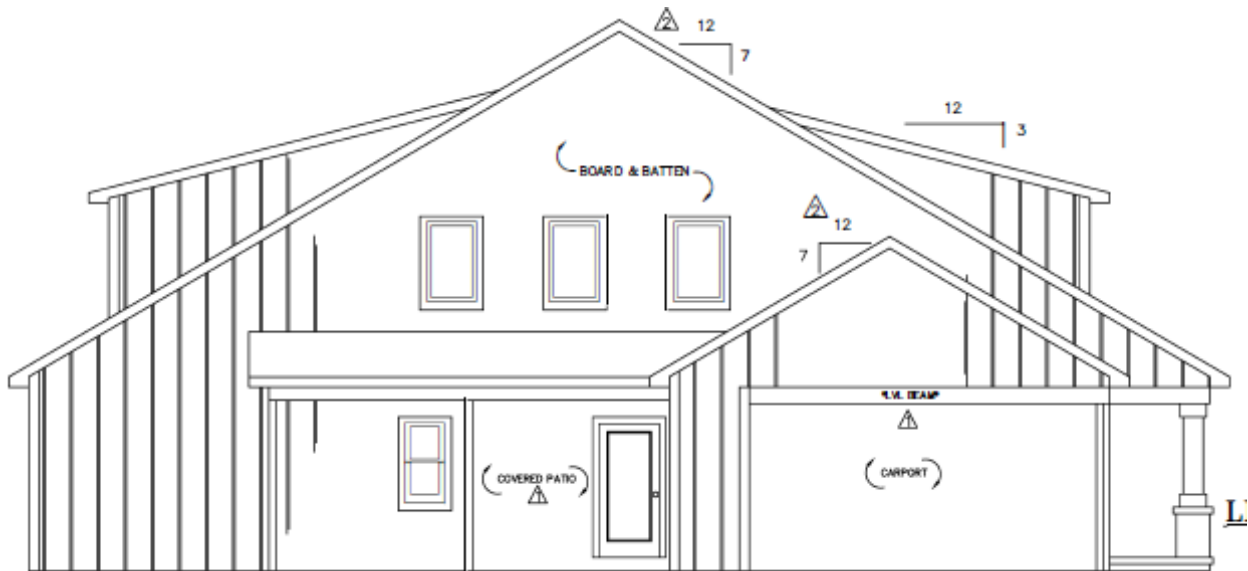
The proposed home was designed to include an attached carport, which will provide off-street parking. The minimum useable width of a carport is 10 feet, which allows the car doors to be opened. With the internal floor plan of the house having modern sized rooms and hallways it necessitates the need for proposed 3.0 foot side setback, making it practically difficult to meet the required 5 foot setback.



**2024DV2019 ; Front (Eastern) Elevation**



**2024DV2019 ; Left Side (Southern) Elevation**



**2024DV2019 ; Photographs**



Photo 1: Subject Site from East (Carrollton Ave)



Photo 2: Southern Carport and Setback

**2024DV2019 ; Photographs (continued)**



Photo 3: Northern Setback from Adjacent Property



Photo 4: Adjacent Property to East



**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-DV2-015

**Property Address:** 2366 Winthrop Avenue (approximate address)

**Location:** Center Township, Council District #8

**Petitioner:** Angela and Kendrick Davis, by Sharmin Frye

**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a 35-foot tall, three-story single-family dwelling (maximum 2.5-story dwelling permitted).

**Current Land Use:** Vacant

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

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

**PETITION HISTORY**

**ADDENDUM FOR JULY 9, 2024 BZA DIVISION II HEARING**

- This petition was continued to the July 9, 2024 BZA Division II hearing to allow for additional review.
- The petitioner is requesting an additional continuance to the August 13, 2024 BZA Division II hearing to allow for changes to the proposed site plan, which would be without additional notice unless new variances are requested.



**BOARD OF ZONING APPEALS DIVISION II**

**July 9, 2024**

**Case Number:** 2024-DV2-016

**Property Address:** 921 East 24<sup>th</sup> Street (approximate address)

**Location:** Center Township, Council District #8

**Petitioner:** Angela Davis, by Sharmin Frye

**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 34-foot tall, three-story single-family dwelling (maximum 2.5-story dwelling permitted), with a three-foot west side yard setback (five feet required) and a front-loaded garage (prohibited along terrace frontages) resulting in an open space of 24 percent (40 percent required).

**Current Land Use:** Vacant

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

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

**PETITION HISTORY**

**ADDENDUM FOR JULY 9, 2024 BZA DIVISION II HEARING**

- This petition was continued to the July 9, 2024 BZA Division II hearing to allow for additional review.
- The petitioner is requesting an additional continuance to the August 13, 2024 BZA Division II hearing to allow for changes to the proposed site plan, which would be without additional notice unless new variances are requested.



**BOARD OF ZONING APPEALS DIVISION II**

**July 9, 2024**

**Case Number:** 2024-DV-2021

**Property Address:** 5797 Sunset Lane, Town of Crow’s Nest (approximate address)

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

**Petitioner:** David & Victoria Schneider Temple, by Misha Rabinowitch

**Current Zoning:** D-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 50-foot front yard setback from Sunset Lane (93-foot required) and a 135-foot wide driveway within the front yard (30-foot width permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff **recommends approval** of the 135-foot driveway, but **recommends denial** of the 50-foot front yard setback

- Staff would recommend approval of an 83-foot front yard setback

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

**PETITION HISTORY**

**ADDENDUM FOR JULY 9, 2024 BZA DIVISION II HEARING**

- This petition was automatically continued by a known remonstrator from the June 11, 2024 BZA Division II hearing to the July 9, 2024 BZA Division II hearing.

**STAFF RECOMMENDATION**

- Staff **recommends approval** of the 135-foot driveway, but **recommends denial** of the 50-foot front yard setback
  - Staff would recommend approval of an 83-foot front yard setback

**PETITION OVERVIEW**

- This petition would provide for the construction of a single-family dwelling with a 50-foot front yard setback from Sunset Lane (93-feet required) and a 135-foot wide driveway within the front yard (30-foot width permitted).
- Staff would note that the required front setback figure listed on the public legal notice was mistakenly listed as 107.5 feet. Upon further review by Staff, it has been determined that, per available surveys and Staff calculation, the correct front setback standard is 93 feet. This was calculated by measuring the existing front setback of the two houses adjacent to the subject site, being at 5791 and 5799



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Sunset Lane. The residence at 5791 sits at approximately 102.5 feet from the front property line, and 5799 sits 83.5 feet from the property line, for an average of 93 feet.

