



Board of Zoning Appeals BZA Division II (March 14, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, March 14, 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:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

1. 2023-DV2-002 | 1449 Olive Street (approximate address)

Center Township, Council District #21, Zoned D-5 (TOD), by Mina Hawk

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot corner side yard setback and a three-foot north side yard setback (eight-foot corner side yard, five-foot side yard setbacks required), within the clear sight triangle of the intersection of the alley and Cottage Avenue (encroachment not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

2. 2022-UV3-022 (Amended) | 830 River Avenue (approximate address)

Center Township, Council District #16, Zoned D-5 (RC), Two Chicks & A Hammer 830 River LLC, by Austin Aynes

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex (maximum height of 2.5 stories permitted), on a 40-foot wide, 6,000-square foot lot (60-foot lot width, minimum area of 7,200 square feet required) with an open space of 48% (60% required) with a third and fourth dwelling within a detached garage (not permitted) with mechanical equipment, walking paths and patios encroaching within the side yard setbacks (five-foot setback required, walking paths must be two-feet from side lot lines).

****Continuance request by the petitioner to May 16, 2023**

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

3. 2022-DV2-047 (Amended) | 2304 and 2302 West 60th Street (approximate address)

Washington Township, Council District #8, Zoned D-2, Cesar Felix Garay, by In and Out Unlimited LLC

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 15-foot-tall pole barn taller than the primary building (accessory buildings not permitted to be taller than primary structure).

4. 2023-DV2-001 | 801 Shelby Street (approximate address)

Center Township, Council District #17, Zoned C-5 /D-5 (TOD), RCA Properties LLC, by Paul J. Lambie

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

5. 2023-DV2-003 | 231 Wellington Road (approximate address),Town of Meridian Hills

Washington Township, Council District #2, Zoned D-2, by John & Erin Young, by Brian J. Tuohy

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

***Automatic Continuance filed by petitioner**

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-DV2-002
Address: 1449 Olive Street (approximate address)
Location: Center Township, Council District #21
Zoning: D-5 (TOD)
Petitioner: Mina Hawk
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot corner side yard setback and a three-foot north side yard setback (eight-foot corner side yard, five-foot side yard setbacks required), within the clear sight triangle of the intersection of the alley and Cottage Avenue (encroachment not permitted).

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

| | |
|-----|------------------------|
| D-5 | Single-family dwelling |
|-----|------------------------|

SURROUNDING ZONING AND LAND USE

| | |
|-------------|-------------------------|
| North - D-5 | Single-family dwelling |
| South - D-5 | Single-family dwellings |
| East - D-5 | Single-family dwelling |
| West - D-5 | Fraternal organization |

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood uses.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties. A setback of less than three feet from the property line requires additional fire-rating.

(Continued)

STAFF REPORT 2023-DV2-002 (Continued)

- ◇ The proposed three-foot corner side yard setback and the three-foot north side yard setback would roughly match the setbacks of the existing single-family dwelling on the subject site. In addition, the existing right-of-way along this portion of East Cottage Avenue is 60 feet, which exceeds the proposed 48-foot right-of-way, and encroaches into the subject site corner side yard approximately 12 feet from the sidewalk. Therefore, the proposed garage would have a setback of 15 feet from the sidewalk and would meet the intent of the corner side yard setback. Therefore, Staff believes that the requested reduced setbacks for the garage would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ The Ordinance, specifically 744-503.H, states “no obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet and 8 feet above grade level of the adjoining right-of-way within a Clear Sight Triangular Area.” The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ The clear site triangle as shown on the site plan is incorrect, as it shows a measurement of 20 feet by 100 feet. The actual measurement should be 40 feet by 75 feet.
- ◇ The proposed garage encroachment into the clear sight triangle is primarily a result of the short length of the lot, compared to other lots in the area. The lot at approximately 120 feet in length, has limited area to move the proposed garage out of the clear site triangle, compared to other lots on the block further north that are approximately 180 feet in length. In addition, the adjacent alley is minor and only serves five other parcels, of which only three currently have garage access. Therefore, vehicle usage of the alley would be minimal compared to other alleys in the area. Staff would also point out the previously mentioned 60 foot right of way along this portion of Cottage Avenue that encroaches into the side yard approximately 12 feet, providing the garage with an actual 15-foot setback from the sidewalk. Although still deficient by the clear site triangle standards, this does provide for an approximate car length of clear site viewing of oncoming traffic and pedestrians. Therefore, Staff believes that the requested encroachment into the clear site triangle would represent a minor deviation from the Ordinance.

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of Olive Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

This portion of Cottage Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

SITE PLAN

File-dated February 1, 2023.

FINDINGS OF FACT

File-dated February 1, 2023.

(Continued)

STAFF REPORT 2023-DV2-002 (Continued)**ZONING HISTORY**

2019-HOV-015; 1502 Laurel Street (east of site), requested a variance of development standards to provide for a detached garage for an existing two-family dwelling with a one-foot south side setback and a zero-foot northside setback, a 7.5-foot front setback from Laurel Street and 48% open space, **granted**.

2018-HOV-012; 1246 Cottage Avenue (east of site), requested a variance of development standards to provide for a single-family dwelling, with six-foot and 3.5-foot front setbacks, with four feet between primary dwellings, a detached garage with a 4.5-foot front setback, and with an open space of 48%, **granted**.

2018-HOV-078; 1515 Olive Street (south of site), requested a variance of development standards to provide for a single-family dwelling and a detached garage with a two-foot north side setback and two feet and three feet between primary dwellings, **granted**.

2017-DV1-036; 1426 and 1430 Olive Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling (1426) and garage, creating an open space of 58%, and with a 10-foot front yard, a one-foot south side yard, and with two feet and seven feet between dwellings, and to legally establish a dwelling (1430), with a 10-foot front setback, a one-foot north side setback and two feet between dwellings, **granted**.

2017-DV1-073; 1222 and 1226 Cottage Avenue (east of site), requested a variance of development standards to provide for the construction of a single-family dwelling and attached garage, with a 10-foot front setback, with a three-foot separation between dwellings and an open space of 50% for 1222 Cottage Avenue, and the construction of a single-family dwelling and attached garage, with a 10-foot front setback, with a four-foot separation between dwellings and an open space of 56% for 1226 Cottage Avenue, **granted**.

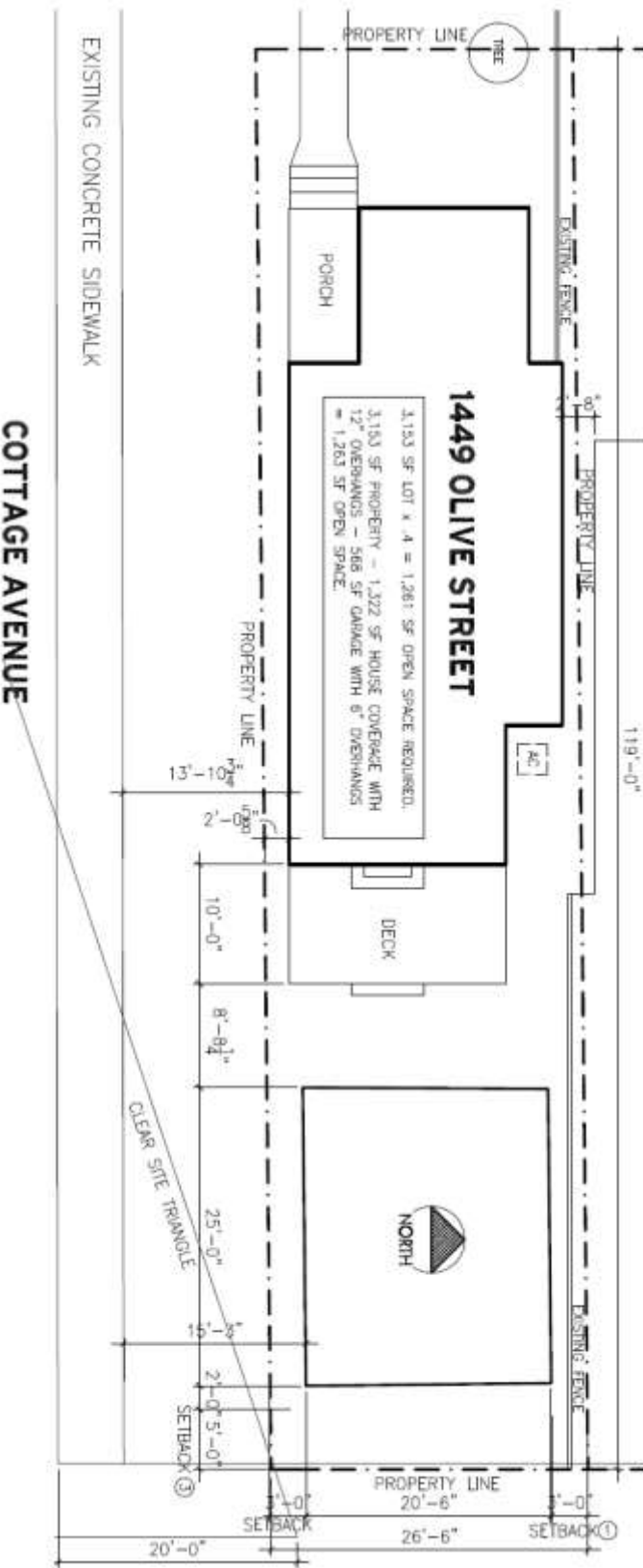
2017-HOV-020; 1209 Cottage Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition to a single-family dwelling, creating 46% open space, with a 10.7 rear setback, with a one-foot east side setback and nine feet between buildings, **granted**.

