



# Board of Zoning Appeals Division III (December 19, 2023) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, December 19, 2023      **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. **2023-SE3-005 | 6179 East 26th Street**

Warren Township, Council District #13, Zoned D-A  
Iglesia De Dios Israelita El Elohe Israel II Inc., by Marco Antonio Vazquez

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses with an 8.5-foot tall, 22-square foot pole sign (not permitted).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 111-foot wide parking area within the front yard of Sheridan Avenue (parking area width limited to 30 feet within front yards).

**\*\* Continuance requested by petitioner.**

### 2. **2023-SE3-006 | 1140 Dr. Martin Luther King Jr. Street**

Center Township, Council District #11, Zoned SU-2 / D-8 (RC)  
SMJ International o/b/o ATC, by Aaron Adelman

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot tall monopole tower and a four-foot lightning rod.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communication facility without the required perimeter landscape screening (minimum 10-foot landscape yard required).

**\*\*Automatic continuance to be acknowledged.**

### 3. **2023-DV3-046 | 6415 East 82nd Street**

Lawrence Township, Council District #3, Zoned C-4 /C-S  
Baldwin Capital Partners, LLC, by Timothy E. Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through that faces a public right-of-way greater than 30-foot wide (not permitted) with five parking spaces provided (six required).

**\*\* Automatic continuance to be acknowledged.**

- 4. 2023-DV3-048 | 7005 Bluff Road**  
Perry Township, Council District #20, Zoned D-P  
South Bluff LLC, by Sarah Peters

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall monument sign, being the second primary freestanding sign along Southport Road, with a separation of 175 feet (one primary freestanding sign per frontage permitted, 300-feet of separation between freestanding signs required).

**\*\* Withdrawal to be acknowledged.**

- 5. 2023-UV3-022 | 8345 Bash Street**  
Lawrence Township, Council District #3, Zoned C-4  
CF Laughner Associates, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

**\*\* Automatic continuance to be acknowledged.**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

- 6. 2023-SE3-008 | 1102 Miley Avenue**  
Center Township, Council District #11, Zoned D-5  
Church New Day Pentecostal, by Jamilah Mintze

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses, including the accessory use of a food pantry.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 15.5-foot tall, 1,600 square-foot pole barn, having a greater floor area and height than the primary dwelling (not permitted), with vehicular access from 11th Street (exclusive access from improved alley required).

- 7. 2023-DV3-040 (Amended) | 8850 East 21st Street**  
Warren Township, Council District #19, Zoned C-4 (D-7 Pending)  
8850 East Twenty First Street Inc., by David E. Dearing

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing motel into a multi-family dwelling project, resulting in a perimeter yard ranging from 0 to 5.5 feet wide (20-foot perimeter yard required).

- 8. 2023-DV3-047 | 2831 Kristen Drive West**  
Warren Township, Council District #13, Zoned D-A  
Robert & Mary House

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a five-foot south side yard setback and a concrete pad with a 2.5-foot south side yard setback (15-foot side yard setback required).

- 9. 2023-UV3-025 | 809 Noble Street**  
Center Township, Council District #16, Zoned D-8 (RC) (TOD)  
Abigail Reckard, Philip Golobish and William Lonnemann

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a community center and eating establishment (not permitted) with zero off-street parking spaces provided.

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

**10. 2023-SE3-007 | 1841 Ludlow Avenue**

Center Township, Council District #17, Zoned I-3  
Reagan Outdoor Advertising, by Michelle Noppenberger

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 by a state agency, along a freeway within I-465 (not permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign, of which the relocated off-premise sign will have a height of 70-feet tall (maximum height of 40 feet permitted), a setback of five feet from I-70 (60-foot setback required), within 761 and 630 feet from other outdoor advertising signs (1,000-feet of radial spacing required between signs) and being located within no less than 197 feet from protected districts (300-foot separation from protected districts required).

**11. 2023-DV3-028 (Amended) | 405 South Shortridge Road**

Warren Township, Council District #18, Zoned C-S  
SRMK Realty LLC, by In and Out Unlimited

A). Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6-foot tall, metal perimeter fence (fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).

B). Variances of Use and Development Standards to provide for the location of a 10-foot tall, electric fence containing barbed-wire (electric fences not permitted, barbed-wire not permitted).

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

**12. 2023-DV3-045 | 215 and 217 Dickson Street**

Center Township, Council District #17, Zoned D-8  
Terra Property QOZ Fund II LLC, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation and addition to an existing duplex, resulting in an open space of 33%, a 2.7 north side yard setback, a zero-foot south side yard setback and a 6.5-foot front yard setback (sixty percent open space, five-foot side yard setbacks, minimum 10-foot front yard setback required).

**13. 2023-UV3-023 | 3319 Byrkit Street**

Perry Township, Council District #20, Zoned D-A (FF)  
Quoc Buu Huynh

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a second single-dwelling on one parcel (only one primary building per lot 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](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 III**

**December 19, 2023**

**Case Number:** 2023-SE3-005

**Property Address:** 6179 East 26<sup>th</sup> Street (approximate address)

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

**Petitioner:** Iglesia De Dios Israelita El Elohe Israwl II Inc., by Marco Antonio Vazquez

**Current Zoning:** D-A

**Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses with an 8.5-foot tall, 22-square foot pole sign (not permitted).**

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 111-foot-wide parking area within the front yard of Sheridan Avenue (parking area width limited to 30 feet within front yards).

**Current Land Use:** Vacant

**Staff**

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

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

**PETITION HISTORY**

**ADDENDUM FOR DECEMBER 19, 2023 BZA III HEARING**

- A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition to the December 19, 2023 BZA III hearing.
- The request and the associated site plan have been revised, requiring this petition to be continued with new notice to the January 16, 2024 BZA III hearing.

**STAFF RECOMMENDATION**

Staff has no recommendation for this request.

**PETITION OVERVIEW**

- The petition is to be continued due to revisions to the variances requested.



STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-SE3-006  
**Address:** 1140 Dr. Martin Luther King, Jr. Street (*Approximate Address*)  
**Location:** Center Township, Council District #11  
**Petitioner:** SMJ International o/b/o ATC, by Aaron Adelman  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot monopole tower and a four-foot lightening rod.

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility without required perimeter landscaping screening (minimum 10-foot landscape yard required).**

The neighborhood, petitioner and staff are continuing discussions regarding this petition. A neighborhood organization has requested an **Automatic Continuance** to the **January 16, 2024**, hearing. A staff report will be available prior to that hearing.

JY

\*\*\*\*\*

**STAFF REPORT**

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

**Case Number:** 2023-DV3-046  
**Address:** 6415 East 82<sup>nd</sup> Street (approximate address)  
**Location:** Lawrence Township, Council District #3  
**Zoning:** C-4 /C-S  
**Petitioner:** Baldwin Capital Partners, LLC, by Timothy E. Ochs  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through that faces a public right-of-way greater than 30-foot wide (not permitted) with five parking spaces provided (six required).

A City County Councilor has filed an automatic continuance, continuing this petition from the December 19, 2023, hearing, to the January 16, 2024, hearing.

RU

\*\*\*\*\*



**BOARD OF ZONING APPEALS DIVISION III**

**December 19, 2023**

**Case Number:** 2023-DV3-048  
**Property Address:** 7005 Bluff Road (approximate address)  
**Location:** Perry Township, Council District #20  
**Petitioner:** South Bluff LLC, by Sarah Peters  
**Current Zoning:** DP

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall monument sign, being the second primary freestanding sign along Southport Road, with a separation of 175 feet (one primary freestanding sign per frontage permitted, 300-feet of separation between freestanding signs required).

**Current Land Use:** Vacant  
**Staff Recommendations:** Staff has no recommendation for this request  
**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

- The petitioner is formally withdrawing this petition and will not be seeking a variance. This is to be acknowledged by the Board.

**STAFF RECOMMENDATION**

Staff has no recommendation for this request.

**PETITION OVERVIEW**

- This petition is to be withdrawn.

**STAFF REPORT**

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

**Case Number:** 2023-UV3-022  
**Address:** 8345 Bash Street (approximate address)  
**Location:** Lawrence Township, Council District #3  
**Zoning:** C-4  
**Petitioner:** CF Laughner Associates, by David Gilman  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

The petitioner has filed an automatic continuance, continuing this petition from the December 19, 2023, hearing, to the January 16, 2024, hearing.

RU

\*\*\*\*\*

**STAFF REPORT**

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

**Case Number:** 2023-SE3-008  
**Address:** 1102 Miley Avenue (approximate address)  
**Location:** Center Township, Council District #11  
**Zoning:** D-5  
**Petitioner:** Church New Day Pentecostal, by Jamilah Mintze  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses, including the accessory use of a food pantry.

**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 15.5-foot tall, 1,600 square-foot pole barn, having a greater floor area and height than the primary dwelling (not permitted), with vehicular access from 11<sup>th</sup> Street (exclusive access from improved alley required).**

**RECOMMENDATIONS**

Staff **recommends approval** of the request.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

**EXISTING ZONING AND LAND USE**

D-5            Compact      Single-Family residential

**SURROUNDING ZONING AND LAND USE**

North        D-5            Undeveloped Lots  
South        SU-1          Religious Use Facility  
East          D-5            Single-Family residential  
West         SU-1          Religious Use Surface Parking

**COMPREHENSIVE PLAN**                      The Comprehensive Plan recommends Park development.

**SECONDARY ZONING DISTRICT**              N/A

(Continued)

**STAFF REPORT 2023-SE3-008 (Continued)****SPECIAL EXCEPTION**

- ◇ The request, as proposed, would allow for the operational expansion of an existing religious use facility located directly south of the subject site. Specifically, a pole barn would be erected which would allow for the operation of a food pantry. The single-family dwelling on the site would remain.
- ◇ The request would represent the development of a third lot associated with a religious use campus. The Church appears to have been built many years ago; an Improvement Location Permit issued in 1975 refers to an addition to the existing church. Assessor's Property Records do not establish a date of construction. Religious uses are generally considered compatible with residential uses, and as this particular use appears to have been in the neighborhood for many years, it is unlikely that the proposed expansion would have a negative impact.
- ◇ Given that the existing and proposed improvements to the subject site will maintain a residential aesthetic, and the associated religious use already has sufficient parking to accommodate their use without expectation of relying on residential off-street parking, Staff believes the request to be appropriate and in compliance with the required findings for a special exception. However, any further expansion of the proposed use or redevelopment of the site should be addressed through a rezoning to the SU-1 District.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would provide for the construction of a pole barn that is two-foot taller than and has a great floor area than the primary building. In addition, it would obtain vehicular access from 11<sup>th</sup> Street whereas alley access is required.
- ◇ The primary building was built in 1920 and appears to be 22 feet tall. Primary buildings are permitted to be 2.5-stories tall or 35 feet tall. The structure also has a main floor area of 705 square feet. Staff would note that there is a grade decrease as you move west across the site, mitigating the impact of the differing heights of the two structures. Given that this building was built prior to the implementation of zoning in Indianapolis and the proposed structure is intended for use of the Church, Staff believes this portion of the request to be a reasonable deviation from the Ordinance.
- ◇ The Ordinance requires that lots abutting improved alleys maintain exclusive vehicular access from such alleys. The alley along the rear lot line is improved with gravel. However, Staff would note that most of the block along the alley is unimproved, and the only other lot that is improved, does not utilize this alley for vehicular access. Furthermore, Staff would note that the alley dead ends at the boundary of Reverend Mozel Sanders Park, restricting vehicle circulation.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

These portions of Miley Avenue and 11<sup>th</sup> Street are classified in the Official Thoroughfare Plan for Marion County, Indiana as a local streets, with a 50-foot and 45-foot existing and proposed rights-of-way, respectively.

