



**Board of Zoning Appeals  
Board of Zoning Appeals Division I  
(November 7th, 2024)  
Meeting Agenda**

**Meeting Details**

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

**Date:** Thursday, November 07, 2024      **Time:** 1:00 PM

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

**Business:**

**Adoption of Meeting Minutes**

**Special Requests**

**2024-UV1-021 | 6740 Acton Road**

Franklin Township, Council District #25, zoned D-A  
Yadwinder and Didarbir Singh, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of three semi-trucks and tractor trailers, as part of a goods transportation business (not permitted).

**\*\* Petitioner to withdraw request**

**PETITIONS REQUESTING TO BE CONTINUED:**

**1. 2024-DV1-030 | 7848 Melbourne Road**

Pike Township, Council District 1, zoned D-3  
Jose & Maria Arroyo, by James P. Mack

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, being two-foot taller than the primary building (not permitted).

**\*\* Automatic continuance filed by a registered neighborhood organization, continuing this to the December 3, 2024 hearing of Division I**

**2. 2024-DV1-033 | 7401 Holliday Drive West, Town of Meridian Hills**

Washington Township, Council District #2, zoned D-1  
Ezra & Sonja Burdix

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a primary dwelling resulting in a 33-foot front yard setback along 74th Street (46.75-foot setback required).

**\*\* Automatic Continuance filed by an interested party, continuing this to the December 3, 2024 hearing of Division I**

**3. 2024-UV1-014 | 6301 Lafayette Road**

Pike Township, Council District #1, zoned D-4  
Robinson Rental Solutions LLC

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a childcare facility (not permitted) with 27 parking spaces located within the right-of-way, including maneuverability (not permitted) and 34 spaces provided (maximum 22 spaces permitted).

**\*\*Automatic continuance filed by a registered neighborhood organization, continuing this to the December 3, 2024 hearing of Division I**

- 4. 2024-UV1-017 | 1016 Tecumseh Street**  
Center Township, Council District #13, zoned D-8  
Indy Opportunity Biz LLC, by William A Bentley II

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two three-unit apartment buildings on a lot improved with a two-unit multi-unit home (one primary building per lot permitted).

**\*\*Petitioner to make a continuance request to revise the petition**

- 5. 2024-UV1-025 | 1601 North College Avenue**  
Center Township, Council District #13, zoned C-3  
NORAL LLC, by Haley Walker

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing liquor store, within less than 13 feet of protected districts to the north, east and south (not permitted, 100-foot separation required).

**\*\* Petitioner to request two-month continuance to the January 7, 2025 hearing of Division I**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

- 6. 2024-DV1-034 | 1718 Hamblen East Drive**  
Wayne Township, Council District #17, zoned D-A  
Azucena Mezo Toto, by Epifanio Carbajal

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing dwelling resulting in a 10-foot south side yard setback and an open space of 79 percent (15-foot side yard setback, 85 percent open space required).

- 7. 2024-DV1-035 | 3301 East 25th Street**  
Center Township, Council District #8, zoned D-5  
Intend Indiana Inc., by Mia Guterrez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an 11.7-foot rear yard setback (20-foot setback required).

- 8. 2024-DV1-036 | 8144 East Southport Road**  
Franklin Township, Council District #25, zoned C-4  
DRGSF Surplus LLC, by Mistie Nigh

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second drive-thru sign (one sign permitted per lane).

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

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

- 9. 2024-DV1-031 | 8040 East Southport Road**  
Franklin Township, Council District #25, zoned C-3 / C-S  
DRGSF Outlot One LLC, by Elizabeth Bentz Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding pylon sign, being the fifth freestanding sign along Southport Road (maximum of two permitted).

**10. 2024-UV1-019 | 2562 North Bancroft Street**

Center Township, Council District #8, zoned I-3 / D-4 (FF)(FW)  
Edward Hansen, by James Pierce

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a non-permitted minor residential structure (not permitted) within the floodway fringe (only permitted within Floodway Fringe if less than 70 percent of the primary building), being larger and taller than the primary building (not permitted).

