



Board of Zoning Appeals Board of Zoning Appeals Division III (June 17, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, June 17, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

2025-UV3-008 | 1231 West Troy Avenue

Perry Township, Council District #22, zoned C-5 (FF)
JAAK Properties LLC, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a towing facility (not permitted).

**Petitioner to withdraw petition

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV3-015 | 3080 East Midland Road

Perry Township, Council District #23, zoned D-1
Mark Adams, by Kris Holeyfield

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an accessory structure within the front yard (not permitted).

**Petitioner to request continuance to the July 15, 2025 hearing of Division III

2. 2025-DV3-020 | 4102 Madison Avenue

Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a parking area with zero-foot setbacks from Castle Avenue and Madison Avenue, no frontage landscaping, and three spaces maneuvering within the right-of-way of Castle Avenue (15 spaces and landscaping required, maneuvering within street rights-of-way not permitted).

**Automatic Continuance filed by the petitioner, continuing this to the July 15, 2025 hearing of Division III

3. 2025-UV3-006 | 2308 Shelby Street

Center Township, Council District #19, zoned C-3 (TOD)
Walter Resinos

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the clear sight triangle of their intersection (10-foot front yard setbacks required, encroachment of clear sight triangles not permitted).

****Automatic Continuance filed by a Registered Neighborhood Organization, continuing this to the July 15, 2025 hearing of Division III**

4. 2025-UV3-012 (Amended) | 2319, 2327, and 2331 North Gale Street

Center township, Council District #8, zoned D-5 / C-5
ICNA Relief USA Programs Inc., by David Gilman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters with four vehicle parking spaces (maximum 2 vehicle spaces per 3 habitable units required).

****Petitioner to request continuance to the July 15, 2025 hearing of Division III in order to amend the request and provide for adequate notice**

5. 2025-UV3-014 | 3331 North Hawthorne Lane

Warren Township, Council District #9, zoned D-4
Indy Real Estate Consulting LLC, by John Cross

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit townhome condominium (not permitted).

****An Automatic Continuance has been filed by a Registered Neighborhood Organization, continuing this petition to the July 15, 2025 hearing of Division III.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

6. 2025-UV3-004 | 5284 38th Street North Drive

Lawrence Township, Council District #9, zoned SU-1 (TOD)
The National Bank of Indianapolis, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding Automated Teller Machine (ATM) (not permitted).

7. 2025-UV3-007 (Amended) | 3960 Baker Drive

Lawrence Township, Council District #15, zoned D-5
Joanne Springer, by Roger W. Upchurch

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction and use of a daycare center (not permitted) with deficient parking (7 spaces required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

8. 2025-DV3-016 | 2360 Prospect Street

Center Township, Council District #18, zoned C-4
Linda Thompson, by Daniel Newton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

9. 2025-DV3-019 | 8733 US 31

Perry Township, Council District #23, zoned C-4
Kasada LLC, by Sign Solutions Inc.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two drive through signs permitted).

10. 2025-UV3-011 | 2003 Woodcrest Road

Perry Township, Council District #23, zoned D-2
Alexis Lively

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a pet grooming operations as a home occupation (not permitted).

11. 2025-UV3-013 | 9045 East 30th Street

Warren Township, Council District #15, zoned SU-1
Calvary Temple Assembly of God Inc., by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@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) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-008
Address: 1231 West Troy Avenue (approximate address)
Location: Perry Township, Council District #15
Zoning: C-5 / D-4 (FF)
Petitioner: JAAK Properties LLC, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a towing facility (not permitted).

Current Land Use: Non-permitted towing facility

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued to the June 17, 2025, hearing, from the May 20, 2025, hearing, at the request of a Registered Neighborhood Organization.

The petitioner has indicated **he intends to withdraw this petition** and request any remaining fees be transferred to a rezoning petition for the same location.

After Staff fees and costs have been deducted, the Administrator recommends the remaining \$795.00 be transferred to the related rezoning petition.



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Division of Planning
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BOARD OF ZONING APPEALS DIVISION III

June 17th, 2025

Case Number: 2025-DV3-015
Property Address: 3080 East Midland Road
Location: Perry Township, Council District #23
Petitioner: Mark Adams, by Kris Holeyfield
Zoning: D-1
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an accessory structure within the front yard (not permitted).
Current Land Use: Residential
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

The petitioner of this variance petition has requested that this case be continued to the **July 15th, 2025**, Division III Hearing. A full staff report will be available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-DV3-020

Property Address: 4102 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Sanchez Family Inc., by Kevin Lawrence

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a parking area with zero-foot setbacks from Castle Avenue and Madison Avenue, no frontage landscaping, and three spaces maneuvering within the right-of-way of Castle Avenue (15 spaces and landscaping required, maneuvering within street rights-of-way not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner has filed a timely automatic continuance, continuing this petition to the July 15, 2025 BZA Division III hearing.



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BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-006

Property Address: 2308 Shelby Street (approximate address)

Location: Center Township, Council District #19

Petitioner: Walter Resinos

Current Zoning: C-3 (TOD)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the clear sight triangle of their intersection (10-foot front yard setbacks required, encroachment of clear sight triangles not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the May 20, 2025 hearing to the June 17th, 2025 hearing due to insufficient notice.
- A timely automatic continuance was filed by a registered neighborhood organization, continuing this petition to the July 15, 2025 BZA Division III hearing.



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BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-012

Property Address: 2319, 2327 and 2331 North Gale Street (*approximate addresses*)

Location: Center Township, Council District #8

Petitioner: ICNA Relief USA Programs Inc., by David Gilman

Current Zoning: D-5 / C-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters with eight vehicle parking spaces (maximum 2 vehicle spaces per 3 habitable units required).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner indicated that they will be requesting a for-cause continuance to the July 15th hearing date in order to allow for potential amendments to the site plan and time for sufficient notice to be posted and mailed. A full staff report will be made available in advance of that hearing date.



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BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-014
Address: 3331 North Hawthorne Lane (approximate address)
Location: Warren Township, Council District #9
Zoning: D-4
Petitioner: Indy Real Estate Consulting LLC, by John Cross
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit townhome condominium (not permitted).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was automatically **continued to the July 15, 2025, hearing**, from the June 17, 2025, hearing, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



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BOARD OF ZONING APPEALS DIVISION III

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Case Number: 2025-UV3-004
Address: 5284 38th Street North Drive (approximate address)
Location: Lawrence Township, Council District #9
Zoning: SU-1 (TOD)
Petitioner: The National Bank of Indianapolis, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding Automated Teller Machine (ATM) (not permitted).

Current Land Use: Accessory parking lot

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petition from the May 20, 2025, hearing, to the June 17, 2025, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The subject site consists of an accessory parking lot owned by the adjacent religious use to the east, and also shared with the funeral home to the west.
- ◇ This portion of East 38th Street is a segment along the Purple Line bus rapid transit system. Therefore, the property is also located within the Transit Oriented Development Secondary District, which is more restrictive on automotive uses. The surrounding neighborhood consists of previously developed commercial uses.
- ◇ The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000 feet from the centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments.



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- ◇ This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
 - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
 - Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
 - Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
 - Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.
- ◇ Table 742.207-2 in the Ordinance provides a list of prohibited uses and their limitations. For drive thru accessory uses, including ATM's, in this instance greater than 601 feet from a Transit Station, are prohibited except where they are located behind or to the side of the building and all access is provided by alleys, or along a Buffer Frontage. The proposed use does not meet this exception as no building is proposed or provided, and the ATM it is a standalone drive up use in a religious use accessory parking lot zoned SU-1.
- ◇ As this site lies within the Transit Oriented Development (TOD) overlay for the Bus Rapid Transit (BRT) Purple Line, proposed uses, and the redevelopment of existing uses as for this property, should be oriented towards supporting the overlay district design and establishing greater walkability in the district. The proposed request for the drive-up automated teller machine would allow a non-compliant auto-centric use that is non-contributing in the overlay which would be counterproductive to the intent of establishing greater walkability and connectivity in the area.

Freestanding Automated Teller Machine (ATM) as a primary use

- ◇ A freestanding automated teller machine is not permitted as a primary use in any district in the zoning ordinance. They are required to be incorporated within/along a building or incorporated as an accessory drive through with a primary building. This was intended to promote both high efficiency use of underdeveloped lots and an element of crime prevention through environmental design by increasing the odds of public surveillance and view sheds to dispel opportunistic crime.
- ◇ There is no practical difficulty with the use of the site for religious uses as it is zoned. It has been used as an accessory parking lot and can continue to be used as an accessory parking lot without the requested variance.
- ◇ If an ATM is warranted for this site, then it can be incorporated within/along a building that is the primary use, and zoning compliant, without the need for a variance.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Accessory Parking Lot	
Comprehensive Plan	Community Commercial uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-4	Single Family Dwellings
	South: C-3	Commercial Retail
	East: SU-1	Primary Religious Use
	West: C-1	Funeral Home
Thoroughfare Plan		
East 38 th Street North Drive	Local Street	39-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Purple Line Transit-Oriented Development	
Wellfield Protection Area	N/A	
Site Plan	March 18, 2025	
Landscape Plan	N/A	
Findings of Fact	March 18, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology that provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject is within 1000 feet of the existing Purple Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



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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

2018-ZON-053; 5284 East 38th Street North Drive (subject site), requested the rezoning of one acre from the D-4 district to the SU-1 classification, **approved**.

2016-ZON-070; 5523 East 38th Street, requests rezoning of 0.9 acre from the D-4 district to the C-4 classification, **granted**.

2013-UV2-010; 5523 East 38th Street; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for outdoor seating, **granted**.

2012-HOV-021; 5252 E. 38th Street North Drive (west of site), requested a variance of development standards to provide for a 2,569-square foot, eight bay garage, creating accessory use and structure area of 37.3% of the primary use, **granted**.

2007-ZON-140; 5501 East 38th Street and 3759 North Whittier Place, requested rezoning of 0.2 acre from the D-4 District, to the C-3 classification to provide for neighborhood commercial uses, **granted**.

2001-ZON-065; 5402 - 5432 East 38th Street, requests a rezoning of 2.84 acres from C-3 to SU-37, **granted**.

97-Z-96; 5605 East 38th Street (east of site), requested rezoning of 0.26 acre from the D-4 classification to the C-1 classification to provide for offices uses, **approved**.

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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed ATM will facilitate on "under baned" community, and will be located on an accessory parking lot for a church, with very few conflicts in traffic patterns.

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

the proposed ATM will not adversely affect access or visibility to or from any adjoining 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 Subject Property is in an urban area, where parking for a use can be off-site, and to preclude an ATM just because the building is across the street results in a practical difficulty in complying with the ordinance.

DECISION

Photographs



Subject site, looking north.



Subject site, looking west.



Adjacent religious use to the east, looking northeast.



Adjacent commercial retail to the south.



Adjacent funeral home to the west.



Adjacent single family dwellings to the north.



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BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-007

Property Address: 3960 Baker Drive (*approximate address*)

Location: Lawrence Township, Council District #15

Petitioner: Joanne Springer, by Roger W. Upchurch

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction and use of a daycare center (not permitted) with deficient parking (7 spaces required).

Current Land Use: Undeveloped Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Staff requested a continuance from the May 20th hearing to correct deficient language in the legal notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3960 Baker Drive is an undeveloped lot that is zoned D-5 and located within a residential context. The property is bordered to the south by a Phalen Leadership Academies school (a K-6 tuition-free charter school) and on other sides by residential development. A single-family residence that was approximately 1075 square feet in area previously existed at this site but was demolished between 2008 and 2009; the driveway leading to that house remains in place at the site.
- Grant of this variance would allow for the construction and operation of a daycare center at this property. This would be a commercial use category that would allow for the care of children under the age of 6 separated from their parents or guardians between 4 and 24 hours. This primary use would be distinct from the accessory use category of a child care home, which would have a maximum enrollment of 16 children, allow for older ages, would have differences in required licensing, and would take place within a primary residential structure where the caretaker also lives on-site. Per the use details and floor plan provided by the applicant, the scope of this business could not be considered a child care home.

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- In addition to the required Use Variance, a Variance of Development Standards would be required in relation to required parking for the use. The proposed size of the building would require a minimum of seven (7) parking spaces, and plans submitted by the applicant do not clearly indicate where any required parking spaces would be placed (the existing driveway would potentially be utilized as a single on-street parking space, but all other parking would be off-street).
- Staff received a version of a site plan from the applicant that indicated placement of parking spaces within the front yard of the property (see 'Alternate Site Plan' within Exhibits). It is unclear on this version of the site plan from where vehicles would ingress or egress, and this version of the site plan would require additional variances for a parking area within the front yard of a residentially zoned lot that (a) exceeded 30 feet in width and (b) resulted in the landscaped area of the front yard being below 65% living materials. When the applicant was informed that this alternate site plan would require issuance of new notice and for the petition to be continued to a June hearing date, they indicated their preference to revert to the original site plan and request a daycare with parking below required minimums.
- The East 38th Street Corridor Plan recommends that this site (and neighboring properties) be developed for residential purposes with a density of 3.5 to 5 dwelling units per acre. The Plan specifically mentions that development of new single-family housing is a high priority for this area. Although this proposed development wouldn't result in the development of residential infill, staff would note that Infill Housing Guidelines would discourage placement of a midblock commercial structure that would have a larger size or width than surrounding residential properties (proposed building elevations do not give the external appearance of a residence).
- The Plan of Operation provided by the applicant indicates that the Kidz Konnect Learning Academy would provide full-time and part-time care for children ages 2 to 5, in addition to an after-school program for school-aged children 5 to 12. Hours of operation would be from 6 AM to 6 PM Mondays on weekdays, and maximum enrollment would be 30 students (with a maximum of 10 on-site employees). Staffing would be adjusted throughout the day to meet ratio requirements, although it is unclear what the "standard" number of children or teachers occupying the building would be. The applicant indicated that parents would "mostly pull up front to drop off and pick up kids", but additional information about frequency and timing of these visits or how many parking spaces would be designated for employees vs. parents was not provided.
- Findings of Fact submitted by the applicant indicate that the business would follow applicable State and Local regulation for safe operation of a daycare, that childcare is a needed community asset, that the use would integrate seamlessly with the existing neighborhood context, and that site-specific conditions would prevent the property from being developed with an alternate use. Staff disagrees with the latter two assertions presented without supporting evidence.
- There does not appear to be any site-specific hardship at this lot that would prevent the property from being developed as a single-family residence: the lot is 9950 square feet in size and has a width of approximately 60 feet, which means that it would be subject to Medium Lot standards from Table 742.103.03 of the Ordinance. Construction of a single-family home would also comport



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with relevant guidance from the East 38th Street area plan and could allow for the legal accessory use of a child care home which would allow for child care at the site in a smaller capacity.