**SITE PLAN**

File-dated November 13, 2023

**ZONING HISTORY**

**2004-ZON-053; 1054-1058 and 1101-1105 Miley Avenue;** requests rezoning of 0.64 acre, being in the D-5 District, to the SU-1 classification to legally establish religious uses; **granted.**

EDH

\*\*\*\*\*



**2023-SE3-008; Location Map**

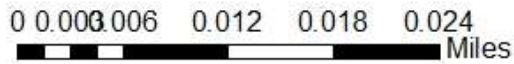
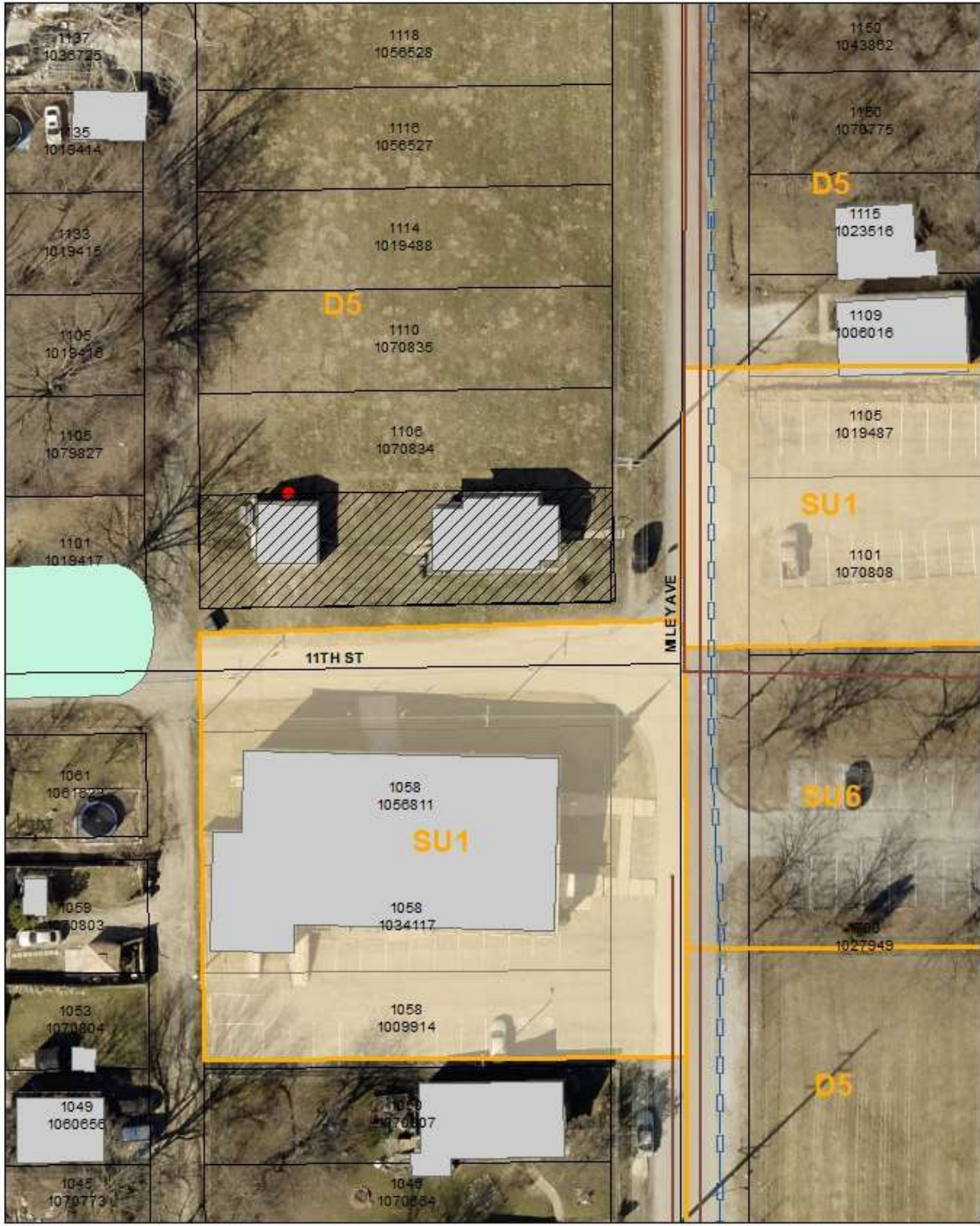








Photo One: Looking West Along 11<sup>th</sup> Street.



Photo Two: Looking East Along 11<sup>th</sup> Street.



Photo Three: Looking North Along Miley Avenue.



Looking South Along Miley Avenue.





Photo: Location of Proposed Structure on Subject Site.



Photo: Existing Dwelling on Subject Site.



## BOARD OF ZONING APPEALS DIVISION III

December 19, 2023

**Case Number:** 2023-DV3-040 (Amended)

**Property Address:** 8850 East 21<sup>st</sup> Street (approximate address)

**Location:** Warren Township, Council District #19

**Petitioner:** 8850 East Twenty First Street Inc., by David E. Dearing

**Current Zoning:** C-4 (D-7 Pending)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing motel into a multi-family dwelling project, resulting in a perimeter yard ranging from 0 to 5.5 feet wide (20-foot perimeter yard required).

**Current Land Use:** Motel

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

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

## PETITION HISTORY

### ADDENDUM FOR THE DECEMBER 19, 2023 BZA III HEARING

- This petition was continued from the November 28, 2023 BZA III hearing to the December 19, 2023 BZA III hearing to allow for the petition to be amended.

## STAFF RECOMMENDATION

Staff **recommends approval** of this request, subject to substantial compliance with the site plan, file - dated November 17, 2023.

## PETITION OVERVIEW

- This petition would provide for the conversion of an existing motel into a multi-family dwelling project, resulting in a perimeter yard ranging from 0-5.5 feet wide (20-foot perimeter yard required).
- This site is in the process of being rezoned, from the current C-4 district, to the D-7 classification to provide for multi-family housing. The rezoning petition (2023ZON055) was passed by the Metropolitan Development Commission on December 6, 2023 and is set to be adopted by the City-County Council on January 8, 2024.
- The subject site is in compliance with the C-4 zoning standards, but the site will require a variance for the future zoning classification of D-7. The D-7 classification requires a 20-foot perimeter yard



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

which is a standard that cannot be met given the location of the existing buildings and paving on site. The central building sits approximately 11 feet from the property line, while the existing pavement also sits within 20 feet of the lot lines. The proposal will keep the existing conditions of the site, as the plan does not call for any new structures nor any new paved areas. The perimeter yard will not change or decrease from what is currently in place. Given that the proposed adaptive reuse project will maintain the existing development, not adding any new buildings, nor any new pavement, Staff is unopposed to the variance request for a perimeter yard ranging from 0-5.5 feet for the subject site.

- Given that Staff’s recommendation is, in part, reliant on the fact that the request represents a reasonable reuse of the existing structures, Staff requests that the grant of the request be subject to substantial compliance with the filed site plan. Subsequently, any future redevelopment of the site would require compliance with all applicable D-7 development standards.
- In addition, Staff would note that the request helps implement and uphold the Livability Principles of the Ordinance, particularly, that of promoting equitable affordable housing through the conversion of existing building stock into long-term residential use.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 (D-7 Pending)	
<b>Existing Land Use</b>	Motel	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-S	North: Light Industrial
South:	D3	South: Single-Family Residential
East:	C4	East: Commercial
West:	C4	West: Commercial
<b>Thoroughfare Plan</b>		
East 21 <sup>st</sup> Street	Primary Arterial Existing ROW: 95 feet Proposed ROW: 90 feet	
<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>	09/21/23	
<b>Site Plan (Amended)</b>	11/17/23	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	09/21/23	
<b>Findings of Fact (Amended)</b>	N/A	





**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY - SITE

**2023ZON055**, Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing, **pending**.

### ZONING HISTORY – VICINITY

**2011-DV3-019; 2102 North Post Road (east of site)**, requested a variance of development standards to provide for a deficient setback, a trash container in the front of the building and a freestanding sign with deficient frontage and spacing, **approved**.

**2003-UV2-036; 8736 East 21st Street (west of site)**, requested the legal establishment of a religious use in a C-4 district, **approved**.

**2003-DV2-018; 2150 Boehring Street (east of site)**, requested a variance of development standards to provide for a wireless communications tower with excessive height, deficient separation from a Protected District and deficient landscaping, **denied**.

**90-UV3-144; 8920 East 21st Street (southeast of site)**, requested a variance of use to provide for tool and light equipment rental and outdoor storage, **withdrawn**.

**89-Z-65; 8920 East 21st Street (north of site)**, requested the rezoning of 11.75 acres from the C-S district to the C-S district to provide for an office, commercial and industrial park with an apartment for a self-storage facility manager, **approved**.

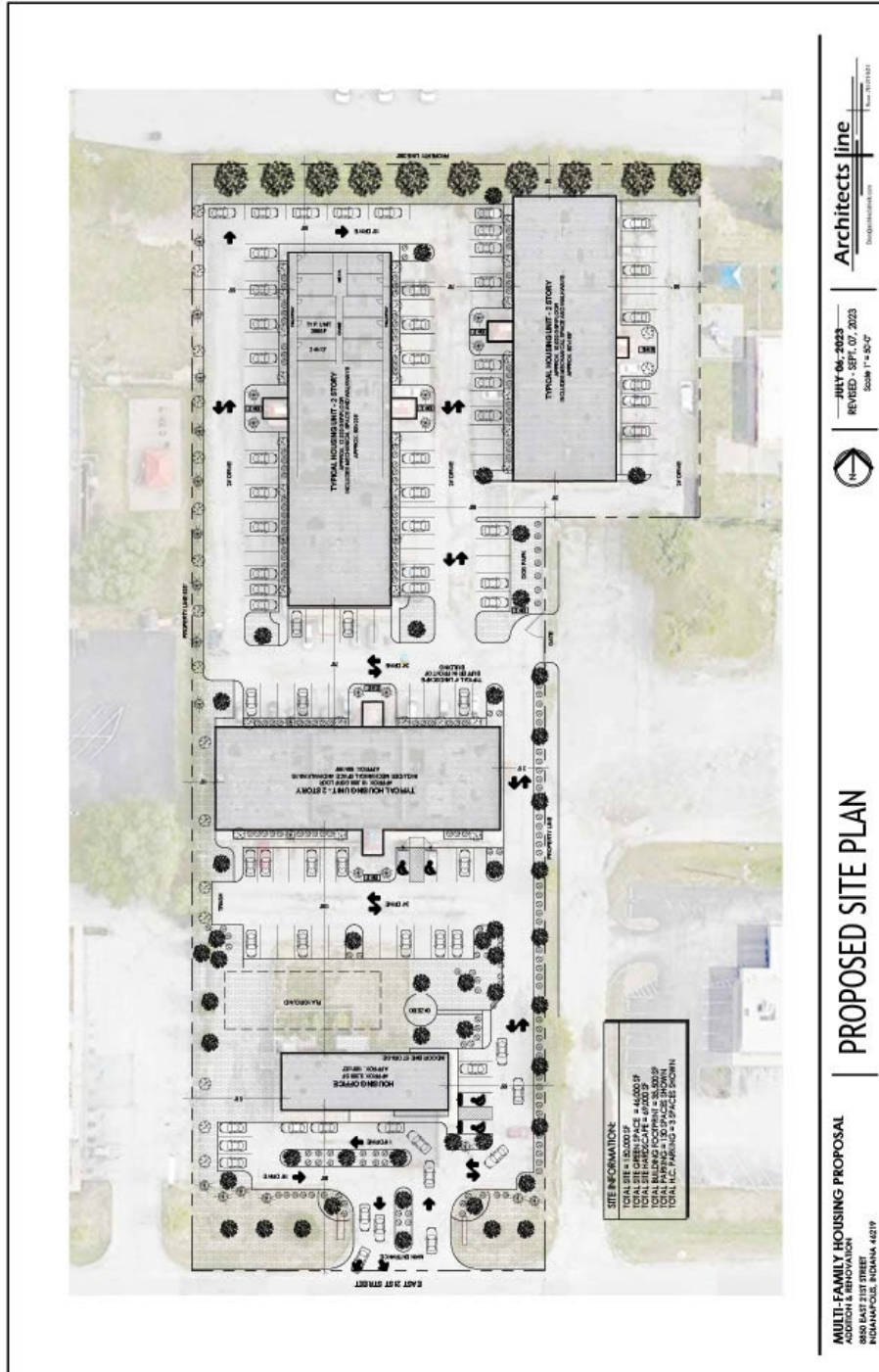
**88-Z-209; 8920 East 21st Street (north of site)**, requested the rezoning of twelve acres from the C-4 and C-5 districts to the C-S district to provide for self-storage and office warehouse space, **approved**.

**83-Z-169; 2240 North Post Road (northeast of site)**, requested the rezoning of three acres from the C-4 district to the C-6 district, **approved**.

**83-Z-138; 2102 North Post Road (east of site)**, requested the rezoning of 1.5 acre from the A-2 district to the C-4 district, **approved**.

**EXHIBITS**





**MULTI-FAMILY HOUSING PROPOSAL**  
ADDITION & RENOVATION  
8450 EAST 23<sup>RD</sup> STREET  
INDIANAPOLIS, INDIANA 46219

**PROPOSED SITE PLAN**

**Architects line**  
REGISTRATION NO. 11365  
JULY 06, 2023  
REVISED - FEB 07, 2023  
SHEET 1 - OF 9



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

**MULTIPLE DWELLING PROJECT ANALYSIS  
 DEPARTMENT OF METROPOLITAN DEVELOPMENT  
 DIVISION OF PLANNING**

Property Address: \_\_\_\_\_ Date: \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Date of Plans: \_\_\_\_\_  
 Zoning Classification: \_\_\_\_\_

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR =	.29
Open Space Ratio	OSR =	2.7
Livability Space Ratio	LSR=	1.46
Major Livability Space Ratio	MLSR=	.17
Total Car Ratio	TCR=	1.03
<b>What to Determine</b>	<b>How to determine it</b>	<b>Determination</b>
Floor Area – FA	From Plans	FA 45,528
Land Area – LA	From Plans in square feet	LA 156,290
Floor Area Ratio – FAR	FA / LA	FAR .29
Building Area – BA	From Plans	BA 35,140
Usable Roof Areas – URA	From Plans	URA 0
Uncovered Open Space – UOS	LA-BA+URA	UOS 121,150
Covered Open Space – COS	From Plans	COS 5,950
Open Space – OS	UOS + ½ COS	OS 124,124
Open Space Ratio – OSR	OS / FA	OSR 2.7
Car Area – CA	From Plans	CA 57,250
Livability Space – LS	OS – CA	LS 66874
Livability Space Ratio – LSR	LS / FA	LSR 1.46
Major Livability Space – MLS	From Plans	MLS 8090
Major Livability Space Ratio – MLSR	MLS / FA	MLSR .17
Number of Dwelling Units – DU	From Plans	DU 130
Number of Parking Spaces – PS	From Plans	PS 135
Total Car Ratio – TCR	PS / DU	TCR 1.03
Gross Density – GD	DU / (LA / 43,560)	GD 36.23





















**STAFF REPORT**

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

**Case Number:** 2023-DV3-047  
**Address:** 2831 Kristen Drive West (approximate address)  
**Location:** Warren Township, Council District #13  
**Zoning:** D-A  
**Petitioner:** Robert & Mary House  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a five-foot south side yard setback and a concrete pad with a 2.5-foot south side yard setback (15-foot side yard setback required).