**11. 2024-UV1-022 | 9111 Crawfordville Road, Town of Clermont**

Wayne Township, Council District #11, zoned C-3 / I-2  
Rancho Enterprises Inc., by Mark and Kim Crouch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor business, per the filed site plan and plan of operation.

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

**12. 2024-DV1-032 | 4527 North College Avenue**

Washington Township, Council District #7, zoned D-5 (TOD)(W-5)  
Heather Harvey

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall fence within the front yard of College Avenue and encroaching within the clear sight triangle of the driveway (maximum 3.5-foot tall fence permitted, encroachment of clear sight triangles not permitted).

**13. 2024-DV1-037 | 2402 East 38th Street**

Washington Township, Council District #8, zoned C-5 (TOD)  
Popeyes Louisiana Kitchen Inc., by Gilligan Company

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing eating establishment including an additional drive-thru lane within the front yard of Keystone Avenue (not permitted) and deficient primary entry transparencies along the east and west facades (required).

**14. 2024-DV1-038 | 2511 Columbia Avenue**

Center Township, Council District #8, zoned D-5  
MS One Investments LLC, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit house on a 28-foot-wide lot (35-foot lot width required) with a 30-foot front building line (maximum of 19.9 feet permitted).

**\*\*Staff to request a continuance to the December 3, 2024 hearing of Division I**

**15. 2024-UV1-023 | 7780 Michigan Road**

Pike Township, Council District #1, zoned C-1 / C-3 / D-A (FW) (FF)  
Wagner Michigan Road LLC, by Ingris Velasquez

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a grocery store, eating establishment and event center (not permitted) utilizing the existing 55-space multitenant parking area and with no bicycle parking (required).

**16. 2024-UV1-024 | 4723 South Emerson Avenue**

Franklin Township, Council District #24, zoned C-S  
CFT NV Developments LLC, by Ross McArthur

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pylon sign, being the third freestanding sign along Emerson Avenue, within 105 feet and 200 feet of existing signs (maximum of two pylon signs permitted, 300-foot separation required) and an additional 10-foot tall drive-thru sign for each drive lane (one sign per drive lane permitted, six-foot tall maximum permitted).

## **Additional Business:**

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



**BOARD OF ZONING APPEALS DIVISION I**

**October 1, 2024**

**Case Number:** 2024-UV1-021  
**Address:** 6740 Acton Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** D-A  
**Petitioner:** Yadwinder and Didarbir Singh, by David Gilman  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of three semi-trucks and tractor trailers, as part of a goods transportation business (not permitted).

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the **October 1, 2024, hearing, to the Thursday, November 7, 2024, hearing at the request of the petitioner.**

The petitioner has **submitted a request for this petition to be withdrawn.** The withdrawal will need to be acknowledged by the Board.



**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-DV1-030

**Property Address:** 7848 Melbourne Road (approximate address)

**Location:** Pike Township, Council District #1

**Petitioner:** Jose & Maria Arroyo, by James P. Mack

**Current Zoning:** D-3

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, being two-foot taller than the primary building (not permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff has no recommendation for this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR NOVEMBER 7, 2024 BZA DIVISION I HEARING**

- This petition was continued to the November 7, 2024 BZA Division I hearing due to insufficient notice.
- A registered neighborhood organization has filed an automatic continuance, continuing this petition to the December 3, 2024 BZA Division I hearing.



**BOARD OF ZONING APPEALS DIVISION I** **November 07, 2024**

**Case Number:** 2024DV1033

**Property Address:** 7401 Holliday Drive West, Town of Meridian Hills (*approximate address*)

**Location:** Washington Township, Council District #2

**Petitioner:** Ezra & Sonja Burdix

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a primary dwelling resulting in a 33-foot front yard setback along 74<sup>th</sup> Street (46.75-foot setback required).

**Current Land Use:** Residential

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by the Town of Meridian Hills to allow them time to discuss the proposed addition with the applicant. This petition will be continued to December 3<sup>rd</sup>, 2024, and a full staff report will be published in advance of that hearing date.