- While the Indianapolis Zoning Ordinance does allow for the establishment of daycare centers within some higher-density residential zoning districts with zoning approval, those instances would only be acceptable if the daycare was designed with building materials that are aesthetically compatible with surrounding structures and that adequate parking, loading and drop-off facilities be provided at a scale that is in harmony with surrounding residential uses. The elevations and floorplan provided do not appear to match the surrounding context of smaller residential properties (larger brick structure with main interior hallway).
- Staff has strong concerns about the impact that a use of this intensity would have on surrounding properties, and these concerns are compounded by the lack of detailed information provided about drop-off/pick-up protocols. At the time of Staff's site visit (around 2 PM on a Monday afternoon), a line of cars queued to pick up students from the existing school to the south of the subject site stretched from the school's entrance to the intersection of Baker Street and Conried Drive (around 900 feet of roadway; see Photos 4 and 6 within Exhibits). Baker Street already contains limited street parking due to the number of curb cuts from existing residential garages, and the introduction of a use that would utilize up to 10 employees as well as potential influxes of cars from drop-off/pick-up times would likely exacerbate existing congestion along the local street, create difficulties for ingress/egress at the site, and could increase the risk of accidents involving children and moving automobiles.
- Staff does not feel that the size and location of this specific site would be supportive of a day care center use that would introduce 10 employees and 30 kids without provision of on-site parking. Even if plans were amended to incorporate required parking, the level of front-yard paving and intensity of the use would not be in harmony with surrounding single-family residential uses. Given a lack of undue hardship preventing a compliant use from being built on an undeveloped site, comprehensive plans recommending residential development, the negative externalities that would be created for surrounding residences on Baker Street, and the risk of negative interactions between parents/children and vehicles, staff recommends denial of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped Residential	
Comprehensive Plan	3.5 – 5 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Undeveloped
South:	SU-2	South: Educational
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Baker Street	Local Street	50-foot existing right-of-way and



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	50-foot proposed right-of-way
Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	04/01/2025
Site Plan (Amended)	05/04/2025
Elevations	05/04/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/01/2025
Findings of Fact (Amended)	06/07/2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- East 38th Street Corridor Plan (2012)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The East 38th Street Corridor Plan recommends that this site and surrounding parcels to the west, north, and east be developed for residential purposes with a density of 3.5 to 5 dwelling units per acre. The Plan mentions that development of new housing (specifically single-family dwellings with one story of height) is a priority.

Infill Housing Guidelines

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

63-V-350, variance of ground floor house area requirements to permit erection of a single-family dwelling having 747.25 square feet of ground floor area at 3960 Baker Drive, **approved**.

ZONING HISTORY – VICINITY

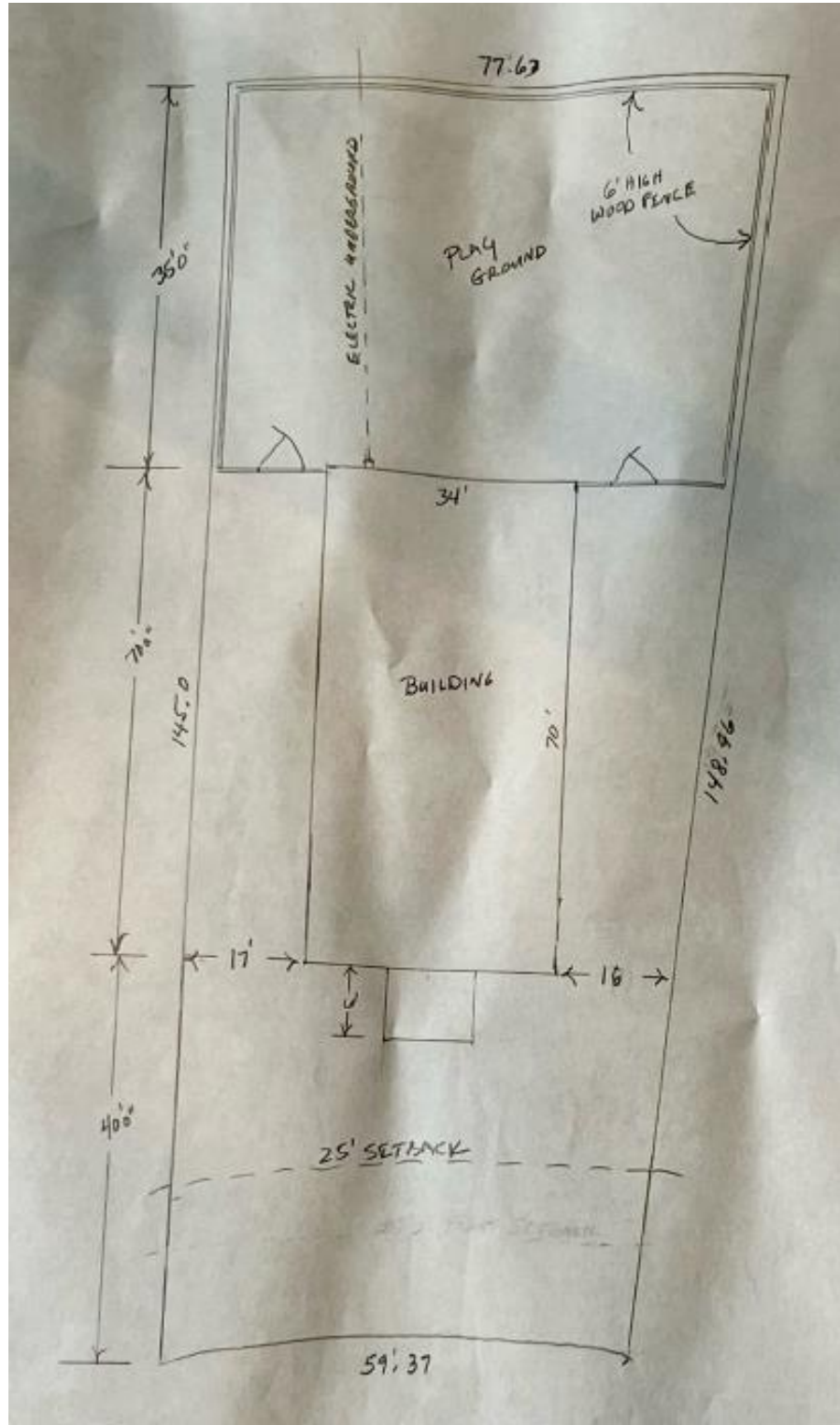
2020DV3033 ; 9638 Conried Drive (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **denied**.

EXHIBITS

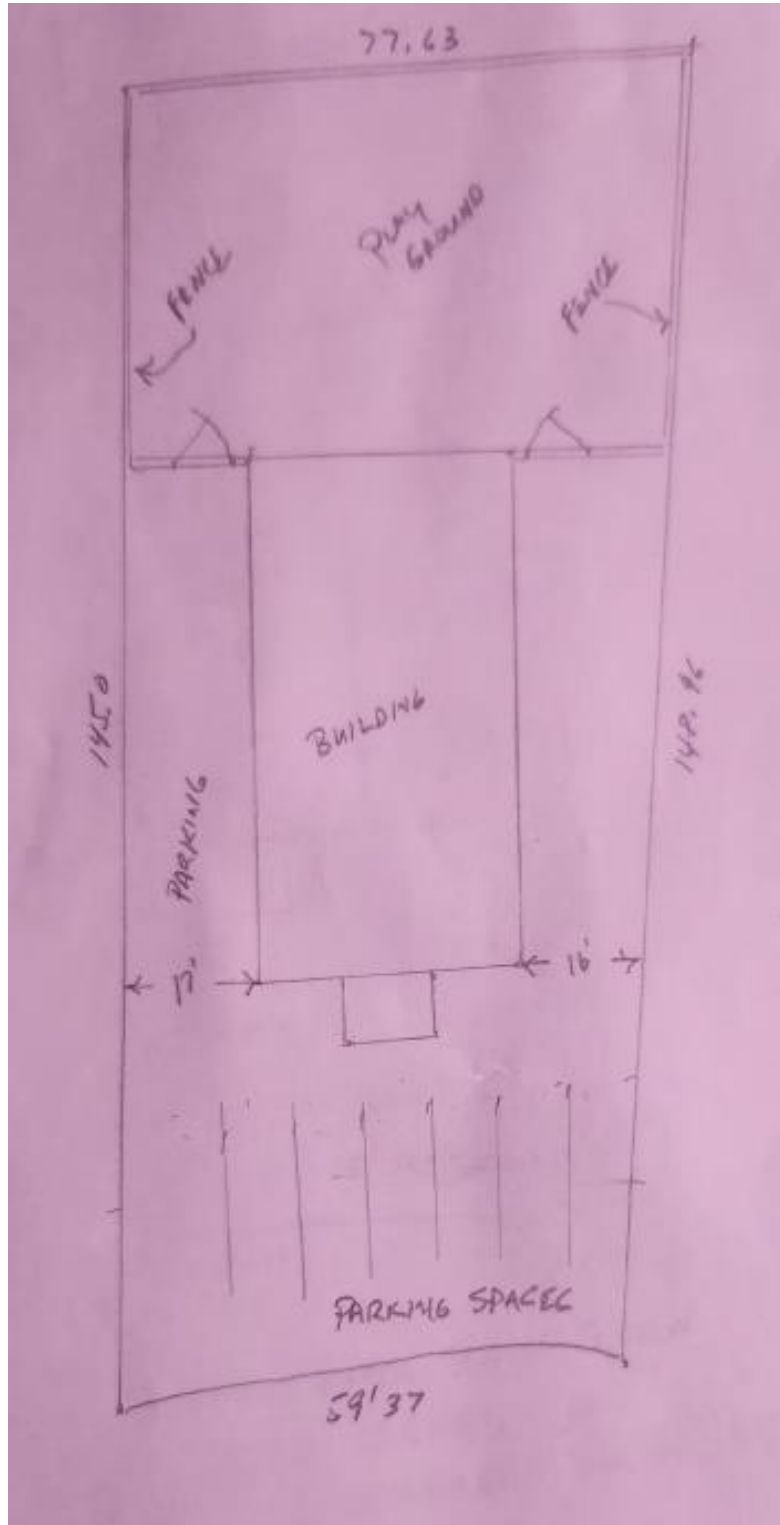
2025UV3007 ; Aerial Map



2025UV3007 ; Proposed Site Plan without Parking



2025UV3007 ; Alternate Site Plan with Parking (not proposed)





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2025UV3007 ; Plan of Operation

Business Scope and Services

KIDZ KONNECT LEARNING ACADEMY is a licensed childcare and early education facility providing full-time and part-time care for children ages 2 years through 5 years, along with an after-school program for school-aged children (ages 5–12).

Our mission is to offer a nurturing, educational, and safe environment that promotes children's developmental, social, emotional, and academic growth.

Programs and services provided on-site include:

- Toddler and preschool programs for children ages 2–5
- Early childhood education and school readiness curriculum
- Structured indoor learning activities and outdoor play
- Nutritious meals and snacks
- After-school homework assistance, enrichment programs, and supervised recreational time for school-aged children

All services are conducted in full compliance with local, state, and federal childcare licensing regulations.

Days and Hours of Operation

- **Days Open:** Monday through Friday
- **Hours of Operation:** 6:00 AM to 6:00 PM
- **Closed on:** Saturdays, Sundays, and major federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

Maximum Number of Children

The maximum number of children enrolled at KIDZ KONNECT LEARNING ACADEMY at any given time will be 30 children.

This includes:

- Children ages 2 to 5 years enrolled in full-time care
- School-aged children enrolled in the after-school program

Class sizes and groupings will comply with required child-to-staff ratios based on children's ages, in accordance with [State Licensing Agency] regulations.