**RECOMMENDATIONS**

Staff **recommends approval** of the request.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

**EXISTING ZONING AND LAND USE**

D-A            Compact    Single-Family residential

**SURROUNDING ZONING AND LAND USE**

North        D-A            Single-Family residential  
South        D-A            Single-Family residential  
East          D-A            Single-Family residential  
West         D-A            Single-Family residential

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Suburban Neighborhood development.

**SECONDARY ZONING DISTRICT**

N/A

(Continued)

**STAFF REPORT 2023-DV3-047 (Continued)**

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would provide for the construction of a detached garage, with a five-foot south side yard setback.
- ◇ The subject site is located within Geiger’s Subdivision and was improved with a home in 1956. According to aerial imagery, prior to 1956, the subject site and much of the immediate area was undeveloped land. It is likely that this area was once part of a broader farmstead, resulting in the artifact D-A zoning, which require a minimum setback of 15 feet.
- ◇ As the properties within this subdivision developed during the mid to late 1950’s, the area would have been zoned U-1 Dwelling House District, which would have allowed for the construction of single-family dwellings, public parks, railway passenger stations and vegetable gardens by-right. This district would have required that 20% of the lot width be dedicated to side yards, with a minimum requirement of four feet and no greater than 16 feet required.
- ◇ As proposed, the request would have conformed with the development standards in effect during the initial development of the subdivision. Furthermore, the lots within this subdivision possess dimensions that are characteristic of the D-4 District of the current zoning ordinance. The D-4 District requires four-foot side yard setbacks.
- ◇ While the subject site and immediate area would be best served by a rezoning to an appropriate dwelling district, Staff believes the mis-zoning of the property and the fact that the request does not represent a redevelopment to be an appropriate deviation from the zoning ordinance and aligns with the goals of the Infill Housing Guidelines, therefore conforms with the comprehensive plan.

**GENERAL INFORMATION**

THOROUGHFARE PLAN

Kristen Drive West is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 49-foot existing and proposed right-of-way.

SITE PLAN

File-dated November 2, 2023

FINDINGS OF FACT

File-dated November 2, 2023

**ZONING HISTORY**

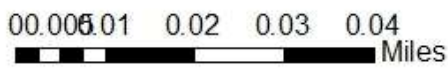
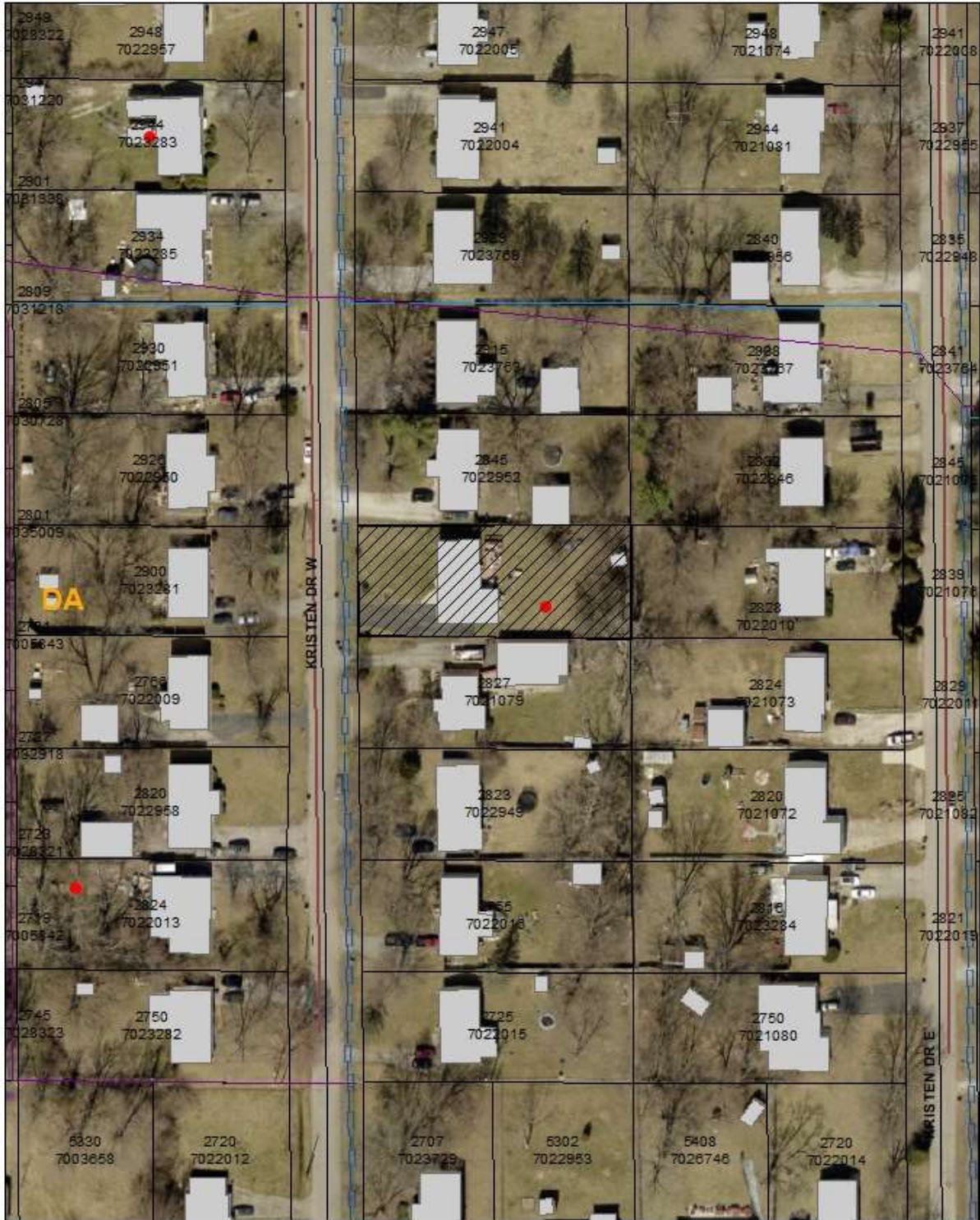
**2023-DV3-029; 2824 Kristen Drive West;** requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a five-foot north side yard setback, resulting in an open space of 80 percent; **granted.**

**87-UV1-17; 2944 Kristen West Drive;** requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile trailer for the storage of art equipment and materials for a maximum period of one year; **granted.**

EDH

\*\*\*\*\*

**2023-DV3-047; Location Map**





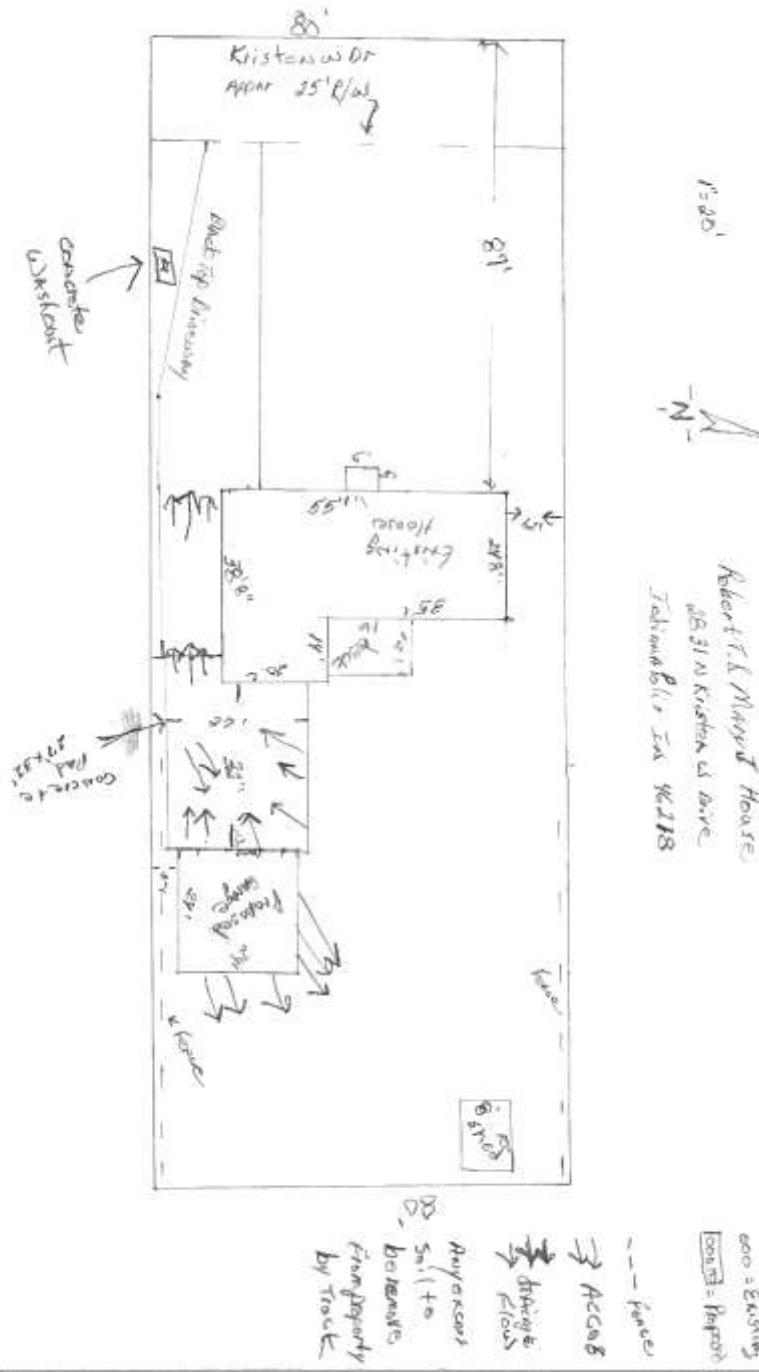




Photo One: Looking North Along Kristen West Drive.



Photo Two: Looking South Along Kristen West Drive.



Photo Three: Subject Site, Facing East.

**STAFF REPORT**

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

**Case Number:** 2023-UV3-025  
**Address:** 701 East McCarty Street (formerly 809 Noble Street) (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** Abigail Reckard, Philip Golobish and William Lonnemann  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a community center and eating establishment (not permitted) with zero off-street parking spaces provided.

**RECOMMENDATIONS**

Staff **recommends approval** of the request, subject to the following commitment:

The grant of this variance shall be subject to the Plan of Operation, file-dated December 8, 2023.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

**EXISTING ZONING AND LAND USE**

D-8 (RC) Compact Vacant religious use structure

**SURROUNDING ZONING AND LAND USE**

North - D-8 (RC) Single-family dwellings  
South - D-8 (RC) Single-family dwellings  
East - D-8 (RC) Single-family dwellings  
West - D-8 (RC) Single-family dwellings

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends the site for Traditional Neighborhood uses

**REGIONAL CENTER APPROVAL**

- ◇ The site is located within the Regional Center overlay district. Since the adoption of the Regional Center on November 17, 1970, design of renovations, new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to compliance to the Regional Center Secondary District regulations, along with zoning district development standards. A Regional Center Approval has not been filed for this site.

(Continued)



**SITE / VARIANCES**

- ◇ This petition seeks to provide for a re-use of an historic religious use structure into a community center and eating establishment, with no on-site parking. The historic one and one-half story brick Gothic church, was constructed in 1872. It is a corner lot at the intersection of McCarty Street and Noble Street within the Holy Rosary / Danish Church Historic District, a district recognized on the *National Register of Historic Places*. It is not a locally designated historic district by the Indianapolis Historic Preservation Commission.
- ◇ Earlier in 2023, a companion rezoning, variance and plat petition rezoned the site, along with the dwelling to the south, to D-8, legalized the existing building setbacks and divided the lot that was previously shared with the dwelling. Additionally, the site was formerly known as 809 Noble Street. Since the subject lot is now divided from the original lot that also contained the dwelling to the south, the subject lot is now addressed as 701 East McCarty Street. The dwelling to the south is addressed at 809 Noble Street
- ◇ The site is recommended for Traditional Neighborhood uses, according to the Land Use Plan. Traditional Neighborhood uses would include small-scale offices, retailing, and personal or professional services, as well as mix of uses, including housing. This recommendation indicates that mixed-use structures is preferred in situations like located at street intersections. The request would meet the Plan.
- ◇ On-site parking is not possible as the lot is nearly 100% covered by the existing structure. Ample on-street parking is available abutting the site, along Noble Street and McCarty Street, with public on-street parking available within one block of the site.
- ◇ The site is also with the Transit-Oriented Development Overlay (TOD). The TOD is intended to “coordinate more compact, walkable and urban development patterns with public investment in the transit system”. “Development patterns and site designs that prioritize automobile travel undermine these public and private investments”. The site is within ¼-mile of transit stops along Virginia Avenue and sidewalks exist throughout this neighborhood.
- ◇ The Plan of Operation, revised on December 8, 2023, states that hours of operation would be from 7am to 10pm, Monday through Saturday and from 9am to 8pm on Sunday. Private events may be held from 8am to 10pm on any given day. The café food would primarily be prepared offsite as a commercial kitchen is not proposed. Drinks, including espresso and smoothies, would be prepared on site. In email correspondence with the petitioner, it is expected that there would be seating for up to 62 persons. This number is fluid, but the total customer seating levels would be required to meet Marion County Public Health Department standards.
- ◇ A practical difficulty is met by the lack of ability to meet the Ordinance requirement for minimum on-site parking. Additionally, it is common for historic religious use structures to be converted into commercial or office uses in the city. For these reasons, staff would support the request with a commitment that it be approved per the Plan of Operation, filed on December 8, 2023.

