



Board of Zoning Appeals
Board of Zoning Appeals Division II (Sept.
10)
Meeting Agenda

Meeting Details

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

Date: Tuesday, September 10, 2024 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2024-DV2-015 | 2366 Winthrop Avenue

Center Township, Council District #8, zoned D-8
Angela and Kendrick Davis, by Sharmin Frye

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

** Petitioner to withdraw petition

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-DV2-016 (Amended) | 921 East 24th Street

Center Township, Council District #8, zoned D-8
Angela Davis, by Sharmin Frye

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 14-foot rear yard setback (15-foot rear yard setback required).

** Petitioner to request a continuance to the October 8, 2024 hearing of Division II

2. 2024-DV2-025 (Amended) | 1670 Columbia Avenue

Center Township, Council District #13, zoned D-8 / SU-1
Karissa Grove, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vertical addition and conversion of a single-family dwelling into a three-unit apartment resulting in a three-foot corner side yard setback (ten feet required) and a four-foot south side yard setback (five feet required).

** Automatic continuance filed by a registered neighborhood organization, continuing this to the October 8, 2024 hearing of Division II

3. 2024-UV2-022A | 6701 Zionsville Road

Pike Township, Council District #6, zoned SU-2
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 85 feet of a protected district (600-foot separation required).

**** Staff to request a continuance to the October 8, 2024 hearing of Division II**

4. 2024-UV2-022B | 7001 Zionsville Road

Pike Township, Council District #6, zoned SU-2
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 288 feet of a protected district (600-foot separation required).

**** Staff to request a continuance to the October 8, 2024 hearing of Division II**

5. 2024-UV2-022C | 2811 Barnard Street

Pike Township, Council District #1, zoned SU-2
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 50 feet of a protected district (600-foot separation required).

**** Staff to request a continuance to the October 8, 2024 hearing of Division II**

6. 2024-UV2-026 | 2355 North Meridian Street

Center Township, Council District #12, zoned C-4 (TOD) (RC)
Zaremba Group, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an Medium Retail Sales/Service facility with a front building line of 61.7 percent (80 percent required) with parking located 15 feet from Meridian Street and 26 feet from 24th Street with portion not located to the rear of the building (50-foot setback, location behind building required), 24-foot and 25-foot driveway widths accessing Meridian Street and 24th Street (16 feet permitted, curb cut for accessory parking access not exclusively from an improved alley), one primary entry (two required), and deficient landscaping.

****This petition requires an amendment, and must be continued to the October 8, 2024 hearing of Division II**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2024-DV2-029 | 6008 North Keystone Avenue

Washington Township, Council District #7, zoned C-1
Rose Property LLC, by Rebekah Phillips

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an externally illuminated monument sign (illumination disallowed within 50 feet of a protected district) with a seven-foot north transitional yard setback (10-foot transitional yard required).

8. 2024-DV2-030 | 1420 Prospect Street

Center Township, Council District #18, zoned C-4 / C-5
Fountain Square Funeral Services LLC, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a zero-foot landscape buffer within the rear transitional yard (15-foot buffer required) and to legally establish the parking lot maintaining a three-foot rear transitional yard (10-feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

9. 2024-DV2-023 | 1313 West 86th Street (approximate address)

Washington Township, Council District #2, Zoned C-4
FIF, LLC, by Joseph D. Calderon

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. 2024-DV2-026 | 3360 West 86th Street

Pike Township, Council District #1, zoned C-4
Chik fil A Inc., by Gabriela Mosquera

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the modification of an existing drive-through which would result in an additional drive through and stacking spaces within the front yards of 86th Street and Purdue Road, each being rights-of-way with a width greater than 30 feet and without the required screening and without an exclusive bypass aisle (drive throughs not permitted in front yards, bypass aisle required).

11. 2024-UV2-011 (Amended) | 1237 Evison Street

Center Township, Council District #18, Zoned D-5
Rachel & Cory Alban, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 875-square-foot secondary dwelling unit (720 square feet permitted).

12. 2024-UV2-013 | 5455 West 56th Street

Pike Township, Council District #6, zoned SU-2 / SU-38
Metropolitan School District of Pike Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display within 70 feet of a protected district (digital display not permitted within zoning, 600' digital display separation required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2024-DV2-031 | 2701 North College Avenue

Center Township, Council District #8, zoned MU-2
JBCC Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a surface parking lot with four spaces (11 required) and a zero-foot front yard setback from 27th Street (50-foot setback, location behind building required).

14. 2024-DV2-032 | 9240 North Meridian Street

Washington Township, Council District #2, zoned C-1
IN-9240 MERIDIAN LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of three skyline signs on the elevation facing Meridian Street (one skyline sign per elevation permitted).

Additional Business:

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



BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number: 2024-DV2-015
Property Address: 2366 Winthrop Avenue (approximate address)
Location: Center Township, Council District #8
Petitioner: Angela and Kendrick Davis, by Sharmin Frye
Current Zoning: D-8
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a 35-foot tall, three-story single-family dwelling (maximum 2.5-story dwelling permitted).
Current Land Use: Vacant
Staff Recommendations: Staff has no recommendation for this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 10, 2024 BZA DIVISION II HEARING

- This petition is to be formally withdrawn by the petitioner



BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number: 2024-DV2-016 (Amended)

Property Address: 921 East 24th Street (approximate address)

Location: Center Township, Council District #8

Petitioner: Angela Davis, by Sharmin Frye

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 14-foot rear yard setback (15-foot rear year setback required).

Current Land Use: Vacant

Staff Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 10, 2024 BZA DIVISION II HEARING

- This petition was continued to the July 9, 2024 BZA Division II hearing and then to the August 13, 2024 hearing to allow for additional review.
- The petition was continued to the September 10, 2024 BZA Division II hearing to amend the proposed site plan and elevations.
- The petitioner is requesting a continuance to the October 8, 2024 BZA Division II hearing due to deficient mailed notice.



BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number: 2024-DV2-025 (Amended)

Property Address: 1670 Columbia Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: Karissa Grove, by Justin Kingen

Current Zoning: D-8 / SU-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vertical addition and conversion of a single-family dwelling into a three-unit apartment resulting in a three-foot corner side yard setback (ten feet required) and a four-foot south side yard setback (five feet required).

Current Land Use: Residential

Staff Recommendations: TBD

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A registered neighborhood organization has filed a timely request for an **Automatic Continuance** that would continue this petition to the **October 8, 2024**, hearing. A full staff report will be available prior to that hearing.



BOARD OF ZONING APPEALS DIVISION II

August 13, 2024

Case Number: 2024-UV2-022A
Address: 6701 Zionsville Road (approximate address)
Location: Pike Township, Council District #6
Zoning: SU-2
Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 85 feet of a protected district (600-foot separation required).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization, from the **August 13, 2024, hearing, to the September 10, 2024, hearing.**

Due to non-payment of the petition application fee, this petition will need to **be continued to the October 8, 2024, hearing.** This will allow time for payment to be made, and for Staff to research and prepare a staff report.



BOARD OF ZONING APPEALS DIVISION II **August 13, 2024**

Case Number: 2024-UV2-022B
Address: 7001 Zionsville Road (approximate address)
Location: Pike Township, Council District #6
Zoning: SU-2
Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 288 feet of a protected district (600-foot separation required)..

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization, from the **August 13, 2024, hearing, to the September 10, 2024, hearing.**

Due to non-payment of the petition application fee, this petition will need to **be continued to the October 8, 2024, hearing.** This will allow time for payment to be made, and for Staff to research and prepare a staff report.



BOARD OF ZONING APPEALS DIVISION II **August 13, 2024**

Case Number: 2024-UV2-022C
Address: 2811 Barnard Street (approximate address)
Location: Pike Township, Council District #1
Zoning: SU-2
Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted) within 50 feet of a protected district (600-foot separation required).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization, from the **August 13, 2024, hearing, to the September 10, 2024, hearing.**

Due to non-payment of the petition application fee, this petition will need to **be continued to the October 8, 2024, hearing.** This will allow time for payment to be made, and for Staff to research and prepare a staff report.



BOARD OF ZONING APPEALS DIVISION II **September 10, 2024**

Case Number: 2024-UV2-026
Property Address: 2355 North Meridian Street (approximate address)
Location: Center Township, Council District #12
Petitioner: Zarembo Group, by Joseph D. Calderon
Current Zoning: C-4 (TOD) (RC)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an Medium Retail Sales/Service facility with a front building line of 61.7 percent (80 percent required) with parking located 15 feet from Meridian Street and 26 feet from 24th Street with portion not located to the rear of the building (50-foot setback, location behind building required), 24-foot and 25-foot driveway widths accessing Meridian Street and 24th Street (16 feet permitted), one primary entry (two required), and deficient landscaping.

Current Land Use: Vacant

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

An additional zoning non-conformity was noted by staff during the review process for this petition that would need to be mentioned within the variance request. This will require a continuance to the October 8th hearing per petitioner request. A full staff report will be made available in advance of that date.



BOARD OF ZONING APPEALS DIVISION II **September 10, 2024**

Case Number: 2024DV2029

Property Address: 6008 North Keystone Avenue (approximate address)

Location: Washington Township, Council District #7

Petitioner: Rose Property Partners LLC, by Rebekah Phillips

Current Zoning: C-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an externally illuminated monument sign (illumination disallowed within 50 feet of a protected district) with a seven-foot north transitional yard setback (10-foot transitional yard required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance request.

PETITION OVERVIEW

- The subject site currently operates as office space for a pest control contractor. Office uses were established at this location by a use variance in 1987 and a rezoning petition in 2023, and the fact that the property would just be utilized for clerical and administrative functions with no contractor vehicles or outdoor storage would mean that this property would not be considered a Commercial Contractor use (disallowed in C-1 zoning). The property is surrounded by commercial uses to the north and south, residences to the west, and a school across Keystone Avenue to the east.
- An application for a signage permit was made earlier this year (SGN24-00097) and the application was placed on hold due to a non-compliant illumination type. Approval of this variance would allow for placement of an externally illuminated sign as well as for the sign to have a northern transitional side setback of 7 feet (10 feet required). External illumination is typically allowed within C-1 zoning but no illumination is permitted within 50 feet of a protected district (sign would be 7 feet away).



Department of Metropolitan Development
Division of Planning
Current Planning

- Although the sign would be within 300 feet of several other primary freestanding signs along the frontage, ordinance would allow for its placement within that proximity since the subject site is only integrated with its northern neighbor. Additionally, the front setback for this sign would only be 5 feet per 744-906-1.F of the zoning ordinance. The original request was for an internally illuminated sign (disallowed in C-1 zoning) but the request was amended prior to hearing.
- The property is currently zoned C-1 (Office-Buffer District) to allow for development of office uses and compatible office-type uses that serve as a buffer between retail or other heavier commercial uses and residential or institutional structures. Similarly, it is recommended to the Office Commercial typology by the Comprehensive Plan for single and multi-tenant office buildings.
- Ordinance requires a 10-foot separation between signage placed in commercial areas and the borders of areas zoned for residential use to allow for adequate separation between uses of differing intensity. However, staff would note that the property to north that is zoned D-3 contains a commercial office use and would be relatively unlikely to revert to residential uses. If the commercial site to the north were zoned for commercial use, a 0-foot setback would be required. This, coupled with the fact that the proposed transitional side setback of 7 feet would only be 3 feet away from the applicable ordinance standard, would lead staff to recommend approval of the transitional yard setback request.
- Staff would not have been supportive of internal illumination of the signage in this location given that such an intensity of lighting is disallowed within both C-1 and C-3 zoning and that the two nearest primary freestanding signs in the area are not internally illuminated. However, placement of an externally lit sign in this location would match existing development patterns and would not create negative externalities for residential properties since the D-3 area to the north contains commercial uses that are unlikely to revert to residences. Staff would also recommend approval of the external illumination request.



GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Commercial
	South:	South: Commercial
	East:	East: School
	West:	West: Residential
Thoroughfare Plan		
Keystone Avenue	Primary Arterial	100-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/29/2024	
Site Plan (Amended)	N/A	
Elevations	07/29/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/29/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Office Commercial working typology to allow for single and multi-tenant office buildings. It is often a buffer between higher and lower-intensity land uses, and examples of contemplated establishments include medical facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons. The plan provides no specific guidance related to signage.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2023-UV2-013, variance to permit a seven-foot-tall, 32-square foot monument sign, **withdrawn**.

2022-CVR-851, variance to provide for two 64-foot-wide lots, **approved**.

2022-CPL-851, approval of a plat to be known as Replat of a Part of Lot 25 and Lot 26 in Kesslerwood, dividing 0.56-acre into two lots.

2022-PLT-050, Approval of a Subdivision Plat to be known as Replat of a Part of Lot 25 and of Lot 26 in Kesslerwood, dividing 0.56-acre into two lots, **withdrawn**.

2009-SE1-002, Special exception to provide for religious uses with a ground sign in the D-3 district, **approved**.

87-UV2-46, variance to provide for office uses with parking and signs, **approved**.

87-Z-16, 5930 – 6048 North Keystone Avenue, rezoning of 3.7 acres from the D-3 and C-1 district to the C-3 district, **denied**.

ZONING HISTORY – VICINITY

2018-ZON-011, 6038 North Keystone Avenue, rezoning of 0.24 acre from the D-3 and C-1 districts to the C-1 district, **approved**.

2011-UV1-026, 5944 North Keystone Avenue, variance to provide for a salon and beauty spa, with massage and with accessory retail sales of beauty and hair care products, **approved**.

2010-ZON-037, 5944 North Keystone Avenue, rezoning of 0.29 acre from the D-3 district to the C-1 district, **approved**.

2006-ZON-094, 5950 North Keystone Avenue, rezoning of 0.2858 acre, from the D-3 District, to the C-1 district, **approved**.

2003-UV1-024, 6028 North Keystone Avenue, variance to legally establish a real estate and insurance office, a parking lot with a zero-foot south side yard setback and a 9.7-foot north side yard setback, and a three-foot by twelve-foot ground sign, **approved**.

88-V2-118, 5950 North Keystone Avenue, variance to provide for four-foot-tall shingle sign for a home occupation, **approved**.

88-UV1-153, 6038 North Keystone Avenue, variance to provide for an existing building to be used for a security office and travel agency office and one pole sign, **approved**.

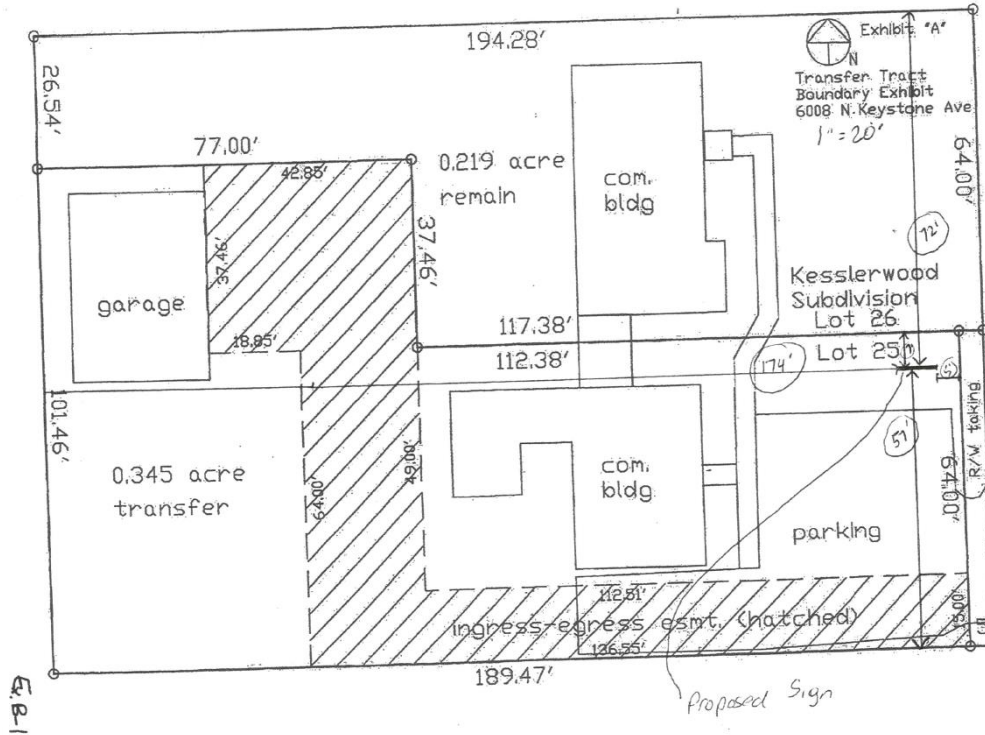
84-Z-74, 6048 North Keystone Avenue, rezoning of 0.26 acre from the D-3 district to the C-1 district, **approved**.