Maximum Number of Employees on Site

The maximum number of employees on-site at any given time will not exceed 10 employees, including:

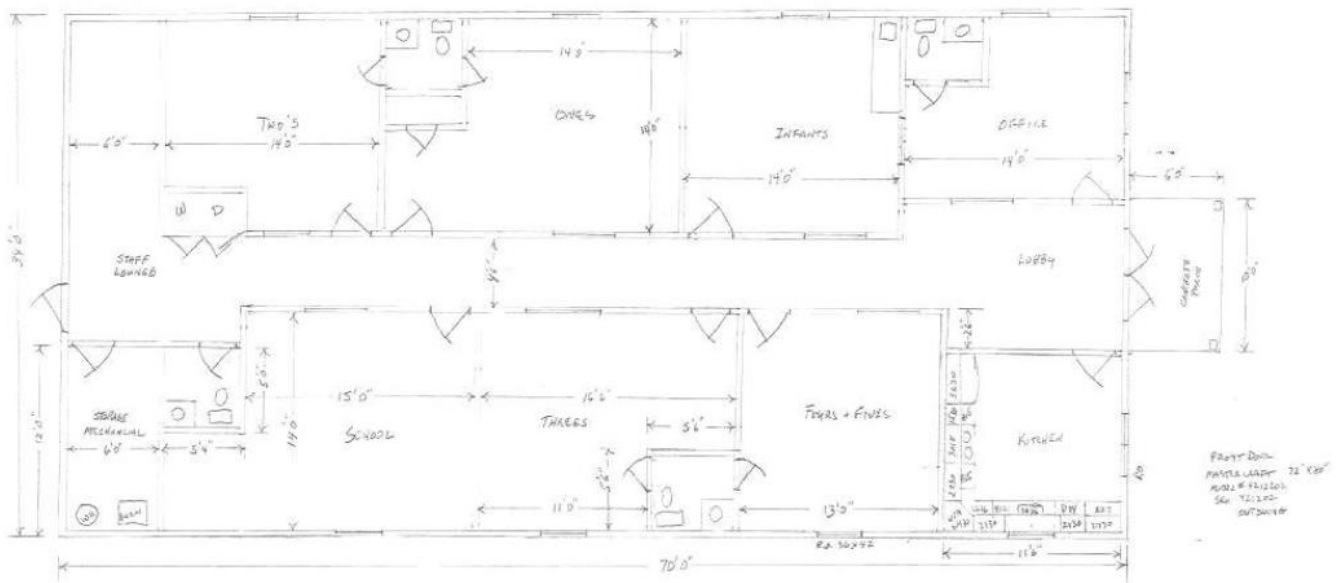
- Administrative Staff (Director/Owner, Assistant Director)
- Lead and Assistant Teachers for toddler, preschool, and after-school groups
- After-school program staff
- Kitchen and janitorial support staff
- Substitute and floating staff for breaks and additional supervision

Staffing is adjusted throughout the day to meet ratio requirements during peak and non-peak hours

2025UV3007 ; Elevations



2025UV3007 ; Floorplan





**Department of Metropolitan Development
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Current Planning**

2025UV3007 : Findings of Fact (Use)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed daycare facility is designed to operate under strict compliance with all applicable local, state, and federal regulations. The facility will implement rigorous health and safety protocols—including regular sanitation, emergency preparedness, and controlled access measures—to ensure a secure environment for children and staff. In addition, all personnel will be thoroughly trained in childcare best practices and emergency response, reinforcing the commitment to a safe and nurturing atmosphere. By providing a vital service that supports local families, the daycare will contribute positively to community stability and well-being, thereby enhancing overall public welfare without compromising community standards.
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 daycare facility is designed to integrate seamlessly with the neighborhood's residential character. The facility will comply with all applicable local, state, and federal guidelines, including stringent controls on noise, traffic, and environmental standards to ensure minimal disruption to neighboring properties. Its design incorporates landscaping and architectural elements that complement surrounding homes, thereby preserving the aesthetic and cultural value of the area. Furthermore, by offering high-quality childcare services, the daycare will serve as a community asset that supports local families, potentially enhancing neighborhood stability and property values. Robust operational measures such as controlled access, designated parking areas, and ongoing community engagement will ensure that any impacts are proactively managed and kept to a minimum.
3. The need for the variance arises from some conditions peculiar to the property involved because the property's unique characteristics—such as its size, shape, topography, or existing structures—create practical difficulties in adhering strictly to current zoning requirements. For example, the lot may have limited space for parking or drop-off areas that comply with standard setbacks or access regulations. Additionally, the property's location within a residential zone, combined with its proximity to community resources like parks or schools, makes it an ideal site for a daycare facility that serves local families. Granting the variance would allow for reasonable use of the property while maintaining the character of the surrounding neighborhood and ensuring that the facility operates safely and efficiently.
4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because the property's unique characteristics—such as its size, shape, and existing layout—prevent reasonable use under the current zoning restrictions. Complying strictly with setback requirements, parking regulations, or other zoning provisions would significantly limit the ability to establish a safe and functional daycare facility. This would not only impose an undue financial burden but also deprive the community of a valuable service. Granting the variance would allow for practical and efficient use of the property that aligns with the community's needs without negatively impacting the surrounding area.
5. The grant does not interfere substantially with the comprehensive plan because it advances the community's long-term vision in several significant ways. The proposed daycare facility addresses a critical need by providing high-quality childcare that enables local families to participate fully in the workforce, thereby supporting economic growth and enhancing residents' quality of life. Its design and operation have been meticulously planned to respect and preserve the residential character of the area, using tailored architectural elements, landscaping, and site planning that maintain the neighborhood's aesthetic and cultural integrity. Additionally, the project incorporates sustainable development practices—such as energy-efficient building techniques, sustainable landscaping, and environmentally responsible operations—which minimize its environmental footprint while serving as a model for broader community sustainability. A comprehensive traffic and safety management plan has also been integrated to mitigate any potential impacts on local traffic patterns and public safety. Finally, extensive community engagement during the planning process has ensured that the project meets local expectations and aligns with the broader development strategy outlined in the comprehensive plan.

2025UV3007 ; Findings of Fact (Development Standards)

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

The proposed parking layout will safely accommodate the pickup and drop-off needs of families without increasing traffic congestion or creating hazards. KIDZ KONNECT LEARNING ACADEMY operates only during standard daytime hours (6:00 AM – 6:00 PM), and parent traffic is staggered throughout the day, minimizing any impact. The use is consistent with neighborhood values and provides a beneficial service to families in the area. Adequate safety protocols, signage, and staff supervision will ensure that traffic flows safely during child drop-off and pick-up times.

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 parking configuration, while slightly deviating from zoning requirements, has been designed to minimize visual and physical impact on neighboring properties. Landscaping will be maintained to the extent feasible, and the driveway/parking area will remain tidy and well-kept. The parking use is low-intensity and limited to daytime hours only. There will be no overnight parking or large vehicle storage, and the daycare is not expected to generate heavy traffic. Surrounding property values and uses will remain unaffected.

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

Strict enforcement of the zoning ordinance would prevent sufficient on-site parking to support safe drop-off and pick-up of children, a basic operational need for any licensed daycare facility. The site cannot feasibly meet all zoning requirements for parking layout and landscaping due to lot size, setbacks, and residential configuration. Without a variance, the property cannot support the parking arrangements necessary for safe and practical operation of the daycare, despite the property's suitability for this community-serving use.

2025UV3007 ; Photographs



Photo 1: Subject Site Viewed from East (June 2019)



Photo 2: Subject Site Viewed from East (August 2007)

2025UV3007 ; Photographs (continued)



Photo 3: Adjacent Property to South (June 2019)



Photo 4: Adjacent Property to South (April 2025)

2025UV3007 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to East



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BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-DV3-016

Property Address: 2360 Prospect Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Linda Thompson, by Daniel Newton

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2360 Prospect Street is a corner lot site currently developed with an automobile sales operation on the eastern half of the site closest to the intersection of Prospect Street and Keystone Avenue. Surrounding land uses include residences to the north, commercial uses on other sides, and a connector to the Pleasant Run Greenway to the east. The vehicle sales use was allowed by the petition 95-UV3-65, subject to a site plan which only showed fencing within the northern yard.
- Between August 2022 and July 2023, new fencing was added to the western, eastern, and southern yards of the property. The property is now fully enclosed by fencing except for two (2) electric gates to allow for vehicle access from the southern and eastern front yards. The new portions of fence are around 6-feet in height and are constructed from chain link material. Per the applicant, the previously existing portions of fence to the north are 8-feet in height (maximum of 10 feet allowed within the northern side yard).



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- The recently installed sections of fence would require several variances in order to be legally established: (a) the fence height of six (6) feet exceeds the maximum of 3.5 feet allowed for fences within front yards in C-4 zoning; (b) the Ordinance prohibits chain link fencing within front yards for commercial districts; and (c) the fence encroaches into multiple clear-sight triangles created by the intersection of two primary arterials, the intersection of the northern alley and Keystone Avenue, and the intersection of the southern driveway and Prospect Street (see diagram within Exhibits).
- VIO23-005132 was opened at this property in July of 2023, and lists nine separate zoning violations (see full text within Exhibits). Approval of this variance is limited just to the height and material of the recent fencing and its encroachment into required clear-sight triangles. This variance request would not allow from relief from the other standards mentioned within the Notice of Violation (i.e. placement of banner signage, required dumpster enclosure, clearly painted lines for parking areas, outdoor storage of vehicle parts, etc.).
- Additionally, the 1995 Use Variance petition allowing the site to function as an automobile sales operation was subject to a submitted site and landscape plan which indicated placement of landscape strips with widths of 10 feet along both the Prospect and Keystone frontages as well as placement of trees along each frontage. The current site does not match this layout, and regardless of the result of the request for additional fencing, the owner would need to either bring the site into compliance or have a modification petition approved for the use to legally continue.
- This site is zoned C-4 (Community-Regional) to allow for the development of major business grouping and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The ordinance specifies that even small freestanding uses within C-4 should have excellent access from major thoroughfares. The portion of the site containing the auto sales use and fence is also recommended for Community Commercial uses by the Marion County Land Use Plan Pattern Book.
- The Indianapolis Zoning Ordinance prescribes height and material limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing for reasonable privacy. Additionally, restrictions on visual obstructions within required clear-sight triangle areas allow for pedestrians and motorists to safely navigate around street corners.
- Staff does not feel that the Findings of Fact provided by the applicant identify any site-specific practical difficulty to justify a 71% increase in height over Ordinance requirements. Additionally, this property is directly bordered by both a bike lane to the south and a greenway connection to the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.



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GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial / Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 / I-3	North: Residential
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	D-8	West: Residential
Thoroughfare Plan		
Prospect Street	Primary Arterial	56-foot right-of-way existing and 56-foot right-of-way proposed
Keystone Avenue	Primary Arterial	50-foot right-of-way existing and 56-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/05/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/05/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the eastern portion of this property where the fence is placed for the Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The western portion of the property is recommended for the Traditional Neighborhood living typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan



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- 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.



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ZONING HISTORY

ZONING HISTORY – SITE

2024DV3005, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted), **dismissed for lack of payment**.

95-UV3-65, variance of use of the Commercial Zoning Ordinance to legally establish a used automobile sales operation (not permitted), with a 10 foot landscape strip along both Prospect Street and Keystone Avenue, **approved**.

ZONING HISTORY – VICINITY

2021CVR807 ; 2326 Prospect Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an 18-foot front setback from Prospect Street (25-foot front setback required), **approved**.

2011CVR815 ; 2401 Prospect Street (southeast of site), Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the construction of a 3,502-square foot convenience store / gasoline station, (a) with a 10-foot east side transitional setback for the building and parking lot (20-foot transitional setback required), (b) with a canopy having a 64-foot setback from the centerline of Prospect Street and a 55.5-foot setback from the centerline of Keystone Avenue (70-foot setback from the centerline required), (c) with carryout food service within ten feet of a protected district (100-foot separation required), and (d) with two pylons signs within eight feet of a protected district to the east and south (50-foot side setback required for freestanding signs), **approved**.

2010CVR805 ; 1035 S Keystone Avenue (northeast of site), Special Exception and variance of development standards of the Industrial Zoning Ordinance to provide for an automobile crushing business, (a) with a 10-foot tall wood privacy fence, a storage area for crushed automobiles and vehicle parking, with a one-foot setback, without landscaping, from Keystone Avenue (100-foot front setback from the centerline of Keystone Avenue, with landscaping, required), and (b) with existing buildings with one and five-foot south side setbacks, without landscaping (20-foot side setback, with landscaping required), **approved**.

2004UV3036 ; 2347 Prospect Street (south of site), variance of use of the Commercial Zoning Ordinance to legally establish a 1,082-square foot single-family dwelling with a 72-square foot front porch (not permitted), **approved**.