2016-HOV-001; 1433 Olive Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 440-square foot detached garage, with three-foot north and south side setbacks, creating a six-foot aggregate side setback and 40% open space, **granted**.

99-UV3-96; 1434-1446 Olive Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a parking lot associated with a fraternal organization, **granted**.

RU







Front of subject site, looking east.



Rear of subject site, looking west.



Rear alley view of the clear site triangle looking southwest.



Cottage Avenue view of the clear site triangle looking northeast.



Adjacent properties to the east, looking north.



Adjacent properties to the north, looking east.

STAFF REPORT

Item 2.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV3-022
Address: 830 River Road (Approximate address)
Location: Center Township, Council District # 16
Petitioner: Two Chicks & A Hammer 830 LLC, by Austin Aynes
Request Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a three-story duplex (maximum height of 2.5-stories permitted) on a 40-foot wide, 6,000-square foot lot (60-foot lot width, minimum area of 7,200 square feet required), with an open space of 48% (60% required), with a third and fourth dwelling within a detached garage (not permitted), with mechanical equipment, walking paths and patios encroaching within the side yard setbacks (five-foot setback required, walking paths must be two feet from side lot lines).

ADDENDUM FOR MARCH 14, 2023, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued from January 10, 2023, hearing to March 14, 2023, hearing. The petitioner has requested a continuance to the May 16, 2023, for additional time to submit staff requested revised plans.

ADDENDUM FOR JANUARY 10, 2023, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued from November 15, 2022, hearing to January 10, 2023, hearing. As of this writing, no new information has been submitted to the file.

ADDENDUM FOR NOVEMBER 15, 2022, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued and transferred from the October 18, 2022, Division Three hearing to November 15, 2022, Division Two hearing. As of this writing, no new information has been submitted to the file.

OCTOBER 18, 2022, BOARD OF ZONING APPEALS, DIVISION THREE

A request to **continue** and **transfer** this petition was submitted by a registered neighborhood group to Board II for hearing on **November 15, 2022**. Staff would not object to this request.

RECOMMENDATIONS

Staff **recommends denial** of the variance request. If the request would be amended to only request a duplex and the open space variance amended to 55% staff would **recommend approval**.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5 (RC) Compact Undeveloped

SURROUNDING ZONING AND LAND USE

| | |
|------------------|---|
| North - D-5 (RC) | Single-family dwelling |
| South - D-5 (RC) | Two-family dwelling |
| East - D-5 (RC) | Single-and two-family dwellings; four-unit dwelling |
| West - D-5 (RC) | Single-family dwellings |

COMPREHENSIVE PLAN The Comprehensive Plan recommends Traditional Neighborhood development.

- ◇ This 0.138-acre parcel is unimproved. This area, named The Valley, is generally characterized as a mix of single- and two-family dwellings within the neighborhood and commercial retail and vehicle-related businesses along Oliver Avenue. This site is less than two blocks south of the former GM Stamping Plant site, which is being redeveloped into a mixed-use development, with offices, hotels, multi-family dwellings and an extension of White River State Park. This neighborhood dates at least to 1898, according to *Sanborn Fire Insurance Maps*.

ORDINANCE

- ◇ The Consolidated Zoning and Subdivision Ordinance was amended in November 2021. This amendment included new Walkable Neighborhood Dwelling Districts use and development standards. The D-5 zone is included in these standards. The Walkable Neighborhood Dwelling Districts standards implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. The Valley Neighborhood has many of these items already in place.
- ◇ The Walkable Neighborhood Dwelling Districts standards for D-5 would permit a multi-unit house within the main structure, without the need for a variance. A multi-unit house would be up to four units. All dwelling units would be required to be within the main structure, however, the four dwelling units that are requested with this petition could be permitted without the need for a variance.

(Continued)

VARIANCES / REGIONAL CENTER

- ◇ This petition would provide for new development on a 40-foot-wide lot that would consist of a duplex structure and a separate structure that would include two additional dwelling units, plus garage parking. Several development standards variances are requested, including height of the main structure at three stories, open space of 48%, and mechanical equipment, walking paths and patios encroaching into the side yard setbacks.
- ◇ A duplex would be permitted on this D-5 lot if the lot would be 60 feet in width with land area of 7,200 square feet. The lot is 40 feet in width and 6,000 square feet in size. Staff would support a duplex if most of the other variances would be withdrawn from consideration. A duplex would not be out of character of this neighborhood. Staff would support an open space of 55%, as opposed to the requested 48%. The accessory structure could be reduced in size to be closer to the required 60% open space.
- ◇ Two secondary dwelling units are requested within a separate structure to west of the main structure. The Ordinance permits one secondary dwelling unit if the main structure is a single-family dwelling. The request for two secondary dwelling units on a lot with a duplex, represents a gross intensification of the Ordinance requirements. Additionally, this request would not be compatible with the neighborhood.
- ◇ The proposed encroachment of mechanical equipment, walking paths and patios into the side yard setbacks and a reduction in the open space to 48% would be a clear indication of over-development of the site. There is no practical difficulty demonstrated in these development standards request.
- ◇ The site is located within the Regional Center overlay district. Since the adoption of the Regional Center on November 17, 1970, design of renovations, new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to compliance to the Regional Center Secondary District regulations, along with zoning district development standards. A Regional Center Approval has been filed for this development via 2022-REG-008.

SITE PLAN / ELEVATIONS

- ◇ The proposed site plan indicates that the main structure would have individual entries to each of the two units, with backyard areas for each of these units. The accessory structure would include two dwelling units that may or may not have visibility to the street or alley. If this petition would be approved, the secondary dwelling unit entries must be visible to the street or alley, for safety purposes.
- ◇ Patios, walking paths and mechanical equipment would encroach into the required side yard setbacks. In the rear, a concrete drive would access the vehicle entries into the garage, from the alley.

(Continued)

STAFF REPORT 2022-UV3-022 (Continued)

- ◇ The elevations for the main structure indicate that a portion of this structure would be three stories in height. The Ordinance requires a maximum of 2.5-stories. The dwellings that abut

this site are single-story. A three-story structure would be out of character for this neighborhood and would impact the adjacent dwellings in a negative manner. Additionally, there is no practical difficulty demonstrated as the structure could be re-designed with minimal effort to meet the maximum 2.5-story height.

SITE PLAN
Amended

File-dated July 8, 2022
File-dated August 15, 2022

FINDINGS OF FACT
Amended

File-dated July 8, 2022
File-dated September 19, 2022.

ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

2022-HOV-001; 835 Birch Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with three-foot side yard setbacks and a fifteen-foot rear yard setback, **granted**.

2021-DV1-078; 673 River Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a five-foot rear setback and a five-foot side yard setback, **granted**.

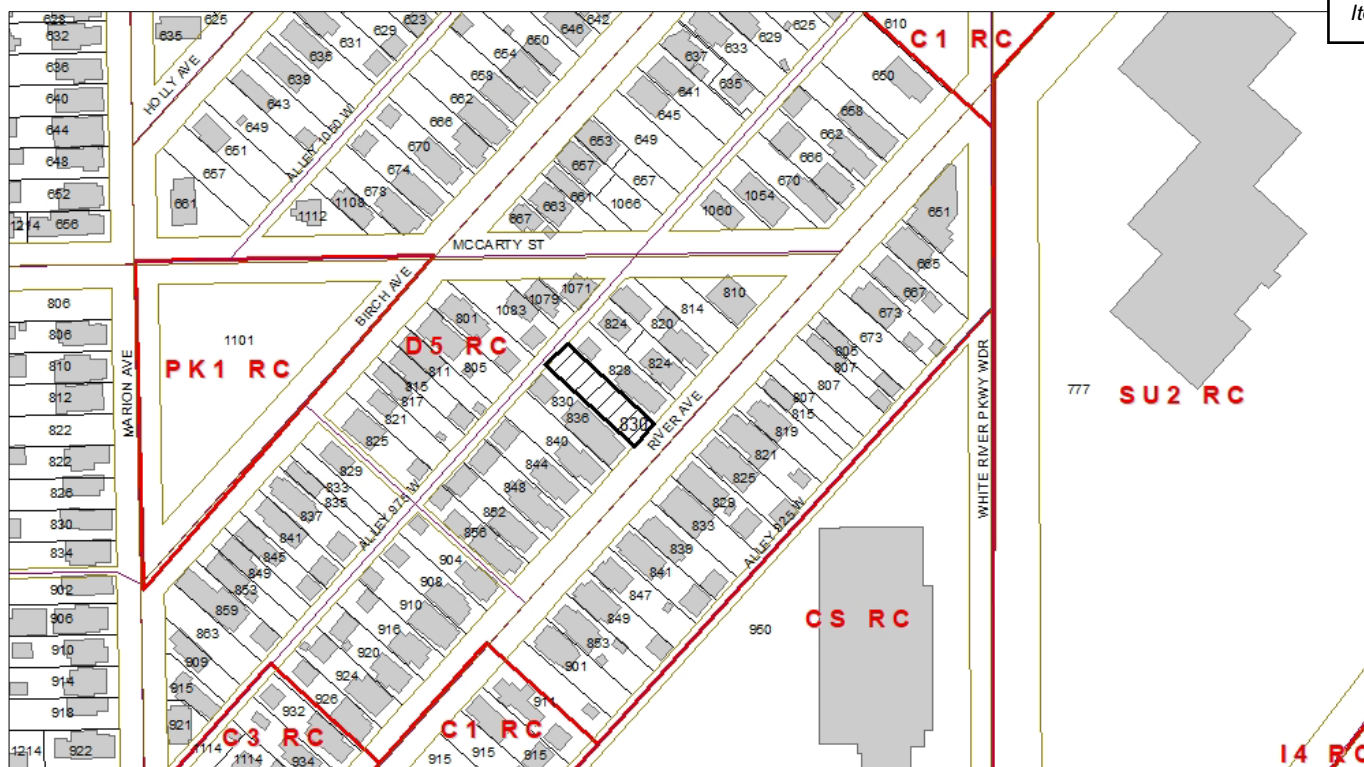
2021-DV2-056; 649 Birch Avenue, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 6,750-square foot lot, 45-foot-wide lot with 49% open space, **granted**.