EXHIBITS

2024DV2029 ; Aerial Map



2024DV2029 ; Site Plan



2024DV2029 ; Elevation





Department of Metropolitan Development
 Division of Planning
 Current Planning

2024DV2029 ; Findings of Fact

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

this property is located in a heavily commercial area. The proposed sign would be set back 7' from the northern property line, which is less than the required 10' side transitional yard setback. However, the property to the north of this property, 6018 N. Keystone Ave., although zoned D-3, is operated commercially as an office for a service process company. If 6018 N. Keystone Ave. had been zoned for a commercial use, no transitional side yard setback would be required. Further, the illuminated sign will improve the welfare and safety of the customers of Petitioner and others driving along Keystone Ave. so they can more easily find Petitioner's business while driving on Keystone Ave., and not hold up traffic while looking for the building. The sign is within the size requirements and would be simple, as shown in the site plan, so as not to be injurious to the public health, safety, morals, and general welfare of the community.

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

all of the parcels along this stretch of Keystone Ave. are operated commercially and this sign would be consistent with other signs in the area. The property just 3 parcels south at 5936 N. Keystone Ave., has an internally illuminated pole sign. There are a variety of signs in the area, including pole signs and monument signs that are larger than what is proposed by Petitioner. There are also stoplights nearby, which bring light to the area already. Adding an illuminated monument sign will not cause excess light or otherwise substantially adversely affect the area. Further, the building operated at 6008 N. Keystone Ave. is connected to the building operated at 6018 N. Keystone Ave. Having the sign setback only 7' from this property line rather than 10' will not substantially affect that property because the buildings are already close and connected.

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

there is a small parking lot located on the property and the buildings located at 6008 and 6018 N. Keystone are touching, leaving little room to place a monument sign. Petitioner seeks a 7' transitional side yard setback for the sign in order to center the sign between the parking lot and the lot line, making it more aesthetically pleasing. Further, without the variance for internal illumination, the sign will be difficult to see when it is dark out, which would result in practical difficulties for Petitioner's business, particularly during the winter months when it is dark more often.

2024DV2029 ; Photographs



Photo 1: Location of Proposed Sign + Adjacent Property to N



Photo 2: Offices at Subject Site

2024DV2029 ; Photographs (continued)



Photo 3: Adjacent Property to South (same side Keystone)



Photo 4: Adjacent Property to Southeast (across Keystone)



BOARD OF ZONING APPEALS DIVISION II

September 10th, 2024

Case Number: 2024-DV2-030
Property Address: 1420 Prospect Street
Location: Center Township, Council District #18
Petitioner: Fountain Square Funeral Services LLC, by Justin Kingen
Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a zero-foot landscape buffer within the rear transitional yard (15-foot buffer required) and to legally establish the parking lot maintaining a three-foot rear transitional yard (10-feet required).

Current Land Use: Village Mixed-Use

Staff

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of this variance request.

PETITION OVERVIEW

- This petition requests a variance to allow a 135- square foot building addition resulting in the lost of a buffer between the property and the back alley in a Village Mixed-Use District of the Zoning Ordinance.
- This variance also included to legally establish the parking lot having a 3-foot transitional yard between the alley and already developed parking lot.
- The building addition will allow three more off-street garage locations where hearses or other vehicles engaged in transportation operation of the funeral home to be stored securely indoors.
- Given that the garages face the alley way as required in the Infill Housing Guidelines, is necessary for the growth of a local business, and adequate landscaping along the street frontage of Prospect St, staff believes this an appropriate use of variances. Therefore, staff **recommends approval** of these requests.



GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Traditional Neighborhood
	South:	South: Village Mixed-Use
	East:	East: Village Mixed-Use
	West:	West: Village Mixed-Use
Thoroughfare Plan		
Prospect Street	Primary Arterial	76 foot right-of-way existing and 56 foot right-of-way proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/02/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/02/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- City of Indianapolis Consolidated Zoning / Subdivision Ordinance
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Mortuary or Funeral Home is defined within the Consolidated Zoning / Subdivision Ordinance Plan as an establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with and conducted before burial or cremation. This definition includes columbaria and may include a facility for the permanent storage of cremated remains of the dead. This definition does not include freestanding crematoria facility (pg 50)



Department of Metropolitan Development
Division of Planning
Current Planning

- Where a commercial district, mixed-use district, hospital district, university quarter district, PK-II district, or SU district for a public, institutional, or civic building or project abuts a dwelling district, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below.
 - Option 1. A landscape buffer area at least 15 feet wide shall be provided by the commercial or institutional project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One shade or evergreen tree shall be provided for every 30 linear feet of lot line and 3 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on dwelling uses. Chapter 744. Development Standards Article V. Landscaping and Screening Section 06. Transitional Yard and Edge Buffering Page 548 The Zoning Ordinance – Indianapolis-Marion County – Effective May 8, 2023 2.
 - Option 2. An opaque wall, berm, fence or dense (at least 75% opacity) vegetative screen at least 6 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, the fence or wall shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 ft. in height at the time of planting. (pg 548-549)

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- When Possible, Access Accessory Buildings From Alleys Accessory buildings should be of a secondary nature. Garages should be oriented towards alleys. Avoid front-loading garages and driveways where alleys are available. The Zoning Ordinance requires that entries should be clear and defined.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – SURROUNDING AREA

- **2015-VHP-047: 1337 Prospect St (South of Site)**
 - Variance of Use of the C4 Zoning Ordinance to allow four living units in the commercial primary structure; and for a Variance of Development Standards to allow no onsite parking. **Approved.**
- **2016-CZN-816: 1427 Prospect St (Southeast of Site)**
 - Rezoning of 1.28 acres from the C-4 district to the MU-2 classification to provide for a mixed-use district. **Approved.**
- **2017-ZON-052: 1308 Prospect St (West of Site)**
 - Rezoning of 0.52 acre from the C-4 district to the SU-9 classification to provide for a fire station. **Approved.**
- **2017-ZON-094: 1218 Prospect St (West of Site)**
 - Rezoning of 1.37 acres from the C-4 district to the D-P classification to provide for a mixed-use development, up to four stories in height, with 116 residential units, with a maximum density of 90 units per acre and C-3 commercial uses, with non-residential uses at a maximum of five percent of the project. **Approved.**
- **2020-UV1-009: 1525 Prospect St (East of Site)**
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the use of an existing structure as a single-family residential dwelling (not permitted), with a front yard patio having a three-foot front setback (10-foot front setback required). **Approved.**
- **2024-PLT-020: 1401 Woodlawn Ave (Northwest of Site)**
 - Approval of a Subdivision Plat to be known as Laurel Woodlawn Townhomes, subdividing 0.11-acre into two single-family attached lots. **Approved.**

EXHIBITS

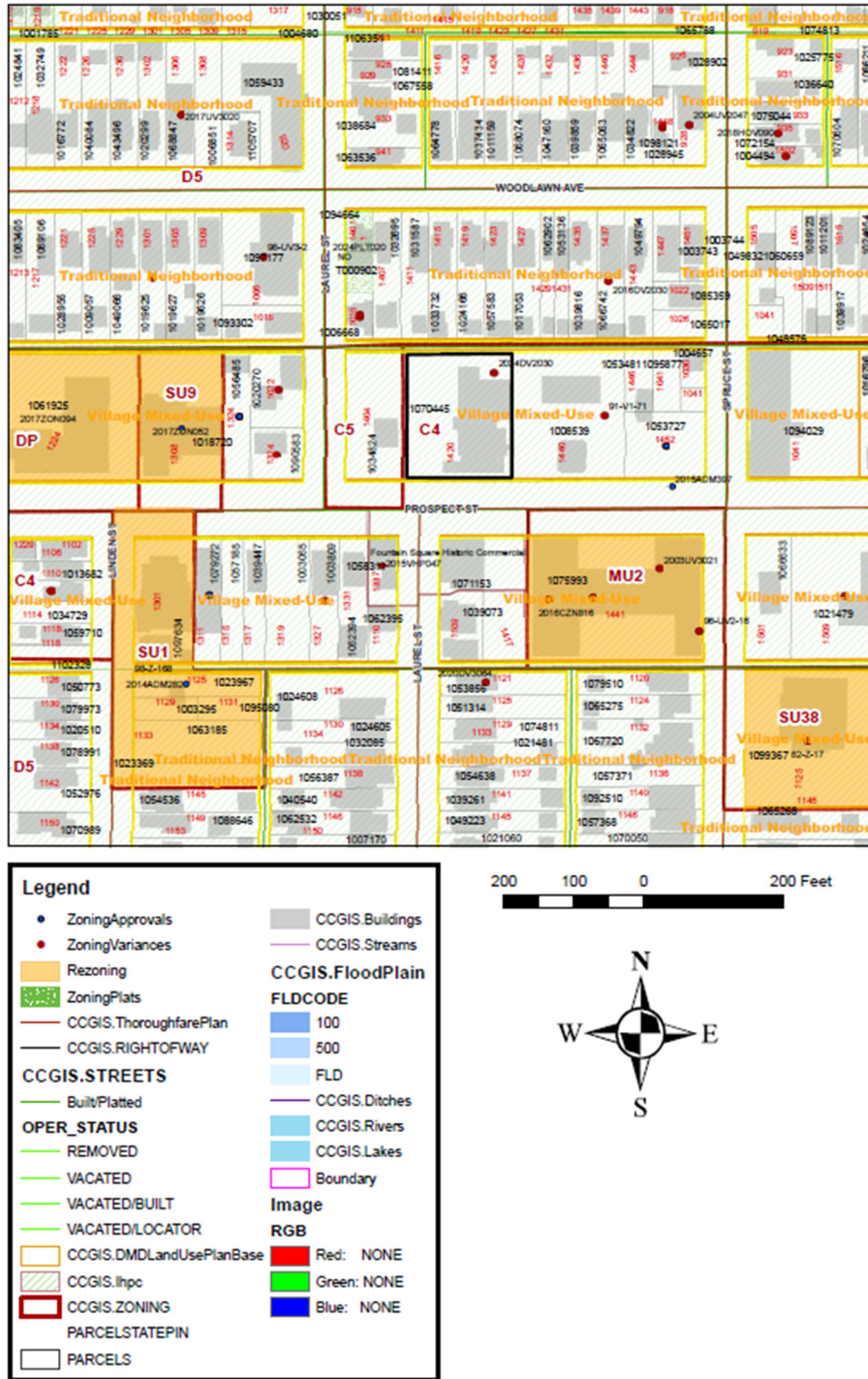


Exhibit 1: Area map around 1420 Prospect St

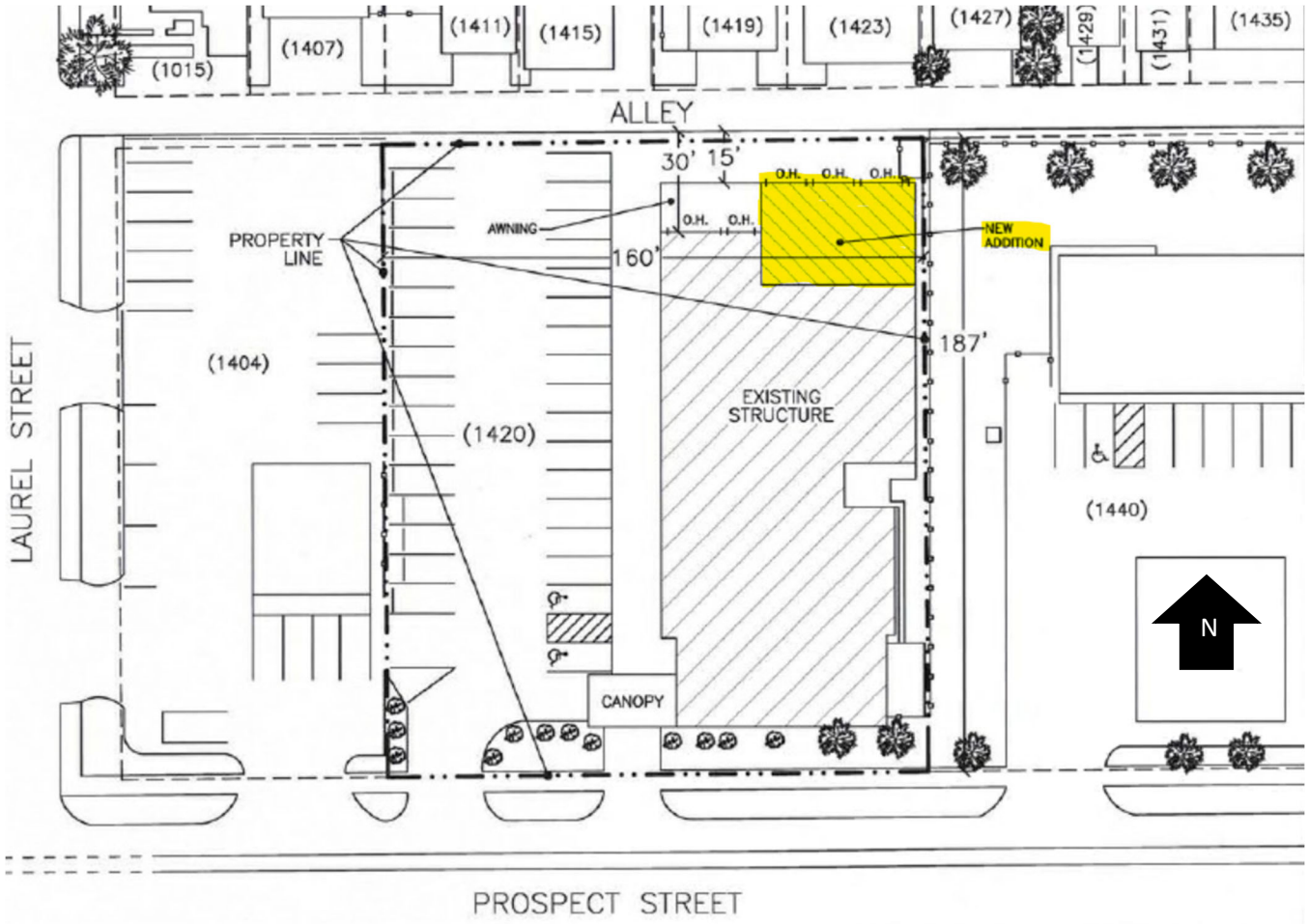


Exhibit 2: Site plan with highlighted location of new addition for Fountain Square Cremation and Funeral Services at 1420 Prospect St.