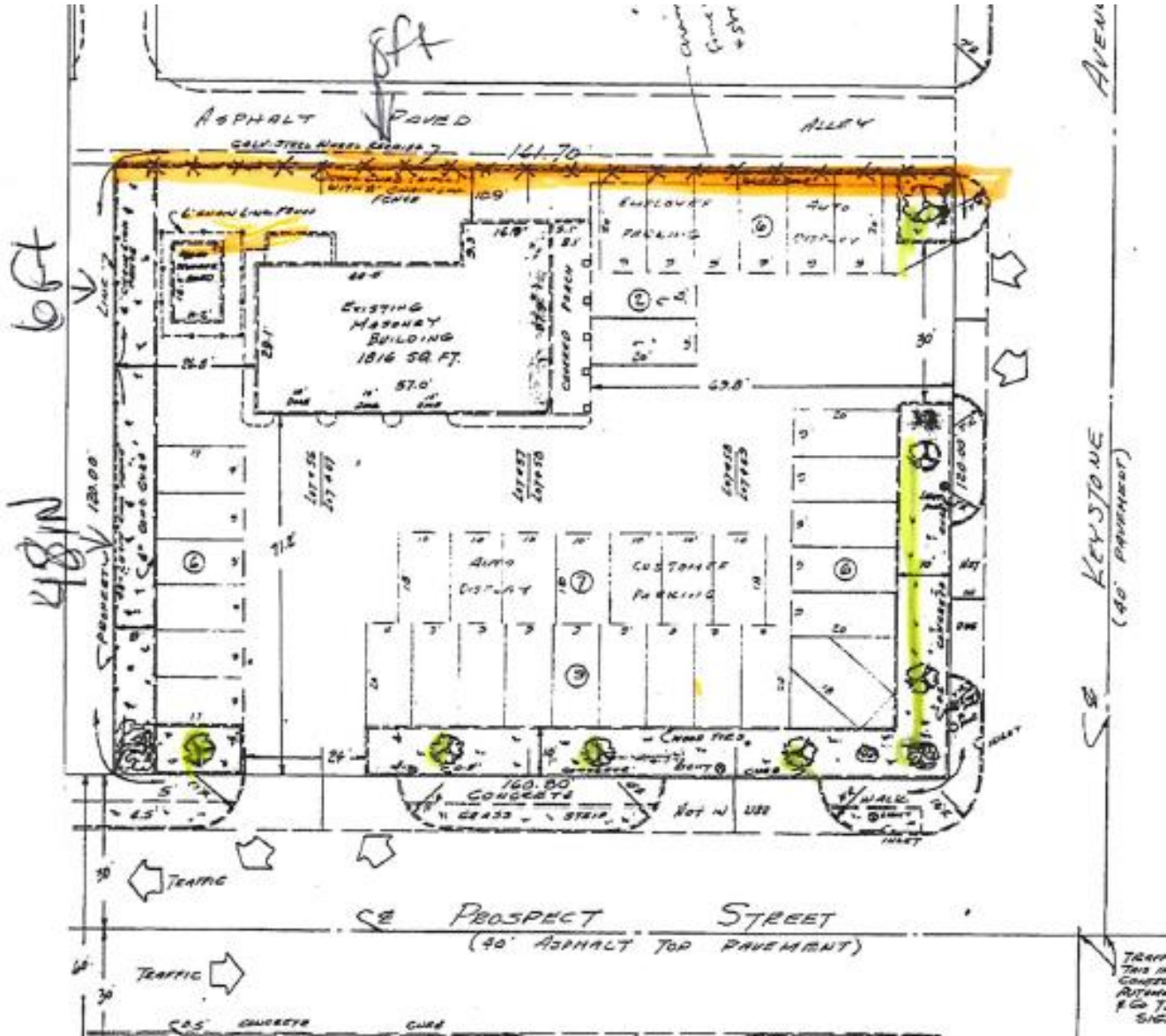
98-NC-25 ; 2332 Prospect Street (west of site), legally establish nonconforming use of 5 apartments within C-4 zoning, **denied**.

EXHIBITS

2025DV3016 ; Aerial Map

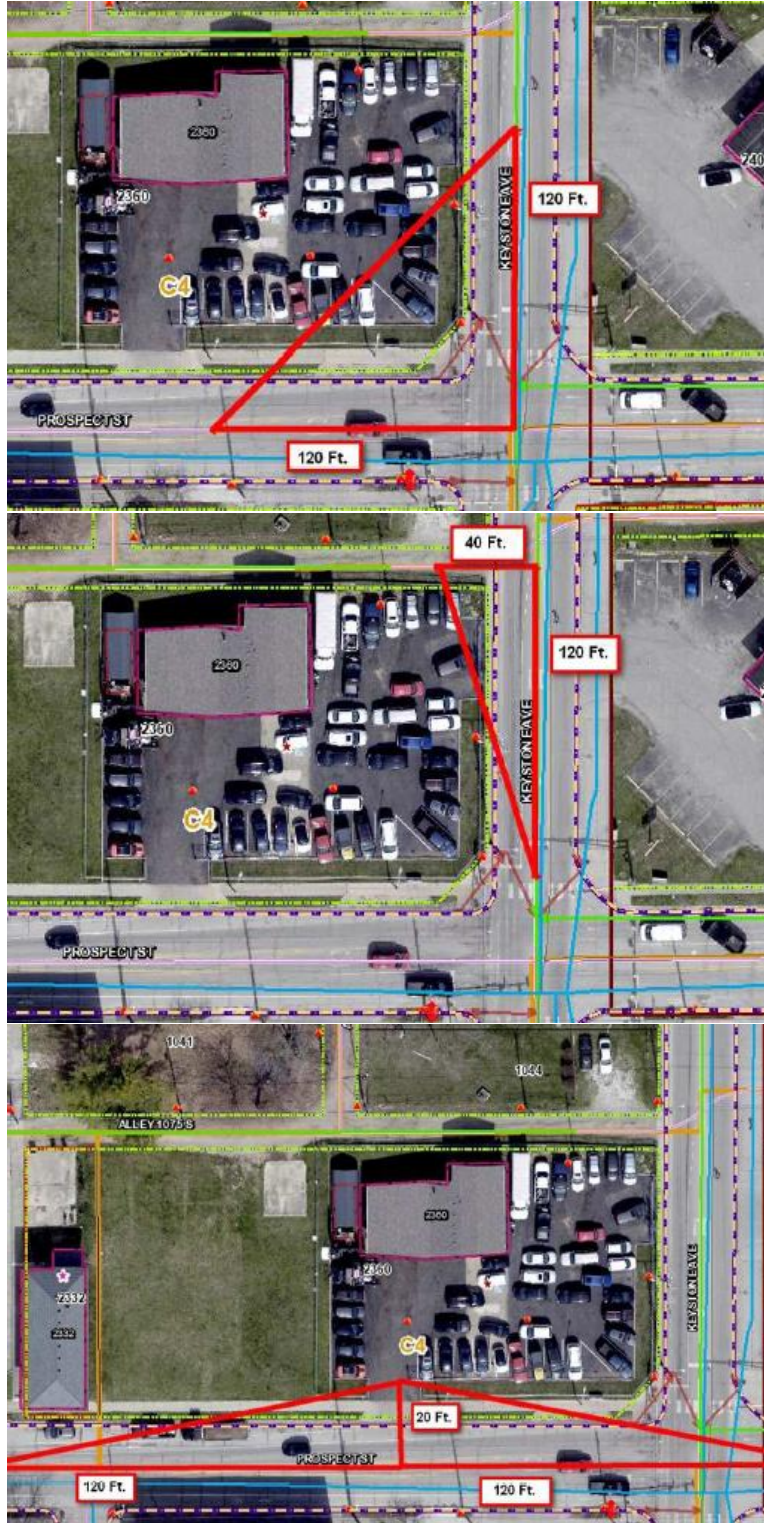


2025DV3016 ; Site Plan



(note: all portions of the current front-yard fence appear to have been installed at a height of around 6 feet or 72 inches; not 48 inches as the site plan indicates. Additionally, landscape plantings shown on this site plan that were a condition for approval of 95-UV3-65 do not currently exist)

2025DV3016 ; Clear Sight Triangle Encroachments





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2025DV3016 ; Notice of Violation (VIO23-005132)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.G.5. - Portable signs are prohibited...banners).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, brake parts, and other miscellaneous vehicle parts throughout the property).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (740-304. - No obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5ft. and 8ft. above grade level of the adjoining right-of-way within a Clear Sight Triangular Area...chain link fence).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-508.B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-2: - Failure to provide the required ADA parking... 1 handicap parking space is required).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 decision letter; specifically, a 10 foot landscaping strip along both Prospect Street and Keystone Avenue).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 site plan; specifically, the parking spaces lack durable painted lines, curbs or signage indicated in the approved site plan and missing landscaping).



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2025DV3016 ; Findings of Fact

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

it was already approved for a fence at 48" and a 60" will be better for the line of site than a 4' fence

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:

they are empty lots which i own and there is asn alley behind me whitch was already approved for an 8' fence

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

i can not keep my lot secure with the 4' fence there are homeless all around me resulting in many problems with keeping my lot secure

2025DV3016 ; Photographs



Photo 1: Subject Site Viewed from South (March 2024)



Photo 2: Subject Site Viewed from South (August 2019)

2025DV3016 ; Photographs (continued)



Photo 3: Subject Site Viewed from East (March 2024)



Photo 4: Subject Site Viewed from East (August 2019)

2025DV3016 ; Photographs (continued)



Photo 5: Subject Site Viewed from Southeast (March 2025)



Photo 6: Subject Site Viewed from West (March 2024)

2025DV3016 ; Photographs (continued)



Photo 7: Prospect/Keystone Clear-Sight Area Viewed from Southwest (January 2025)



Photo 8: Prospect/Keystone Clear-Sight Area Viewed from Northeast (January 2025)

2025DV3016 ; Photographs (continued)



Photo 9: Fence from Prospect Driveway Looking East (January 2025)



Photo 10: Fence from Prospect Driveway Looking West (January 2025)

2025DV3016 ; Photographs (continued)



Photo 11: Northern Alley and Older Fence (March 2024)



Photo 12: Adjacent Property to East (March 2024)



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BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-DV3-019

Property Address: 8733 US 31 (approximate address)

Location: Perry Township, Council District #23

Petitioner: Kasada LLC, by Sign Solutions Inc.

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two drive through signs permitted).

Current Land Use: Vacant Commercial

Staff Recommendations: Staff **recommends approval** of the third drive through sign
Staff **recommends denial** of the freestanding sign

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of the third drive through sign
- Staff **recommends denial** of the freestanding sign

PETITION OVERVIEW

- This petition would allow for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two (2) drive through signs permitted).
- The subject site is an out lot of an integrated center, formerly housed a bank branch and is currently vacant and in the process of being redeveloped. Presently, a freestanding sign exists approximately 269 feet to the north along the same frontage of U.S. 31 as the proposed sign.
- Staff believes the proposal goes against the intent and goals of the separation standard, being to promote orderly development, to limit the number of distractions to oncoming motorists, and to maintain visibility of the surrounding area by reducing physical obstructions. Additionally, Staff does not find there to be any practical difficulty associated with the request as freestanding signs are not a



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requirement of development and, likewise, finds the reasons for the variance to be self-imposed. Further, Staff would note that alternative signage options are permitted by the Ordinance, such as building signs.

- Staff would also note that this portion of U.S. 31 is an area that currently contains a substantial number of freestanding signs. Staff believes that these standards and limits set for the by the Ordinance to be important and necessary constraints on future development and that such development should conform with the modern sign regulations. Finally, Staff fears that the granting of a request of this nature could set an undesired precedent that could lead to further requests for additional freestanding signs with reduced separation. Therefore, for these reasons, Staff is opposed to and recommends denial of the request.
- With regards to the third drive through sign (maximum one allowed per drive through lane), the Ordinance limits drive through signs to one per drive lane to limit visual clutter and to promote orderly development. The proposed size of the sign area is eight (8) square feet (which would be substantially smaller than the maximum size of 40 square feet allowed for drive-thru signs), and would exclusively serve to provide information to maximize the efficiency of the drive through. Since the proposed sign would provide minimal disruption for surrounding properties, and is relatively small for a drive through sign, staff is unopposed to this minor deviation.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West Commercial
Thoroughfare Plan		
U.S. 31	Primary Arterial	142 feet of right-of-way existing and 124 feet proposed
Stop 13 Road	Local Street	70 feet of right-of-way existing and 50 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/21/25	
Site Plan (Amended)	N/A	
Elevations	5/21/25	
Elevations (Amended)	N/A	



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Landscape Plan	N/A
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Findings of Fact	6/6/25
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Findings of Fact (Amended)	N/A
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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

73-Z-77; 2102 East South County Line Road, requests rezoning of 36.60 acres, being in the A-2 District, to the C-4 classification to permit construction of a community-shopping center and related retail facilities, **approved**.

ZONING HISTORY – VICINITY

2017DV3008; 1901 Stop 13 Road (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the drive-through unit and stacking spaces in the front yard of a public right-of-way wider than 30 feet (not permitted), **granted**.

2013DV3017; 8820 US 31 (south of site), requests variance of development standards of the Sign Regulations to provide for a freestanding sign, with a two-foot front setback, being within approximately 155 feet of a freestanding sign to the north and approximately 170 feet of a freestanding sign to the south, being the fifth sign on a frontage of less than 1,400 linear feet; **granted**.

2011-DV1-005; 8928 US 31 (south of site), requests variance of development standards of the Sign Regulations to provide for a pylon sign with a seven-foot front setback and within the clear sight triangle; **granted**.

2011-DV1-003; 8950 US 31 (south of site); requests variance of development standards of the Commercial Zoning Ordinance to provide for a surface parking lot with 38 parking spaces, located within the required front yard along US 31, and to provide for an interior access drive in the required front yard along County Line Road, and a variance of development standards of the Sign Regulations to provide for a pole sign within 94 feet of an existing free-standing sign; **granted**.

2009-UV1-002; 8707 Hardegan Street (south of site); requests variance of use of the Commercial Zoning Ordinance to provide for a restaurant and amusement arcade, within 500 feet of a protected district, without the grant of a special exception; **granted**.

2008-DV2-059; 8800 US 31 (south of site); requests variance of development standards of the Sign Regulations to provide for a 437.5-square foot pole sign with a 140-square foot electronic variable message sign component, within 27 feet of a signalized traffic intersection and within 400 feet of a protected district; **granted**.

2008-HOV-005; 8711 US 31 (northth of site); requests variance of development standards of the Sign Regulations to provide for a 40-square foot electronic variable message sign component to be installed within the bottom tenant panel space of an existing 350foot tall, 560square foot pylon sign within 200 feet of a protected district; **granted**.

