



## Board of Zoning Appeals BZA Division II (April 11, 2023) Meeting Agenda

### Meeting Details

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

**Date:** Tuesday, April 11, 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-MO2-001 | 5510 Millersville Road (approximate address)

Washington Township, Council District #3, Zoned C-4

R. Michael Thomas, by Ted W. Nolting

Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2025.

**\*Automatic Continuance filed to the May 16, 2023 hearing.**

##### 2. 2023-UV2-002 | 6627 Mann Road (approximate address)

Decatur Township, Council District #20, Zoned D-1 (FF) (FW)

Dennis Brackenridge, by Aaron McGee

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way) on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

**\*Automatic continuance filed to the May 16, 2023 hearing.**

### Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

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

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

##### 3. 2023-DV2-003 | 231 Wellington Road (approximate address), Town of Meridian Hills

Washington Township, Council District #2, Zoned D-2

John & Erin Young, by Brian J. Tuohy

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required).

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

**4. 2023-UV2-001 | 101 East 34th Street (approximate address)**

Center Township, Council District #9, Zoned C-1 (TOD)

Medical Center Inc., by Meridth Hammer

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a coffee shop and event space (not permitted).

**5. 2023-UV2-003 | 5060 East 62nd Street (approximate address)**

Washington Township, Council District #3, Zoned C-3

GSR Ventures II LLC, by Darah S. Farrar

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for indoor entertainment and recreation, including wreck-it rooms and axe throwing games (not permitted).

#### **Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](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.

## STAFF REPORT

Item 1.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-MO2-001  
**Address:** 5510 Millersville Road (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** C-4  
**Petitioner:** R. Michael Thomas, by Ted W. Nolting  
**Request:** Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2024.

A timely automatic continuance was filed by City County Councilor Boots, **continuing this matter from the April 11, 2023, hearing to the May 16, 2023, hearing.** This would require the Board's acknowledgement.

RU

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

**Case Number:** 2023-UV2-002  
**Address:** 6627 Mann Road (approximate address)  
**Location:** Decatur Township, Council District #20  
**Zoning:** D-A (FF) (FW)  
**Petitioner:** Dennis Brackenridge, by Aaron McGee  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way) on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

A timely automatic continuance request was submitted by a registered neighborhood organization **continuing this matter from the April 13, 2023 hearing to the May 16, 2023 hearing**. This would require the Board of Zoning Appeal's acknowledgement.

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Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION I

April 11, 2023

<b>Case Number:</b>	2023-DV2-003
<b>Property Address:</b>	231 Wellington Road (approximate address) Town of Meridian Hill
<b>Location:</b>	Washington Township, Council District #2
<b>Petitioner:</b>	John & Erin Young, by Brian J. Tuohy
<b>Current Zoning:</b>	D-2
<b>Request:</b>	Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required).
<b>Current Land Use:</b>	Residential (Single-family dwelling)
<b>Staff Recommendations:</b>	Approval
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

## PETITION HISTORY

This petition was scheduled to be heard March 14, 2023, by the Board of Zoning Appeals Division II.

The petition was automatically continued from the March 14, 2023 hearing to the April 11, 2023 hearing at the request of the petitioner.

## STAFF RECOMMENDATION

Staff is recommending approval of the request.

## PETITION OVERVIEW

The 0.40-acre subject site is located within the Town of Meridian Hills and is developed with a single-family dwelling and detached garage. The site is surrounded by similarly developed single-family residential dwellings with associated accessory structures.

The grant of the request would permit deficient side and rear yard setbacks for a new detached garage.

Properties within the Town of Meridian Hills are subject to Table 744-203-1 for setback standards. The site specially falls within the Class R-2 district, which requires a minimum side yard width of 12 feet and a minimum rear yard width that measures 15% of the depth of the lot, but no more than 30 feet.



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

As proposed, the east side setback would measure eight feet wide, and the rear yard setback would measure 25.08 feet.

The petitioner should provide a decision letter from the Town Council of the Town of Meridian Hills to determine their position on this request, but staff is recommending approval of the request since the proposed setbacks would have otherwise met the D-2 standards of the Ordinance if the standards of the Town of Meridian Hills did not apply.

Additionally, it is staff's understanding that the property owner wishes to preserve the root system of the existing trees on site so allowing for the eight-foot east side yard setback would allow for the location of the garage to be furthest away from the root system while still providing sufficient room to allow property maintenance.

In staff's opinion, the proposed setbacks would be minor deviations from the requirements of the Town of Meridian Hills and would not affect the use or value of the area adjacent to the property because the side setback would remain the same as the existing garage and would still provide a generous rear yard setback considering the typical rear yard setback for accessory structures is five feet throughout the remainder of the City.

#### GENERAL INFORMATION

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Residential (Single-family dwelling)	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-2	North: Single-family dwelling
South:	D-2	South: Single-family dwelling
East:	D-2	East: Single-family dwelling
West:	D-2	West: Single-family dwelling
<b>Thoroughfare Plan</b>		
Enter Street(s)	Wellington Road	Local Street
<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>	February 2, 2023	
<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>	February 2, 2023	
<b>Findings of Fact (Amended)</b>	N/A	



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

## **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

### **Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

### **Infill Housing Guidelines**

- Accessory buildings should be located behind the existing building unless there is a precedent otherwise.

### **Indy Moves**

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

- Not Applicable to the Site.



Department of Metropolitan Development  
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## ZONING HISTORY

### ZONING HISTORY – SITE

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

None.

### ZONING HISTORY – VICINITY

**2010-HOV-001; 100 West 64<sup>th</sup> Street** (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10.917-foot side setback (12-foot side setback required), **granted.**

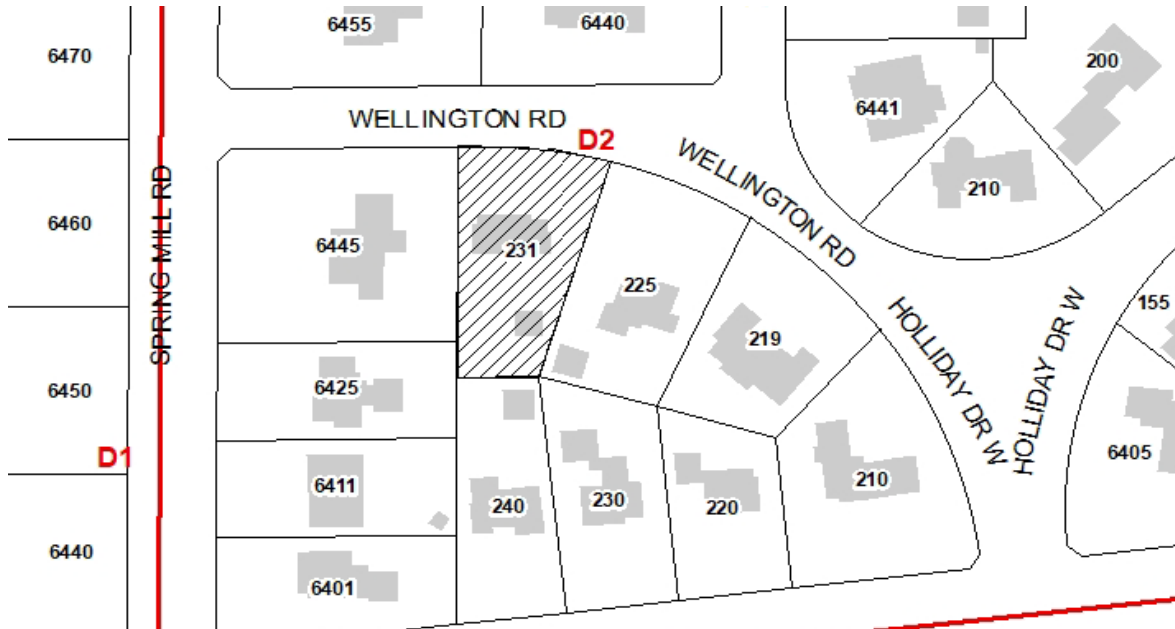
**2006-DV3-009; 6470 North Illinois Street** (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 89.7-foot front setback from the center line (minimum 105.5-foot front setback from the center line required based on established front setback average for that side of the block), **granted.**