Department of Metropolitan Development
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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 building addition to the existing commercial structure will meet the transitional rear setback standards and will be aligned with the existing awning at the rear of the existing structure. Due to the nature of the use of the property, it is not possible to install the necessary landscape buffer within the transitional yard, thus the need for the variance. The other variance request is to legally establish the existing commercial parking lot with less than the required rear transitional yard setback

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

The use and value of the area will be increased due to the new addition to an existing commercial structure. The use of the subject property will remain as-is.

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

The layout of the existing structure and the nature of the existing business on the subject site requires that the rear of the building be used for transporting the subject matter to and from the property. Access to and from the rear of the building requires a lack of a landscape buffer and thus requires a variance of development standards.

Exhibit 3: The Findings of Fact by the petitioner for 1420 Prospect St.



Exhibit 4: Front and Side photo of Fountain Square Cremation and Funeral Services at 1420 Prospect St.



Exhibit 5: Picture of the back of Fountain Square Cremation and Funeral Services at 1420 Prospect St. The addition will be added to the left side of the building where the red truck sits to match the placement of the right side of the building.



Exhibit 6: Side view of the back of Fountain Square Cremation and Funeral Services at 1420 Prospect St.



Exhibit 7: Looking east down the alley behind Fountain Square Cremation and Funeral Services at 1420 Prospect St.



Exhibit 8: Looking west down the alley behind Fountain Square Cremation and Funeral Services at 1420 Prospect St. Showing 3ft buffer between parking lot and alley.



BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number: 2024-DV2-023

Property Address: 1313 West 86th Street (approximate address)

Location: Washington Township, Council District #2

Petitioner: FIF, LLC, by Joseph D. Calderon

Current Zoning: C-4

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

Current Land Use: Vacant Commercial

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

Addendum for September 10, 2024 BZA II Hearing

- This petition was heard during the August 13, 2024 hearing of Division II, where it received an indecisive 2-1 vote, and was subsequently continued to the September 10, 2024 hearing.

ADDENDUM FOR AUGUST 13, 2024 BZA II HEARING

- This petition was continued from the July 9, 2024 BZA Division II hearing to the August 13, 2024 BZA Division II hearing to allow for further review of the proposal.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the location of a pylon sign, being the third freestanding sign along 86th Street (two permitted), and located within 130 feet of another freestanding sign to the east (300-foot separation required).
- The subject site is improved with an existing vacant commercial building and accessory parking lot. The proposed sign would stand 10-feet tall and almost 8-feet wide. Currently, freestanding signs exist



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approximately 130 feet to the east and 395 feet to the west, both along the same frontage as the proposed sign.

- Staff has various concerns regarding this proposal. First, the request for 130 feet of separation from the nearest freestanding sign is less than half of the required separation of 300 feet, representing a substantial deviation from that standard. Second, Staff believes the proposal goes against the intent and goals of the two standards, being to promote orderly development, to limit the number of distractions to oncoming motorists, and to maintain visibility of the surrounding area by reducing physical obstructions. Additionally, Staff does not find there to be any practical difficulty associated with the request as freestanding signs are not a requirement of development and, likewise, finds the reasons for the variance to be self-imposed. Further, Staff finds that alternative signage options are permitted by the Ordinance, such as the use of building signs, that would not require the requested variances.
- Staff would also note that this portion of West 86th Street is an area that currently contains a substantial number of freestanding signs. Staff believes that these standards and limits set for the by the Ordinance to be important and necessary constraints on future development and that such development should conform with the modern sign regulations. Finally, Staff fears that the granting of a request of this nature could set an undesired precedent that could lead to further requests for additional freestanding signs with reduced separation. Therefore, Staff is opposed to and recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial / Linear Park	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North:	C-3 North: Commercial
	South:	C-4 South: Commercial
	East:	C-4 East: Commercial
	West:	C-4 West: Commercial
Thoroughfare Plan		
West 86 th Street	Primary Arterial	110 feet of right-of-way existing and _ 112 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	5/10/24
Site Plan (Amended)	N/A
Elevations	5/10/24
Elevations (Amended)	N/A
Landscape Plan	5/10/24
Findings of Fact	5/10/24
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Community Commercial typology as well as Linear Park for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- The Indy Greenways Full Circle Master Plan from 2014 calls for a multi-use path connector along 86th/82nd Street, connecting to the existing multi-use path along West 86th Street under I-465 to



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Current Planning

Lafayette Road to the west, and reaching Hague Road and 82nd Street on the Northeast side of Marion County.

- The plans for this multi-use path call for using the same side of the street as the subject site of the proposed sign.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

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

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

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

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



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

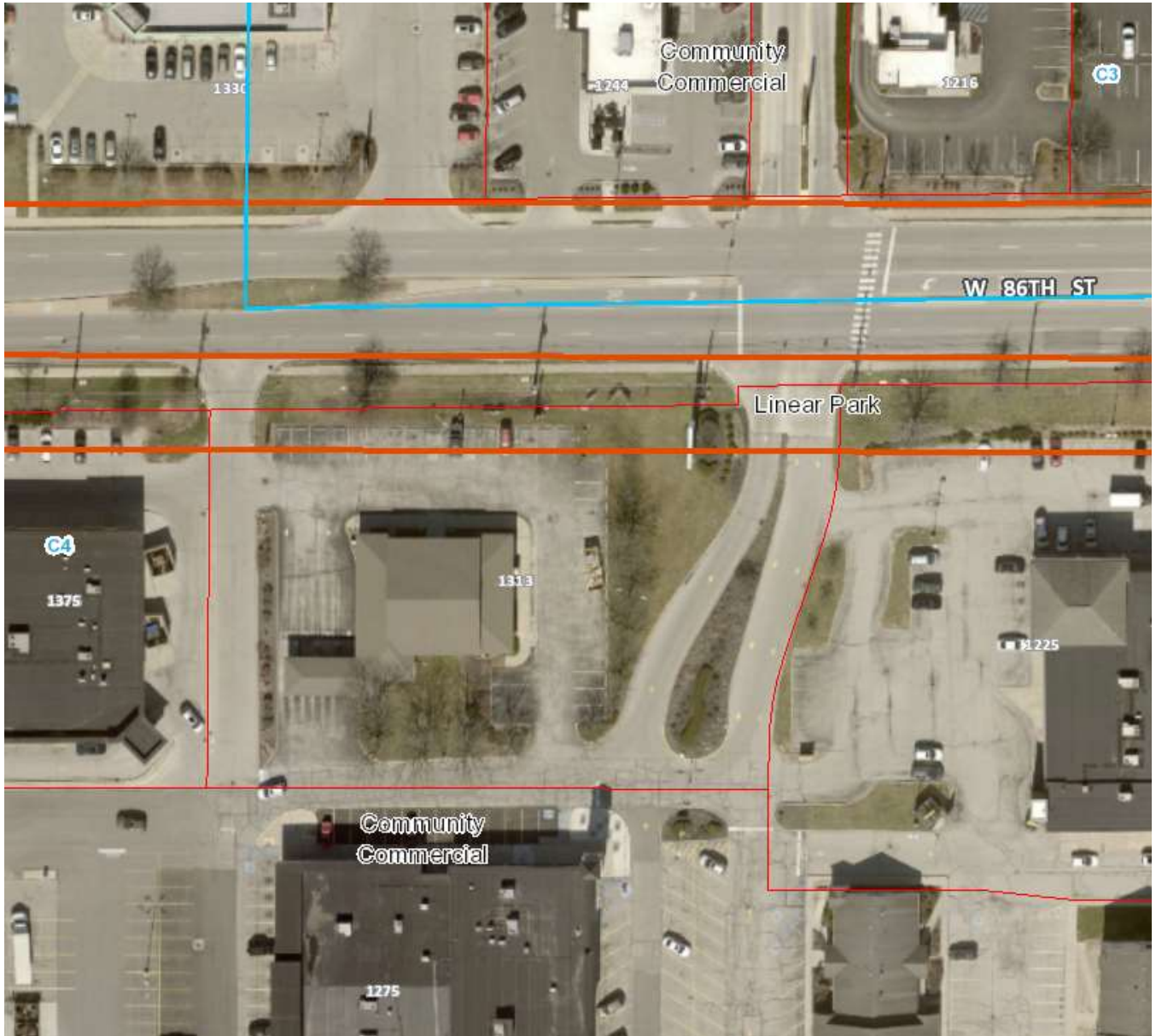
2003DV1045; 1225 W 86th Street (east of site), variance of development standards of the Sign Regulations to provide for a 55.10-square foot on premise pylon advertising sign, with a 13.75-square foot electronic variable message component within 247 feet of an existing integrated center sign, and within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

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

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

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

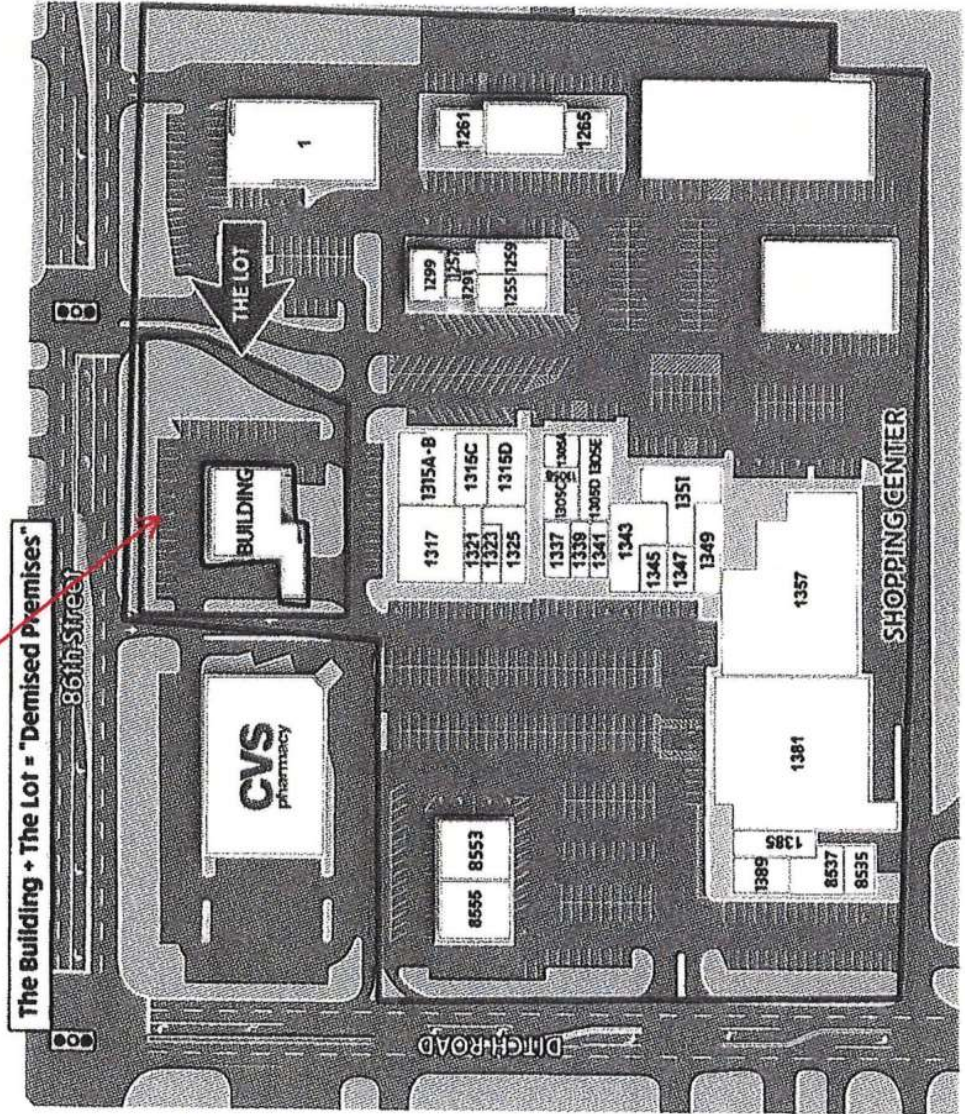
EXHIBITS



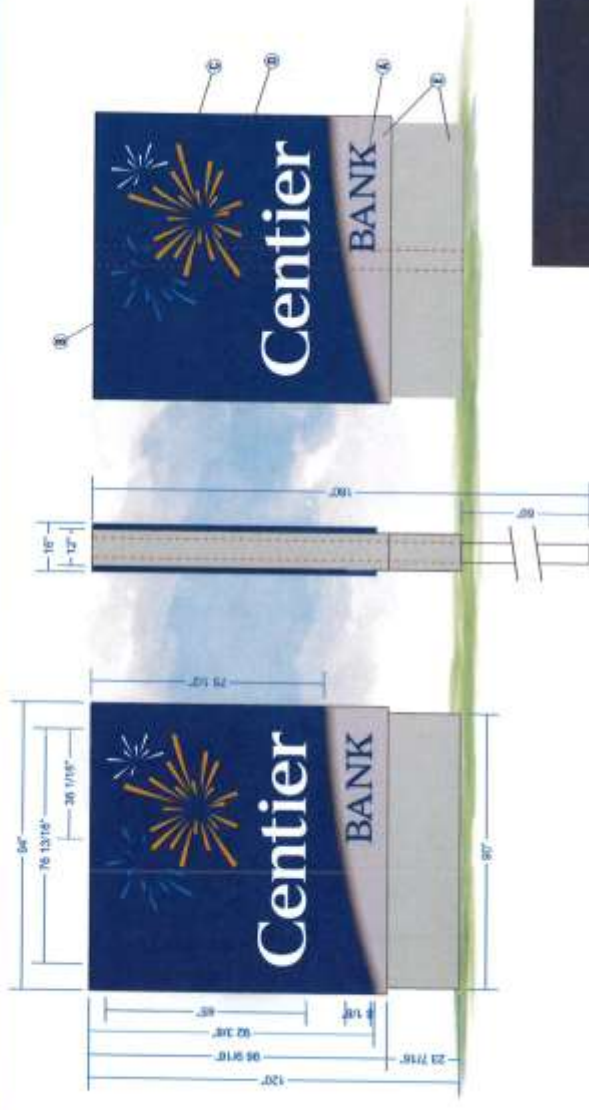
Proposed location of Monument Sign

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

(Site Plan of the Shopping Center)



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



78'33" SQ FT
FABRICATE AND INSTALL QTY 1 INTERNALLY ILLUMINATED BY MONUMENT SIGN
 BODY - 2" ALUMINUM ANGLE SPRINGS IN .896 ALUMINUM PAINTED TO MATCH SPECS
 FACES - .896 ALUMINUM PAINTED TO MATCH SPECS, ROUTED AND BACKED UP W/ 3/16" 7328 WHITE ACRYLIC "CENTIER" - 1/8", AND 1" CLEAR ACRYLIC PUSH THRU "BANK" VINYL - TO MATCH SPECS
 LEADS - WHITE
 POST - QTY 1 - 6" SCH 40

INSTALLATION - POST BURIED IN GRADE, STRUCTURE MOUNTED TO POST

SignCraft INDUSTRIES
 W-13
 SGA
 © 2020 - SIGNCRAFT INDUSTRIES ALL RIGHTS RESERVED • 8516 CORPORATION DR • INDIANAPOLIS, INDIANA 46256 • 317-943-8664 • SIGNCRAFTIND.COM

- LOGO SPECIFICATIONS:**
- 1. 2" ALUMINUM ANGLE SPRINGS IN .896 ALUMINUM PAINTED TO MATCH SPECS
 - 2. .896 ALUMINUM PAINTED TO MATCH SPECS, ROUTED AND BACKED UP W/ 3/16" 7328 WHITE ACRYLIC "CENTIER" - 1/8", AND 1" CLEAR ACRYLIC PUSH THRU "BANK" VINYL - TO MATCH SPECS
 - 3. LEADS - WHITE
 - 4. POST - QTY 1 - 6" SCH 40

ILLUMINATED NIGHT VIEW - NOT TO SCALE

NOTE: THIS IS A RENDERING. IT DOES NOT REPRESENT THE FINAL PRODUCT. THE FINAL PRODUCT MAY VARY FROM THIS RENDERING DUE TO CHANGES IN MATERIALS, COLORS, FINISHES, AND DIMENSIONS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE CLIENT IS ALSO RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS FROM THE LOCAL GOVERNMENT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS FROM THE LOCAL GOVERNMENT.