2007-DV2-015; 2004 East County Line Road (south of site); requests variance of development standards of the Sign Regulations to provide for the construction of 30-foot tall, 240-square foot pole sign,



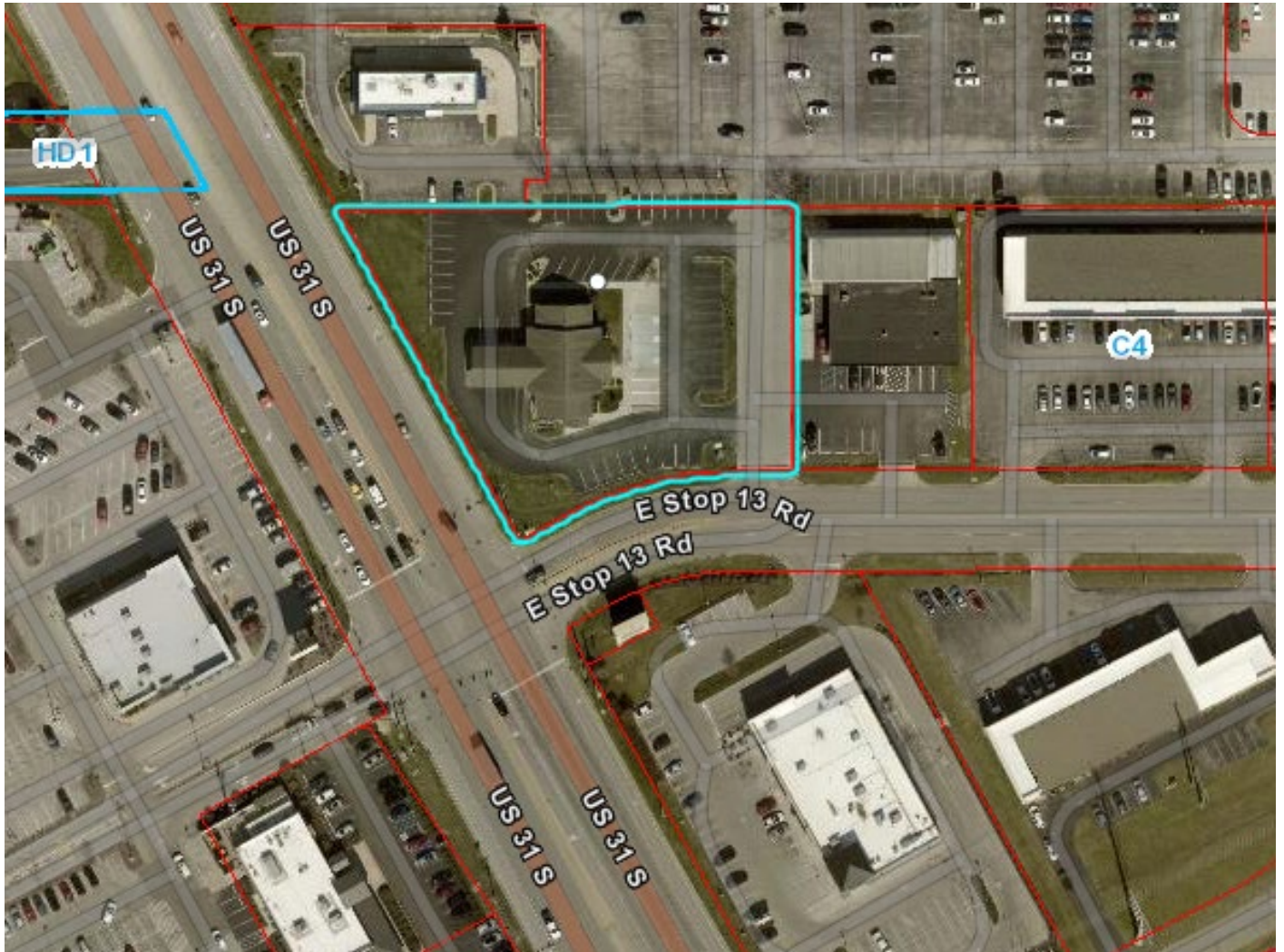
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with a 5.25-foot front setback from the intersection of County Line Road and US 31, two 46.5 square foot canopy signs on the northern and southern canopy faces being 40.70 percent of the total area of the canopy facades; **granted.**

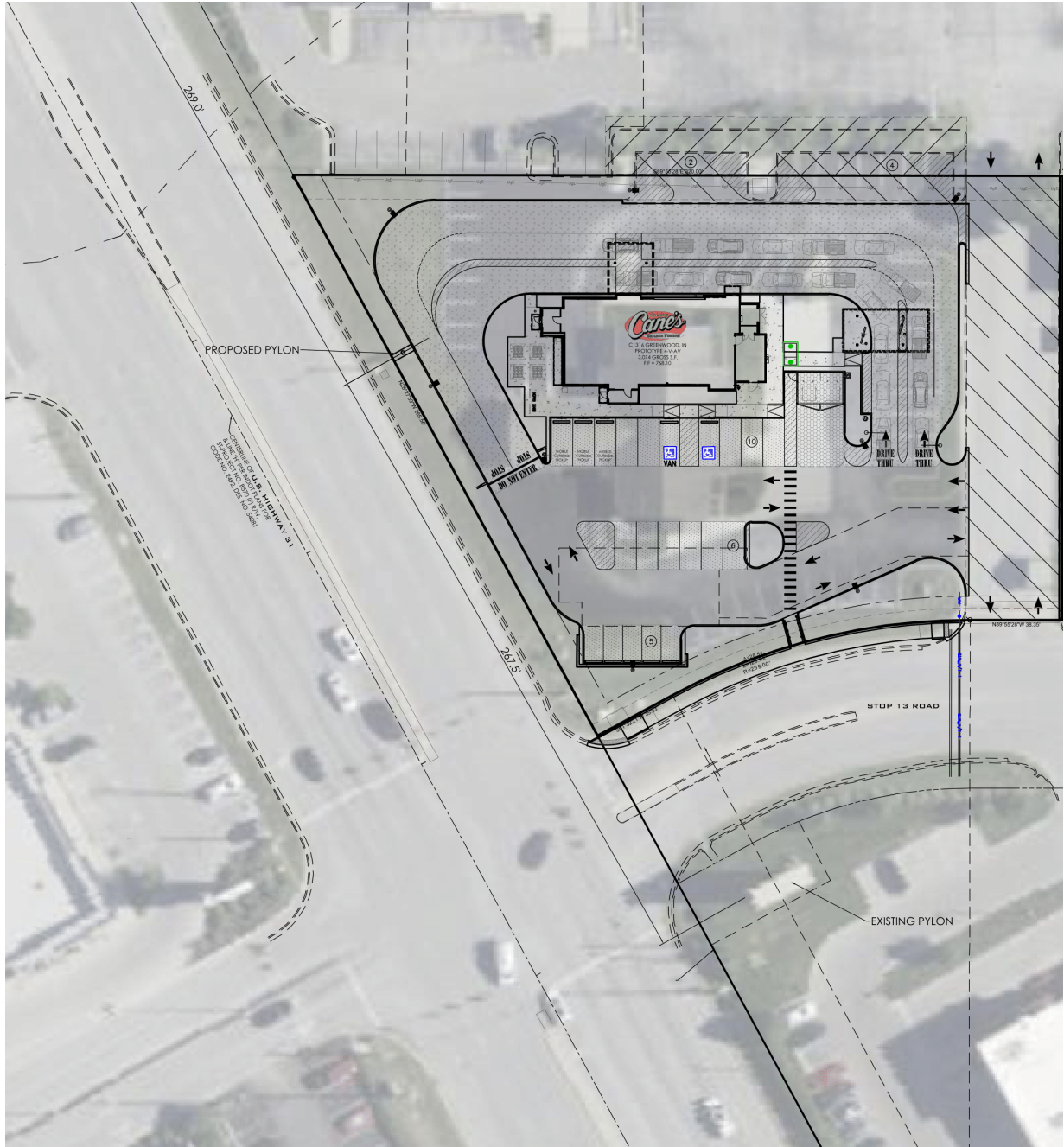
2003-DV1-034; 8711 US 31 (north of site); requests variance of development standards of the Sign Regulations to provide for a 44-square foot sign, with a 62-square foot electronic variable message sign panel on an existing thirty-five-foot-tall freestanding sign located within 200 feet of a protected district; **granted.**

2003-DV12-011; 8950 US 31 (south of site); requests variance of development standards of the Sign Regulations to provide for one 29.9-foot tall, 107.4-square foot pole sign with a 2.5-foot setback from the existing right-of-way of US 31 and County Line Road, within the required clear sight triangle; **granted.**