- The existing house on site was built after obtaining permits from the Department of Business and Neighborhood Services. These permits were issued mistakenly, as it was later determined that the proposal need variances of development standards for the front setback and the driveway width.
- The site is of an unconventional shape, and also contains a substantial amount of topographic change at the middle and rear portions of the lot. The shape of the lot, as well as the topography present on site do represent a degree of practical difficulty with regards to meeting the front setback standard of 93 feet, as the size of feasible buildable area on the lot becomes greatly reduced. Staff acknowledges that meeting the 93-foot front setback standard would be very difficult given the nature of the site. However, Staff also finds the change in character from the surrounding context that the existing front setback of 50-feet creates to be noteworthy and not without a degree of aesthetic impact. With most of the houses sitting 100 or more feet from the right-of-way on Sunset Lane, this variance request does represent a significant deviation from the normal pattern of development.
- Given these points, Staff recommends denial of the 50-foot front setback, but would be supportive of a variance request of approximately 83-feet, which Staff believes represents a reasonable middle ground that would allow for development that minimizes difficulty with regard to the topography and shape of the lot, but would also be more in line with the development pattern of the adjacent residences.
- With regards to the driveway width, Staff finds this request to be reasonable in nature, being that there are numerous other residences on Sunset Lane with horseshoe-style driveways that are as wide or wider than 135 feet. Likewise, with Sunset Lane disallowing all on-street parking, there would be no reduction of available on-street parking spaces as a result of the approval of the proposed driveway, meaning there would be no substantial impact of a driveway of this style at this location. Therefore, Staff is unopposed to the request for increased driveway width.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-S	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Single-family residential
	South:	South: Single-family residential
	East:	East: Single-family residential
	West:	West: Single-family residential
<b>Thoroughfare Plan</b>		
Sunset Lane	Local Street	40 feet of right-of-way existing and 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/16/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	5/30/24	
<b>Findings of Fact</b>	5/8/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

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





- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- With regards to front setbacks and new housing, the Infill Housing Guidelines document recommends:
  - When setbacks are different, build in the setback range
  - Be sensitive to street context
  - Be coordinated, but not matching

**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

**2008DV1057; 5763 Sunset Lane (south of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for a 3,106-square foot pool house, an 832-square foot detached garage, a 4,790-square foot pool and pool terrace and a 1,600-square foot accessory parking area, resulting in an accessory building area of 4,816 square feet or 129.81 percent of the main floor area of the primary dwelling (maximum 2,782.5 square feet or 75 percent of the main floor area of the primary structure permitted), and resulting in an accessory use area of 11,861 square feet or 159.38 percent of the total living area of the primary structure (maximum 7,442 square feet or 99.99 percent of the total living area of the primary structure permitted), having an additional eight space surface parking lot, **approved**.

**96-V2-50; 5858 Sunset Lane and 521 Kessler Boulevard West Drive (north of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family residence being 38 feet in height (maximum 35 feet in height permitted), **approved**.

**89-UV1-20; 5801 Sunset Lane (north of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for a temporary Decorator's Show House with two temporary advertising signs, **approved**.

**EXHIBITS**







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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 home is located 50 ft. from the edge of the right-of-way of Sunset Lane in a location that is only 8 ft. in front of where the home previously on the site was located and 31 ft. 6 in. behind the tennis court and improvements (including 10 ft. fence) located on the adjacent property to the north. The home is well designed to fit in context with the neighborhood, represents a substantial improvement from the home previously on the site that was deteriorating, in poor condition, and vacant for 14 years, and appropriate landscaping will be installed as screening to adjacent properties. Ordinance required side yard setbacks have been maintained. Granting the variance will permit preservation of the historically significant landscape features in the rear of the property designed by well-known landscape architect Frits Loonsten approximately 50 years ago.

- 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 home is located 50 ft. from the edge of the right-of-way of Sunset Lane in a location that is only 8 ft. in front of where the home previously on the site was located and 31 ft. 6 in. behind the tennis court and improvements (including 10 ft. fence) located on the adjacent property to the north. The home is well designed to fit in context with the neighborhood, represents a substantial improvement from the home previously on the site that was deteriorating, in poor condition, and vacant for 14 years, and appropriate landscaping will be installed as screening to adjacent properties. Ordinance required side yard setbacks have been maintained. Granting the variance will permit preservation of the historically significant landscape features in the rear of the property designed by well-known landscape architect Frits Loonsten approximately 50 years ago.

- 3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

the lot is unusually configured in that there is adequate width at the Sunset Lane right-of-way, then the lot narrows significantly to the east, while at the same time the topography slopes considerably, making the lot virtually undevelopable if a 95 ft. setback is required. The previous home on the site was setback 58 ft. from the Sunset Lane right-of-way. The 95' setback would be located behind the rear of the home previously located on the site and would be well below the top grade elevation of the front of the previous home, which further establishes practical difficulty in complying with the ordinance. Also, taking into account the tennis court and improvements located on the adjacent property to the north, which are 18 ft.



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6 in. from the Sunset Lane right-of-way, the average front setback of the adjacent properties is 50 ft., consistent with what is being proposed. Requiring a 95 ft. setback would substantially interfere with the intricate and historically significant landscape features designed by well-known landscape architect Frits Loonsten approximately 50 years ago.

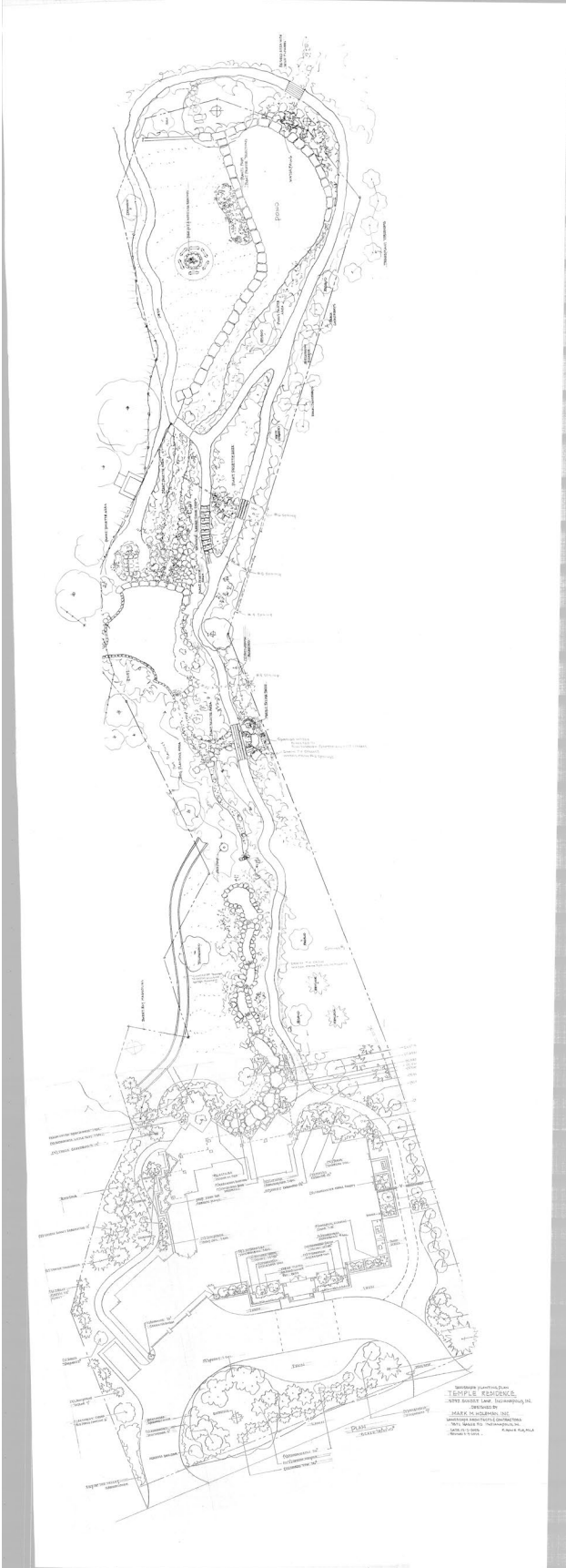
**DECISION**

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** **July 9, 2024**

**Case Number:** 2024-UV2-008  
**Address:** 6135 Furnas Road (approximate address)  
**Location:** Decatur Township, Council District #21  
**Zoning:** D-A  
**Petitioner:** Eduardo E Guzman & Nydia Botero  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping contractor, including the storage of nine commercial vehicles and the placement of a commercial shipping container (not permitted) with a 12-foot west side yard setback (15-feet required) and a 50-foot wide parking area within the front yard (30-foot width permitted).