PHOTO SCALE: NOT TO SCALE

DESIGNER:	RS	DATE:	11/27/2021
CLIENT:	Centier Bank	PROJECT:	Centier Bank Signage
DATE:	11/27/2021	SCALE:	1/5

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



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed sign does not impede with any clear sign triangle or otherwise interfere with vehicular or pedestrian traffic on 86th Street.

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

the sign only fronts on the subject property and does not interfere with access to or visibility of any adjacent property.

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____









BOARD OF ZONING APPEALS DIVISION II **September 10, 2024**

Case Number: 2024-DV2-026
Property Address: 3360 W 86th Street (approximate address)
Location: Pike Township, Council District #1
Petitioner: Chik fil A Inc., by Gabriela Mosquera
Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the modification of an existing drive-through which would result in an additional drive through and stacking spaces within the front yards of 86th Street and Purdue Road, each being rights-of-way with a width greater than 30 feet and without the required screening and without an exclusive bypass aisle (drive throughs not permitted in front yards, bypass aisle required).

Current Land Use: Commercial
Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization was filed in advance of the August 13, 2024 hearing date. This petition was continued from that hearing to the September 10, 2024 date of Division I.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is currently improved with a fast-food chicken restaurant that utilizes a drive-through with lanes in the front yards of both Purdue Road and 86th Street. It is surrounded on each side by C-4 zoning to facilitate restaurants and retail within a commercial center context.
- Permits were issued in 2018 to allow for construction of an expanded drive-through canopy within the western front yard of the property (see site plan within Exhibits). Between that point and now, it appears that the business expanded the existing drive-thru to utilize two distinct drive lanes on all sides of the property, including within both front yards. It is unclear why the second drive lane



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along Purdue Road was allowed without a variance, but neither it nor the additional drive lane in the 86th Street front yard would be allowed per ordinance rules today or from 2018.

- Additional permit applications were made earlier this year to expand the site with a larger canopy on the eastern portion of the property and for a two-lane drive-throughs within all four yards of the property. Changes in the parking layout were also proposed to accommodate the expanded drive lanes. When those permits were placed on hold, an application for a variance was made to allow for (a) legalization of multiple drive-through lanes within both front yards (b) without required screening from rights-of-way and (c) with a lack of exclusive bypass aisle for the drive-through within any of the four yards.
- The site plan submitted along with this application shows that the existing angled parking along the eastern portion of the property (9 spaces) would be removed and replaced with six vertical spaces running parallel to the property line. Additionally, the parking to the north of the drive-through entrance would be removed entirely from the site to accommodate the second drive-through lane (see Photo 5 within Exhibits). It appears from site photography that the business currently utilizes parking spaces to the north outside of their property boundaries (see photo 10).
- With the current configuration, orders are given to employees under the western canopy by outdoor employees who relay the order, vehicle, and customer information digitally to kitchen staff who prepare the food as vehicles maneuver around the building to the east to then pick up their completed order from additional outdoor employees. The proposed changes would expand the eastern canopy and eastern and southern drive lanes to remove any merge points from the process and add a door to the eastern elevations instead of the existing drive-through window.
- This property is zoned C-4 (Community-Regional) to allow for the development of major business groupings and regional-size shopping center to serve populations ranging from neighborhoods to major segments of the total metropolitan area. It is also recommended for Office Commercial uses by the Comprehensive Plan to promote low-intensity land uses characterized by provision of small-scale services (i.e. office buildings or medical clinics) with pedestrian connectivity.
- The findings of fact provided by the applicant indicate that this design would optimize safety and efficiency while providing shelter for outdoor team members, and that the dramatic expansion in the number of stacking spaces would be to minimize vehicles queuing beyond their property lines at peak hours.
- Staff has several concerns about the proposed layout. The expansion of drive-thru lanes on each side of the building would create both maneuverability issues for motorists restricted to one narrow lane of passage if not utilizing the drive-through and pedestrians who would be required to cross over two lanes of vehicle traffic just to access the restaurant on all sides. The lack of any bypass area for the long stacking areas could create additional hardship for customers that experience vehicular or personal emergencies that would require them to quickly leave the drive-through. Additional navigation issues may result from the drive lane exits being at roughly the same point where the stacking spaces begin at the northeastern portion of the property. If approved, the



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drive-through would fully dominate the subject site in a clear case of overdevelopment relative to the property’s size and comprehensive plan recommendation (Office Commercial).

- Staff also notes that most nearby eating establishments either lack drive-throughs entirely (businesses to the west and east) or don’t have stacking spaces within their front yards per current ordinance rules (four of five fast food restaurants to the south on the other side of 86th Street). The findings submitted by the petitioner indicate that their peculiar need arises from high demand for drive-through services, but this is not a site-specific difficulty, and vehicle congestion could potentially be lessened by alternate site design that less prominently features stacking spaces.
- In summation, staff feels that the proposed layout partially existing without required permits has little alignment with the ordinance and Plan goals of pedestrian-friendly commercial front yards not dominated by drive-throughs (generally limited to being an *accessory* use). Legalizing the expansion of drive lanes done in the absence of permits would also erode both the permit process and the ordinance. Staff recommends denial of the expanded drive-through that intensifies both front yards and lacks adequate screening and bypass.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	C-4 North: Commercial
	South:	C-4 South: Commercial
	East:	C-4 East: Commercial
	West:	C-4 West: Commercial
Thoroughfare Plan		
86 th Street	Primary Arterial	105-foot existing right-of-way and 112-foot proposed right-of-way
Purdue Road	Local Street	90-foot existing right-of-way and 112-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/10/2024	
Site Plan (Amended)	N/A	
Elevations	06/10/2024	
Elevations (Amended)	N/A	
Landscape Plan	06/10/2024	
Findings of Fact	06/10/2024	



**Findings of Fact
(Amended)**

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site for the Office Commercial working typology to provide for single and multi-tenant office buildings and land uses such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons. Small-scale service uses should provide pedestrian access and limit outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

71-Z-223, rezoning of 106.932 acres of land being C-2 and C-4 districts to a C-4 classification to conform zoning boundaries to platted lot lines, **approved**.

ZONING HISTORY – VICINITY

2003DV2012 ; 8599 Michigan Road (southwest of site), variance of development standards of the Sign Regulations to provide for two 26.58 foot tall, 106.68 square foot pole signs, one with a 2.75 foot setback along Michigan Road (minimum 15-foot setback from the existing right-of-way required) in the clear sight triangle (not permitted), and another with a two-foot setback from the existing right-of-way of 86th Street (minimum 15-foot setback from the existing right-of-way required) within the required clear sight triangle (not permitted), **approved**.

93-HOV-90 ; 3345 W 86th Street (south of site), variance of development standards of the Commercial Zoning Ordinance to provide for the development of an automobile wash facility with a 6 foot landscape strip along West 86th Street (minimum 10 feet required), **approved**.

89-HOV-61 ; 3517 W 86th Street (west of site), variance of development standards of the Sign Regulations to provide for the erection of a roof sign within an integrated commercial center, **approved**.

89-UV2-131 ; 3221 W 86th Street (southeast of site), variance of use and development standards of the Commercial Zoning Ordinance to permit the construction of a Wal-Mart with 7,670 square feet of outdoor display of merchandise (200 square feet permitted) and two loading docks (3 loading docks required), **approved**.

EXHIBITS

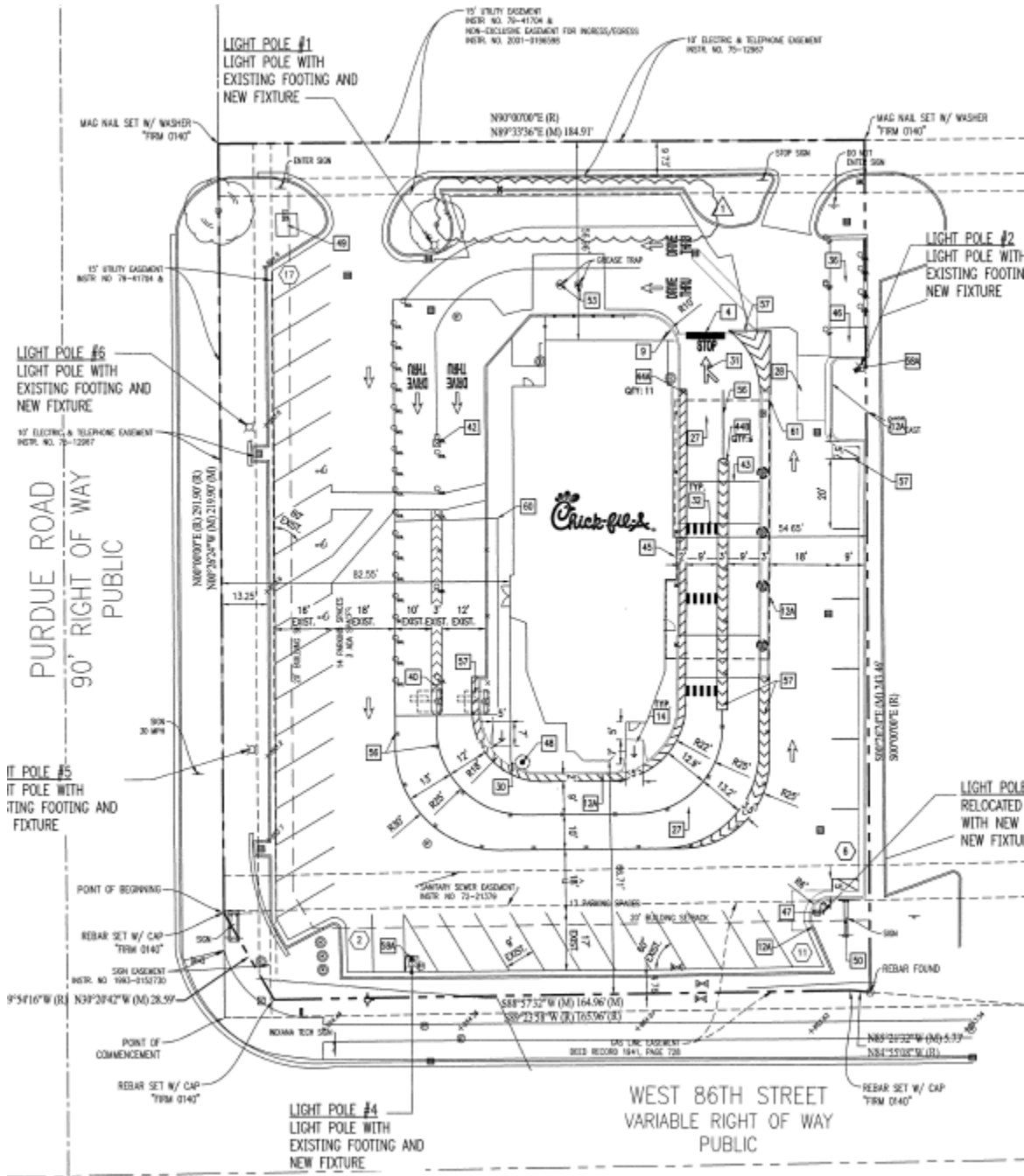
2024DV2026 ; Aerial Map





Department of Metropolitan Development
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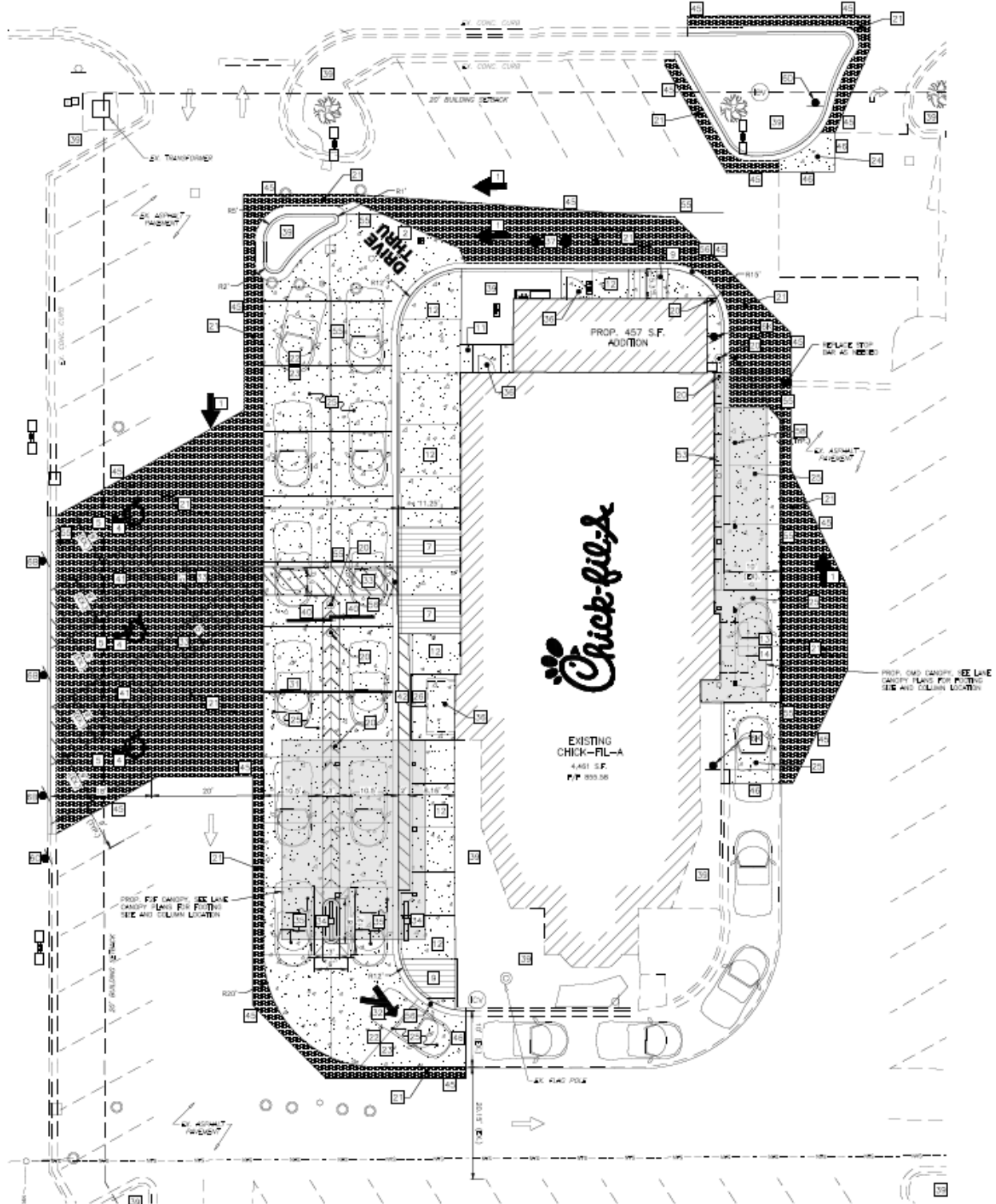
2024DV2026 ; Site Plan



