



Board of Zoning Appeals Division II (July 11, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, July 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-UV2-004 | 2029 Massachusetts Avenue**
Center Township, Council District #17, Zoned C-3
Shanea Howell, by Sarah Walters

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling (not permitted) and provide for an addition with a six-foot front setback from Jefferson Avenue (10-foot setback required) with garage access from Jefferson Avenue (access from an improved alley required).

**** Continuance requested by petitioner**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2023-DV2-011 | 7762-7798 and 7735-7787 Garnet Avenue, 3046-3064 Crooked Creek Parkway East Drive, 2903-2945 and 2902-2958 Ruby Boulevard, 2940 and 2939 Moonstone Street, 3103-3157, 3138-3156 and 3102-3126 Sardonyx Street**
Pike Township, Council District #1, Zoned D-5
Arbor Homes & Apex Realty Group, by Caitlin Dopher

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with a 20-foot front yard setback, a minimum main floor area of 539 square feet and an open space of 40 percent (25-foot front yard setback, 660 square foot main floor area and 60 percent open space required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 3. 2023-DV2-005 | 4540 North Park Avenue**
Washington Township, Council District #7, Zoned D-2 (TOD)
Thomas and Kelly Creveling, by Mark Demerly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 850 square feet (maximum 720 square feet), resulting in an open space of 72 percent (75 percent open space required).

4. 2023-DV2-008 | 3802 East 10th Street

Center Township, Council District #12, Zoned C-4
Jabbo Investments LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an automobile fueling station and laundromat with zero percent building transparency on the façade facing 10th Street and a maximum light level of 20.2 (average of 16.2) foot-candles under the fueling station canopy (40% façade transparency required, maximum average light level of 4.5 foot-candles permitted).

5. 2023-DV2-009 (Amended) | 6151 North Keystone Avenue (2419 East 62nd Street parcel address)

Washington Township, Council District #2, Zoned C-4 / D-P
Kite Realty Group, by H.C. Klover Architect

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

6. 2023-DV2-010 | 526 Blue Ridge Road

Washington Township, Council District #7, Zoned D-5
Butler University, by Andrew Wert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling (maximum 35-foot height permitted) with a 10-foot rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required).

7. 2023-DV2-012 | 3777 North Meridian Street

Center Township, Council District #9, Zoned D-9 (TOD)
The Enclave At Meridian LP, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a perimeter fence, with a height ranging from six to eight feet (fence height limited to four-foot tall within the front yard and six feet in height within the side and rear yards).

8. 2023-DV2-013 | 4809 East 70th Street

Washington Township, Council District #3, Zoned D-2
Abraham Jordan and Kaitlin Browning

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a six-foot tall fence within the front yard of Riley Avenue (fences within front yards limited to a height of 3.5 feet).

9. 2023-UV2-007 | 128 North Traub Avenue

Center Township, Council District #16, Zoned D-5 (TOD)
CK Rents LLC, by Kewin Martinez

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a four-unit multi-unit house and a detached accessory dwelling (not permitted), each with a three-foot south side yard setback (five-foot side yard setback required).

Additional Business:

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

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

Case Number: 2023-UV2-004
Address: 2029 Massachusetts Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: C-3
Petitioner: Shanea Howell, by Sarah Walters
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling (not permitted) and provide for an addition with a six-foot front setback from Jefferson Avenue (10-foot setback required), with garage access from Jefferson Avenue (access from an improved alley required).

Due to an error related to publication of the notice, this petition was continued for cause from the May 16, 2023 hearing to the July 11, 2023 at the request of the petitioner.

The petitioner notified staff that they will be requesting an additional continuance for cause for this petition due to unforeseen circumstances. Since a hearing date has not been confirmed by the petitioner, staff **recommends this petition be continued to the August 1, 2023 hearing.**

MI

STAFF REPORT

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

Case Number: 2023-DV2-011
Address: 7762-7798 and 7735-7787 Garnet Avenue, 3046-3064 Crooked Creek Parkway East Drive, 2903-2945 and 2902-2958 Ruby Boulevard, 2940 and 2939 Moonstone Street, 3103-3157, 3138-3156 and 3102-3126 Sardonyx Street (approximate address)
Location: Pike Township, Council District #1
Zoning: D-5
Petitioner: Arbor Homes & Apex Realty Group, by Caitlin Dopher
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with a 20-foot front yard setback, a minimum main floor area of 539 square feet and an open space of 40 percent (25-foot front yard setback, 660 square foot main floor area and 60 percent open space required).

July 11, 2023

This petition was automatically continued from the June 13, 2023 hearing to the July 11, 2023 hearing by a registered neighborhood organization.

June 13, 2023

RECOMMENDATIONS

Staff **recommends approval** of the requests.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Metro	Undeveloped / Single-Family residential
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	C-1	Commercial

COMPREHENSIVE PLAN The Comprehensive Plan recommends Suburban Neighborhood development

- ◇ The subject site is comprised of 66 lots in the Augusta Heights Phase One subdivision, re-platted via 2020-PLT-042. This subdivision is in northwest Indianapolis and was originally platted in the 1920's. Much of the site was undeveloped. There are some existing single-family dwellings, but they are not related to the subject variance or development.

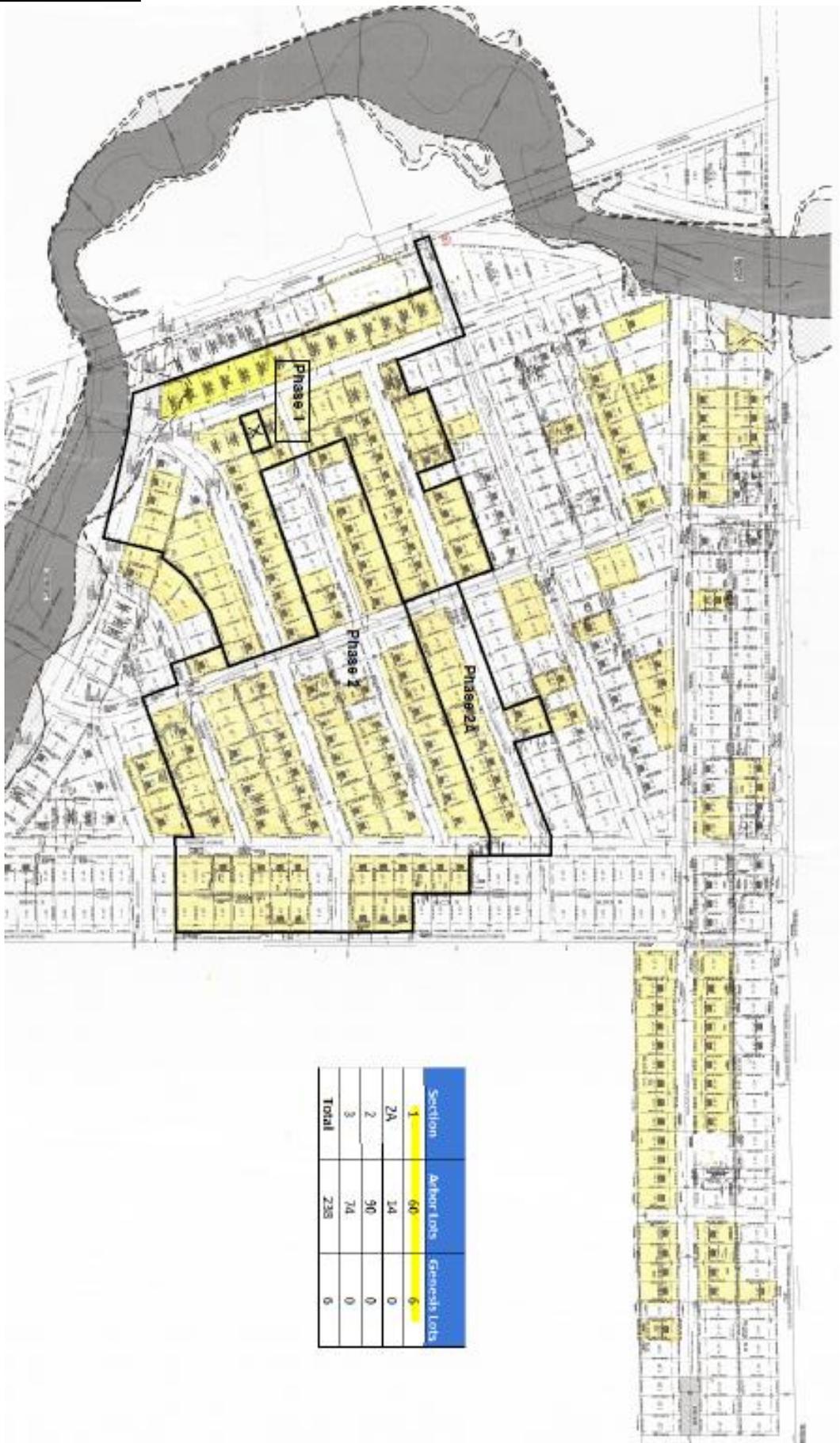
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STAFF REPORT 2023-DV2-011 (Continued)**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for 20-foot front yard setbacks where 25 feet is required, main floor areas of 539 square feet where 660 square feet is required, and 40 percent open space where 60 percent is required. Staff would note that the standards used to review these variances are based on the 2016 zoning and subdivision ordinance. The subdivision plat was approved in 2020, so the ordinance standard adopted at that time may be applied per the three-year vested rights state statute.
- ◇ The subject sites are zoned D-5 and in the metro context area. Staff would note that D-5 is an atypical zoning classification in the metro context area. Most lots in this subdivision are approximately 50 feet wide and 110 feet long, or less, which is more common in the compact context areas. This petition would provide for a 20-foot front yard setback. The required D-5 front setback for a local street in the metro context area is 25 feet. For comparison, a local street setback in the compact context area is 18 feet.
- ◇ The proposed development for these lots utilizes a historic plat from 1923; similar neighborhoods of this era often have existing setbacks smaller than what is required by the modern ordinance, and are classified as compact context areas. Therefore, staff would not be opposed to a slight reduction of the front yard setbacks to 20 feet.
- ◇ This request would provide for 40 percent open space where 60 percent open space is required. The purpose of this variance request is to allow for one-story dwellings with attached garages that would be similar to the existing ranch-style homes in this area. Staff would not be opposed to reduced open space for lots with less than the minimum required lot area. Staff would also not oppose variances where the request is consistent with existing development in the surrounding area.
- ◇ Staff would note that the recently adopted walkable neighborhood districts would permit a 20-foot front setback and 40 percent open space in the D-5 district. Therefore, staff would not be opposed to the requested variances.
- ◇ The minimum main floor area for a dwelling with more than one story in the D-5 district is 660 square feet. This calculation does not include parking such as a garage per Section 740-303.C.1.c. The intent of this standard is to create a uniform appearance for single-family structures in the same zoning districts. If the garage were counted in this calculation, most multi-story dwellings would have a gross first floor area of approximately 960 square feet.
- ◇ The overall net floor area for these dwellings would meet or exceed the required 900 square feet of floor area required by the ordinance. The proposed houses have net floor areas of 1,148 square feet or more. Therefore, staff believes the proposed dwellings meet the intent of the ordinance and are not opposed to a slight reduction of the required main floor area.

(Continued)





Section	Arbour lots	Greenwich lots
1	60	6
2A	14	0
2	90	0
3	74	0
Total	238	6

2023-DV2-011; Findings of Fact

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed single-family homes are the same use as adjacent, existing homes in the subdivision. The two requested variances will allow for single story floor plans which are similar in size and massing to existing homes in the area.

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

The homes proposed to be built in Augusta Heights are single-family detached homes, similar in size to existing homes in the subdivision. Because the plat was approved in 1923, some lots have been developed since that time and contain single-story homes under 2,000 square feet. Arbor is proposing to build a variety of different floor plans, ranging from 1,200 to 3,200 square feet.

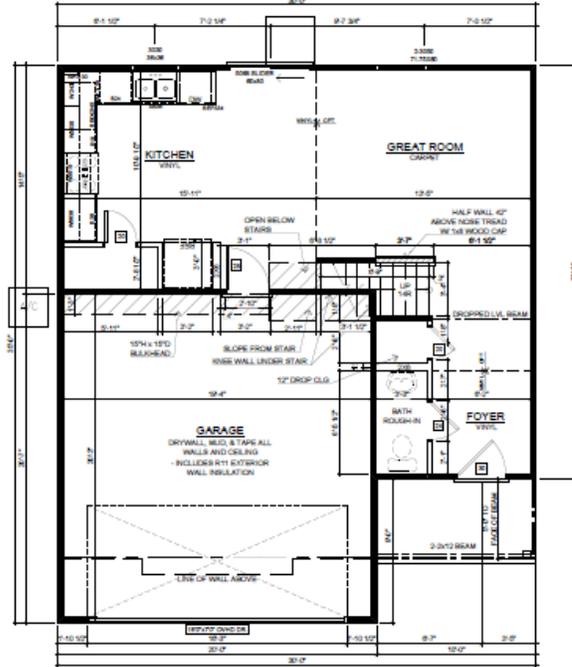
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Applying modern development standards to a subdivision created in 1923 will result in limited buildable space on individual lots and restrict the most attainably priced floor plans. The Augusta Heights subdivision, although platted 100 years ago, has recently been developed to accommodate modern drainage, modern street standards, buried electric lines, and has installed retaining walls to account for the topography of the site. However, because the platted lots were sold individually and existing homes are in the area, the development was bound by the existing property lines. Older, existing homes in the subdivision are single-story ranch style homes. Without a variance for the front setback and open space requirement on lots, Arbor Homes' single-story floor plans, the most comparable to existing homes in the subdivision, will not comply.

2023-DV2-011; Floor Plans

Coach: 1,148 square feet net floor area

- NO MIRRORS
- NO BATH ACCESSORIES
- ORANGE PEEL WALL WITH STOMP TEXTURE CEILING

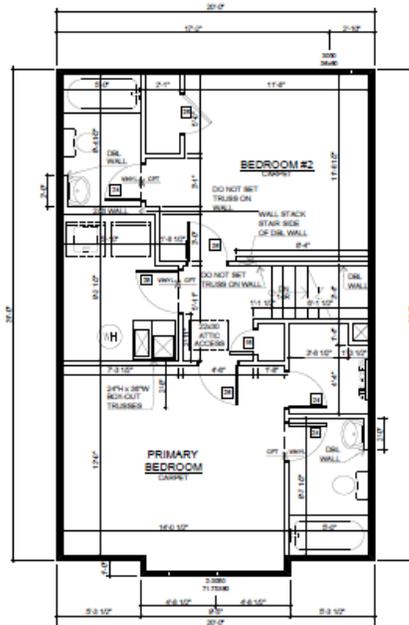


FIRST FLOOR
SCALE: 3/8\"/>

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CUSTOMER SERVICE CENTER ADDRESS: 11111 S. 111TH ST. CITY: OMAHA, NE 68131	PROJECT NAME: ARBOR HANS SHEET NUMBER: 101 SHEET DATE: 08/14/2023
FIRST FLOOR PLAN	
1	

- NO MIRRORS
- NO BATH ACCESSORIES
- ORANGE PEEL WALL WITH STOMP TEXTURE CEILING



SECOND FLOOR
SCALE: 3/8\"/>

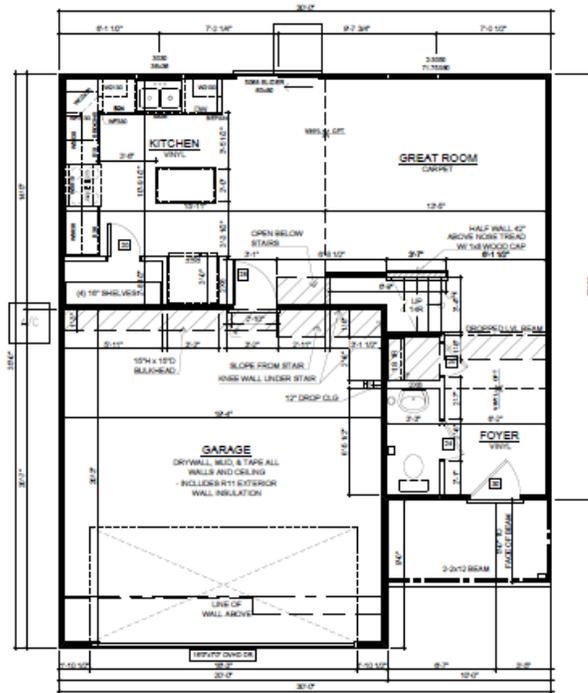
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CUSTOMER SERVICE CENTER ADDRESS: 11111 S. 111TH ST. CITY: OMAHA, NE 68131	PROJECT NAME: ARBOR HANS SHEET NUMBER: 102 SHEET DATE: 08/14/2023
SECOND FLOOR PLAN	
2	

Victoria: 1,413 square feet net floor area

Item 2.