**2012-HOV-044; 95 Wellington Road** (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a rear yard setback of 17.45 feet (21-foot rear setback required in the R-1 district), **granted.**



**EXHIBITS**

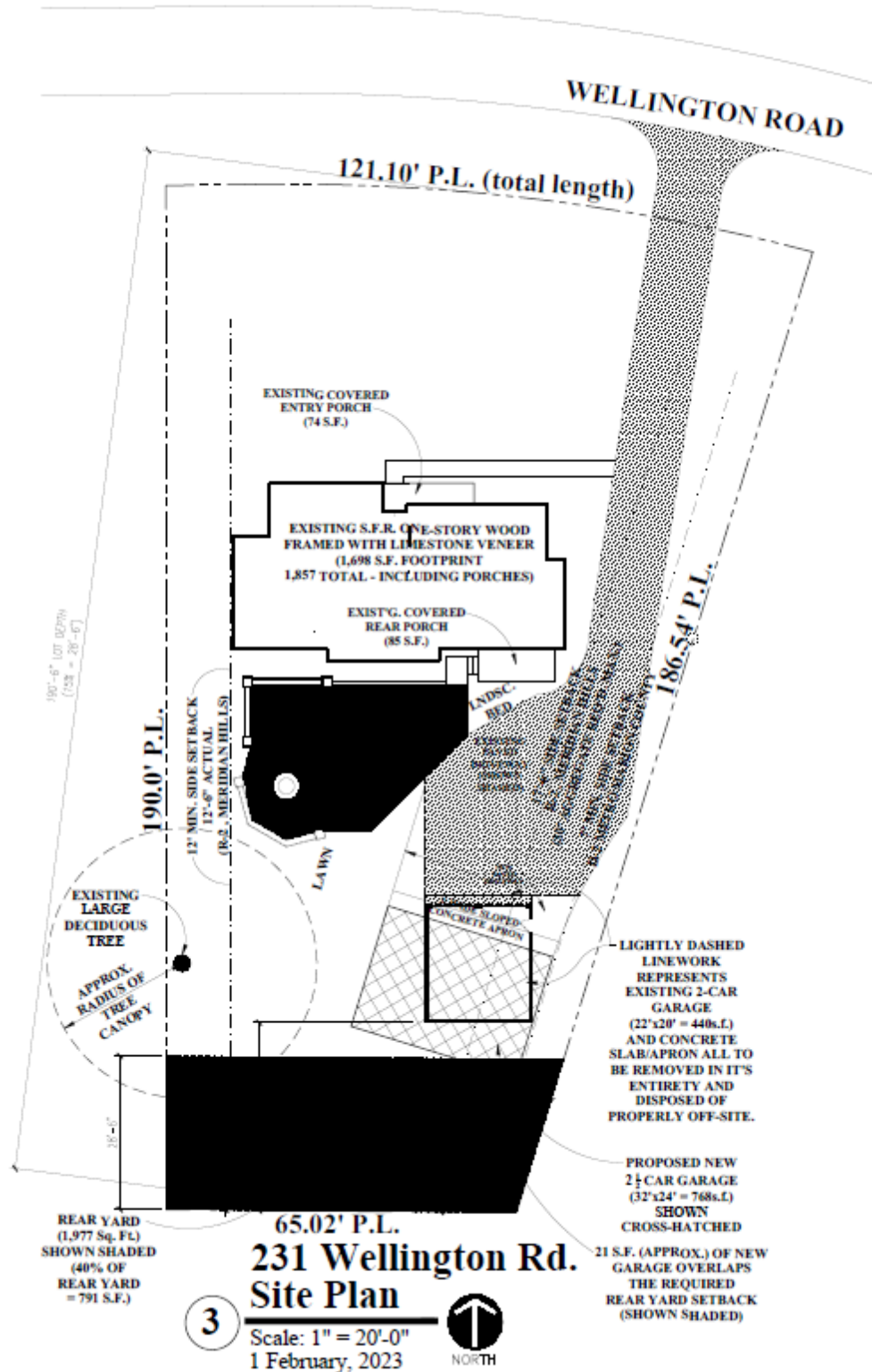
**2023-DV2-003; Location Map**



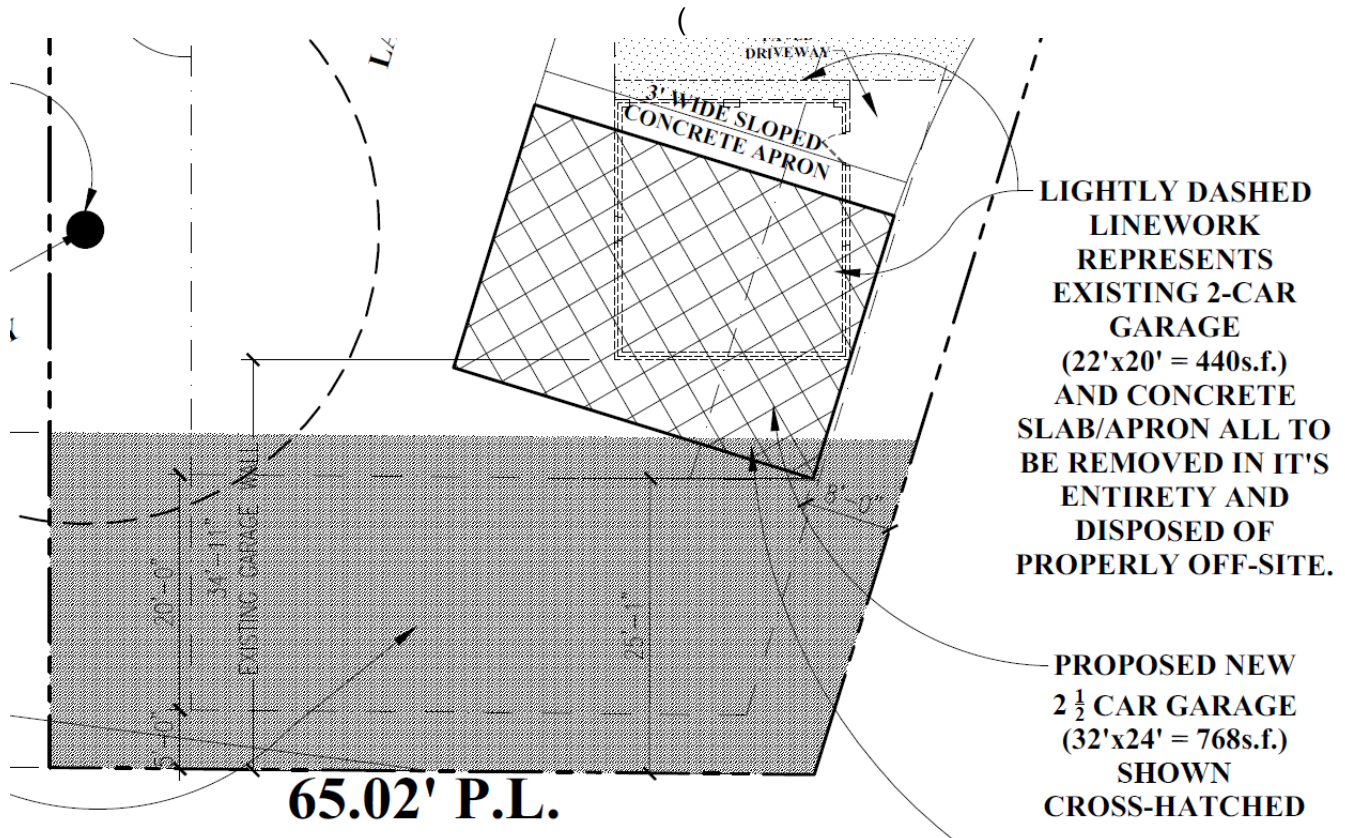
**2023-DV2-003; Aerial Map**



**2023-DV2-003: Site Plan**

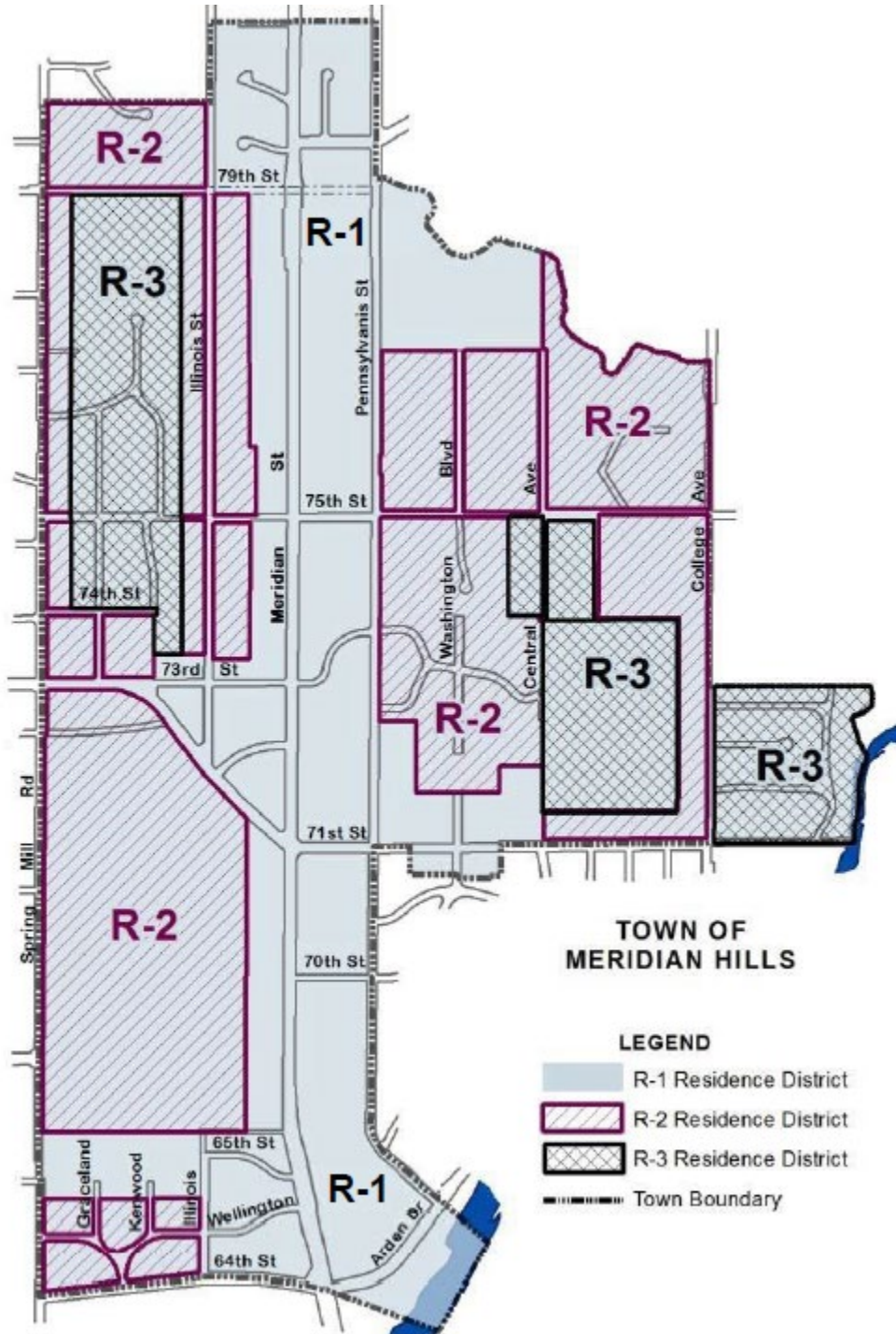


**2023-DV2-003: Site Plan - Close Up**





**2023-DV2-003: Meridian Hills Zoning Map**





**2023-DV2-003; Photographs**



Photo of the Subject Property: 231 Wellington Road



Photo of the existing two-car garage to be demolished.





Photo of the existing tree with underground root system to be protected west of the garage.



Photo of the rear yard.





Photo of the existing eight-foot east side setback and neighboring detached garage to the east.



Photo of the detached garage at the southern property with a significantly reduced rear yard.



## STAFF REPORT

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

**Case Number:** 2023-UV2-001  
**Address:** 101 East 34<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** C-1 (TOD)  
**Petitioner:** Medical Center Inc., by Meridth Hammer  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a coffee shop and event space (not permitted).

### **RECOMMENDATIONS**

Staff **recommends approval** of the coffee shop.

Staff **recommends denial** of the event space.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

C-1	Compact	Vacant Commercial Building
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##### **SURROUNDING ZONING AND LAND USE**

North	D-9	Church Parking Lot
South	C-1	Utilities (IPL)
East	C-1	Utilities (IPL)
West	D-5	School

COMPREHENSIVE PLAN	The Comprehensive Plan recommends office commercial development.
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- ◇ The 0.43-acre subject site is developed with an office building and associated parking lot. It is located next to a public utility property to the east and south, a school to the west, and a church parking lot to the north.