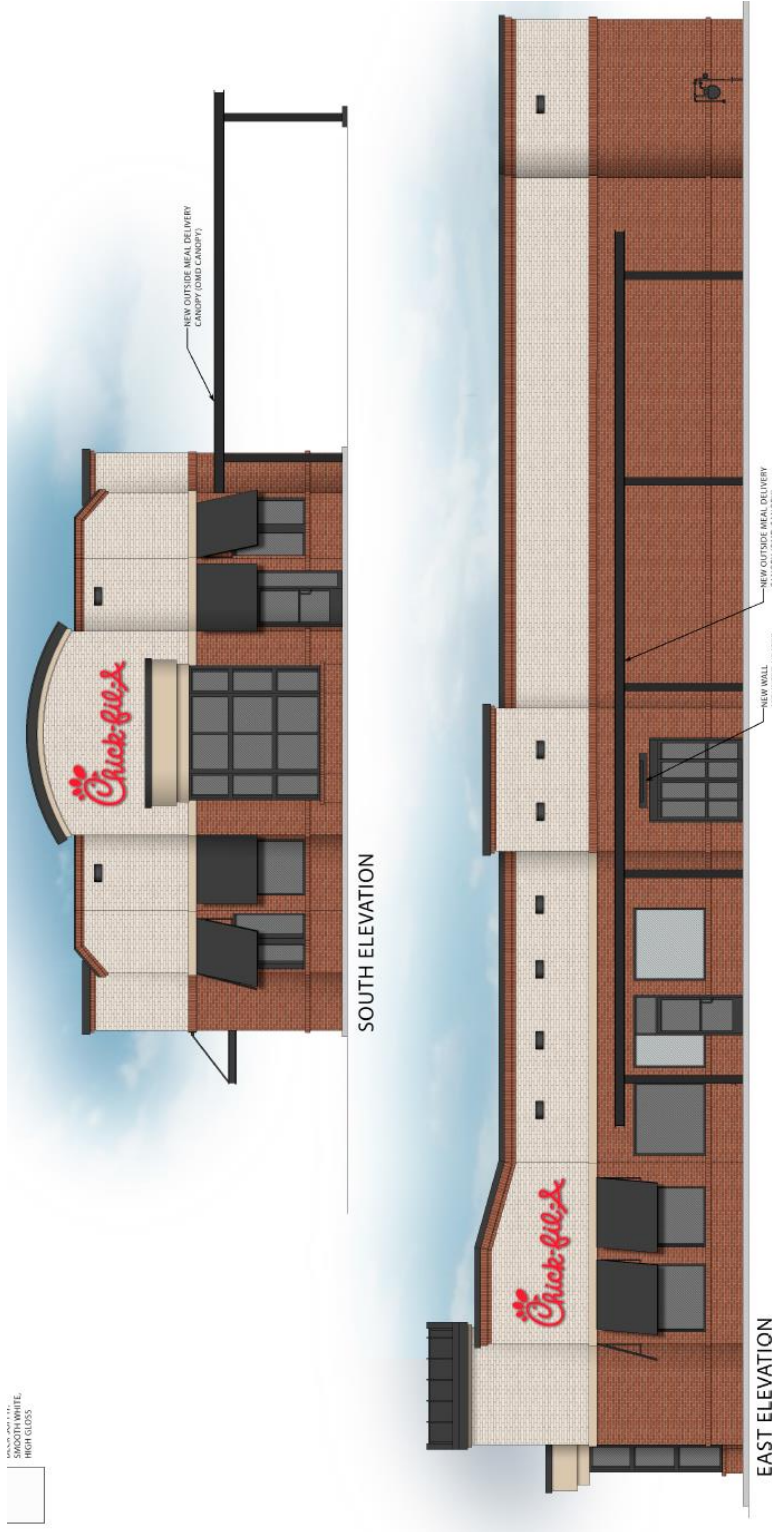


Department of Metropolitan Development
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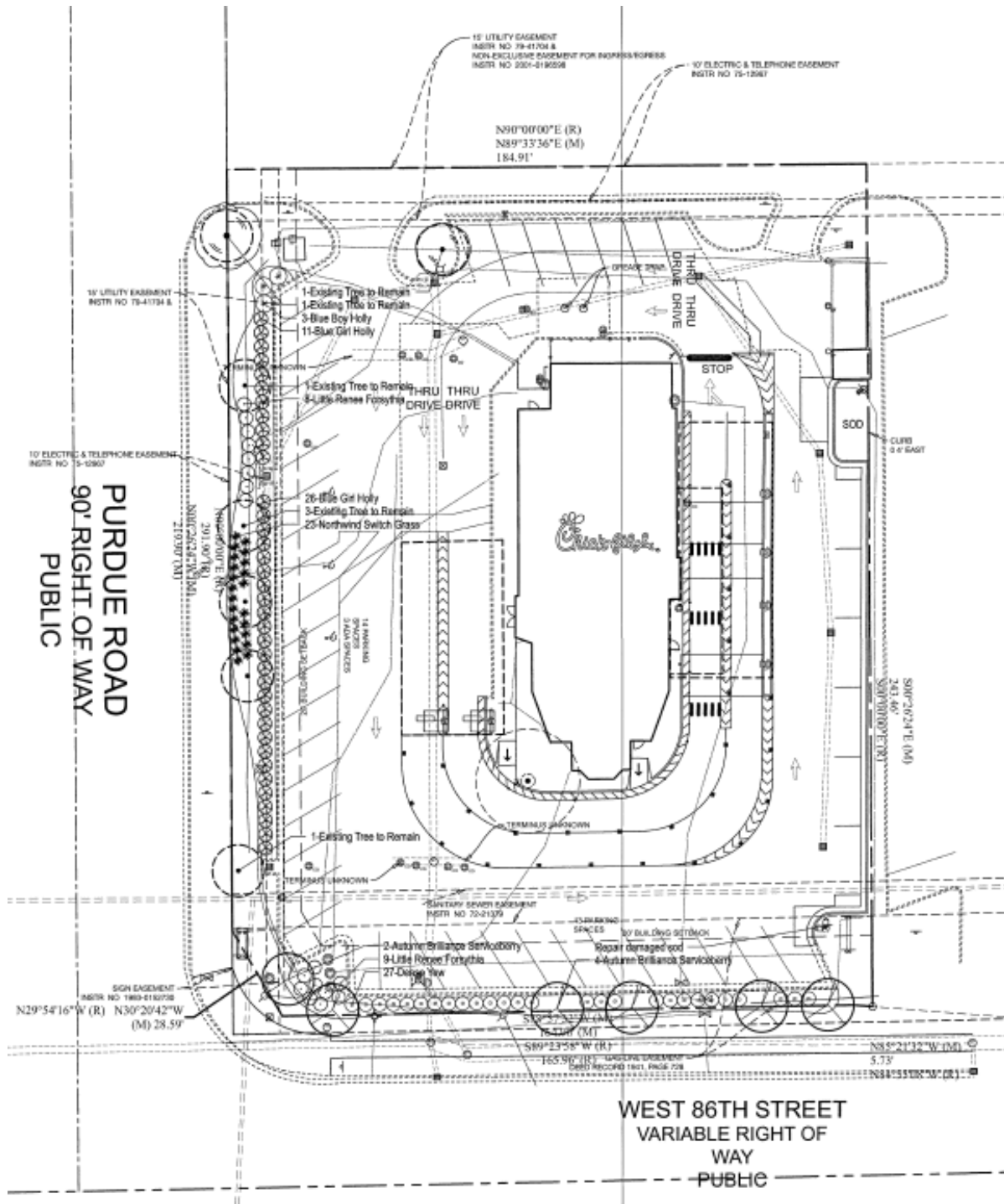
2024DV2026 ; Site Plan (ILP18-03095)



2024DV2026 ; Elevations



2024DV2026 ; Landscape Plan





2024DV2026 ; Findings of Fact

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

The intent of the improvements is solely to aid in the day-to-day operations of Chick-fil-A, specifically to increase on site stacking, thus decreasing stacking on adjacent public roadways during peak hours, allowing for better flow of traffic on-site by relocating the drive-thru queuing lanes out of the way of the right-of-way.

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 new layout seeks to increase onsite stacking in the drive-thru lanes and therefore reduce any offsite backup and therefore reduce any offsite backup and is not affecting adjoining properties.

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

Every effort has been made by Chick-fil-A's design team to reduce variations from code requirements. Many iterations of this conceptual plan have been reviewed internally prior to landing on the current plan, which Chick-fil-A believes is the best layout for this specific location. In addition, other drive-thru restaurants typically do not have team members outside in the elements. The proposed canopies will help to keep the team members protected from the sun and rain while still being able to take multiple orders at a time. A drive-thru door will also be installed as part of this new building in lieu of a drive thru window allowing team members to also deliver meals to multiple cars at a time. The proposed modifications in combination with Chick-fil-A's approach to operations will aid in serving customers quickly, safely and efficiently.

2024DV2026 ; Photographs



Photo 1: Subject Property Viewed from West



Photo 2: Subject Property Viewed from North

2024DV2026 ; Photographs (continued)



Photo 3: Subject Property Viewed from East



Photo 4: Subject Property Viewed from South

2024DV2026 ; Photographs (continued)



Photo 5: Drive-Through Entrance Viewed from East



Photo 6: Existing Western Canopy + Drive-Through Lanes Viewed from North

2024DV2026 ; Photographs (continued)



Photo 7: Southern Drive-Through Lanes Viewed from West



Photo 8: Eastern Drive-Through Lanes Viewed from South

2024DV2026 ; Photographs (continued)



Photo 9: Adjacent Property to West



Photo 10: Adjacent Property to North

2024DV2026 ; Photographs (continued)



Photo 11: Adjacent Property to East



Photo 12: Adjacent Property to South



BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number: 2024-UV2-011 (Amended)

Property Address: 1237 Evison Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Rachel & Cory Alban, by Justin Kingen

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 875-square-foot secondary dwelling unit (720 square feet permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends denial for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 10, 2024 BZA DIVISION II HEARING

- This petition was continued to the August 13, 2024 BZA Division II hearing and then continued again to the September 10, 2024 BZA Division II hearing to allow for revisions to the request.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the location of an 875-square-foot secondary dwelling unit (720 square feet permitted).
- This petition was originally filed as a variance of use due to the proposed square footage being over 900 square feet, constituting the addition of a second primary residence. The proposal was revised to call for the square footage of the detached residential unit to be 875 square feet which Staff categorizes as a secondary dwelling unit. Therefore, this petition is now considered a variance of development standards and the use variance is no longer necessary.
- The requirement limiting secondary dwelling units to 720 square feet is in placement to maintain orderly development, to limit the chances of overdevelopment, and to maintain a clear primary use and structure on site. The Findings of Fact state the detached garage was built prior to the 720 square foot maximum Ordinance standard was put into place. However, Staff does not see this fact as



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

prohibiting the petitioner from building a secondary dwelling unit inside that structure that is less than 720 square feet. Staff believes that an Ordinance-compliant secondary dwelling unit is possible with the existing structure and, likewise, believes that future development should adhere to the modern standards for secondary dwelling units. Therefore, Staff recommends denial of this variance request, and encourages the petitioner to revise the proposal to allow for a properly-sized unit.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	North: Single-family residential
	South: PK-1	South: Parks and Recreation
	East: D-5	East: Single-family residential
	West: D-5	West: Single-family residential
Thoroughfare Plan		
Evison Street	Local Street	60 feet of right-of-way existing and 48 feet proposed
Orange Street	Primary Collector	60 feet of right-of-way existing and 56 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/7/24	
Site Plan (Amended)	6/25/24	
Elevations	6/7/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/7/24	
Findings of Fact (Amended)	8/8/24	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan



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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Don't overshadow primary buildings
 - Consider options when adding space, especially secondary dwelling units
 - Where secondary dwelling units are allowed, the Zoning Ordinance establishes a maximum square footage. If additional space is needed, another form of building, such as a duplex or triplex, might be more appropriate. An addition to an existing house may also be appropriate.
- This proposal exceeds the maximum square footage permitted.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2020DV1030; 1238 Evison Street (west of site), variance to legally establish driveway access to Orange Street, **denied**.

2020DV1080; 1238 Evison Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with a 1.9-foot setback from the right-of-way of Orange Street, a drive-way turnaround encroaching 7.5 feet into the front yard of Evison Street, and a fence within the clear sight triangle of the abutting streets (minimum two-foot side setback required for minor residential features, maximum six-foot encroachment into the front yard permitted for minor residential features, structures not permitted within the clear sight triangle), **approved**.

2020DV2005; 1321 Spruce Street (west of site), variance to provide for an addition to a single-family dwelling, with three feet between dwellings, a five-foot front setback and 50 percent open space, **approved**.

2018DV1005; 1513 Orange Street (west of site), variance to provide for a single-family dwelling, with an eight foot front setback and with nine feet between primary structures, with a 1,110-square foot secondary dwelling and 52 percent open space, **denied**.

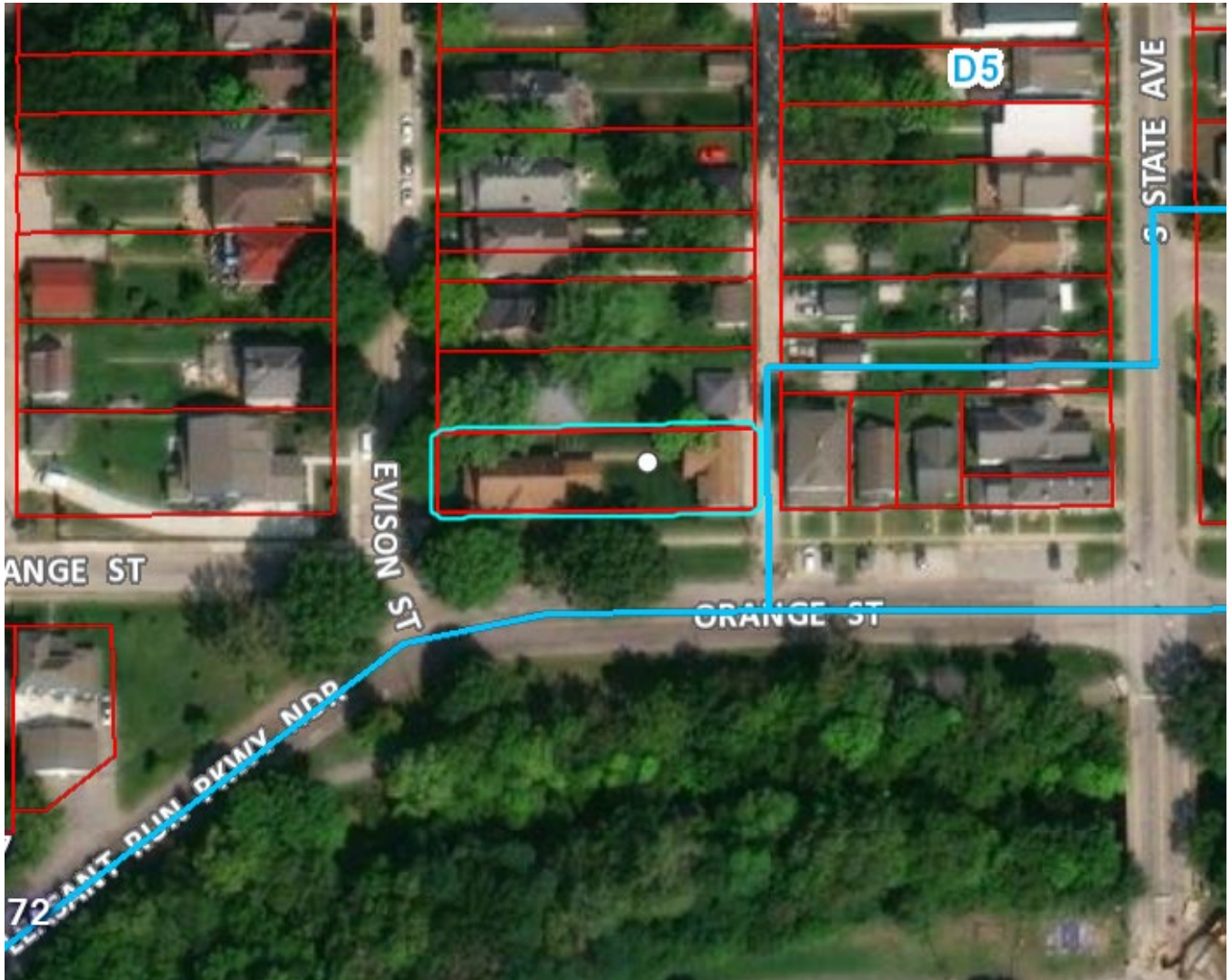
2016DV1019; 1305 Spruce Street (west of site), variance to provide for three single-family dwellings, with four foot front setbacks, two-foot side setbacks and three feet between buildings, and with 50 percent open space, **approved**.

