



Board of Zoning Appeals Division III (August 15, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, August 15, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-DV1-034 | 517 Prospect Street

Center Township, Council District #16, Zoned D-8
K&D Epic Holdings LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit house on a 30-foot wide 2,700 square-foot lot (minimum 35-foot lot width and lot area of 3,500 square feet required), with a zero-foot front yard setback without landscaping and primary entries being on the side façade (minimum 10-foot front yard setback and landscaping required, primary entries required on front façade).

**** Continuance requested**

2. 2023-DV3-022 | 7930 Castleton Road

Lawrence Township, Council District #3, Zoned C-5
Outfront Media LLC, by Alan S. Townsend

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required).

**** Withdrawal to be acknowledged**

3. 2023-UV3-012 | 1735 West Edgewood Avenue

Perry Township, Council District #20, Zoned I-3 (FF)
GND Property Inc., by Pat Rooney

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a truck terminal (prohibited in Floodway Fringe District) and parking area with 53-foot front yard setback from Edgewood Avenue and a six-foot east side yard setback (60-foot front yard setback required, 30-foot side yard setback required) and deficient landscaping.

**** Withdrawal to be acknowledged**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. **2023-SE3-004 | 7930 Castleton Road**

Lawrence Township, Council District #3, Zoned C-5
Outfront Media LLC, by Alan S. Townsend

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-465 and I-69 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required).

5. **2023-DV1-036 | 914 Harlan Street**

Center Township, Council District #17, Zoned D-5
3 Amigos Estate LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to an existing single-family dwelling resulting in a six-foot front setback (minimum 10-foot front setback required) and a three-foot north side yard setback (five-foot side yard setback required) with a sidewalk maintaining a zero-foot side yard setback (sidewalks must be at least two feet from side lot lines).

6. **2023-DV3-025 (Amended) | 6248 Iona Road**

Warren Township, Council District #18, Zoned D-S
Maxwell Fall, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 20-foot tall, 2,592-square foot pole barn being taller than the primary dwelling (not permitted), and within the front yard (accessory structures not permitted within the front yard).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

7. **2023-DV1-033 (Amended) | 337 Sanders Street**

Center Township, Council District #16, Zoned D-5
3 Amigos Estate LLC, by Mark and Kim Crouch

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing single-family dwelling with a nine-foot front yard setback, a zero-foot west side yard setback, and a three-foot eastern side yard setback (minimum 10-foot front yard setback and five-foot side yard setbacks required).

8. **2023-UV1-016 | 2909 South Meridian Street**

Center Township, Council District #16, Zoned C-4
Mars Realty Trust LLC, by Joshua Pierson

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile sales facility, including outdoor operations, for up to 40 vehicles (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. **2023-DV3-019 | 2059 North Pasadena Street**

Warren Township, Council District #19, Zoned D-4
Gregory Gordon and Kyle Stewart, by Matthew Lyles

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,200 square foot pole barn, being larger than and in front of the primary dwelling (not permitted) with a seven-foot front yard setback from Pasadena Street (20-foot front setback required).

10. 2023-UV3-015 | 3545 North Shadeland Avenue

Warren Township, Council District #13, Zoned C-4
Hobby Shop Paint & Collision Corp., by Andrew Wert

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an outdoor storage trailer and a six-foot tall fence and dumpster within the front yards of Twin Oaks Drive and Shadeland Avenue (outdoor storage not permitted, fence height limited to 3.5-foot tall within front yards, dumpster enclosures not permitted within front yard).

PETITIONS FOR PUBLIC HEARING (New Petitions):

11. 2023-UV3-017 | 5420 McFarland Road

Perry Township, Council District #24, Zoned D-1
David Smithmeyer, by Jerry Hornback

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow:

On Parcel One

- a) Two primary dwellings (only one primary dwelling permitted per lot); and
- b) The westernmost dwelling maintaining a zero-foot northern side yard setback (eight-foot side yard setback required)

On Parcel Two

- a) An accessory structure without a primary dwelling (primary dwellings must be erected prior to accessory structures); and
- b) Legally establish a lot with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required).

Additional Business:

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

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

Case Number: 2023-DV1-034
Address: 517 Prospect Street (approximate address)
Location: Center Township, Council District #16
Zoning: D-8
Petitioner: K&D Epic Holdings LLC, by Mark and Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit house on a 30-foot wide 2,700 square-foot lot (minimum 35-foot lot width and lot area of 3,500 square feet required), with a zero-foot front yard setback without landscaping and primary entries being on the side façade (minimum 10-foot front yard setback and landscaping required, primary entries required on front façade).

The petitioner notified staff that they would be requesting a continuance for cause to address changes to the site development. Since a hearing date was not confirmed by the petitioner, staff recommended this petition be continued to the September 5, 2023 hearing.

Due to the lack of a quorum, this petition was transferred from the August 1, 2023, hearing of Division I to the August 15, 2023, hearing of Division III. No additional information was provided to the case file. Therefore, this petition should be continued with additional notice if needed. Staff would recommend a **continuance to the September 12, 2023 hearing**.

MI

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

Case Number: 2023-DV3-022
Address: 7930 Castleton Road (approximate address)
Location: Washington Township, Council District #7
Zoning: C-5
Petitioner: Outfront Media LLC, by Alan S. Townsend
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required).

This petition was continued from the June 20, 2023 hearing to the July 18, 2023 hearing to allow the petitioner sufficient time to file a special exception and development standards petition instead.

It is staff's understanding that the petitioner intends to **withdraw** this petition and request a transfer of fees to the 2023-SE3-004 petition. Staff would have no objection to the transfer of fees request. The withdrawal would require the Board's acknowledgment.

MI

STAFF REPORT

Item 3.

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

Case Number: 2023-UV3-012
Address: 1735 West Edgewood Avenue (approximate address)
Location: Perry Township, Council District #20
Zoning: I-3 (FF)
Petitioner: GND Property Inc., by Pat Rooney
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a truck terminal (prohibited in Floodway Fringe District) and parking area with 53-foot front yard setback from Edgewood Avenue and a six-foot east side yard setback (60-foot front yard setback required, 30-foot side yard setback required) and deficient landscaping.

This petition was continued from the June 20, 2023, hearing, to the August 15, 2023, hearing at the request of the petitioner.

The petitioner has since submitted a request to withdraw this petition. The withdrawal will need to be acknowledged by the Board.

RU

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-SE3-004
Address: 7930 Castleton Road (approximate address)
Location: Lawrence Township, Council District #3
Zoning: C-5
Petitioner: Outfront Media LLC, by Alan S. Townsend
Request: Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-465 and I-69 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required).

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

EXISTING ZONING AND LAND USE

C-5	Metro	Undeveloped
-----	-------	-------------

SURROUNDING ZONING AND LAND USE

North	C-7	Commercial Uses
South	C-5	Interstate 465 right-of-way
East	C-5	Undeveloped
West	C-S	Proposed Nickel Plate Trail

COMPREHENSIVE PLAN	The Comprehensive Plan recommends heavy commercial development.
--------------------	---

LAND USE

- ◇ The subject site, zoned C-5, is undeveloped and surrounded by commercial uses to the north, Interstate 465 to the east and south, and the future Nickle Plate Trail to the west.

(Continued)

SPECIAL EXCEPTION

- ◇ The grant of the petition would allow for the relocation of an outdoor advertising sign within this property.
- ◇ An outdoor advertising off-premises sign is defined in the Ordinance as any off-premises sign that directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. This limitation does not apply to the content of noncommercial messages. Same as billboard or advertising sign.”
- ◇ The 40-foot-tall outdoor advertising sign in its current location, has existed without any negative impact to adjacent property owners or interstate drivers. In staff’s opinion, the special exception for the relocation of the sign would not injure or adversely affect the adjacent area or property values in that are because of its historical presence.
- ◇ In 2017, the Indiana Legislature adopted I.C. 8-23-20-25.6, a new statutory provision imposing new obligations on local municipalities with respect to state highway projects that necessitate the removal or relocation of outdoor advertising signs. These new provisions supersede all local ordinances and state that when an existing outdoor advertising sign must be moved or removed as part of a highway improvement project, the owner of the outdoor advertising sign must be allowed to elevate or relocate the sign or to apply for a special exception. This provision further states that if the local municipality does not amend the zoning ordinance to allow for a special exception in such circumstances, the local municipality is responsible for the payment for just and full compensation to the sign owner.
- ◇ The City of Indianapolis adopted ordinance amendments on May 8, 2023, which require the applicant to file a special exception for the relocation of legally established Outdoor Advertising Signs with the requirement that they comply with all applicable development standards of the Ordinance.
- ◇ In staff’s opinion, the outdoor advertising off-premises sign would not materially or substantially interfere with the lawful use and enjoyment of adjoining properties because they are all heavy commercial uses that would not be visually impacted by the relocation of the sign. Additionally, the Comprehensive Plan recommends this site for heavy commercial development and is a permitted use in the C-5 district.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the petition would also permit for the outdoor advertising sign to be located within 260 and 650 feet of other advertising signs along I-465, within 960 feet radially from an advertising sign, adjacent to an I-465 ramp, with a 20-foot south front setback from an I-465 ramp.
- ◇ Outdoor advertising signs are not permitted adjacent to entrance or exit roadways, not permitted radially within 1000 feet of an off-premises sign, and not permitted linearly along the interstate roadway within 1500 feet of an off-premises sign.

(Continued)

STAFF REPORT 2023-SE3-004 (Continued)

- ◇ Staff understands that an outdoor advertising sign has existed on site at least 26 years since aerial images show it was constructed between 1995 and 1997. Additionally, the existing sign would have been installed through the approval of a permit. Therefore, the variance request would be to establish a new location of the proposed sign according to the updated standards of the Ordinance, which include some that the existing sign was not previously subject to.
- ◇ The owner has a government imposed practical difficulty due to the expansion of I-465 by INDOT, which would eliminate the sign's existing location on private property causing the relocation of the sign.
- ◇ Table 744-903-6 notes that commercial districts along freeways would require 60-foot setbacks for the location of outdoor advertising signs. The request would reduce the setback to 20 feet.
- ◇ The petitioner notified staff that the proposed location of the sign would be least likely to interfere with future development of the site regarding roads, landscaping, and potential buildings.
- ◇ Staff finds that given the limited 75-foot by 75-foot lease easement granted for the sign and the proposal to have it pushed back within the easement area warrants a deviation to ensure the ability to conduct maintenance to the sign while still being located within the constraints of the easement.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Castleton Road is not classified in the Official Thoroughfare Plan for Marion County, Indiana.
SITE PLAN	File-dated July 18, 2023.
PLAN OF OPERATION	File-dated July 18, 2023.
FINDINGS OF FACT	File-dated July 18, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

(Continued)

PREVIOUS CASES

2023-DV3-022; 7930 Castleton Road (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required), **withdrawn.**

2021-CAP-843; 8000 Castleton Road (subject site), Modification of Commitments related to 93-Z-157 to terminate Commitment Seven to provide for C-5 uses (use restricted to an amusement park), **approved.**

2021-CPL-843; 8000 Castleton Road (subject site), Approval of a Subdivision Plat to be known as Castleton Park, dividing 9.838 acres into two lots, with a waiver of the maximum 500-foot cul-de-sac length, **approved.**

2021-CVR-843; 8000 Castleton Road (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 75-foot-tall building, five projecting blade signs and a 5.83-foot-high parapet (maximum 65 feet height permitted, maximum one projecting blade sign permitted and maximum four-foot-tall parapet permitted), **granted.**

93-Z-157; 7990 Castleton Road (subject site), Rezoning of 18.244 acres, being in the I-2-S district to the C-5 classification to provide for a family entertainment center, **approved.**

ZONING HISTORY – VICINITY

2011-APP-014; 7960 North Shadeland Avenue (east) Hospital District Two Approval to provide for an assisted living facility, with elevator additions and general site layout modifications, including drive connections, courtyard improvements, fencing and parking lot modifications, **approved.**

2005-APP-820; 6405 Castleplace Drive (northwest), Modification of Commitments related to petition 2001-ZON-817 to add religious uses to the list of permitted uses, **approved.**

2005-APP-831; 5881, 5905, 6081, 6353, 6505, 6515, 6525, 6535, and 6609 East 82nd Street, 7999, 8021, 8041, 8060, 8085, 8115, 8120, 8125, and 8140 Knue Road, 7930, 7950, 8000, 8001, 8004, 8005, 8018, 8025, And 8050 Castleway Drive, 5920, 5960, 6220, 6410, 6415, and 6435 Castleway West Drive, 6360, 6405, 6406, 8032, 8110, and 8120 Castleway Court West, 6340, 6365, 6402, and 6405 Castleplace Drive, 8100 Center Run Road, 6345 Castleway Court, and 8035 Craig Street; and 6405 Castleplace Drive (northwest), Modification of Commitments related to petition 2001-ZON-817 to modify Commitment Number Two to add religious uses to the list of permitted uses, **approved.**

2005-UV1-011; 6405 Castleplace Drive (northwest), Variance of use of the Commercial Zoning Ordinance to provide for religious uses (not permitted) within an existing 12,020.5-square foot building with 65 off-street parking spaces, **granted**.

2004-UV1-042; 7950 Castleway Drive (northwest), Variance of use of the Commercial Zoning Ordinance to provide for religious uses (not permitted), **withdrawn**.