SMOOTH INTERIOR WALLS AND STOMP CEILINGS



FIRST FLOOR

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

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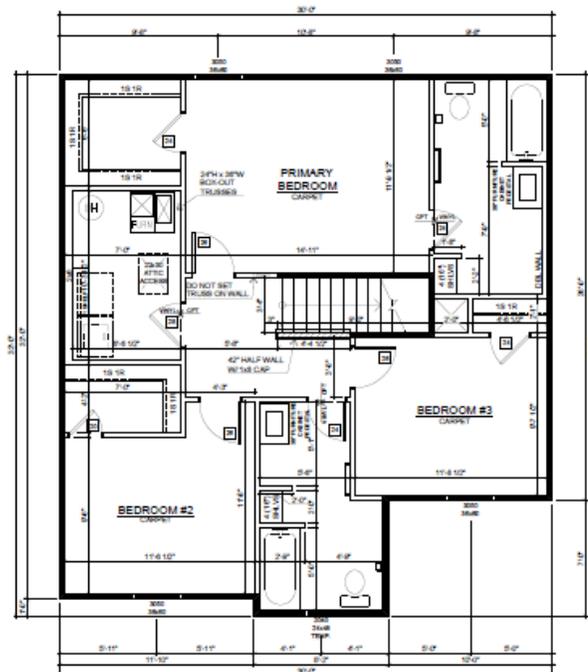
DATE	DESCRIPTION

CONTRACT NO.: 1400017
 PROJECT NO.: 1400017
FIRST FLOOR PLAN

DATE	DESCRIPTION

DATE: 08/20/2014
 TIME: 10:00 AM
 PROJECT: 1400017
 SHEET: 1

SMOOTH INTERIOR WALLS AND STOMP CEILINGS



SECOND FLOOR

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

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DATE	DESCRIPTION

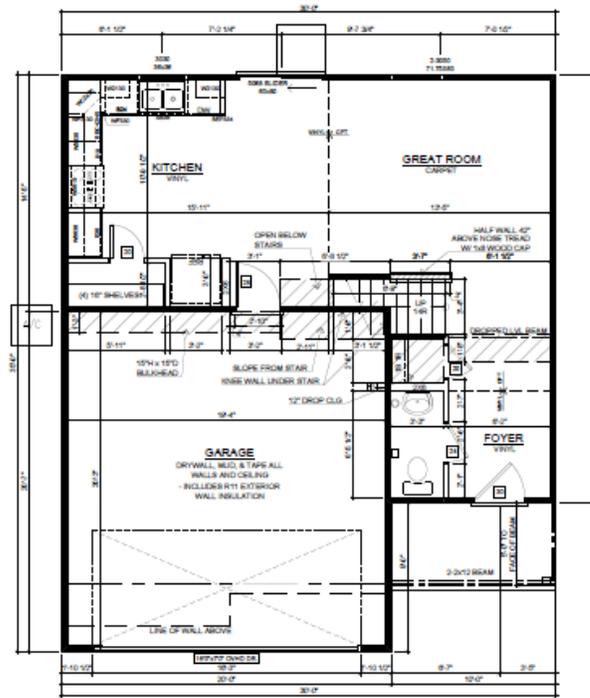
CONTRACT NO.: 1400017
 PROJECT NO.: 1400017
SECOND FLOOR PLAN

DATE	DESCRIPTION

DATE: 08/20/2014
 TIME: 10:00 AM
 PROJECT: 1400017
 SHEET: 2

Rockaway: 1,315 square feet net floor area

ORANGE PEEL
TEXTURE WALL AND
STOMP CEILINGS



FIRST FLOOR
SCALE: 3/8"=1'-0"

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ARBOR
HOMES
11000 W. 11TH AVENUE
DENVER, CO 80231
303.751.1100

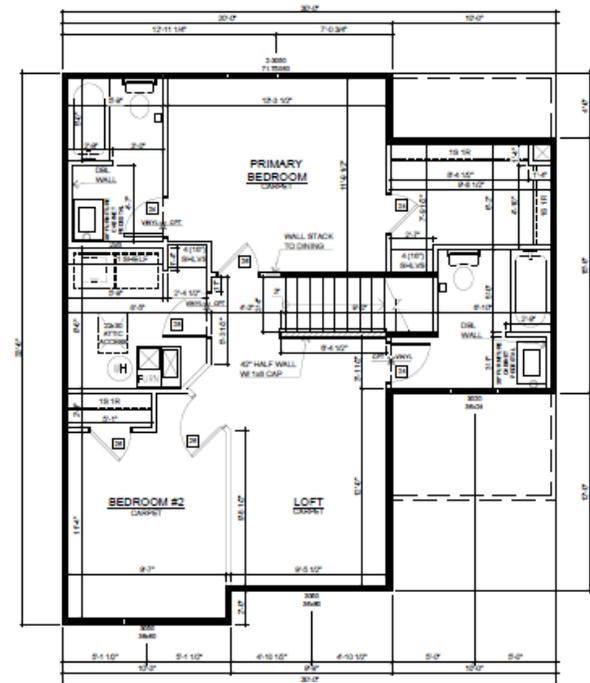
DATE: 11/10/14
SCALE: 3/8"=1'-0"

COMPILED BY: J. HARRIS
DATE: 11/10/14
PROJECT: 14-000000-0000

CUSTOMER PROJECT NAME: FIRST FLOOR PLAN
ADDRESS: 14-000000-0000
STATE: CO

PROJECT NO: 1

ORANGE PEEL
TEXTURE WALL AND
STOMP CEILINGS



SECOND FLOOR
SCALE: 3/8"=1'-0"

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ARBOR
HOMES
11000 W. 11TH AVENUE
DENVER, CO 80231
303.751.1100

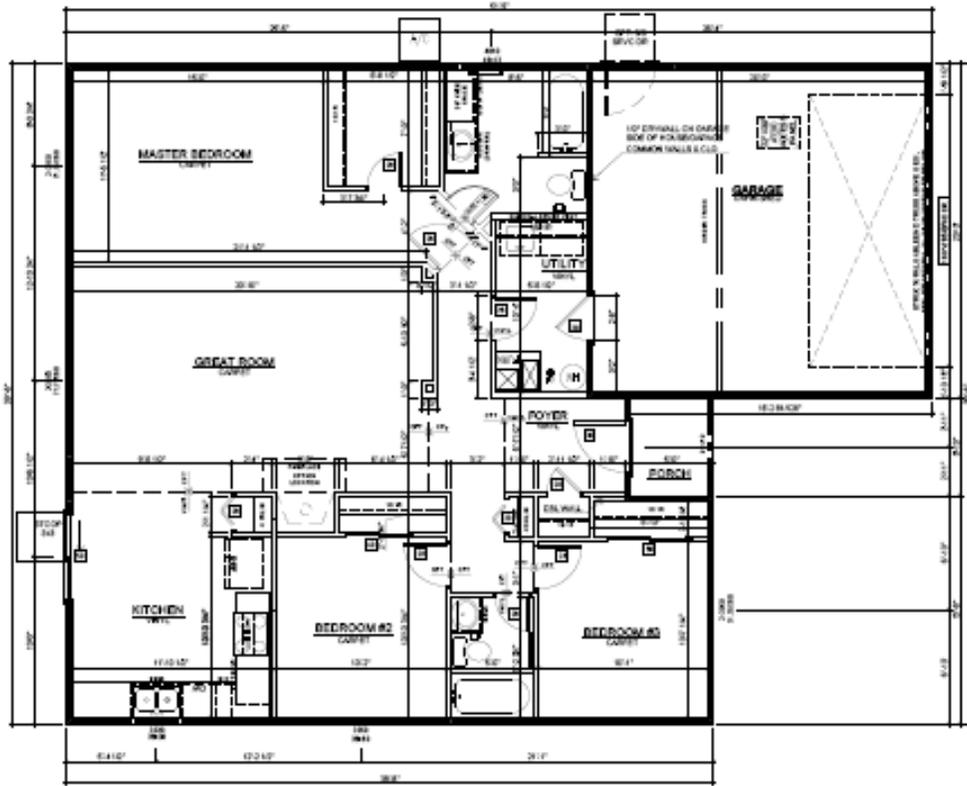
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COMPILED BY: J. HARRIS
DATE: 11/10/14
PROJECT: 14-000000-0000

CUSTOMER PROJECT NAME: SECOND FLOOR PLAN
ADDRESS: 14-000000-0000
STATE: CO

PROJECT NO: 2

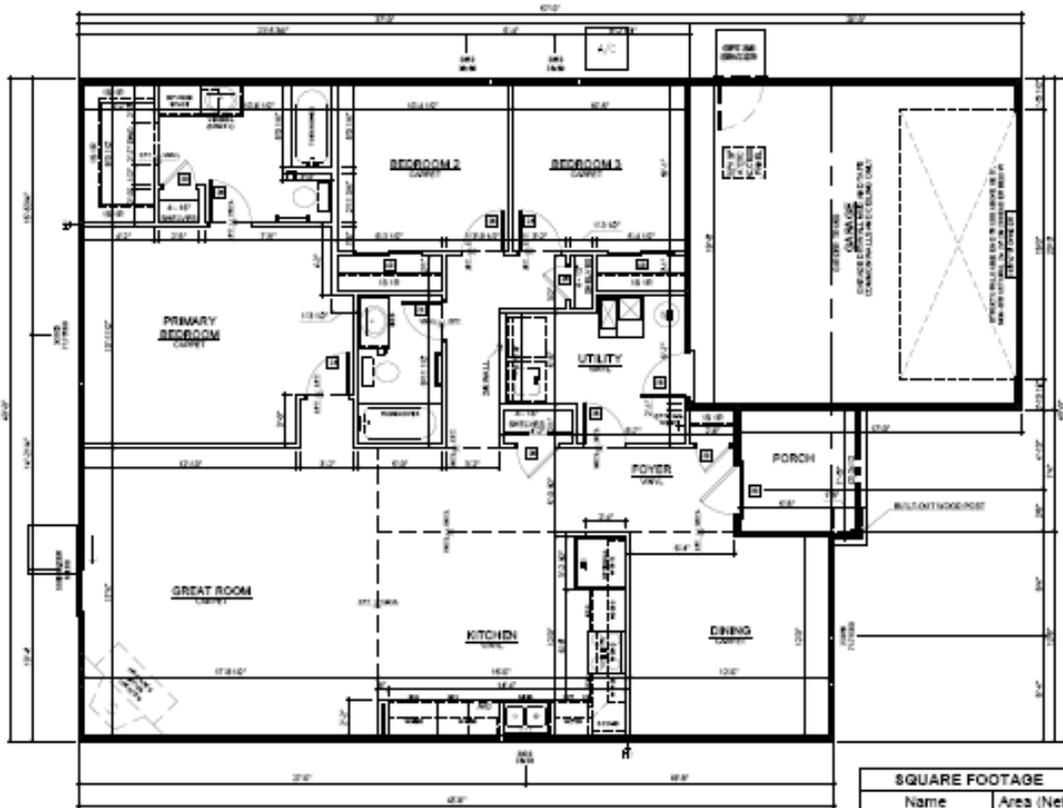
Ashton: 1,354 square feet net floor area



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

Bradford: 1,613 square feet net floor area

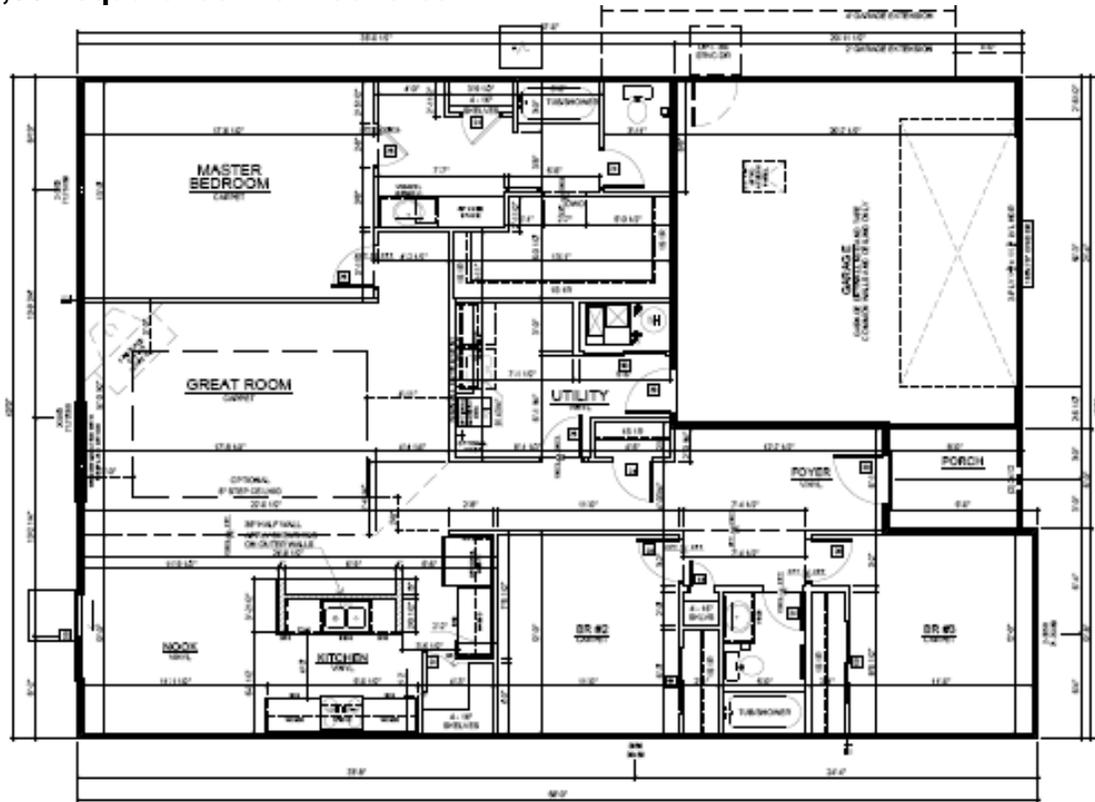


FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

SQUARE FOOTAGE	
Name	Area (Net)
1ST FLOOR S.F.	1613 SF
	1613 SF

Chestnut: 1,801 square feet net floor area

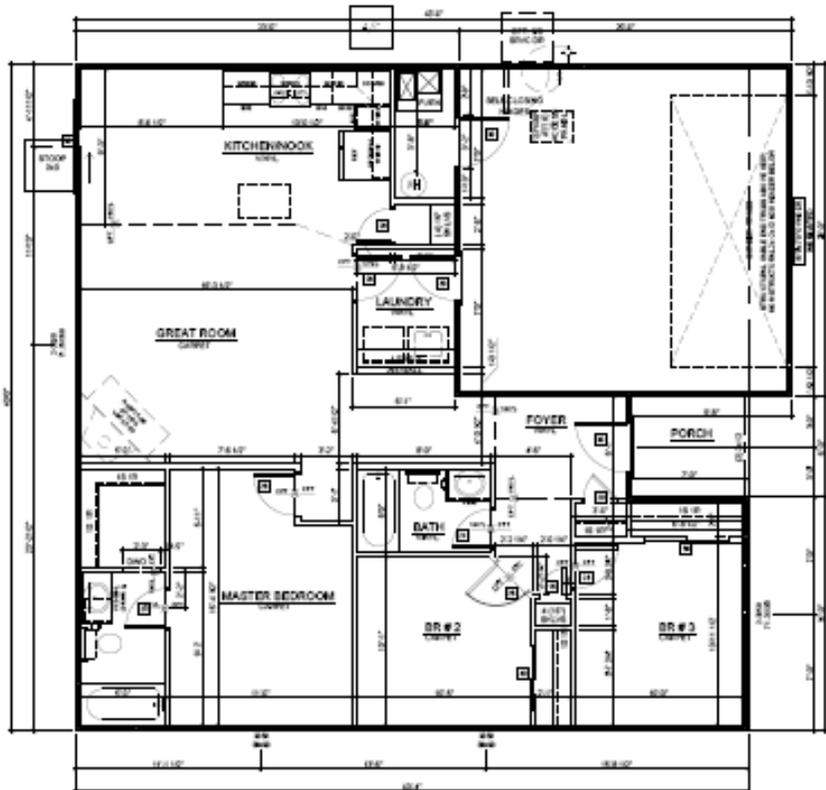


SQUARE FOOTAGE	
Name	Area (Net)
1ST FLOOR S.F.	1801 SF

FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

Walnut: 1,228 square feet net floor area



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"



Crooked Creek Parkway East Drive, looking east



Crooked Creek Parkway East Drive, looking northwest



View from Crooked Creek Parkway East Drive, looking north



Intersection at Garnet Avenue, Ruby Boulevard, and Crooked Creek Parkway East Drive, looking east



Intersection of Garnet Avenue and Ruby Boulevard



Intersection at Garnet Avenue and Ruby Boulevard, looking north



Moonstone Court, looking west



Intersection of Ruby Boulevard and Amethyst Avenue



Amethyst Avenue, looking north



Intersection of Garnet Avenue and Sardonyx Street



Intersection of Garnet Avenue and Sardonyx Street, looking north



Garnet Avenue, looking west



Garnet Avenue, looking west



Sapphire Boulevard and Garnet Avenue, looking west



Sapphire Boulevard, looking east

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV2-005
Address: 4540 Park Avenue (approximate address)
Location: Washington Township, Council District #7
Zoning: D-2 (TOD)
Petitioner: Thomas and Kelly Creveling, by Mark Demerly
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 850 square feet (maximum 720 square feet), resulting in an open space of 72 percent (75 percent open space required).

July 11, 2023

This petition was continued for cause by the petitioner, due to only three Board members being present, from the June 13, 2023 hearing to the July 11, 2023 hearing.

June 13, 2023

Due to an error related to publication of the notice, this petition was continued to another hearing of Division II, with additional notice.

RECOMMENDATIONS

Staff **recommends approval** of the request to provide for the construction of a detached carriage house resulting in an open space of 72 percent.

Staff **recommends denial** of the request to provide for a secondary dwelling containing 850 square feet.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-2 Compact Single-Family residential

SURROUNDING ZONING AND LAND USE

North D-2 Single-Family residential
South D-2 Single-Family residential
East D-2 Single-Family residential
West D-2 Single-Family residential

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development

(Continued)

STAFF REPORT 2023-DV2-005 (Continued)

- ◇ The subject site is an 11,172 square foot lot in the D-2 district, and is developed with a single-family dwelling and a detached garage (to be demolished). This house is near the Oliver Johnson's Woods Historic District of the National Register of Historic Places.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for the construction of a detached carriage house, with a secondary dwelling containing 850 square feet, resulting in an open space of 72 percent.
- ◇ The minimum required open space for the D-2 district is 75 percent. This standard is based on a minimum lot area of 15,000 square feet. The existing lot is 11,127 square feet. Staff would not be opposed to a slight reduction of the open space for a lot less than the minimum lot area.
- ◇ This request would provide for a secondary dwelling with 850 square feet. The ordinance allows a secondary dwelling with a maximum square footage of 720 square feet. This standard's purpose is to ensure the incidental and subordinate use for accessory structures. Staff would note that the applicant could reduce the size of the secondary dwelling to meet the ordinance, therefore there is no practical difficulty for this request.

GENERAL INFORMATION

THOROUGHFARE PLAN	Park Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.
SITE PLAN	File-dated April 5, 2023
ELEVATIONS & FLOOR PLANS	File-dated April 5, 2023
SITE SURVEY	File-dated April 5, 2023
FINDINGS OF FACT	File-dated April 5, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2021-DV3-023, 4519 Central Avenue, variance to provide for a detached garage with a four-foot south side setback and 72% open space, **approved**.

2020-DV3-017, 4545 Central Avenue, variance to provide for a dwelling addition with a 4.5-foot north side setback, **approved**.

2018-DV2-003, 4535 Park Avenue, variance to provide for the construction of a detached garage, with access from Park Avenue, **approved**.

2018-DV1-047, 4565 Park Avenue, variance to legally establish a six-foot tall opaque fence in the front yard of 46th Street and within the clear sight triangle of the abutting street and alley, and to legally establish a four-foot-tall wrought iron fence in the right-of-way of Park Avenue and the clear sight triangle of the abutting streets, **approved**.