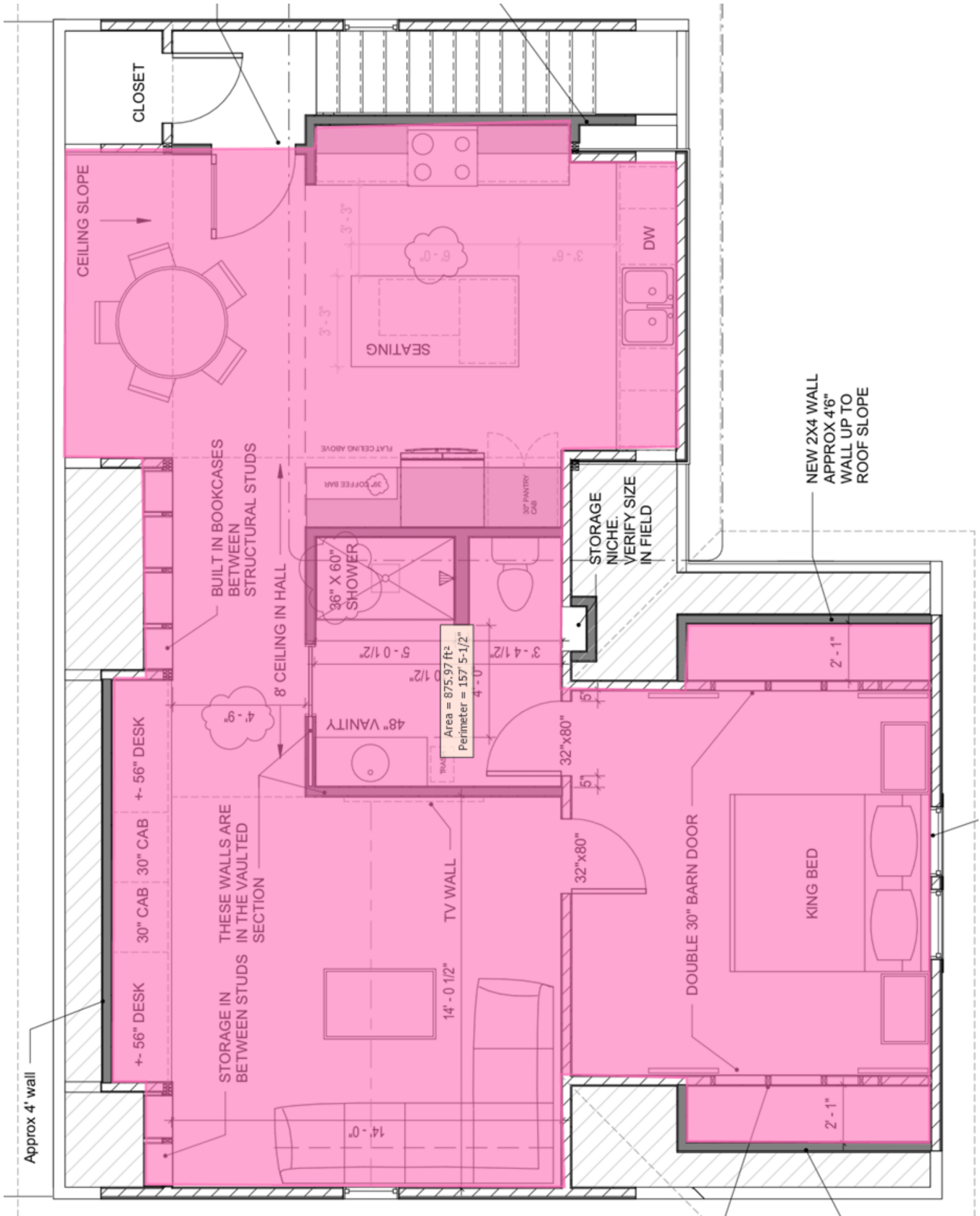
2009DV3046; 1225 S State Avenue (east of site), Variance of Development Standards of the Sign Regulations to provide for two ground signs, more specifically described as follows: a) a four-foot tall, 32-square foot sign along the State Avenue frontage, having a two-foot front setback (minimum 15-foot setback required) and, b) a four-foot tall, 32-square foot sign along the Orange Street frontage, having a two-foot front setback (minimum 15-foot setback required), **approved**.

96-UV3-10; 1218 S State Avenue (east of site), variance of use for 3 residential units in D-5 without off-street parking, **approved**.

96-UV2-8; 1238 S State Avenue (east of site), variance of use for 5 residential units without off-street parking, **approved**.

EXHIBITS





Alban 1237 Evison

1 Backyard Elevation EXISTING
 3/16" = 1'-0"

2 Backyard Elevation PROPOSED 1
 3/16" = 1'-0"

NEW 32"X80" DOOR, MATCH EXISTING

FRAME NEW FLOOR, MATCH EXISTING FLOOR AND BRACKETS

UNCOVER EXISTING FRAMED DOOR OPENING

EXISTING 2-2X12 HEADER TO REMAIN

DEMO EXISTING WINDOWS AND TRIM

REPLACE EXISTING 24"X48" WINDOWS WITH 30"X48" CASEMENTS, MINIMUM 1 OPERABLE FOR SECOND FLOOR EGRESS.

2-2X10 HEADER OVER NEW WINDOW OPENING, 56" SPAN

GREEN SQUARE DESIGN CONSTRUCT

A201

Date 3.27.24

Alban 1237 Evison
 Carriage House Interior Build Out
 1237 Evison



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

This variance of development standards will allow the current 2nd story of existing detached garage to be finished out in order to be used as a secondary dwelling unit. Outside of an additional window and door, no other exterior alterations will be made to the detached garage, thus granting the variance will not be injurious to the public.

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

The use and value of the area will not be affected, due to the fact that virtually all of the modifications made to the property, should this variance be granted will be done on the interior of the existing structure.

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

This 2-story, detached garage was built prior to the ordinance standard that permitted a maximum square footage of 720 square feet for a secondary dwelling unit.

DECISION

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

Adopted this _____ day of _____, 20 ____













BOARD OF ZONING APPEALS DIVISION II **September 10, 2024**

Case Number: 2024-UV2-013

Property Address: 5455 W 56th Street (approximate address)

Location: Pike Township, Council District #6

Petitioner: Metropolitan School District of Pike Township, by Joseph D. Calderon

Current Zoning: SU-2 / SU-38

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display within 70 feet of a protected district (digital display not permitted within zoning, 600' digital display separation required).

Current Land Use: Special Use (School)

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed in advance of the August 13th, 2024 hearing date and this petition was subsequently continued to today’s hearing (September 10th).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site currently houses Snacks Crossing Elementary School and is surrounded by residential and religious uses to the north, west and east. The property to the south is zoned SU-38 for use as a YMCA facility. The 56th Street frontage contains a second monument sign that is about 870 feet away from the subject sign at the corner of 56th and Moller.
- The variance petition 2014DV3059 was approved in 2014 to allow for the currently existing sign with a height of 7.33 feet and proximity of 70 feet to a dwelling district (600 feet typically required for the sign type). Although approval of that variance was conditioned upon elevations submitted at that time, refacing of the existing sign area would not constitute a change in the sign elevation.



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- Grant of this variance would allow for placement of a EVMS digital message board onto the existing sign. This is both disallowed within SU-2 zoning and disallowed within 600 feet of protected districts (the sign is around 70 feet from residences to the north).
- The property is primarily zoned SU-2 which is a special use designation for schools and educational uses (a small portion of the site is zoned SU-38 to the south). The Comprehensive Plan also recommends it to the Village Mixed Use typology for neighborhood gathering places with a wide range of small businesses, housing types and public facilities.
- The documentation submitted by the applicant indicates that the sign would have adequate separation from protected districts and facilities such as schools have a variety of events which would require flexibility in advertising. Staff disagrees that adequate buffering is provided given that the sign is 8 times as close to a protected district as the minimum separation required by ordinance without any indication of added screening, and there are various alternate methods by which events could be advertised (online, through the existing changeable copy sign, etc.).
- The zoning ordinance establishes wide buffers from residential areas as a requirement for placement of digital signage to reduce light pollution and reduce the risk of their brightness, scrolling displays, and potential usage during nighttime hours being a distraction for motorists (the risk is compounded for this given its proximity to an intersection). Additionally, SU-2 zoning is designed for a lower level of intensity for integration into neighborhood contexts and disallows digital displays entirely. The most recent amendments made to the city’s sign regulations in 2018 included public feedback sessions, during digital sign proximity to residential areas was a frequently cited concern. Given these concerns as well as a lack of site-specific practical difficulty necessitating placement of the sign, staff would recommend denial of the variance.

GENERAL INFORMATION

Existing Zoning	SU-2 / SU-38	
Existing Land Use	Special Use (school)	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-A/D-4	North: Residential
South:	SU-38	South: Community Center
East:	SU-1/D-A	East: Church/Residential
West:	D-2/SU-1	West: Residential/Church
Thoroughfare Plan		
56 th Street	Primary Arterial	115-foot right-of-way existing and 102-foot right of-way proposed
Moller Road	Local Street	95-foot right-of-way existing and 50-foot right of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	



Overlay	No
Wellfield Protection Area	No
Site Plan	06/04/2024
Site Plan (Amended)	N/A
Elevations	07/22/2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	06/04/2024
Findings of Fact (Amended)	Requested but not received by time of publication

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places with a wide range of small businesses, housing types and public facilities. Pedestrian-scale amenities should contribute to a walkable environment, and schools are contemplated land use types. The Plan offers no specific guidance for signage.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2014DV3059, Variance of development standards of the Sign Regulations to provide for a 7.33-foot tall, 52-square foot freestanding sign within approximately 70 feet of the nearest dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

97-Z-210, rezoning of 41.8 acres to the SU-2 classification, **approved**.

ZONING HISTORY – VICINITY

2020ZON047 ; 5429 Lafayette Road (southwest of site), Rezoning of 5.43 acres from the D-A and D-2 districts to the SU-1 district to provide for religious uses, **approved**.

2013ZON025 ; 5355 Lafayette Road (southwest of site), Rezoning of 1.33 acres, from the SU-9 District, to the SU-1 classification to provide for religious uses, **approved**.

2010SE2002 ; 5429 Lafayette Road (southwest of site), Special Exception and variance of development standards of the Dwelling Districts Zoning Ordinance to provide for religious uses, including a 23.417-foot tall, 5,500-square foot sanctuary, and an off-street parking lot (religious uses permitted by special exception), (a) with a parking lot with a four-foot setback from the proposed right-of-way of Lafayette Road (40-foot setback from the proposed right-of-way required) and (b) with a 4.2-foot tall freestanding sign (maximum four-foot tall sign permitted), with a fifteen-foot setback from the existing right-of-way of Lafayette Road, **approved**.

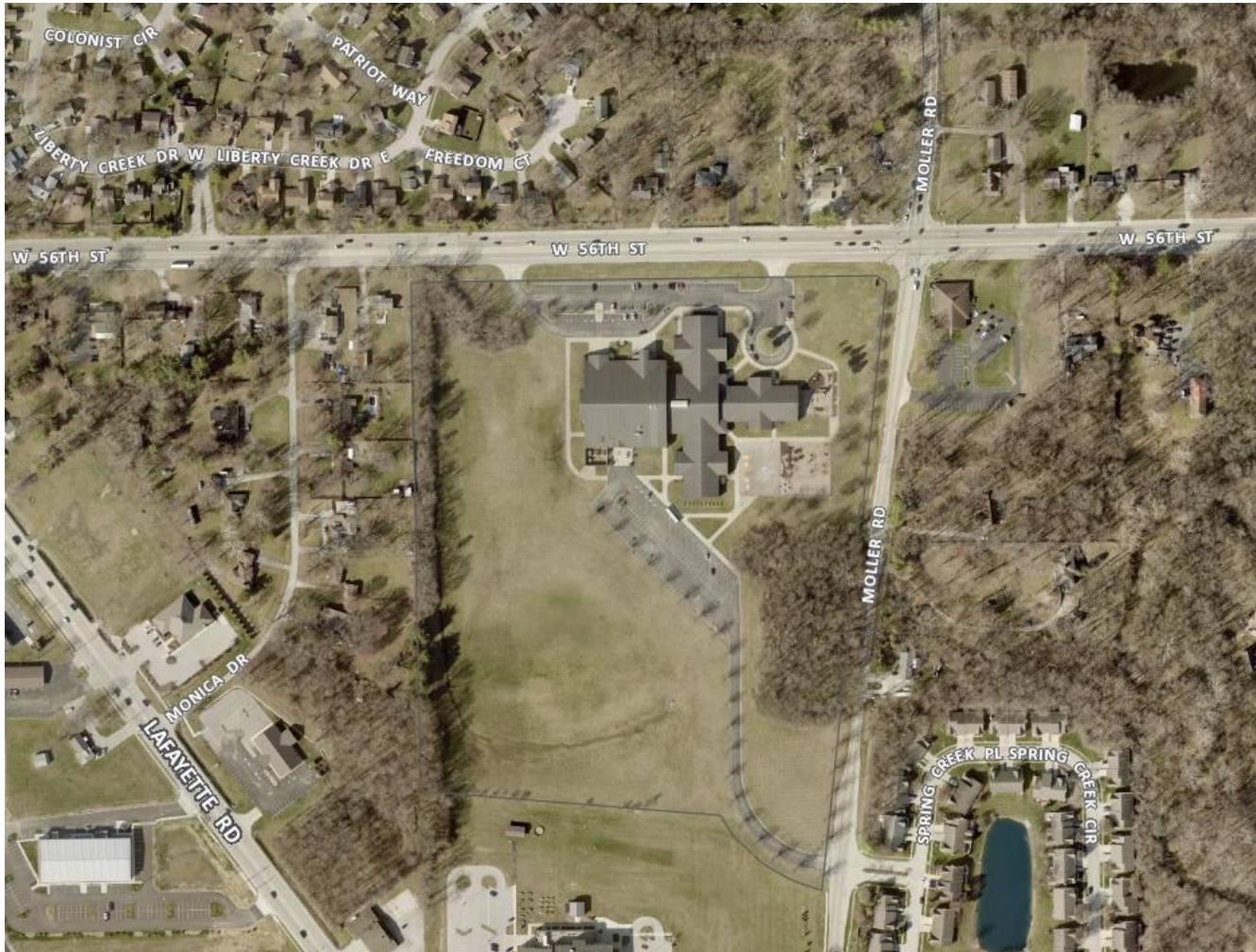
2009ZON808 ; 5315 Lafayette Road (south of site), rezoning of 14.392 acres to the SU-38 classification to provide for a YMCA facility, **approved**.