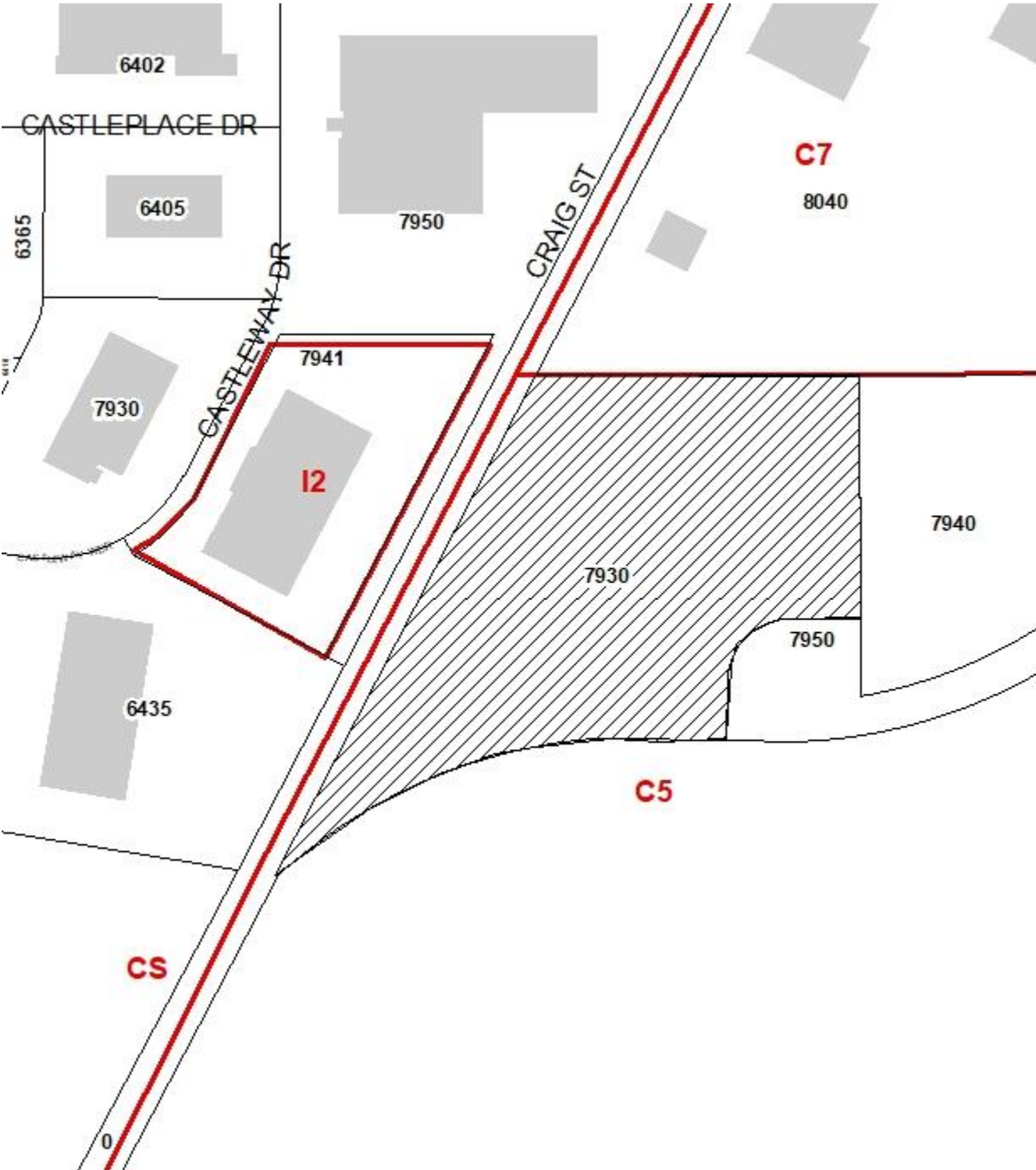
89-UV1-32; 8009 Bash Street (northeast), Variance of use of the Commercial Zoning Ordinance to provide for the operation of an automobile engine repair business (with no body or fender repair) in an existing building, **granted**.

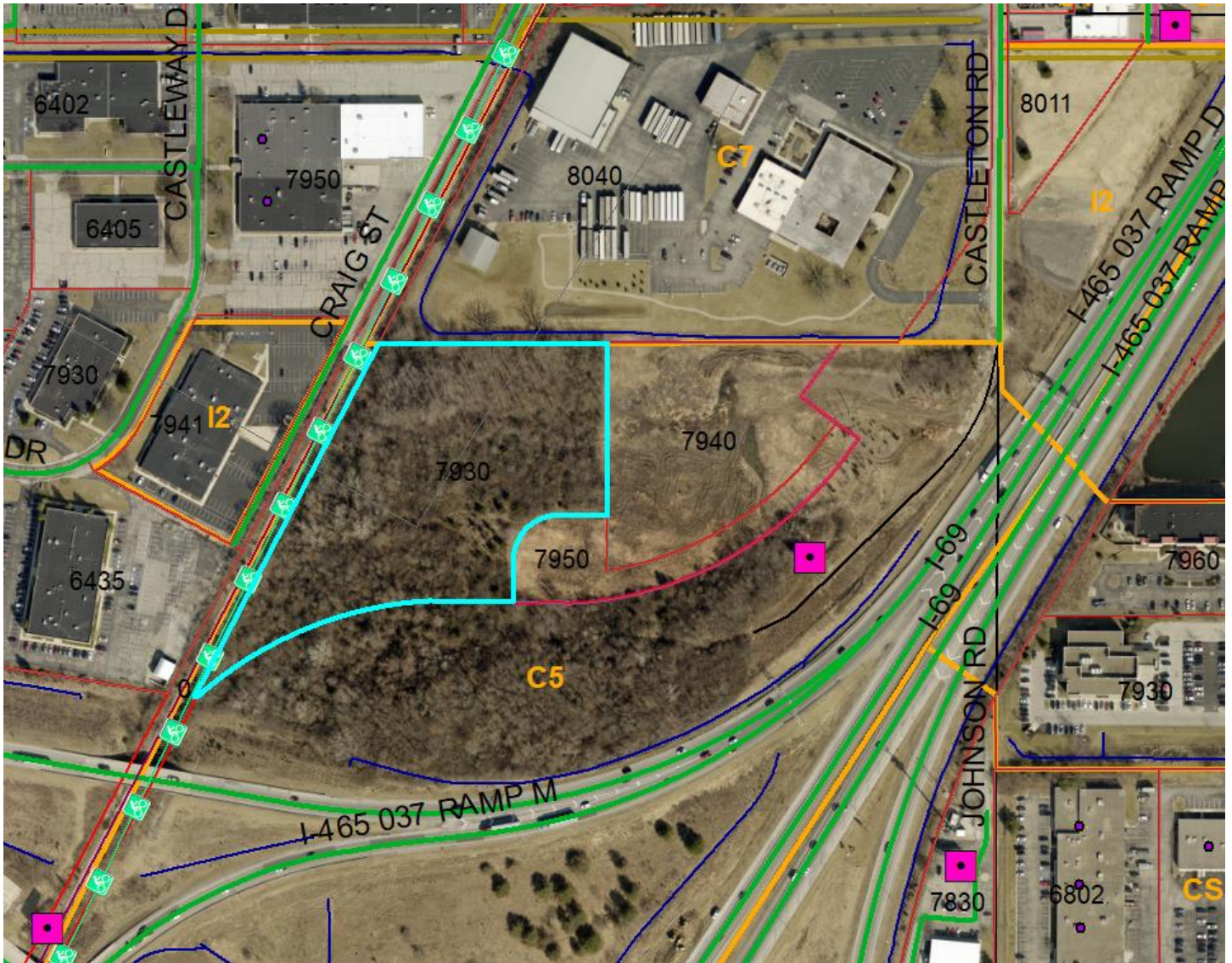
84-HOV-58; 8007, 8009, and 8011 Castleton Road (northeast), Variance of development standards of the Industrial Zoning Ordinance to provide for the construction and use of a 7976 square foot office and warehouse building within the required front and rear yards and with parking in the side and rear yards, **granted**.

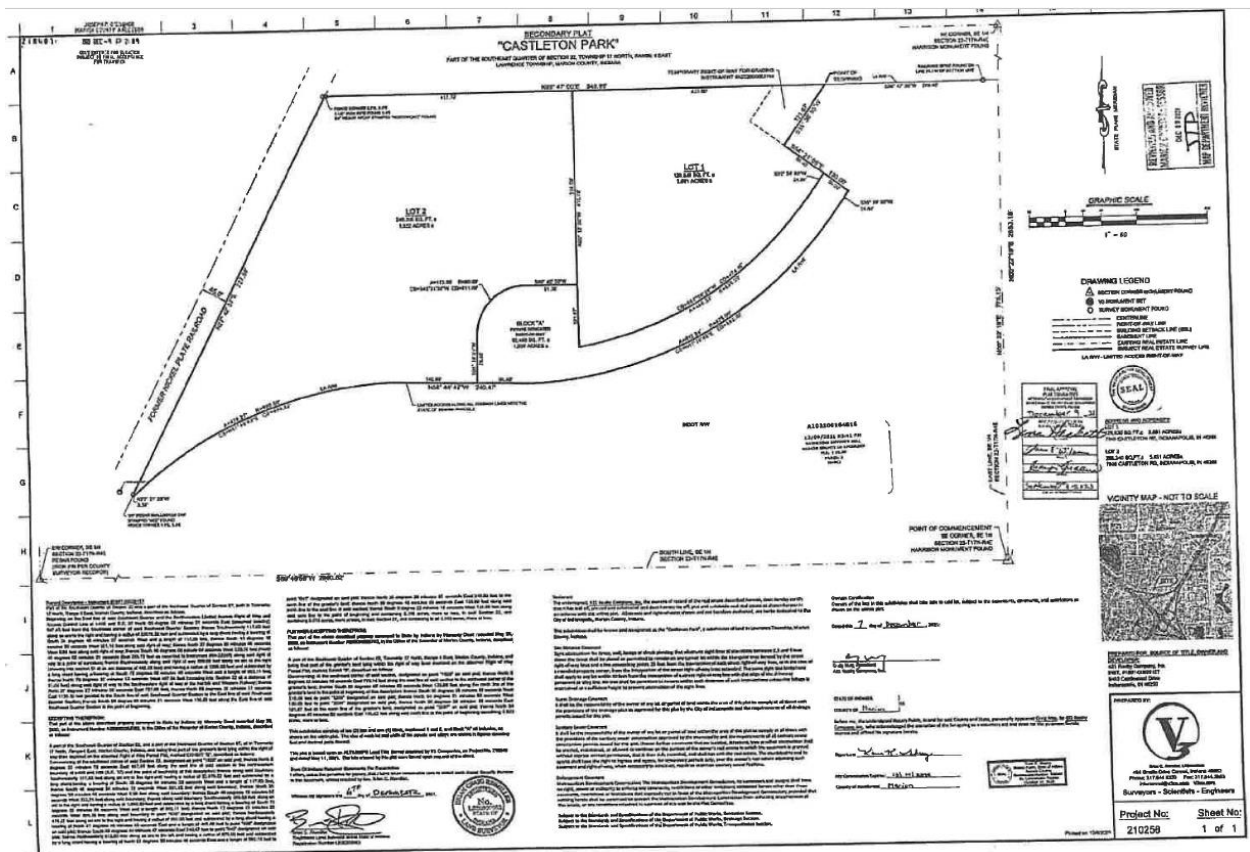
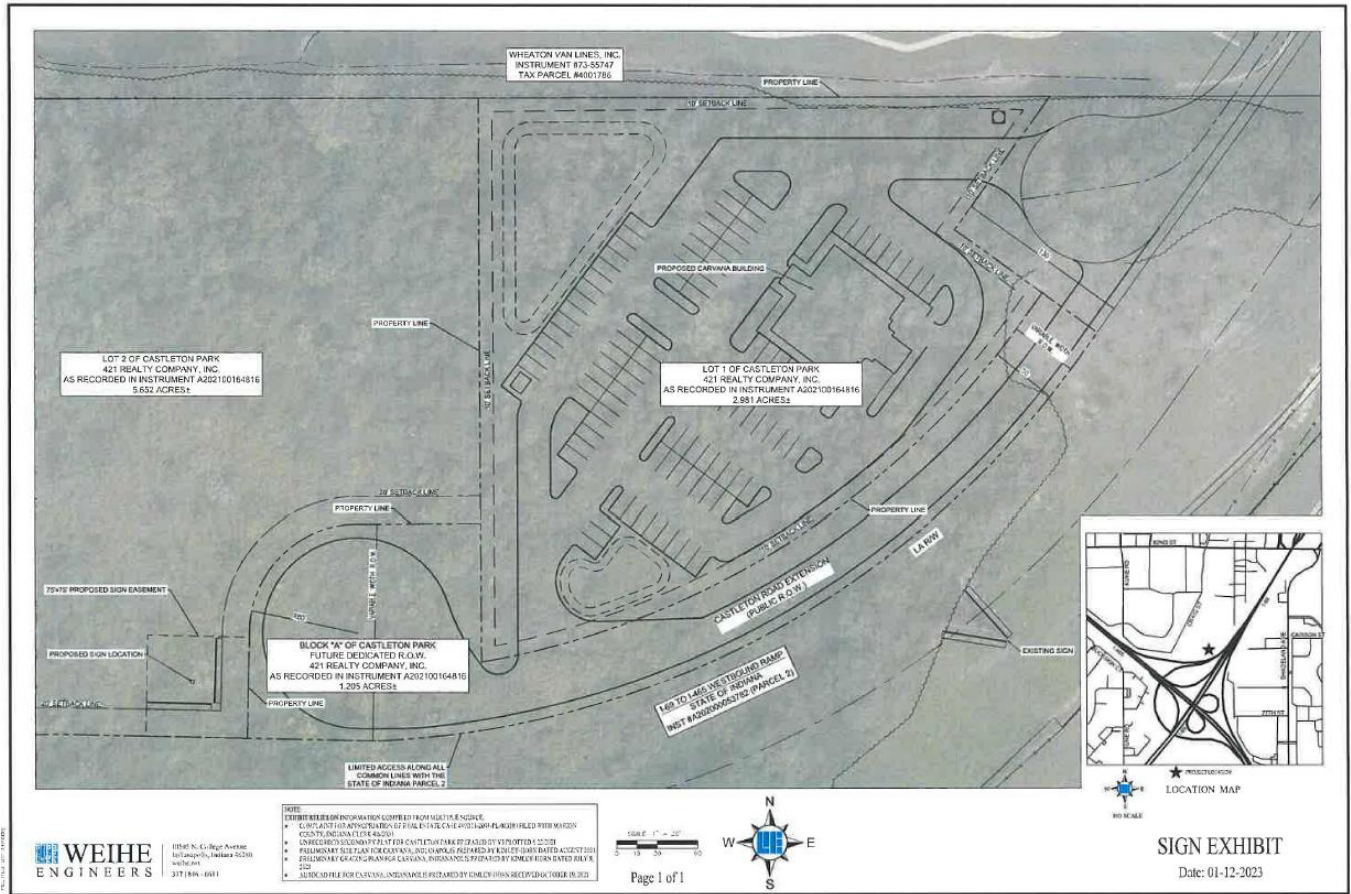
83-HOV-104; 8015 Castleton Road (northeast), Variance of front, side and rear development standards of the Industrial Zoning Ordinance to provide for an office warehouse on parcel A, **granted**.