(Continued)

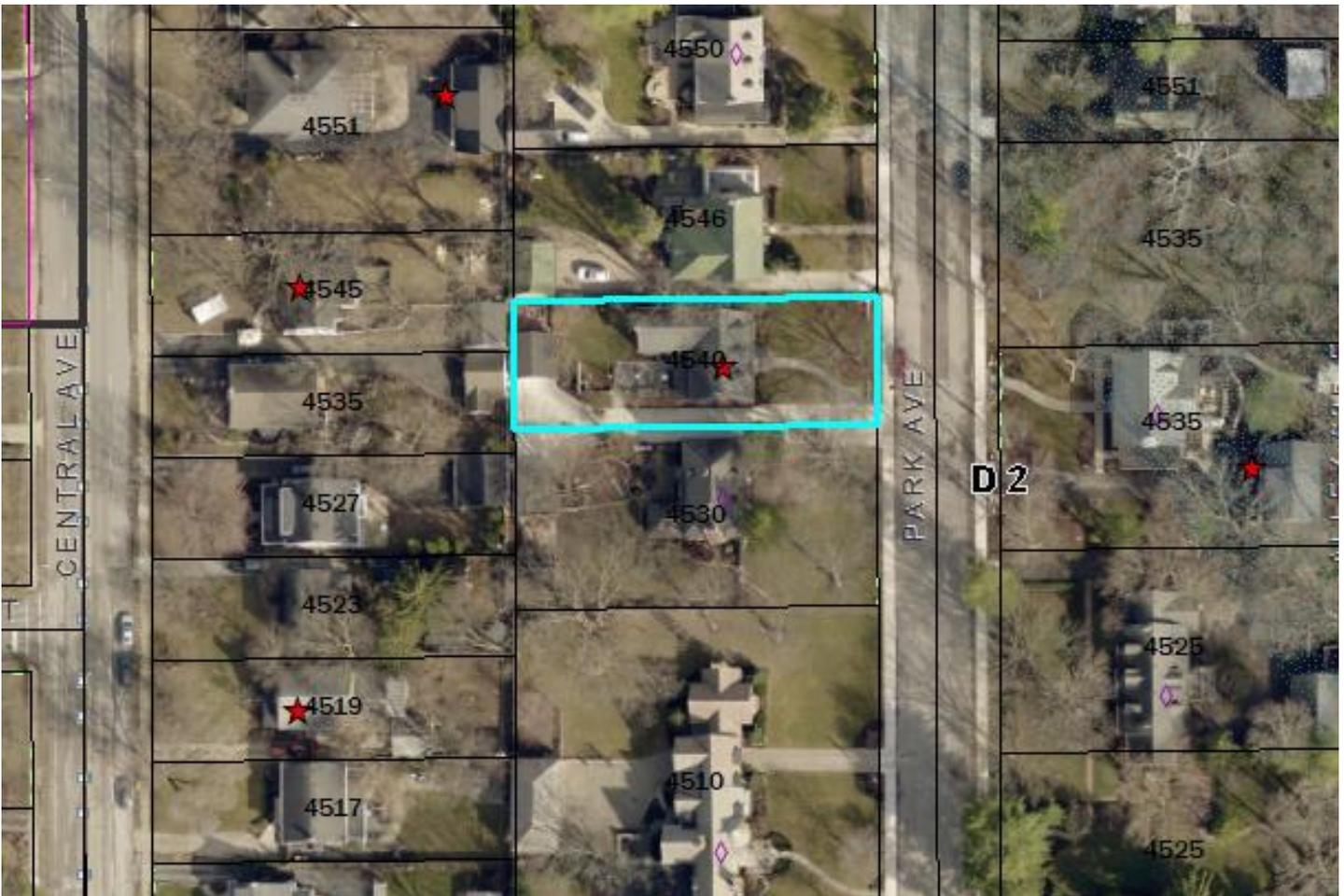
STAFF REPORT 2023-DV2-005 (Continued)

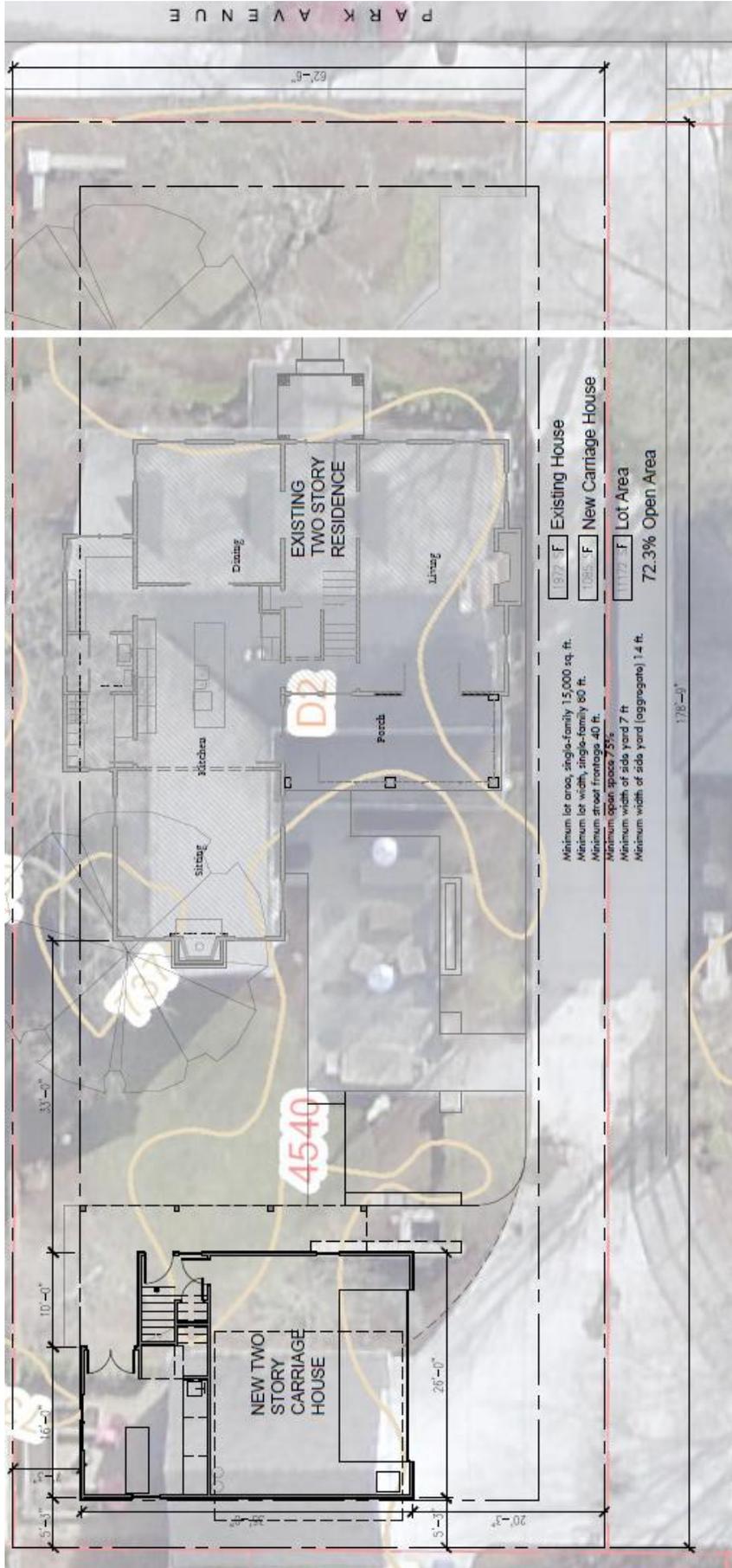
2016-DV2-011, 4551 Central Avenue, variance to provide for the construction of a detached garage, with a 1.75-foot rear setback, **approved**.

2014-DV1-046, 4559 Central Avenue, variance to provide for single-family dwellings on two proposed 8,228-square foot lots, a) with the single-family dwelling on the northern lot having a 10.5-foot front setback from 46th Street, b) with the detached garage on the northern lot having an approximately 20-foot front setback from 46th Street and five-foot side setbacks for a 10-foot aggregate side yard, c) with the single-family dwelling on the southern lot having a 18-foot aggregate side setback, d) with the detached garage on the southern lot having a five-foot side setback, e) with the southern lot having a lot width of 46 feet, and f) with both lots having an open space of 73%, **withdrawn**.