#### **VARIANCE OF USE**

- ◇ The grant of the request would allow for the operation of a coffee shop and event space in the C-1 district.
- ◇ The coffee shop is classified under Retail, Light General and the event space is classified under indoor recreation and entertainment. Both of which are only permitted in the C-1 district as accessory uses.

(Continued)



**Coffee Shop**

- ◇ The site is recommended for office commercial development that provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- ◇ Small-scale retailing is listed as one of the uses that would align with this recommendation so long as it is located along an arterial or collector street, which it would be.
- ◇ Staff would be supportive of the coffee shop since it would offer a supportive service to the adjacent medical office and would create a destination to promote pedestrian activity within the Red Line and Purple Line Bus Rapid Transit-Oriented Development Overlay.
- ◇ Staff even recommended that the petitioner consider the sidewalk café standards to have seating in the front for better visibility instead of potential seating at the rear of the building.

**Event Center**

- ◇ Indoor recreation and entertainment uses require that sound associated with the establishment not be audible outside of the building in which the activity is occurring. This would not be possible as proposed since the outdoor patio would serve as additional event space for private events.
- ◇ Additionally, the Plan of Operation notes that the capacity for the event center would be for 80 people. This is concerning to staff since the subject site has limited on site parking for 12 vehicles per the submitted site plan even though the Plan of Operation notes 20 available at the southern parking lot. Five spaces along 34<sup>th</sup> Street and four spaces along Pennsylvania street could be counted towards the required parking since the property is in the Compact Context area creating a total of 21 spaces. However, this does not factor in that the ADA space would need to be a van-accessible parking space since a minimum of one is required. The petitioner would need to have this on the site plan or else an additional variance would be required.
- ◇ If the proposed coffee shop measures 145 square feet for walk up service, then it would not require any parking since the minimum requirement is one space per 150 square feet. However, since the event center space would be used for seating as indicated in the Plan of Operation, then the total square footage for the coffee shop can be assumed to be the total tenant space area of 3,361 square feet, which would require 23 parking spaces.
- ◇ The event center measuring approximately 3,216 square feet per the site plan would require eight parking spaces or one space per four seats at maximum capacity, whichever is greater. With an 80-person capacity, the event center would require a minimum of 20 parking spaces and a minimum of two bike spaces.

(Continued)

**STAFF REPORT 2023-UV2-001 (Continued)**

- ◇ This does not factor in the existing medical office parking requirements of 16 spaces for the approximate 4,925 square feet of office space. In total, the site would require 36 parking spaces for the medical office, walk-up coffee shop, and event center as proposed.
- ◇ There are no hours of operation listed for the event center which is also concerning considering that the indoor and outdoor space could be used late into the night without the hours being noted.

**Other Concern**

- ◇ Staff would note that the dumpster was not properly enclosed at the time of the site visit and would need to be enclosed unless the petitioner wishes to pursue a separate variance to not enclose it.
- ◇ In conclusion, staff would not support an event center that could draw customers from the regional area potentially bringing in 80 vehicles into the neighborhood without set hours of operation but could support a coffee shop that would draw more local pedestrian traffic since the parking reductions of the Ordinance could be applied with the site being within ¼ mile of the nearest bus rapid transit station at the intersection of Meridian Street and 34<sup>th</sup> Street.

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

34<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 66-foot existing right-of-way and a 78-foot proposed right-of-way.

Pennsylvania Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 70-foot existing right-of-way and a 56-foot proposed right-of-way.

**SITE PLAN**

File-dated March 8, 2023.

**PLAN OF OPERATION**

File-dated March 28, 2023.

**FINDINGS OF FACT**

File-dated February 17, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

(Continued)

**STAFF REPORT 2023-UV2-001 (Continued)****ZONING HISTORY – VICINITY**

**2016-UV2-003; 3351 North Meridian Street** (west of site), Variance of use of the Commercial and Dwelling Districts Zoning Ordinance to provide for transitional housing and parking for women, with counseling therapy services to current and former residents, **granted**.

**2015-UV2-016; 3345 North Pennsylvania Street** (south of site), Zoning Ordinance to provide for the conversion of the second floor of a two-story detached garage, with a three-foot south side setback (minimum four-foot side setback required), into an 800-square foot dwelling unit (one dwelling unit permitted per lot, minimum 900 square feet required), **granted**.

**2012-DV2-020; 3401 North Meridian Street** (northwest of site), Variance of development standards of the Sign Regulations to provide for an eight-foot tall, 34-square foot freestanding sign, with a 16-square foot electronic variable message sign (not permitted), being 47.1% of the sign area (maximum 40% permitted), within 170 feet of a D-9 protected district to the southwest (maximum four-foot tall sign permitted within 600 feet of a protected district, electronic variable message signs not permitted within 600 feet of a protected district), **denied**.

**2009-DV2-020; 3401 North Meridian Street** (northwest of site), Variance Of Development Standards of the Sign Regulations to provide for the erection of a 15-foot tall, 160-square foot pole sign, with a 48-square foot electronic variable message sign (EVMS) component, located approximately 50 feet from a dwelling district and 20 feet from a signalized intersection (maximum four-foot tall sign permitted within 600 feet of a dwelling district; EVMS not permitted in SU-2 District, EVMS not permitted within 600 feet of a protected district; EVMS not permitted within 125 feet of signalized intersection), with the lowest point of the sign face being less than nine feet above grade (minimum nine-foot clearance required), **denied**.

**2008-DV2-016A & B; 3342 North Washington Boulevard** (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning to provide for a 29-foot tall, 1,920-square foot detached accessory building, resulting in an accessory building area of 1,920 or 146.0 percent of the main floor area of the primary structure, with a dwelling unit on the second floor, **granted**.

**97-HOV-66; 210 East 34<sup>th</sup> Street** (northeast of site), Variance of development standards of the Sign Regulations to provide for the placement of a double-faced illuminated ground sign, being 6.5 by 3 feet and 4 feet in height, for an existing religious use, **granted**.

**91-V1-14; 3333 North Meridian Street** (southeast of site), Variance of development standards of the Dwelling Districts Zoning to permit the placement of a ground sign to be located 10 feet from the right-of-way of North Meridian Street (15 feet required) and to allow the placement of a 24 square foot wall sign (one sign permitted not to exceed 1 square foot), **granted**.

(Continued)

**STAFF REPORT 2023-UV2-001 (Continued)**

**87-HOV-130; 3337 North Pennsylvania Street** (south of site), Variance of development standards of the Dwelling Districts Zoning to provide for a twenty-six-foot tall, detached garage (twenty-foot maximum height permitted), **granted**.