80-V1-26; 8011 Bash Street (northeast), Variance of development standards to provide for a pole sign, the construction of an office and a storage building for a contracting business without the necessary public street frontage, **granted**.

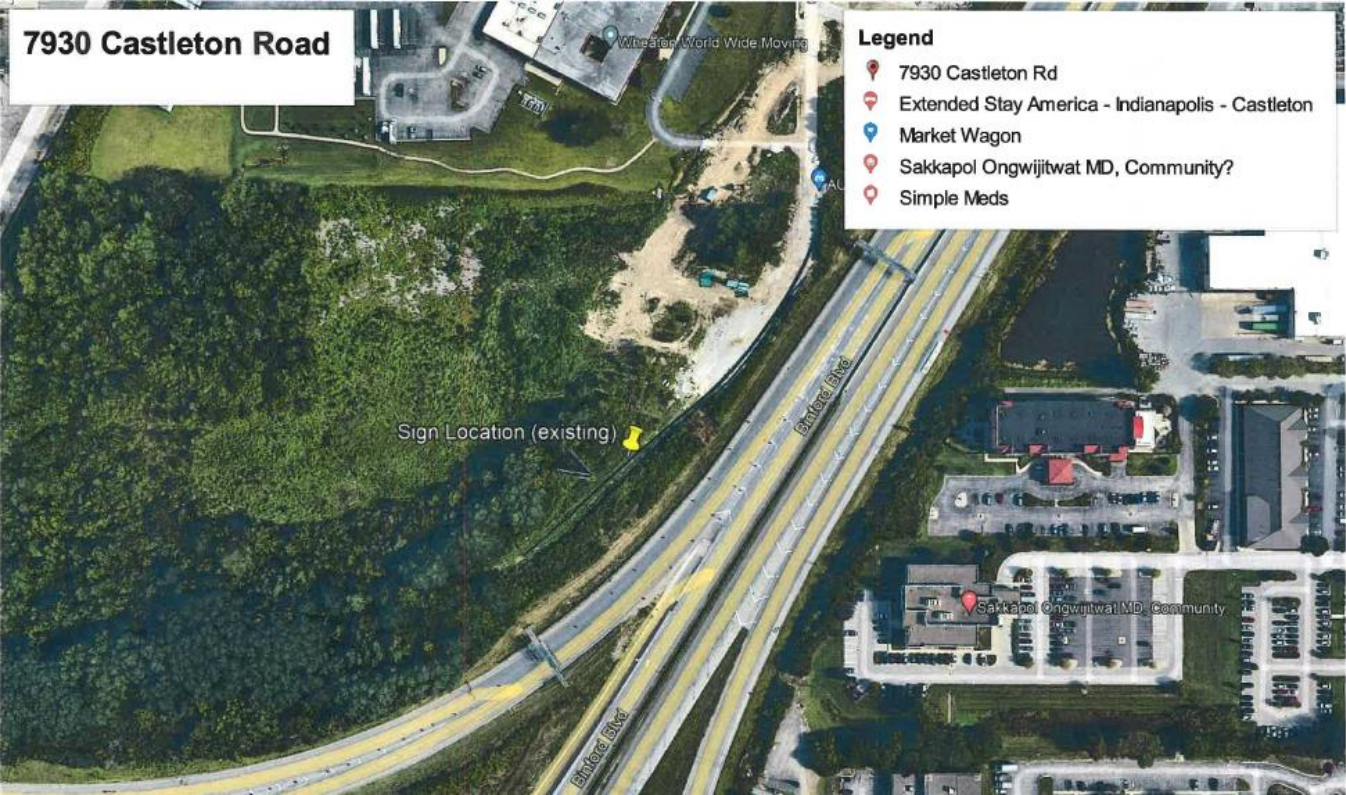
MI



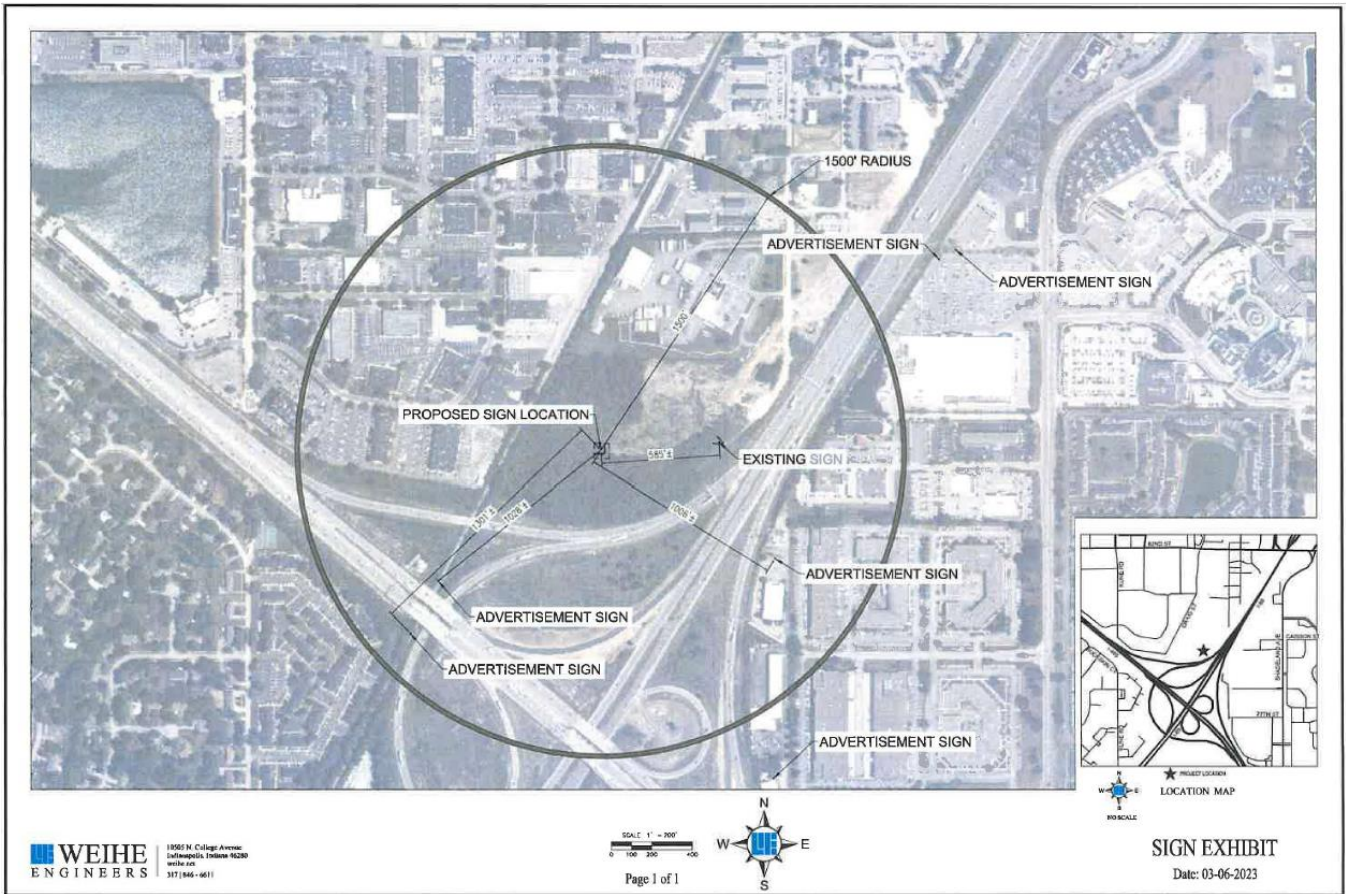




2023-DV3-022; Existing Sign Location



2023-DV3-022; Proposed Sign Location



Plan of Operation

Founded in 1938, Outfront Media, LLC (“Outfront”) is one of the largest outdoor advertising companies in the United States. Outfront’s outdoor advertising signs are primarily located on the most heavily traveled highways and roadways in the United States. Outfront operates outdoor advertising signs in all of the 25 largest markets in the United States and approximately 150 markets across the United States and Canada.

In central Indiana alone, Outfront owns and operates outdoor advertising signs in Marion County, Hamilton County, Boone County, Hendricks County, Morgan County, Johnson County, and Hancock County. To reach the broadest audience, a significant portion of Outfront’s outdoor advertising signs in central Indiana are located on interstates and state highways. Outdoor advertising sign on interstates and state highways require a permit from the Indiana Department of Transportation.

Outfront offers its customers a variety of advertising formats, helping both national and local businesses reach broad audiences every day. As part of its business model, Outfront offers its customers access to traditional outdoor advertising signs together with a network of digital outdoor advertising signs. Outdoor also supports job creation in local communities.

FINDINGS OF FACT
PETITION FOR VARIANCE
OF DEVELOPMENT STANDARDS

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

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community. The existing outdoor sign is being relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path.

There is no evidence that the outdoor advertising sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community. The sign will conform to Federal, INDOT, and industry standards with regard to construction and safety. Additionally, the sign will remain oriented to Interstate 69.

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 existing outdoor advertising sign that is being updated with digital faces pursuant to this grant of variance already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The location of the already existing sign is in an area of the City of Indianapolis appropriate for outdoor advertising signs.

Pursuant to this grant of variance, the outdoor advertising sign will be relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property for which the variance is sought because:

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance already has been in place for many years without generating any adverse impact. The location of the already existing outdoor advertising sign is in an area of the City of Indianapolis (oriented to Interstate 69) appropriate for outdoor advertising signs. Without this variance, the strict application of the ordinance would generate an unfair result because Outfront Media, LLC would lose an existing outdoor advertising sign through no fault of its own. Indiana law contemplates relocating outdoor advertising signs in these circumstances.

2023-SE3-004; Special Exception Findings of Fact**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because the existing outdoor advertising sign that is being relocated pursuant to this special exception has been in place for many years, and this area is zoned commercial. Further, this highly commercial area is compatible with signage, both on premise and off-premise.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

the existing outdoor advertising sign that is being relocated pursuant to this special exception already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The new, nearby location of the sign is in an area of the City of Indianapolis appropriate for outdoor advertising signs. Further, pursuant to this special exception, the outdoor advertising sign is being relocated to facilitate a road improvement project administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

the existing outdoor advertising sign that is being relocated pursuant to this special exception already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The new, nearby location of the sign is an area of the City of Indianapolis appropriate for outdoor advertising signs. Further, the sign will be located on the perimeter of the property so it will not interfere with future commercial development.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

the location of the already existing outdoor advertising sign is in an area of the City of Indianapolis (oriented to Interstate 69) appropriate for outdoor advertising signs. Further, this area is zoned commercial, and it already is a highly commercial corridor.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

the outdoor advertising sign is being relocated to a nearby site appropriate for outdoor advertising signs. It will continue to be oriented to Interstate 69.

2023-SE3-004; Special Exception Findings of Fact (Continued)

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

the outdoor advertising sign is being relocated to a nearby site appropriate for outdoor advertising signs. It will continue to be oriented to Interstate 69. It will continue to be 40 feet tall. It will be approximately 960 feet from another off-premise sign, adjacent to an I-465 ramp, with a 20-foot setback from an I-465 ramp.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

the outdoor advertising sign is being relocated to a nearby site appropriate for outdoor advertising signs. It is an area zoned and highly developed as commercial.



Photo of the existing billboard to be relocated.



Photo of the existing billboard to be relocated.



Photo of the proposed location of the sign to the right .



Photo of the interstate expansion with the proposed relocation site at the background.



Photo of the interstate expansion with the proposed relocation site to the left.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-036
Address: 914 Harlan Street (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: 3 Amigos Estate LLC, by Mark and Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to an existing single-family dwelling resulting in a six-foot front setback (minimum 10-foot front setback required) and a three-foot north side yard setback (five-foot side yard setback required) with a sidewalk maintaining a zero-foot side yard setback (sidewalks must be at least two feet from side lot lines).

ADDENDUM FOR AUGUST 15, 2023

Due to a lack of quorum, this petition was continued from the August 1, 2023, hearing, and transferred to the August 15, 2023, hearing at the request of the petitioner.

August 1, 2023

RECOMMENDATIONS

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

The variance grant shall be subject to the amended elevations, file-dated July 24, 2023. Any change in the amended elevations will require Administrator's Approval.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-5 Single -family dwelling under renovation

SURROUNDING ZONING AND LAND USE

North - D-5	Single-family dwelling
South - D-5	Single-family dwelling
East - D-5	Single-family dwelling
West - D-5	Single-family dwelling

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood uses for the site.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The D-5 district is intended for areas of medium intensity single-family residential development. This district is designed for urban, built-up areas of the community, and two-family dwellings are permitted on any lot in this district. The district has a typical density of 4.5 units per acre. The Fountain Square neighborhood has historically had smaller lots with small setbacks between houses. The variance requests would not be out of character for this area.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide sufficient buffering to prevent the lateral expansion of fires, as well as the operation of emergency equipment in such situations.
- ◇ The proposed front setback would roughly match the setbacks of other existing dwellings in the area. However, the other similar front setbacks consist of open-air porches. The proposed front addition was originally designed to be enclosed on the sides but was amended to provide for side openings as indicated in the July 24, 2023, file-dated elevations. With the open sides, the setback would have the feel of a front porch, similar to adjacent properties. Staff feels the request for a six-foot front setback would be a minor deviation from the Ordinance. Any approval of this request should be subject to the amended elevations as a commitment.
- ◇ The proposed three-foot north side yard setback would be an extension of the existing dwellings original three-foot north side setback. Therefore, In Staff's opinion, in this instance, there would be no negative impact to the adjacent property. Staff feels the request for a three-foot north setback would be a minor deviation from the Ordinance
- ◇ The requested sidewalk maintaining a zero-foot side yard setback is largely a result of the small size of the lot. The lot width at 35 feet wide, meets the D-8 district minimum standards. However, this site is within the D-5 district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for building separation.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of East Woodlawn Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing right-of-way and a 48-foot proposed half right-of-way.

SITE PLANS

File-dated July 5, 2023.

ELEVATIONS (AMENDED)

File-dated July 24, 2023.

FINDINGS OF FACT

File-dated July 5, 2023.

(Continued)

ZONING HISTORY

2020-DV3-021; 2112 East Woodlawn Avenue (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage, with 4.5 and six feet between dwellings, a seven-foot front setback, and 50% open space (10 feet between dwellings, 18-foot front setback or average and 60% open space required), **granted**.