2021-REG-051; 649 Birch Avenue, requested Regional Center Approval to provide for a two-family dwelling, **approved**.

2018-DV2-001; 833 Birch Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a one-foot side yard setback and 43.5% open space, **granted**.

95-UV1-135; 1173 Oliver Avenue, requested a variance of use of the Commercial Zoning Ordinance to provide for automobile sales, **granted**.

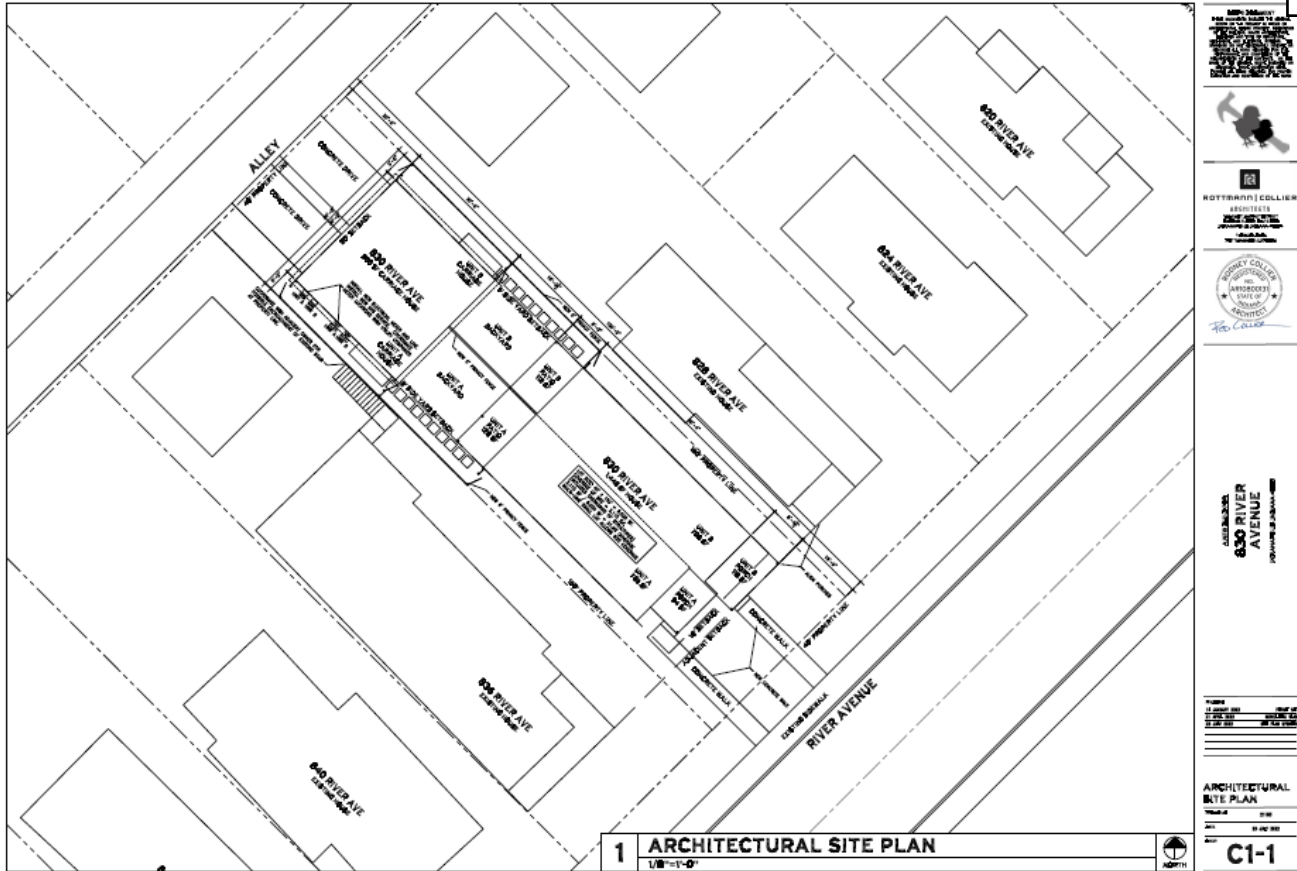
JY



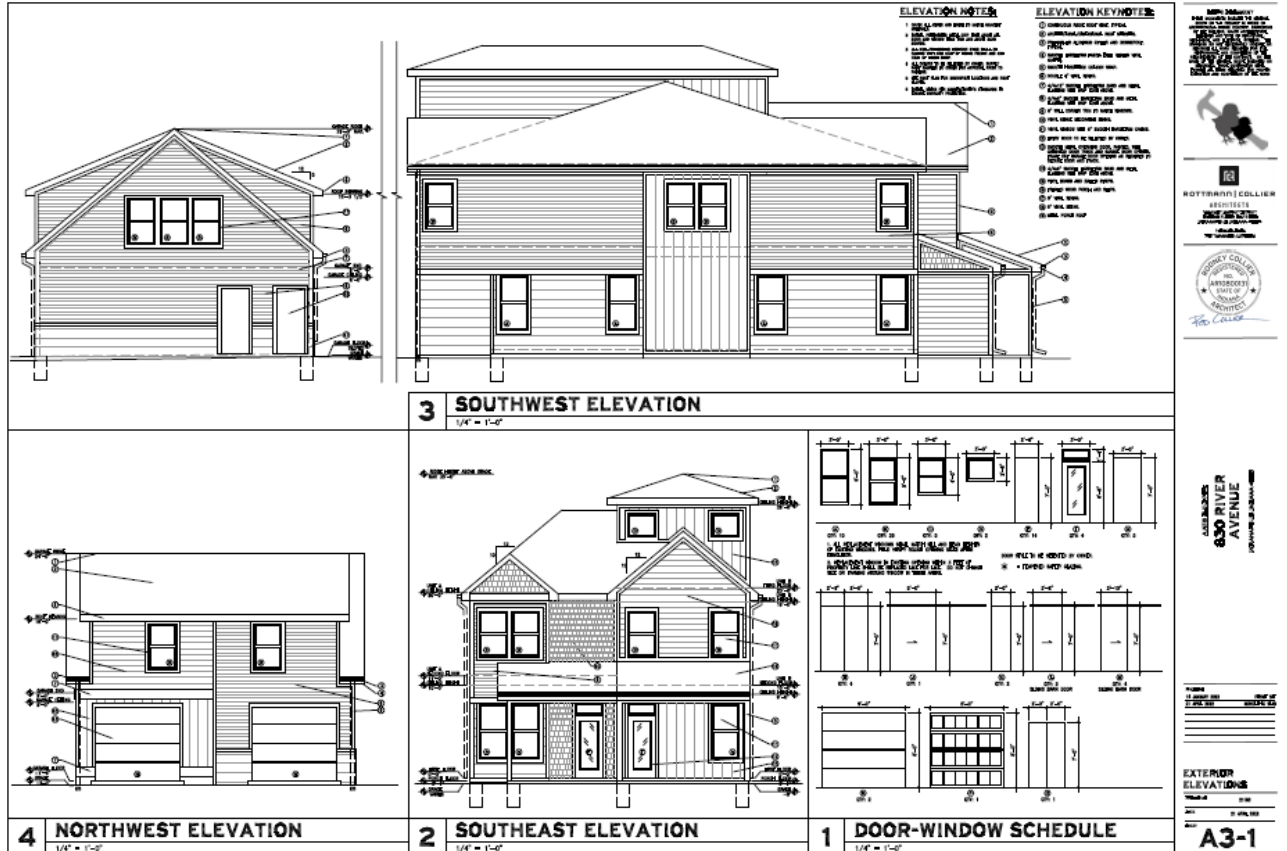
Map of site and surrounding parcels



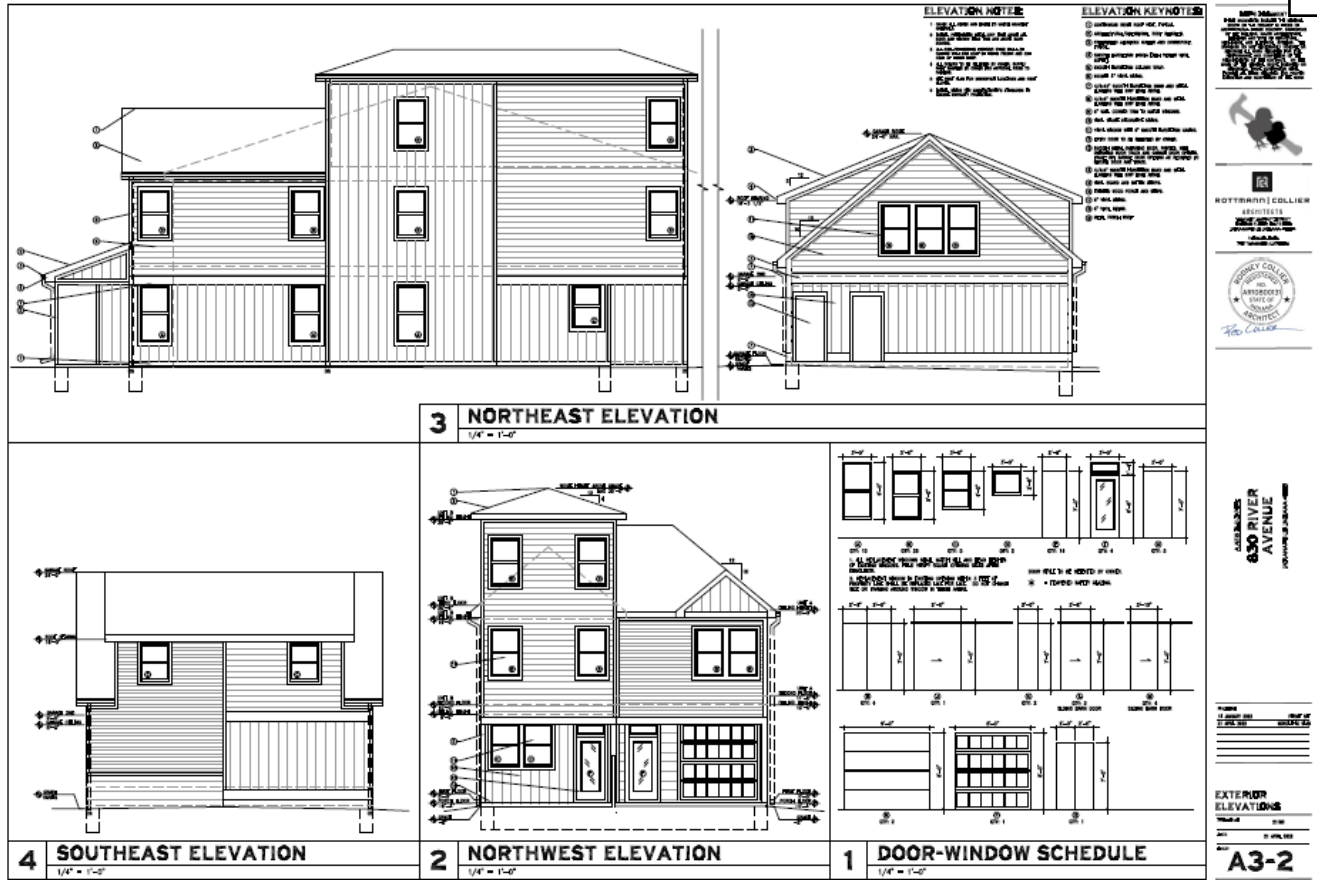
Aerial of site and surrounding neighborhood



Site plan



Proposed elevations - 2022-UV3-022



Proposed elevations



Subject site with neighboring structures – 2022-UV3-022



Subject site with neighboring structures



Views of neighboring structures - 2022-UV3-022



Views of neighboring structures



Views of duplex across the street - 2022-UV3-022



Views of duplex across the street
2022-UV3-022

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV2-047 (Amended)
Address: 2304 and 2302 West 60th Street (approximate address)
Location: Washington Township, Council District #8
Zoning: D-2
Petitioner: Cesar Felix Garay, by In and Out Unlimited LLC
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 15-foot-tall pole barn taller than the primary building (accessory buildings not permitted to be taller than primary structure).

This petition was continued from the January 10, 2023 hearing to the February 14, 2023 hearing to allow to allow the petitioner additional time to provide new information for review and potentially amend the request if needed.

This petition was automatically continued from the February 14, 2023 hearing to the March 14, 2023 hearing at the request of a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of the request as amended with the commitment that no commercial vehicles will be stored on site.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

| | | |
|-----|-------|--------------------------------------|
| D-2 | Metro | Residential (Single-family dwelling) |
|-----|-------|--------------------------------------|

SURROUNDING ZONING AND LAND USE

| | | |
|-------|-----|---------------------------------------|
| North | D-2 | Residential (Single-family dwelling) |
| South | D-3 | Residential (Single-family dwellings) |
| East | I-2 | Industrial |
| West | D-2 | Residential (Single-family dwelling) |

| | |
|--------------------|--|
| COMPREHENSIVE PLAN | The Comprehensive Plan recommends suburban neighborhood development. |
|--------------------|--|

- ◇ The subject site consists of three parcels. The middle parcel contains the primary dwelling with the proposed pole barn.

(Continued)

STAFF REPORT 2022-DV2-047 (Continued)**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The original request was to allow for the construction of a pole barn to be taller and larger in size than the main floor area of the existing single-family dwelling.
- ◇ Section 743-306.A states that any accessory use shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot. This regulation is in place to prevent residential districts being developed with garages and barns that are out of character with the development pattern of the area.
- ◇ The petitioner submitted a revised site plan that accurately depicted the footprint of the existing single-family dwelling. This confirmed that the existing dwelling, measuring approximately 3,066 square feet, would be larger than the proposed 2,800 square foot pole barn thus eliminating the size variance.
- ◇ As proposed, the pole barn would measure 15 feet tall instead of the original request of 18.75 feet. In comparison, the house measures 14.25 feet in height which would only be a difference of nine inches. Revised elevations were submitted on February 16, 2023 depicting the roof change.