(Continued)

**GENERAL INFORMATION**

THOROUGHFARE PLAN	McCarty Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 78-foot existing and proposed right-of-way. Noble Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 48-foot existing and proposed right-of-way.
URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is within Neighborhood Residential District typology of the Regional Center Urban Design Guidelines
TRANSIT-ORIENTED DEVELOPMENT	The site is located within a transit-oriented development area.
SITE PLAN	File-dated, November 13, 2023
FINDINGS OF FACT	File-dated, November 13, 2023
PLAN OF OPERATION	File-dated, November 13, 2023; revised December 8, 2023

**ZONING HISTORY - SITE**

**2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810; 809 Noble Street**, requested Rezoning of 0.53-acre from the I-3 (RC) District to the D-8 (RC) district, a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish front building setbacks along Noble Street, of 4.5 feet, a 3.8-foot and a 5.7-foot rear setback, and to provide for a 1.75-foot north side yard setback for a proposed Lot Two (minimum three, and approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53-acre into two lots, **approved**.

**ZONING HISTORY – VICINITY**

**2023-REG-096; 809 Noble Street**, requests Regional Center Approval for window replacement, **pending**.

**2023-REG-064; 707 and 711 East McCarty Street**, requested Regional Center Approval for demolition of two, single-family dwellings, and for construction of a single-family dwelling and a detached accessory use structure, **approved**.

**2019-ZON-063; 741 Greer Street**, requested a rezoning of 0.261-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

**2018-ZON-096; 822 Wright Street**, requested a rezoning of 0.20-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

**2018-HOV-086; 726 Noble Street**, requested a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for four feet between buildings, **granted**.

**95-HOV-116; 707 East McCarty Street**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance, to provide for an accessory use structure, with an aggregate side yard setback of eight feet (minimum 10 feet required), **granted**.

JY

\*\*\*\*\*

(Continued)





**PADBROS NOBLE STREET ADDITION**  
(a Replat of Lot 1 in D.S. Beatty Administrator's Subdivision)

### LEGAL DESCRIPTION

Corporate Warranty Deed Padbros LLC  
Part of Instrument No. 2023003544  
Parcel ID: 48-11-17-148-034-00-101

Lot 1 in D.S. Beatty Administrator's Subdivision of a portion of Ord. Lot 100 of the Division Lands of the City of Indianapolis, Marion County, Indiana, as per plat thereof recorded in Plat Book 2, page 143 in the Office of the Recorder of Marion County.

### MODERN LEGAL DESCRIPTION

Beginning at the intersection of the south right-of-way line of East McCarty Street and the east right-of-way line of Noble Street, thence South 87 degrees 51 minutes 20 seconds East along said south right-of-way line a distance of 40.56 feet to the northeast corner of Lot 2 in D.S. Beatty Administrator's Subdivision of a portion of Ord. Lot 100 of the Division Lands of the City of Indianapolis, Marion County, Indiana, as recorded in Plat Book 2, page 143 in the Recorder's Office of Marion County, Indiana; thence South 03 degrees 53 minutes 41 seconds West a distance of 148.00 feet to the southeast corner of said Lot 2; thence North 07 degrees 51 minutes 20 seconds West a distance of 40.56 feet to the west right-of-way line of Noble Street; thence North 03 degrees 53 minutes 41 seconds East along said west right-of-way line a distance of 148.00 feet to the POINT OF BEGINNING, containing 5,994 square feet more or less.

### SURVEYOR'S CERTIFICATE

I, DONN SCOTTEN, being duly sworn, do hereby certify that the within and foregoing plat is a true and correct representation of the facts as shown and stated to me by the owner and his agents, and that it is true and correct to the best of my knowledge and belief.

The subdivision consists of 2 Lots, hereinafter Lot 1 and Lot 2 and shall be known and designated as PADBROS NOBLE STREET ADDITION with public utility easements and setbacks as shown on the within plat.

The site of the lots and widths of the streets and easements are shown in figures denoting feet and decimal parts thereof.

The boundaries lines for this plat are based on the Survey recorded in the Office of the Marion County Recorder.

Donn W. Scotten  
 Registered Professional Surveyor #50510  
 P.O. BOX 123456 INDIANAPOLIS, INDIANA

**SCALE 1" = 20'**

### STANDARD RESTRICTIVE COVENANTS

Consistent with Indiana Ordinance (Chapter 741 Article 05)

Metropolitan Development Commission: The Metropolitan Development Commission, its successors and assigns shall have no right, power or authority to enforce any restrictive covenants or other subdivision conditions herein, after their final recording, modification or termination that expressly run in favor of the Metropolitan Development Commission, provided that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provision of its articles, or any conditions attached to approved of this plat by the Plat Commission.

Height restrictions: No fence, wall, hedge or other planting that obstructs sight lines at elevations between 2.5 and 8 feet above the ground shall be placed or constructed in excess of six feet in height within the designated area bounded by the street right-of-way line and a line connecting points 25 feet from the intersection of each street right-of-way line, or in the case of a rounded primary corner, then the intersection of the street right-of-way line extended. The same sight line construction shall apply to all streets 10 feet from the intersection of street right-of-way lines with the right-of-way line of any street. No tree shall be planted or removed within such distances of such intersections unless the height is restricted to a maximum height by general subdivision of the right line.

It shall be the responsibility of the owner of any lot or parcel of land within the same of this plat to comply with all terms with the provision of the drainage plan as approved for this plat by the City of Indianapolis and the requirements of all drainage permits issued for this plat.

It shall be the responsibility of the owner of any lot or parcel of land within the same of this plat to comply with all terms with the provision of the sanitary sewer construction approved by the municipality and the requirements of all sanitary sewer construction permits issued for this plat. No other structure that is loading, structure, tank or other obstruction shall be erected, installed, or placed in existence on the surface of the property and within the same of this plat without express written permission, but in their absence, shall run with the lot. The municipality and its agents shall have the right to access and explore, the temporary periods, with, under the terms of this plat, and where applicable, such easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities.

This subdivision has been designed to include storm water quality best management practices (BMPs) that must be installed by the owner. An Operations and Maintenance Manual is available for the plat. Upon installation of the homeowner's subdivision, it shall be the responsibility in perpetuity of the homeowner's subdivision and the individual owners of any lot or parcel of land within the same of this plat, jointly and severally, to comply with the Operations and Maintenance Manual, fees and maintenance requirements.

<p><b>PADBROS NOBLE STREET ADDITION</b> (a Replat of Lot 1 in D.S. Beatty Administrator's Subdivision)</p>	<p><b>PROJECT LOCATED IN:</b> SOUTHEAST QUARTER OF SECTION 12 TOWNSHIP 15 NORTH RANGE 3 EAST CENTER TOWNSHIP MARION COUNTY</p>	 Complete Surveying Services for Commercial - Construction - Residential (317) 841-1506 • www.AXISStudy.com • P.O. BOX 502369 • Indianapolis, IN 46250	<p><b>SHEET</b> 1 OF 1</p>	<p><b>PROJECT NUMBER</b> 1-24650 P</p>
<p><b>PREPARED FOR:</b> Paddington Brothers</p>	<p><b>DRAWN BY:</b> R. STOHLER <b>CHECKED BY:</b> D. SCOTTEN <b>ISSUE DATE:</b> 02-24-2023</p>			



Lille Bønne Operations Plan  
Abby Reckard & Will Lonnemann  
December 6, 2023

**1. Introduction:**

Our plan is to convert the old Danish church at 701 E McCarty St. in Fletcher Place into a community cafe. Lille Bønne Community Cafe aims to create a vibrant space where people can gather, enjoy quality food and drinks, participate in enriching activities, and foster a sense of community. Abby and Will and their families are long-time Fletcher Place residents and want to build something that contributes to their neighborhood. This operations plan outlines how we will effectively manage and run this unique establishment.

**2. Business Concept:**

Lille Bønne Community Cafe will offer a diverse menu, featuring items from local vendors and chefs. The community center will provide a range of activities, such as yoga and art classes, private event hosting, and acoustic live music performances.

**3. Operating Hours:**

Monday to Saturday, 7:00 AM - 10:00 PM; Sunday, 9:00 AM - 8:00 PM

Cafe would be open during all public operating hours and community center activities would have variable timings based on scheduled classes, events, and performances. Private events may be held between 8:00 AM - 10:00 PM Monday - Sunday.

**4. Menu and Offerings:**

Food served at the cafe will be primarily prepared offsite, as we will not have a full-service kitchen. Some small fares and beverages will be prepared onsite, including, but not limited to espresso drinks, smoothies, toasted sandwiches, mixed drinks, pafait, etc.

Other food items will be prepared by other local vendors and be sold as retail items.

**5. Staffing and Roles:**

Barista: Hourly employees who will prepare food and beverages and cash out customers.

Cafe manager: Salaried employee who will oversee daily operations and overall success of the cafe, including managing a diverse team, ensuring quality customer service, and driving the cafe's growth and profitability.

Programming manager: Salaried employee who will manage and coordinate events, including regularly scheduled classes, live music, and private events.

Contract instructors for yoga and art classes: we'll work with the local yoga and art communities to contract with yoga and art instructors for a consistent and revolving set of classes

**6. Customer Service:**

Our main goal is to create a welcoming atmosphere that encourages community engagement. We will do this by being a place where people want to come to socialize, work, exercise, and engage with art. We will train staff in exceptional customer service, attentive communication, and handling inquiries and feedback.

**7. Health and Safety:**

Strict adherence to food safety regulations and sanitation practices, and SafeServ certification. We will work with the Marion County Health Department for commercial inspections and approval.

Regular cleaning and maintenance of both cafe and community center areas.

Implement COVID-19 safety measures as needed.

No hazardous materials will be held onsite.

**8. Suppliers and Inventory:**

We will establish partnerships with local suppliers for coffee beans, fresh produce, catered grab-and-go items, and other ingredients.

Maintain an organized inventory system that's integrated with our POS to ensure availability of menu items.

**9. Pricing and Payment:**

Develop competitive pricing based on ingredient costs and local market trends.

Accept various payment methods, including cash, credit/debit cards, and digital wallets.

**10. Marketing and Promotion:**

We will use the existing changeable copy sign for outdoor signage. No additional signage will be added.

Utilize social media, and a dedicated website to promote the cafe and community center.

Collaborate with local artists, musicians, and instructors to host events and workshops.

**11. Technology and POS Systems:**

Implement a modern POS system (likely Square or Toast) for efficient order processing and payment.

Utilize online booking systems for class registrations and private event inquiries.

**12. Ambiance and Interior Design:**

We will go to every effort to preserve the historical charm of the church while creating a comfortable environment. We'll work with Indiana Landmarks and the Historic Preservation committee to ensure we preserve historic elements of the space, and we'll work with local artisans to craft built-ins (such as the cafe counter) that blend well with the original space.

No live music will be played outside and any indoor live music will not be amplified.

**13. Parking:**

There is ample free street parking on McCarty St, Virginia Ave, and Noble St. Most residents in the neighborhood have garage parking, so staff and patrons of the cafe would not be taking spots that residents rely on for parking. The previous occupant of this space was an active congregation, and Sunday church services did not cause parking issues for the neighborhood. We would have bike parking to encourage people to bike in (work with [Bike Indianapolis](#)).

**14. Community Engagement:**

Community engagement is one of the most important aspects of the space. We'll host regular community events, workshops, and cultural gatherings, and collaborate with local organizations to promote partnerships and community initiatives.

**15. Sustainability Practices:**

We'll implement eco-friendly practices such as waste reduction, recycling, and energy-efficient lighting, and we'll source biodegradable or reusable packaging for to-go orders.

**16. Waste:**

Waste will primarily consist of food and single-use food service products (cutlery, napkins, paper serving ware, etc.)

Recyclables will include bottles, cans, cartons, and other food containers.

Waste and recycling will be collected and disposed onsite.

We will have a commercial dumpster (or collection of barrels) concealed behind a fence on the lawn of the west side of the building (facing Noble St.).

No hazardous waste will be generated.

**17. Financial Management:**

We've outlined three years of financial projections and will continue to update financial goals based on performance and changes in business. We'll track revenue, expenses, and profitability regularly using tools like our POS and Quickbooks. We'll monitor and adjust pricing and offerings based on market trends and customer preferences.