**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-UV1-014  
**Property Address:** 6301 Lafayette Road (approximate address)  
**Location:** Pike Township, Council District #1  
**Petitioner:** Robinson Rental Solutions LLC  
**Current Zoning:** D-4

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a childcare facility (not permitted) with 27 parking spaces located within the right-of-way, including maneuverability (not permitted) and 34 spaces provided (maximum 22 spaces permitted).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff has no recommendation for this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR NOVEMBER 7, 2024 BZA DIVISION I HEARING**

- This petition was continued from the September 3, 2024 hearing to the October 1, 2024 BZA Division I hearing.
- The petition was continued again to the November 7, 2024 BZA Division I hearing to allow for updates to the site plan.
- A registered neighborhood organization has filed an automatic continuance, continuing this petition to the December 3, 2024 BZA Division I hearing.





**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-UV1-017  
**Property Address:** 1016 Tecumseh Street (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Indy Opportunity Biz LLC, by William A Bentley II  
**Current Zoning:** D-8

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two three-unit apartment buildings on a lot improved with a two-unit multi-unit home (one primary building per lot permitted).

**Current Land Use:** Residential

**Staff**

**Recommendations:** Staff has no recommendation for this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR NOVEMBER 7, 2024 BZA DIVISION I HEARING**

- The petition was continued to the November 7, 2024 hearing to allow for changes to the site plan.
- The petitioner is requesting a continuance to the December 3, 2024 BZA Division I hearing to allow for more time to make changes to the submission.



**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-UV1-025  
**Address:** 1601 North College Avenue (approximate address)  
**Location:** Center Township, Council District #13  
**Zoning:** C-3  
**Petitioner:** NORAL LLC, by Haley Walker  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing liquor store, within less than 13 feet of protected districts to the north, east and south (not permitted, 100-foot separation required).

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

The petitioner has indicated they will be requesting a two-month continuance for cause, **continuing this petition from the November 7, 2024, hearing, to the January 7, 2025, hearing.** This will require a motion by the Board.



**BOARD OF ZONING APPEALS DIVISION I** **November 7<sup>th</sup>, 2024**

**Case Number:** 2024-DV1-034

**Property Address:** 1718 Hamblen E Dr

**Location:** Wayne Township, Council District #17

**Petitioner:** Azucena Mezo Toto, by Epifanio Carbajal

**Current Zoning:** D-A

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing dwelling resulting in a 10-foot south side yard setback and an open space of 79 percent (15-foot side yard setback, 85 percent open space required).

**Current Land Use:** Residential

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- This petition has two requests: 1) to allow a 10-foot set back on the south site and 2) to have an open space amount of 79%.
- This property has a D-A zoning, and is located on a 0.35 acre property. Platted sometime around 1956. Staff would note that current D-A zoned properties are for larger properties that have agricultural, or estate uses. Due to this property and those around being platted before 1989 they do not conform to the current standards of a D-A zone. This smaller than usual lot size lends itself to smaller open space percentage and yard setbacks.
- This property was platted sometime around 1956, according to past aerial photos. The D-A exception stated in Chapter 744, Article 2, Section 02A allows any lot with deficient minimum lot area or lot width, of the current D-A district requirements previously platted or recorded prior to December 20<sup>th</sup>, 1989, may construct, enlarge, extend, reconstruct or relocate the primary and accessory single-family uses with 15-foot minimum side and rear setbacks. (pg 482). This exception would apply in this case.



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

- In this petition, the 10ft setback is needed for the extension of the house on the south side. Even with the smaller setback the primary structure on this property will sit 62' from the southern primary structure on the property beside it. While on the north side with no edition or changes to the primary structure of the north property sits 52'. Staff believes because of this; the new setback of 10-foot will not affect the neighbors on either side of the property despite the setback does not follow the required 15-foot.
- To be in accordance with the Ordinance a D-A zoned properties that are less than 3 acres in size are required to provide the minimum 85% of the area to be open space. (pg 470). Staff believes due to the size of the lot and the current setbacks, that the request of 79% open space is reasonable. The expansion to home will still allow this property to follow the character of the neighborhood, increase the property value, and still provides adequate space for green space on this parcel.
- Staff recommends **approval** for this variance request, allowing a 10-foot setback on the south side and 79% open space. We believe that with this current zoning and smaller parcel size that the expansion of this home would not be possible without a variance. Additionally, if this variance is approved the property will have adequate spacing between homes, follow the character of the neighborhood, increase the property value and would still have a healthy amount of space between homes and open space to avoid over development in this area.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: I-3	North: Office/Industrial Mixed-Use
	South: C-5	South: Office/Industrial Mixed-Use
	East: C-S	East: Suburban Neighborhood
	West: D-P	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
Hamblen E Drive	Local Street	43 feet of right-of-way existing and 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	09/17/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/10/2024	