**Current Land Use:** Single Family Dwelling

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

**PETITION HISTORY**

This petition was previously automatically continued at the request of a registered neighborhood organization, from the June 11, 2024, hearing, to the July 9, 2024, hearing.

**STAFF RECOMMENDATION**

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

1. The variance grant shall be subject to the plan of operation, file dated May 16, 2024.
2. The variance grant shall be subject to substantial compliance with the site plan, file-dated March 19, 2024.

**PETITION OVERVIEW**

- ◇ The request would provide for the operation of a landscaping contractor, including the storage of nine commercial vehicles and the placement of a commercial shipping container with a 12-foot west side yard setback and a 50-foot wide parking area within the front yard.
- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling

- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site. The proposed use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.
- ◇ The proposed use, being a landscaping contractor, with the number of vehicles and equipment limited by the plan of operation, would be similar to agricultural operations that are permitted in the D-A District. Therefore, the request would be a minor deviation from the Ordinance, and the impact would not be an increase in intensity in Staff’s opinion
- ◇ To limit the intensity of the proposed use, staff is recommending approval subject to the site plan, file dated March 19, 2024, and the plan of operation file dated May 16, 2024. Limiting the proposed use to these commitments prevents future expansions and increases in intensity without proper vetting through the public hearing process.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single Family Dwellings	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-A	North: Single-family dwellings
	South: D-A	South: Undeveloped
	East: D-A	East: Undeveloped
	West: D-A	West: Undeveloped
<b>Thoroughfare Plan</b>		
Furnas Road	Local Street	40-foot existing right-of-way and 50-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Plan of Operation</b>	May 16, 2024	
<b>Site Plan</b>	March 19, 2024	
<b>Commitments</b>	Proposed	
<b>Findings of Fact</b>	March 19, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood uses.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Suburban typology for this site. This 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**

2007-LNU-026; 6120 Furnas Road (north of site), requested a certificate to legally establish a front yard fence height exceeding forty-two (42) inches, granted.

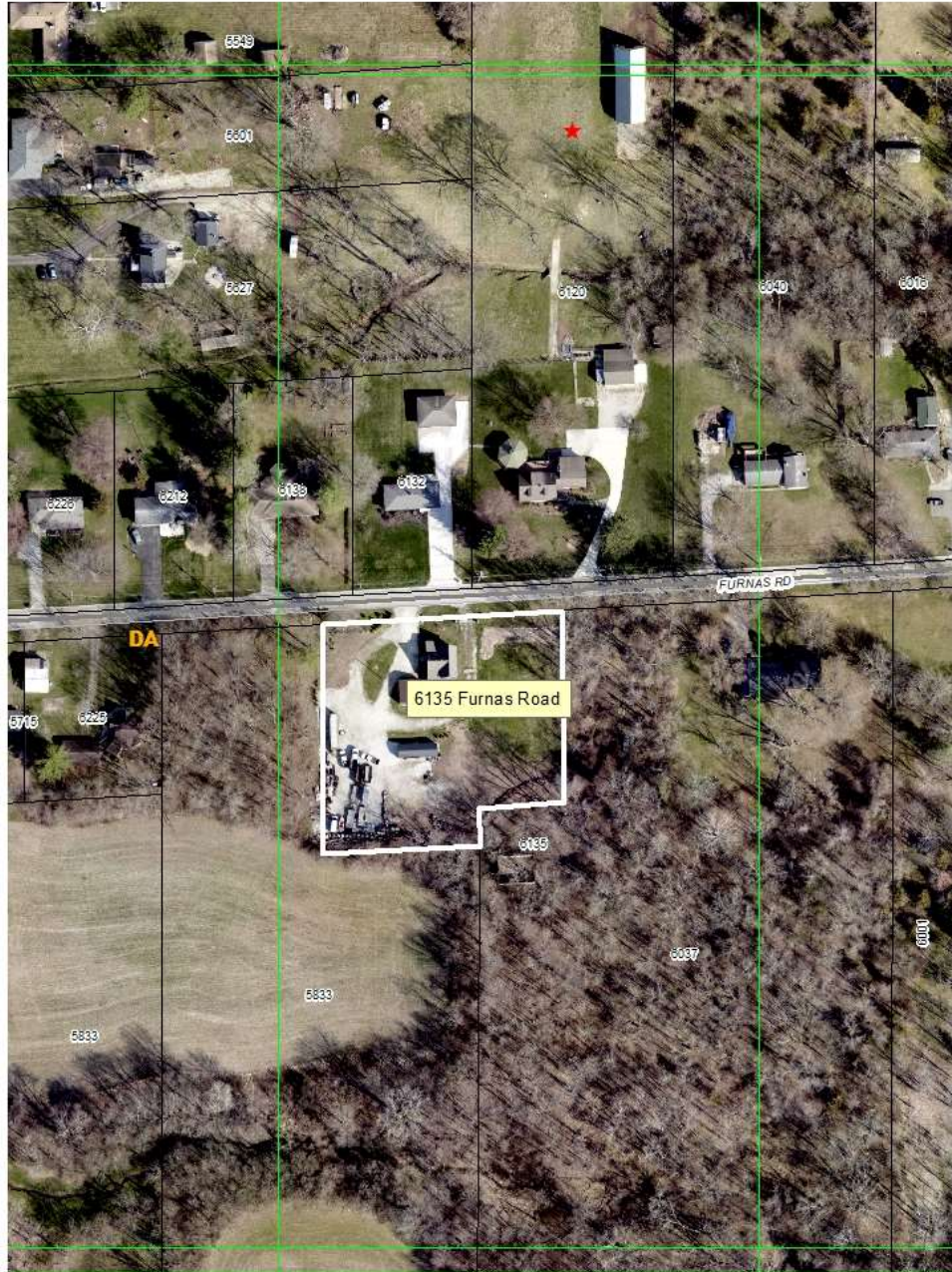
**2006-DV3-056; 5801 Wheelhorse Drive (east of site)**, requested a variance of development standards to legally establish a six-foot tall fence in the required front yard, **denied**.