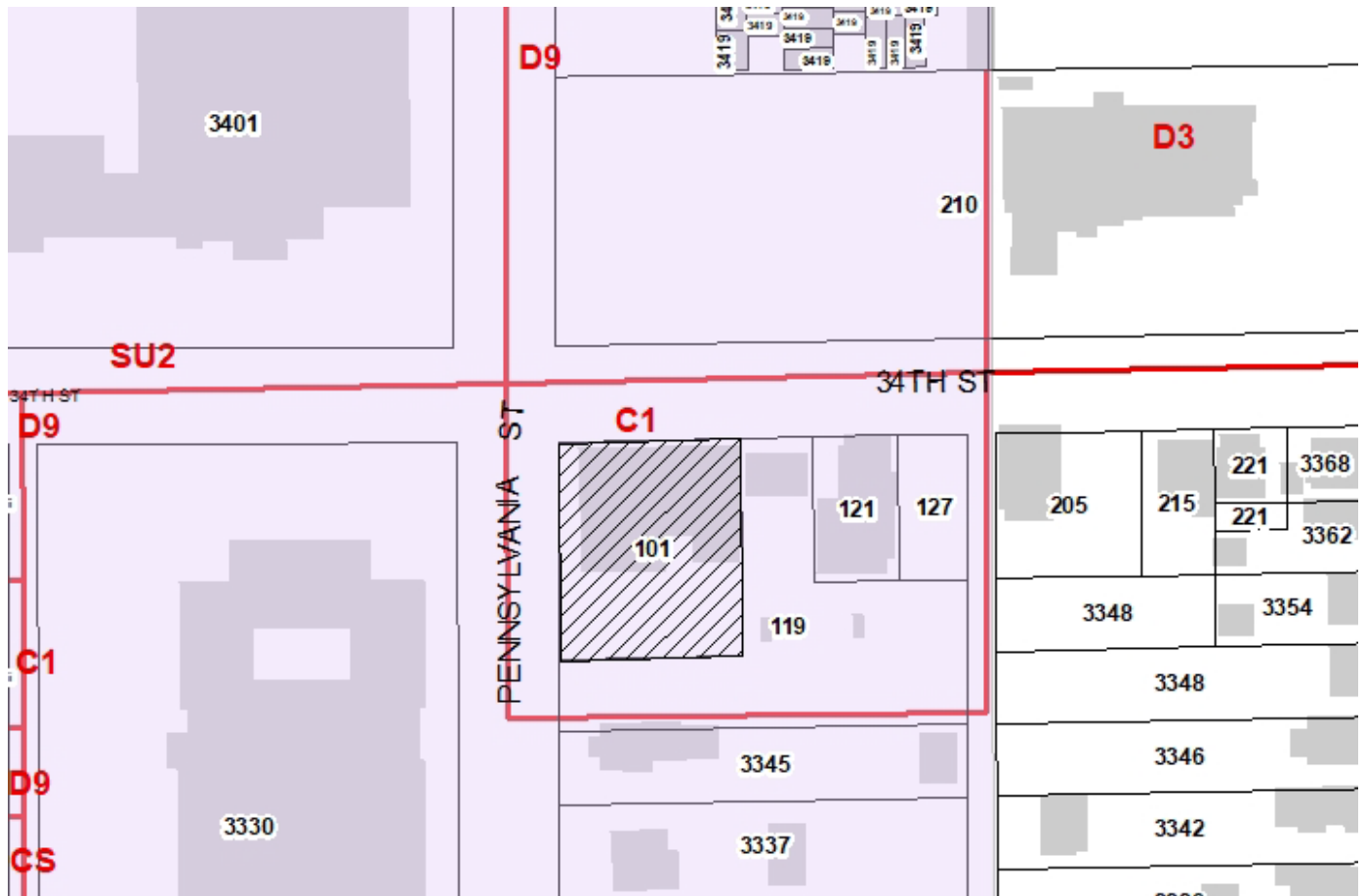
**87-UV3-113; 3348 North Washington Boulevard** (east of site), Variance of use of the Dwelling Districts Zoning to provide for an office, **denied**.

**84-UV1-24; 3401 North Meridian Street** (northwest of site), Variance of use to provide for recreational facilities and a freestanding sign, **granted**.

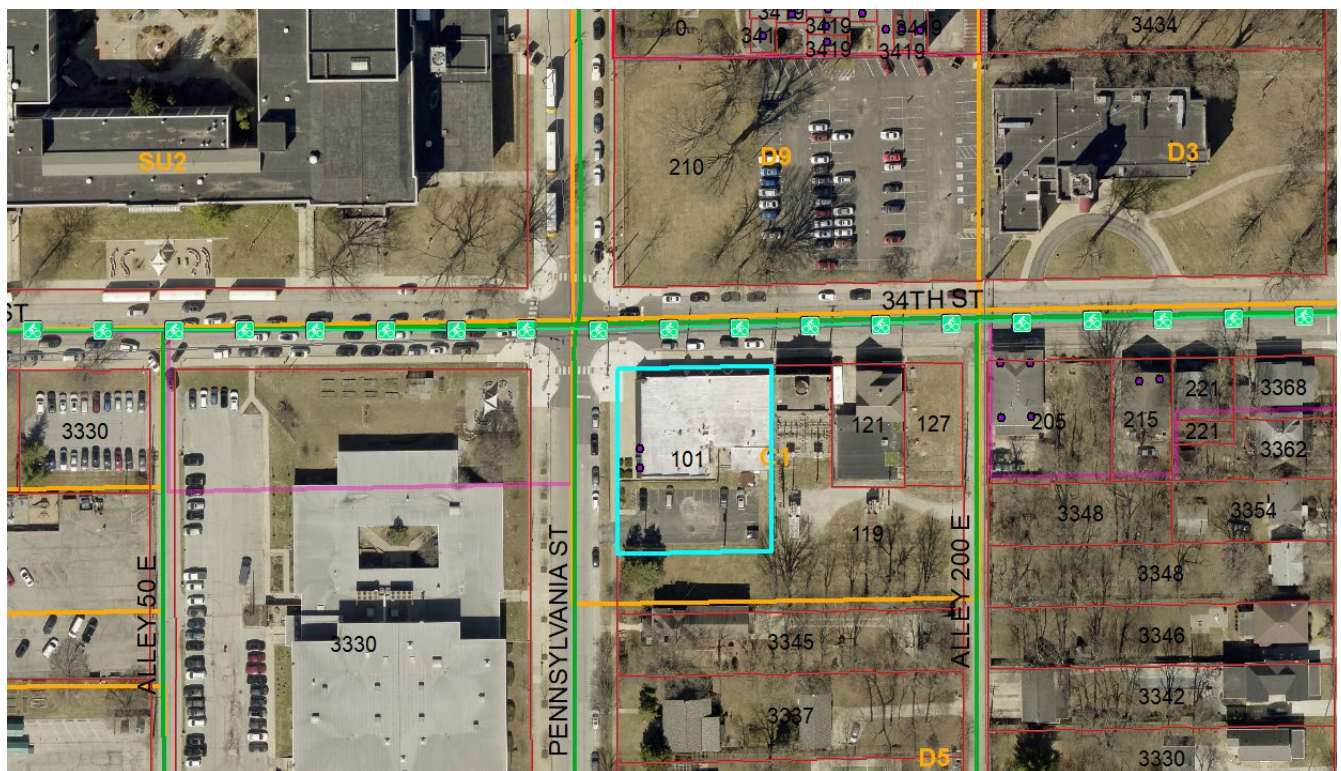
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## 2023-UV2-001; Location Map



## 2023-UV2-001; Aerial Map





## **2023-UV2-001; Plan of Operation**

### **Plan of Operations**

The Cafe patrons will ONLY enter through the 109 door, as indicated on the attached photo. There is a 9 1/2-foot x 14-foot enclosed courtyard behind the 109 door. Café is mostly for walk up customers but there is seating as indicated below.