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

**Findings of Fact  
(Amended)**

N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park. (pg 17)

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Open space is one of the key ways that the Zoning Ordinance ensures that oversized structures are not placed on smaller lots by limiting the percentage of a lot that is covered by houses, garages, or other built features. Open space requirements prevent over-development, promote development pattern unity, and preserve space for outdoor recreation. (pg 14)
- Open space can improve stormwater drainage on existing lots when combined with strategic landscaping and limited impervious surfaces, like driveways and paved pathways. (pg 14)



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- Open Space: In the Zoning Ordinance, open space is defined as “land area that is exposed to the weather.” This generally means areas that are not covered by houses, garages, large decks, or other accessory structures. (pg 14)
- For Undersized Lots, Look at the Surrounding Context for Appropriate Housing Sizes. In some existing neighborhoods, there may be lots that do not meet current minimum size requirements. In these cases, it may be appropriate to seek a variance to request a reduction in open space for the construction of a primary structure like a house. However, the resulting primary structure should be consistent in height, mass, and footprint with other structures on the same street or in the surrounding area. (pg 14)
- Consider Both How Additions and Improvements Meet Comprehensive Plan Goals and Ways to Mitigate Impacts, Particularly for Accessory Structures New construction that includes patio areas should consider permanent permeable materials (such as permeable asphalt or unit masonry systems). (pg 15)

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – SURROUNDING AREA

- **2011-DV3-038: 1554 Countryside Drive**
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,400-square foot garage, with a 144-square foot covered porch, creating an accessory building area of 1,544 square feet or 114.54% of the main floor area of the primary building (75% of the main floor area of the primary dwelling or 1011 square feet permitted). **Approved.**
- **2011-UV1-029: 8514 W Washington Street**
  - Variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Commercial Zoning Ordinance to legally establish a) automobile repair and towing service, with outdoor storage (not permitted, storage not permitted within 500 feet of a protected district without the required solid fence or wall), b) to legally establish a trash container in front of the established front building line (not permitted), with a 14-foot west side transitional yard c) to legally establish parking with a two-foot east side yard and east side transitional yard, without landscaping (10-foot yard and 20-foot transitional yard, with landscaping required), and d) to legally establish a paved asphalt area, with a zero foot setback from Washington Street (10-foot front setback, with landscaping required), and e) to legally establish one handicapped parking space (two spaces required). **Approved.**
- **2011-UV2-005: 1013 S Girls School Road**
  - Variance of Use of the Industrial Zoning Ordinance to provide for a medical waste treatment facility (not permitted). **Approved.**
- **2013-CVR-827: 8480 W Washington Street**
  - Variance of development standards of the Commercial Zoning Ordinance to provide for a trash container in front of the established building line (not permitted), and a five-foot tall sign, with a 9.5-foot front setback from Washington Street (15-foot front setback required). **Approved.**
- **2013-DV1-039: 1610 S Girls School Road**
  - Variance of development standards of the Industrial Zoning Ordinance to provide for a 51,500-square foot outdoor storage area (maximum 50% of the primary building or 25,000 square feet permitted). **Approved.**
- **2013-UV3-023: 8009 W Washington Street**
  - Variance of use and development standards of the Commercial Zoning Ordinance and the Airport Zoning Ordinance to provide for the construction of a self-storage facility (not permitted), with access from streets exterior to the airport, with parking and buildings within 100 feet of the boundaries of the Airport Special Use District (not permitted, parking may be within 10 feet of boundary, if a four-foot tall screen is provided). **Approved.**
- **2014-DV2-002: 7777 W Morris Street**