AR

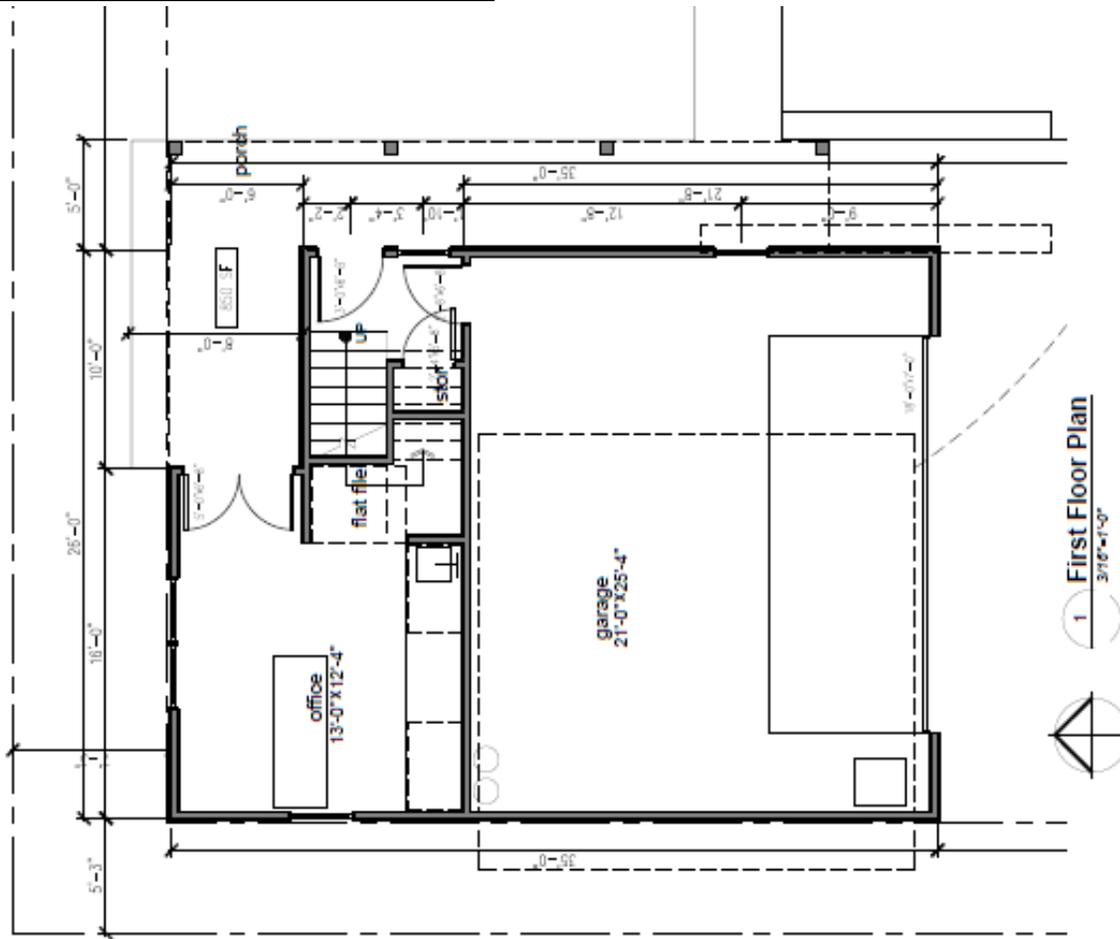
2023-DV2-005; Aerial Map





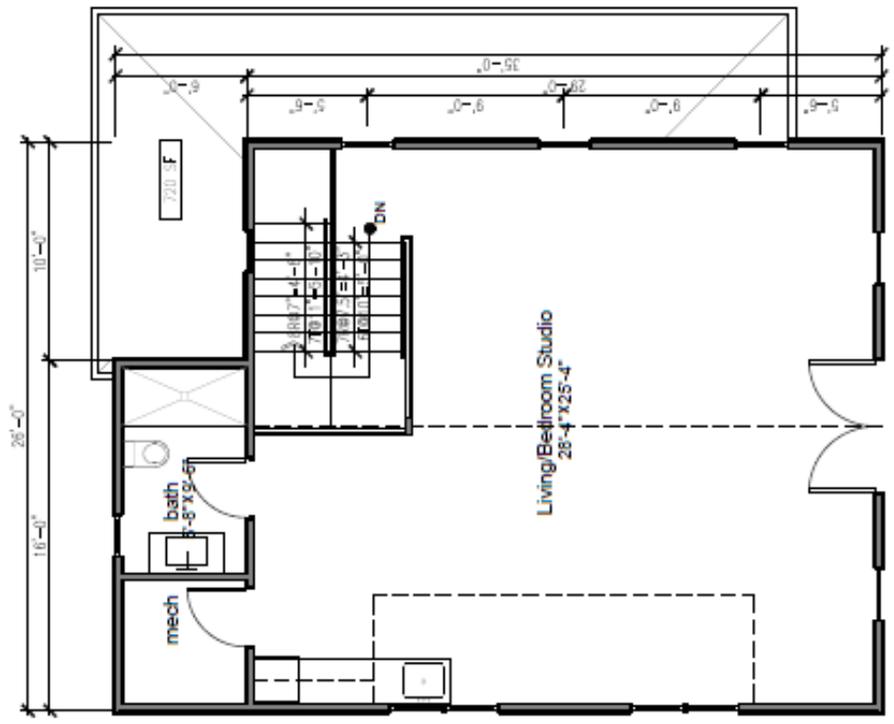
DemerlyArchitects

Creveling Carriage House 001



1 First Floor Plan
3/16"=1'-0"

Creveling Carriage House 101
4540 Park Ave., Indianapolis SD
11.22.22



2 Second Floor Plan
3/16"=1'-0"



DemerlyArchitects
ARCHITECTURE / INTERIORS / PLANNING

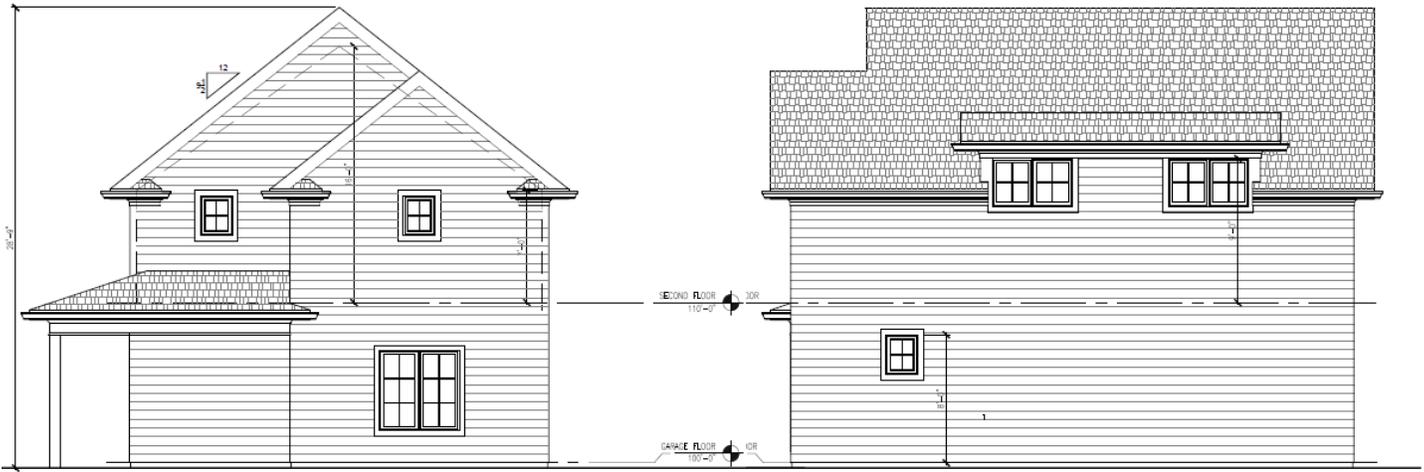


2 South Exterior Elevation
3/16"=1'-0"

1 Front East Exterior Elevation
3/16"=1'-0"

DemerlyArchitects
ARCHITECTURE / INTERIORS / PLANNING

0 2' 4' 8'
Creveling Carriage House 201
4540 Park Ave., Indianapolis 11.22.22
SD

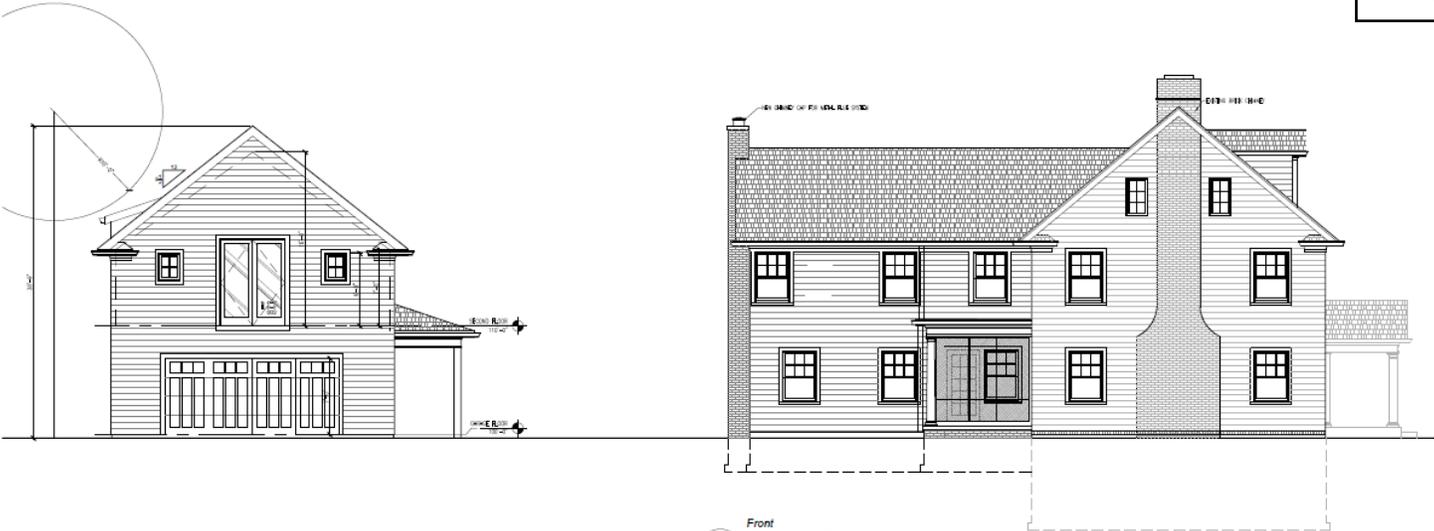


3 North Exterior Elevation
3/16"=1'-0"

4 West Exterior Elevation
3/16"=1'-0"

DemerlyArchitects
ARCHITECTURE / INTERIORS / PLANNING

0 2' 4' 8'
Creveling Carriage House 202
4540 Park Ave., Indianapolis 11.22.22
SD

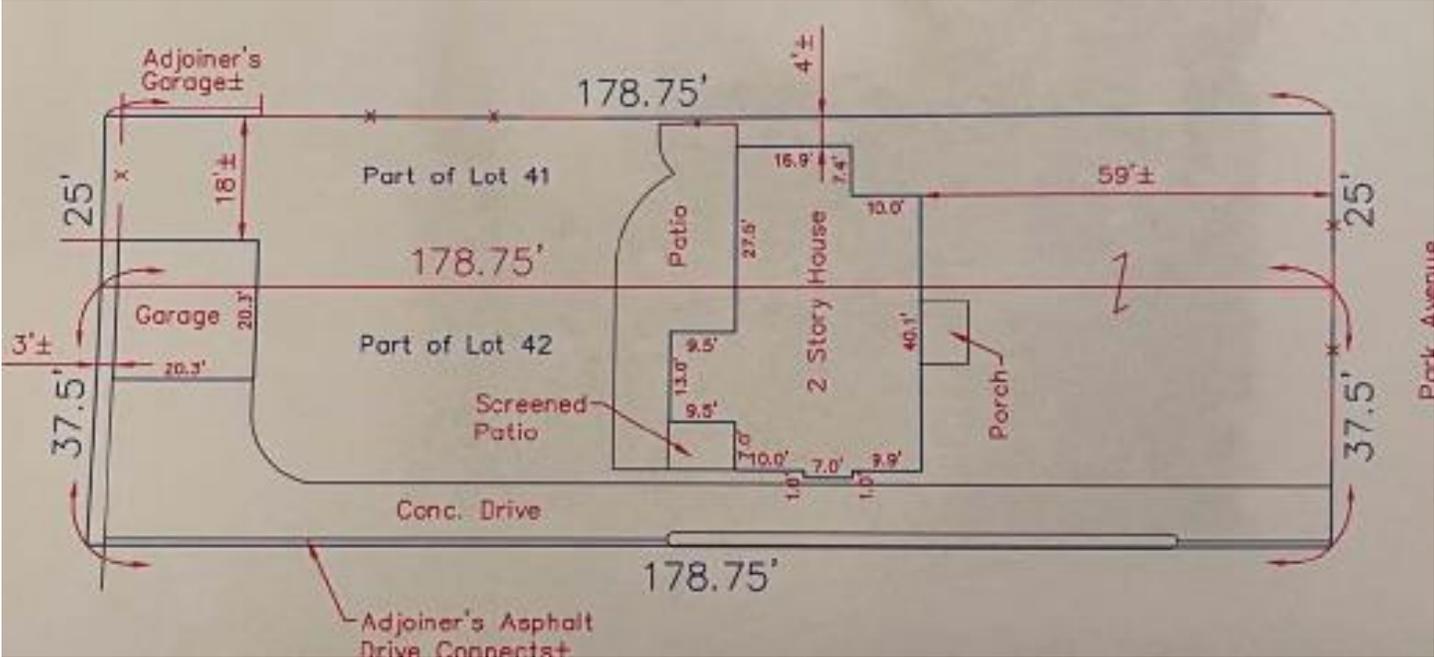


1 Front Exterior Elevation
3/16"=1'-0"
0 2' 4' 8'

DemerlyArchitects
ARCHITECTURE / INTERIORS / PLANNING

Creveling Carriage House 200
4540 Park Ave, Indianapolis 11.22.22 SD

2023-DV2-005; Site Survey Existing



2023-DV2-005; Findings of Fact

**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:

There are existing conditions within the neighborhood that are consistent with the proposed less than 75 percent open area.

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

The condition of a less than 75% open area is already present in the area.

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

The buildable width of the lot would be too narrow for the proposed two car carriage house with a first floor office. According to Table 742.103.04, D-2 is required a minimum 75 percent open area. Given that the existing historical plotted lot is smaller than the required 15,000 SF lot for a D-2 zoning, the open area requirement of 75 percent is excessive for a lot of this size.



Subject site, Park Avenue Frontage, looking west



Adjacent site to the south, looking west



Existing shared driveway



Existing detached garage to be replaced with the proposed carriage house, looking northeast



View of rear yard, looking north

STAFF REPORT

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

Case Number: 2023-DV2-008
Address: 3802 East 10th Street (approximate address)
Location: Center Township, Council District #12
Zoning: C-4
Petitioner: Jabbo Investments LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an automobile fueling station and laundromat with zero percent building transparency on the façade facing 10th Street and a maximum light level of 20.2 (average of 16.2) foot-candles under the fueling station canopy (40% façade transparency required, maximum average light level of 4.5 foot-candles permitted).

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4 Compact Automobile Repair

SURROUNDING ZONING AND LAND USE

North D-5 / I-4 Single-family Dwellings
South C-4 Retail and Tire Service
East C-4 Single-family Dwellings
West I-4 Railroad Tracks, Automobile Repair

COMPREHENSIVE PLAN The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ This 0.66-acre lot, zoned C-4, is currently improved with two commercial structures and an accessory storage structure related to an automobile repair facility, and associated surface parking.
- ◇ North of the subject site are single-family dwellings, within the I-4 and D-5 Districts. To the east are single-family dwellings within the C-4 District. Directly to the East is an elevated railroad track, beyond which are automobile related uses, within the I-4 District. To the south are retail and tire services businesses, within the C-4 District.

(Continued)

VARIANCE

- ◇ As proposed, the request would allow for the demolition of all existing structures on the site, and the construction of a two-tenant bay commercial building. The northern tenant bay would be occupied by a laundromat facility, and the southern bay occupied by a convenience market. An automobile fueling station would occupy the western portion of the site.
- ◇ The Ordinance provides an exception to Lighting Standards of the Ordinance, that allows Staff to administratively waive this Standard so long as an applicant can provide documentation that an alternate lighting plan is consistent with recommended lighting levels outlined in the Illuminating Engineers Society of North America (IESNA) Lighting Handbook. The petitioner has provided this information and verified that the proposed lighting is consistent with lighting levels associated with automobile fueling stations. Therefore, this portion of the request may be withdrawn, and merely requires the acknowledgement of the Board.
- ◇ The Ordinance requires that all new buildings constructed within the Commercial Districts that have a façade or side of a primary building located within 50 feet of a local, collector, or arterial thoroughfare provide 40% of the wall surface area between three and eight feet above grade be composed of glass or other transparent materials.
- ◇ The southern elevation of the proposed building would be located within 19 feet of the right-of-way of East 10th Street, which is a primary arterial. As proposed, this side of the building would have zero-percent transparency.
- ◇ The transparency requirements of the Ordinance are intended to implement principles of Crime Prevention Through Environmental Design (CPTED), which aim to deter crime through design implementations during new builds or substantial remodels. Specifically, this requirement is aimed at improving sight lines to increase visibility of both activity within and outside the building. It is also intended to allow emergency responders to have increased surveillance of the interior of buildings during emergency call responses.
- ◇ Given that the request proposes construction of a new building, Staff believes that a complete waiver of the transparency request to be wholly inappropriate. It is Staff's position that the interior plans of the building could be redesigned, or the use of the tenant bays swapped in order to provide some degree of transparency, if not the meet the requirement in its entirety. In addition, Staff is concerned that future reuse of the building would continue without this transparency along a major commercial corridor. For these reasons, Staff recommends denial of the request.

(Continued)

STAFF REPORT 2023-DV2-008 (Continued)**GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of East 10 th Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 80 feet.
SITE PLAN	File-dated April 6, 2023.
ELEVATIONS	File-dated April 6, 2023
FINDINGS OF FACT	File-dated April 6, 2023.

ZONING HISTORY – SITE

98-NC-54; 3812 East 10th Street; requests Certificate of Legal Non-Conforming Use to legally establish the operation of an Automobile Sales Lot in a C-4 District; **issued.**

ZONING HISTORY – VICINITY

2005-HOV-012; 3701 East 10th Street; requests variance of use of the Commercial Zoning Ordinance to legally establish a 948.7-square foot single-family dwelling with a 42.5-square foot concrete stoop, and an 80-square foot wood deck; **granted.**

99-Z-205; 3702 East 10th Street; requests rezoning of 0.26 acres, from the I-4-U to C-3, to provide for commercial uses; **granted.**

99-UV1-152; 3627 East 10th Street; requests a variance of use of the Industrial Zoning Ordinance to legally establish the continued display and sales of automobiles; **granted.**

95-HOV-88; 3616 East 10th Street; requests variance of development standards of the Commercial Zoning Ordinance to legally establish an enclosed trash dumpster with a three-foot setback from the north property line; **granted.**

94-UV2-1; 3726 East 10th Street; requests variance of use of the Industrial Zoning Ordinance to provide for the continued display and sales of automobiles; **granted.**

90-UV2-91; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

87-UV2-96; 3726 East 10th Street; requests variance of use to provide for the continued display and sale of automobiles; **granted (temporary).**

82-UV2-33; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

(Continued)

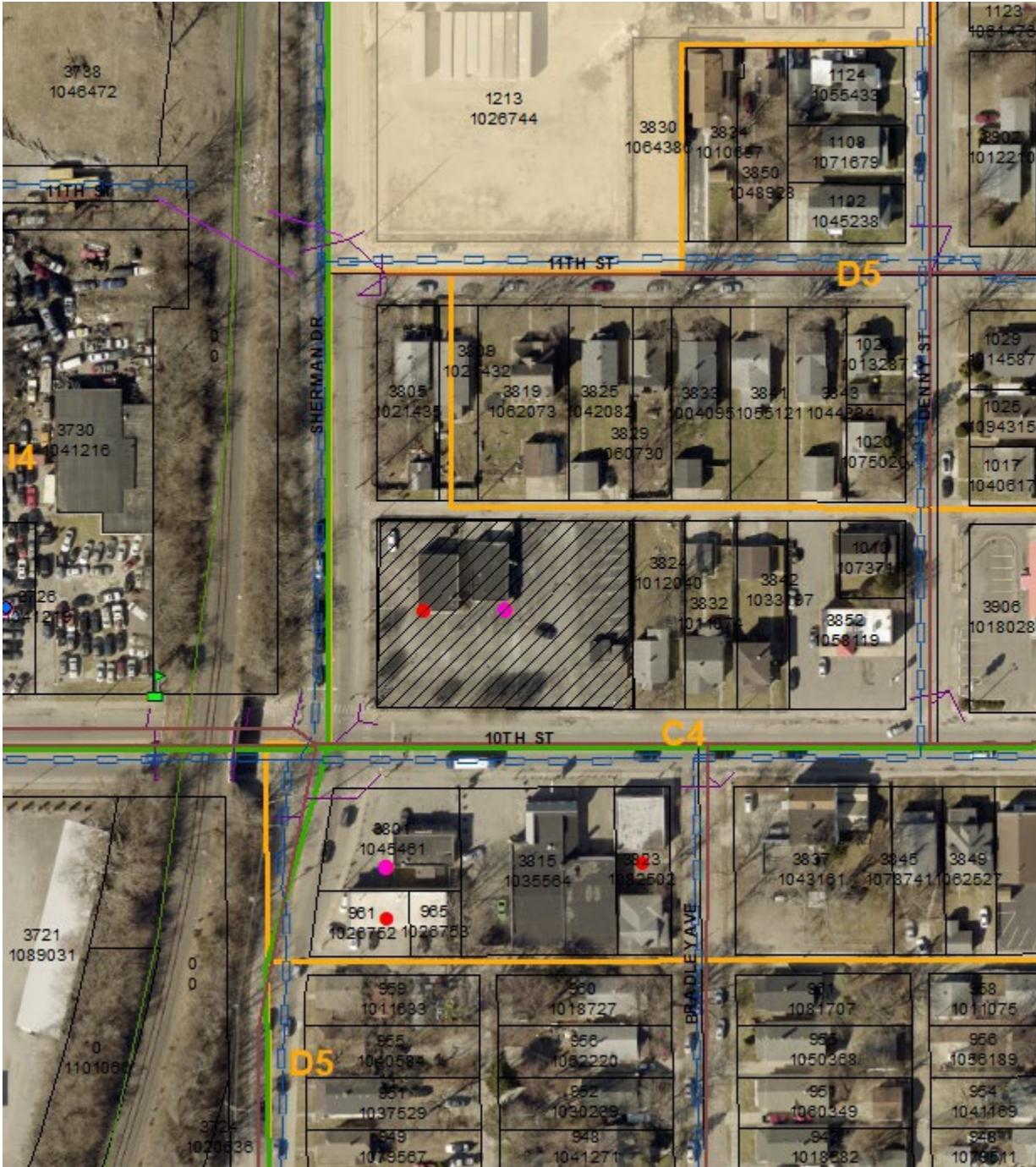
STAFF REPORT 2023-DV2-008 (Continued)

74-UV3-141; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

72-UV2-68; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

EDH

2023-DV2-008; Location Map



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the lighting under the canopy is designed to provide safety and security, and there is adequate transparency near the public entrance to the proposed store.

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

the lighting levels at the property line will meet the maximum foot candle requirements. The lack of transparency on the side or rear elevations will not change access to the store by any adjoining property, and will actually promote safety.

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

The lighting under the canopy should maintain a level of illumination necessary to assure safety for customers and store employees, and should be excluded from the parking area calculation. The transparency requirement is not practical for certain use types that rely on equipment or inventory to be placed on the perimeter of a building storefront. In this case, cooler locations are a significant reason for the variance.

DECISION

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

Adopted this _____ day of _____, 20 ____

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

LAUNDRY AND CONVENIENT STORE
for JABBO INVESTMENTS LLC
3022 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46201

SEBREE ARCHITECTS
375 East 10th Street
Indianapolis, IN 46202
Phone: 317.277.0880
www.sebreearchitects.com

NO.	DATE	DESCRIPTION
1	02/21/2023	FOR PERMIT
2	03/28/2023	FOR PERMIT
3	04/06/2023	FOR PERMIT

PROJECT NO. A51



Photo One: Looking East along 10th Street.



Photo Two: Looking South across 10th Street



Photo Three: Facing Southwest Along 10th Street.



Photo Four: Looking South Along Sherman Drive.



Photo Five: Primary Buildings Located on Subject Site.



Photo Six: Looking South Along Sherman Drive.

STAFF REPORT

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

Case Number: 2023-DV2-009 (Amended)
Address: 6151 North Keystone Avenue (2419 East 62nd Street parcel address)
Location: Washington Township, Council District #2
Zoning: C-4 / D-P
Petitioner: Kite Realty Group, by H.C. Klover Architect
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted) and zero percent transparency along the northern façade and beside public pedestrian entries (40% transparency required along facades within 50 feet of a public street and on facades with a public entry).

RECOMMENDATIONS

Staff recommends denial of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4 Compact Surface Parking Area

SURROUNDING ZONING AND LAND USE

North C-4 Various Commercial Uses
South C-4 Glendale Shopping Mall
East C-4 Surface Parking Area, Eating Establishment
West C-4 Retail

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ This 0.67-acre lot, zoned C-4, is currently improved with a surface parking area. It is integrated with the overall Glendale Mall site and was recently established as an out lot with the approval of 2023-PLT-020.

(Continued)

STAFF REPORT 2023-DV2-009 (Continued)

- ◇ North of the subject site are various commercial uses, including retail, automobile services and professional services, all within the C-4 District. To the West and South are retail uses and eating establishments within the C-4 District. To the East is a surface parking area and eating establishment, within the C-4 District.
- ◇ The Comprehensive Plan recommends Village Mixed-Use development for the site.

VARIANCE

- ◇ As proposed, the request would allow for the construction of a freestanding eating establishment with a drive through and associated service units and stacking spaces within the front yard of 62nd Street. The request would also allow for an extra parking space beyond the maximum of 23 spaces and zero percent transparency along sides of the building with a public entry.
- ◇ The Ordinance requires that all new buildings constructed within the Commercial Districts that have a façade or side of a primary building located within 50 feet of a local, collector, or arterial thoroughfare, or a side of the building containing a public entry provide 40% of the wall surface area between three and eight feet above grade be composed of glass or other transparent materials.
- ◇ An amended rendering and site plan provided June 29, 2023, depict extensive landscaping along the 62nd Street frontage that would effectively screen the drive through land from the right-of-way. Therefore, this portion of the request may be withdrawn, which would merely require acknowledgement by the Board.
- ◇ The northern side of the building is located 27 feet from the right-of-way of 62nd Street, a primary collector. All other sides of the building contain a public entry, thus requiring transparency on all sides of the building. The provided renderings indicate that the western side of the building has sufficient transparency, however this is not reflected in filed elevations.
- ◇ The transparency requirements of the Ordinance are intended to implement principles of Crime Prevention Through Environmental Design (CPTED), which aim to deter crime through design implementations during new builds or substantial remodels. Specifically, this requirement is aimed at improving sight lines to increase visibility of both activity within and outside the building. It is also intended to allow emergency responders to have increased surveillance of the interior of buildings during emergency call responses.
- ◇ Given that the request proposes construction of a new building, Staff believes that a complete waiver of the transparency request to be wholly inappropriate. It is Staff's position that the interior plans of the building could be redesigned to provide some degree of transparency consistent with the intent of the Ordinance, if not the meet the requirement in its entirety. In addition, Staff is concerned that future reuse of the building would continue without this transparency along a major commercial corridor. For these reasons, Staff recommends denial of the request.

(Continued)

STAFF REPORT 2023-DV2-009 (Continued)

- ◇ The Ordinance prohibits drive throughs and associated stacking spaces and service units from being located in the front yards of commercial districts. This is intended to enhance the public streetscape, prevent conflicts between pedestrians and automobiles, and limit the amount of hard surfacing thereby reducing the Urban Heat Island effect.
- ◇ As proposed, most of the front yard is occupied by stacking spaces associated with the drive through. This fact, as well as the request for an additional parking space indicate that the site is being overdeveloped and that a redesign of the proposal would be appropriate to either meet the Ordinance or reduce the degree of deviation from the Ordinance. Given that the site is a new build on a newly platted lot, Staff does not believe there to be a practical difficulty warranting Staff recommendation for approval. Therefore, Staff recommends denial of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of East 62 nd Street is classified as a Primary Collector in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 82 feet.
SITE PLAN	File-dated June 29, 2023.
FINDINGS OF FACT	File-dated April 10, 2023.