RU

\*\*\*\*\*

**EXHIBITS**

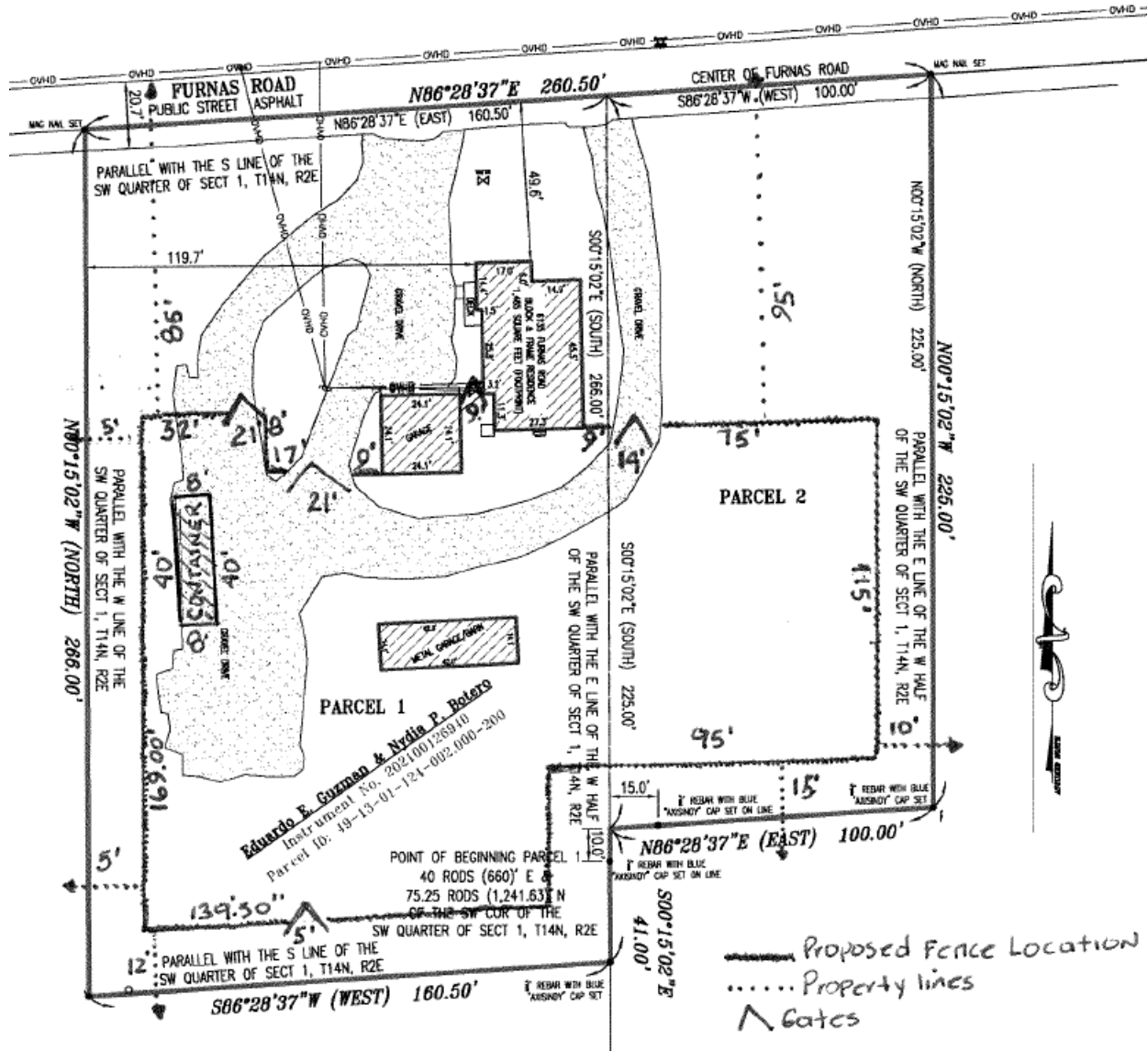
Location Map







**Site Plan - file dated March 19, 2024**



**Plan Of Operation – file dated May 16, 2024**

**E.G. Gardens Maintenance Services-Plan of Operations.**

As responsible members of the community, we understand the importance of adhering to local regulations and obtaining proper permits for conducting business activities.

**Business Details:**

**Business Name:** E.G. Gardens Maintenance Services

**Owners:** Eduardo Guzman and Nydia Botero

**Address:** 6135 Furnas Road, Indianapolis, IN 462

**Services Offered:**

**Planting and Garden Maintenance:** Installation of trees, shrubs, flowers, and ongoing care such as mulching, pruning, watering, and seasonal planting.

**Hardscaping:** Design and installation of patios, walkways, retaining walls, and outdoor living spaces to enhance property functionality and beauty.

**Seasonal Cleanup:** Leaf removal, snow plowing, and seasonal transitions to ensure landscapes are well-maintained year-round.

**Days and Hours of Operation:**

**Days:** Monday to Saturday.

**Hours:** 8:00 AM to 6:00 PM (Extended hours during peak seasons may apply)

**Emergency Services:** Available upon request outside regular hours for urgent landscaping needs.

**Maximum Number of Employees:**

**Regular Crew:** Up to 3 employees.

**Morning Routine:**

**Arrival and Briefing:** Team members arrive at 6135 Furnas Rd location park their cars in the back of the property.

**Equipment Check:** Ensure all landscaping equipment, tools, and vehicles are in good working condition and fully stocked with necessary supplies.

**Travel to Job Sites:** Crews travel to scheduled job sites with equipment and materials.

**Duration:** 30-45 mins maximum

**End-of-Day Routine:**

**Cleanup:** 1 employee stays to clean and organize work areas, load equipment onto trucks and storage equipment.

**Site Cleanup:** Ensure work areas are tidy, tools are cleaned and stored properly.

Duration: 15 mins

**Commercial Vehicles:** (2) dump pick-up trucks; (2) Corn pro. Trailers 16'x84"x54" ; (1) corn pro trailer 16'x84"x96", (1) Blazer enclosed trailer 21'x84"x24", (1) corn pro utility trailer 25'x96"x36", (1) corn pro utility trailer 20'x84"x36", (1) PJ dump trailer for transportation of equipment, materials, and waste.

**Work Vehicles:** (3) pickup trucks and (1) cargo van for on-site work, deliveries, and client consultations.

**Equipment:** Commercial-grade mowers, trimmers, blowers, skid steers, and hand tools for landscaping operations.

**Equipment Storage:** Secure storage of landscaping equipment and tools on-site to facilitate daily operations. Equipment is storage in the garage, the barn, and the shipping container which eventually will be converted into a shed.

**Minimal Traffic Impact:** Clients will communicate via phone, email, or scheduled appointments at their property. Our landscape business is categorized as a BUSINESS, CONTRACTOR - A business engaged in the provision of a service OFF premises. The business, functioning as a contractor, offers specific services that are delivered outside of its own physical location. Instead of customers coming to a fixed business location, the contractor engages with clients or customers at their respective sites.

**Noise and Environmental Impact:** Implementing quiet operation practices during early morning and evening hours to respect the peace of the neighborhood.

**Legal and Regulatory Compliance:**

**Business structure:** Registered as an INCORPORATED business for liability protection and tax advantages.

**Liability Insurance:** Maintaining comprehensive liability insurance coverage to protect against potential risks associated with business operations.

**Beautification:** Contributing to the aesthetic appeal and upkeep of residential properties in the neighborhood.

We are asking the board to keep in mind that this property is ongoing efforts to transition into our primary residence. Our recent focus has been on the crucial cleanup stage, which marks a significant step towards realizing our goal. Our priority during the cleanup stage has been to address safety hazards, ensure basic utilities were functional, and create a clean environment.

We are committed to operating our landscaping business in a responsible and compliant manner, taking into consideration the well-being of neighbors and the environment. We kindly request your review and approval of our and appreciate your attention to this matter.

Thank you for your time and consideration. Please let us know if there are any additional requirements or information needed to facilitate this request.

Sincerely,

Eduardo Guzman & Nydia Botero



**Findings of Fact**

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

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division II \_\_\_\_\_  
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 grant, has undergone through assessment and scrutiny to ensure that all proposed activities comply with relevant regulations, adhere to ethical standards, and contribute positively to the well-being of the community. Additionally, measures are in place to mitigate any potential negative impacts and to maximize the positive outcomes for all stakeholders involved.

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

The proposed variance has been carefully evaluated to ensure that it does not significantly diminish the use and value of the surrounding area. Comprehensive considerations are in place to assess potential impacts, and measures are in place to mitigate any adverse effects on neighboring properties. Additionally, the variance aims to enhance the overall quality and functionality of the area, contributing positively to its value and ensuring its continued benefit to the community.

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

The unique characteristics or circumstances of the property requires the variance. These conditions include D-A zoning requirements that are difficult to meet without a variance. Therefore, granting the variance is essential to address these specific challenges and enable reasonable use of the property while still maintaining compliance with relevant regulations and standards.