**18. Future Growth and Expansion:**

We'll explore opportunities for expanding our menu and class offerings and hosting larger events. Because of the limitations of the space and its historic nature, we will not grow the footprint of the building.

**19. Conclusion:**

Lille Bønne's success will depend on our commitment to providing exceptional experiences, and fostering community connections. Regularly revisiting and updating this operations plan will help us achieve these goals and create a lasting impact in the community.



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

No substantial noise, lights, or odors will be generated by any of the activities that would be occurring on the property (most/all activities would be conducted within the existing structure).  
The proposed Community Center is intended to be an inclusive neighborhood-serving establishment that will be asset to the immediate area.

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

No changes are being proposed to existing exterior of the property (structure or sign), ensuring the community's longstanding residential character will be preserved. There are no exterior changes being requested to the existing structure, and all activities that would occur at the property would be indoors. Allowing the establishment of a community center would enhance the existing neighborhood character without changing it to something less residential. Community centers inherently boost the social fabric and livability of the immediate vicinity, and this would be no different. Both petitioners/founders live within 1 block of the subject property and care deeply about the well-being of the neighborhood and its residents. This same ideal is what led them to establish a community center in the first place.

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

The legal-nonconforming use (Place of Worship) was established prior to zoning or lot / subdivision regulations and has existed as a religious use for over 150 years until its recent abandonment/vacancy. The previous owners of the subject lot received approval to rezone the property during a recent public hearing - the zoning was changed from I-3 to D-8 to match the zoning district of the surrounding homes. However, this rezoning is not consistent with the historic use of the property, and the existing historic structure would need to undergo significant structural alterations to conform to current zoning regulation. Given that the structure and regulations exist in opposition to one another, there is no use that would be allowed according to current zoning. The proposed use is the highest and best use for the space.

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

As it sits now, the current structure would not be suitable or desirable as a residence (the uses currently permitted in the D-8 district) without significant interior and exterior building alterations. The community center use is being proposed to extend the usable life of the property in a way that enhances the surrounding neighborhood and preserves one of its most treasured landmarks - a historic Danish church. The community center use is not changing the character, structure, or layout of the space in a way that would be difficult to revert back to its original use.

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

The comprehensive plan shows property as Traditional Neighborhood, which includes small-scale, neighborhood-serving establishments; this is consistent with requested Community Center use being proposed. The improvements to make the property suitable as a Community Center are relatively minor, and nearly all would be performed to the interior of the structure. As such, these improvements are much less permanent in nature than the demolition and construction of new buildings like what is occurring on adjacent properties.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

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:

We do not anticipate the need for heavy vehicles larger than a van for regular deliveries. Delivery of supplies is not anticipated to exceed 1-2 times per week. The proposed use will not create noticeable vehicular traffic nor require additional parking beyond what is currently provided via on-street spaces; no substantial noise, lights, or odors will be generated by any of the activities that would be occurring on the property (most/all activities would be conducted within the existing structure).

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:

Community centers are neighborhood-serving; it is expected that a significant share of visitors will arrive by foot or other alternative/non-vehicular transportation. There are no exterior changes being requested to the existing structure, and all activities that would occur at the property would be indoors. Allowing the establishment of a community center would enhance the existing neighborhood character without changing it to something less residential. Community centers inherently boost the social fabric and livability of the immediate vicinity, and this is no different - both petitioners/founders live within 1 block of the subject property and care deeply about the well-being of the neighborhood and its residents. This same ideal is what led them to establish a community center in the first place.

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 lot was split and received setback variances earlier in 2023 to accommodate the existing structure. As a result, there is no physical room for off-street parking to be provided on the property without demolishing part of existing historic structure. The property operated as a place of worship for over 150 years and did not cause traffic congestion or off-street parking shortages for surrounding residents during that time. Though off-street parking was not required to be provided for the legal-nonconforming religious uses that previously took place on the property, the City's current zoning ordinance would require more parking for a religious use than for a community center. (i.e. the community center use being proposed is LESS intense than the previous religious use (judging by the city's current off-street parking regulations))

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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

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





View of the front of the building along McCarty Street





Views of the abutting dwelling to the east and subject building (top); and dwellings to the west, along McCarty Street





Views of the building and abutting dwelling to the south, along Noble Street

**STAFF REPORT**

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

**Case Number:** 2023-SE3-007  
**Address:** 1841 Ludlow Avenue (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** I-3  
**Petitioner:** Reagan Outdoor Advertising, by Michelle Noppenberger  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 by a state agency, along a freeway within I-465 (not permitted).

**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign, of which the relocated off-premise sign will have a height of 70-feet tall (maximum height of 40 feet permitted), a setback of five feet from I-70 (60-foot setback required), within 761 and 630 feet from other outdoor advertising signs (1,000-feet of radial spacing required between signs) and being located within no less than 197 feet from protected districts (300-foot separation from protected districts required).**

This petition was automatically continued from the November 28, 2023, hearing, to the December 19, 2023, hearing, at the request of a registered neighborhood organization.

**RECOMMENDATIONS**

Staff **recommends approval** of the Special Exception request.

Staff **recommends denial** of the Variance of Development Standards request.

**SUMMARY OF ISSUES**

**LAND USE**

**EXISTING ZONING AND LAND USE**

Compact I-3 Accessory parking lot

**SURROUNDING ZONING AND LAND USE**

Northwest D-5 Single-family residential / Interstate I-70  
Southeast I-3 Warehouse  
Northeast SU-9 Government residential work release facility  
Southwest I-3 Manufacturing facility

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends heavy industrial uses for the site, with an overlay for Industrial Reserve.

(Continued)

## **STAFF REPORT 2023-SE3-007 (Continued)**

### **SPECIAL EXCEPTION**

- ◇ An outdoor advertising off-premise sign is defined in the Ordinance as “A sign that directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. This limitation does not apply to the content of commercial messages.”
- ◇ The need for the special exception arises from a condition peculiar to the property involved because a road expansion project included West Thompson Road, and the expansion of SR-37/I-69 by INDOT would eliminate the sign’s existing location at 2202 W. Thompson Road on private property causing the relocation of the sign.
- ◇ Indiana Code 8-23-20-25.6 reads as follows:

*Sec. 25.6.*

*(a) As used in this section, “market area” means a point within the same county as the prior location of an outdoor advertising sign.*

*(b) This section applies only to an outdoor advertising sign located along the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991, or any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.*

*(c) If an outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway, the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may:*

- (1) elevate a conforming outdoor advertising sign; or*
- (2) relocate a conforming or nonconforming outdoor advertising sign to a point within the market area, if the new location of the outdoor advertising sign complies with the applicable spacing requirements and is located in land zoned for commercial or industrial purposes or unzoned areas used for commercial or industrial purposes.*

*(d) If within one (1) year of an action being filed under IC 32-34, an owner can demonstrate that the owner has made good faith efforts to relocate a conforming or nonconforming outdoor advertising sign to a conforming location within the market area, but the owner has not obtained a new conforming location, the outdoor advertising sign will be treated as if it cannot be relocated within the market area. Notwithstanding subsection (e) and IC 8-23-20.5, if an outdoor advertising sign cannot be elevated or relocated to a conforming location and elevation within the market area, the removal or relocation of the outdoor advertising sign constitutes a taking of a property interest and the owner must be compensated under section 27 of this chapter, Notwithstanding subsections (d) and (g), if a conforming outdoor advertising sign cannot be elevated or relocated within the market area, the removal or relocation of the conforming outdoor advertising sign constitutes a total taking of a real property interest, including the sign structure, and the owner must be compensated under section 27 of this chapter.*

(Continued)



**STAFF REPORT 2023-SE3-007 (Continued)**

*(e) The county or municipality, under IC 36-7-4, may, if necessary, provide for the elevation or relocation by ordinance for a special exception to the zoning ordinance of the county or municipality.*

*(f) The elevated outdoor advertising sign or outdoor advertising sign to be relocated, to the extent allowed by federal or state law, may be modified:*

*(1) to elevate the sign to make the entire advertising content of the sign visible; and*

*(2) to an angle to make the entire advertising content of the sign visible; and*

*(3) in size or material type, at the expense of:*

*(A) the owner, if the modification in size or material type of the outdoor advertising sign is by choice of the owner; or*

*(B) the department, if the modification in size or material type of the outdoor advertising sign is required for the outdoor advertising sign to comply with IC 22-13.*

*(g) This section does not exempt an owner or operator of a sign from submitting to the department any application or fee required by law.*

*(h) At least twelve (12) months before the filing of an eminent domain action to acquire an outdoor advertising sign under IC 32-34, the department must provide written notice to the representative of the sign owner identified on the outdoor advertising sign permit that is on file with the Indiana Department of transportation that a project has been planned that may impact the outdoor advertising sign.*

*(i) If the agency fails to provide notice required by subsection (h) within (12) twelve months of an action being filed against an owner under IC 32-24, the owner may receive reasonable compensation for losses associated with the failure to receive timely notice. However, failure to send notice required by subsection (h) is not a basis of an objection to a proceeding under IC 32-23-1-8.*

- ◇ The current Zoning and Subdivision Ordinance does align with state code, which provides for a special exception to the zoning ordinance to allow for either an elevation increase or relocation of the outdoor advertising sign if the sign must be moved or removed due to construction or highway widening.
- ◇ The owner has a government imposed practical difficulty due to a road expansion project that includes the sign's current location at 2202 W. Thompson Road, and the expansion of I-69 by INDOT, which would eliminate the sign's existing location on private property causing the relocation of the sign.
- ◇ State code notes that there should be the option to elevate the sign or relocate the sign but does not specify that both options must be granted. Since the widening of SR-37/I-69 is out of the petitioner's control, staff is supportive of the special exception request as proposed to relocate the sign.

(Continued)



**STAFF REPORT 2023-SE3-007 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The petitioner has requested variances of development standards to allow for the relocated sign to have an increase in permitted sign height from 40 feet to 70 feet in height, to have a five-foot front setback from I-70 where a 60-foot front setback is required, to reduce the radial spacing required between signs from 1,000-feet to within 761 and 630 feet from other outdoor advertising signs, and to be located within 197 feet from protected districts where a 300-foot separation from protected districts is required.
- ◇ The site is relatively level with the Interstate I-70 road deck and has no visible obstructions. With the sign being permitted at 40 feet tall, the request would provide for an additional 30 feet, resulting in a request to provide for a sign 70 feet above the road surface of Interstate I-70. No practical difficulty has been presented as to why the additional 30 feet in sign height is needed. Therefore, Staff recommends denial of the request as proposed to increase the sign height from 40 feet to 70 feet, as any increase in height, would decrease road safety by negatively impacting motorists that would be distracted by the content
- ◇ The petitioner has requested a variance to allow for a five-foot setback from Interstate 70, where a 60-foot setback is required. Providing for a reduced setback from Interstate 70 would not be supportable, as it would increase the intensity of the off-premise advertising sign by locating closer to motorists that would be distracted by the content. Additionally, it would bring the activities on the site closer to adjacent properties, without adequate buffering.
- ◇ The site, at approximately 172 feet at its widest from Interstate 70, could accommodate the required 60-foot setback. Therefore, no peculiar condition exists on site for staff to be supportive of these requests. The strict application of the Ordinance would not constitute an unnecessary hardship. Instead, this is a self-imposed difficulty since the newly constructed/installed signs could be developed to meet the Ordinance standards by right without the need for variances.
- ◇ The petitioner has requested a variance to reduce the radial spacing required between the proposed outdoor advertising sign and other signs from 1,000-feet, to within 761 and 630 feet from other outdoor advertising signs.
- ◇ The 1,000-foot off-premise advertising sign separation requirement is designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with signs in close proximity to one another. Decreasing sign separation inhibits the ability of motorists to properly read and react to sign messages in a safe and efficient manner. Given the size of each of the respective signs that would be present in this area if the variance is approved, and the close proximity to one another, Staff cannot conclude that approval would not be injurious to safety.
- ◇ The Ordinance has been constructed to limit these signs near protected districts, because of their brightness and aesthetic impact. In this case, a D-5 District is located approximately 197 feet to the north, with no visible obstructions or change in elevations. Due to the width and size of the lot, the sign could be located approximately 104 feet to the south to meet the required 300-foot separation from the adjacent protected districts.

(Continued)

**STAFF REPORT 2023-SE3-007 (Continued)**

- ◇ The requested decreased separation from the protected districts would degrade the quality of life in the area. The proposed sign has no physical barriers that limit the view of the sign from the nearby protected districts. There is no reason that a sign that meets the Sign Ordinance could not be used, along with alternative communication methods.
- ◇ No peculiar condition exists on site for staff to be supportive of these variance of development standards requests. The strict application of the Ordinance would not constitute an unnecessary hardship, as the site is already zoning compliant for I-3 uses by right without the need for the requested variance of development standards. Instead, the requested variances of development standards are a self-imposed difficulty needed for the specific proposed use of an off-premise advertising sign, that would intensify the use on the subject site that would increase the amount of driver distractions and negative impacts on adjacent properties.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

This portion of Ludlow Avenue has been vacated and is not classified in the Official Thoroughfare Plan for Marion County, Indiana.

This portion of 18<sup>th</sup> Street has been vacated and is not classified in the Official Thoroughfare Plan for Marion County, Indiana.