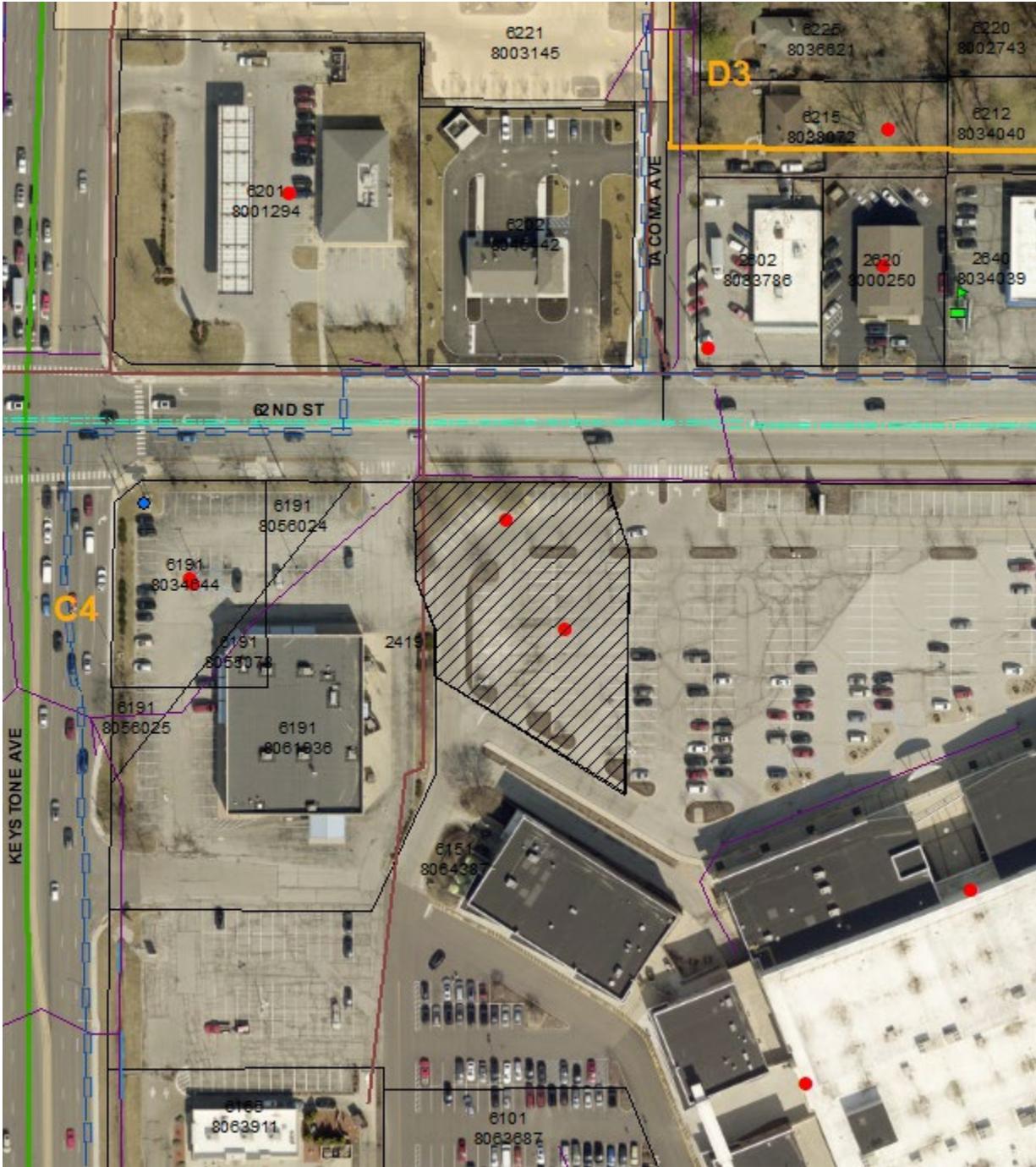
ZONING HISTORY – SITE

2007-DV1-023; 6055, 6101 and 6111 North Keystone Avenue; requests variance of development standards of the Sign Regulations to provide for the construction of a twelve-foot tall, 48.5-square foot pylon sign along North Keystone Avenue, resulting in a total sign area of 1,155.5 square feet of freestanding signs along North Keystone Avenue, and located within 265 feet of another freestanding sign along North Keystone Avenue; **granted.**

EDH

2023-DV2-009; Location Map

Item 5.



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed drive through window and associated stacking will be set back 10'-0" from the R.O.W. and 20'-0" from E. 62nd St. Additionally, the associated drive through stacking will not be moving at a speed that would adversely affect the pedestrian traffic.

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

The access from E. 62nd St. to the shopping center parking has been preserved and parking circulation will not be affected by the traffic from the proposed lot. The existing access easements to the west and south of the lot will maintain the existing traffic patterns. The proposed Panda lots drive through stacking will be sufficient to contain stacking on site.

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

The site is zoned appropriately for a drive through use(C-4) however, the sites unique shape leaves the prospective buyer with few orientations for the building and drive through that would allow for site contained stacking and sufficient parking that complies with jurisdictional and shopping center parking requirements.

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 USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
Additional drive through uses are currently operating within the Glendale Town Center and work harmoniously with the public health, safety, morals and community welfare as the proposed use. Reference the Taco Bell at 6165 N. Keystone, the Culvers at 6111 N. Keystone, and the Panera Bread at 6055 N. Keystone. Drive through traffic will not move at a speed that would threaten public safety.

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
Prior approved similar Drive through uses were not deemed to adversely affect adjacent areas as the Walgreens at 6191 N. Keystone is currently bordered by a Taco Bell Drive through use and separated by a drive aisle in a similar fashion that the proposed drive through use will border it.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
In tracking post COVID-19 drive through trends, sufficient drive through stacking is required for the drive through restaurant concept to remain viable. This fact, in combination with the unique shape of the site, leave the buyer with limited options for building and drive through orientation while maintaining adequate stacking on site.

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 site is zoned appropriately for a drive through(C-4)however, the sites unique shape leaves the prospective buyer with few orientations for the building and drive through that would allow for site contained stacking and sufficient parking.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
The proposed development maintains the existing access easements to the west and south of the property, which will not interfere with existing shopping center traffic patterns. The proposed site will be self parked per city code and have sufficient stacking so that the drive through stacking will not affect shared drive aisles.

DECISION

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

Adopted this _____ day of _____, 20 ____





Photo One: Looking West along 62nd Street.



Photo Two: Looking North across 62nd Street



Photo Three: Looking East Along 62nd Street.



Photo Four: Looking West of Subject Site.



Photo Five: Subject Site.



Photo Six: Shopping Mall Directly South/South East of subject Site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-010
Address: 526 Blue Ridge Road (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5
Petitioner: Butler University, by Andrew Wert
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling (maximum 35-foot height permitted) with a 10-foot rear yard setback (20-foot rear setback required) without a primary entry on the front façade (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	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwelling)
South	D-5	Residential (Single-family dwelling)
East	D-5	Residential (Single-family dwelling)
West	UQ-1	University Dorm

COMPREHENSIVE PLAN

The Comprehensive Plan recommends institution-oriented mixed-use development.

- ◇ The 0.32-acre subject site is developed with a single-family dwelling with a four-foot-tall fence. The site border's a university to the west, zoned UQ-1, and single-family dwellings to the north, east and south, zoned D-5.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the construction of a 43-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback, without a primary entry on the front façade.
- ◇ The height limitation of the Ordinance is in place to maintain the character of neighborhoods. Excessively tall buildings create inconsistencies where infill housing development occurs.

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)

- ◇ The subject site is located next to a four-story university housing building to the west, and two-story single-family dwellings north, east and south. The two dwellings north and south are owned by the university. The proposed dwelling, although taller than the 35-foot maximum permitted, would be in line with the context of the immediate surrounding area and would not be injurious to the public health, safety, morals, and general welfare of the community.
- ◇ The proposed building will be oriented towards Sunset Avenue, which is considered a corner side yard instead of being oriented south along Blue Ridge Road which is the front yard. Due to the orientation of the building, the front entrance would be along the side building façade instead of the front building façade. Staff determined that this would be a slight technicality change because the front of the dwelling would have a primary entrance and would not affect the use and value of the area adjacent to the property in a substantially adverse manner.
- ◇ Lastly, the required 20-foot rear setback would need to be along the northern property boundary, but the orientation of the proposed dwelling would have a 10-foot north rear setback to allow for the location of the garage to align with the existing curb cut and driveway. Staff would support this reduced rear yard setback to prevent the location of a driveway closer to the intersection of Sunset Avenue and Blue Ridge Road which could potentially cause pedestrian and vehicular conflicts.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION**THOROUGHFARE PLAN**

Blue Ridge Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing right-of-way and a 48-foot proposed right-of-way.

Sunset Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with an 80-foot existing right-of-way and a 56-foot proposed right-of-way.

SITE PLAN

File-dated May 3, 2023.

AMENDED SITE PLAN

File-dated June 13, 2023.

ELEVATIONS

File-dated May 3, 2023.

FLOOR PLANS

File-dated May 3, 2023.

PLAN OF OPERATION

File-dated May 3, 2023.

FINDINGS OF FACT

File-dated May 3, 2023.

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)**ZONING HISTORY – SITE**

EXISTING VIOLATIONS

None.

PREVIOUS CASES

70-V-2-114; 526 Blue Ridge Road (subject site), Variance of use and rear yard requirements to permit construction of an addition to existing dormitory residence to house 70 girls, with sorority crest affixed to the house, with off-street parking available across Sunset Avenue, **granted by BZA and reversed and denied by the Superior Court of Marion County.**

61-V-2-16; 526 Blue Ridge Road (subject site), Request for permission to use the existing dwelling house as a dormitory for students, with off-street parking provided, **granted.**

ZONING HISTORY – VICINITY

2020-DV3-037; 4321 Clarendon Road; 3909 Cornelius Ave, 723 W 44th St, 406 Buckingham Dr, 4340 Sunset Ave, 503 West 49th St, 402 West 41st St, 4454 Boulevard Pl, 4321 Crown St, 325 West 47th St, 245 West 40th St (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 39-foot to 49.2-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **denied.**

2014-CVR-835; 340 South White River Parkway (northwest of site), Variance of use of the Central Business Districts Zoning Ordinance to provide for a county jail, community corrections and related uses and facilities associated with a consolidated justice center (SU-8 uses, correctional and penal institutions not permitted), **granted.**

2011-CVR-824 / 525 Blue Ridge Road and 530 West Hampton Road (south of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **granted.**

2011-CZN-824; 525 Blue Ridge Road and 530 West Hampton Road (south of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn.**

2006-DV2-023; 524 Buckingham Drive (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 360-square foot addition to an existing detached garage with a 1.5-foot north side setback, a 1.5-foot aggregate side setback, and to provide for a six-foot tall fence within the right-of-way of Sunset Avenue, **granted.**

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)

2004-HOV-023; 527 West 46th Street (north of site) Variance of the development standards of the Dwelling Districts Zoning Ordinance to legally establish a 420-square foot detached garage located zero feet from the east property line (minimum four-foot side yard setback required) and to provide for a two-story 1,800-square foot building addition to the existing single-family dwelling resulting in the attachment of the nonconforming detached garage to the existing single-family dwelling, **granted**.

99-V1-90; 517 West 46th Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a second story garage and addition to an existing detached garage for a recreation room with an overall height of 24.5 feet (maximum 20 feet permitted) creating 1,465.1 square feet of detached accessory uses, or 83% of the size of the main floor area of the primary dwelling (maximum 1,313 square feet of 75% of the size of the main floor area of the primary residence permitted), with total accessory uses being 2,290 square feet, or 130% of the size of the main floor area of the primary residence (maximum 1,733 square feet of 99% of the size of the main floor area of the primary residence permitted), having a rear yard setback of two feet (minimum five feet required) and having a side yard setback of two feet (minimum five feet required), **withdrawn**.

93-Z-103; 525 Blue Ridge Road (south of site), Rezoning of 0.21 acre from D-5 district to UQ01 classification to provide for university-related office uses, **withdrawn**.

89-UV3-35; 518 Buckingham Drive (north of site), Variance of use to permit an addition to an existing detached garage to be used as an artist studio, **granted**.

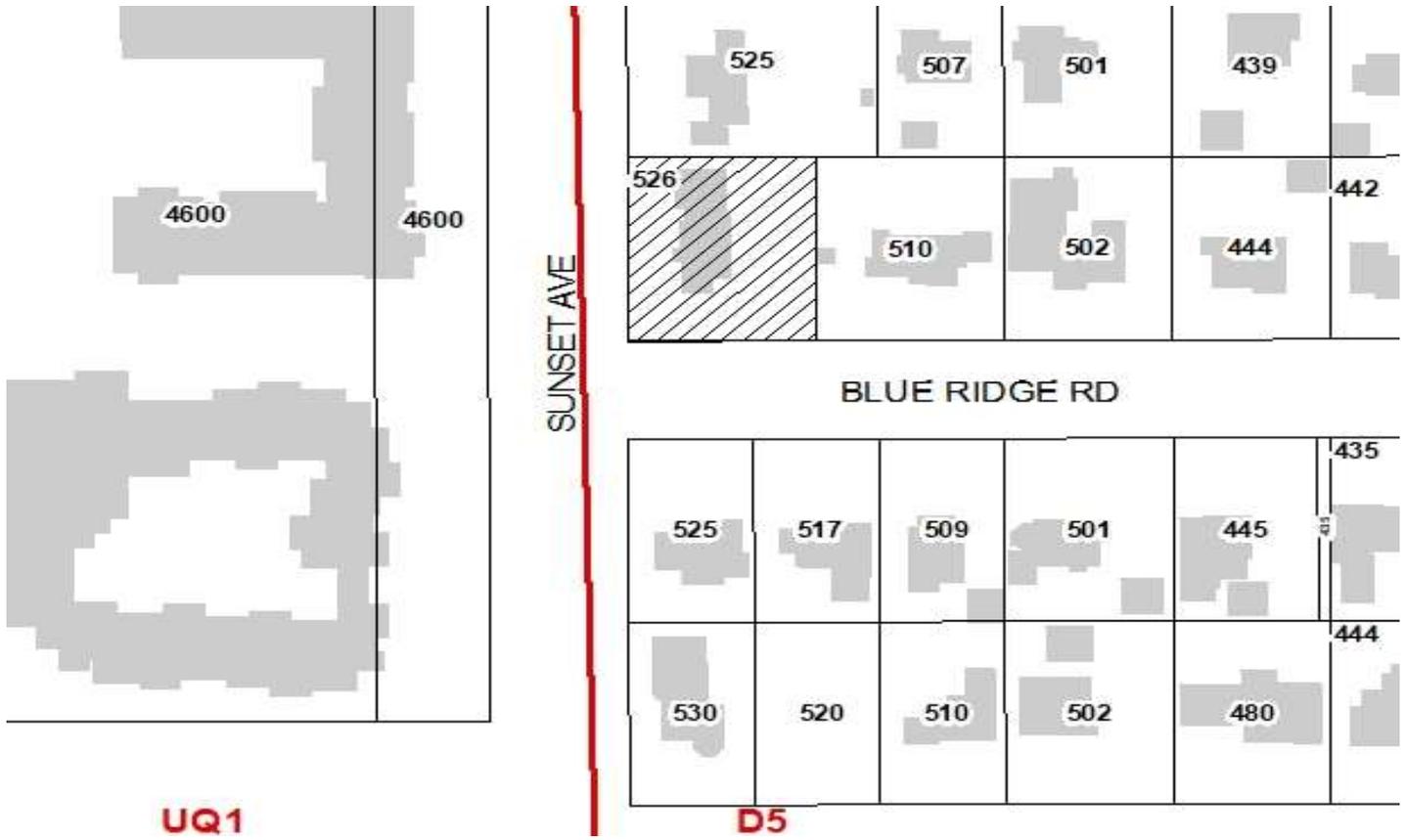
87-HOV-118; 429 Buckingham Drive (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the installation of an in-ground swimming pool with a rear setback of six feet (20 feet required), **denied**.

82-V1-133; 502 Blue Ridge Road (east of site), Variance of development standards to permit an indoor pool and family room addition to the existing residence within the 20-foot rear yard setback, a 15-foot setback is proposed with a storeroom coming within 7.4 feet of the rear property line, **granted**.

59-V-500; 445 Blue Ridge Road (southeast of site), Variance of rear yard requirements to permit construction of a carport attached to the existing dwelling house and extending to 15'3" from the rear lot line, **granted**.