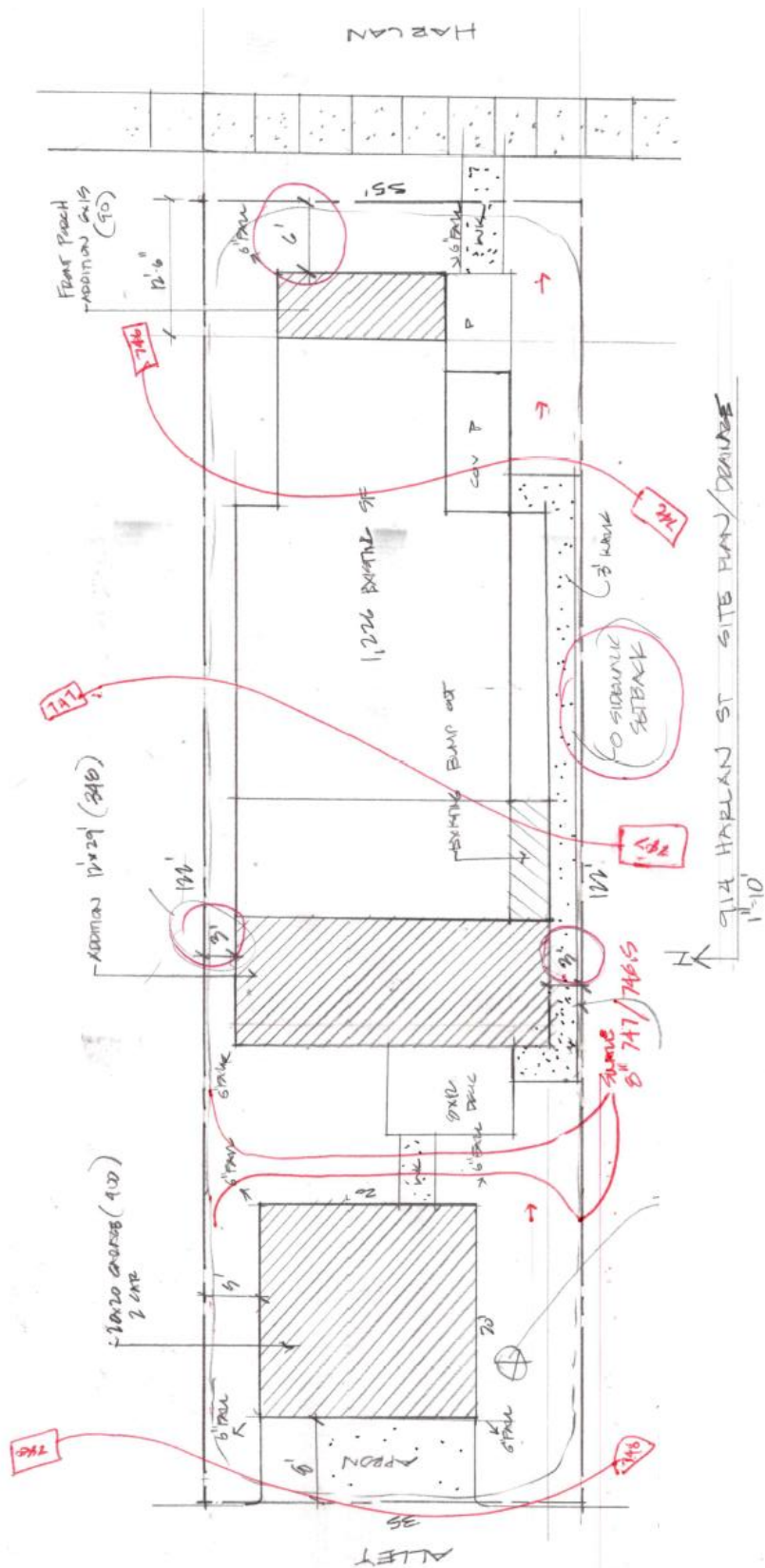
2019-DV3-012; 915 Dawson Street (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing single-family dwelling, with an eight-foot front setback, a two-foot south side setback and to legally establish an existing garage with a zero-foot rear setback within the clear sight triangle of the abutting alleys and to provide for 50% open space, **granted**.

2017-HOV-062; 2127 Pleasant Street (east of site), requested a variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish a single-family dwelling, with a 2.5-foot west side setback, a six-foot front setback and five feet between dwellings, and a detached garage, creating an open space of 50%, **granted**.

2004-DV2-031; 1018 Harlan Street (south of site), requested a variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 902-square foot single-family dwelling with a 180-square foot front porch with an eleven-foot front yard setback from the existing right-of-way of Harlan Street with an eight-foot aggregate side yard setback, and with a 1,247.68-square foot detached rear yard deck with a 90-square foot cabana and a 453-square foot in-ground swimming pool and deck with a zero-foot north and side yard setback resulting in 1,700.68 square feet of accessory use area or 188.55 percent of the total floor area of the primary dwelling, and with a 7.60-foot tall fence, **granted**.

RU









Subject site, looking west.



Subject site, proposed six-foot front setback, looking north.



Subject site proposed area for addition with three-foot north side setback, looking east.



Subject site proposed area for sidewalk with a zero-foot side yard setback, looking east



Adjacent properties to the north of subject site, looking west.



Adjacent property to the south of subject site, looking west.

STAFF REPORT

Item 6.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-025 (Amended)
Address: 6248 Iona Road (approximate address)
Location: Warren Township, Council District #18
Zoning: D-S
Petitioner: Maxwell Fall, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 20-foot tall, 2,592-square foot pole barn being taller than the primary dwelling (not permitted), and within the front yard (accessory structures not permitted within the front yard).

This petition was continued by the petitioner, from the July 18, 2023, hearing, to the August 15, 2023, hearing.

RECOMMENDATIONS

Staff **recommends approval** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-S	Single-family dwelling
-----	------------------------

SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwellings
South -	D-2	Single-family dwellings
East -	D-2	Single-family dwellings
West -	D-S	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends rural, or estate neighborhood uses for the site, with an environmentally sensitive overlay for forest woodlands.
--------------------	--

- ◇ The 16.8-acre site is surrounded on all sides by large-lot single-family dwellings. To the north, the subject site is heavily wooded with forest woodlands, and slopes down towards Lick Creek.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The proposed pole barn would be located approximately 500 feet north of Iona Road, behind an adjacent dwelling, and behind the established front building lines of the primary dwellings on adjacent parcels to the east and west, limiting any negative impacts to adjacent properties.

(Continued)

- ◇ In the case of the subject site, locating the pole barn behind the primary dwelling would require extensive removal of trees, including heritage trees, and would also present difficulties in design, due to the slope of the property towards Lick Creek. Therefore, locating the barn in front of the established building line would be an acceptable deviation from Ordinance standards.
- ◇ Staff would note that the site is zoned D-S, and the Comprehensive Plan recommends rural, or estate neighborhood uses. This is consistent with suburban agricultural districts, in which large accessory structures are not out of character.
- ◇ The primary dwelling on site is a log cabin, approximately 100 years old, with a 16-foot tall low sloped roof. The proposed pole barn height would be four feet taller at 20 feet and would be shorter in height than adjacent two-story dwellings.
- ◇ The proposed height would not be out of scale, or character, with surrounding uses, and would be located within an area that is partially wooded, further limiting any negative impacts to adjacent properties.
- ◇ In Staff's opinion, the size of the subject site and the proposed location of the pole barn would not impact the dwelling as the primary use on the subject site. Any potential negative impact resulting from the height of the proposed accessory structure, while taller than the primary structure, would be minimized by the separation from adjoining residences, and its distance from Iona Road.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Iona Road is indicated as a local street on the Official Thoroughfare Plan, with a 50-foot existing and proposed right-of-way.
SITE PLAN	File-dated May 31, 2023
BUILDING ELEVATIONS	File-dated May 31, 2023
FINDINGS OF FACT	File-dated May 31, 2023

ZONING HISTORY

2022-UV3-028; 6150 Iona Road (west of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a second single-family dwelling with zero square feet of main floor area, **denied**.

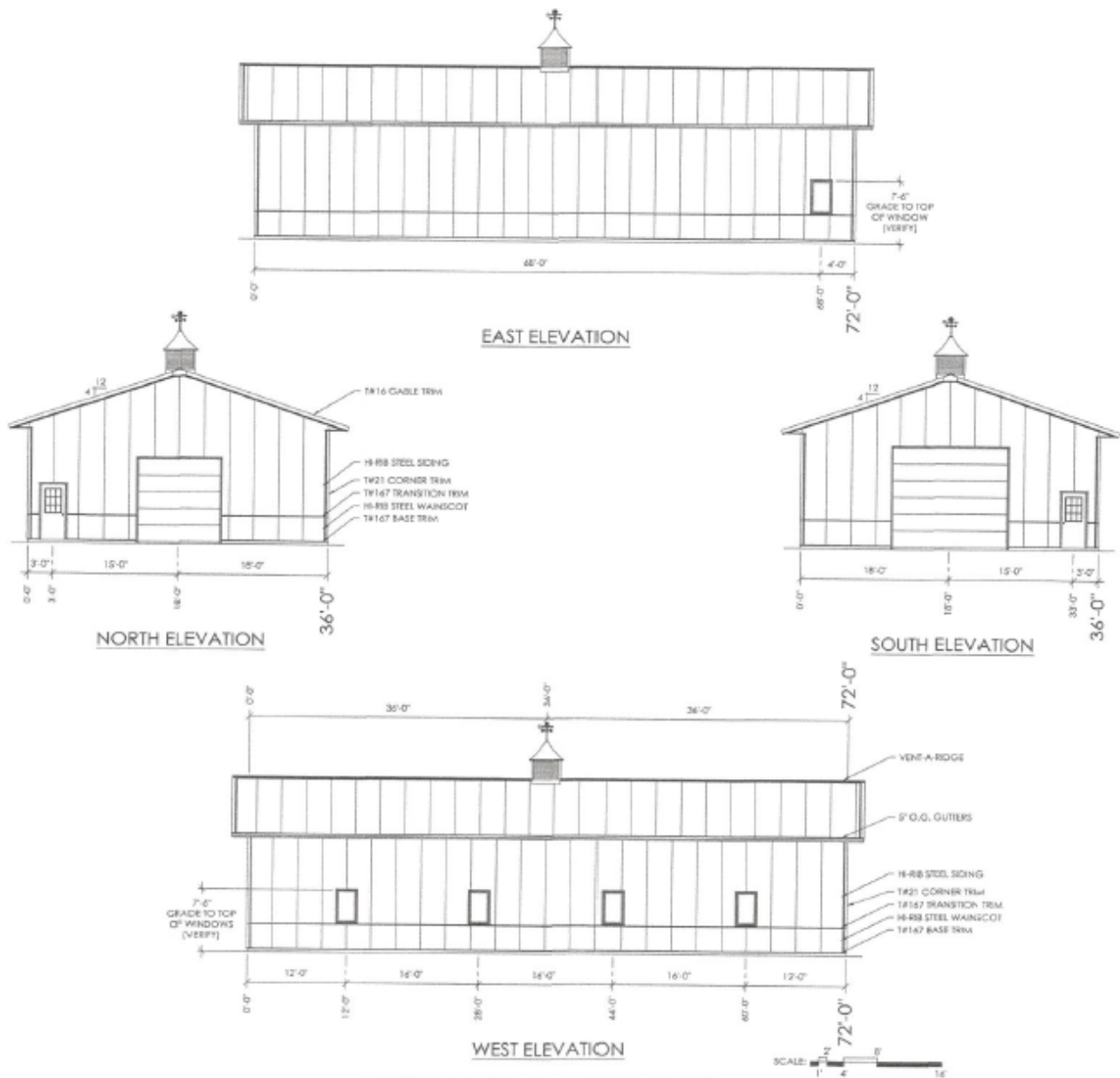
2002-HOV-029; 1423 South Sheridan Avenue (north of site), requested a variance of development standards to legally establish a 4.997-acre lot with zero feet of public street frontage and lot width, **granted**.

84-V1-116; 6220 Iona Road (west of site), requested a variance of use and development standards to provide for the erection of a single-family dwelling without the required lot width at setback or the required amount of public street frontage, **granted**.

RU

[illegible]







Subject site main driveway, looking north.



Subject site, primary dwelling looking north.



Staked location of proposed pole barn, looking north.



Wooded tree line sight line to the east from proposed pole barn location



Sight line to the south from proposed pole barn location



Pond / wetlands and wooded area along west side of subject site.



Adjacent dwelling out lot, in front of proposed pole barn location



Adjacent dwelling to the east of subject site, looking north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-033 (Amended)
Address: 337 Sanders Street (approximate address)
Location: Center Township, Council District #16
Zoning: D-5
Petitioner: 3 Amigos Estate LLC, by Mark and Kim Crouch
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing single-family dwelling with a nine-foot front yard setback, a zero-foot west side yard setback, and a three-foot eastern side yard setback (minimum 10-foot front yard setback and five-foot side yard setbacks required).

ADDENDUM FOR AUGUST 15, 2023

Due to the lack of a quorum, this petition was continued and transferred from the August 1, 2023 hearing of Division I to the August 15, 2023 hearing of Division III.

An amended site plan was provided to remove the front porch addition leaving the existing nine-foot front setback and the northeast addition to the house was reduced in size. These changes allowed for the 40% open space to be met. However, the sidewalk is still noted on the site plan as having a zero-foot setback, which would require an additional variance since a two-foot side setback would be required unless the sidewalk is removed.

Staff **recommends approval** of the request as amended.

August 1, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Residential (Single-family dwelling)
-----	---------	--------------------------------------

SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwelling)
South	D-5	Commercial
East	D-5	Residential (Single-family dwelling)
West	D-5	Residential (Single-family dwelling)

(Continued)

STAFF REPORT 2023-DV1-033 (Continued)

COMPREHENSIVE PLAN The Comprehensive Plan recommends traditional neighborhood development.