- ◇ Due to the proposed placement of the structure being at the rear of the property and with it being relatively screened from the street frontage, staff is supportive of the request.
- ◇ In staff's opinion, the nine-inch height difference is a slight variation that would not affect the use or value of the area adjacent to the property because the height difference would not be as noticeable.
- ◇ The existing height of the dwelling creates some practical difficulty with providing an accessory structure with 12-foot-tall garage doors to provide additional clearance for recreational vehicles that would not otherwise fit within typical 7-foot garage door heights.
- ◇ The petitioner provided a photo of the recreational vehicle to be stored on site, which is shown with the site photographs. The boat and associated transport trailer are permitted under the recreational vehicle definition and would require the taller clearance height requested.
- ◇ Staff had concerns with the storage of commercial vehicles on site since there were commercial vehicles when the site visit was conducted. The property owner assured staff that they would not have commercial vehicles on site, but staff would request a commitment that no commercial vehicles be stored on site so that this would be on the record.

GENERAL INFORMATION**THOROUGHFARE PLAN**

60th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 42-foot existing right-of-way and a 50-foot proposed right-of-way.

(Continued)

STAFF REPORT 2022-DV2-047 (Continued)

| | |
|--------------------|-------------------------------|
| SITE PLAN | File-dated December 1, 2022. |
| AMENDED SITE PLAN | File-dated January 3, 2023. |
| ELEVATIONS | File-dated December 1, 2022. |
| AMENDED ELEVATIONS | File-dated January 6, 2023. |
| FINAL ELEVATIONS | File-dated February 16, 2023. |
| BUILDING PLANS | File-dated December 1, 2022. |
| FINDINGS OF FACT | File-dated December 1, 2022. |

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2018-CPL-811 / 2018-CRV-811; 2231 West 60th Street (southeast of site), Approval of a Subdivision Plat to be known as Cunningham Subdivision, dividing 1.25 acres into three lots and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for lot widths of 35 and 60 feet and a lot area of 6,500 square feet for one lot (minimum 70 feet and 10,000 square feet required), **approved and granted.**

2007-UV2-013; 5988 Michigan Road and 2121 and 2213 West 60th Street (southeast of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for an industrial use primarily engaged in the cleaning and repair of various damaged goods (not permitted), and to legally establish: a) a 6.5-foot south side transitional yard (minimum twenty-foot transitional side yard required), without landscaping (landscaping required), b) a zero-foot landscape strip along the existing right-of-way of Michigan Road (ten-foot landscaped strip required), c) a zero-foot landscape strip along the existing right-of-way of 60th Street (ten-foot landscape strip required), d) loading docks in front of the established front building line of the existing approximately 25,500 square foot building along West 60th Street (loading docks not permitted in front of the established front building line), **granted.**

2005-DV1-012; 2245 West 61st Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 1,340-square foot single-family dwelling, with a 426-square foot attached garage, and a 13-square foot covered porch on a lot with zero feet of public street frontage (minimum 40 feet of public street frontage required), and without direct access to a public street (direct access to a public street required), **granted.**

(Continued)

STAFF REPORT 2022-DV2-047 (Continued)

2003-UV1-049; 2215 West 60th Street (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an automobile body repair shop, **denied**.