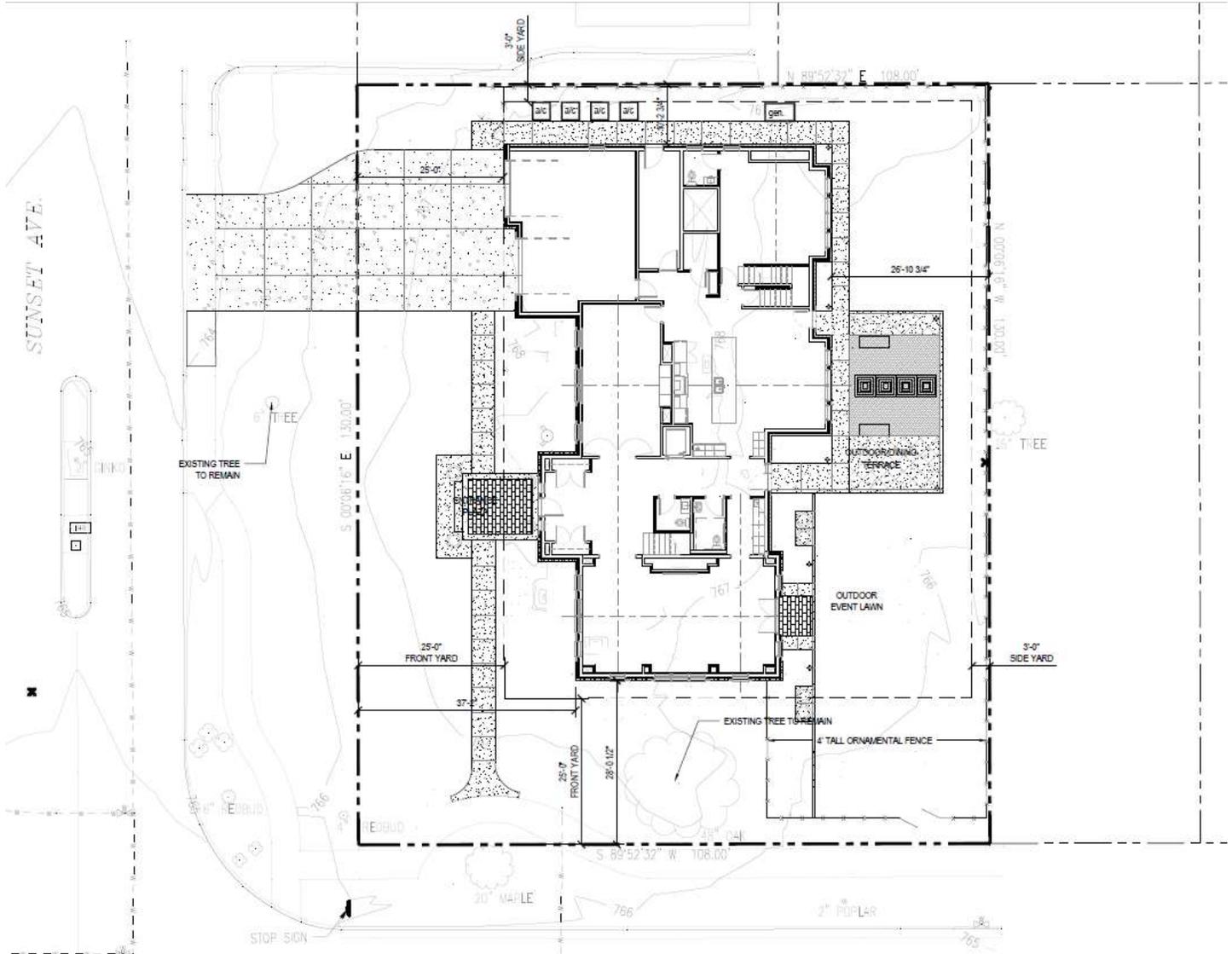
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2023-DV2-010; Location Map



2023-DV2-010; Aerial Map







EXTERIOR ELEVATION - WEST

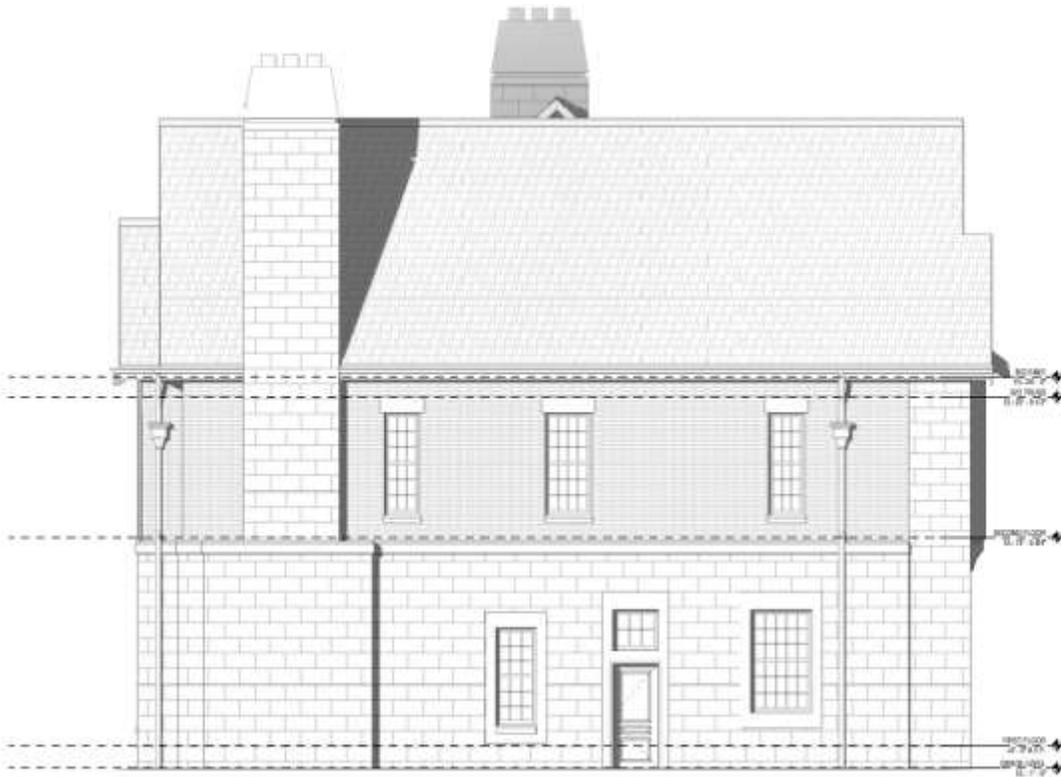
SCALE: 1/8" = 1'-0"



VIEW OF THE FRONT OF BUTLER HOUSE



VIEW OF THE BACK OF BUTLER HOUSE



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



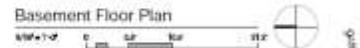
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

2023-DV2-010; Floor Plans



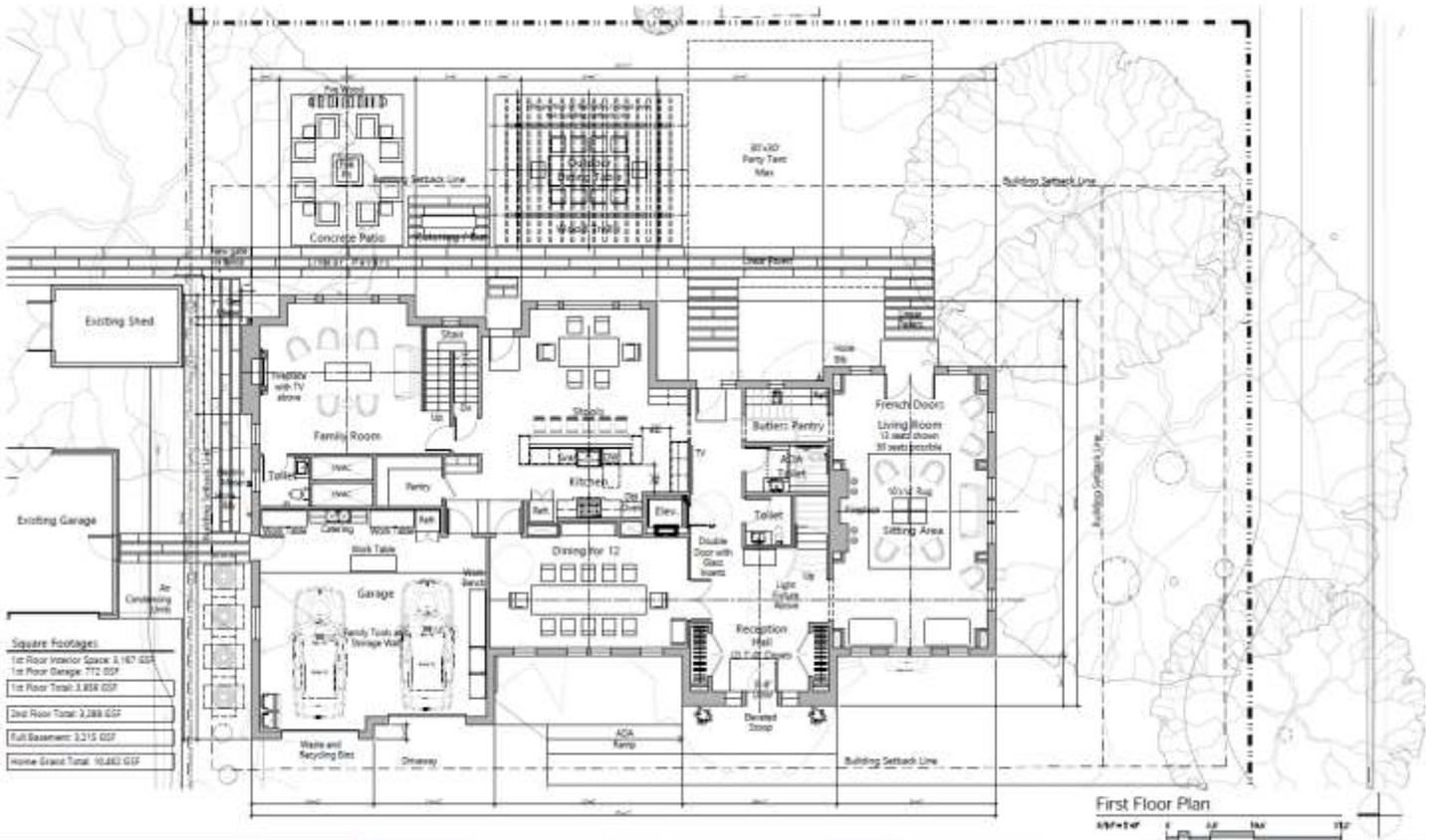
Square Footages

1st Floor Interior Space: 3,187 GSF
1st Floor Garage: 712 GSF
1st Floor Total: 3,899 GSF
2nd Floor Total: 3,288 GSF
Full Basement: 3,215 GSF
Home Grand Total: 10,482 GSF



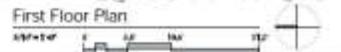
Butler House
526 Blue Ridge Road, Indianapolis, IN | January 27, 2023

Page 6



Square Footages

1st Floor Interior Space: 3,187 GSF
1st Floor Garage: 712 GSF
1st Floor Total: 3,899 GSF
2nd Floor Total: 3,288 GSF
Full Basement: 3,215 GSF
Home Grand Total: 10,482 GSF





Square Footages

1st Floor Interior Space	3,187 GSF
1st Floor Garage	172 GSF
1st Floor Total	3,359 GSF
2nd Floor Total	3,288 GSF
Full Basement	3,279 GSF
Home Office Total	10,442 GSF



Plan of Operation

Butler University, Development Standards Variance petition

526 Blue Ridge Road

Butler University has plans to construct a new residence for the University President at 526 Blue Ridge Road, which is the northeast corner of Blue Ridge and Sunset Avenue. The residence is part of a development initiative known as the Gateway Project that seeks to improve the form and function of the campus. The current President's residence is located across the street to the south. The new structure will address limitations that exist with the current President's house. These include lack of sufficient space to hold indoor-outdoor events, ADA compliance, limited space for catering and lack of a garage.

Butler is seeking a development standards variance to allow an increase in the height of the structure. The existing D-5 zoning calls for a maximum height of 35 feet. The new residence will be 43 feet 10 inches in height. This is measured from grade to the highest ridge of the home.

While this will be a new structure, great effort has been made by the design team to complement the period architecture most prominently featured in the area. The Tudor design reflects a high-pitched roof and gable ends typical of the style. Total area of the new residence will be 10,462 square feet.

Butler believes the proposed structure will enhance the appearance of this part of campus. They respectfully seek approval of the requested variance.



Photo of the subject property looking north.



Photo of the subject property looking east.



Photo of the existing side yard.



Photo of the single-family dwelling north of the site.



Photo of Butler University west of the site.



Photo of the single-family dwelling east of site.



Photo of the single-family dwellings south of site.

STAFF REPORT

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

Case Number: 2023-DV2-012
Address: 3777 North Meridian Street (approximate address)
Location: Center Township, Council District #9
Zoning: D-9 (TOD)
Petitioner: The Enclave At Meridian LP, by Joseph D. Calderon
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a perimeter fence, with a height ranging from six to eight feet (fence height limited to four-foot tall within the front yard and six feet in height within the side and rear yards).

RECOMMENDATIONS

Staff recommends denial of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-9 Compact Residential (Multi-family dwellings)

SURROUNDING ZONING AND LAND USE

North C-3 Commercial
South D-9 Residential (Multi-family dwellings)
East D-9 Residential (Multi-family dwellings)
West C-3/C-1/D-9 Commercial / Residential (Multi-family dwellings)

NEIGHBORHOOD PLAN The Mapleton-Fall Creek Neighborhood Plan (2013) recommends village-mixed use development.

- ◇ The 1.08-acre subject site is developed with two multi-family buildings with associated parking areas. It is surrounded by a mix of commercial and multifamily dwellings and is immediately

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow a perimeter fence with a range of six feet to eight feet tall.
- ◇ Table 744-510-2 of the Ordinance notes that all dwelling districts are permitted a maximum 3.5-foot fence in the front yard unless 30% opacity or less is proposed in which a four-foot-tall fence could be installed. Fences are limited to six feet along the side and rear yards.

(Continued)

STAFF REPORT 2023-DV2-012 (Continued)

- ◇ Height limitations for fences and walls are in place to limit bulk, maintain openness, create a consistent density and intensity, keep structures at a human-scale, eliminate blocked sight lines from adjacent properties, and prevent a canyon-like effect of the streetscape.
- ◇ The subject site is in Critical Area #4 of the Mapleton Fall Creek Neighborhood Plan (2013), which is part of the historic designated district: the North Meridian Street Apartments Historic District. A recommendation for the area notes that “the public realm between the building setback and the lawn should be enhanced with lighting, landscaping, wide sidewalks, and tree lawns”.
- ◇ The site plan notes that a proposed six-foot and eight-foot-tall fence would be in the front yard of the property and would take up most of the front yard that should have otherwise been left as an open enhanced lawn according to the neighborhood plan. The side and rear yards would have an eight-foot fence proposed that would replace sections where a six-foot tall fence currently exists.
- ◇ The Findings of Fact note that the strict application of the terms of the Zoning Ordinance would result in the practical difficulty in the use of the site because “the fence heights permitted by the zoning ordinance do not allow for a fence to provide adequate security for multi-family properties in high density urban areas”. However, the southern building is already appropriately fenced and protected with a six-foot tall wrought-iron fence and gate system. The northern building should be the only building to be fenced in at the rear and parallel to the front building line if desired. Security could be provided with the installation of security cameras or with security guard presence on site.
- ◇ Two properties west of the site that have illegally installed six-foot tall fences in the front yard, which negatively impact the character of the neighborhood and are unwelcoming to pedestrians that frequently travel along this street corridor to utilize the Bus Rapid Transit System.
- ◇ In staff's opinion, there is not a practical difficulty associated with the use of this site since the Ordinance offers fence options that could be proposed without the need for variances.

GENERAL INFORMATION

THOROUGHFARE PLAN	Meridian Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 72-foot existing right-of-way and a 78-foot proposed right-of-way.
SITE PLAN	File-dated June 8, 2023.
AMENDED SITE PLAN	File-dated July 5, 2023.
FINDINGS OF FACT	File-dated June 8, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

(Continued)

STAFF REPORT 2023-DV2-012 (Continued)**PREVIOUS CASES**

2011-DV3-025; 3755, 3761, and 3777 North Meridian Street (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish and provide for a multi-family development with perimeter side and rear setback ranging from zero to twelve feet without landscaping (minimum 20-foot perimeter side and rear yard setback required, landscaping required), 25 feet of yard space between buildings (minimum 60-foot of yard space between buildings required), with 37 parking spaces (minimum parking ratio of 1.2 and 1.0, or 84 parking spaces require), and parking spaces without proper parking space size or maneuvering aisle width (minimum 150 square feet of usable parking space, minimum 20-foot drive aisle required), **granted.**

ZONING HISTORY – VICINITY

2010-DV2-004; 21 West 38th Street (northwest of site), Variance of development standards of the Sign Regulations to provide for a four-foot tall, 24.7-square foot free-standing sign (not permitted), with a four-foot front setback from 38th Street (15-foot front setback required), and to provide for a 46.22-square foot wall sign on the east elevation (one wall sign permitted per structure), **granted.**

2009-UV3-038; 30 East 37th Street (south of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling (not permitted), with an 18-foot front setback, a six-foot east side setback and an eight-foot west side setback (20-foot perimeter yards required) and to provide for the construction of a detached accessory structure (not permitted), with an seven-foot east side setback and a six-foot rear setback (20-foot perimeter yards required), **granted.**

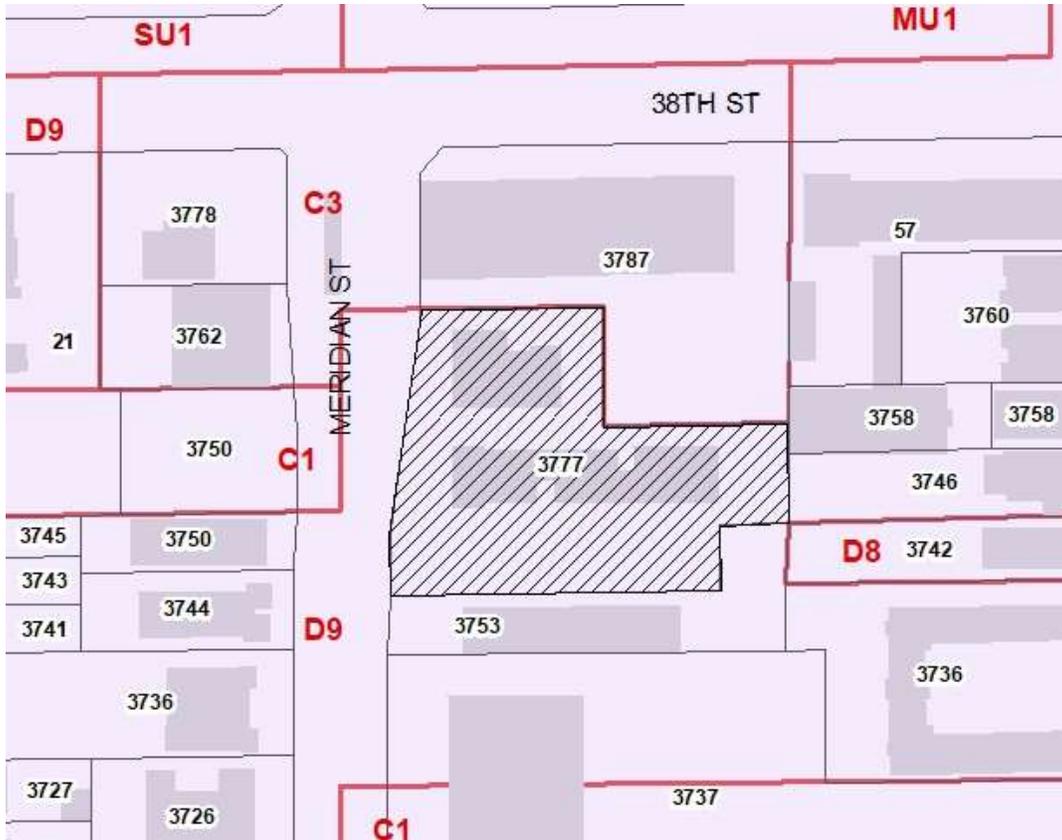
2006-UV3-034; 3710 North Meridian Street and 3714 North Salem Street (southwest of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish surface parking as a primary use in the D-8 district (not permitted), and to legally establish the configuration of the parking lot's 125 useable parking spaces resulting in a Total Car Ratio of 06410 (minimum Total Car Ratio of 1.00 required), to legally establish one parking space partially in the right-of-way of North Salem Street (not permitted), to legally establish parking in the required 25-foot front yard along Salem Street (not permitted), to legally establish parking in the required 15-foot north and south side yards (not permitted), **granted.**