- ◇ The 0.07-acre subject site is developed with a one-story single-family dwelling and detached garage.
- ◇ The site is surrounded by similarly developed residential properties north, east, and west with a commercial building to the south that received a Certificate of Legal Non-Conforming Use for an office, warehouse and maintenance of business vehicles.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for building additions to an existing single-family dwelling to provide deficient front and side setbacks with deficient open space.
- ◇ The subject site is categorized as having a terrace frontage, which requires a minimum ten-foot front yard setback. Additionally, a single-story entry feature may not project more than five feet from the front lot line. The proposed front porch would have a three-foot front yard setback and would not meet the five feet required from the front lot line.
- ◇ Because it is unclear whether the porch addition would be one-story, enclosed, or open on three sides, Staff requested that building elevations be provided to verify the massing of the front addition as well as that of the remaining structure.
- ◇ The D-5 district in the Compact Context area for a Detached House-Small Lot requires five-foot side setbacks and 40% open space. The request would propose a zero-foot west side yard setback, three-foot east side yard setback and an open space of 31 percent.
- ◇ There is an exception that allows up to a 50% one-time expansion along legally established nonconforming side yards. Staff is typically supportive of reasonable expansions, but in this instance the expansion of the building could trigger an open space deficiency where it would have otherwise been met. Therefore, staff would only support expansions along the nonconforming east and west setbacks so long as the 40% open space is met.
- ◇ Based on the site plan provided, there appears to be a sidewalk proposed along the eastern property boundary that would have a zero-foot setback when a minimum of two feet is required for minor residential features such as walkways. If the petitioner wishes to have this installed, they will need to amend the request for the addition of a zero-foot east setback for the sidewalk.
- ◇ In conclusion, staff is recommending denial of the request as submitted.

GENERAL INFORMATION

THOROUGHFARE PLAN Sanders Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-DV1-033 (Continued)

SITE PLAN	File-dated June 27, 2023.
ADMEDED SITE PLAN	File-dated August 1, 2023.
FINDINGS OF FACT	File-dated June 27, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2022-DV2-045; 1251 South Alabama Street (west), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legalize the existing ten-inch front, rear and northern side yard setbacks (front setback of zero-ten feet required for Terrace Frontages, 20-foot rear yard, five-foot side yard setback required) with no off-street parking provided (one space required); and to provide for a roofline change along a non-conforming setback and vertical expansion (not permitted), all within the clear sight triangle of Alabama and the intersecting alley (encroachment of clear sight triangles not permitted), **granted**.

2020-DV2-031; 301 Sanders Street (west), Variance of development standards to provide for a single-family dwelling with a twelve-foot front setback, four feet between dwellings, 52 percent open space and a detached garage, with both buildings within the clear sight triangle of the abutting streets and alley, **granted**.

2020-DV2-035; 333 Orange Street (south), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second-story addition to an existing dwelling with a 12-foot front setback, a two-foot side setback, 4.5 feet between buildings and a detached garage with a zero-foot rear setback (18-foot front setback or average, three-foot side setback, five-foot rear setback required), **granted**.

2019-DV1-031; 306 Sanders Street (northwest), Variance to provide for a single-family dwelling with an eleven-foot front setback and five feet between dwellings, and a detached garage with an office, with 2.2-foot side setbacks and 50 percent open space in the D-5 district, **granted**.

2019-HOV-033; 418 Sanders Street (northeast), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage accessory to a single-family dwelling, with six feet between dwellings and 52% open space (10 feet between dwellings and 60% open space required), **granted**.

(Continued)

STAFF REPORT 2023-DV1-033 (Continued)

2019-HOV-044; 416 Sanders Street (northeast), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 10-foot front setback, three-foot and nine-foot separations from dwellings and a detached garage with 57% open space (18-foot front setback or average, 10-foot separation and 60% open space required), **granted**.

2018-DV1-001; 317 Orange Street (southwest), Variance of development standards to provide for a single-family dwelling, with an eight-foot front setback, with eight feet between primary dwellings, a detached garage with three-foot side setbacks, and with an open space of 54%, **granted**.

2018-HOV-088; 350 Parkway Avenue (northeast), Variance to provide for two single-family dwellings on existing 3300-square foot lots, with six-foot front setbacks, with 3.5 feet and seven feet between dwellings, and an open space ratio of 45 percent and 47 percent, **approved**.

2017-HOV-021; 346 Sanders Street (northeast), Variance to provide for a detached garage with an open space of 49 percent in a D-5 district, **approved**.

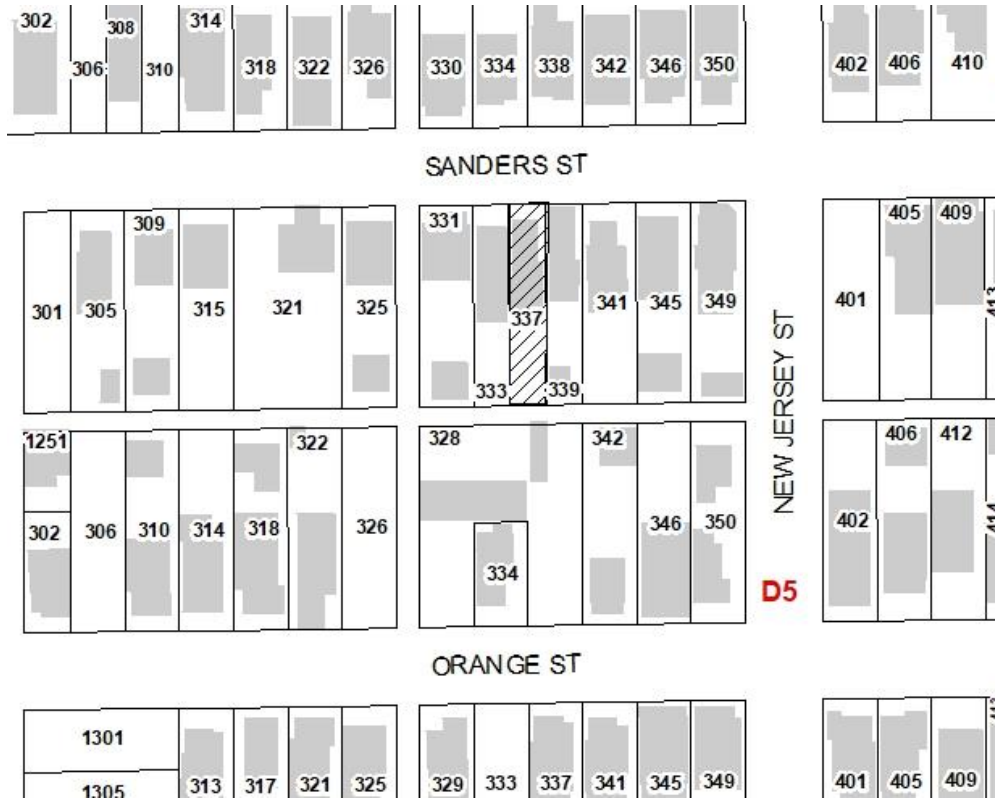
2016-DV3-027; 325 Sanders Street (west), Variance of development standards to provide for a single-family dwelling, with six feet between primary buildings, and with a 12-foot front setback, **granted**.

2016-HOV-28; 345 Orange Street (southeast), Variance to permit construction of a deck and detached garage, creating 48 percent open space, **granted**.

2003-LNU-029; 330 East Orange Street (south), Certificate of legal non-conforming use for office, warehouse, and maintenance of business vehicles, **granted**.

MI

2023-DV1-033; Location Map



2023-DV1-033; Aerial Map



2023-DV1-033; Site Plan

D-5

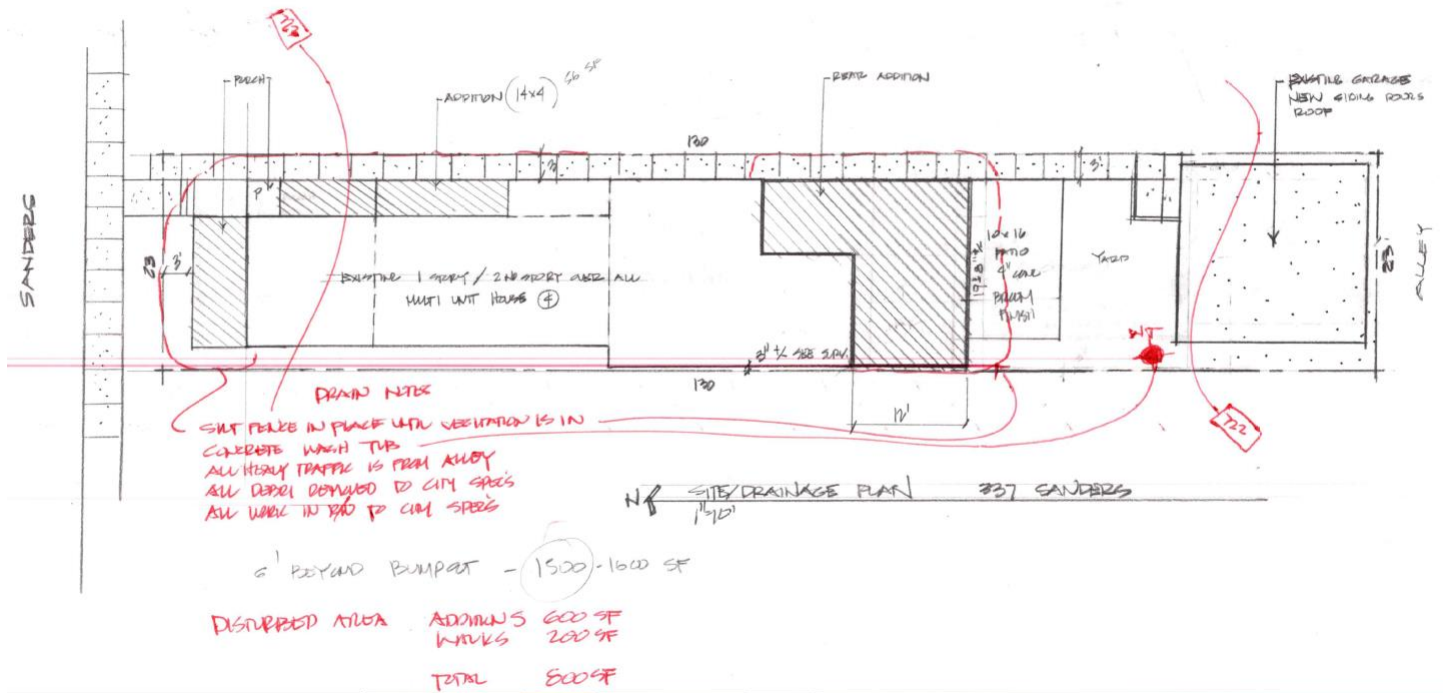
LA 23x30 1990 Sept

EXISTING HAVE 1,040 SF + GARAGE 342 = 1,390 SF = .53% OPEN SPACE

W/ADDITIONS 1,600 SF + GARAGE 392 = 1,992 SF = .34 % OPEN SPACE (ALT 69%/35 OPEN)

VARIOUS 3' FRONT YARD - 0' REAR YARD (3' FRONT YARD PROBABLY?) 23' LOT WIDTH 131% OPEN SPACE

♂ WALK ASTRAK GINGLES FAMILY



2023-DV1-033; Amended Site Plan

D-5

LOT 23x130 2990 sq ft

FINITE HALL 1,040 SF, GARAGE 342 = 1,390 SF = .59% OPEN SPACE

W/ADDITIONS 1,270 SF + GARAGE 392 = 1,662 SF = .59 CR 45 CUB.

VARIANCE 2' REAR YARD - 0' WEST YARD 23' LOT WIDTH 145% OPEN SPACE (ORIG 53% OPEN

α^1 WANG ASTROCYTE GINGIBL FAMILY

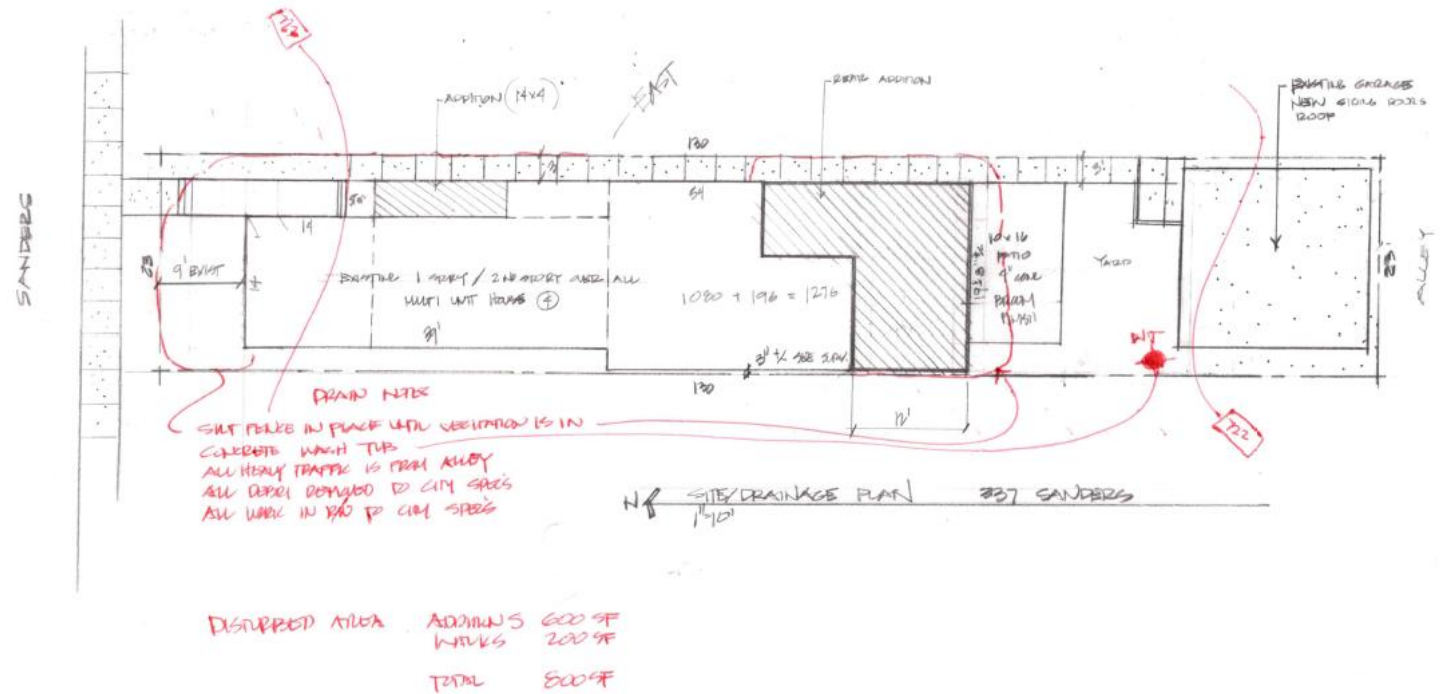




Photo of the Subject Property: 337 Sanders Street



Photo of the existing front yard setback and the proposed location of the porch addition.