2009VAR808 ; 5315 Lafayette Road (south of site), variance of development standards of the sign regulations to provide for (a) a 25-foot tall, 160-square foot pole sign, with a 37.5-square foot electronic variable message sign (EVMS) component, located approximately 110 feet from a dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district; EVMS components not permitted in the SU-38 district; EVMS components not permitted within 600 feet of a protected district), and (b) a six-foot tall, 32 square foot pylon sign, located 40 feet from a dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

85-UV1-119 ; 5412 W 56th Street (north of site), variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for a dentist's office in a single-family residence, **approved**.

EXHIBITS

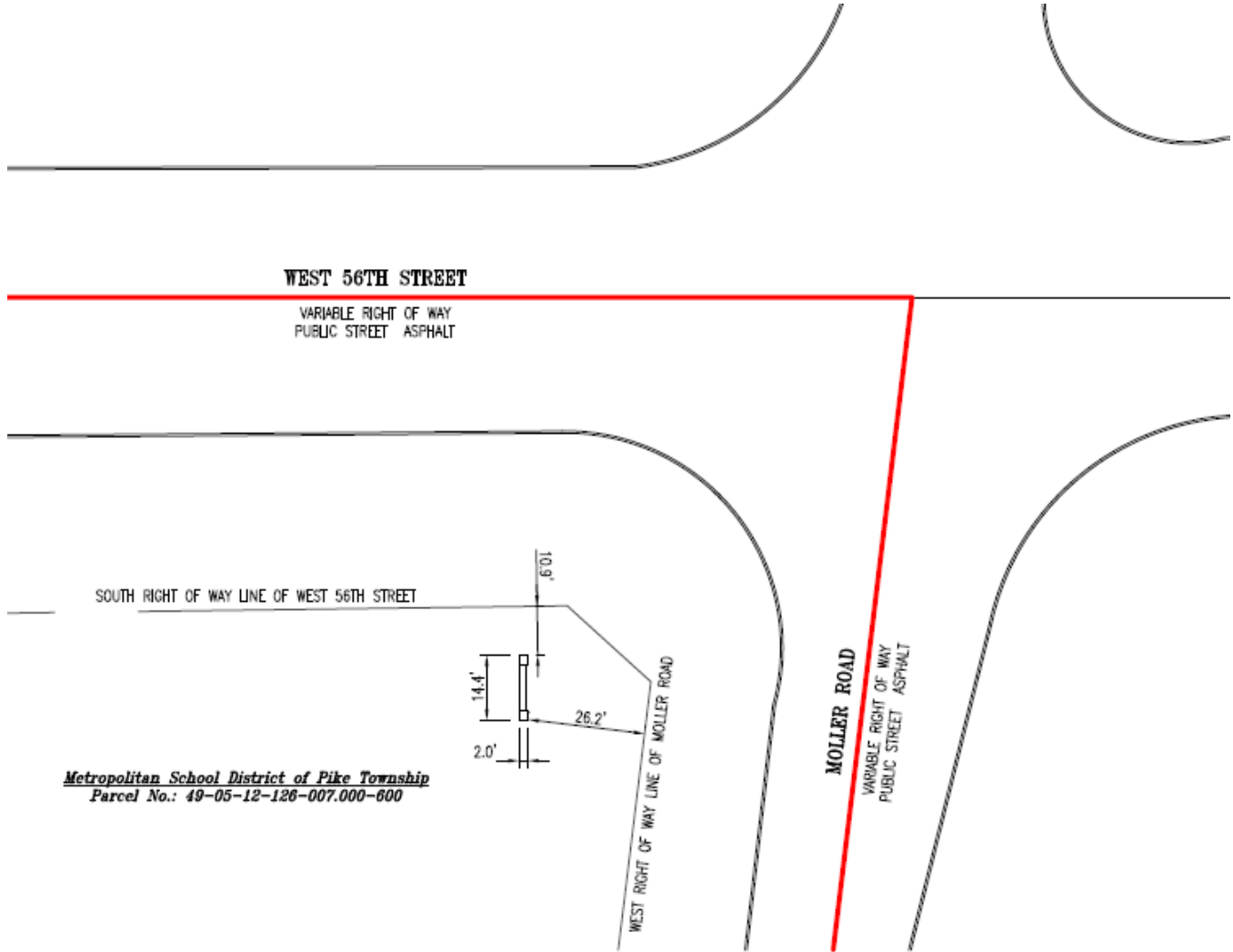
2024UV2013 ; Aerial Map





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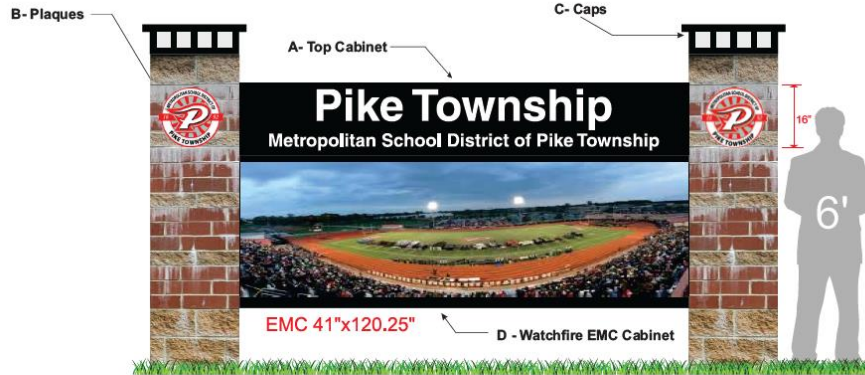
2024UV2013 ; Site Plan (NE Corner of Site)



Metropolitan School District of Pike Township
Parcel No.: 49-05-12-126-007.000-600



2024UV2013 ; Elevation



- A** Top Sign Cabinet:
 Double Sided
 Cabinet: 2" x 2" Aluminum Tube Frame
 200 Aluminum sets in
 red/white finished Satin Black
 Face: Roped Aluminum finished Satin Black finished with
 illuminated translucent White Polycarbonate
 Lighting: White LED
 Mounting: Install sign between existing brick columns
 NOTE:
 Electrical to be provide to base
 of pole. Mount sign will connect
 to junction box at base of pole.
- B** MSDPT Plaques Mounted
 Material: 1/8" Thick Acrylic
 First Surface Graphics
 Mounting: to brick columns with
- C** Caps to Brick Columns Illuminated
 Material: Aluminum Tubing
 Polycarbonate Lens
 Light: White LED
 Mounting: to top of brick columns
- D** 10 MM Watchfire EMC
 Permitted specifications
 Commercial/Industrial Cellular
 Mounting: between existing
 brick columns. Electrical to
 be provided by customer at
 base of sign. Mount Sign
 make connection and register
 the display with watchfire

2024UV2013 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
 the sign will be operated responsibly in accordance with commitments so as to not create any nuisance effects. Additionally, the proposed sign will allow the school district to display messages in a timely manner to the community, which will benefit the public health, safety and general welfare.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
 the sign will have adequate separation from adjoining properties, and will be operated in accordance with commitments which will protect the use and value of adjoining properties.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
 the subject property is large and is home to many different activities related to school use, and the permitted sign types are not adequate to convey messages appropriate for such a large property.

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 limitations on digital display signs for school districts impose an undue burden in terms of being able to timely communicate important information to students, parents, and the community, especially considering the number of activities taking place on a school campus, as well as the size of the campus.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
 the proposed variance will allow a sign to more effectively convey messages related to school / school district activities, which supports school use contemplated or supported by the comprehensive plan.

2024UV2013 ; Photographs



Photo 1: Existing Sign Viewed from Southwest



Photo 2: Existing Sign Viewed from Southeast

2024UV2013 ; Photographs (continued)



Photo 3: Adjacent Property to the East



Photo 4: Adjacent Property to the North



2024UV2013 ; Photographs (continued)



Photo 5: Adjacent Property to the Northeast



Photo 6: Second Monument Sign Along Frontage (~875' to West)



BOARD OF ZONING APPEALS DIVISION II

September 10th, 2024

Case Number:	2024-DV2-031
Property Address:	2701 N College Ave
Location:	Center Township, Council District 8
Petitioner:	JBCC Holdings LLC, By David Gilman
Current Zoning:	MU-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a surface parking lot with four spaces (11 required) and a zero-foot front yard setback from 27th Street (50-foot setback, location behind building required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends denial of this variance request.)
Staff Reviewer:	Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of this variance request.

PETITION OVERVIEW

- This petition requests a variance to allow a property to have less than the required off-street parking spaces and replace them with on-street parking in a Mixed-Use District.
- The proposed 6260 sqft building is to be converted to have two apartments on the second floor while the first floor will have two office space totaling in 1,550 sqft of leasable area each. Currently the one known business that has planned to move into this building is to focus on insurance while the other space is expected to be a similar business office use.
- The site plan includes three parking spaces onsite (one being an ADA parking location), with four off-street parking spaces parallel to the site along East 27th Street, and two along North College Avenue.
- East 27th street is a local street that already provides parking for the apartment building directly south of 2701 N College. While North College Avenue is a busy five lane street that provides parking for residential buildings both north and south of 2701 N College.



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

- With this information in mind, staff recommends denial of this petition, the site does not have the space to provide the necessary parking and putting the spaces on the two surrounding street will cause issues for already established residential areas.
- Specifically, Staff is concerned about the feasible maneuverability of the proposed on-site surface lot and the proximity to a residential structure directly east of the site. While Staff acknowledges that this residential use is within the C-3 District, if the abutting site were zoned appropriately, a 15-foot landscaped transitional yard would be required.

GENERAL INFORMATION

Existing Zoning	MU-2
Existing Land Use	Commercial
Comprehensive Plan	Village Mixed-Use
Surrounding Context	Zoning
North:	C-3
South:	C-1
East:	C-3
West:	D-8
	Surrounding Context
	North: Two-Family Dwelling
	South: Multi-Family Residential
	East: Two-Family Dwelling
	West: Exempt/Religious Uses
Thoroughfare Plan	
College Ave	Primary Arterial
27 th Street	Local Street
	62 foot right-of-way existing and 78 foot right-of-way proposed
	41 foot right-of-way existing and 48 foot right of way proposed
Context Area	Compact
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	Yes
Site Plan	08/11/2024
Site Plan (Amended)	08/21/2024
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	08/11/2024
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan

- City of Indianapolis Consolidated Zoning / Subdivision Ordinance



Department of Metropolitan Development
Division of Planning
Current Planning

- Red Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- According to the Consolidated Zoning Plan personal or commercial services including consumer services or repair of consumer goods, hair and body care salon or service, financial and insurance services (banks and check cashing or validation services), laundromats, printing services and tattoo parlors need to have a minimum off-street vehicle parking space count of five spaces or one per 350 sqft, whichever is greater (pg 515).
- As required by the Consolidated Zoning Plan off street ADA parking spaces shall be provided, in the case of a location with 0-25 parking spaces the location will need to have at minimum of one ADA reserved space (pg 518)
- Setback requirements in the Consolidated Zoning plan for a MU-2 zoning, includes: (pg 477)
 - Front Yard Setback
 - 5ft-20ft
 - Front Transitional Yard
 - 20 ft
 - Side Transitional Yard/Abutting Alley
 - 15/10ft
 - Rear Transitional Yard/Abutting Alley
 - 15/10ft

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The study area for the Red Line corridor centered around the Central Business District, Meridian and College Avenue corridor, Shelby Street corridor and the Marion County/Johnson County line. The study assessed land use and market characteristics of the region and the proposed corridors in relation to each other using methodology based on research and approaches developed by the Center for Transit Oriented Development (CTOD) (pg 5).
- According to the Red Line plan north of downtown Indianapolis, the strongest stations were located along the College Avenue corridor. Stations in the CBD had the strongest market strength scores while station at Virginia and New Jersey and Meridian and 34th and 28th Street had high TOD readiness scores (pg. 6).

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

- Indy Moves plans state that it is needed to adjust parking regulations and management of vehicle storage. The parking requirements incorporated in zoning codes are one of the most important determinants of which buildings get built, how they get built, and the transportation choices of those who inhabit them. Zoning ordinances dictate how many parking spaces a certain type of development must have, thereby inducing travel demand (by making it easier to drive) or reducing travel demand (by making it more difficult and encouraging walking, biking, and transit use as alternatives). Zoning codes can also encourage development patterns that are compact and walkable or spread out and difficult to connect without a car. Indy's recent zoning code update re-evaluated parking requirements and introduced parking maximums in some places, and the City should continue to consider further changes to avoid over parking in an era in which parking demand could drop dramatically (pg .