2002-DV3-004; 2635 West 60th Street (southwest of site), Variance of development standards of the Dwelling Districts Zoning to legally establish a 556.78 square foot single-family dwelling with a 4-foot side setback from the west property line and to provide for a 28.7 by 15-foot, or 430.5 square foot addition to said dwelling with a 4-foot side setback (minimum 6-foot side setback required), **granted**.

99-NC-05; 6040 Michigan Road (northeast of site), Certificate of Legal Non-Conforming Use for a single-family residential dwelling located in a C-1 District, **approved**.

97-V3-52; 2660 West 60th Street (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a solid wood privacy fence being 6 feet in height along Estate Street (maximum 42 inches in height permitted), with a 5.5 foot setback along Estate Street (minimum 25 feet required), and an animal enclosure with side yard setback of zero feet (minimum 7 feet, with an aggregate of 19 feet required), **granted**.

92-UV1-113; 5940-5950 Michigan Road (southeast of site), Variance of use of the Commercial and Dwelling Districts Zoning Ordinances to provide for the continued operation of offices, showrooms, and the fabrication of sheet metal products with outdoor storage, **granted, subject to the provision of landscaping and curbing along Michigan Road**.

89-UV2-21; 2121 West 60th Street (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a car wash (a car wash was previously by temporary variance), **granted, subject to the provision of landscaping and curbing along 60th Street**.

88-UV1-133; 2216 West 60th Street (east of site), Variance of use and development standards of the Commercial Districts Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the construction of a warehouse building related to the existing industrial use, **granted**.

88-UV1-43; 2216 West 60th Street (east of site), Variance of use and development standards of the Commercial Districts Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for an I-2-U use, **granted**.

87-UV1-141; 6002 North Michigan Road (east of site), variance of use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the use of an existing building as offices and warehouse space for the adjacent sheet metal manufacturer and to provide for off-street parking and outside storage of material for the same use, **granted, subject to the provision of landscaping and a sidewalk along Michigan Road**.

86-UV1-149; 2215 West 60th Street (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance, to provide for the operation of an automobile body shop, **granted for five years, expiring January 6, 1992**.

85-UV1-99; 2216 West 60th Street (east of site), Variance of use to provide for a truck turn-around and a industrial building with a 30-foot rear and a 80-foot front setback, with a parking area exceeding 10% of the front yard, **granted, subject to the provision of landscaping along 60th Street**.

(Continued)

STAFF REPORT 2022-DV2-047 (Continued)

85-V3-96; 6040 North Michigan Road (northeast of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the use of an existing structure for a second residence with a 3.5-foot side yard setback (8 feet required), **granted**.

84-UV2-48; 6014 North Michigan Road (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a 50 by 65-foot building within the required side yard setback to be used for vehicle maintenance and repair in conjunction with the existing truck and trailer leasing business, **withdrawn**.

81-UV2-26; 6014 North Michigan Road (east of site), Variance of use and development standards for the operation of a truck and trailer leasing center (U-Haul) with pole signs, storage, and off-street parking provided, **granted**.

81-UV2-3; 6040 North Michigan Road (northeast of site), Variance of use and development standards of Sign Regulations to park well-rigging equipment on vacant lot and to permit pole sign to remain 12 feet from property line, **granted**.

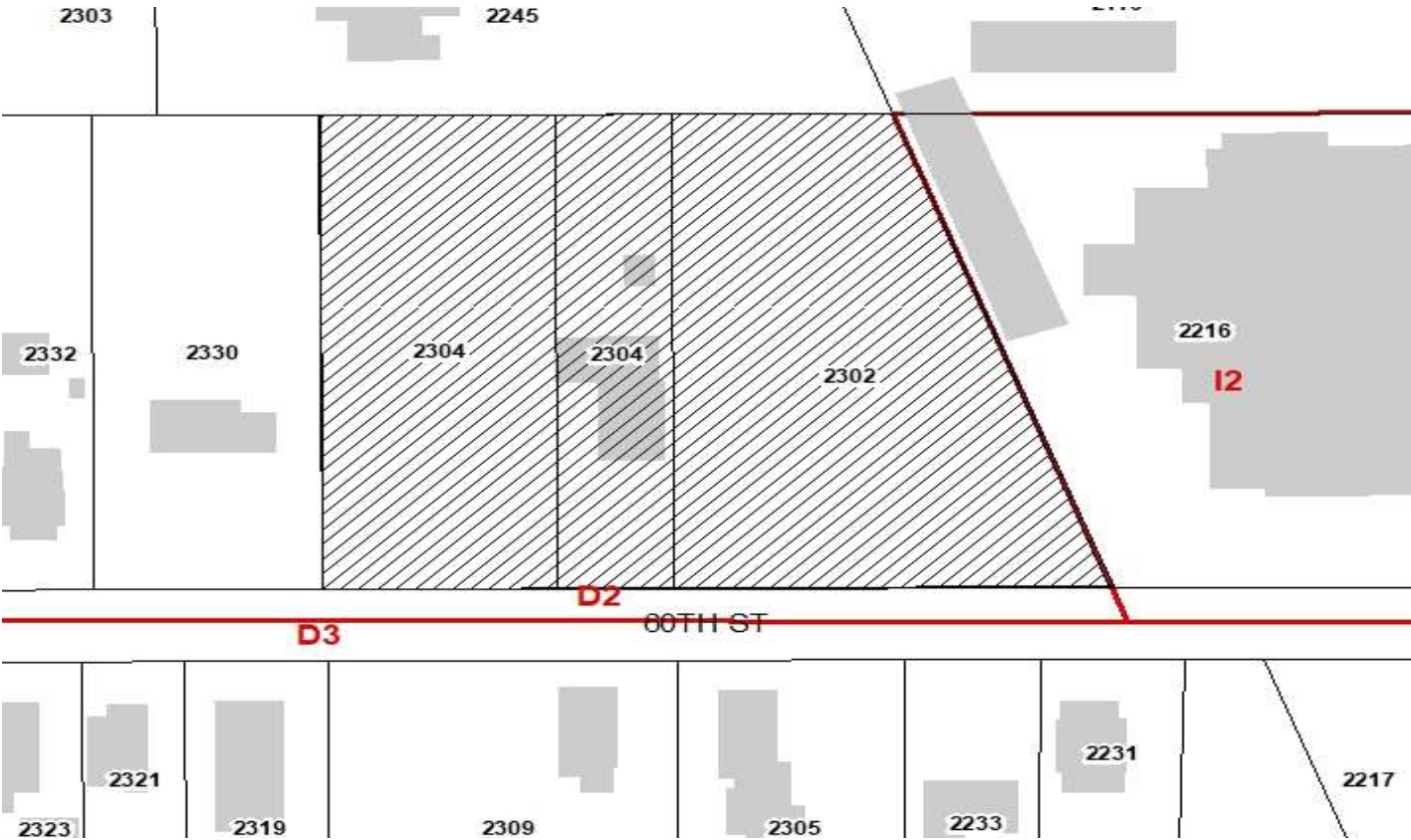
78-UV2-30; 6014 North Michigan Road (east of site), Variance of use and development standards to expand the operation for a truck and trailer leasing center, with storage and signs, as per plans filed, off-street parking provided, **denied**.

73-UV1-73; 6080 North Michigan Road (northeast of site), Variance of use, setbacks and transitional yard requirement to permit erection of an addition to front of existing nursery school, as per plans filed, off-street parking provided, **granted**.

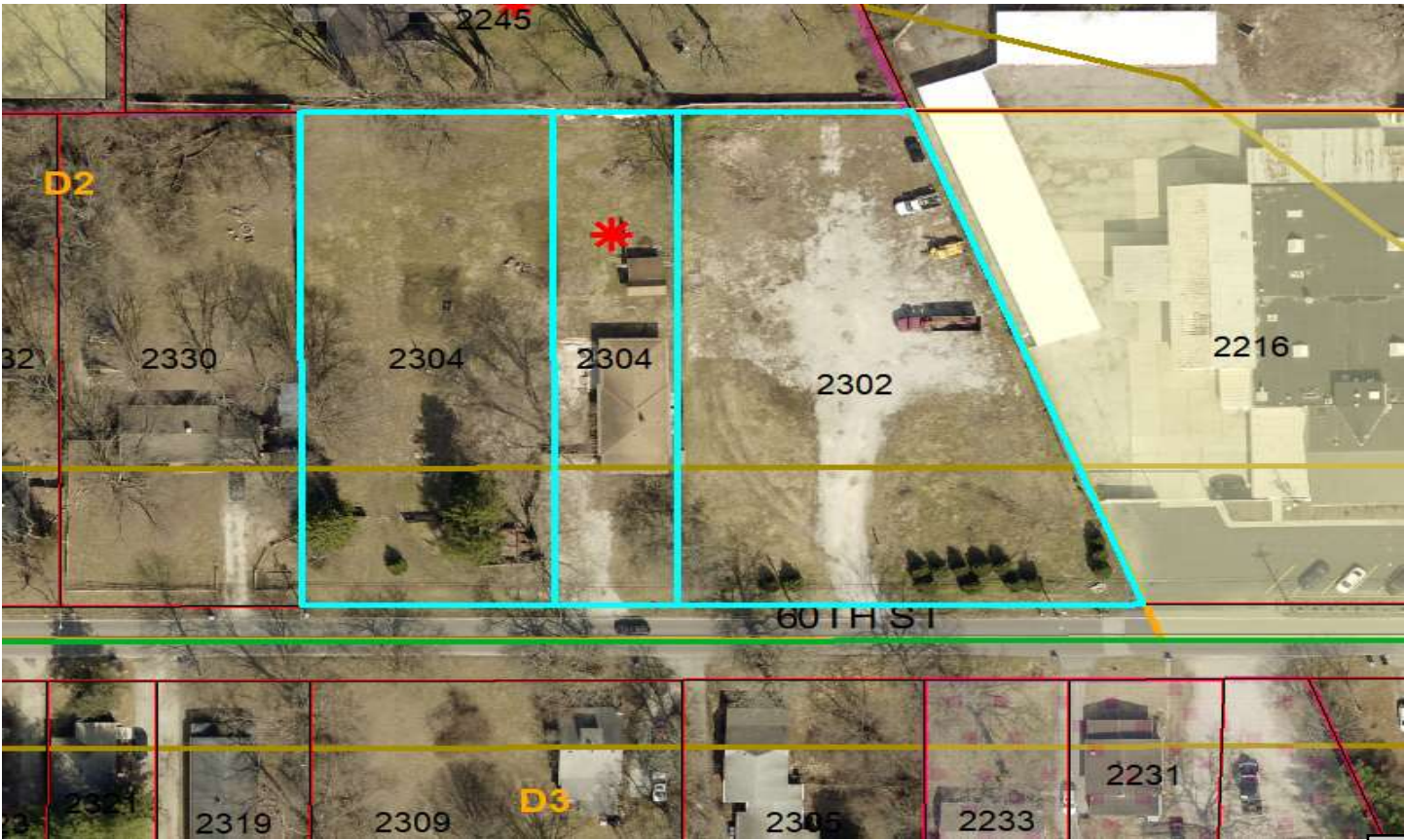
68-V4-84; (northeast of site), Variance of use to convert existing residence into a pre-school nursery, with addition to building, as per plans filed, off-street parking provided, **granted**.