- Variance of development standards of the Sign Regulations to legally establish a second sign along the approximately 591-foot frontage of West Morris Street, with said sign being approximately 135 feet east of the other sign (600 feet of frontage required for two signs and 300 feet of separation between signs required). **Withdrawn**
- **2015-DV2-039: 1619 S Girls School Road**
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing dwelling, with a rear setback of 12 feet (20-foot setback required). **Approved.**
- **2015-SE2-004: 1626 Research Way**
  - Special Exception of the Industrial Zoning Ordinance to provide for an industrial waste by-product recycling, mixing and transfer facility. **Approved.**
- **2017-DV2-047: 8010 W Washington Street**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish a building height of less than 25 feet, a building height of 55 feet, and to provide for 107 parking spaces (25-foot minimum and 45-foot maximum height required and 124 parking spaces required). **Approved.**
- **2017-HOV-041: 1550 Research Way**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot front setback for a 3,600-square foot office building (60 feet required). **Approved.**
- **2017-UV1-014: 1616 S Girls School Road**
  - (AMENDED) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a bus transportation company (not permitted), with a gravel bus parking lot (not permitted). **Approved.**
- **2017-UV3-024: 7960 W Washington Street**
  - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including, but not limited to a single-family dwelling with a four-foot side setback and a detached garage with a four-foot side setback and 16-foot side transitional setback (10-foot side setback and 10-foot transitional side setback required). **Dismissed.**
- **2020-UV1-005: 8533 W Morris Street**
  - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot monopole tower and 10-foot lightning rod, with a five-foot south rear setback (75-foot rear setback required). **Approved.**
- **2021-UV3-012: 7811 W Morris Street**
  - Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an artisan food and beverage establishment with accessory outdoor seating (not permitted). **Approved.**
- **2022-CVR-827: 8501 W Washington Street**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted). **Approved.**





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- **2022-DV1-030: 8501 W Washington Street**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted). **Withdrawn.**
- **2022-DV1-032: 7310 W Morris Street**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,140-square foot building addition with a twenty-foot setback from Girls School Road (60 feet from the proposed right-of-way required). **Approved.**
- **2023-DV1-041: 7551 W Morris Street**
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking area resulting in 14 double-loaded parking rows and 18 single-loaded parking rows, with parking area comprising 52.5 percent of the front yard (parking in the front yard limited to a single-double loaded row and 10 percent of the total area). **Approved.**
- **2024-CVR-819: 8215 W Washington Street**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings) and approximately 140 feet from a protected district to the west and 400 feet from a protect district to the east (minimum separation of 500 feet required from a protected district). **Approved.**
- **2024-UV1-005: 8215 W Morris Street**
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign (not permitted). **Approved.**

**EXHIBITS**

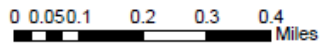
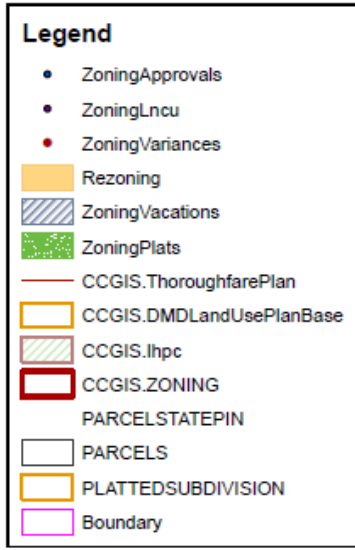


Exhibit 1: Area map around 1718 E Hamblen E Drive.