Photo of the existing east side setback.



Photo of the existing west side setback.



Interior photo of the existing building foundation.



Interior photo of the existing building looking south.



Photo of the alley south of the subject site.



Photo of the rear of the house.



Interior photo of the existing garage.



Interior photo of the existing garage.

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-016
Address: 2909 South Meridian Street (approximate address)
Location: Center Township, Council District #16
Zoning: C-4
Petitioner: Mars Realty Trust LLC, by Joshua Pierson
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile sales facility, including outdoor operations, for up to 40 vehicles (not permitted).

ADDENDUM FOR AUGUST 15, 2023

Due to a lack of quorum, this petition was continued from the August 1, 2023, hearing, and transferred to the August 15, 2023, hearing at the request of the petitioner.

August 1, 2023

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	C-4	Vacant Commercial Building
---------	-----	----------------------------

SURROUNDING ZONING AND LAND USE

North -	SU-34 / D-2	Fraternal Organization / Multi-family dwelling
South -	C-4	Community Commercial uses
East -	C-4	Undeveloped
West -	D-A	Agriculture uses

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial uses.
--------------------	--

VARIANCE OF USE

- ◇ This request would provide for an automobile sales facility, including outdoor operations, for up to 40 vehicles, a C-5 use, within an area associated with neighborhood commercial and residential development, with D-A, D-5, C-4, and SU-34 zoning. A C-5 use at this location would represent a deviation from the Comprehensive Land Use Plan recommendation of community commercial uses.

(Continued)

STAFF REPORT 2023-UV1-016 (Continued)

- ◇ Retail automobile vehicle sales and other C-5 uses are generally considered a high-intensity commercial use, that often tend to have extensive outdoor display and activity, bright lighting, and noise; characteristics that negatively affect lesser zoned districts. Similar C-5 uses would be go-cart raceways, tractor sales, outdoor flea markets, and newspaper printing and publishing
- ◇ The proposed use would require extensive outdoor storage for 40 automotive vehicles, which runs counter to the intent of the C-4 District. The proposed site plan is inconsistent in showing where these 40 vehicles would be stored. The rear lot area does not indicate specific parking or vehicle storage spaces and is not striped accordingly. It currently consists of gravel and/or broken asphalt, which is not permitted for commercial uses. If approved this lot area would need to be paved, or another variance for gravel or other surface covering materials will be needed.
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:
Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

Conditions for Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).

- **Outdoor display of merchandise should be limited.**
 - **If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.**
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology and would, in fact, be an inappropriate intensification of the current commercial uses.

(Continued)

- ◇ Furthermore, the Pattern Book clearly indicates the negative impact of outdoor display and recommends that it not be located adjacent to residential uses.
- ◇ Staff would note the absence of any other similar C-5 uses in the area, which is further evidence that this request would be incongruent with the surrounding land uses and would negatively impact the area, particularly the adjoining residential neighborhood to the east, and lesser zoned commercial uses nearby.
- ◇ Staff has concerns that recommending approval of the variance request would encourage the conversions of other lesser zoned parcels in the area to heavy commercial and C-5 uses.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned C-4 and can be utilized for C-4 uses without the benefit of a variance. Staff, therefore, recommends denial of this request.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of South Meridian Street is indicated in the Official Thoroughfare Plan as a primary arterial, with a 50-foot existing right-of-way and a 78-foot proposed right-of-way.
SITE PLAN	File-dated June 27, 2023.
PLAN OF OPERATION	File-dated July 12, 2023.
FINDINGS OF FACT	File-dated June 27, 2023.

ZONING HISTORY

90-SE1-3; 2909 South Meridian Street (subject site), requested a Special Exception of the Commercial Zoning Ordinance to permit a billiards parlor within 500 feet of a residential zoning district, in C-4, **denied**.

2018-UV1-011; 2856 South Meridian Street (west of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an in-resident comprehensive mental health facility, providing for housing of up to twenty residents, in three existing on-site homes, life and psychological development programs and therapy through farming and farming-related activities, including the sale of produce, **granted**.

2009-UV1-039; 2949 South Meridian Street (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a tattoo parlor without a special exception, within forty (40) feet of a protected district, where a 500-foot separation is required, **granted**.

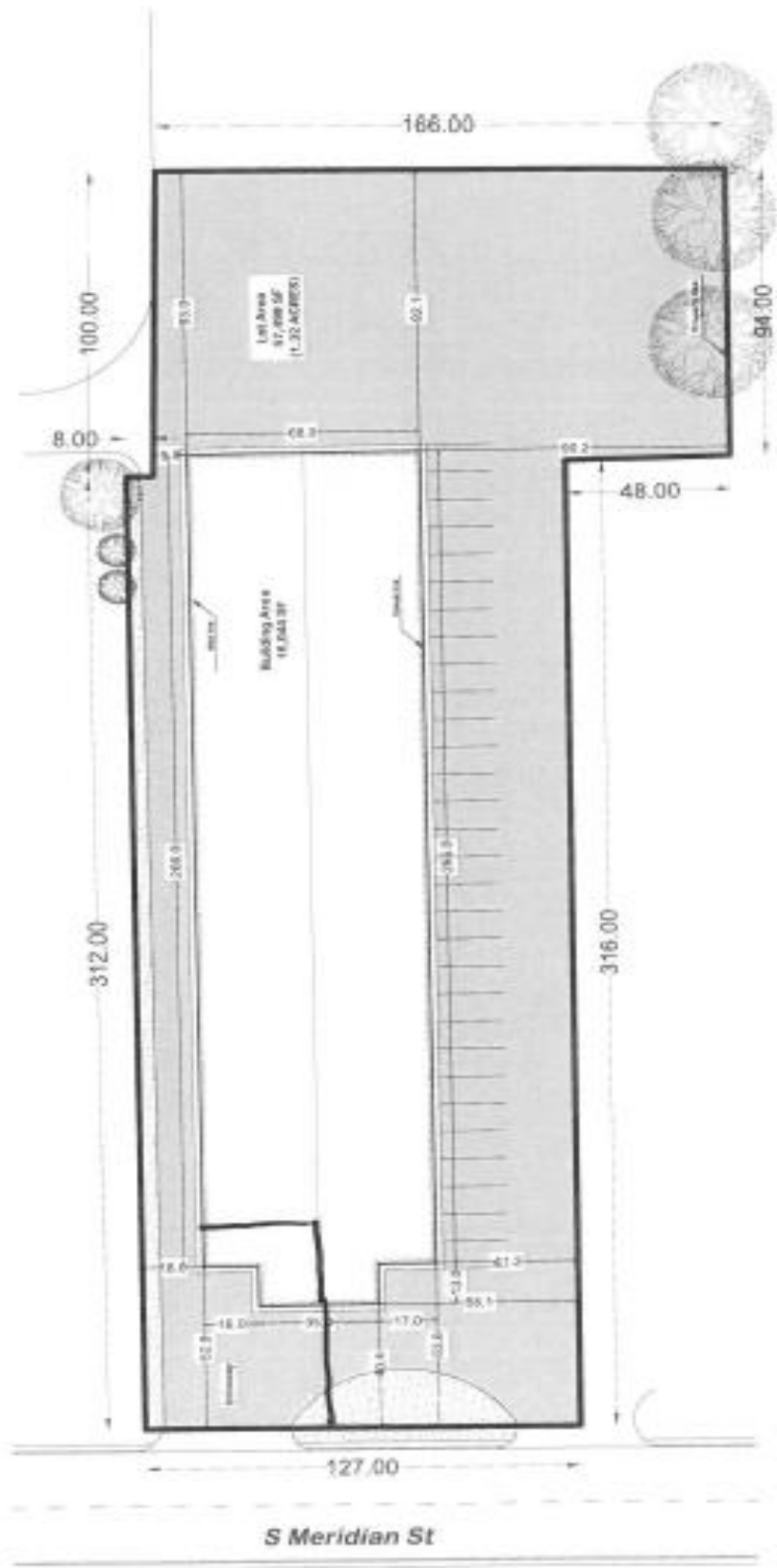
2007-LNU-040; 2961 South Meridian Street (south of site), requested a Certificate of Legal Non-Conforming Use for the lack of marked parking spaces, and the lack of handicap spaces, **granted**.

2004-SE2-006; 2949 South Meridian Street (south of site), requested a Special Exception of the Commercial Zoning Ordinance to legally establish six amusement machines, in C-4, **granted**.

RU

* * * * *





Joshua Pierson
Meridian St Motors
2909 S Meridian St
Indianapolis, In 46225

Plan of Operation

Meridian St Motors will have a workforce of 3-4 employees. All employees will work onsite at the location and will commute to work by personal vehicle. We will provide an employee parking area. To keep our employees safe, we will be fencing the perimeter of the property and we will have cameras and an alarm system.

Our clients/customers will be families and single people looking to purchase a used vehicle. They will travel to our location and purchase in person. We will have customer parking that includes handicap spaces for those that need it. To protect them we will have fencing and security equipment.

Meridian St Motors will sell used vehicles and process the paperwork that goes along with the sale of the vehicles. Outside of the property is where the vehicles will be stored and shown to customers, and our alarm and camera security system will help maintain safety and security for the business, employees and the customers.

The materials we used are little to none. We will 2-3 times a week use soap to wash cars, so they are clean for the customers. But we don't use chemicals or hazardous materials for the sale of these vehicles.

Meridian St Motors will receive new inventory from the auction 1-2 times per week. During business hours of 9-5 pm. Most of the vehicles will be driven from the auction to the site.

Lastly, as far as waste we plan to have an enclosed dumpster for any trash or debris from prepping cars for sale and customers that may leave any behind. Currently, we see no need for recycling at this location.



subject site looking east



subject site looking northeast



subject site proposed storage area, looking east



Adjacent multi-family dwellings to the northeast of proposed storage area.



Adjacent commercial use to the south of site, looking east.



Adjacent commercial uses to the south of site.



Adjacent agricultural use to the west of site, looking north.



Adjacent fraternal organization use to the north of site, looking east.

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-019
Address: 2059 North Pasadena Street (approximate address)
Location: Warren Township, Council District #19
Zoning: D-4
Petitioner: Gregory Gordon and Kyle Stewart, by Matthew Lyles
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,200 square foot pole barn, being larger than and in front of the primary dwelling (not permitted) with a seven-foot front yard setback from Pasadena Street (20-foot front setback required).

ADDENDUM FOR AUGUST 15, 2023

This petition was continued from the June 20, 2023, hearing, to the August 15, 2023, hearing at the request of the petitioner.

No new information has been submitted to the file.

June 20, 2023

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	D-4	Single-family dwelling
---------	-----	------------------------

SURROUNDING ZONING AND LAND USE

North -	C-1	Commercial office
South -	D-4	Single-family dwellings
East -	D-4	Single-family dwellings
West -	D-4 / C-1	Single-family dwelling / Commercial office parking lot

COMPREHENSIVE PLAN

The Comprehensive Plan recommends suburban neighborhood uses for the site.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Chapter 743, Article III. Section 6.A.2.b. of the Ordinance notes that “the horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.”
- ◇ The Ordinance maintains an appropriate development pattern in a dwelling district by limiting the square footage of accessory structures in an effort to maintain the dominance of the primary dwelling. To maintain that relationship, accessory structures should be incidental and subordinate to that dwelling.
- ◇ This request would permit a pole barn as an accessory structure with 3,200 square feet, or approximately 350% larger than the 918 square foot primary dwelling. In Staff’s opinion, this increase in accessory structure use area would disrupt and adversely impact the relationship and scale between the primary structure and accessory structures. Additionally, the residential scale of the neighborhood and the adjacent properties would be affected in a substantial adverse manner.
- ◇ The proposed accessory structure at 3,200 square feet, would minimize the importance and dominance of the primary dwelling as a result of the excess accessory structure floor area. Furthermore, the size and location of the proposed pole barn lends itself to parking and storing vehicles and equipment related to commercial and industrial enterprises, and not accessory to the primary dwelling. If not for the petitioner, then possibly for future purchasers of the property.
- ◇ The Comprehensive Plan recommends suburban neighborhood development at this site. For residential uses, the suburban neighborhood land use plan recommendation is to provide for predominately single-family housing but interspersed with attached and multifamily housing where appropriate.
- ◇ The large lot size should not allow for disregard of the Comprehensive Plan recommendation, nor of the clearly residential nature of the surrounding area.
- ◇ The strict application of the terms of the zoning ordinance in regards to the size of the accessory structure does not constitute a practical difficulty for the property, since an accessory structure smaller in footprint than the primary dwelling can be installed on the site, by right without any variances. Any practical difficulty is self-imposed by the petitioner’s desire to choose to not follow the ordinance and use the site for an accessory structure 3.5 times larger than the primary dwelling.
- ◇ The requested seven-foot front yard setback from Pasadena Street is a self-imposed hardship as a result of the petitioner proceeding with construction prior to applying for proper permits. Had the petitioner applied for permits as required prior to starting construction, the proposed foundation and building could have been placed to meet the 20-foot front setback, as there is a total of 140 feet in depth of the lot.

(Continued)

- ◇ The strict application of the terms of the zoning ordinance in regards to the requested setback does not constitute a practical difficulty for the property, since there is adequate open space to the rear of the proposed structure to provide for the required 20-foot front setback, without the need for a setback variance. Any practical difficulty is self-imposed by the desire to use the existing foundation that was poured prior to obtaining the appropriate permits.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of North Pasadena Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.
	This portion of East 20th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.
SITE PLAN	File-dated, April 24, 2023
FINDINGS OF FACT	File-dated, May 2, 2023

ZONING HISTORY

2004-SE1-008; 6602 East 20th Street (west of site), requested a special exception to provide for a 1,760.22-square foot manufactured home, **granted**.

1991-Z-168; 6635 East 21st Street (north of site), requested the rezoning of 0.485 acre from the D-4 district to the C-1 classification to provide for medical offices, **approved**.