**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 strict application of the zoning ordinance would impose undue hardship on the property due to unique circumstances that make compliance impractical or unreasonably burdensome. These circumstances included constraints that limit the petitioners' ability to use the land in accordance with the ordinance. Granting the variance would alleviate this hardship preserving the integrity of the zoning ordinance while still maintaining the intent and purpose of the zoning regulations.

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

It is aligned with the broader objectives and community goals. The grant has been carefully assessed to ensure that it complements the vision set forth in the comprehensive plan, rather than conflicting with it. Any proposed developments or activities associated with the grant have been evaluated to ensure they contribute positively to the long-term growth and sustainability outlined in the comprehensive plan. Additionally, measures are in place to mitigate any potential conflicts and to promote consistency with the overall community's goals.

**Photographs**



Subject site single family dwelling, looking southeast



Subject site proposed storage area for nine commercial vehicles and a commercial shipping container, looking south.



Subject site, existing landscping providing screening of storage area, looking south.



Subject site, existing landscping providing screening of storage area, looking south.



Adjacent undeveloped property to the west



Adjacent single family dwelling to the north

**BOARD OF ZONING APPEALS DIVISION II** **July 9, 2024**

**Case Number:** 2024-DV2-023

**Property Address:** 1313 West 86<sup>th</sup> Street (approximate address)

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

**Petitioner:** FIF, LLC, by Joseph D. Calderon

**Current Zoning:** C-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign, being the third freestanding sign along 86<sup>th</sup> Street (two permitted), and located within 130 feet of another freestanding sign to the east (300-foot separation required).

**Current Land Use:** Vacant Commercial

**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 location of a pylon sign, being the third freestanding sign along 86th Street (two permitted), and located within 130 feet of another freestanding sign to the east (300-foot separation required).
- The subject site is improved with an existing vacant commercial building and accessory parking lot. The proposed sign would stand 10-feet tall and almost 8-feet wide. Currently, freestanding signs exist approximately 130 feet to the east and 395 feet to the west, both along the same frontage as the proposed sign.
- The Sign Regulations standard that requires at least 300-feet of separation from existing freestanding signs and the standard that limits the number of freestanding signs to two per frontage, are in place to promote orderly development, to limit the number of distractions to oncoming motorists, and to maintain visibility of the surrounding area. Staff sees the proposed addition of a third freestanding sign along this frontage to be a detriment to achieving these goals. Additionally, Staff would note that





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

alternative signage options are permitted by the Ordinance, such as building and wall signs, that would not require the requested variances. Staff does not find there to be any practical difficulty related to the site that necessitates the variances and finds that the reasons for the petitioner requesting the variances to be self-imposed.

- Further, this portion of West 86<sup>th</sup> Street is an area that currently contains a substantial number of freestanding signs. Staff believes that future development in this area should conform with the modern sign regulations and should seek to reduce the overall number of freestanding signs along the corridor. Therefore, for all of these reasons, Staff recommends denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Community Commercial / Linear Park	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
<b>Thoroughfare Plan</b>		
West 86 <sup>th</sup> Street	Primary Arterial	110 feet of right-of-way existing and 112 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/10/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	5/10/24	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	5/10/24	
<b>Findings of Fact</b>	5/10/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Indy Greenways Full Circle Master Plan (2014)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Community Commercial typology as well as Linear Park 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)

- The Indy Greenways Full Circle Master Plan from 2014 calls for a multi-use path connector along 86<sup>th</sup>/82<sup>nd</sup> Street, connecting to the existing multi-use path along West 86<sup>th</sup> Street under I-465 to Lafayette Road to the west, and reaching Hague Road and 82<sup>nd</sup> Street on the Northeast side of Marion County.
- The plans for this multi-use path call for using the same side of the street as the subject site of the proposed sign.

**ZONING HISTORY**

**ZONING HISTORY – SITE**

N/A

**ZONING HISTORY – VICINITY**

**2013DV2001; 1275 W 86<sup>th</sup> Street (south of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a maneuvering area for a parking lot, with a zero-foot east side transitional setback (20-foot transitional setback), **approved**.

**2010DV2013; 1375 W 86<sup>th</sup> Street (west of site)**, Variance of development standards of the Sign Regulations to legally establish a) a 30.42-foot tall, 85.14-square foot free-standing sign along 86<sup>th</sup> Street, containing a 32.45-square foot electronic variable message sign, being within approximately 360 feet of the D-7 zoned protected district to the north (600-foot separation from protected districts required), and b) to legally establish a 24-foot tall, 93.14-square foot freestanding sign along Ditch Road, with a 32.45-square foot electronic variable message sign, being within approximately 475 feet of the D-7 zoned protected district to the north (600-foot separation from protected districts required), **denied**.

**2009DV3014; 1318 W 86<sup>th</sup> Street (north of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Sign Regulations to provide for a 25-foot tall, 130-square foot pole sign: a) being the fourth freestanding sign along 918 feet of street frontage (maximum three signs permitted), b) being within 130, 220 and 230 feet, respectively, of three other freestanding signs within the same integrated center (minimum 300-foot separation required), with the lowest point of the sign face being less than nine feet above grade (minimum nine-foot clearance required), **approved**.

**2005UV1025; 1210 W 86<sup>th</sup> Street (north of site)**, variance of use of the Commercial Zoning Ordinance to legally establish belly dancing within an existing restaurant, (live entertainment not permitted), **approved, subject to commitments**.

**2004DV3054; 1225 W 86<sup>th</sup> Street (east of site)**, variance of development standards of the Sign Regulations to provide for a 7-foot tall, 53.9-square foot ground sign, located 157 feet from an existing freestanding integrated center sign in C-4, **denied**.

**2003DV1045; 1225 W 86<sup>th</sup> Street (east of site)**, variance of development standards of the Sign Regulations to provide for a 55.10-square foot on premise pylon advertising sign, with a 13.75-square foot electronic variable message component within 247 feet of an existing integrated center sign, and within 70 feet of a protected district in C-4, **dismissed**.

**2001DV2060; 1225 W 86<sup>th</sup> Street (east of site)**, variance of development standards of the Sign Regulations to legally establish a 287-66-square foot, 13.25-foot tall pole sign, located 247 feet from an existing integrated center sign in C-4, **denied**.