This portion of I-70 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a freeway, with a 350-foot existing right-of-way.

**SITE PLAN**

File-dated October 25, 2023, 2023.

**FINDINGS OF FACT**

File-dated October 25, 2023.

**ZONING HISTORY**

**2015-UV1-021; 1853 Ludlow Avenue (east of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance and the Sign Regulations to provide for a retail use, with a substandard loading space within the required front yard and in front of the existing building, with maneuvering in the right-of-way, with truck access aisle, with a zero-foot south side setback, and with a freestanding sign with a zero-foot front setback from Ludlow Avenue, **granted**.

**2004-ZON-167; 1848 Ludlow Avenue (east of site)**, requested a rezoning of 2.9 acres, being in the I-3-U District to the SU-9 classification to provide for a residential work release facility, **approved**.

**93-Z-173; 1702 Ludlow Avenue (includes subject site)**, requested the rezoning of 3.39 acres, being in the C-3 District to the I-3-U classification to provide for the expansion of a manufacturing facility, **approved**.

RU

\*\*\*\*\*











Photo of subject site, looking northeast.



Photo of subject site, looking southwest.



Photo of subject site, looking west from Ludklow Avenue.



Adjacent government residential work release facility to the northeast



Adjacent warehouse use to the east, looking northeast.



Adjacent manufacturing facility to the southeast.



**BOARD OF ZONING APPEALS DIVISION III**

**December 19, 2023**

**Case Number:** 2023-DV3-028 (Amended)  
**Property Address:** 405 South Shortridge Road (approximate address)  
**Location:** Warren Township, Council District #18  
**Petitioner:** SRMK Realty LLC, by In and Out Unlimited  
**Current Zoning:** C-S

**Request:**  
A). Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6-foot tall, metal perimeter fence (fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).  
B). Variances of Use and Development Standards to provide for the location of a 10-foot tall, electric fence containing barbed-wire (electric fences not permitted, barbed-wire not permitted).

**Current Land Use:** Commercial  
**Staff Recommendations:** Staff **strongly recommends denial** of this request

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

**PETITION HISTORY**

**ADDENDUM FOR DECEMBER 19, 2023 BZA III HEARING**

- This petition was continued from the September 19, 2023 BZA III hearing to the October 17, 2023 BZA hearing and then continued a second time to the November 28, 2023 hearing because additional information and variance requests were needed.
- A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition to the December 19, 2023 BZA III hearing.

**STAFF RECOMMENDATION**

Staff **strongly recommends denial** of this request

**PETITION OVERVIEW**

- This request would provide for the location of a 6-foot tall, metal perimeter fence, (fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards) as well as a 10-foot-tall electric fence containing barbed wire (electric fences not permitted, barbed wire not permitted).





Department of Metropolitan Development  
Division of Planning  
Current Planning

- The petitioner brought to the attention of Staff that the fencing surrounding the property is not one but two separate fences, one constructed with metal panels at a height of 6 feet, and one made of barbed wire that is electrified at a height of 10 feet (barbed wire fences and electric fences are prohibited unless used to enclose livestock or at a public safety facility). The barbed wire fence lies just inside of the metal fence. The original request only mentioned one fence and did not mention barbed wire nor the fact that one is electrified. The request was amended for the November 28, 2023 hearing to list all relevant variances for those items. The legal notices that were sent out for the current request mistakenly stated that the metal fence was 8.5 feet in height when the actual height is 6 feet. This has been corrected by Staff and is listed correctly in the request stated at the top of the Staff Report.
- Height restrictions of fences are put in place to maintain visibility and open space into a site, while allowing for a reasonable amount of privacy. The limitation of 3.5 feet in height for fences in front yards is to allow for sufficient visibility from the public right-of-way so that the current state of a site remains known to the public. Removing this visibility represents a potential safety hazard for the surrounding area as the conditions and nature of the interior become blocked from public view. The 6-foot metal fence on the subject site is not see-through and effectively eliminates all visibility into the inside of the property from the right-of-way. Staff has found no practical difficulty for the owner to not meet the front yard fence height of 3.5 feet and does not wish to set any precedent for this type of development in front yards. Therefore, Staff is opposed to the request of a 6-foot metal fence in the front yard of the subject site.
- The second fence not only contains barbed wire fence but is also electrified which is prohibited as well, except when used to enclose livestock or public safety facilities. In these instances, electrified fences are limited to a maximum of 0.1 amps and must be setback five feet from the lot line. The subject site does not operate one of these uses, meaning the operation of an electrified fence is prohibited. These severe restrictions of barbed wire and electric fences are in place to protect the general health, welfare, and safety of the community by prohibiting dangerous and injurious fencing materials except in the most specific of situations. Given that this site is of typical commercial character, Staff finds no justifiable reason for which these uses are necessary on this site. Finally, being 10 feet in height, the fence is also significantly beyond the height standards of the property. This fence substantially breaks from the zoning standards in a multitude of ways without practical difficulty at this location.
- Further, the amount of amperage that the electric fence is using is not known at this time. Both Staff and the petitioner reached out to the property owner and the fencing company to obtain this information, but no details about the amount of amperage in the electric fencing have been provided by any of the parties involved. Given that electric fences are not a permitted use and that the amount of amperage cannot be determined, meaning the possibility remains that the fence is operating with a dangerously high amount of amperage, Staff strongly recommends denial of the request for a 10-foot barbed wire electric fence around the subject site.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-11	North: Mobile home community
	South: C-S	South: Commercial uses
	East: D-11	East: Mobile home community
	West: I-3	West: Industrial uses
<b>Thoroughfare Plan</b>		
South Shortridge Road	Local Street Existing ROW: 30 feet Proposed ROW: 60 feet	
<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>	6/27/23	
<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>	6/27/23	
<b>Findings of Fact (Amended)</b>	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 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**

- 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

**81-Z-72**, requested rezoning of 9.58 acres being in an A-2 District, to the C-5 classification, to provide for a car lot, **denied**.

**83-UV2-119**, requested a variance of the use of the (A-2) Marion County Master Plan Permanent Zoning Ordinance to allow automobile service with storage with a sign, **denied**.

**89-Z-144/89-CV-21**, requested rezoning of 5.545 acres, being in the A-2 District to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

**91-Z-90/91-CV-4**, requested rezoning of two acres, being in the D-A District to the D-11 classification to provide for the expansion of a mobile dwelling park, with the rear perimeter yard reduced from 50 feet to 20 feet and the minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

**2018ZON068**, Rezoning of 8.77 acres from the D-11 and C-7 district to the C-S classification to provide for C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicles sales, repair and service, **approved**.

### ZONING HISTORY – VICINITY

**84-UV1-40; 411 S Shortridge Road (south of site)**, variance of use and development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for the following uses and activities: rental and repair of commercial search lights, electrical contracting, fabrication, maintenance and sales of radio towers, automobile repair service, and outside storage of related equipment and materials, **approved**.

**86-Z-78; 415 S Shortridge Road (south of site)**, rezoning of approximately 4 acres, being in the A-2 district, to the C-1 classification, to provide for the construction of an office building, **approved**.

**88-Z-232/88-CV-32; 373-403 S Shortridge Road (north of site)**, requested rezoning of 18.213 acres, being in the A-2 district, to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and minimum distance between building reduced from 25 feet to 22 feet, **approved**.

**98-Z-100; 411 S Shortridge Road (south of site)**, variance of development standards of the Commercial Zoning Ordinance to provide for an auctioneering service and accessory, incidental uses with: a) a 1 foot side transitional yard to the north (minimum of 20 feet required) and; b) a 4 foot side yard setback to the south (minimum of 10 feet required), **approved**.

**2002DV3019; 400 S Shortridge Road (west of site)**, variance of development standards of the Industrial Zoning Ordinance to provide for a parking and maneuvering area located 8.59 feet from the east property line (parking and maneuvering areas not permitted within the required 150-foot front



Department of Metropolitan Development  
Division of Planning  
Current Planning

transitional yard), and a temporary gravel parking area (not permitted) located 39 feet from the right-of-way, **withdrawn**.

**2005DV3029; 7441 Chinook Circle (north of site)**, legally establish a mobile home park with distances between dwelling units varying from 9.5 ft. to 30.5 ft. (min. 25-ft. separation between dwelling units req.), and two dwellings with front yard setbacks of 4.9 ft. and 7.3 ft. (min. 10-ft. front yard setbacks req.) in D-11, **approved**.

**2005ZON155; 409 S Shortridge Road (south of site)**, rezone 2 acres from the D-11 District to the I-2-S classification to provide for industrial uses, **withdrawn**.

**2007ZON071; 415 S Shortridge Road (south of site)**, rezoning of 2.74 acres, from the C-1 district, to the C-ID classification to provide for commercial-industrial uses, **approved**.

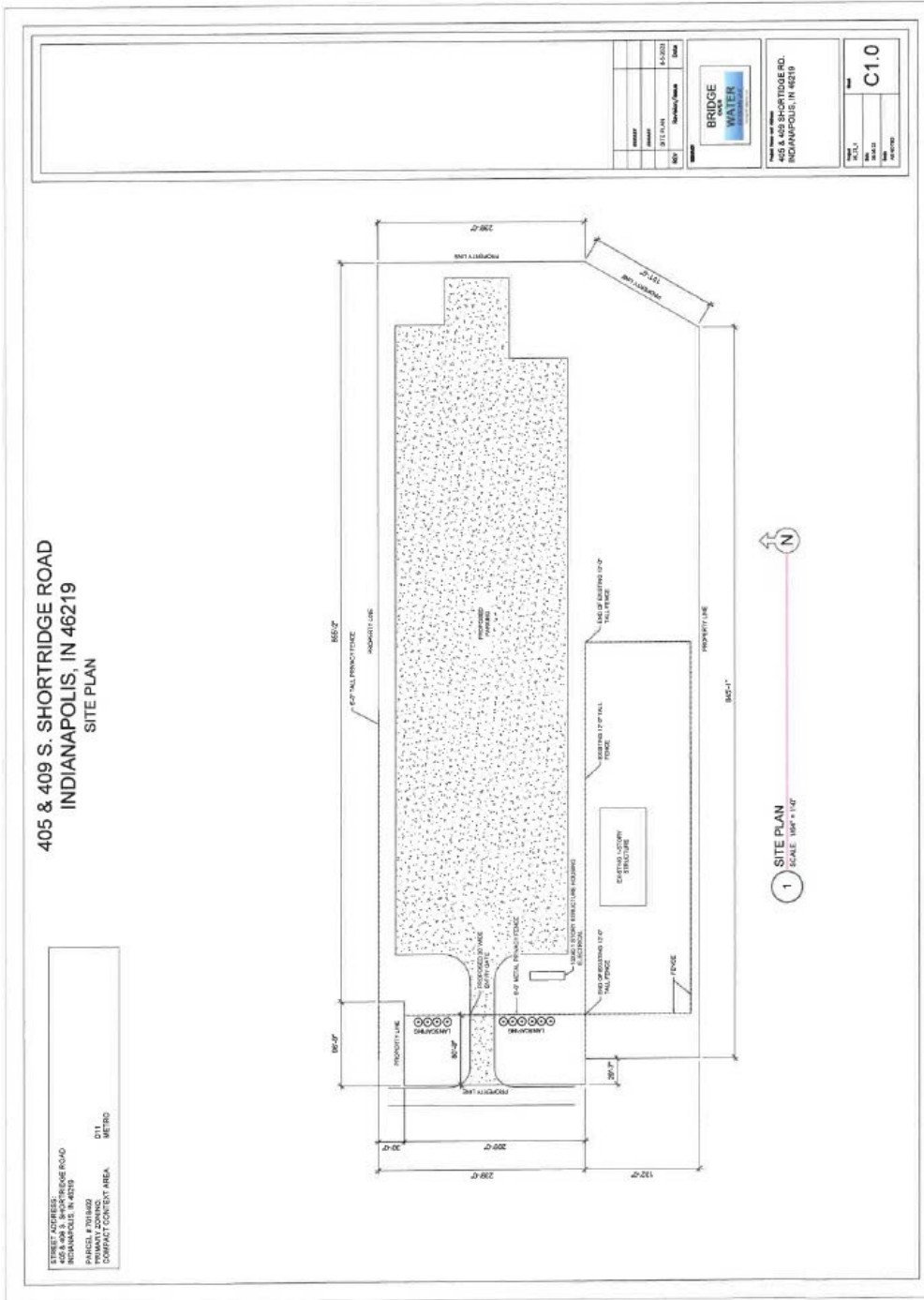
**2022CZN868; 431 S Shortridge Road (south of site)**, (Second amendment) Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions, **approved**.

**2022CVR868; 431 S Shortridge Road (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required), **withdrawn**.

**EXHIBITS**























**STAFF REPORT**

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

**Case Number:** 2023-DV3-045  
**Address:** 215 and 217 Dickson Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8  
**Petitioner:** Terra Property QOZ Fund II LLC, by John Cross  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation and addition to an existing duplex, resulting in an open space of 33%, a 2.7 north side yard setback, a zero-foot south side yard setback and a 6.5-foot front yard setback (sixty percent open space, five-foot side yard setbacks, minimum 10-foot front yard setback required).

**RECOMMENDATIONS**

Staff **recommends denial** of the request.