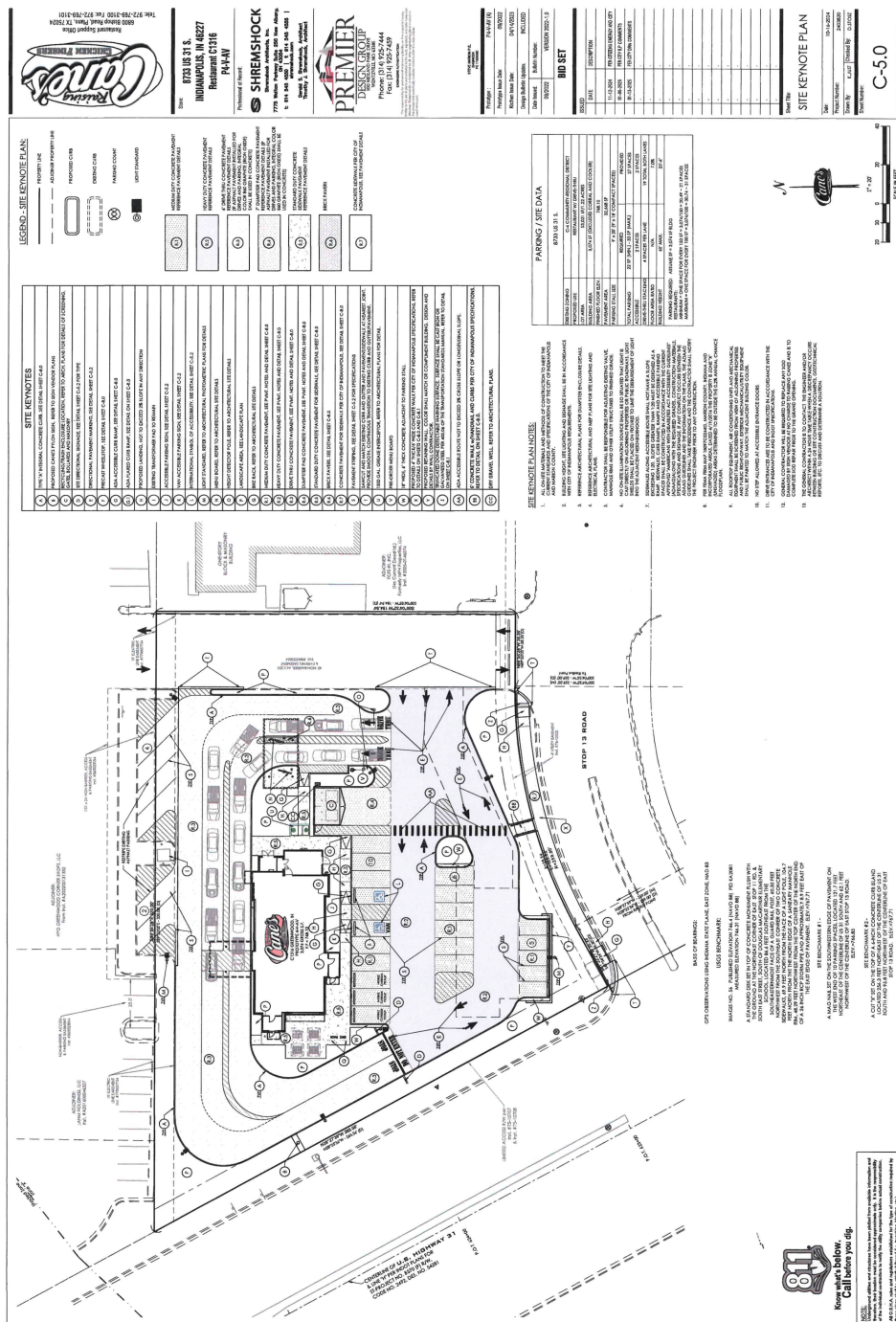
EXHIBITS



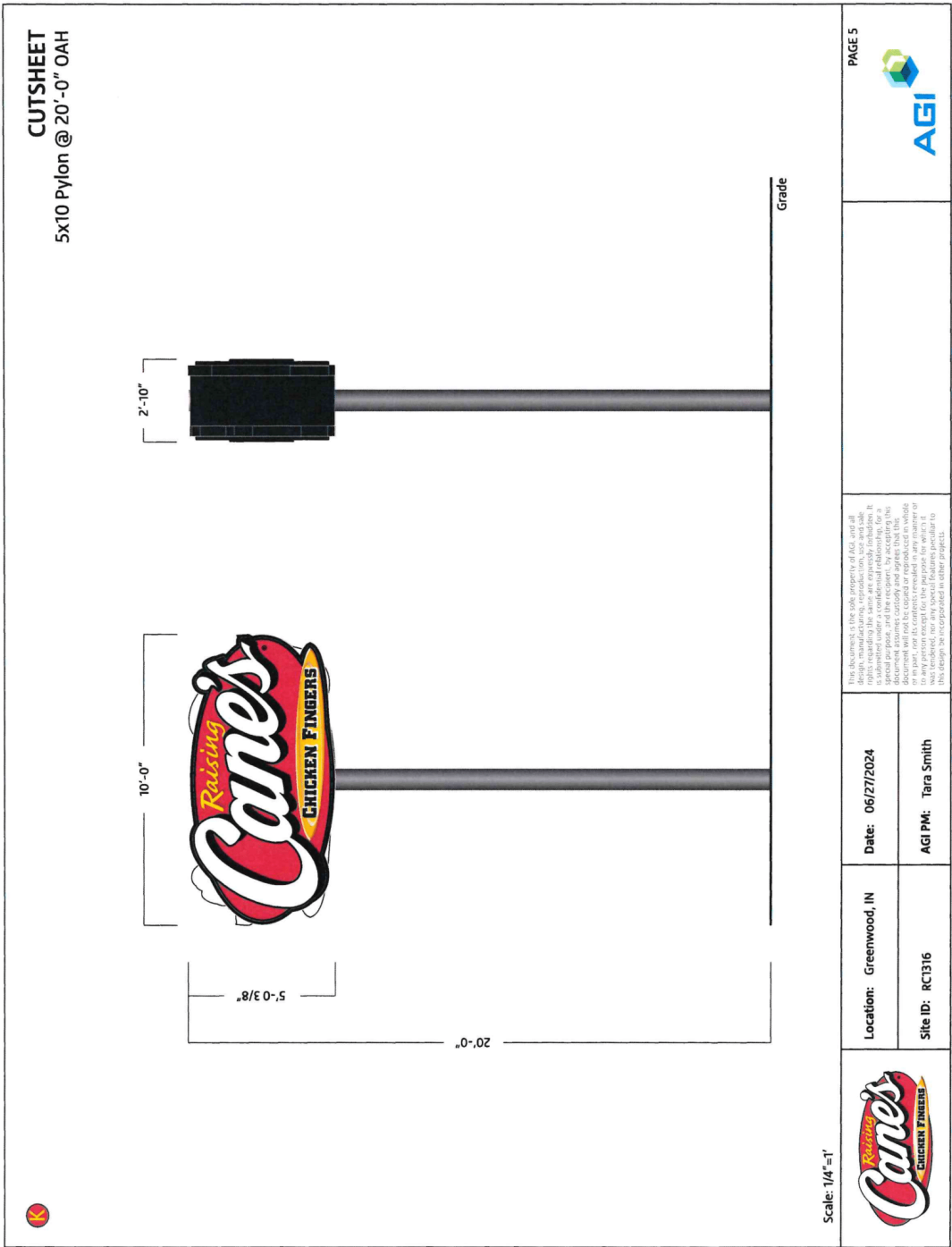
Aerial



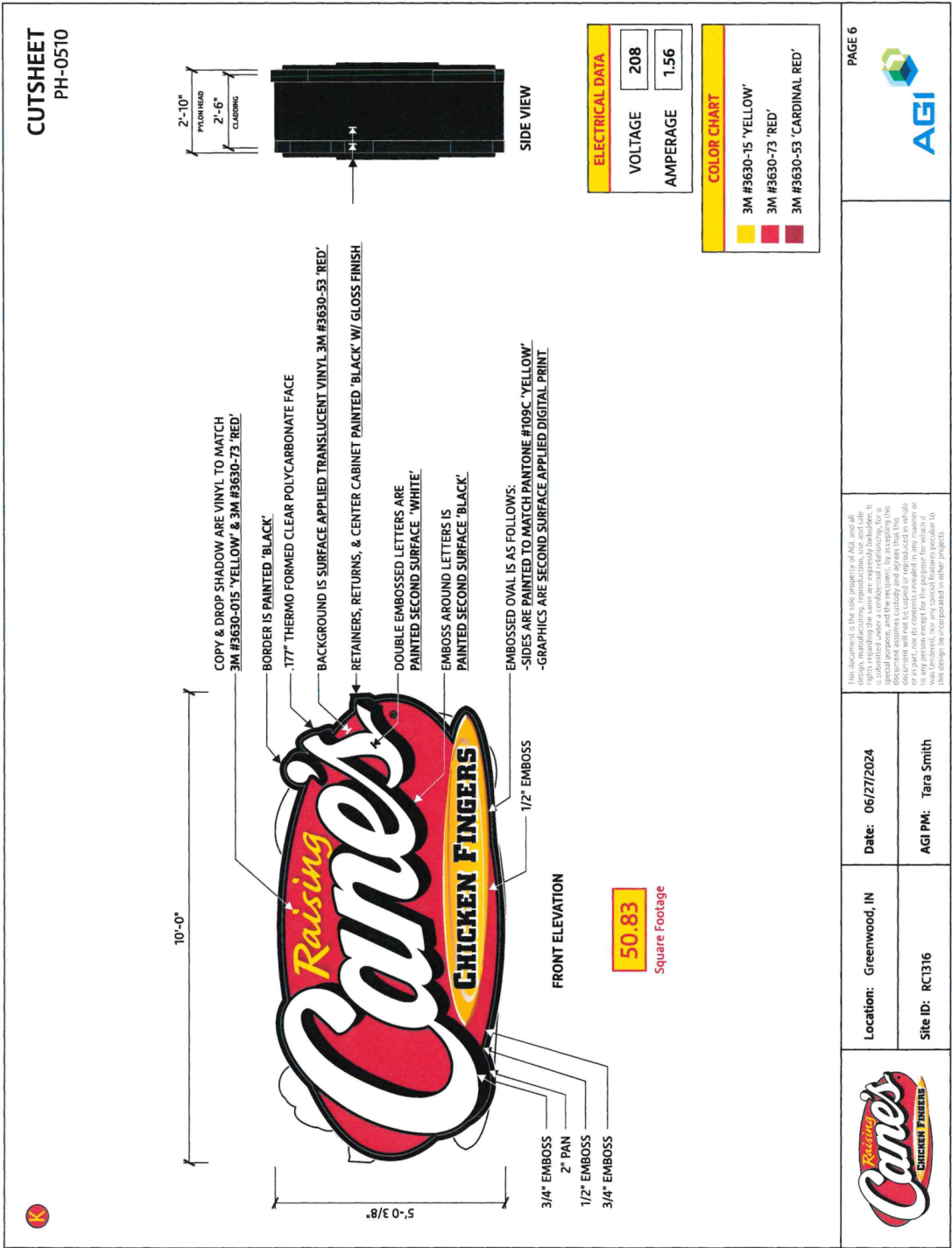
Site Plan



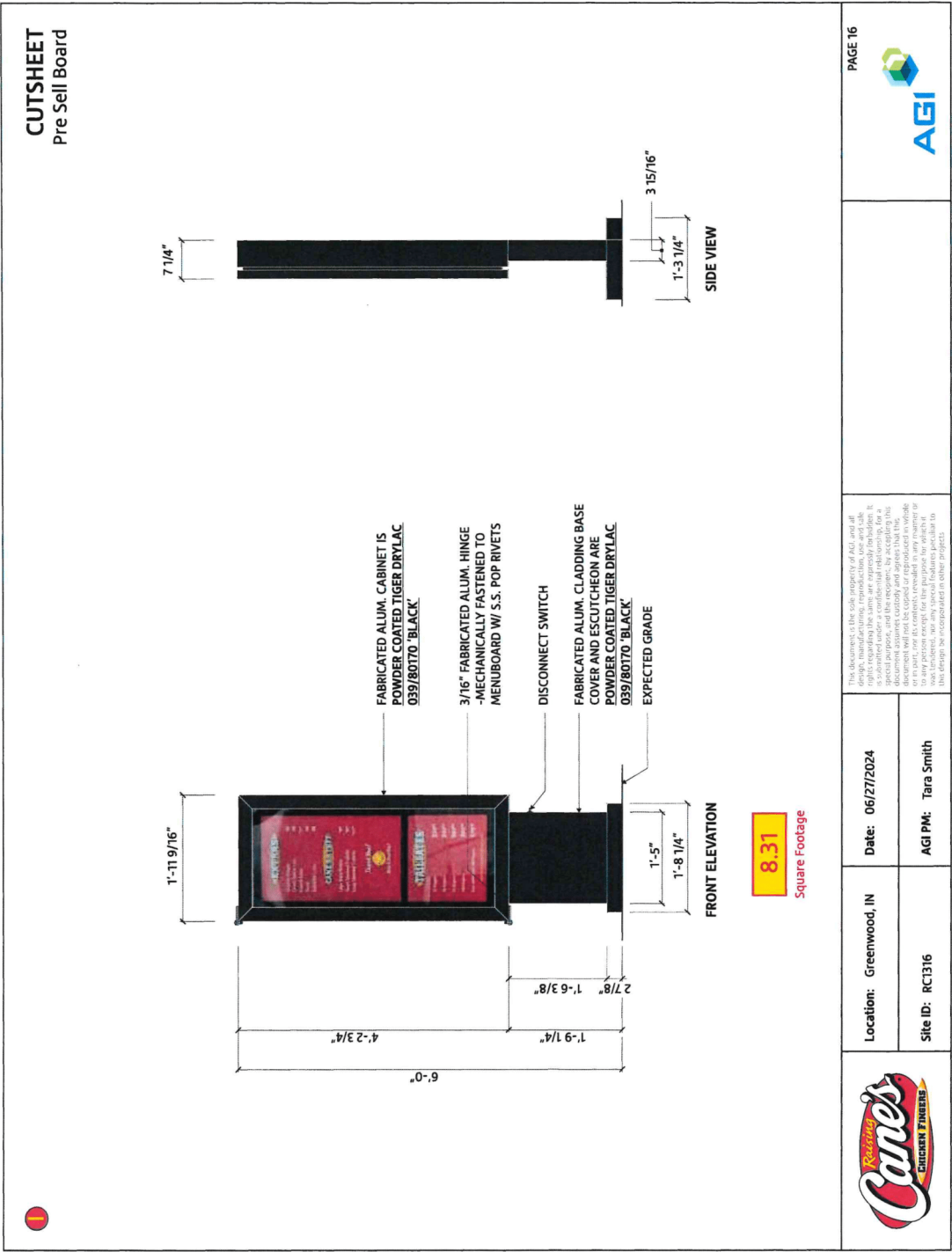
Site Plan



Proposed freestanding sign



Proposed freestanding sign elevation



Proposed drive through sign elevation



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 Pylon sign would be situated equidistant from both adjacent Multi-Tenant Pylons, providing ample space for the neighboring businesses to advertise while also giving Raising Cane's an opportunity to advertise Being unrelated to the neighboring development.

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 Pylon sign requested will be the only advertising ground sign from its proposed location to the edge of the East Stop 13 Rd., and still 260' from the adjacent Multi-Tenant sign for the unrelated development

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

The need to meet 300' is not possible along the property line, however reducing the requirement to 260' would give Raising Cane's space to install a Pylon. Not having a Pylon would impact our visibility for customers traveling along US 31

DECISION

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

Adopted this _____ day of _____, 20 ____



Looking west along Stop 13 Road



Looking north from Stop 13 Road



Looking north with the existing freestanding sign in the background



Looking north along US 31 with the existing freestanding sign shown

BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-011
Address: 2003 Woodcrest Road (approximate address)
Location: Perry Township, Council District #23
Zoning: D-2
Petitioner: Alexis Lively
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a pet grooming operations as a home occupation (not permitted).

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 the operation of a pet grooming operation, typically a C-3 use, as a home occupation.
- ◇ The purpose of the D-2 district is intended for suburban areas of the county. There is no specific requirement other than carrying out the single-family low-density patterns expressed by the Comprehensive Land Use Plan. The D-2 district has a typical density of 1.9 units per gross acre.
- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site. The proposed use would be permitted in the C-3, Neighborhood Commercial Zoning District. The C-3 district is designed to permit the development of a complete range of retail sales and personal, professional, and business services required to meet the demand of a fully developed residential neighborhood. It does not make provisions for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, even with minimal customers, there would still be an increase of traffic that would be an increase over the normal traffic patterns of a residential neighborhood. Approval of this request would facilitate the intrusion of a commercial use into an established residential neighborhood.

- ◇ 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 site can continue to be used as a single-family dwelling with permitted home occupations without the need for a variance, and the proposed use could be located in an appropriately zoned commercial district.
- ◇ 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 continue to 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 pet grooming operation.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single Family Dwellings	
Comprehensive Plan	Suburban Neighborhood	
Overlay	No	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-2	Single-family dwelling
	South: D-2	Single-family dwelling
	East: D-2	Single-family dwelling
	West: D-2	Single-family dwelling
Thoroughfare Plan		
	Woodcrest Road	Local Street 50-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	500-year	
Wellfield Protection Area	No	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Plan of Operations	January 24, 2025	
Site Plan	January 24, 2025	
Findings of Fact	January 24, 2025	

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

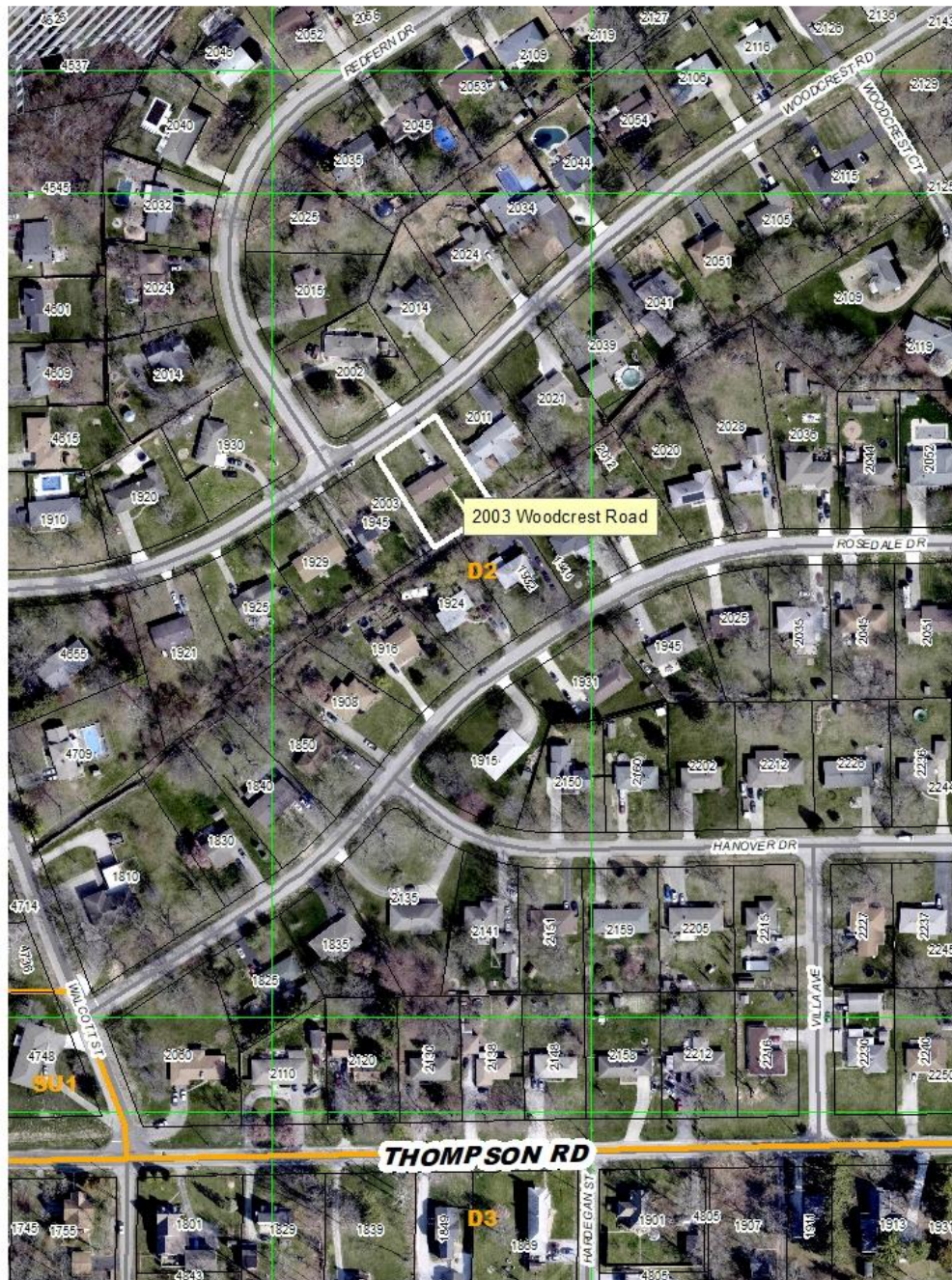
2018-HOV-004; 4622 Walcott Street (west of site), requested a variance of development standards to legally establish a five-foot side setback, and a 12-foot aggregate side setback, **granted**.