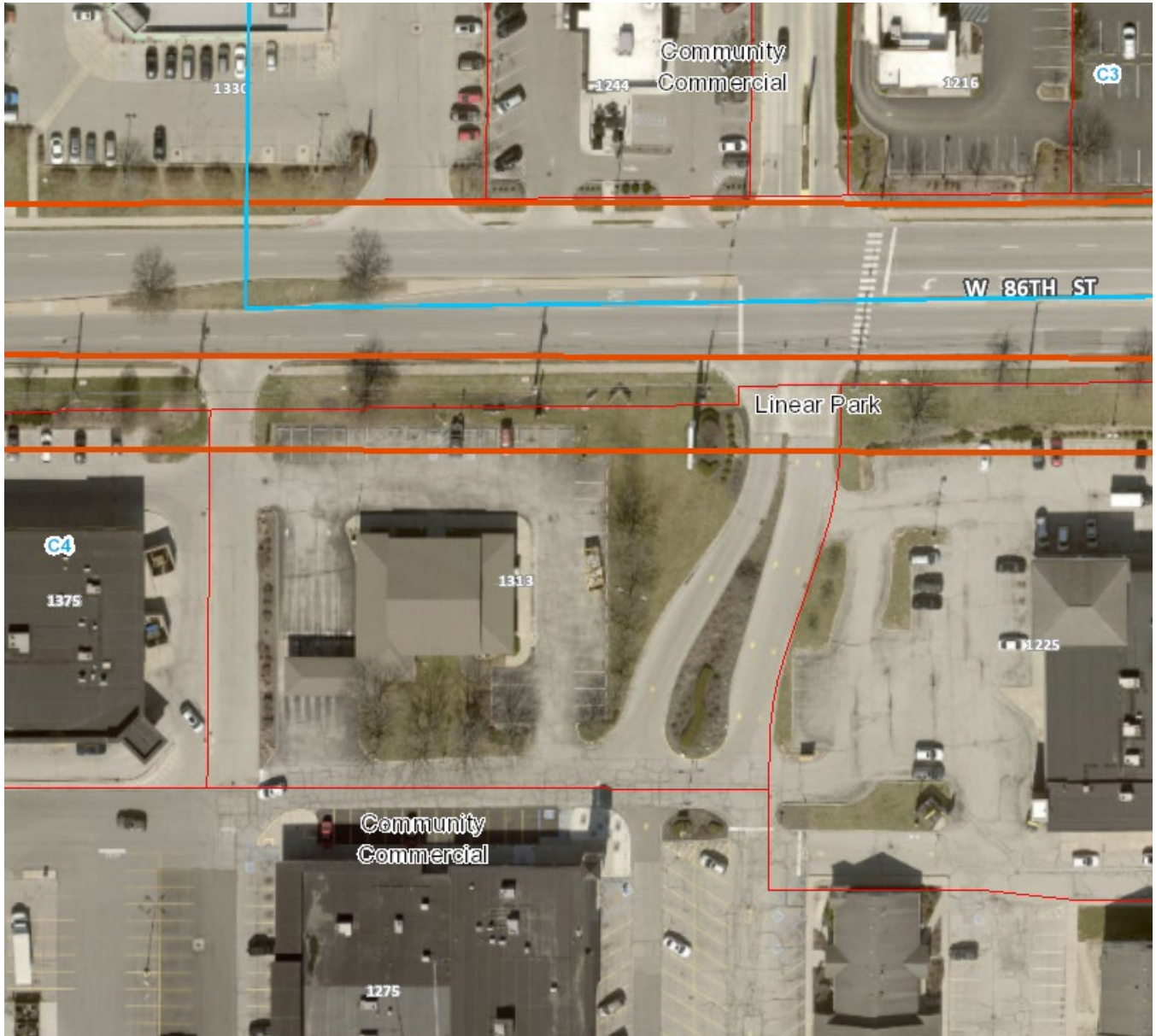


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Division of Planning  
Current Planning**

**95-UV3-48; 1289 W 86<sup>th</sup> Street; (south of site)**, variance of use and development standards of the Commercial Zoning Ordinance to provide for the placement of a monopole antenna and an equipment building, with a 90-foot tall monopole antenna with a pre-existing parking area 15 feet from the east and south property lines, **granted with conditions.**

**88-Z-12; 1410 W 86<sup>th</sup> Street (west of site)**, rezoning from the SU-1 classification, to the C-3 district, **approved.**