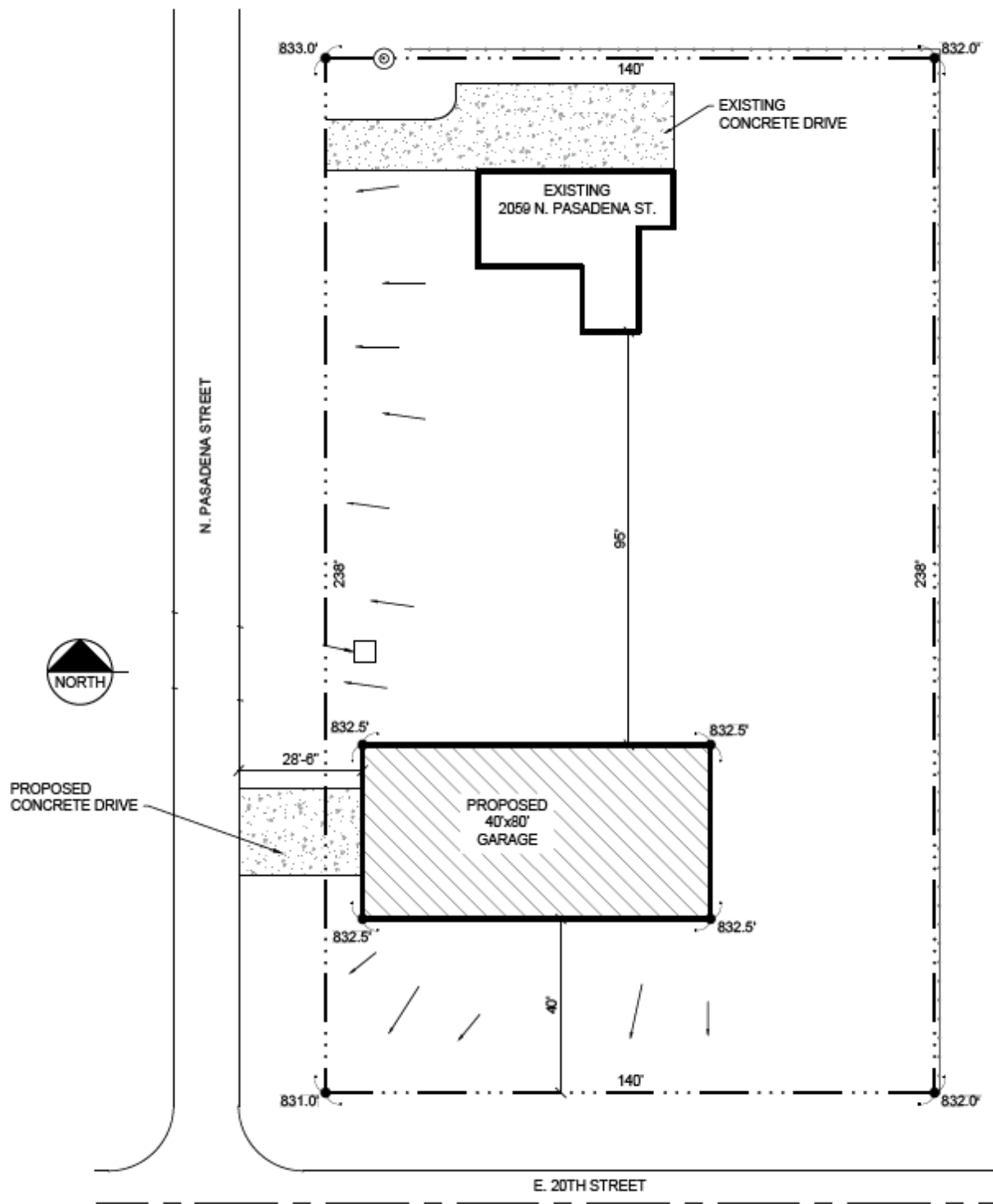
1989-DV3-119; 6635 East 21st Street (north of site), requested a variance of development standards to permit development of two medical office buildings, on to be located 42 feet from the centerline of Pasadena Street and with a parking ratio of one space per 235 square feet of gross floor area, **granted**.

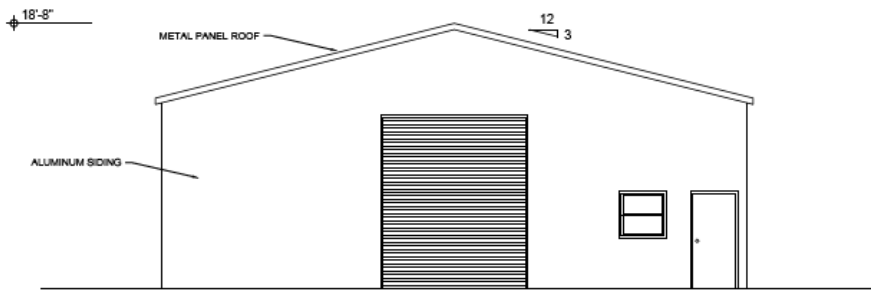
1985-Z-127; 6665 East 21st Street (north of site), requested the rezoning of 1.35 acre, being in the D-4 district, to the C-1 classification to provide for a bank, **approved**.

RU *****

2023-DV3-019; Location Map

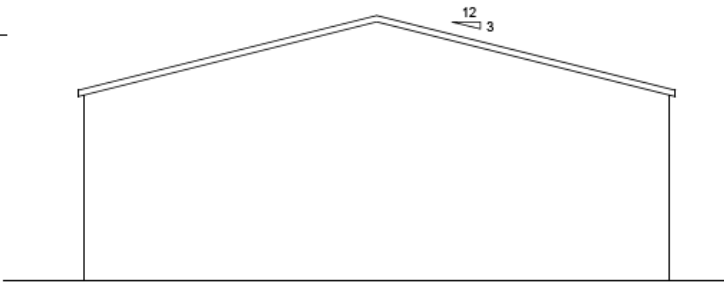






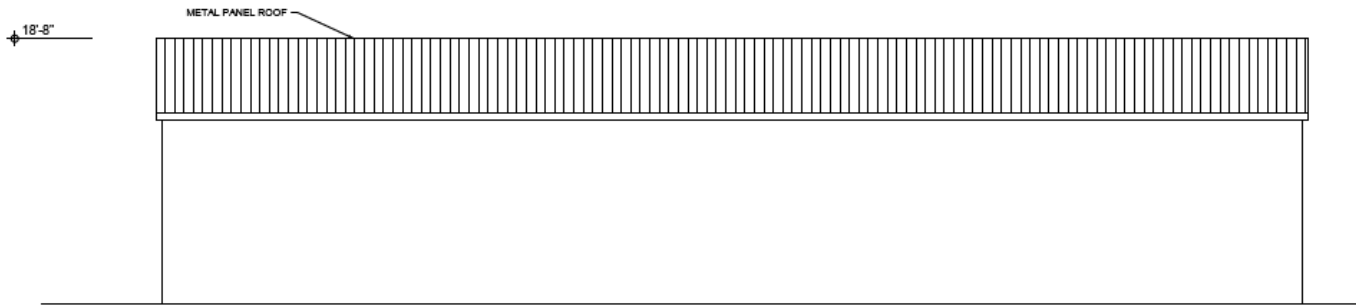
NORTH ELEVATION

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



SOUTH ELEVATION

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



EAST AND WEST ELEVATION

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



Subject site primary dwelling, looking east.



Subject site side yard, proposed accessory structure location with poured foundation, looking east.



Adjacent dwelling to the west.



Adjacent dwelling to the south.



Adjacent dwelling to the east, looking west.



Adjacent commercial bank to the north, looking south.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-015
Address: 3545 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #13
Zoning: C-4
Petitioner: Hobby Shop Paint & Collision Corp., by Andrew Wert
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an outdoor storage trailer and a six-foot tall fence and dumpster within the front yards of Twin Oaks Drive and Shadeland Avenue (outdoor storage not permitted, fence height limited to 3.5-foot tall within front yards, dumpster enclosures not permitted within front yard).

This petition was continued for cause at the request of the petitioner, from the July 18, 2023, hearing, to the August 15, 2023, hearing.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-4	Automotive body and paint shop
-----	--------------------------------

SURROUNDING ZONING AND LAND USE

North -	C-4	Automotive sales
South -	C-4	Motel
East -	C-4	Commercial retail / office
West -	C-4	Automotive body and paint shop

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Community Commercial uses for this site.
--------------------	--

VARIANCE OF USE

- ◇ The proposed use would provide an outdoor storage trailer, associated with an automotive body and paint repair facility.
- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology and would, in fact, be an inappropriate intensification of the current commercial uses.

(Continued)

- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.

- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

Conditions for Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).

- **Outdoor display of merchandise should be limited.**
- **If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.**
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

- ◇ The outdoor storage trailer is a shipping container box, as seen in staff photos #3-4, and not intended to be used as a permanent storage shed. Permanent commercial accessory structures have a compatible form and are regulated by the Building Code. The proposed portable storage container does not have a compatible form and is not regulated by the Building Code.
- ◇ Staff believes that this request, if approved, would detract from a streetscape that is already overburdened with a number of existing businesses possessing poorly maintained outdoor storage.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned C-4 and could be used for any number of uses permitted by right in the C-4 zoning classification without the need for a variance of use. Any hardship would be self-imposed by the desire to use the site for an outdoor storage trailer.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would also provide for a six-foot tall fence within the front yards of Twin Oaks Drive and Shadeland Avenue, and a dumpster within the front yard of Twin Oaks Drive.
- ◇ The Consolidated Zoning and Subdivision Ordinance limits the height of a fence in the front yard to 42 inches. In this case, the lot is a corner lot that has two front yards, along North Shadeland Avenue and Twin Oaks Drive.
- ◇ The purpose of the limitation in fence height in the front yard is to create an open appearance and prevent canyonization of the streetscape. Additionally, this six-foot tall fence is not consistent with the open character of surrounding commercial properties, nor is it consistent with existing fences on adjacent properties.
- ◇ The site and nearby properties do not have topographical variations which would justify a fence height in excess of the Ordinance requirements. Furthermore, there are existing fences on adjacent properties, all of which comply with the Ordinance. Consequently, the strict application of the Ordinance standards would not result in a practical difficulty in the use of the property.
- ◇ The need for a dumpster within the front yard of Twin Oaks Drive is a self-imposed hardship, as the dumpster could be located to the rear of the building, east of the repair garage. This is the location of the proposed outdoor storage trailer. If the site was to be zoning compliant with no outdoor storage and the trailer removed, the dumpster could then be relocated to this area and be zoning compliant as well.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since a zoning complaint fence can be installed without a variance, and the dumpster enclosure could be located on site without needing a variance. Failure to do so is self-imposed by the petitioner's desire not to follow the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN	This section of North Shadeland Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with a 138-foot existing and proposed right-of-way This section of Twin Oaks Drive is designated in the Marion County Thoroughfare Plan as a local street, with a 60-foot existing and proposed right-of-way.
SITE PLAN	File-dated June 12, 2023.
PLAN OF OPERATION	File-dated June 12, 2023.
FINDINGS OF FACT	File-dated June 12, 2023.

(Continued)

ZONING HISTORY

2015-UV2-029; 3701 North Shadeland Avenue (north of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish an automobile paint and body shop, **granted**.

2014-DV3-056; 7171 Twin Oaks Drive (north of site), requested a variance of development standards of the Sign Regulations to provide for an off-site, 5.5-foot tall freestanding sign, within the right-of-way of Twin Oaks Drive, for an existing multi-family development, **granted**.

2014-DV3-015; 3545 North Shadeland Avenue (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a temporary outdoor storage area, **granted**.

2000-UV3-038; 3704 North Shadeland Street (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the sales, display, and service of automobiles, **granted**.

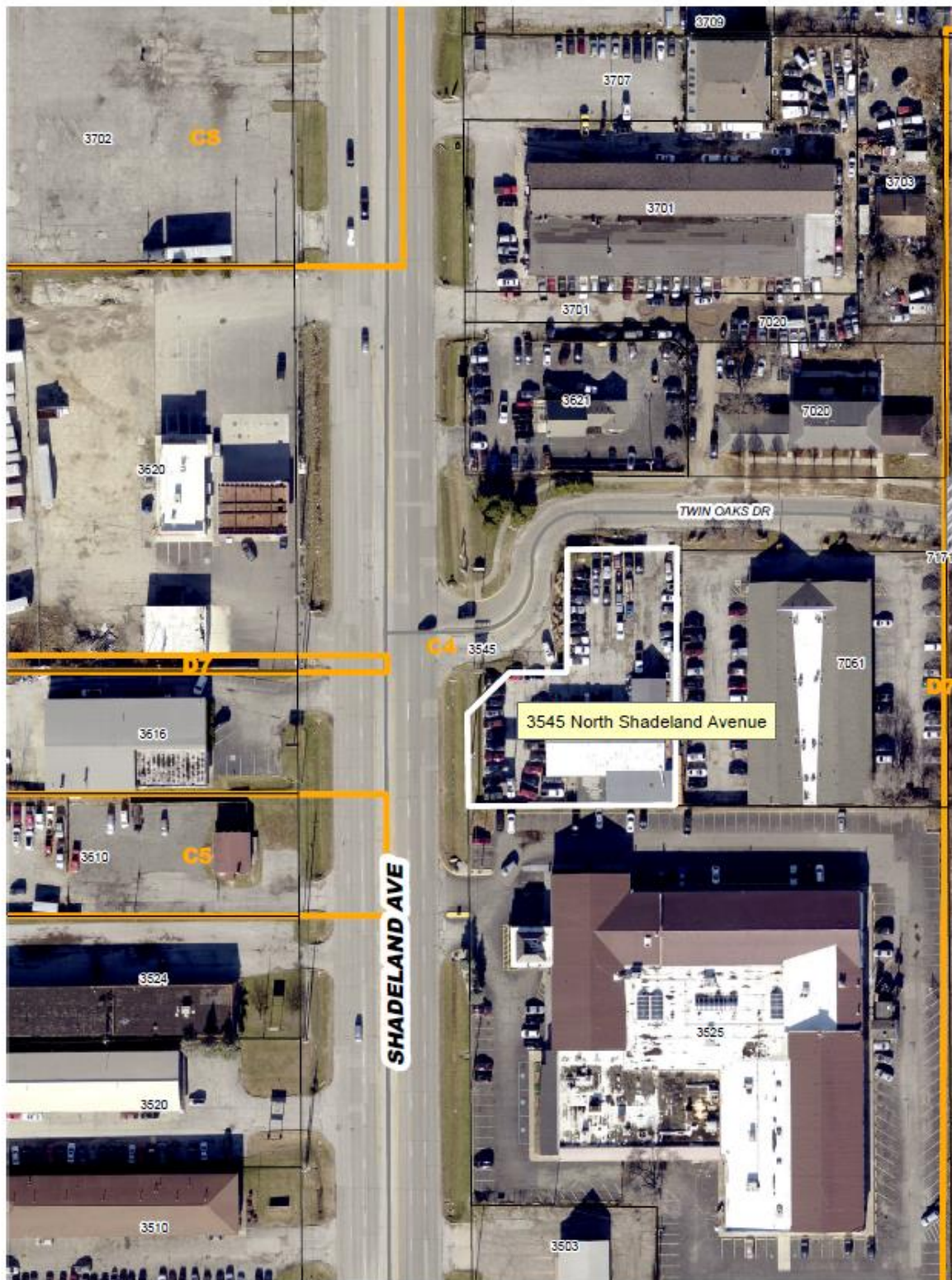
99-Z-92; 3702 North Shadeland Avenue (northwest of site), requested the rezoning of 5.2 acres from the D-3 classification to the C-S classification to provide for a plumbing contracting business, limited Commercial-Industrial uses, and all C-4 uses, excluding all adult uses, **approved**.