MI

2022-DV2-047; Location Map



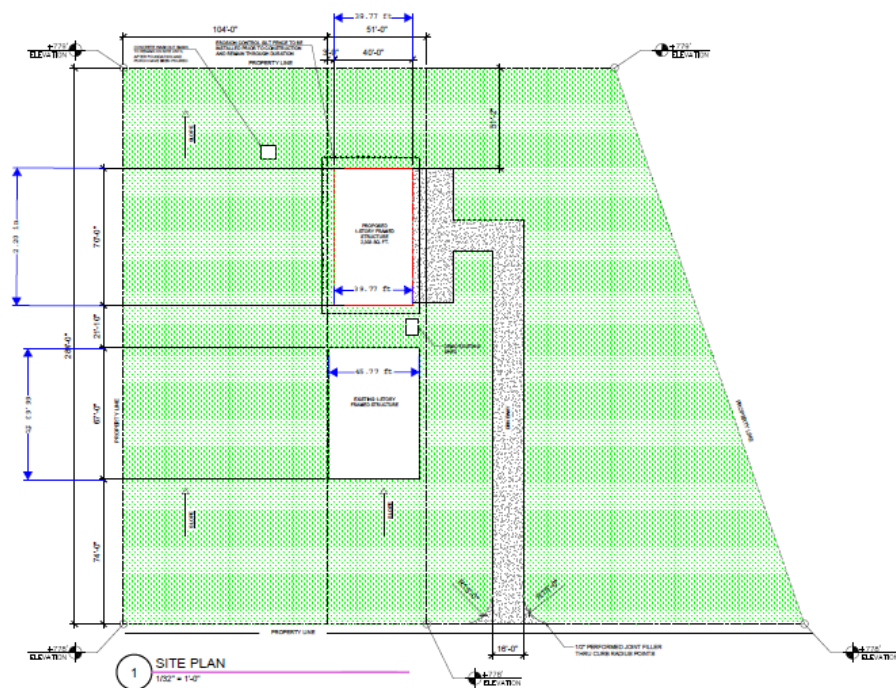
2022-DV2-047; Aerial Map





2304 WEST 60TH STREET
INDIANAPOLIS, IN 46228
CONSTRUCTION DOCUMENTS

| | |
|-------------|---|
| SHEET INDEX | |
| C1.0 | SITE PLAN |
| A1.0 | FOUNDATION PLAN / FIRST FLOOR PLAN / ROOF PLAN |
| A2.0 | WALL SECTION / WALL FRAMING DIAGRAMS |
| A3.0 | NORTH ELEVATION / SOUTH ELEVATION / EAST ELEVATION / WEST ELEVATION |



| | | |
|-----|------------------------|------|
| | | |
| | | |
| | | |
| | CONSTRUCTION DOCS | 4252 |
| 100 | Construction Documents | Over |

BRIDGE
OVER
WATER
DESIGNS,
LLC
mbridge2012@gmail.com

2304 W 60TH ST
INDIANAPOLIS, IN 46228

| | |
|--------------------|------------------|
| Product GASD_10 | Size C1.0 |
| Date 10/1/2000 | |
| Code AN 10100 | |



1 EAST ELEVATION - PRIMARY STRUCTURE
3/32" = 1'-0"



1 EAST ELEVATION - PRIMARY STRUCTURE
3/32" = 1'-0"



1 EAST ELEVATION - PRIMARY STRUCTURE
3/32" = 1'-0"

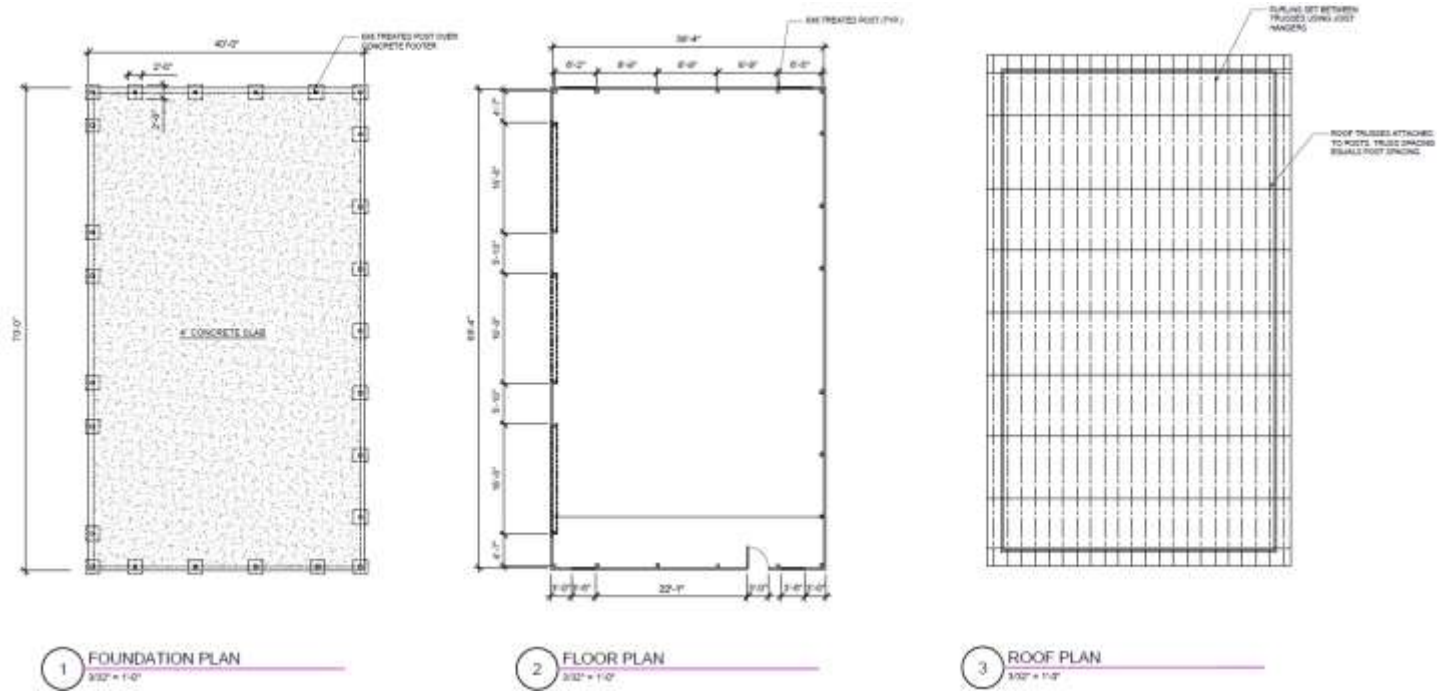




Photo of the Subject Property: 2304 West 60th Street



Photo of the Subject Property: 2304 West 60th Street



Photo of the Subject Property: 2302 West 60th Street



Photo of the proposed pole barn.



Photo of the existing landscaping at 2302 West 60th Street.



Photo of storage facility east of the site.



Photo of the single-family dwellings south of the site.