2002-DV1-002; 1920 Woodcrest Road (west of site), requested a variance of development standards to provide for the outdoor parking of a 14-foot commercial vehicle, adjacent to the west side of the dwelling, **temporarily granted for 17 months**.

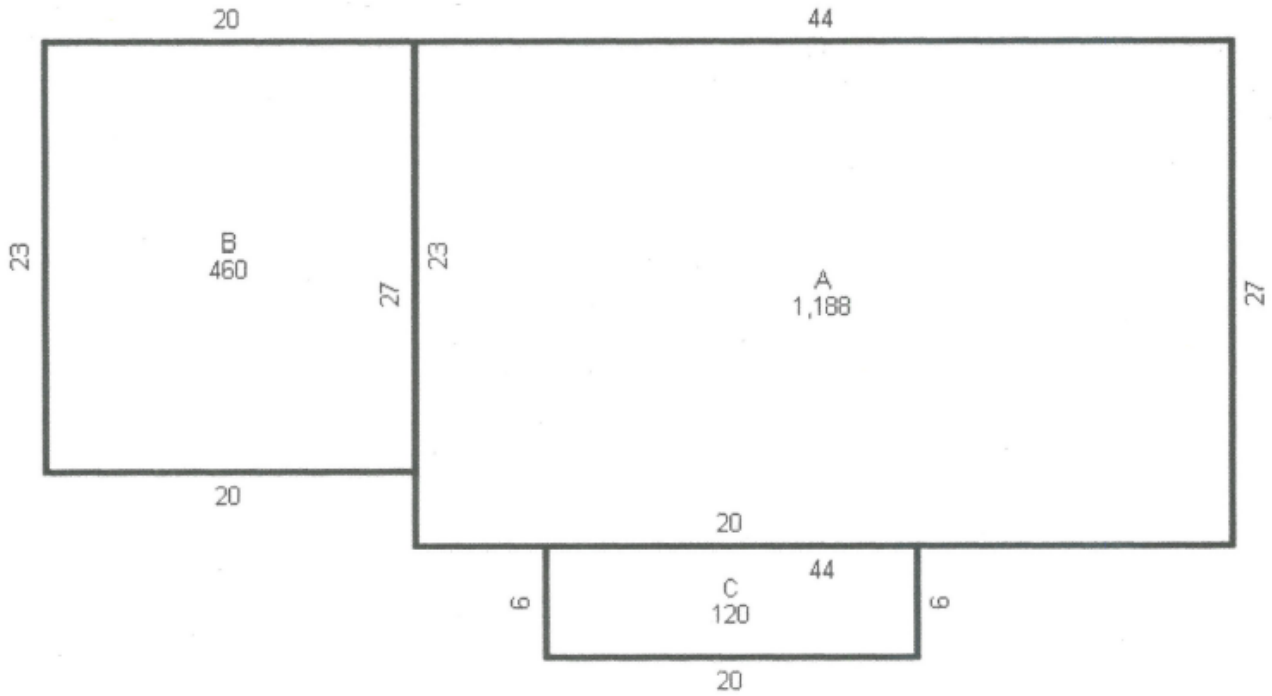
RU

EXHIBITS

Location Map



Site Plans



Plan Of Operation

The Dog House Pet Salon

Plan of Operation

- One on one pet grooming salon
- owner/operator only employee
- low traffic in home salon
- clientele is community based
- appointments for pet grooming rotate every 6-8+ weeks
- word of mouth and social media advertisement

Pet grooming consists of baths, nail trimming, brushing, and drying. Each pet on average takes 2 hours to complete from start to finish.

Hours of Operation: 9am-5pm Monday-Friday, some weekends may apply.

Salon is located in attached Garage, closed and away from the public.

Guests are allowed to enter *only* if their pet is being serviced, pick up/drop off.

Products used in the salon are shipped regularly through Amazon or other usual shipping methods.

Waste for the salon is regular gray water connected to the homes plumbing and city systems; as well as typical garbage.

I am the only employee for the foreseeable future, should I have an employee, they may park in my 4 car driveway, behind my 1 personal vehicle, leaving space for clientele to come and go.

The salon is monitored by cameras inside, as well as outside in the front driveway area. Vehicles are monitored by camera surveillance and recorded for insurance and safety purposes.

Pets Vaccination Records are kept on file and updated as needed to ensure the most recent information is logged.

Hazardous materials used would be disinfecting solutions such as KennelSol, or Oxivir. These products are used to prevent the spread of many illnesses related to both canine, feline, equestrian, and human. Disinfectant protocols are always followed as the label on the bottle states to prevent any serious harm or injury.

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____ 3
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

Permitting a residential pet grooming business will not be injurious to the public health, safety, morals, and general welfare of the community because by providing convenient access to pet grooming services promotes responsible pet ownership and encourages regular veterinary care and hygiene practices, contributing to a cleaner and healthier environment to the community.

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 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 property will retain its primary residential character. The pet grooming business will operate on a small scale, servicing a limited number of pets daily. Business hours will be restricted to standard weekday hours, and limited weekends, thereby minimizing potential disruptions to the community.

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

The need for the variance arises from some condition peculiar to the property involved because a pet grooming business is not permitted in a residential zone without a variance.

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 terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because a pet grooming business is not permitted in D-2 zoning.

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

The grant does not interfere substantially with the comprehensive plan because a pet grooming business does not promote unnecessary traffic. The pet grooming business is a small shop that services a limited amount of clients per day during standard business hours of operation.

Photographs



Subject site single family dwelling, looking south



Adjacent single family dwellings to the east, looking south.



Adjacent single family dwelling to the north.



Adjacent single family dwelling to the west, looking south.

BOARD OF ZONING APPEALS DIVISION III

June 17th, 2025

Case Number: 2025-UV3-013
Property Address: 9045 East 30th Street
Location: Warren Township, Council District #15
Petitioner: Calvary Temple Assembly of God, Inc., by David Gilman
Current Zoning: SU-1
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted).
Current Land Use: Religious Use
Staff Recommendations: Staff is recommending **denial** of this variance petition.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first hearing for this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

Enter Petition Overview

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Religious Use	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-3	North: Heavy Industrial
South:	D-4	South: Suburban Neighborhood
East:	D-7	East: Suburban Neighborhood
West:	SU-2	West: Suburban Neighborhood
Thoroughfare Plan		
30 th Street	Secondary Arterial	100 feet of right-of-way existing and 80 feet proposed.

Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	4/18/2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	6/4/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines



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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 82-Z-64: 2901 Post Road
 - Rezoning of 6 acres, being in C-2 district, to SU-1 classification, to provide for church purposes.
 - Approved
- 94-Z-92: 9041 East 30th Street
 - Rezoning of 0.758 acre, being in the C-3 District, to the SU-1 classification to provide for the construction of a paved parking lot for an existing church.
 - Approved
- 99-Z-148: 9045 East 30th Street
 - Rezoning of 0.758 acre, being in the C-3 District to the SU-1 classification to provide for religious uses.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2003-DV2-042: 8931 East 30th Street
 - Variance of Development Standards of the Sign Regulations to provide for a five-foot tall, forty square foot pylon sign (not permitted) with a twenty-four square foot electronic variable message display component (not permitted).
 - Approved
- 2004-UV2-027: 2961 North Post Road
 - Variance of Use of the Commercial Zoning Ordinance to provide for the annual temporary seasonal sales of fireworks and Independence Day – related party supplies (not permitted) between June 1st and July 10th.
 - Approved
- 2020-UV1-011: 3049 North Post Road
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a convenience market (not permitted), associated with an automobile fueling station, with a 10-foot front setback from the proposed right-of-way of Post Road and 30th Street, a 10-foot front transitional yard along 30th Street, a freestanding sign with a three-foot front setback along 30th Street and 10-foot side yards (60-foot front setback from the proposed right-of-way, 150-foot front transitional yard, five-foot front sign setback and 30-foot side setback required).
 - Denied

EXHIBITS

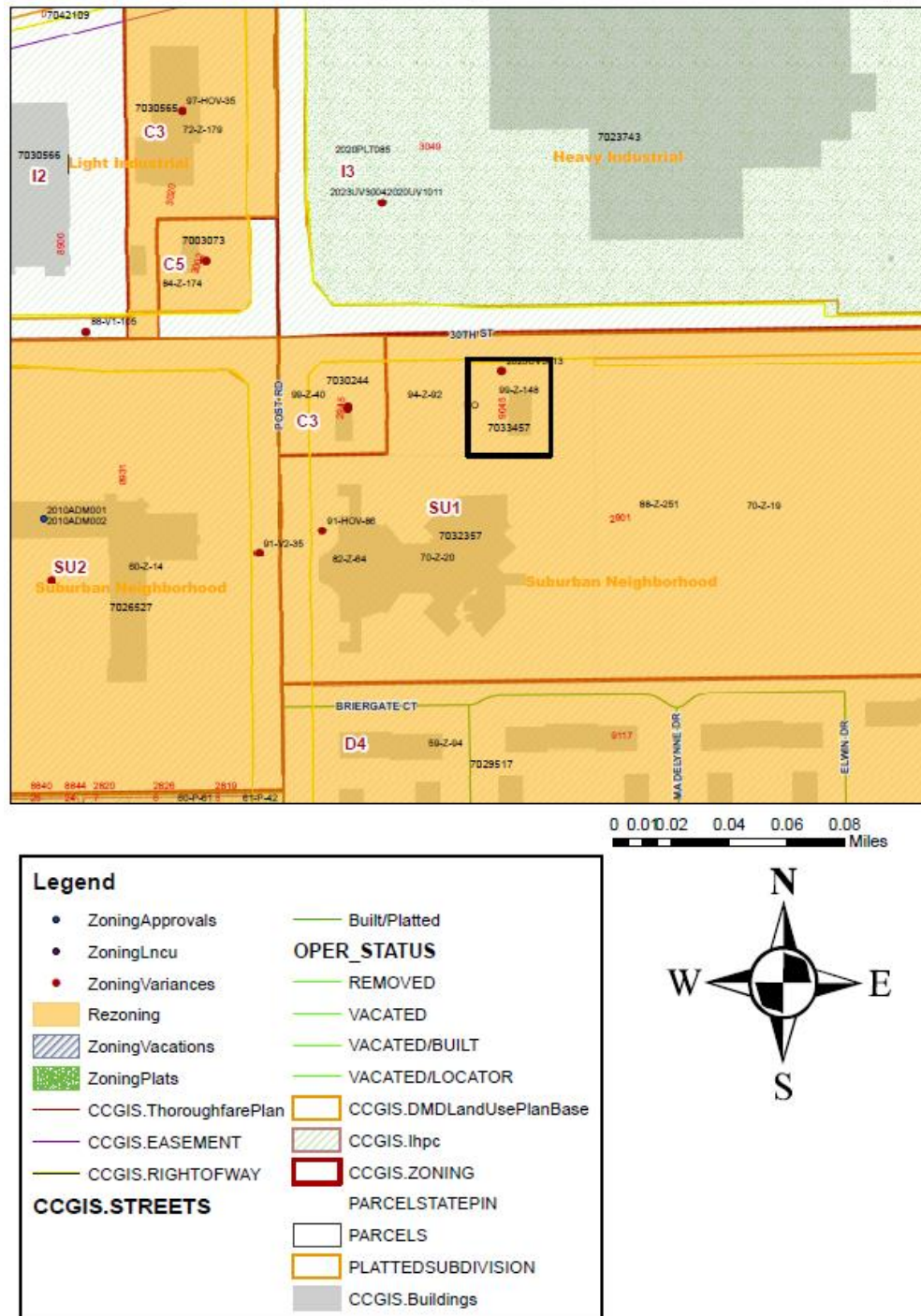


Exhibit 1: ArcGIS map of subject site and surrounding properties.