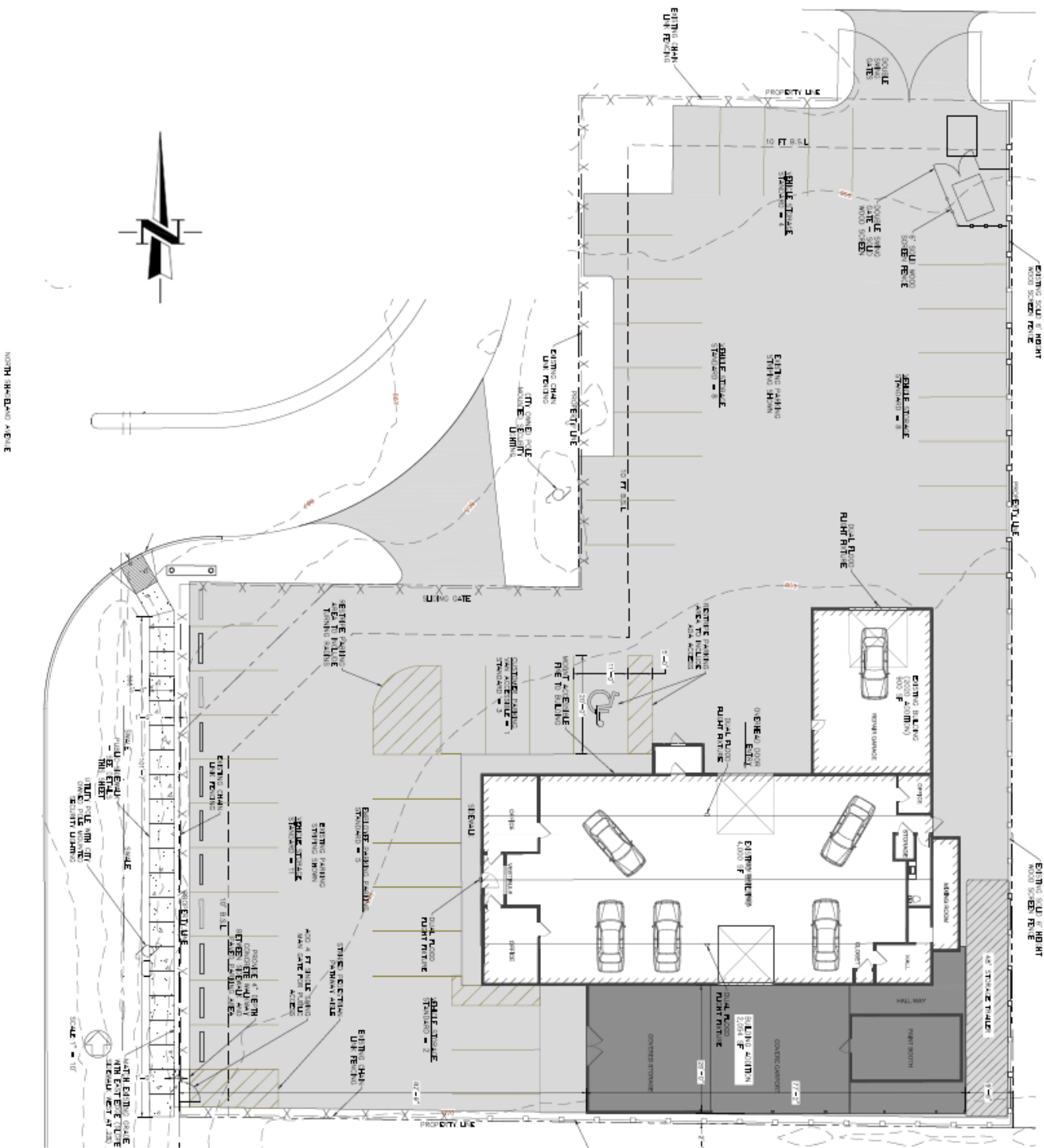
98-Z-118; 3701 North Shadeland Avenue (north of site), requested rezoning of 1.5 acres from the C-4 District, to the C-5 classification to provide for automotive related service businesses, **withdrawn**.

98-UV1-78; 3701 North Shadeland Avenue (north of site), requested a variance of use and development standards of the Commercial Districts Zoning Ordinance to provide for an automotive repair, paint, and body facility with one-sided dumpster enclosure and a single-family dwelling, **denied**.

RU

2023-UV3-015: Location Map





Plan of Operation

Hobby Shop Paint & Collision, Variance petitions

3545 North Shadeland Avenue

Hobby Shop Paint & Collision is an automobile body shop operating at 3545 North Shadeland Avenue. They have been in business at this location since 2021. They employ six (6) individuals. The hours of operation are 9am to 6pm, Monday through Saturday. The only hazardous materials stored on site are paint and lacquer thinner.

The owner has filed a Variance of Use petition to allow a 48-foot storage trailer to remain at the rear of the property. This trailer is screened from view of Shadeland Avenue by the existing building. Additionally, it is screened from the east and south by an existing 6-foot solid wood fence. The trailer will store automobile parts. It will not contain any hazardous materials. The trailer's presence falls under the definition of Heavy Outdoor Storage, which is prohibited in the C4 zoning district.

A companion petition has been filed for a development standards variance to permit a 6-foot chain-link fence in the front yard. The zoning ordinance limits fences in the front yard to 3.5 feet in height. The fence is necessary to inhibit theft and vandalism on the site.



#1 - View of subject site Shadeland frontage looking east



#2 - View of subject site Twin Oaks Drive frontage looking east



#3 - View of outdoor storage container, looking south.



#4 – View of outdoor storage container, looking west.



#5 - View of six-foot fence in front yard of Shadeland Avenue, looking south



#6 - View of six-foot fence in front yard of Twin Oaks Drive, looking south



#7 - View of six-foot fence in front yard of Twin Oaks Drive, looking west



#8 - View of dumpster in front yard of Twin Oaks Drive, looking south.



#9 - Adjacent automotive commercial uses to the west of site



#10 - Adjacent automotive sales use to the north of site, looking east.



#11 - Adjacent commercial uses to the east of site, looking south.



#12 - Adjacent commercial uses to the south of site, looking east.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-017
Address: 5420 McFarland Road (approximate address)
Location: Perry Township, Council District #24
Zoning: D-1
Petitioner: David Smithmeyer, by Jerry Hornback
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow:

On Parcel One

- a) Two primary dwellings (only one primary dwelling permitted per lot); and
- b) The westernmost dwelling maintaining a zero-foot northern side yard setback (eight-foot side yard setback required)

On Parcel Two

- a) An accessory structure without a primary dwelling (primary dwellings must be erected prior to accessory structures); and
- b) Legally establish a lot with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required).

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	D-1	Single-family dwelling, barn, and a detached accessory dwelling.
---------	-----	--

SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwelling / Two-family dwellings
South	C-3	Commercial Offices
East	SU-1	Religious use grade school athletic fields
West	D-5	Two-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends suburban neighborhood uses for the site.
--------------------	--

(Continued)

STAFF REPORT 2023-UV3-017 (Continued)

- ◇ The subject site was originally developed with a single-family dwelling and a barn. A detached accessory dwelling with a garage was added to the site sometime between 1972 and 1978 according to aerial photos. Living space was added to the barn around 1956, according to Assessor's records, however, the living space as a use appears to have been abandoned and vacant for a number of years. Therefore, it would no longer be considered legally non-conforming. The petitioner plans to renovate the living space within the barn and turn it into a second primary dwelling on parcel one.
- ◇ After a Staff site visit, it was determined that parcel two would have a single-family dwelling on it after the parcel split, as the structure was mislabeled on the submitted site plan as a garage. Therefore, the portion of the request to provide for a parcel with an accessory structure without a primary dwelling could be withdrawn. Another variance may be needed if the structure does not meet the minimum square footage required for a single floor single-family dwelling.

VARIANCE OF USE

- ◇ Per Table 743-1: Use Table, a single-family dwelling is permitted in the D-1 District. However, two single-family dwellings are not permitted on a single lot in this district.
- ◇ Staff believes that the site is large enough to be divided appropriately to provide for two single-family dwellings on separate lots without the need for variances, or provide for two-family dwellings if rezoned, similar to surrounding properties. However, with the variances as proposed, the site would negatively impact surrounding properties. In Staff's opinion, by granting the requested variances to allow two single-family dwellings on an original single-family lot, with reduced setbacks, with an increase in density over the previous structure's use on a single lot, would provide for increased intensity and negatively impact adjacent properties.
- ◇ There is no practical difficulty with the site, as the site is large enough to be split into two parcels while meeting all required development standards. The strict application of the Ordinance would not constitute an unnecessary hardship since there are multiple options for residential development without the need for a variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of this petition would allow for the parcel to be split, with the westernmost dwelling maintaining a zero-foot northern side yard setback on parcel one and provide for a lot with a street frontage and width of 43-feet wide on parcel two after the split.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to building setbacks and lot widths, are intended to ensure orderly development and protect surrounding property values, by providing for sufficient space, open buffer areas along lot lines and to ensure adequate access around buildings, as well as to prevent fires from spreading between buildings.

(Continued)

- ◇ There is no practical difficulty with the site, as the site is large enough to be split into two parcels while meeting all required development standards. The strict application of the Ordinance would not constitute an unnecessary hardship since there are multiple options for residential development on this site without the need for the requested variances.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of McFarland Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 40-foot existing right-of-way, and a 90-foot proposed right-of-way.

SITE PLAN

File-dated July 10, 2023.

FINDINGS OF FACT

File-dated July 10, 2023.

ZONING HISTORY

2004-UV2-039; 2551 East Epler Avenue (west of site), requested a variance of use to provide for a two-family dwelling,

2003-DV1-044; 2551 East Epler Avenue (west of site), requested a variance of development standards to provide for a 4,000 square foot detached accessory structure resulting in 4,896 square feet of detached accessory building area or 331.93 percent of the main floor area of the primary dwelling and 4,896 square feet of total accessory use area or 331.93 percent of the total floor area of the primary dwelling,

2002-UV2-005; 5424 McFarland Road (south of site), requested a variance of use to provide for automobile and transmission service in an existing 1,288 square-foot building, **granted**.

RU

STAFF REPORT 2023-UV3-017 (Continued)

2023-UV3-017; Location Map



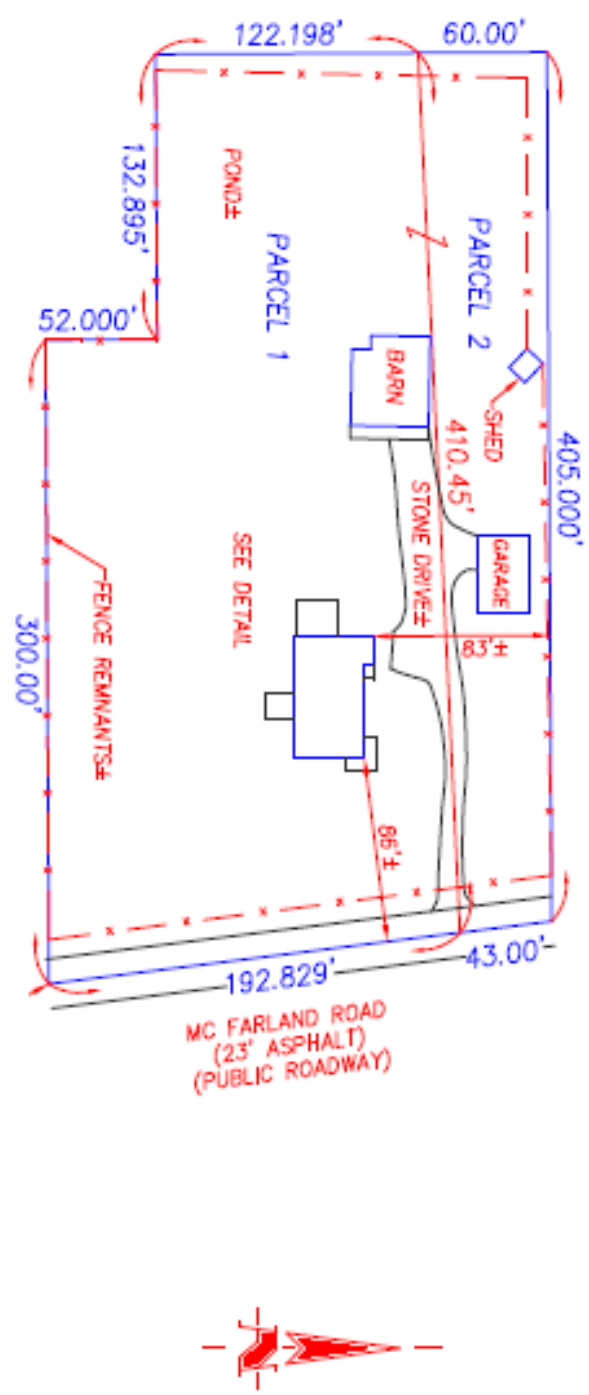




Photo of the subject site, primary dwelling on parcel 1, looking west



Photo of the subject site, south side yard on parcel 1, looking west



Photo of the subject site, second primary dwelling on parcel 1, looking west



Photo of the subject site, second primary dwelling proposed zero foot north side setback on parcel 1, looking west



Photo of subejct site parcel two frontage, looking west.



Photo of subejct site parcel two garage/accessory dwelling, looking west.



Photo of adjacent property to the south, looking west.



Photo of adjacent property to the north, looking south.