The Event Center and the Coffee Area/shop are interdependent, but the vast majority of the time will be spent in the Cafe' during the week. The Cafe' will SUPPORT the event center. Types of events include the following: Jazz on 34th Street (2x a month), Gospel Café, Comedy Café, Spoken Word Café, Wine & Canvas|

The patio area is for the event center. The event center is for private events.

### **CAPACITY**

- Capacity for the event center: 80. Hours of operation for Events: Friday-Sunday, 4 hours maximum duration for each event.
- Capacity for the Cafe': 8-10 outdoor seats; 10 indoor seats at tables; 3 at bar area. Hours of operation 7am-3pm daily and on weekends when the Event Center is open.
- Employees: 1 full-time and 4 part-time.

### **PARKING:**

- 20 spaces on the south side of the building. We have an agreement with Phillips Temple Church to the North and across the street of the subject location, to use their lot during events.





Photo of the Subject Property: 101 East 34th Street



Photo of the Subject Property: 101 East 34th Street





Photo of the Subject Property.



Photo of a walking path behind the existing building.





Photo of the existing parking lot south of the building.



Photo of the exit towards the proposed rear area.





Proposed location of the rear patio.



Photo of the schools west and northwest of the site.



## STAFF REPORT

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

**Case Number:** 2023-UV2-003  
**Address:** 5060 East 62nd Street (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** C-3  
**Petitioner:** GSR Ventures II LLC, by Darah S. Farrar  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for indoor entertainment and recreation, including wreck-it rooms and axe throwing games (not permitted).

### RECOMMENDATIONS

Staff **recommends approval** of the wreck-it rooms and axe throwing games subject to the following commitments:

1. Indoor entertainment and recreation shall be limited the wreck-it rooms and axe throwing games per the Plan of Operation.
2. The variance is limited to the tenant bay as noted on the submitted site plan.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

### LAND USE

#### EXISTING ZONING AND LAND USE

C-3	Metro	Commercial Strip Mall
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#### SURROUNDING ZONING AND LAND USE

North	D-3/C-S	Single-family dwellings / Commercial Contractors
South	C-4	Fitness Club
East	C-4/MU-1	Fitness Club / Office Complex
West	C-3	Retail Strip mall / Multi-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial development.
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- ◇ The subject site is zoned C-3 and is developed with a commercial strip mall and associated parking area. The site is surrounded to the west by another commercial strip mall and multi-family dwellings, to the east by a fitness center and office complex, and to the north by commercial contractors.

(Continued)

**VARIANCE OF USE**

- ◇ The grant of the request would allow for an indoor entertainment and recreation use, specifically wreck-it rooms and axe throwing games, as a primary use which is not permitted.
- ◇ Indoor recreation and entertainment uses are permitted in the C-4 district and are generally considered a high-intensity regional commercial use due to the amount of parking they require. The site is currently zoned C-3, or neighborhood commercial, which tends to typically serve the surrounding neighborhoods. The use would be allowed within the C-3 district as an accessory use but not as a primary use.
- ◇ In Staff's opinion, the proposed use would be limited in size and would not negatively impact the surrounding area considering the fitness facility in the commercial strip mall west of the site is a similar use.
- ◇ The Plan of Operation notes that five axe throwing lanes would be proposed with up to five people per lane and two wreck it rooms would allow four people per room. This would be a total of 33 customers.
- ◇ The proposed business would be closed Monday and Tuesday and would be open Wednesday and Thursday from 4pm to 10pm, Friday and Saturday from 2pm to 11pm, and Sunday from 12pm to 10pm. The proposed hours of operation would be after regular business hours, which would allow for the parking on site to be sufficient.
- ◇ Staff is recommending approval of the request with the commitment that the use be limited to the tenant space as noted on the site plan and the proposed Plan of Operation.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	Binford Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 173-foot existing right-of-way and a 102-foot proposed right-of-way.
SITE PLAN	File-dated March 14, 2023.
FLOOR PLAN	File-dated March 8, 2023.
PLAN OF OPERATION	File-dated March 8, 2023.
FINDINGS OF FACT	File-dated March 8, 2023.

**ZONING HISTORY – SITE**

**EXISTING VIOLATIONS**

None.

(Continued)

**STAFF REPORT 2023-UV2-003 (Continued)****PREVIOUS CASES**

**2021-UV2-019; 5060 East 62<sup>nd</sup> Street** (subject site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for indoor recreation & entertainment uses, and an indoor spectator venue (not permitted), **withdrawn**.

**2015-UV2-010; 5060 East 62<sup>nd</sup> Street** (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a daycare center (not permitted), with an outdoor play area (outdoor uses not permitted), **granted**.

**91-V3-7; 5060 East 62<sup>nd</sup> Street** (subject site), Variance of use of the Commercial Zoning Ordinance to permit the assembly of pre-manufactured awnings for retail sale and a variance of development standards of the Sign Regulations of Marion County Zoning Ordinance to permit the placement of two illuminated awnings, **granted**.

**88-UV1-11; 5060 East 62<sup>nd</sup> Street** (subject site), Variance of use of the Commercial Zoning Ordinance to provide for a car dealership for limited production and restored automobiles, **granted**.

**71-Z-47; 5060 East 62<sup>nd</sup> Street** (subject site), Rezoning of 15.3 acres, being in the D-3 District, to the C-3 classification to provide for commercial development, **approved**.

**ZONING HISTORY – VICINITY**

**2019-DV1-019; 5208 East 62<sup>nd</sup> Street** (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to increase the nonconforming width of an existing lot, by transferring the eastern 11 feet to 5210 East 62<sup>nd</sup> Street (Parcel #8007652) creating a width of 59 feet (80-foot width required), **granted**.

**2015-UV2-004; 5030 East 62<sup>nd</sup> Street** (southwest of site), Variance of use and development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a restaurant, with micro-brewery (not permitted), an outdoor bar (not permitted), outdoor seating and dining (not permitted), live entertainment (not permitted), urban garden and outdoor recreational area (not permitted), with carryout food service within approximately 45 feet of the nearest protected district (100-foot separation required), a fitness facility (not permitted), office and storage for a pool cleaning and maintenance service (not permitted), to legally establish a zero-foot west side transitional yard (20-foot side transitional yard require), to legally establish an integrated center sign, with a 10-foot front setback from Binford Boulevard (15-foot setback required), and to provide for a freestanding sign along 62<sup>nd</sup> Street within 270 feet of an existing freestanding sign (300-foot separation required), **granted**.

**2001-DV2-043; 5102 East 62<sup>nd</sup> Street** (south of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish a gas station with reduced setbacks and reduced aisle width, **granted**.