**EXHIBITS**



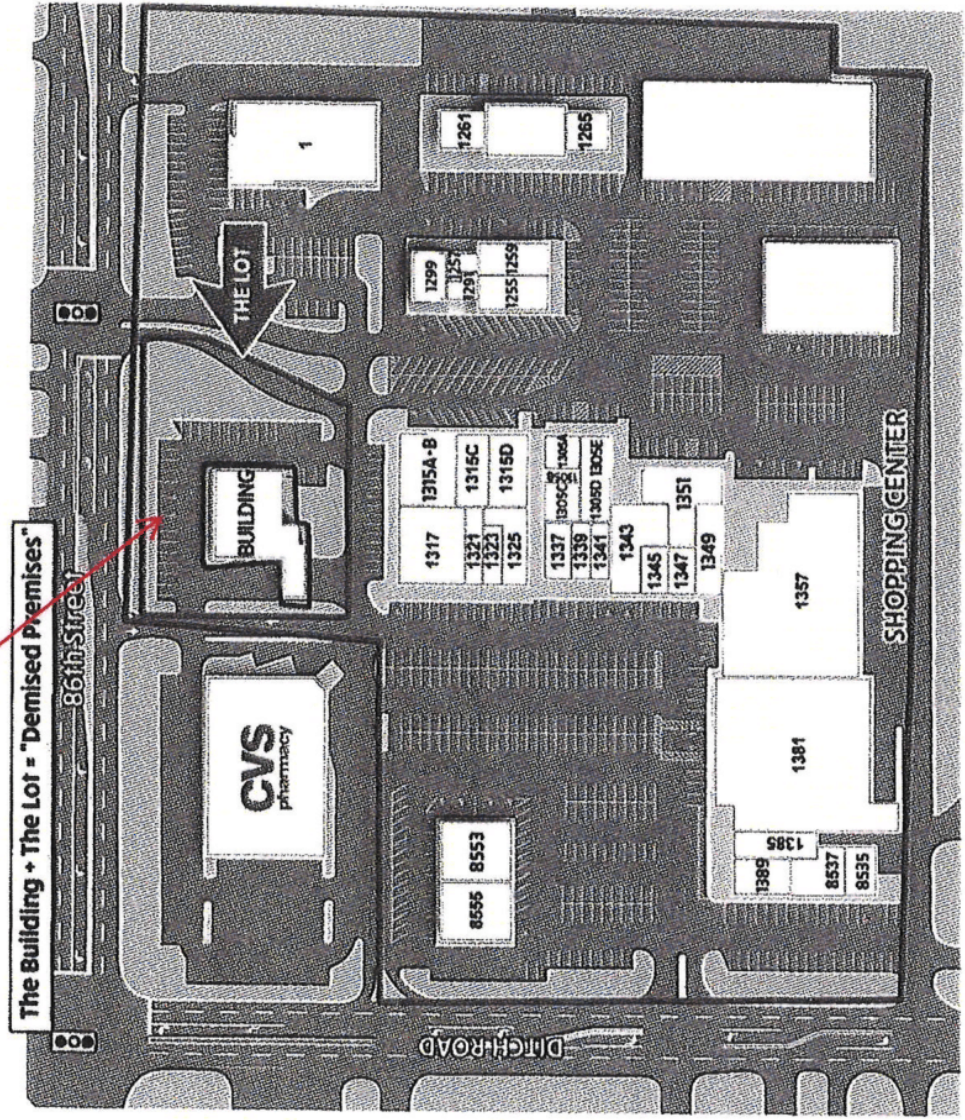




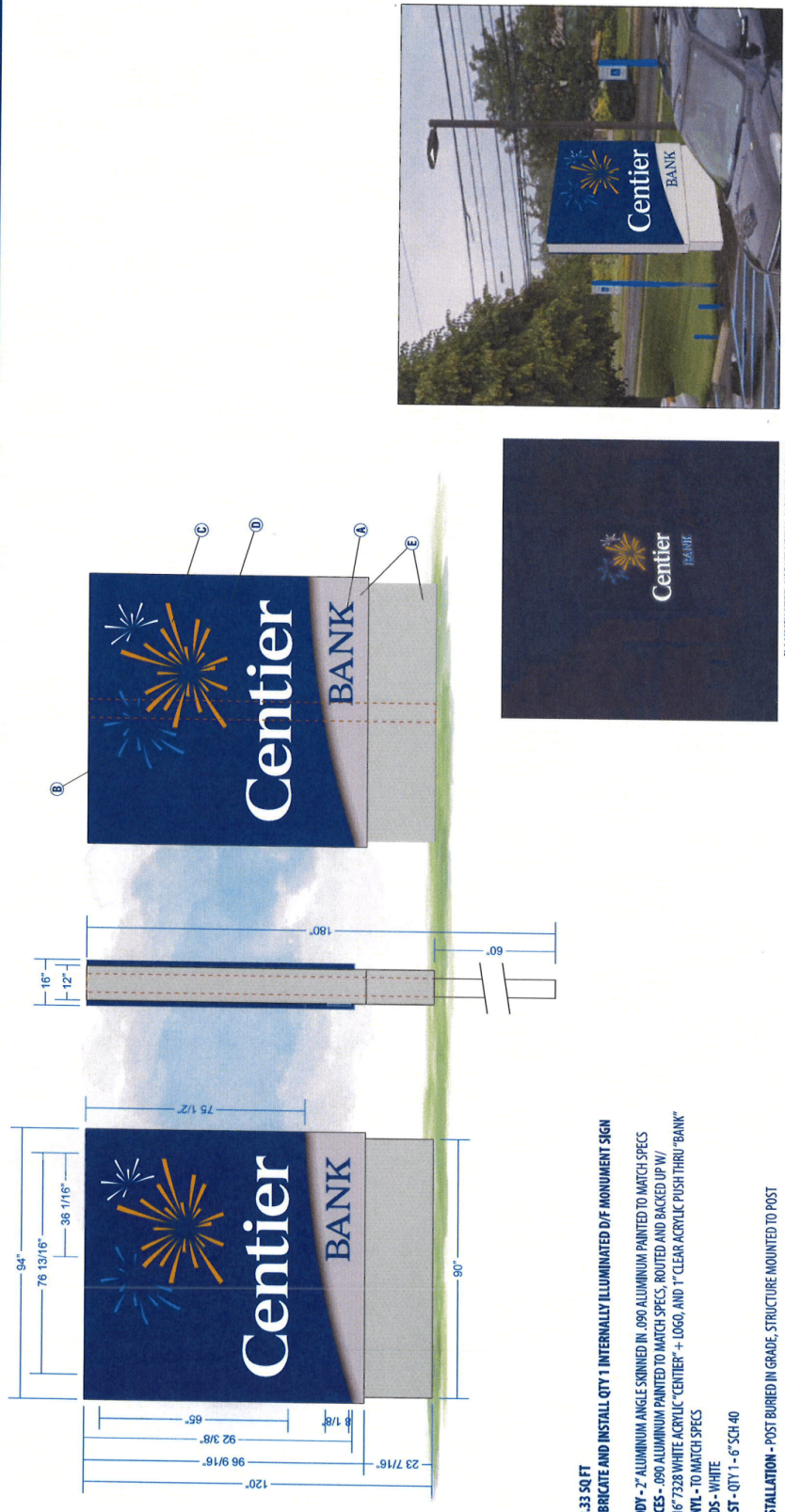
Proposed location of Monument Sign

Exhibit "A"  
 including the Building, the Lot and the Demised Premises)

(Site Plan of the Shopping Center)



CENTIER BANK • 1313 W 86TH ST INDIANAPOLIS, IN 46260 RENDERING #: 0923-0166B



**PHOTO SCALE: NOT TO SCALE**

**ILLUMINATED NIGHT VIEW: NOT TO SCALE**

**NOTE:** THERE WILL BE COLOR VARIATIONS FROM THIS PRINTED DRAWING TO THE FINAL PRODUCT COLORS SPECIFIED. WILL ALWAYS BE MATCHED AS CLOSELY AS POSSIBLE. RENDERING IS BASED ON ESTIMATED DIMENSIONS. A FINAL SIZE WILL BE AFTER ILLUSTRATED PREPARATION AND PLACEMENT.

**IF ILLUMINATED:** WILL BE WIRED TO LEAD TIMES OR OTHERWISE SPECIFIED. THIS SIGN IS INTENDED TO BE USED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE AND ALL OTHER APPLICABLE LOCAL CODES. THIS IS A PRELIMINARY RENDERING OF THE SIGN.

<b>DESIGNER:</b> PB	<b>SC REP:</b> SAC	<b>DATE:</b> 10/04/2023	<b>PERMIT INFORMATION:</b> N/A
<b>REVISION DATE:</b> 11/27/2023	<b>FINAL DATE &amp; BY:</b> 11/27/2023	<b>SHEET #:</b> 1/5	

**COLOR SPECIFICATIONS:**

- A BIG PRINT IN PLUS SPEC OF BLUE VINYL
- B BIG PRINT IN PLUS SPEC OF BLUE FEB. 1ST
- C BIG PRINT IN PLUS SPEC YELLOW FEB. 1ST
- D PLUS SPEC OF BLUE
- E PLUS SPEC OF BLUE
- F PLUS SPEC OF BLUE

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**78.33 SQ FT**  
**FABRICATE AND INSTALL QTY 1 INTERNALLY ILLUMINATED D/F MONUMENT SIGN**

**BODY** - 2" ALUMINUM ANGLE SKINNED IN .090 ALUMINUM PAINTED TO MATCH SPECS  
**FACES** - .090 ALUMINUM PAINTED TO MATCH SPECS, ROUTED AND BACKED UP W/  
3/16" 7338 WHITE ACRYLIC "CENTIER" + LOGO, AND 1" CLEAR ACRYLIC PUSH THRU "BANK"  
**VINYL** - TO MATCH SPECS  
**LEDS** - WHITE  
**POST** - QTY 1 - 6" SCH 40

**INSTALLATION** - POST BURIED IN GRADE, STRUCTURE MOUNTED TO POST

**SignCraft INDUSTRIES**





Department of Metropolitan Development  
Division of Planning  
Current Planning

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

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed sign does not impede with any clear sign triangle or otherwise interfere with vehicular or pedestrian traffic on 86th 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 sign only fronts on the subject property and does not interfere with access to or visibility of any adjacent property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

the integrated center sign located on the subject property is designed to provide panels for the shopping locating south of the subject property and has been located on the subject property for many years. The proposed sign on the subject property is replacing a free-standing sign that identified the prior owner/user.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**

**July 9, 2024**

**Case Number:** 2024-UV2-009  
**Address:** 8245 Camby Road (approximate address)  
**Location:** Decatur Township, Council District #21  
**Zoning:** D-3  
**Petitioner:** Gonzalo Arreola & Josefina Ochoa  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor (not permitted) and the construction of a 1,600-square foot pole barn, being larger than the primary dwelling, (accessory structure may not be larger than primary building).

**Current Land Use:** Single Family Dwelling

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

**PETITION HISTORY**

This is the first scheduled hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for a commercial contractor, a C-7 use, in a D-3 district, and the construction of a 1,600-square foot pole barn, being larger than the primary dwelling.
- ◇ The purpose of the D-3 district is to provide for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site. The proposed use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles and trailers as outdoor storage, approval of this request would facilitate the intrusion of heavy commercial uses into an established residential rural neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. The proposed pole barn would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship, nor does the site possess a practical difficulty, since the site is zoned D-3 and could be used as permitted, by right, in the D-3 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the construction of a pole barn, larger than the primary dwelling.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for the requested variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-3	
<b>Existing Land Use</b>	Single Family Dwellings	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: I-2	North: Undeveloped
	South: D-3	South: Subdivision common area
	East: D-3	East: Single-family dwelling
	West: D-3	West: Subdivision common area
<b>Thoroughfare Plan</b>		
Camby Road	Primary Arterial	75-foot existing right-of-way and an 80-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Plan of Operations</b>	May 16, 2024	
<b>Site Plan</b>	May 3, 2024	
<b>Findings of Fact</b>	March 19, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban typology for this site. This 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**

**2020-CZN-834/2020-CVR-834; 6400, 6449, 6455, 6500, 6559, 6565, 6600 and 6833 Kentucky Avenue; 6700, 7924, 7944, 8002, 8032 and 8210 Camby Road (north of site),** requested the rezoning of 131.87 acres from the D-A, C-1, C-3 and C-5 districts to the I-2 district, **approved**; and a variance of use to provide for C-3 uses; vocational, technical or industrial school or training facility; hotel, motel or hostel; and heavy general retail, **approved**.