Boat and transport trailer to be stored on site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-001
Address: 801 Shelby Street (approximate address)
Location: Center Township, Council District #17
Zoning: C-5 / D-5 (TOD)
Petitioner: RCA Properties LLC, by Paul J. Lambie
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

| | | |
|-----|---------|---|
| C-5 | Compact | Vacant church undergoing remodeling for office uses |
|-----|---------|---|

SURROUNDING ZONING AND LAND USE

| | | |
|-------|-----------|---------------------------|
| North | C-5 | Auto dealership |
| South | C-5 | Two-family dwelling |
| East | D-5 | Single-family residential |
| West | C-5 & D-5 | Single-family residential |

| | |
|--------------------|---|
| COMPREHENSIVE PLAN | The Comprehensive Plan recommends Traditional Neighborhood development. |
|--------------------|---|

| | |
|-------------------|------------------------------------|
| SECONDARY OVERLAY | Transit-Oriented Development (TOD) |
|-------------------|------------------------------------|

- ◇ This 0.2-acre lot, zoned C-5 and D-5 is currently improved with a three-story former church, which is currently undergoing remodeling for office use. According to Sanborn Maps, the existing structure has been existing since at least 1915; predating the implementation of zoning in Indianapolis in 1922.
- ◇ North of the subject site is an auto dealership, within the C-5 District. South of the subject site is a two-family dwelling, also within the C-5 District. Directly to the east are single-family dwellings, within the D-5 District. To the west are single-family dwellings within the C-5 and D-5 Districts.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

- ◇ The C-5 District is intended for general commercial uses which are intended to attract regional consumers whose uses are often characterized by heavy automotive traffic and outdoor display, sales and operations. Uses that begin to be permitted by-right within the C-5 District include: Outdoor Recreation and Entertainment; various research and development uses; and Automobile Sales and Rental.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would allow for the conversion of a 15,000-square foot former church for office uses, with eight required parking spaces where 29 are required.
- ◇ Per Section 744-401.C, whenever a building undergoes a change of use, the required parking spaces and areas for the new use must be provided, with limited exceptions. Staff has determined that these exceptions are reliant on the presence of an existing on-site parking area, which the subject site does not possess, therefore is ineligible and requiring the filing of a variance.
- ◇ An office building of this size would typically require 42 parking spaces, two of which are required to be ADA compliant parking spaces. However, Section 744-403 allows for reductions, up to 35%, of this requirement based on criteria such as proximity to public transportation and the amount of non-required bicycle parking provided on-site. All parking related calculations are rounded down.
- ◇ Sites located within ¼-mile of a transit stop improved with a shelter are eligible for a 30% reduction of the minimum required parking. An inbound and outbound transit station for the Red Line are located northwest of the intersection of Virginia Avenue and Woodlawn Avenue, within 975 (.185 mile) feet of the subject site. This proximity reduces the amount of required parking to 29 spaces.
- ◇ The petitioner has indicated a willingness to provide ten non-required bicycle parking spaces for an additional reduction of two spaces, which would reach the 35% reduction cap of required parking permitted by the Ordinance. If provided, these spaces must be located within 50 feet of public entryways to the building.
- ◇ Per Section 740-306.B, on-street parking spaces within the Compact Context Area, located parallel to a sites front lot lines, may be counted towards the minimum off-street parking requirement. A total of eight on-street parking spaces along Shelby Street and Lexington Avenue meet these criteria.
- ◇ A portion of the subject site is undeveloped (see Photo Six below). However, Staff believes that promoting development of this part of the site would be inappropriate as it would push commercial activity upon the property directly to the east, require the removal of existing trees, encroach upon HVAC units and utility connections, necessitate additional variances, and result in a substandard parking area with minimal additional spaces provided. In addition, this would require a curb cut in close proximity to the irregular intersection of Lexington Avenue and Shelby Street, characterized by a 45-degree angle change of Lexington Avenue west of Shelby Street.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

- ◇ While Staff is generally hesitant to recommend approval of such drastic reductions of parking, Staff would highlight the fact that the original church was built prior to the implementation of zoning in Indianapolis, and therefore was not required to provide parking. In addition, the petitioner is willing to utilize all reductions afforded by the Ordinance. Given these factors and the fact that any change of use for the existing building would require a variance filing of similar deviation, Staff believes there to be a clear practical difficulty associated with the site and subsequently recommends approval of this request.

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of Shelby Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 60 feet.

This portion of Lexington Avenue is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana, with an existing and proposed right-of-way of 60 feet.

SITE PLAN

File-dated January 18, 2023.

FINDINGS OF FACT

File-dated January 18, 2023.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2022-UV2-002; 1035 Elm Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, fourteen unit medium apartment building (not permitted in D-8) with a four-foot front building setback (6.5-foot setback required), a 1.5-foot rear setback (ten-foot setback required), a Floor Area Ratio of 1.31 (maximum of 0.60 permitted) and a Livability Space Ration of 0.17 (minimum 0.66 ratio required); **denied**.

2021-DV2-003; 1012 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory garage with a two-foot east side setback and 52% open space; **granted**.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2021-DV3-010; 1020 Elm Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for additions to an existing single-family dwelling and detached garage, with a one-foot north side dwelling setback, 2.5-foot south side dwelling setback, three-foot side garage setbacks, three-foot and five-foot separation between dwellings, an open space of 40%; **granted.**

2021-DV1-033; 834 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage accessory to a single-family dwelling with 45% open space (65% open space required); **granted.**

2020-DV3-013; 1031 Elm Street; requests Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage attached by a breezeway to an existing single-family dwelling with an eight-foot front setback, 2.75-foot north side setback, 2.75 feet between primary dwellings, a five-foot rear setback and 34% open space; **granted.**

2020-DV1-075; 1132 Hoyt Avenue; requests 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 eight feet between dwellings; **granted.**

2019-DV1-052; 1131 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating an open space of 50%; **denied.**

2018-HOV-003; 1033 Hosbrook Street; requests a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with an eight-foot front setback and 5.5 feet and 9.5 feet between dwellings; **granted.**

2018-HOV-076; 1005 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with a nine-foot front setback, 1.5-foot and two-foot side setbacks, three feet between dwellings, a 3.5-foot rear setback and 40% open space; **granted.**

2018-HOV-013; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a one-foot front setback, a garage with 1.5-foot side setbacks and with a 34% open space; **granted.**

2018-DV3-050; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling with a five-foot front setback and a 49% open space, with a detached garage; **granted.**

2018-DV2-012; 822 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling, with a 15.75-foot front setback and a detached garage with 48% open space and three feet between dwellings, and with the garage in the clear sight triangle of the abutting alleys; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2018-DV1-037; 1007 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling, and detached garage, with a one-foot side setback, two feet between dwellings, an eight-foot front setback, a two-foot rear setback for a detached garage, and 40% open space; **granted.**

2018-DV1-038; 1152 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling with an eight-foot front setback and three feet between dwellings, creating 54% open space; **granted.**

2018-DV1-037; 1007 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling, and detached garage, with a one-foot side setbacks, two feet between primary dwellings, an eight-foot front setback, a two-foot rear setback for a detached garage, and 40% open space; **granted.**

2018-DV3-050; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling with a five-foot front setback and a 49% open space, with a detached garage; **granted.**

2018-UV1-001; 828 Shelby Street; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes; **denied by BZA, appealed to MDC and approved.**

2018-UV3-001; 828 Shelby Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes, within the clear sight triangle of the abutting streets, with a three-foot front setback from Shelby Street, a five-foot front setback from elm Street and a three-foot side setback; **denied by BZA, appealed to the MDC and approved.**

2017-HOV-095; 818 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a one-foot front setback, a 1.5-foot north side setback, 3.5 feet between buildings, a 17-foot rear setback, 44% open space, and being within the clear sight triangle of the abutting dwellings, with 55% open space, and with zero parking spaces; **granted.**

2017-HOV-032; 830 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating 53% open space, and to legally establish the separation between primary dwelling, per plans filed; **granted.**

2017-HOV-009; 1151 Hoyt Avenue; requests a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a deck and detached garage, creating an open space of 50%; **granted.**

2017-HOV-008; 1055 Elm Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second-story addition to an existing single-family dwelling, with four feet and seven feet side setbacks; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2017-UV2-019; 1108 Lexington Avenue; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential development, with a 35-foot tall, two-family dwelling, and a 24-foot tall detached garage, with both having three-foot side setbacks, and with the garage having a six-foot rear setback; **granted.**

2017-DV1-024; 1143 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage within the clear sight triangle of the abutting alley, creating 47% open space, and to legally establish a single-family dwelling, with a zero-foot front setback, a 1.5-foot west side setback and a three-foot and five-foot separation between dwellings, and with a fence within the front yard and right-of-way; **granted.**

2016-DV2-012; 939 Elm Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling, with the expansion of the first floor, a cantilevered second story addition, a deck and a porch, with a one-foot front setback, 0.5-foot northwest and southeast side setbacks, and a five-foot separation from an existing dwelling, and to legally establish garage, with a 1.5-foot southeast side and rear setbacks, to legally establish an open space of 28%, and to legally establish structures within the clear sight triangles along Elm Street and the abutting alleys; **granted.**

2016-UV2-006; 968 Lexington Avenue; requests variance of use and development standards of the Dwelling Districts zoning Ordinance to provide for the construction of an approximately, 26-foot tall, two-story garage, with an upstairs dwelling unit; **granted.**

2015-HOV-001; 958 Lexington Avenue; requests a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 352-square foot detached garage, with a two-foot side setback and a four-foot aggregate side setback, creating an open space of 47.8%; **granted.**

2013-DV3-026; 955 Hosbrook Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 975-square foot, two-story single-family dwelling, a) with a main floor area of 625 square feet, b) with a 267-square foot attached one-car garage, c) creating an open space of 43%, d) a zero-foot front setback, a one-foot rear setback and three-foot side yards; **granted.**