However, Staff would **recommend approval** of the request if it reduced the size of the addition to provide for an open space of 40 percent, while utilizing the one-time side yard setback exception.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

**EXISTING ZONING AND LAND USE**

D-8            Compact    Two-Family residential

**SURROUNDING ZONING AND LAND USE**

North        D-8        Single-Family residential  
South        D-8        Multi-Family residential  
East         D-8        Single-Family residential  
West         I-3        Industrial

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Traditional Neighborhood development.

**SECONDARY ZONING DISTRICT**

N/A

(Continued)

**STAFF REPORT 2023-DV3-045 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ As proposed, the request would allow for the demolition of a portion of the rear existing duplex, totaling 166 square feet, rebuilding that portion and provide for a 534 square foot addition. The request would also include a vertical expansion, increasing the height to 34.9-foot tall. This would result in a 2.7-foot north side yard setback, a zero-foot side yard setback, a 6.5-foot front yard setback and an open space of 33 percent.
- ◇ The proposed 6.5-foot front yard setback is required due to the vertical extension along the front façade of the building. Given that this addition does not encroach closer to the front building line than the historically established building line, that the request does not exceed the height limitation of 2.5-stories, and that the context of the block establishes atypical massing along the frontage of Dickson Street, Staff believes that this request to be a reasonable deviation from the Ordinance and in alignment with the Infill Housing Guidelines.
- ◇ The proposed zero-foot south side and 2.7-foot north side yard setback are required due to vertical and horizontal building additions. Given that the request includes the demolition of 6.2 linear feet of the rear of the building, Staff believes it would be appropriate to factor in the one-time side yard exception afforded by Section 744-202.E.
- ◇ This exception allows for properties within specific zones, which include the D-8 District, that are improved with either a single or two-family dwelling, to construct a one-time expansion along a legally established nonconforming side yard, so long as it does not exceed 50% of the linear footage of the primary building along that nonconforming side yard. Factoring in the demolition of the portion of the rear, this exception would allow for a twenty-foot addition to the east. This would allow for a total building addition of 543.32 square feet rather than the proposed total addition of 700 square feet, and result in an open space of 40%. Given that the expansion is elective and any practical difficulty would be self-imposed, Staff believes this to be a reasonable compromise.
- ◇ In Staff's opinion, this would result in an open space reflective of the context of the immediate area, including its variance grants as evidenced by the zoning history below. Staff would note that open space is intended to provide for adequate recreational space for a building's inhabitants, and that this appears to be the only duplex along the block, further emphasizing the need to provide open space given the increase in potential occupants.
- ◇ While duplexes are required to provide open spaces of 60%, and Staff's recommendation would represent a decrease of 33.33% from this requirement, Staff would note that Highland Park is located immediately east of the subject sit. This proximity somewhat reduces the need to fully comply with and assures recreational space for future inhabitants, preserving the intent of the Ordinance.

(Continued)

**STAFF REPORT 2023-DV3-045 (Continued)****GENERAL INFORMATION**

THOROUGHFARE PLAN	Pennsylvania Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 70-foot existing and proposed right-of-way.
SITE PLAN	File-dated August 11, 2023
FINDINGS OF FACT	File-dated August 11, 2023

**ZONING HISTORY**

**2019-DV1-051; 245 Dickson Street;** requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling with a five-foot front setback, a zero-foot south side setback, and 3.5 and five feet between dwellings, and provide for a detached garage creating 49% open spaces; **granted.**

**2017-HOV-010; 219 Dickson Street;** requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and attached garage, with a 13-foot front setback, a three-foot side setback, a 6.33-foot rear setback, five feet between primary buildings, and an open space of 44%; **granted.**

**2016-DV2-024; 228 Dorman Street;** requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and a detached garage, with three-foot side setbacks, an 11-foot front setback and 44% open space; **granted.**

**2004-DV1-063; 228 Dorman Street;** requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling, with an attached garage, having a nine-foot front setback, with a three-foot rear setback, with a five-foot north side yard setback and a zero-foot south side yard setback, and with a 41.39 percent lot open space; **granted.**

**2004-HOV-039; 220 Dorman Street;** requests variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an 896-square foot single-family dwelling with a zero-foot south side yard setback and a ten-foot front yard setback from the existing right-of-way of Dorman Street and provide for a 440-square foot accessory structure with a two-foot north side yard setback, and with a four-foot rear side yard setback resulting in 512 percent open space; **granted.**

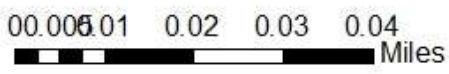
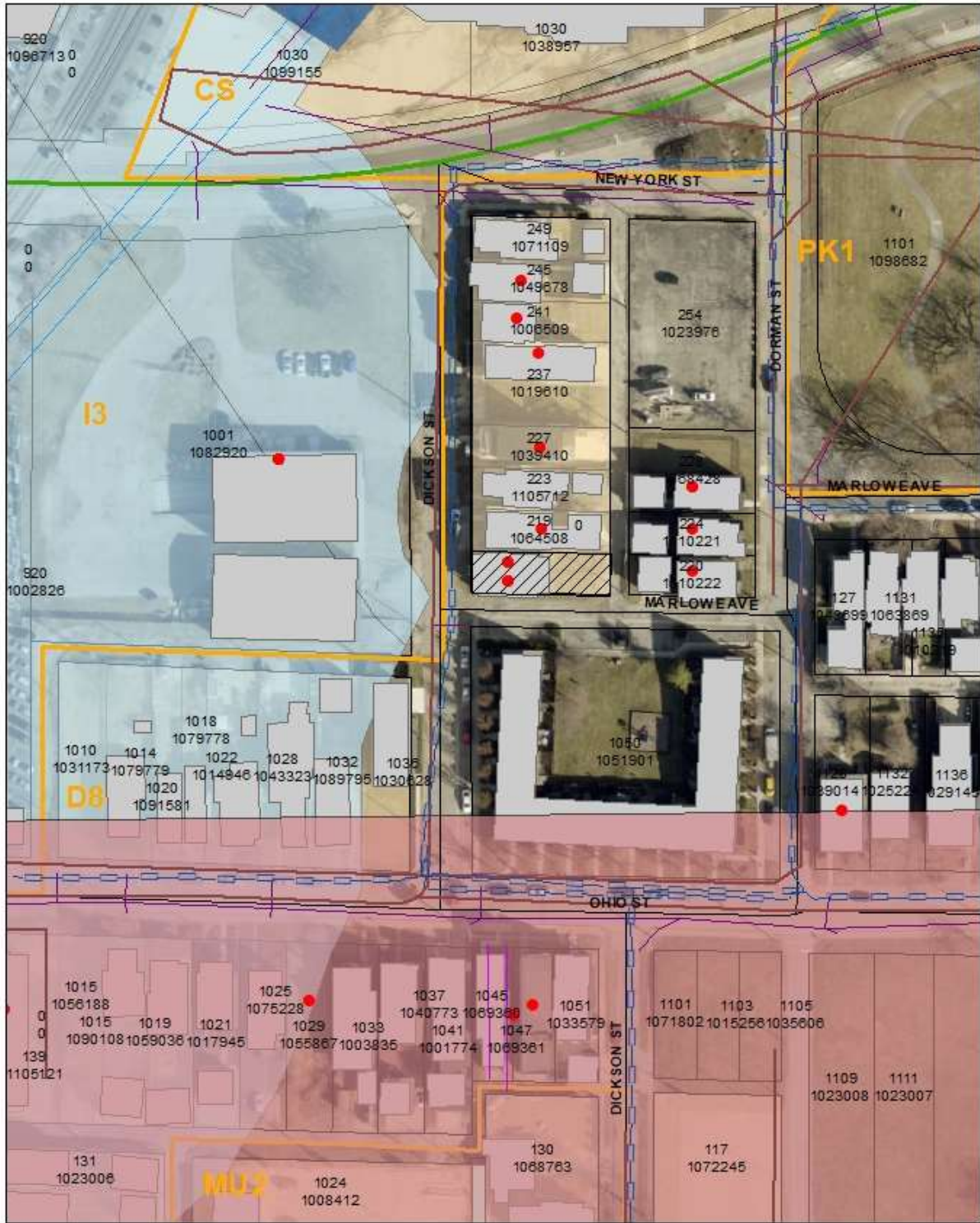
**2004-HOV-040; 224 Dorman Street;** requests variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an 896-square foot single-family dwelling with a zero-foot south side yard setback and a ten-foot front yard setback from the existing right-of-way of Dorman Street, and provide for a 440-square foot accessory structure with a two-foot north side yard setback, and with four-foot rear side yard setback resulting in 51 percent lot open space; **granted**

EDH

\*\*\*\*\*



**2023-DV3-045; Location Map**



**SM - 1** SITE MAP / DRAINAGE

**NOTES -**

**DRAINAGE NOTES**  
 Property is predominantly level w/ ± 2' elevation change throughout the property.  
 New structure will be back-filled to create positive drainage.  
 Existing site to be graded to provide positive drainage as shown.  
 Property to be graded to provide positive drainage as shown.  
 Concrete wash-out basin to be provided onsite during all firework installation.

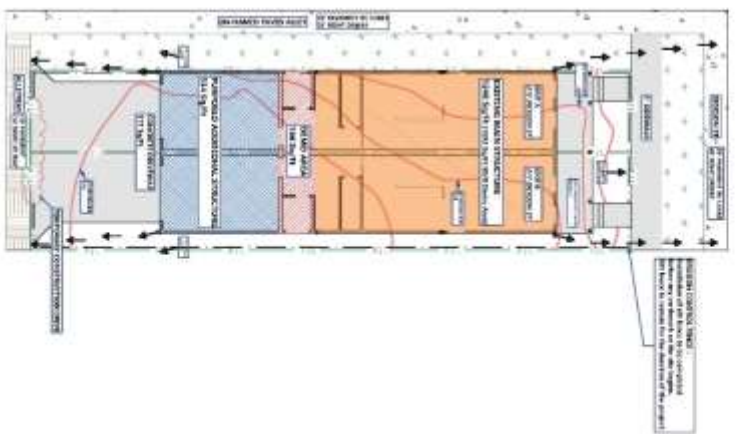
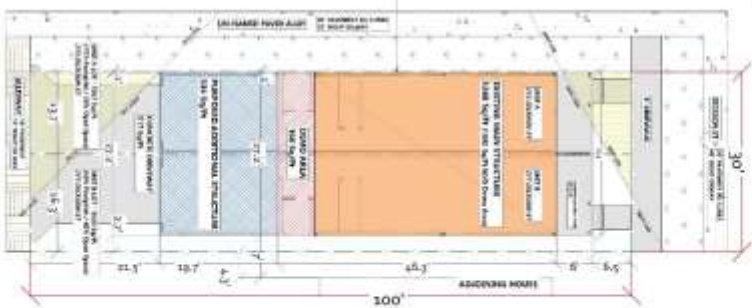
**LAYOUT NOTES**

All exterior dimensions are to 1/16" ODB (existing).  
 All interior dimensions are to wall facing.  
 All opening dimensions are to rough opening or center line.

SITE MAP



DRAINAGE MAP



**SQUARE FOOTAGE TABLE**

**STRUCTURAL FOOTPRINT**

ITEM	DESCRIPTION	AREA (SQ FT)
1	CONCRETE FOUNDATION	1,200
2	MASONRY WALLS	1,500
3	CONCRETE FLOOR	2,000
4	WOOD FLOOR	1,000
5	CEILING	1,000
6	ROOFING	1,000
7	MECHANICAL	1,000
8	ELECTRICAL	1,000
9	PLUMBING	1,000
10	PAINT	1,000
11	LANDSCAPING	1,000
12	CONCRETE WASH-OUT BASIN	100
<b>TOTAL</b>	<b>TOTAL SITE SQUARE FOOTAGE</b>	<b>10,000</b>

**SM - 1**

**DATE**  
 11/15/23



**DESIGNER**  
 DICKSON RENOVATION

**DATE**  
 11/15/23

**SITE MAP / DRAINAGE**

THIS PLAN IS THE PROPERTY OF DICKSON RENOVATION AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DICKSON RENOVATION.

**2023-DV3-045; Perspectives**

**A - 8** PERSPECTIVES



**FRONT / RIGHT**



**BACK / LEFT**



**FRONT / LEFT**



**BACK / RIGHT**

**A - 8**

DATE: 08/11/23  
SCALE: 1/8" = 1'-0"



**DICKSON INNOVATION**  
204-711 DUNDAS STREET WEST  
SUITE 1000 MISSISSAUGA, ONTARIO L4X 1L3

**PERSPECTIVES**

THIS DOCUMENT IS THE PROPERTY OF DICKSON INNOVATION. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF DICKSON INNOVATION IS STRICTLY PROHIBITED.





Photo One: Looking North Along Dickson Street.



Photo Two: Looking South Along Dickson Street.



Photo Three: Looking East Along Marlowe Avenue.



Photo Four: North Side Yard Setback of Subject Site.





Photo Five: Rear of Subject Site.



Photo Six: Alley Along Rear of Subject Site, Facing North.



**BOARD OF ZONING APPEALS DIVISION III** **December 19, 2023**

**Case Number:** 2023-UV3-023  
**Property Address:** 3319 Byrkit Street (approximate address)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Quoc Buu Huynh  
**Current Zoning:** D-A (FF)  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a second single-dwelling on one parcel (only one primary building per lot permitted).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends denial of this petition  
**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

[This is the first public hearing for this petition. ]

**STAFF RECOMMENDATION**

Staff recommends denial of this petition.