ZONING HISTORY

ZONING HISTORY – SITE

- 2023-ZON-092
 - Rezoning of 0.15 acre from the C-3 district to the MU-2 district to provide for mixed-use development. **Approved.**

ZONING HISTORY – SURROUNDING

- 2017-CZN-840: 717 E 27th St (Southeast of Site)
 - Rezoning of 0.06 acre from the C-1 district to the D-8 classification. **Scheduled for CCC.**
- 2019-ZON-032: 2637 N College Ave (South of Site)
 - Rezoning of 0.32 acre from the C-1 district to the D-8 classification. **Approved.**
- 2019-ZON-100: 725 E 27th St (East of Site)
 - Rezoning of 0.5 acre from the SU-1 district to the D-8 district. **Approved.**
- 2019-CPL-845: 2636 N College Ave (Southwest of Site)
 - Approval of a Subdivision Plat to be known as Re-plat of Lots Six and Seven in Losey's College Avenue Addition, dividing 0.32 acre into seven lots. **Approved.**
- 2019-CVR-845: 2636 N College Ave (Southwest of Site)
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four lots with 48% open space (55% required) and to provide for a three-foot south side setback on Lot Seven for the single-family attached dwelling, attached garage and trash container area (four-foot side setback required). **Approved.**
- 2021-CVR-813: 721 E 27th St (Southeast of Site)
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a building into a two-family dwelling (only originally constructed two-family dwellings permitted) and to legally establish and provide for 3.25-foot, four-foot, 6.5-foot and 10-foot rear setbacks for the two-family dwellings and proposed garages (15-foot rear setbacks required). **Approved.**

EXHIBITS



Exhibit 1: Area map around 2701 N College Ave

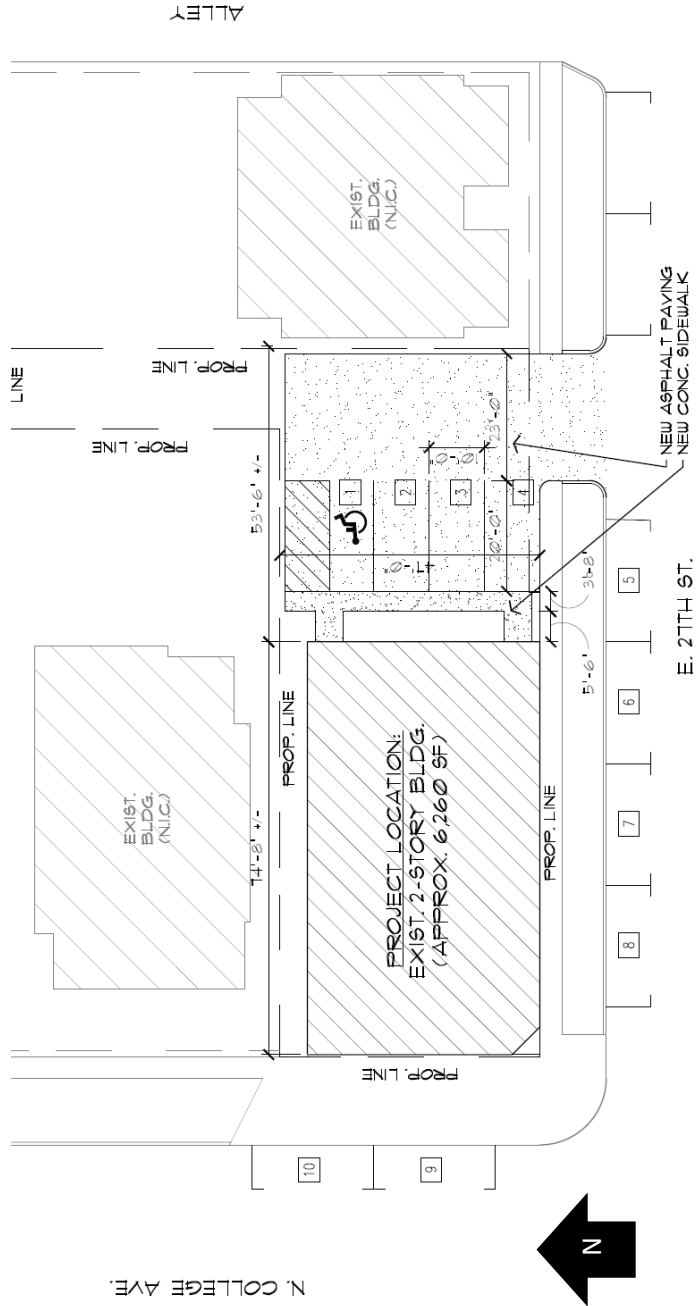


Exhibit 2: Site Plan of 2701 N College Ave



**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 site has available parking along the street as well as off-street parking. The parking spaces will meet the required dimensional standards as required by the ordinance. The existing building is constructed on the property line and the proposed parking lot will be align with the established building setback line

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 adjacent uses utilize both street and off-street parking. Many of the existing buildings are constructed to the sidewalk or property line. The surface parking lot will be aligned with the established front setback line along the same block.

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

The required parking will not allow the amount of available space in the existing building that has historically depended on street parking.
The required front setback for a surface parking lot will significantly reduce or eliminate any opportunity for any off-street parking.

Exhibit 3: Findings of Fact submitted by the petitioner for 2701 N College Ave



Exhibit 4: Front of 2701 N College Ave.



Exhibit 5: Back of 2701 N College Ave, where planned parking lot will be built if approved by the BZA.



Exhibit 6: Back of 2701 N College Ave, where planned parking lot will be built if approved by the BZA looking towards neighboring building.



BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number:	2024-DV2-032
Property Address:	9240 North Meridian Street (approximate address)
Location:	Washington Township, Council District #2
Petitioner:	IN-9240 MERIDIAN LLC, by Joseph D. Calderon
Current Zoning:	C-1
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of three skyline signs on the elevation facing Meridian Street (one skyline sign per elevation permitted).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends denial of this petition
Staff Reviewer:	Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for installation of three skyline signs on the elevation facing Meridian Street (one skyline sign per elevation permitted).
- The proposal calls for replacing one of the three existing skyline signs that face North Meridian Street at this property with a new skyline sign for a future business. The provision limiting the number of skyline signs on a building elevation to one was a recent change to the Ordinance, making the three existing skyline signs on the same elevation as legally non-conforming. Any future changes to these signs would need to conform with the modern Sign Regulations. Therefore, with the petitioner proposing to remove one of the three signs, the proposal for the new signage would be required to conform with the present-day standards.
- The standard in question was put in place to maintain aesthetics and characteristics of the façade, and to promote orderly development and visual quality. Staff believes that the elevation in question would allow for alternate signage options that are below the 26-foot mark that classifies a wall sign



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as a skyline sign. The building elevation contains useable space below the 26-foot mark that, if utilized instead of the proposed location, would not require the requested variance. Staff, therefore, does not find there to be practical difficulty for not being able to meet the standard. Finally, Staff believes that future signage should adhere to the current Sign Regulations set forth by the Ordinance. For these reasons, Staff does recommend denial of the request.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-1	North: Commercial
South:	C-1	South: Commercial
East:	C-1	East: Commercial
West:	D-2	West: Single-family residential
Thoroughfare Plan		
North Meridian Street	Primary Arterial	154 feet of right-of-way existing and 124 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/15/24	
Site Plan (Amended)	N/A	
Elevations	8/15/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/15/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

84-UV1-8, variance of use of the Commercial Zoning Ordinance to provide for the continued operation of a copy and duplication service in an existing office building, **granted, subject to conditions.**

ZONING HISTORY – VICINITY

2015DV3050; 9202 N Meridian Street (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a medical office building, under one of the following four options: a) a two-story, 49,204-square foot medical office building, with 168 parking spaces and deficient interior landscaping (246 parking spaces, with interior landscaping required), b) a three-story, 72,370-square foot medical office building, with 168 parking spaces and deficient interior landscaping (362 parking spaces, with interior landscaping required), c) a two-story, 49,204-square foot medical office building, with 208 parking spaces and deficient interior landscaping (246 parking spaces, with interior landscaping required), and d) a three-story, 72,370-square foot medical office building, with 208 parking spaces and deficient interior landscaping (362 parking spaces, with interior landscaping required), **approved.**

83-UV1-84; 9292 N Meridian Street (south of site), variance of use to establish a retail printing shop in an office building complex, **withdrawn.**

83-V1-65; 9292 N Meridian Street (north of site), variance of the height restriction to allow for the construction of a 100-foot pole to aid in the transmission of signals to Boone County, **approved.**

95-V3-9, 9245 N Meridian Street (east of site), variance of development standards of the Sign Regulations to provide for the placement of three business signs located on the North, South, and West facades on an existing building (the Ordinance for 72-Z-177 included a statement that permitted wall signs on the front or west, building façade only), **granted.**

98-UV2-98; 9245 N Meridian Street (east of site), variance of use of development standards of the Wireless Communications Zoning Ordinance to allow for a 30-foot height extension (not permitted) of a legally establish monopole antenna, **denied.**

2005DV1018; 9201 and 9245 N Meridian Street (east of site), variance of development standards of the Commercial Zoning Ordinance to provide for a 39.5-square foot wall sign on the south façade of an existing office building (petition 72-Z-177 included a statement that permitted wall signs on the front or west, building façade only), **granted, subject to conditions.**

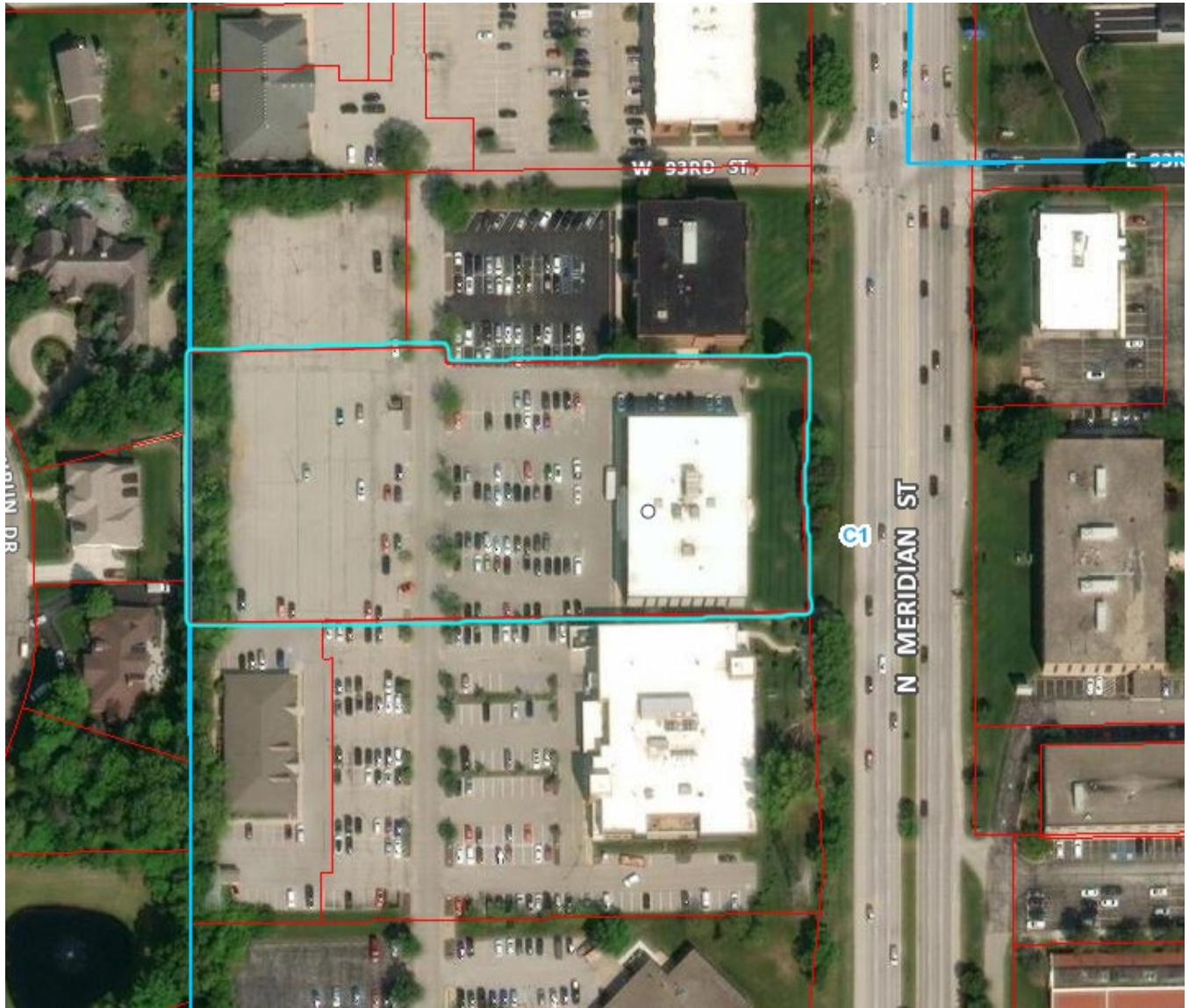
2005UV1002; 9135 N Meridian Street (southeast of site), variance of use of the Commercial Zoning Ordinance to provide for a personal physical training center in a 4012 square foot tenant space of an existing office building (not permitted), **approved.**



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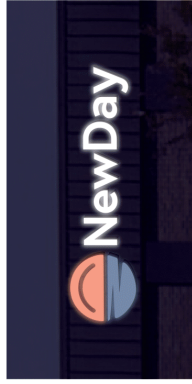
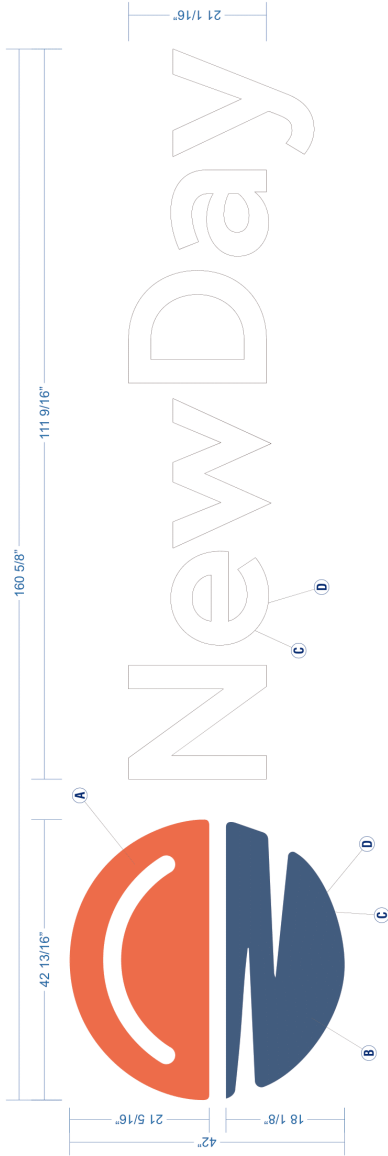
2010DV2034; 9102 N Meridian Street (south of site), variance of development standards of the Sign Regulations to provide for a 16-foot tall, 163 square foot illuminated pylon sign within 550 feet of a protected district (illuminated pylon signs not permitted within 600 feet of a protected district), **granted.**

EXHIBITS



RENDERING #: 1023-0136

NEW DAY CENTER • 9240 N MERIDIAN, INDIANAPOLIS, IN 46260



ILLUMINATED NIGHT VIEW: NOT TO SCALE



PHOTO SCALE: 1-1/16" = 1'-0"



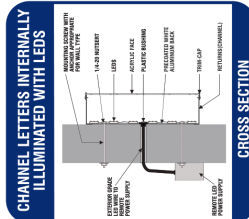
APPROX 46 1/8"

46.85 SQ FT
FABRICATE AND INSTALL QTY 1 SET OF INTERNALLY ILLUMINATED FRONT LIT CHANNEL LETTERS

"NEW DAY"
FACES - 3/16" 7328 WHITE ACRYLIC
TRIM CAPS - 1" TO MATCH SPECS
RETURNS - 3" TO MATCH SPECS
LEDS - WHITE

LOGO
FACES - 3/16" 2447 WHITE ACRYLIC
TRIM CAPS - 1" TO MATCH SPECS
RETURNS - 3" TO MATCH SPECS
BACKS - 3MM DIBOND
LEDS - WHITE

INSTALLATION - MOUNTED FLUSH TO FASCIA



NOTE: THERE WILL BE COLOR VARIATIONS FROM THIS PRINTED DRAWING TO THE FINAL PRODUCT. COLORS SPECIFIED WILL ALWAYS BE MATCHED AS CLOSELY AS POSSIBLE. RENDERING IS BASED ON ESTIMATED DIMENSIONS. A FINAL SURVEY MAY ALTER ILLUSTRATED REPRESENTATION AND PLACEMENT.	DESIGNER: PB	SCF REP: MB	PERMIT INFORMATION: N/A
IF ILLUMINATED: WILL BE WIRED TO 120VOLT UNLESS OTHERWISE SPECIFIED. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.	REVISION DATE:	DATE: 10/24/2023	FINAL DATE & BY: 1/1
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ART SCALE: 3/4" = 1'-0"



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Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the signs will not interfere with any traffic on Meridian Street, and the variance merely allows three (3) signs on an elevation that faces the main traveled way, which has been the case for many years.

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

the proposed signs face Meridian Street, away from residential to the west, and will not interfere with the ability of any other adjoiner building to display signs.

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

the "skyline" provision may work in the urban core where pedestrian/vehicular traffic patters are different, but to limit signs above 26 feet to one per elevation at the Subject Property renders the concept of such signs almost meaningless, since no other elevation faces a main traveled way.

DECISION

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

Adopted this _____ day of _____, 20 ____



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