2013-UV2-003; 1055 Elm Street; requests variance of use to legally establish a single-family dwelling; **granted.**

2013-HOV-066; 806 Grove Avenue; requests a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the reestablishment of a single-family dwelling, by removing a connection addition to 973 Elm Street, with a 3.8-foot side yard, an 8.9-foot aggregate side yard, a 0.7-foot rear yard, a 12.2-foot front yard and an open space of 39.6%; **granted.**

2012-HOV-053; 970 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a 10-foot front setback from Grove Avenue, located in front of the established building line of the primary dwelling; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2011-HOV-016; 1059 Elm Street; requests variance of use to legally establish a single-family dwelling; **granted.**

2011-HOV-010; 1044 Elm Street; requests variance of use and development standards of the Commercial Zoning Ordinance to provide for a 288-square foot garage addition and 48-square foot front porch addition and to legally establish a 15-foot front setback for the existing dwelling; **granted.**

2007-ZON-836 / 2007-VAR-863 / 2007-VAC-836; 1029 Fletcher Avenue and 718 Shelby Street; requests a rezoning of 1.073 acres from D-5, C-1, C-3C, and C-5 to C-S to provide for C-1 uses, warehouse/indoor storage associated with an office use, and an outdoor garden/nursery, a variance of development standards to legally establish and provide for deficient setbacks and deficient number of off-street parking spaces, and a vacation of Grove Avenue; **granted and approved.**

2007-DV3-050; 946 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a single-family dwelling with a ten-foot rear setback, resulting in a lot open space ratio of 49%; **withdrawn.**

2005-ZON-115; 944 Elm Street; rezoning of 0.09 acre, being in the PK-1 District, to the D-8 classification to legally establish residential uses; **approved.**

2004-UV1-018A; 1021 Lexington Avenue; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a 2,590-square foot, three-unit, multi-family dwelling; **denied.**

2004-DV2-059; 1049 Elm Street; requests variance of development standards of the Dwelling Districts zoning Ordinance to provide for a 440-square foot garage with a 3.5-foot northwest and southeast side yard setbacks and a seven-foot aggregate side yard setback, resulting in a lot open space of 50.2%; **granted.**

2003-ZON-096; 1049 Elm Street; requests rezoning of 0.45 acre from the C-5 to the D-8 District, to provide for a single-family dwelling; **approved.**

2003-VAR-810 / 2003-VAC-810; 1049 Elm Street; variance of use to legally establish a single-family dwelling and to vacate a portion of an alley; **granted and approved.**

2002-UV1-024; 904 Shelby Street; requests variance of use of the Commercial Ordinance to provide for a three-unit multi-family residential building; **granted.**

2001-ZON-827; 901 Shelby Street, 1109, 1113, 1117, 1121, 1125 and 1132 East Pleasant Street, and 1118 and 1122 Woodlawn Avenue; requests a rezoning of 1.8 acres being in the C-5 and D-5 Districts, to the SU-38 classification to provide for the expansion of a community center into a proposes three story, 30,000 square foot building; **approved.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

98-UV1-111; 1129 and 1131 Pleasant Street; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish four dwelling units within a two-story residential structure, and to provide for two exterior staircases located with a side yard setback of zero feet on both the east and west sides of the building, and to provide for a total of four off-street parking spaces; **granted.**

97-UV2-75; 1129 and 1131 Pleasant Street; requests variance of use and development standards of the Dwelling districts Zoning Ordinance to provide for the conversion of a two-family residence into six dwelling units; **denied.**

95-Z-203; Multiple addresses including 1007 Lexington Avenue; requests rezoning of one acre being in the C-5 District, to the D-5 classification to conform the zoning classification to its use; **approved.**

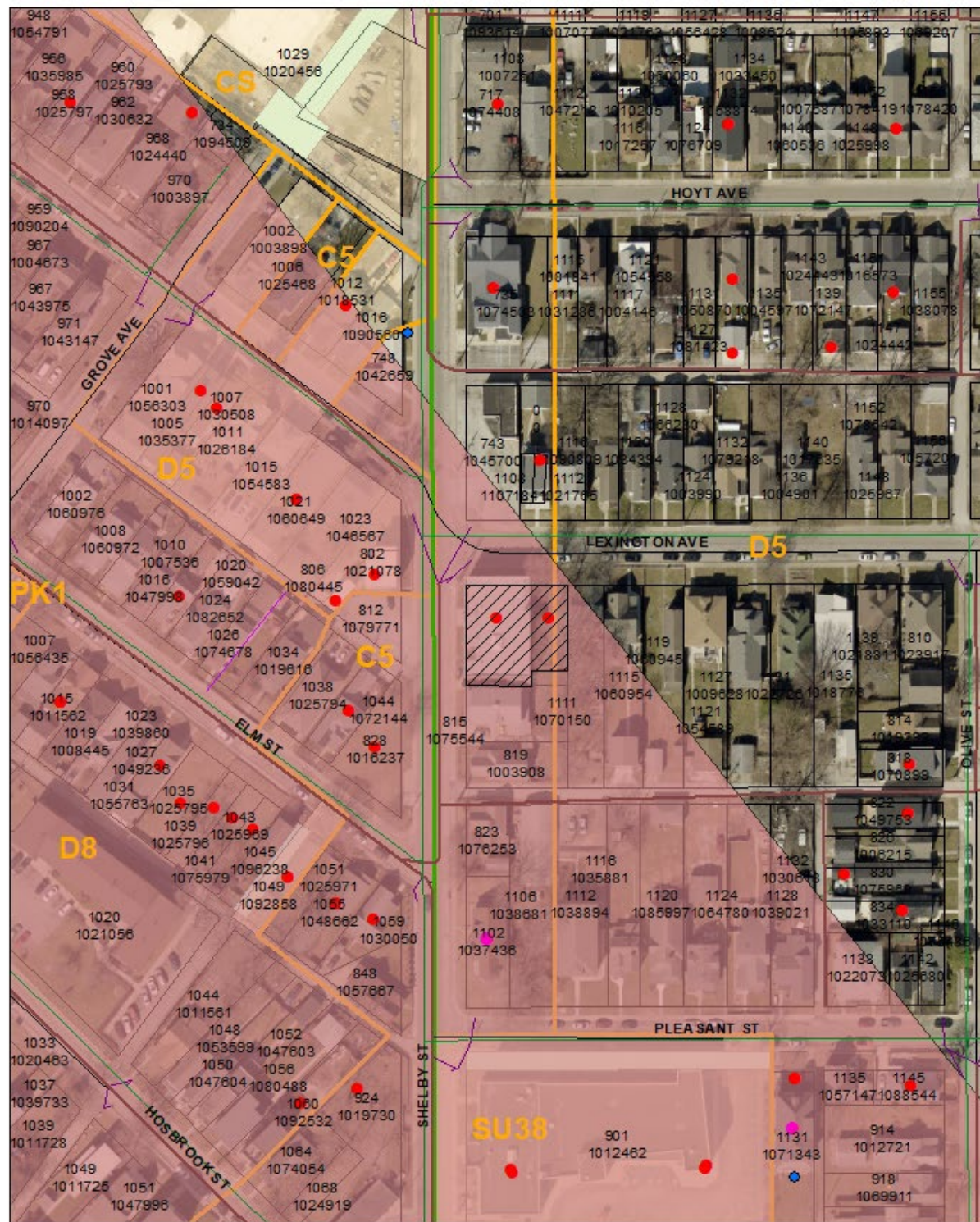
94-V2-67; 1015 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 572 square foot detached garage, with side yard setbacks of 2 and 3 feet, and an open space of 45%; **granted.**

93-V2-28; 1015 Elm Street; requests variance of development standards to permit the construction of a detached garage with a side yard setback of 2 feet and an aggregate of 5 feet, resulting in an open space of 45%; **denied.**

83-V3-73; 1145 Pleasant Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to allow an existing detached shed to remain in a front yard at zero feet from the right-of-way line; **granted.**

EDH

2023-DV2-001; Location Map



0 0.0075 0.015 0.03 0.045 0.06 Miles



2023-DV2-001; Findings of Fact

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 renovation of the existing church building into office space will result in a lower parking requirement than that of the previous religious use.

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 renovation of the existing church building into office space will result in a lower parking requirement than that of the previous religious use.

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

there would be no flexibility to re-use the building that was constructed prior to the adoption of zoning ordinance provisions requiring off-street parking.

DECISION

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

Adopted this _____ day of _____, 20 ____

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | |



Photo One: Looking South along Shelby Street



Photo Two: Looking North along Shelby Street



Photo Three: Facing East along Lexington Avenue



Photo Four: Facing West Across Shelby Street



Photo Five: Existing Two-Family Dwelling South of Subject Site



Photo Six: Undeveloped Portion of Subject Site and Existing Dwelling to the East

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

Case Number: 2023-DV2-003
Address: 231 Wellington Road (approximate address)
Town of Meridian Hills
Location: Washington Township, Council District #2
Zoning: D-2
Petitioner: John & Erin Young, by Brian J. Tuohy
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required).

A timely automatic continuance request was submitted by the petitioner, **continuing this matter from the March 14, 2023 hearing to the April 11, 2023 hearing**. This would require the Board's acknowledgement.

MI