2002-HOV-020; 3710 North Pennsylvania Street (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to legally establish a 34 by 38-foot, 2.5 story single family dwelling (not permitted) and to provide for the construction of a 24 by 30-foot detached garage (not permitted), **granted.**

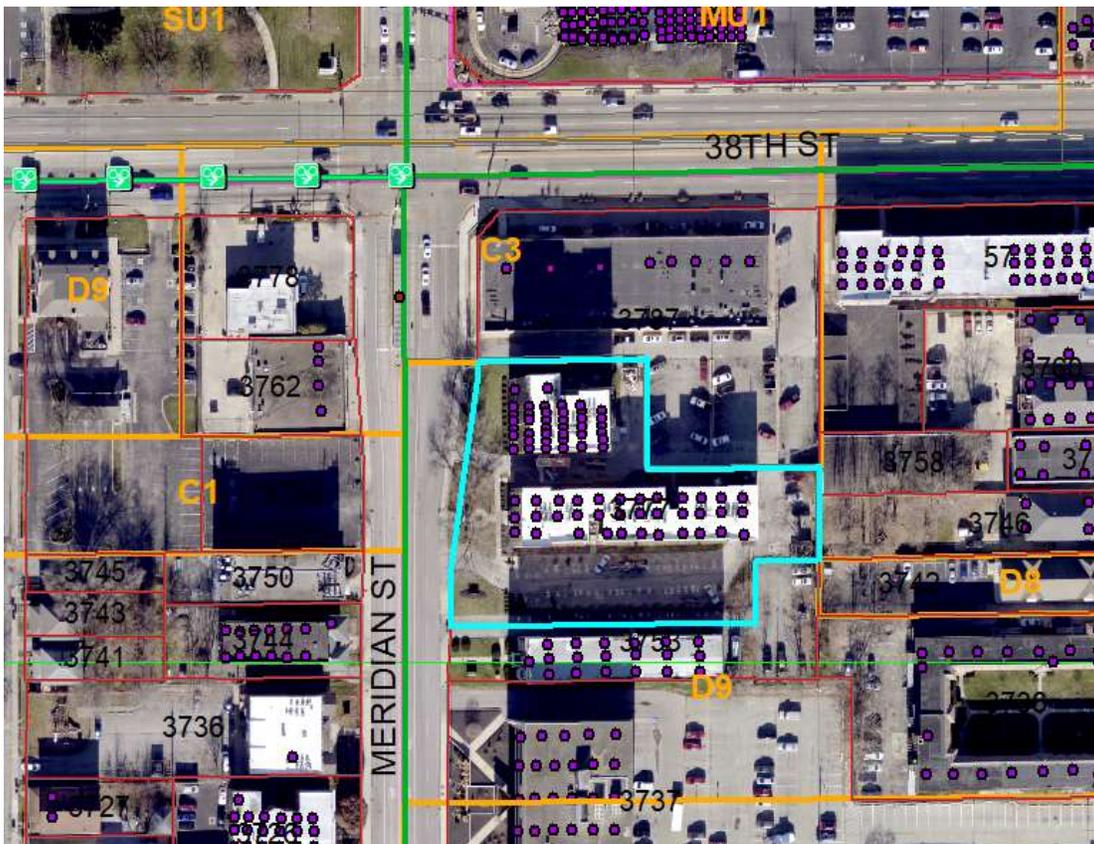
2001-HOV-033; 3778 North Meridian Street (northwest of site), Variance of development standards of the Sign Regulations to provide for a 20-foot tall pole sign, with a 13-foot front setback from the right-of-way of 38th Street, and a Variance of Development Standards of the Commercial Zoning Ordinance to provide for 327.5-square feet of outdoor seating area adjacent to a proposed coffee house, and 162-square feet of usable parking space per parking space along 38th Street, with a 13 by 18-foot physically handicapped persons parking space, **granted.**

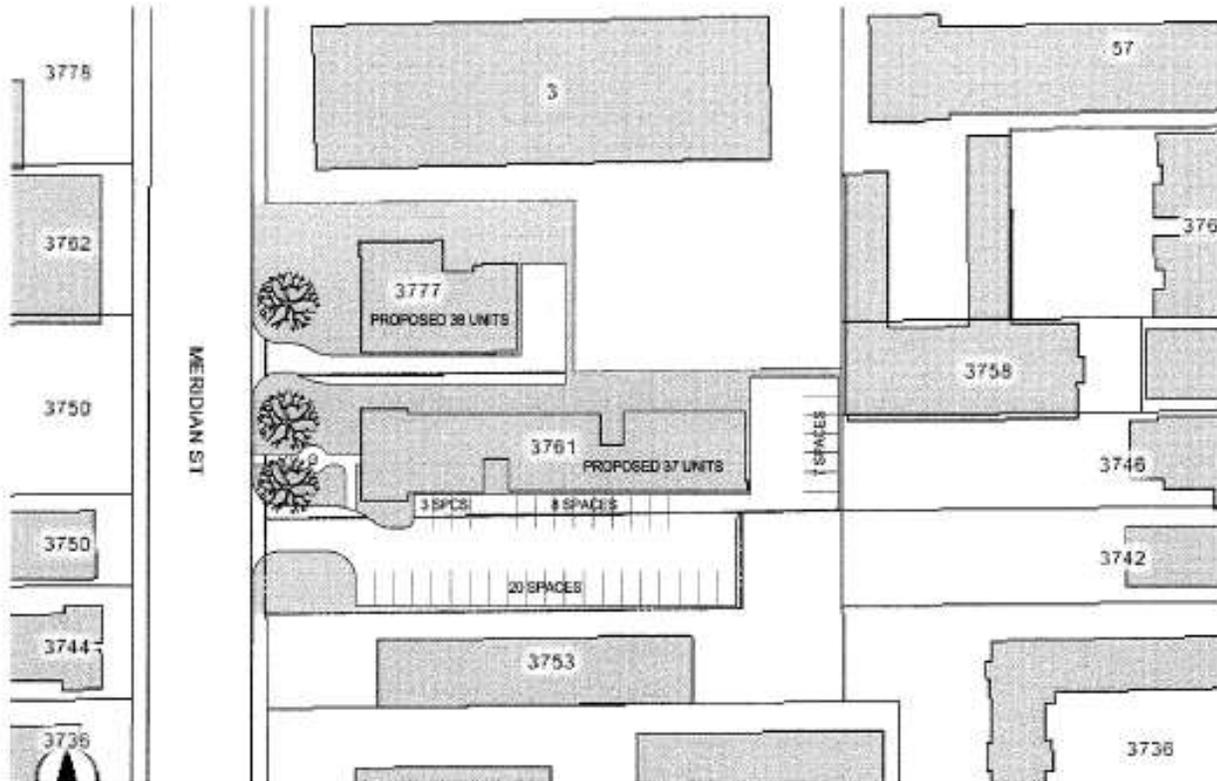
86-UV1-74; 21 West 38th Street (northwest of site), Variance of Use and Development Standards of the Sign Regulations to provide for a 36-square foot ground sign with a two-foot front setback from the right-of-way, **granted.**

2023-DV2-012; Location Map

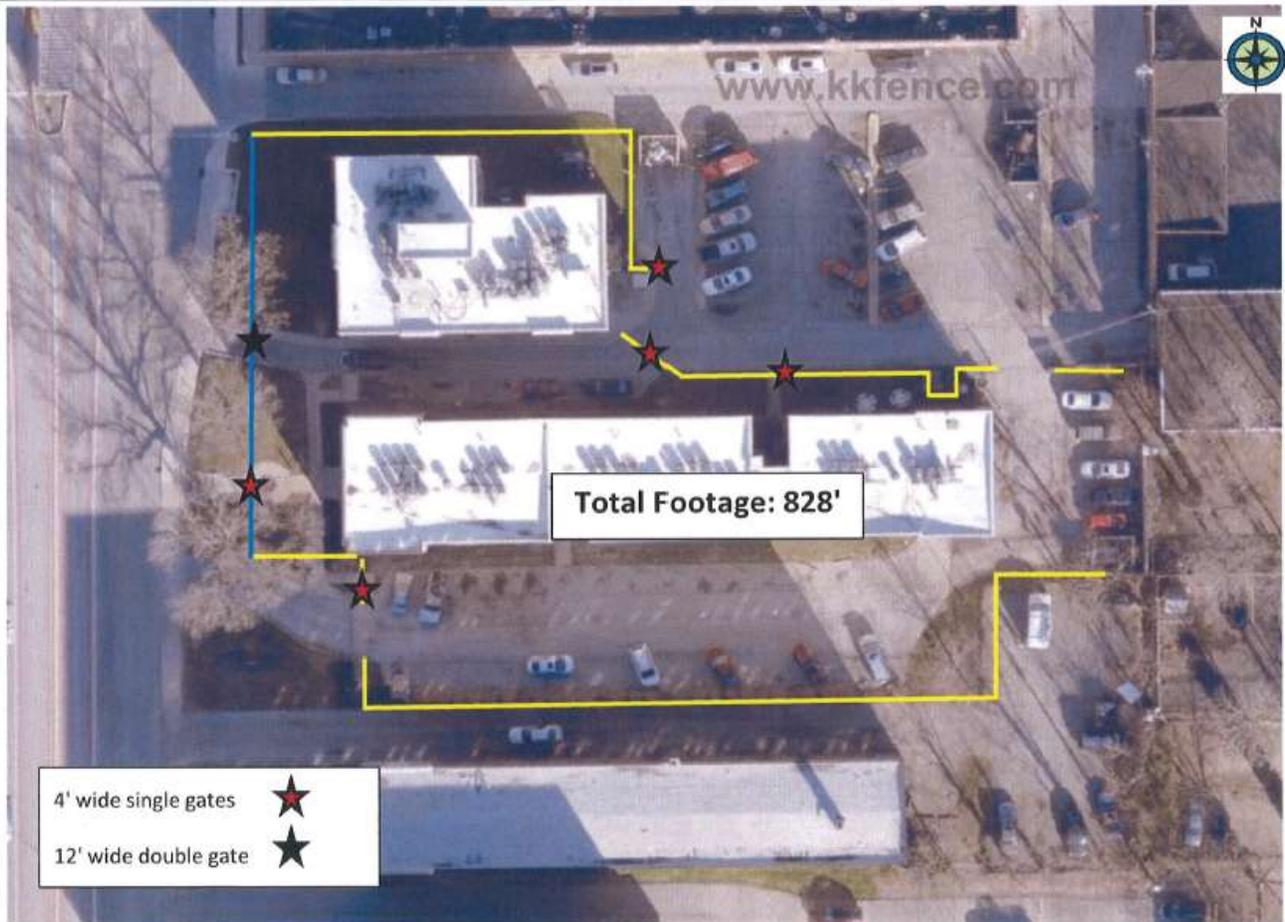


2023-DV2-012; Aerial Map

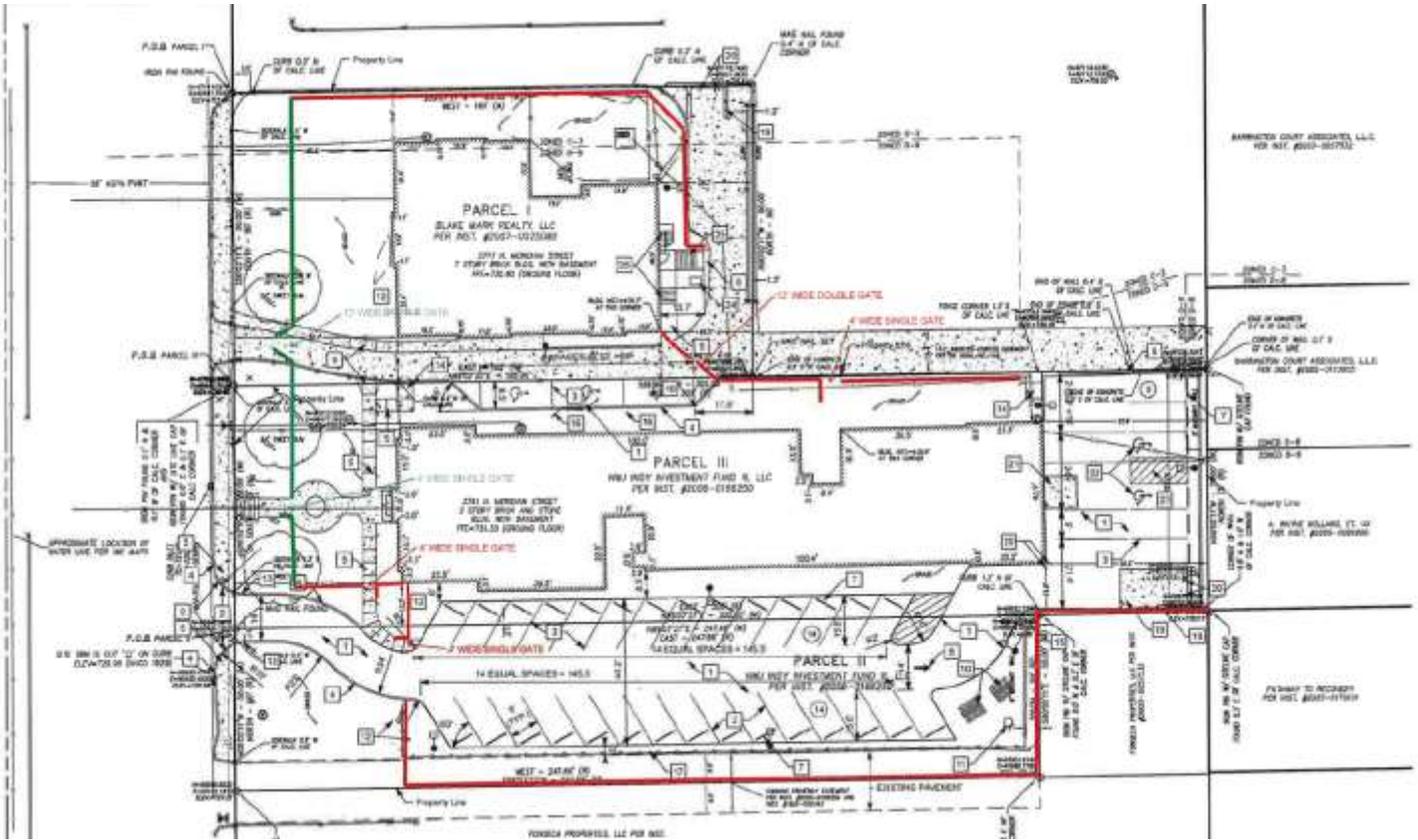




Proposed Layout is Approximate and Not to Scale



2023-DV2-012; Amended Site Plan



Green: six-foot tall fence proposed

Red: eight-foot-tall fence proposed

① See Post Setting Chart
± 1/2" O.C.

Height Selection Box:
7' Tall
8' Tall

Depth Selection:
Plated Post
39"

Post Selection Box

2" Ø x 16 Ga. Post
2" Ø x 14 Ga. Post
2-1/2" Ø x 14 Ga. Post
2-1/2" Ø x 12 Ga. Post
3" Ø x 12 Ga. Post
4" Ø x 11 Ga. Post
6" Ø x 3/16" Wall. Post

Mounting Bracket Options

Boulevard brackets only work with 2" and 2-1/2" Post

② Ornament Options

③

△ - NTS Notes

- 6' Panels will be identical to this drawing, except there will be 13 pickets and post spacing shown in post setting chart. ☒
- Rings are optional.
- Plated post optional. All post will be mounted to center of plate unless offset is needed for installation

☒ Post Setting Chart

POST SIZE	2" POSTS		2-1/2" POSTS		3" POSTS		4" POSTS		6" POSTS	
	6'	8'	6'	8'	6'	8'	6'	8'	6'	8'
PANEL WIDTH	6'	8'	6'	8'	6'	8'	6'	8'	6'	8'
POST SETTINGS ± 1/2" O.C.	76-1/4"	95"	76-3/4"	95-1/2"	77-1/4"	96"	78-1/4"	97"	80-1/4"	99"

Plate Selection for Plated Post

Size	Thickness
4x4	
5x6	
8x8	
12x12	

Concrete Anchor Bolt

Project: SPS Centurion 2 Panel : Enforcer 3-Rail

Drawing NO: C2-P-ENF-3R-FB

Prepared by: Robert Curry



Photo of the Subject Property: 3777 North Meridian Street



Photo of the Subject Property: 3777 North Meridian Street



Photo of the front yard of the subject site.



Photo of an existing compliant fence and gate.



Photo of the southern property boundary with what appears to be a six-foot tall fence.



Photo of the eastern property boundary with what appears to be a six-foot tall fence.



Photo of the northern property boundary



Photo of eastern property boundary of the subject site.



Photo of the northern property boundary of the subject site.