**2018-ZON-057; 8133 and 8215 Camby Road (east, south, west of and including subject site),** requested the rezoning of 45.6 acres from the D-A district to the D-3 (cluster) classification, **approved**.

**2006-ZON-059; 8300 and 8301 Camby Road (west of site),** requested the rezoning of 2.95 acres, being in the D-A Dwelling District to the C-1 classification to provide for office commercial uses, **approved**.

**2004-ZON-170; 8222 Camby Road (north of site),** requested rezoning of two acres from the D-A district to the C-1 classification, **approved**.

**2004-ZON-044, 7700 Camby Road (east of site),** requested rezoning of 3.773 acres from the D-A District to the D-3 District, **approved**.

**2004-ZON-043; 7700 Camby Road (east of site),** requested rezoning of 20.579 acres, being in the D-A and D-3 Districts, to the D-6II classification to provide for multi-family residential development, **approved**.

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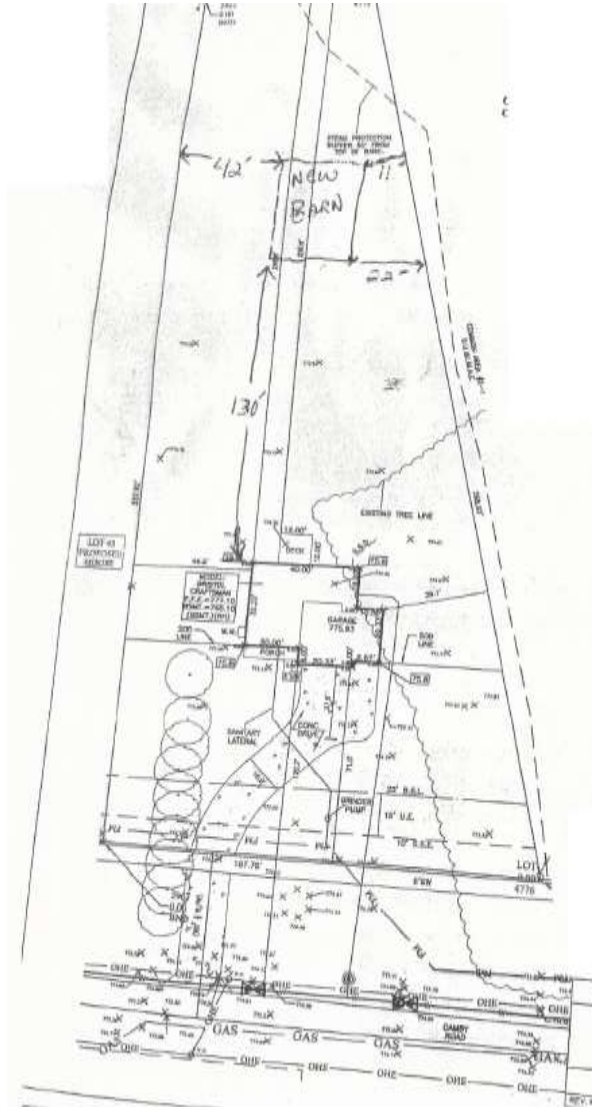
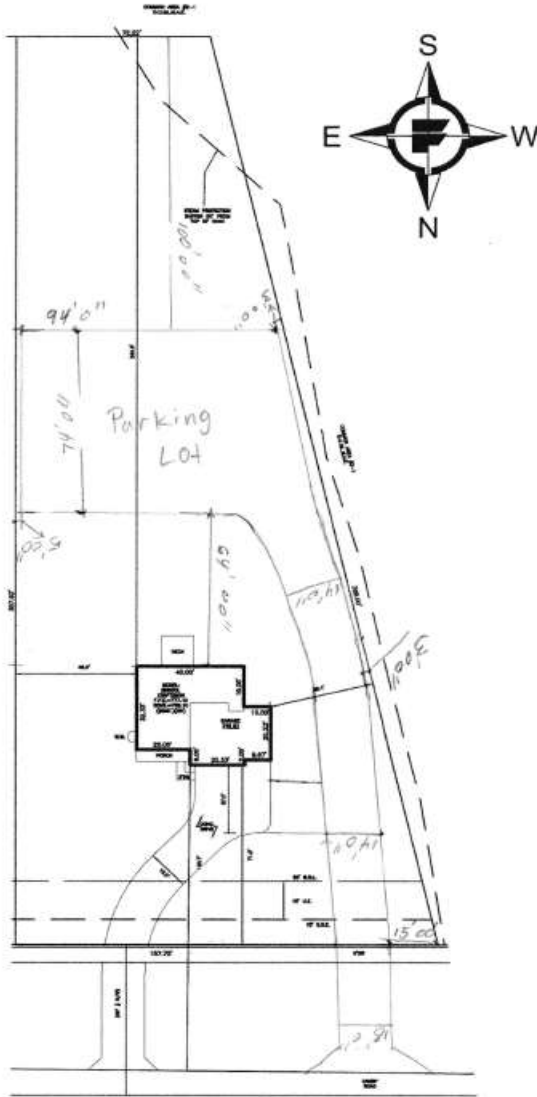


**EXHIBITS**

Location Map



Site Plans



## Plan Of Operation

C and S Concrete Quality LLC.

### Plan of operation

The main focus of what we do here at this company is residential concrete. The use we have for the area of the property is workforce and material used. We currently have 4 trucks and 4 trailers in our work fleet. Two of the trucks and trailers are used to haul the machines we need in order to complete each job. One truck and trailer are used to haul the material used on those job sites, and the last trailer is used to bring the material to the property in which the business runs from. Our workforce currently sits at eleven employees. Their means of transportation to each job site is carpooling.

The material we use on each job is 4 ft.x 8 ft.x 2.5in. sheets of foam board that are used to provide insulation. The sheets have a 1ft. section that is used around the slab walls, and the remaining section of the foam board is used around the slab to provide insulation to the concrete slab. Another piece of material that is used on most of our jobs is a 6 mil vapor barrier. The vapor barrier provides insulation, and moisture protection to the slab. Another piece of material is 4in. expansion joints. The expansion joints are used as a median between the individual sections of the concrete slab. We typically used these when we pour the porches or patios of the slabs, and are usually placed between the slab wall and the concrete being poured.



**Findings of Fact**

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

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

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

It will only be used as parking for our work fleet.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

It's far back from the house to allow work fleet to operate properly.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

It's being used as a business.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

We purchased the property to expand our workforce fleet.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

It's being used to store material for jobsites, and storage of work fleet vehicles.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Photographs**



Subject site single family dwelling, looking south



Subject site parking lot area, looking east



Subject site, proposed pole barn location, looking south



Adjacent single family dwellings to the south



Adjacent single family dwelling to the east, looking southeast.



Adjancet subdivision open space to the west, looking south.