(Continued)

**STAFF REPORT 2023-UV2-003 (Continued)**

**2000-ZON-845 / 2000-VAR-845; 5235 East 64<sup>th</sup> Street** (northeast of site), Rezoning of 0.23 acre, from C-S to C-S, to provide for an automobile oil change shop or lubrication shop, Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 1,353.45-square foot automobile oil change shop or lubrication shop, with a six-foot front setback along Sommer Awning Boulevard, with five parking spaces; four spaces being nonstandard, off-street parking spaces, a 20-foot-tall freestanding sign, and a trash container, located within the right-of-way of State Road 37, **denied**.

**2000-ZON-857 / 2000-VAR-857; 6345 Sommer Awning Boulevard** (north of site), requested the rezoning of 0.9 acre, being in the C-S District, to the C-S classification to provide for an automotive, telecommunications, and computer leasing company and a variance of development standards of the Commercial Zoning Ordinance to provide for reduced parking spaces, **approved and granted**.

**98-UV2-3; 5154 East 62<sup>nd</sup> Street** (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot associated with an adjacent fitness center, **granted**.

**97-UV2-25; 6298 Rucker Road** (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a retail dry cleaning operation, with an office, **withdrawn**.

**94-V3-83; 5030 East 62<sup>nd</sup> Street** (southwest of site), Variance of the development standards of the Sign Regulations to provide for the replacement of an integrated commercial center sign with a 532 square foot sign (maximum 500 square feet permitted), with pole covers resulting in a ground clearance of eight feet, **granted**.

**90-HOV-7; 5020 East 62<sup>nd</sup> Street** (southwest of site), Variance of development standards of the Sign Regulations to provide for a service station canopy with a 66-foot setback from the centerline of 62<sup>nd</sup> Street, **granted**.

**90-V1-54; 5020 East 62<sup>nd</sup> Street** (southwest of site), Variance of development standards of the Sign Regulations to provide for a pole sign, with a zero-foot front setback, **granted**.

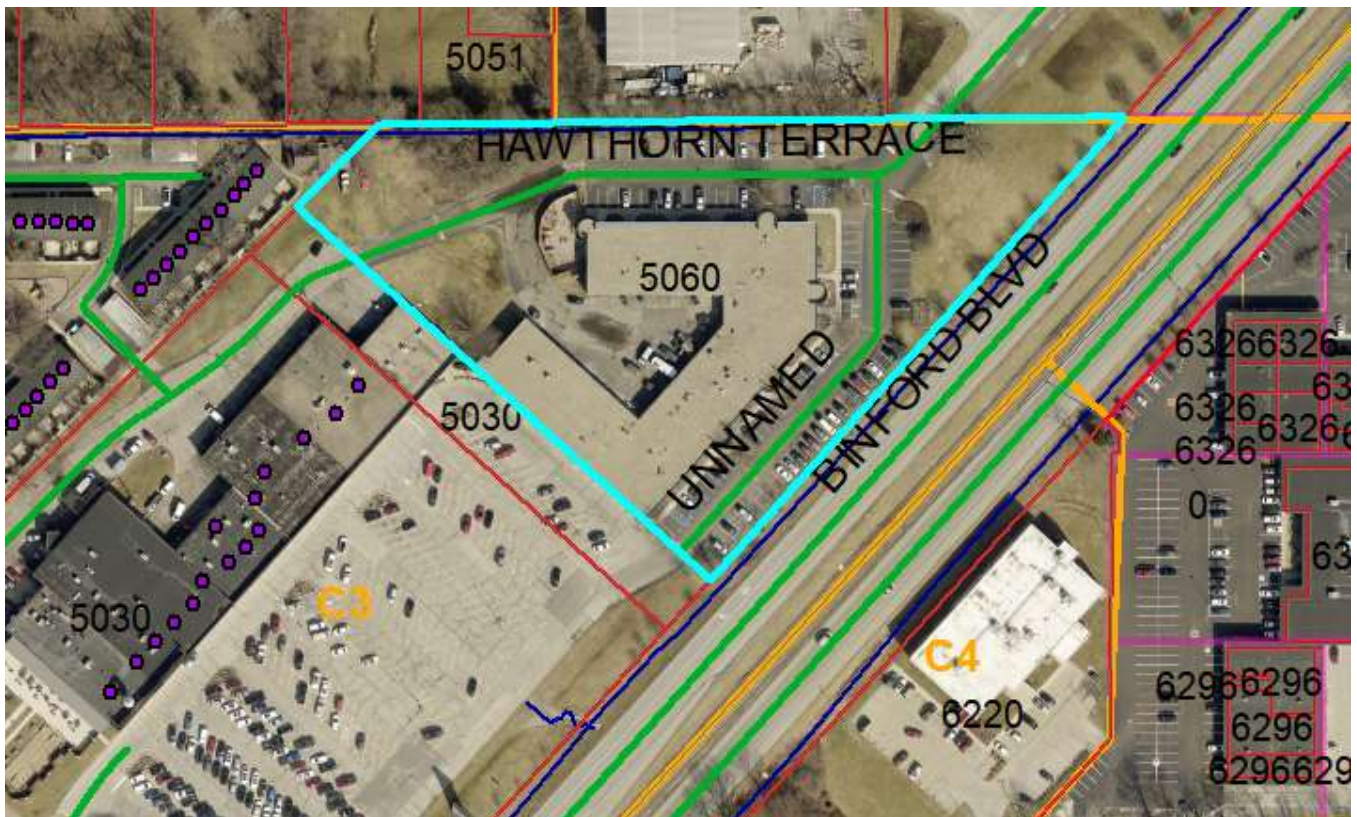
**90-V1-99; 5020 East 62<sup>nd</sup> Street** (southwest of site), Variance of development standards of the Sign Regulations to provide the placement of a canopy sign located 66 feet from the centerline of 62<sup>nd</sup> Street and to provide pump island signs exceeding 12 square feet, **granted**.