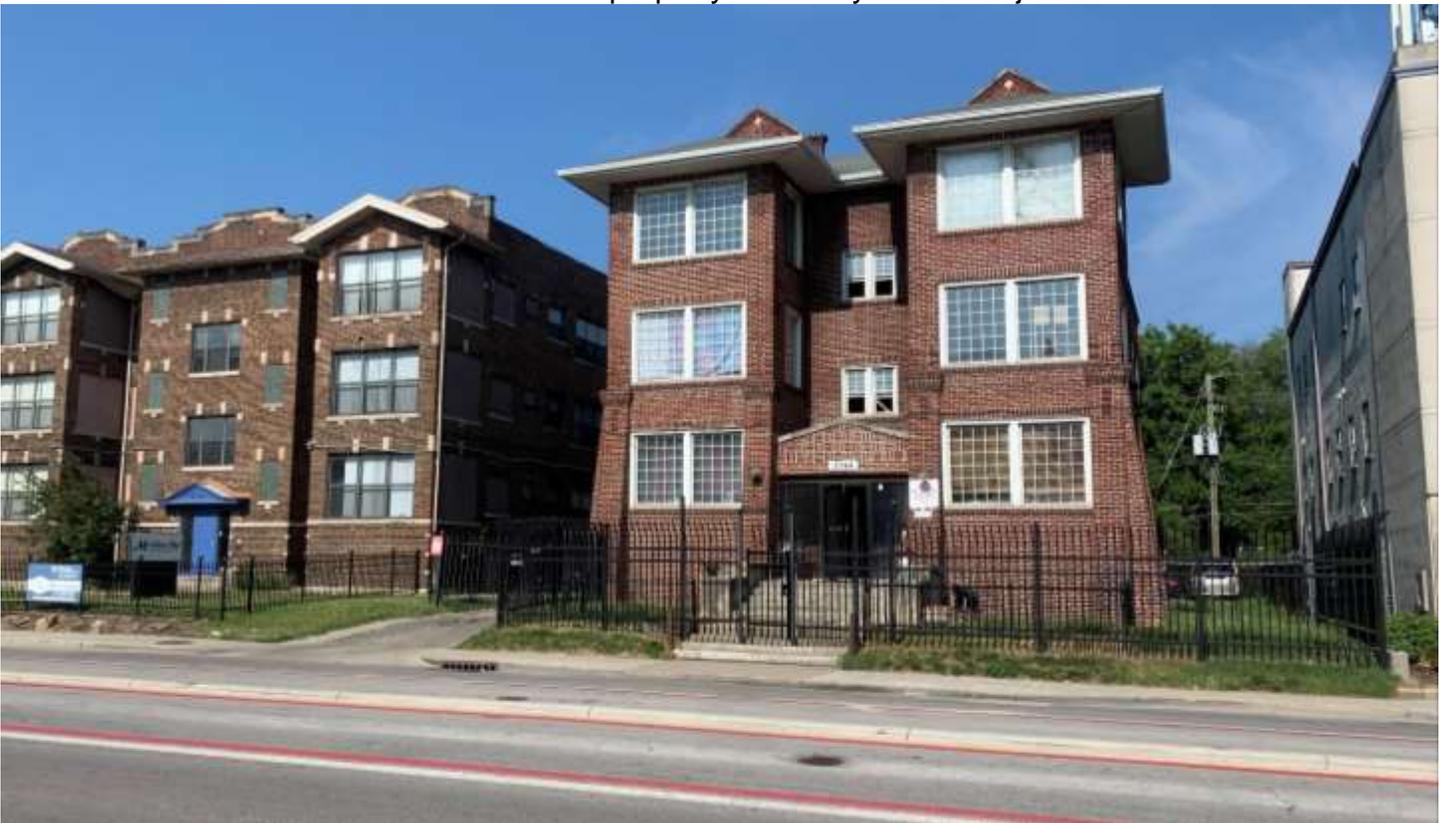


Photo of a neighboring non-complain fenced in property west of the site.



Photo of a neighboring non-complain fenced in property west of the site.

STAFF REPORT

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

Case Number: 2023-DV2-013
Address: 4809 East 70th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: D-2
Petitioner: Abraham Jordan and Kaitlin Browning
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a six-foot tall fence within the front yard of Riley Avenue (fences within front yards limited to a height of 3.5 feet).

RECOMMENDATIONS

Staff recommends denial of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-2 Metro Residential (Single-family dwelling)

SURROUNDING ZONING AND LAND USE

North D-2 Residential (Single-family dwellings)
South D-2 Residential (Single-family dwelling)
East D-2 Residential (Single-family dwelling)
West D-S Residential (Single-family dwelling)

COMPREHENSIVE PLAN The Comprehensive Plan recommends suburban neighborhood development.

- ◇ The 0.78-acre subject site is developed with a single-family dwelling and a six-foot tall fence. It is surrounded by similarly developed single-family dwellings.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow a six-foot tall privacy fence in the front yard of Riley Avenue.
- ◇ A fence with 30% opacity or less could permit a maximum height of four feet in the front yard without a variance. However, the type of fence on site is a privacy fence that is limited to 3.5 feet in height in the front yard.

(Continued)

STAFF REPORT 2023-DV2-013 (Continued)

- ◇ The variance request is related to an open zoning violation case (VIO23-003391) that was the result of a complaint reported to the Mayor’s Action Center regarding the existing fence.
- ◇ Height limitations for fences and walls are in place to limit bulk, maintain openness, create a consistent density and intensity, keep structures at a human-scale, eliminate blocked sight lines from adjacent properties, and prevent a canyon-like effect of the streetscape.
- ◇ The Findings of Fact note that the strict application of the terms of the Zoning Ordinance would result in the practical difficulty in the use of the site because “the zoning ordinance’s restriction on fence height limits the petitioner’s ability to create an adequate level of privacy and security. Additionally, the zoning ordinance’s restriction on fence height limits the safety of the petitioner’s pets who require a secure outdoor space”. However, privacy could be accomplished with dense, tall evergreen trees and certain types of other plants, plantings, or other adaptive design. Security could be provided with the installation of security cameras, and pets could safely be maintained within a six-foot fence located behind the front building line of the house without the need for a variance or with an Ordinance compliant four-foot-tall fence in the front yard.
- ◇ In staff's opinion, there is not a practical difficulty associated with the use of this site since the Ordinance offers fence options that could be proposed instead. Furthermore, the six-foot tall fence would reduce the security for pedestrians and negatively impact the residential character of the neighborhood.
- ◇ There are two example corner lots east and southeast of the site which show a privacy fence behind the front building line and a fence in the front yard that meets the opacity standards. This proves that there are viable options for the subject site to install a fence without the need for variances.
- ◇ Further review of the site plan resulted in the conclusion that the fence encroaches approximately 25 feet into a platted utility easement along the southern property boundary, which is not permitted. Staff would also note that an uncovered deck also falls approximately 10.5 feet within said easement. Another variance for the encroachments into the easement will be required, but the petitioner can either amend this request by continuing this petition or file for a separate variance later.

GENERAL INFORMATION**THOROUGHFARE PLAN**

70th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 120-foot existing right-of-way and a 50-foot proposed right-of-way.

Riley Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 52-foot existing right-of-way and a 50-foot proposed right-of-way.

SITE PLAN

File-dated June 13, 2023.

FINDINGS OF FACT

File-dated June 13, 2023.
(Continued)

STAFF REPORT 2023-DV2-013 (Continued)**ZONING HISTORY – SITE**

EXISTING VIOLATIONS

1. VIO23-003391; 4809 East 70th Street (subject site), Failure to comply with use-specific standards and zoning district development standards for the D-2 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2021-DV1-009; 6995 Barr Will Drive (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two sheds with 10-foot front setbacks and to provide for a detached garage, with an 18.5-foot front setback and within the front yard of East 70th Street, and a 7.5-foot side setback (40-foot front setback from the proposed right-of-way or average required, whichever is greater, accessory structures not permitted within the front yard, 15-foot side setback and 35-foot aggregate side setback required), **granted**.

2008-DV3-003; 4801 East 70th Street (west of site), Variance of development standards of the Wireless Communication Zoning Ordinance to provide for a wireless communication facility affixed to a telephone pole, extending the height of the pole by 15 feet, and with an approximately 25-square foot equipment cabinet within the right-of-way of 70th Street, **granted**.

2004-DV2-048; 5102 East 70th Street (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish the storage of a commercial trailer, **granted for one year**.

MI

2023-DV2-013; Location Map



2023-DV2-013; Aerial Map





Photo of the Subject Property: 4809 East 70th Street



Photo of the Subject Property: 4809 East 70th Street



Photo of the subject site looking south from 70th Street.



Photo of single-family dwellings north of the site across 70th Street.



Photo of a compliant privacy fence not within the front yard of the corner lot east of the site.



Photo of a compliant chain link fence in the front yard of another corner lot southeast of the site.

STAFF REPORT

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

Case Number: 2023-UV2-007
Address: 128 North Traub Avenue (approximate address)
Location: Center Township, Council District #16
Zoning: D-5 (TOD)
Petitioner: CK Rents LLC, by Kewin Martinez
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-unit multi-unit house and a detached accessory dwelling (not permitted), each with a three-foot south side yard setback (five-foot side yard setback required).

RECOMMENDATIONS

Staff recommends denial of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact D-5 Four-unit multi-unit house and a detached accessory dwelling

SURROUNDING ZONING AND LAND USE

North D-5 Undeveloped
South D-5 Single-family dwelling
East D-5 Single-family dwelling
West D-5 Single-family dwelling / Duplex dwelling

COMPREHENSIVE PLAN The Comprehensive Plan recommends five to eight residential units per acre development.

- ◇ The 0.14-acre subject site was originally developed with a single-family dwelling that was later converted into four units and a detached accessory structure or garage that was later converted into a fifth dwelling unit.
- ◇ The proposed/existing use is currently zoning compliant as it was approved, under a previous owner, for a Certificate of Legal Non-Conforming Use (2011-LNU-028) to legally establish a total of five dwelling units where the primary structure consists of no more than four dwelling units, and where the detached accessory structure located at the rear of the property consists of no more than one dwelling unit. The Legally Non-Conforming Use Certificate (LNCU) legally establishes the property as-is, where-is, as it had existed prior to the current zoning classification.

(Continued)

STAFF REPORT 2023-UV2-007 (Continued)

VARIANCE OF USE

- ◇ The purpose of the D-5 (Dwelling District Five) district is intended for medium intensity residential development and is not intended for suburban use. The application of this district will be found within urban, build-up areas of the community and where all urban public and community facilities and services are available. The D-5 district typically has a density of 4.5 units per gross acre. This district fulfills the low and medium density residential classification of the Comprehensive General Land Use Plan.
- ◇ Per Table 743-1: Use Table, a single-family or two-family dwelling is permitted in the D-5 District. However, five dwelling units are not permitted on a single lot in this district.
- ◇ The LNCU Certificate (2011-LNU-028) for this multi-family property allows for up to a 2/3's repair and renovation. Any damage that exceeds more than 2/3's would require the property to be legally compliant with the current zoning ordinance. The grant of this petition would allow for the five dwelling units to be rebuilt on this site if the existing structures should be damaged more than 2/3rds.
- ◇ While the previous owner has proved the presence of the five dwelling units existed prior to April 1969, Staff would note that such construction would have predated the implementation of current zoning and zoning ordinance requirements in Marion County.
- ◇ Staff believes that if the site should need to be repaired or renovated more than the 2/3rd allowance, then the new construction should adequately align with modern development standards in order to better preserve the intent of each development standard. In Staff's opinion, by granting a variance to allow the multi-family units on an original single-family lot, with reduced setbacks, with a significant increase in density over the previous structure's use, would provide for increased intensity and negatively impact adjacent properties.
- ◇ The findings note that the request is for insurance purposes. According to the Marion County Assessor's records, the owner Kewin Martinez purchased the site on June 12, 2019, with the LNCU status intact. Therefore, no peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the dwelling could be remodeled to accommodate the existing D-5 zoning without the need for variances and meet insurance purposes.
- ◇ The strict application of the Ordinance would not constitute and unnecessary hardship since there are multiple options for residential development without the need for a variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of this petition would allow for the multi-unit house and a detached accessory dwelling with each having a three-foot south side yard setback, where a five-foot side yard setback is required.

(Continued)

STAFF REPORT 2023-UV2-007 (Continued)

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to building setbacks, are intended to ensure orderly development and protect surrounding property values, by providing for open buffer areas along lot lines and to ensure adequate access around buildings, as well as to prevent fires from spreading between buildings.
- ◇ The existing three-foot south side setbacks for the existing structure and detached accessory structure are currently zoning compliant as they are considered legally non-conforming. Therefore, they can continue to exist as-is, where-is as long as no repairs exceeding a 2/3rds rebuild is requested.
- ◇ If a renovation or rebuild exceeds 2/3rds of the structure, then Staff does feel the new construction / rebuild should meet the current zoning Ordinance side setback requirement, especially with a potential expanded use of five dwelling units. Staff believes that meeting the current Ordinance side setback would decrease the intensity of the use, and preserve the intent of the Ordinance, while maintaining the development viability of the site.
- ◇ The strict application of the Ordinance would not constitute an unnecessary hardship since there are multiple options for residential development without the need for a variance of development standards.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of North Traub Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.
OVERLAY	This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line.
SITE PLAN	File-dated June 13, 2023.
FINDINGS OF FACT	File-dated June 13, 2023.

ZONING HISTORY – SITE

PREVIOUS CASES

2011-LNU-028; 128 North Traub Avenue (subject site), requested a Certificate of Legal Non-Conforming Use to legally establish a total of five dwelling units and where the primary structure consists of no more than four dwelling units, and where the detached accessory structure located at the rear of the property consists of no more than one dwelling unit, **approved**.

(Continued)

STAFF REPORT 2023-UV2-007 (Continued)**ZONING HISTORY – VICINITY**

2021-LNU-005; 115 North Traub Avenue (southeast of site), requested a Certificate of Legal Non-Conforming Use to legally establish a total of three dwelling units and where the primary structure consists of no more than two dwelling units, and where the detached accessory structure located at the rear of the property consists of no more than one dwelling unit, **withdrawn**.

2020-UV3-011; 115 North Traub Avenue (southeast of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish three dwelling units in an existing dwelling (two) and garage (one), **granted**.

2002-DV3-047; 26 North Traub Avenue (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 24 by 26-foot, two-story addition resulting in 2,592-square feet of building area, or 57% open space (minimum 65% open space required), **approved**.

97-NC-65; 39 North Belmont Avenue (southwest of site), requested a Certificate of Legal Non-Conforming Use for a conversion of a single-family dwelling into a three-unit dwelling, located in a D-5 (Dwelling District Five) zoning classification (only one single-family dwelling or one originally constructed two-family dwelling permitted by the current Dwelling Districts Zoning Ordinance of Marion County, Indiana 89-AO-2, as amended) and the following developments standards: a) side yards of 2 feet and 5 feet 9 inches, b) a front setback of 16 feet 4 inches from the right-of-way of North Belmont Avenue, c) four parking spaces provided, and d) dwelling units containing: 706 square feet (unit a); 591.8 square feet (unit b); and 727.5 square feet (unit c)(minimum side yard of 4 feet, with aggregate side yards of 10 feet, minimum front setback of 25 feet, 2 parking spaces required for each unit, for a total of 6 parking spaces required, and a minimum of 900-square feet required for each dwelling unit as required by the current Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended), **approved**.

95-UV1-123; 203 North Belmont Avenue (northwest of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish a two-story multi-family building with 6 dwelling units (not permitted), **granted**.

82-V1-71; 27 North Belmont Avenue (southwest of site), requested a variance of development standards to permit the enclosure of the front porch, **granted**.

RU

2023-UV2-007; Location Map



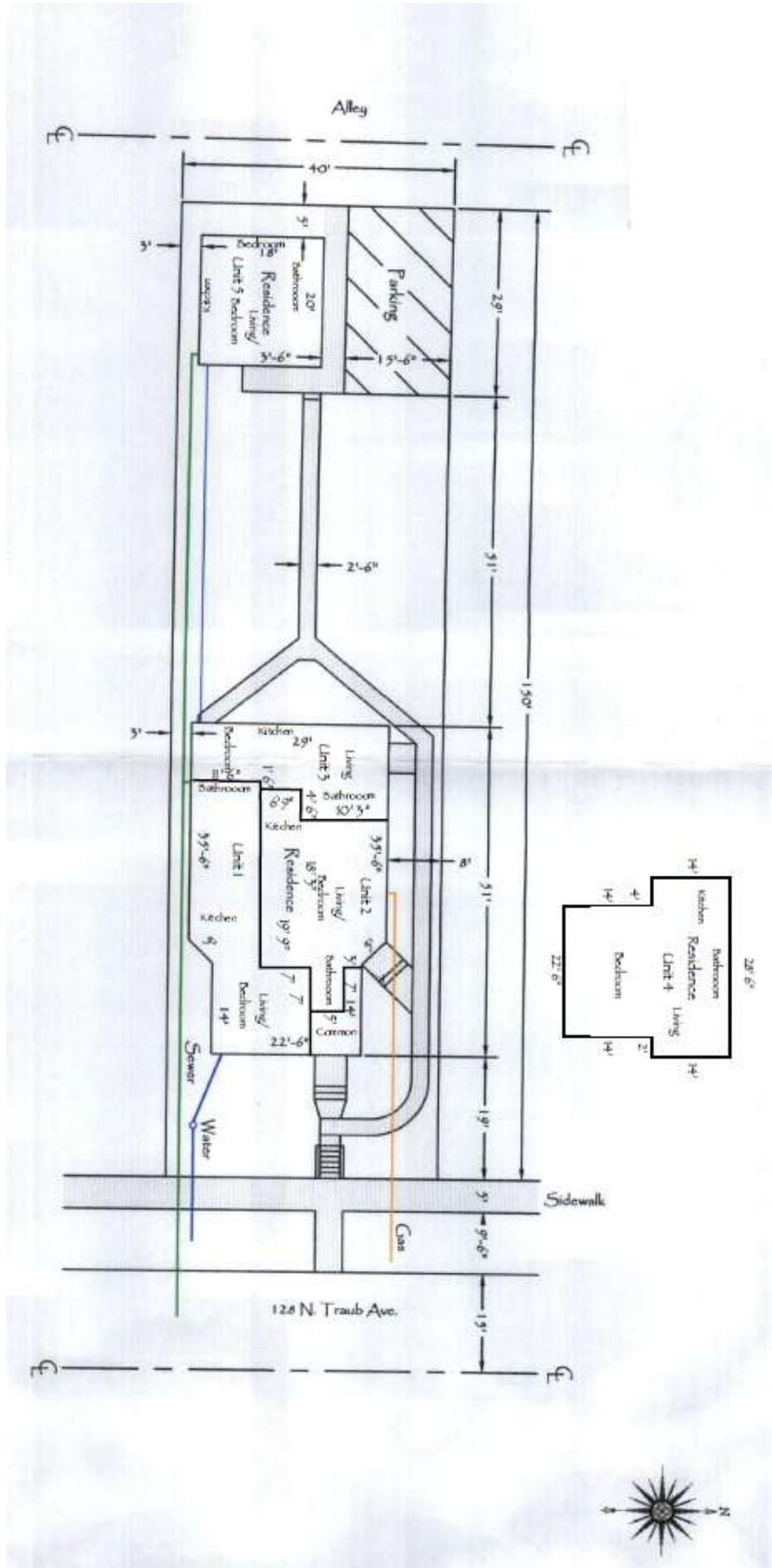




Photo of the Subject Property, looking southwest



Photo noting the five existing mailboxes.



Photo of the Subject Property with three foot existing south setback, looking west



Side view of the subject site, with entrances 2 and 3, looking south.



Rear view of the subject site with the fifth dwelling unit in the garage, looking south.



Photo of adjacent property to the south.



Photo of adjacent property to the north, looking west.



Photo of adjacent property to the east.