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed use for office space will be served with the required parking, access to all utilities and meet the C-1 development standards.

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 business office use is very similar to the accessory use for classrooms, offices or administration.

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

The accessory building was approved as an accessory use to the primary religious use. The building is now vacant and is no longer needed for its intended purpose.

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 existing building is no longer needed for its original purpose and remains vacant. The vacant building will be repurposed for a new use that is very similar to its intended use and will allow for the occupancy, investment and maintenance in the building and site improvements.

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

The grant of the use variance will allow a use very similar to the approved religious accessory use and will not change the underlying zoning.

The Suburban Residential Land Use Pattern Book allows for small scale office uses similar to the proposed use. There is sidewalk connectivity to the adjacent residential communities and the site is located in close proximity to a primary arterial street.

Exhibit 2: Findings of Fact

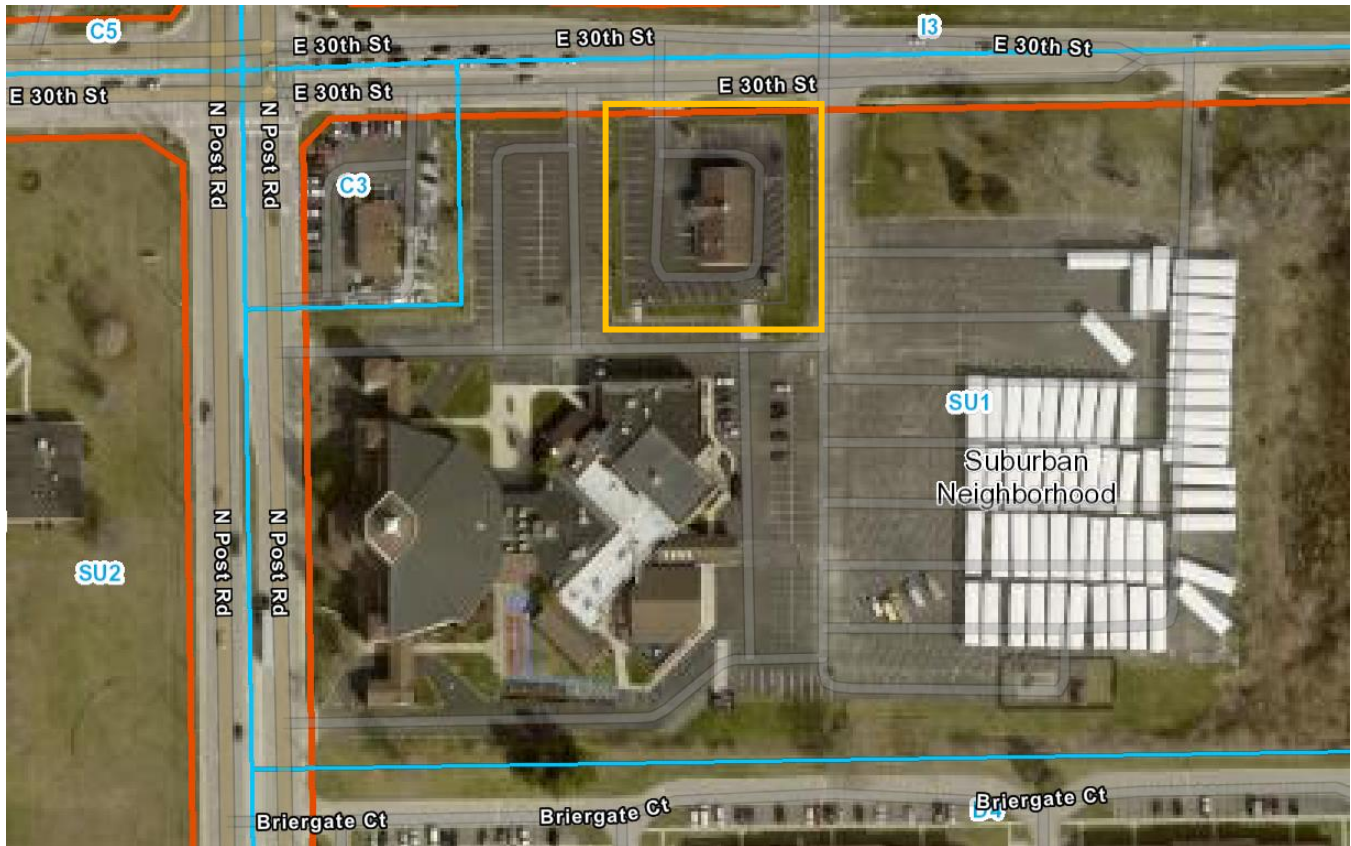


Exhibit 3: Aerial of the subject site.

SITE PLAN
9045 EAST 30TH STREET
 SCALE 1:10

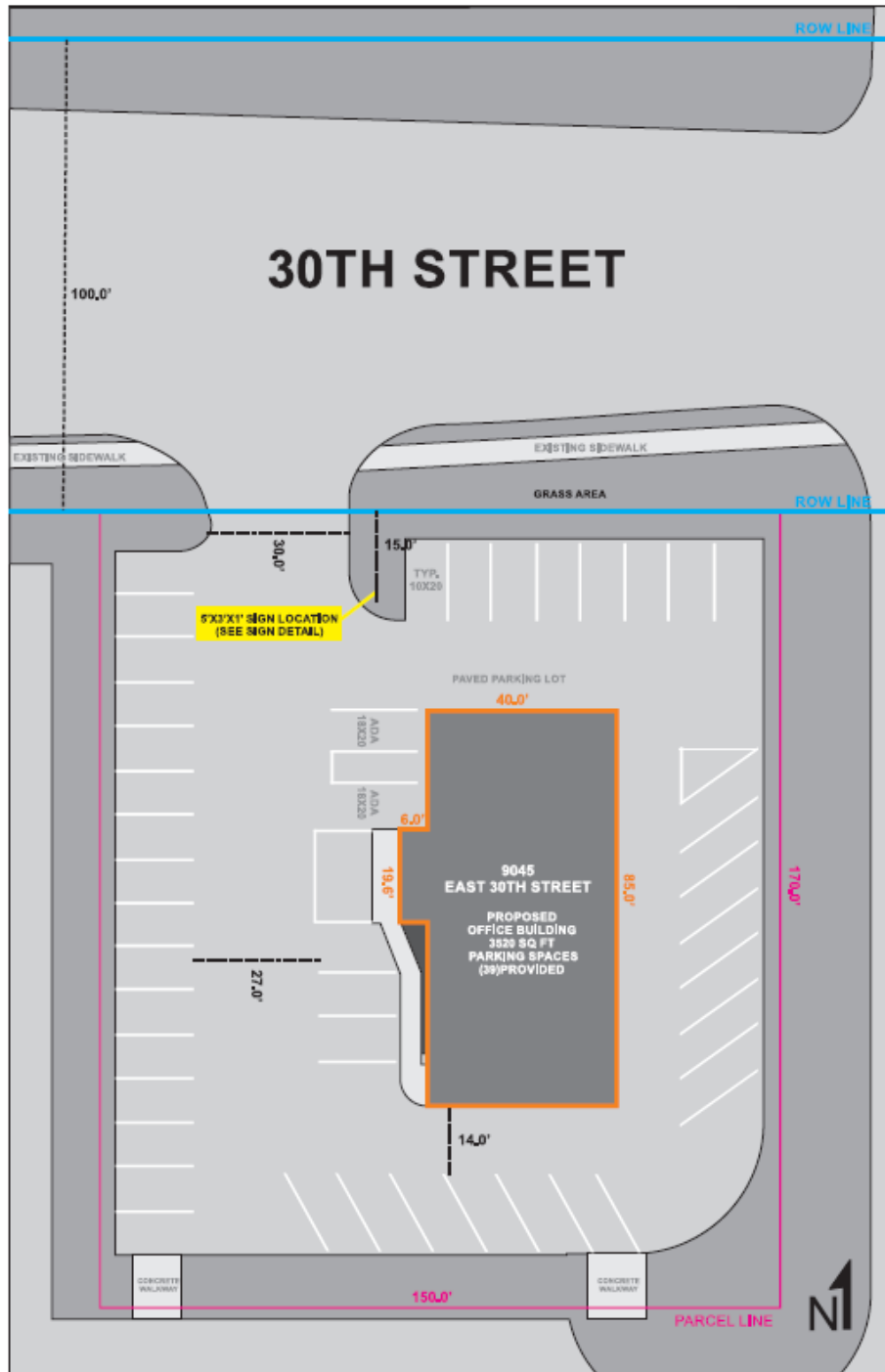


Exhibit 4: The submitted site plan.

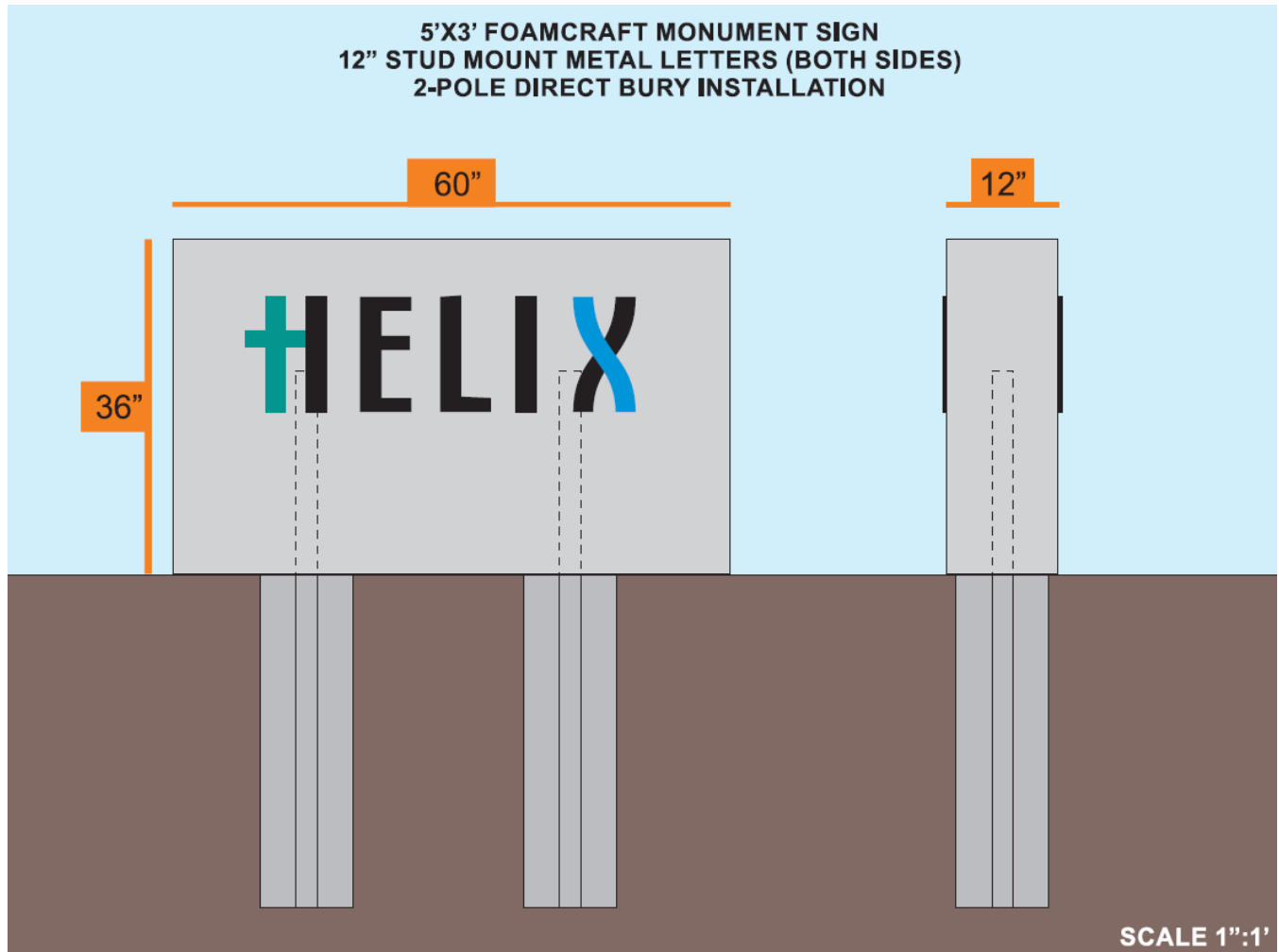


Exhibit 5: Submitted sign plans.

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

**Plan of Operation
9045 E 30th Street
4/4/2025**

BACKGROUND

The subject site is located just east of Post Road on the south side of East 30th Street. The site consists of 0.758 acres and is zoned SU-1 (Religious Use). The building was previously used for classrooms and offices to support the religious use on the parent property. The church no longer needs the space and would like to lease it as an office space for a nearby growing business.

Business Use

The petitioner seeks to operate a small professional office from the building. The site has an existing parking lot adequate to serve the proposed use. The petitioner will restripe the parking lot upon the variance approval.

Workforce

The office workforce will consist of 7-12 employees.

Hours of Operation

Business hours will be 7am to 7pm, Monday to Friday, Saturday 8am to 4pm and closed on Sundays.

Off-Street Parking

There are forty (40) customer and employee parking spaces provided, including 2 van accessible handicap spaces.

Signage

A 3 ft by 5 ft ground sign is proposed and shall comply with the current Sign Ordinance. (See Sign Details).

Clients and Customers

Clients and customers will be able to visit the site as there is ample room for parking.

Lights

Only small wall pack security lights will be installed at the designated entrance and exit to the building.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Drainage

The stormwater drainage system is in place with the development of the church and parent property. There are no new improvements proposed that would impact the existing drainage system.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.

Exhibit 6: Plan of operation.



Exhibit 7: The subject site.