**PETITION OVERVIEW**

- [This petition would provide for the construction of a second single-dwelling on the one parcel (only one primary building per lot permitted).
- The structure pertaining to this petition was built in the early 1980s and has undergone multiple additions since. The current structure has a building footprint of approximately 1386 square feet, according to the site plan submitted. This amount is larger than both the footprint of the original primary dwelling located on site, and the 720 square foot maximum for a secondary dwelling unit, meaning that this structure is classified as a second primary dwelling.
- The Consolidated Zoning and Subdivision Ordinance clearly states in 742-103 that “only one primary use shall be permitted per lot” in dwelling districts. This regulation is to promote an orderly development pattern and to limit over-development. By circumventing the subdivision regulations spelled out in the Ordinance, the second primary structure on the subject site was built illegally and ,likewise, represents over-development of a residential lot that is zoned D-A. Staff does not find there



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

to be any practical difficulty attached to the property for the proposed use and, therefore, recommends denial of this request.

- Staff would also note that the Zoning Ordinance does permit the owner to operate a second dwelling unit on site if desired, but it must comply with the standards for accessory dwelling units which include, but not limited to, the secondary unit being clearly subordinate to the existing primary dwelling.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A (FF)	
<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>		
Byrkit Street	Local Street Existing ROW: 50 feet Proposed ROW: 48 feet	
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	11/01/23	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	11/01/23	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	11/01/23	
<b>Findings of Fact (Amended)</b>	12/05/23	

**COMPREHENSIVE PLAN ANALYSIS**  
**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book



Department of Metropolitan Development  
Division of Planning  
Current Planning

**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**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

**ZONING HISTORY**

**ZONING HISTORY – SITE**

N/A

**ZONING HISTORY – VICINITY**

**91-UV3-29; 5031 S Lynhurst Drive (west of site)**, requests variance of use to legally establish the placement of a mobile home on a lot zoned for single-family residential development to provide care for a relative, **denied**.

**96-UV3-87; 3455 W Thompson Road (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for a mobile home, **granted for a temporary period**, ending on October 22, 2000.

**93-V1-29; 3420 Byrkit Street (west of site)**, requests a variance of development standards of the Flood Control Zoning Ordinance to provide for an addition to an existing single-family residence at a floor elevation of less than two feet above the base flood elevation, in D-A/FP, **granted**.





Department of Metropolitan Development  
Division of Planning  
Current Planning

**95-UV2-112; (south of site)**, requests a variance of development standards of the Flood Control Zoning Ordinance to provide for the division of a 1.6-acre lot into two lots, being 0.99-acre with a 100-foot width and 0.73-acre with an 80-foot width, and the placement of a 1,644-square foot manufactured home with a ten-foot side yard setback, in D-A, **granted**.

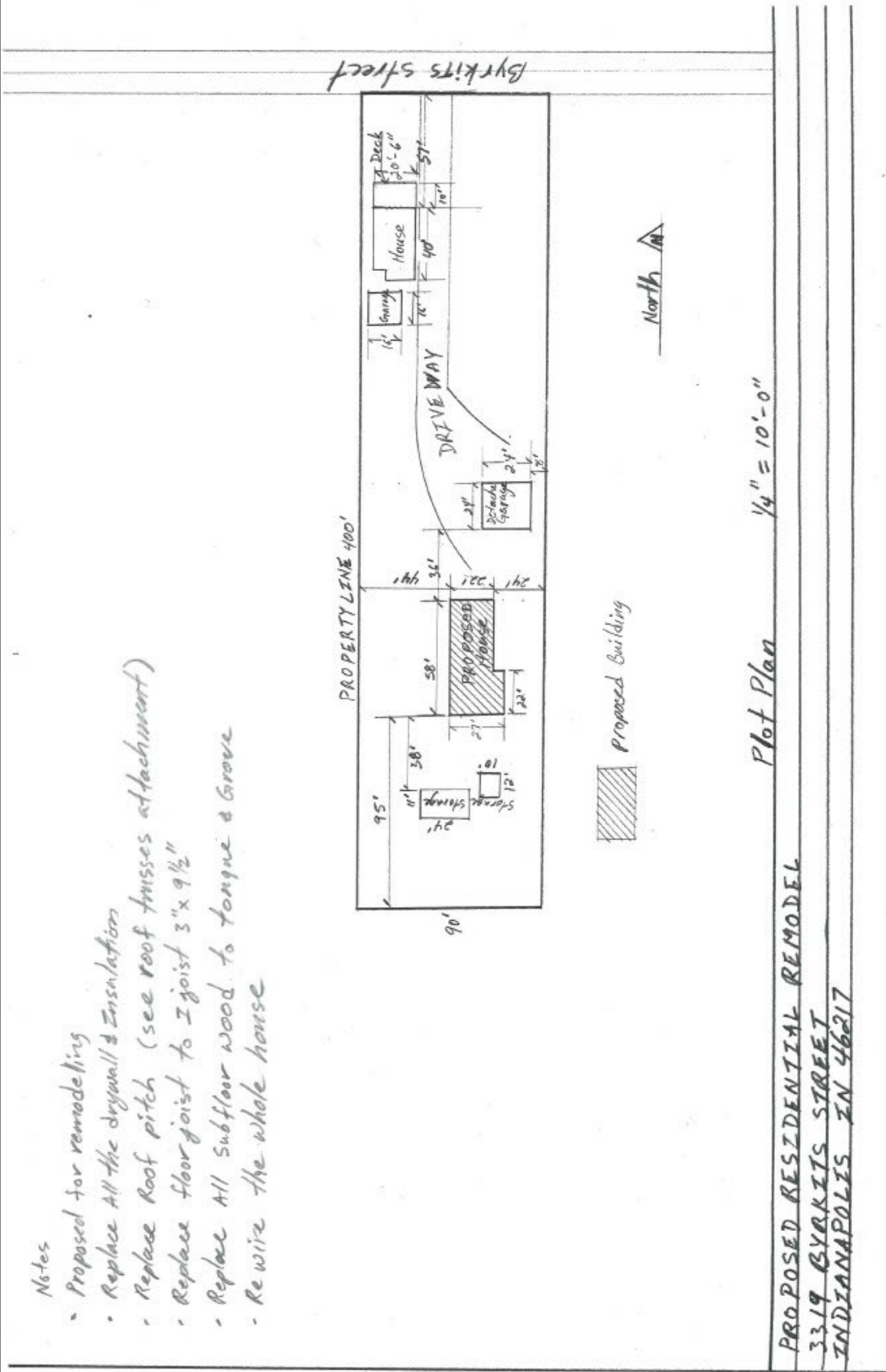
**2001UV2028; 3455 W Thompson Road (west of site)**, variance of use of the Dwelling Districts Zoning Ordinance to legally establish a 16 by 78-foot mobile home (not permitted), and variance of development standards of the Flood Control Districts Zoning Ordinance to provide for a finished floor elevation of 671.2 feet, or 5 feet below the flood protection grade elevation (minimum finished floor elevation required to be two feet above the base flood elevation of 674.2 feet), **approved**.

**2008UV2010; 3248 Byrkit Street (north of site)**, VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to legally establish a 330-square foot mobile home (not permitted, minimum main floor area of 1,200 square feet required) with a ten-foot east side setback (minimum fifteen-foot side setback required), and to legally establish an accessory building area of 268 square feet or 81.21 percent of the main floor area of the primary structure (maximum 247.5 square feet or 75 percent of the main floor area of the primary structure permitted), and an accessory use area of 468 square feet or 141.82 percent of the total living area of the primary structure (maximum 329 square feet or 99.99 percent of the total living area of the primary structure permitted), and to legally establish a 39-square foot pump house and a 75 square foot utility shed with a fifteen-foot east side setback and a 49-square foot shed with a 23-foot east side setback (minimum 30-foot side setbacks required), **denied**.

**2011DV1007; 3330 Newhart Street (south of site)**, variance of development standards of the Flood Control Zoning Ordinance to legally establish a 1,728-square foot detached garage with a finished floor elevation of 667.49 feet and a 468-square foot detached picnic shelter with a finished floor elevation of 667.18 feet (flood protection grade of 675.70 feet required), **withdrawn**.

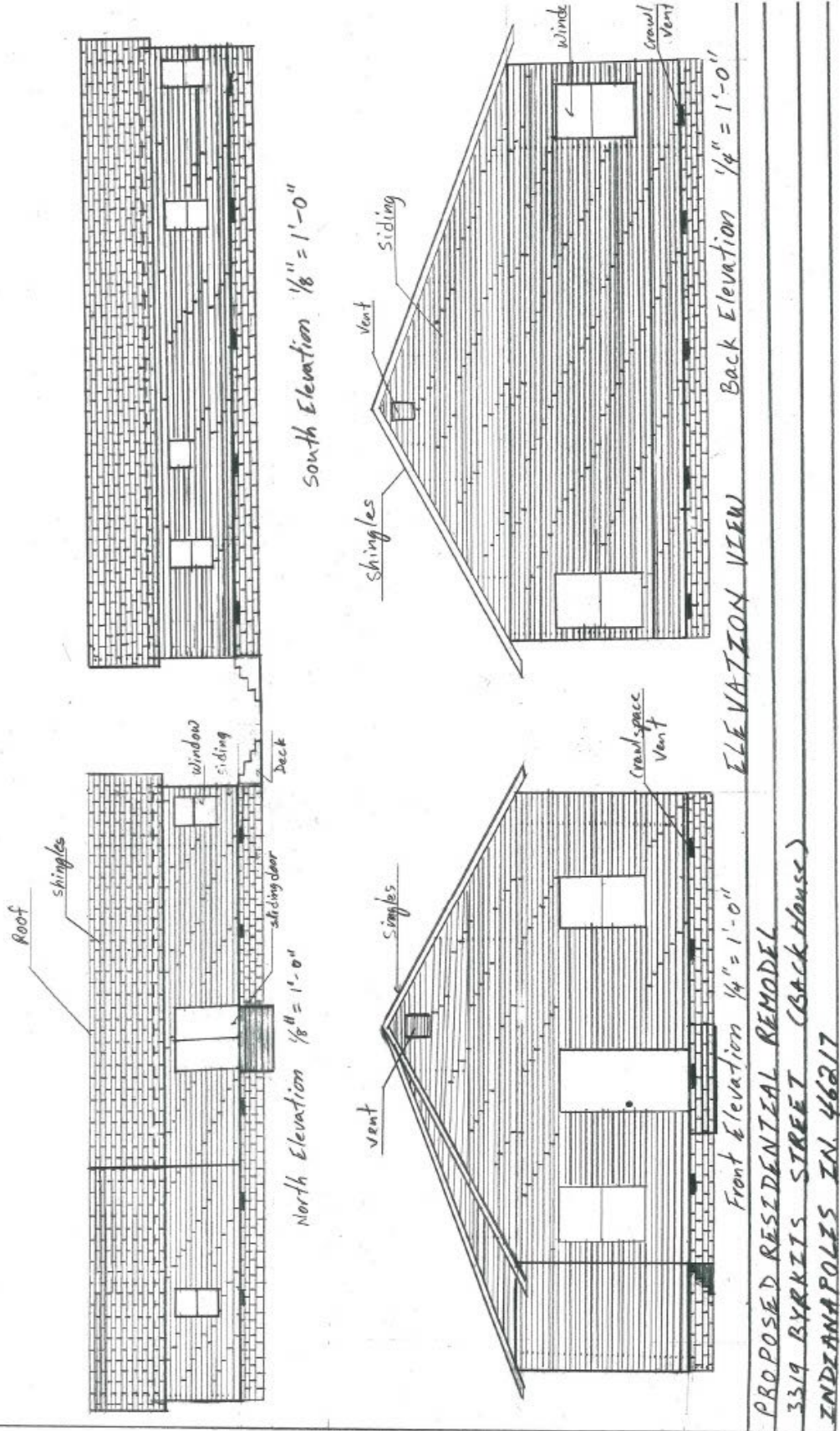
**EXHIBITS**





- Notes
- Proposed for remodeling
  - Replace All the drywall & Insulation
  - Replace Roof pitch (see roof trusses attachment)
  - Replace floor joist to I joist 3" x 9 1/2"
  - Replace All subfloor wood to tongue & Groove
  - Rewire the whole house







Department of Metropolitan Development
Division of Planning
Current Planning

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

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

Remodel the existing decrepit building should not affect the community but will raise the neighborhood property value.
The existing building has mold and termite. Keeping it as is will affect the health of the residence in the other building on the lot.

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 remodeling of the existing building should not decrease the adjacent property value but will increase the property value. Remodel will make the neighborhood clean and inviting. The existing building has mold and termite. Keep it as is will affect the other building on the lot.
Remodeling the run down of the existing building should be encouraged as it will help to enhance the neighborhood look and feel.

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

The existing building has mold and termite. The deviation from zoning is required to remodel the building and upgrade it to the current building code.

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 has mold and termite. Keeping it in current condition will affect the health of the current residence on the other building and might cause the spreading of mold and termite to the other building.

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

Remodeling the existing building will not change the current plan since no new additional structure will be created.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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