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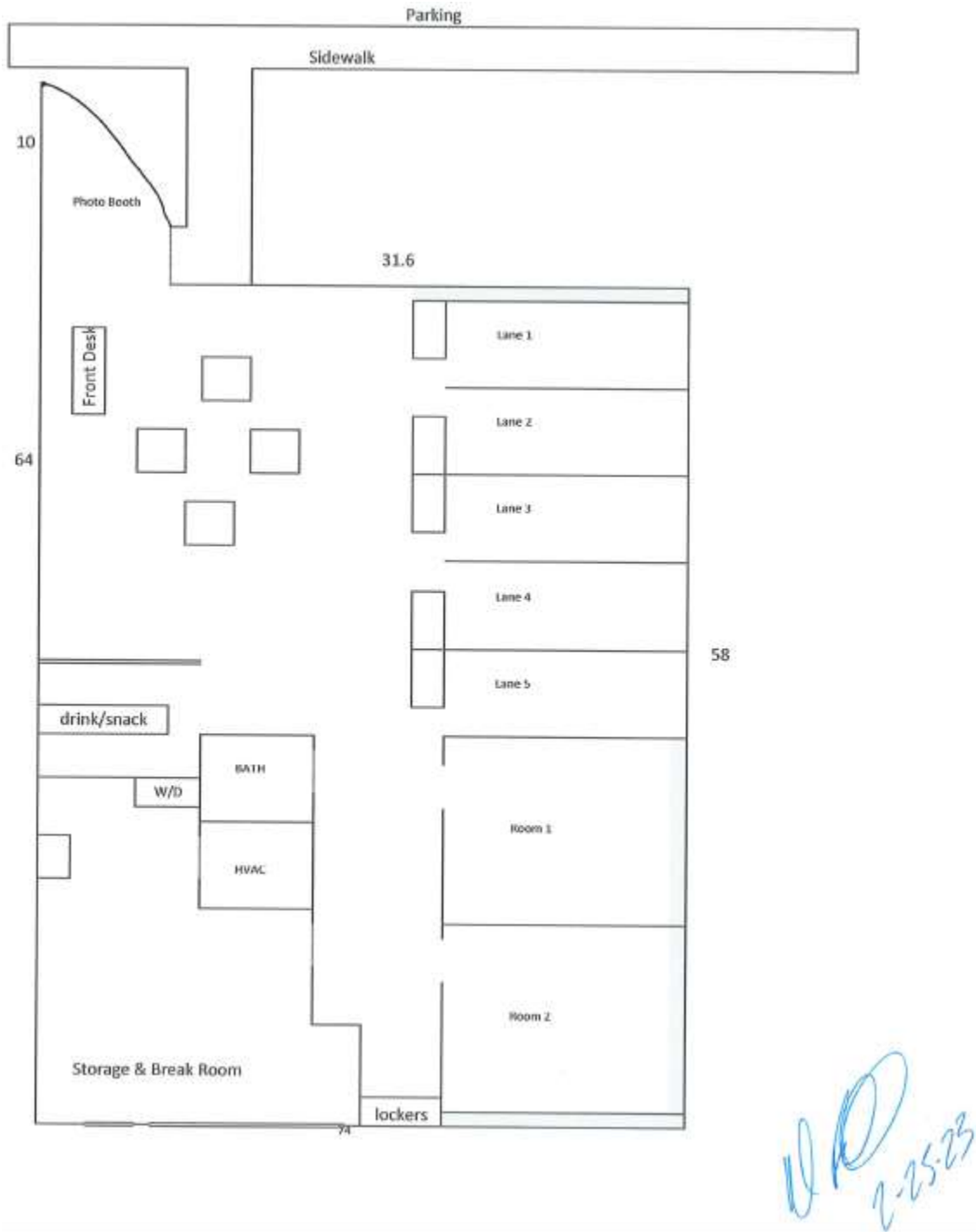


**2023-UV2-003; Aerial Map**









## Plan of Operation for Demolition Den

### **General:**

We plan to open a small Axe Throwing/Wreck it room venue in Indianapolis. There will be 5 axe throwing lanes and two wreck it rooms. Each wreck it room can be booked for up to four people at a time. The participants take turns inside the room to ensure there is only one person in at a time while the others can watch through a fenced plexiglass window. Each Axe Lane can be booked for up to 5 people who take turns. There are projectors that offer multiple axe throwing games and score as you do in bowling. There are stools at each lane with a table that divides the lanes from the spectator area.

In the lobby area there is a front desk where an attendant will verify ID's and validate signed waivers. All patrons will watch a safety and instructional video online and sign a waiver prior to entry. Rules for both axe throwing and wreck it rooms will be posted behind the front desk as well as on the website. There will be four high top tables and stools at each. There is a drink and snack station that will serve water, soda, and snacks.

In the rear of the facility is a large storage room with shelves for the breakables used in the wreck rooms as well as all required safety gear (gloves, full coveralls, masks, and helmets). There will be a washer and dryer in the storage area for cleaning the coveralls and disinfectant spray for the masks and helmets.

### **Workforce:**

We plan to hire three full time employees and one part time. Our hours of operation are limited to 42 hours per week (M-T closed, W-Th 4-10pm, F-Sa 2-11pm, Su 12pm-10pm). All employees will be first aid certified before their first day of employment. Each employee will be trained on all stations and will work different stations depending on their shift. There will be a minimum of three people working at all times. The stations are as follows:

**Front Desk/Drink and Snack Station:** charged with greeting customers, verifying ID and ensuring ID matches on file signed waiver. Serving beverages and snacks as needed. Selling Demolition Den Retail (shirts, hats, stickers, glasses).

**Axe Attendant:** Relaying the rules and proper safe throwing techniques, setting up the projectors for the particular party, answering questions throughout the session and monitoring the patrons to ensure everyone is having fun in a safe way.

**Wreck-it room attendant:** Relaying the rules and safety policies. Outfitting patrons with all safety gear. Filling the room prior to participants session, cleaning the room after each session. Monitoring the session to ensure everyone is having fun in a safe way.

### **Hours of operation:**

Because we will operate in Off Peak hours, there will be minimum disruption to our neighbors. We have spoken with the tenants inside of our building and have had no objections to our use. We will take great effort to mute the noise as well by adding a six inch sound proof insulation buffer between the shared walls. Because this use would be prescheduled at certain times for a max capacity of 33 people during off peak hours, the amount of adjacent parking is sufficient for our use.

**2023-UV2-003; Plan of Operation (Continued)****Security:**

We will have cameras throughout the facility connected to a DVR that will back up for 30 days. Cameras will be over each wreck-it room and covering the axe throwing lanes as well as on the rear of the facility near the door, the front of the facility focused on the windows, and the front desk and lobby area. All activities will be conducted inside the establishment.

**Materials Used:**

For the axe throwing lanes we will offer axes, throwing knives, throwing cards, and throwing stars. Participants will throw at a wood end grain target that will be wet hourly. The floor below the target will be turf to prevent bounce. The sides of the lanes will be roughly 11 feet high of fencing.

For the Wreck-it rooms we will offer baseball bats, pipes, golf clubs, and like items for smashing objects in a safe environment. The items to be smashed will be provided by Demolition Den or patrons can bring in their own items as long as they are pre-approved by management. Breakable items will include TV's, computer screens, printers, fax machines, beer bottles, cups, etc. There will be no batteries, explosives or hazardous materials of any kind permitted in our establishment.

**Waste:**

All waste will be disposed of in a dumpster located behind the unit. There is a large roll up door in the storage area that leads to the back.

**Shipping and receiving:**

Breakable items will be delivered 2-3 times per week depending on demand in the rear of the property and will be brought in through the roll up door in our storage area.

**Clients and Customers:**

Demolition Den's target demographic will vary based on the activity. For the axe lanes anyone 12 and older with a parent or guardian may participate. For the wreck it room anyone 16 or older may participate with a parent or guardian. We believe this will be a fun venue for a date night, a family outing, a group of friends or colleagues to participate in a safe environment doing something that might be outside of anything they have done before. We believe that will attract a wide variety of patrons for fun to be had by all different demographics.





Photo of the Subject Property: 5060 East 62nd Street



Photo of the tenant space west of the proposed tenant use.



Photo of a community center along the southwest building façade.



Photo of an existing fitness gym.



Photo of a micro-brewery, outdoor bar and outdoor seating previously permitted.