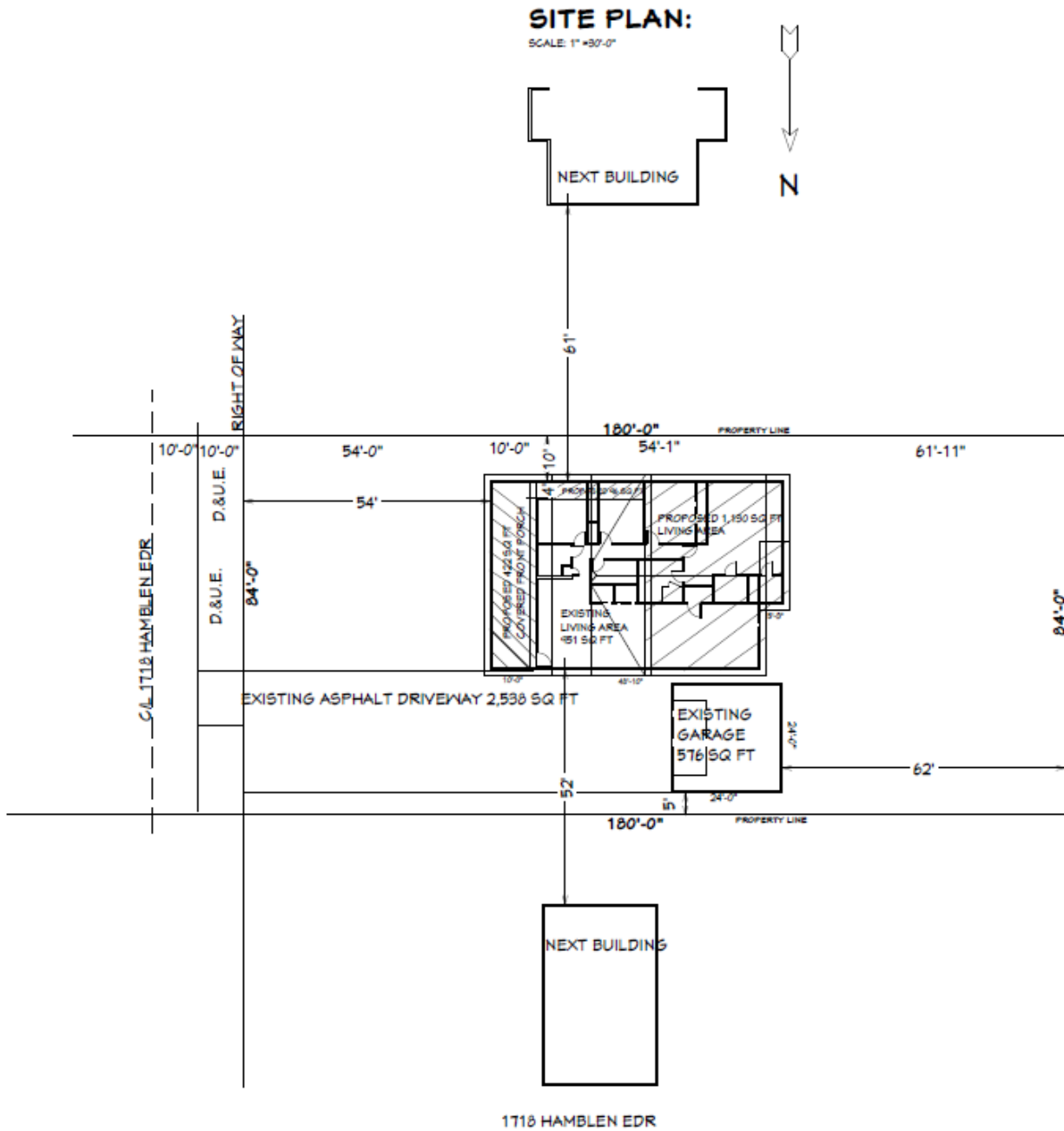


Exhibit 2: Proposed site plan for 1718 E Hamblen E Drive.



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 SUBJECT DWELLING IS EXISTING WITH 64'-0" FRONT YARD SETBACK, 14'-0" SOUTH SIDE YARD SETBACK 62'-0" REAR YARD SETBACK AND 5'-0" NORTH SIDE SETBACK

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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 REMODEL AND ADDITION TO THE SUBJECT DWELLING WILL INCREASE ITS VALUE AND CURB APPEAL

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

WITHOUT THE GRANT OF THE REQUEST THE ADDITION DESIRABLE WOULD NOT BE POSSIBLE.

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Exhibit 3: Findings of Fact form submitted by the petitioner.

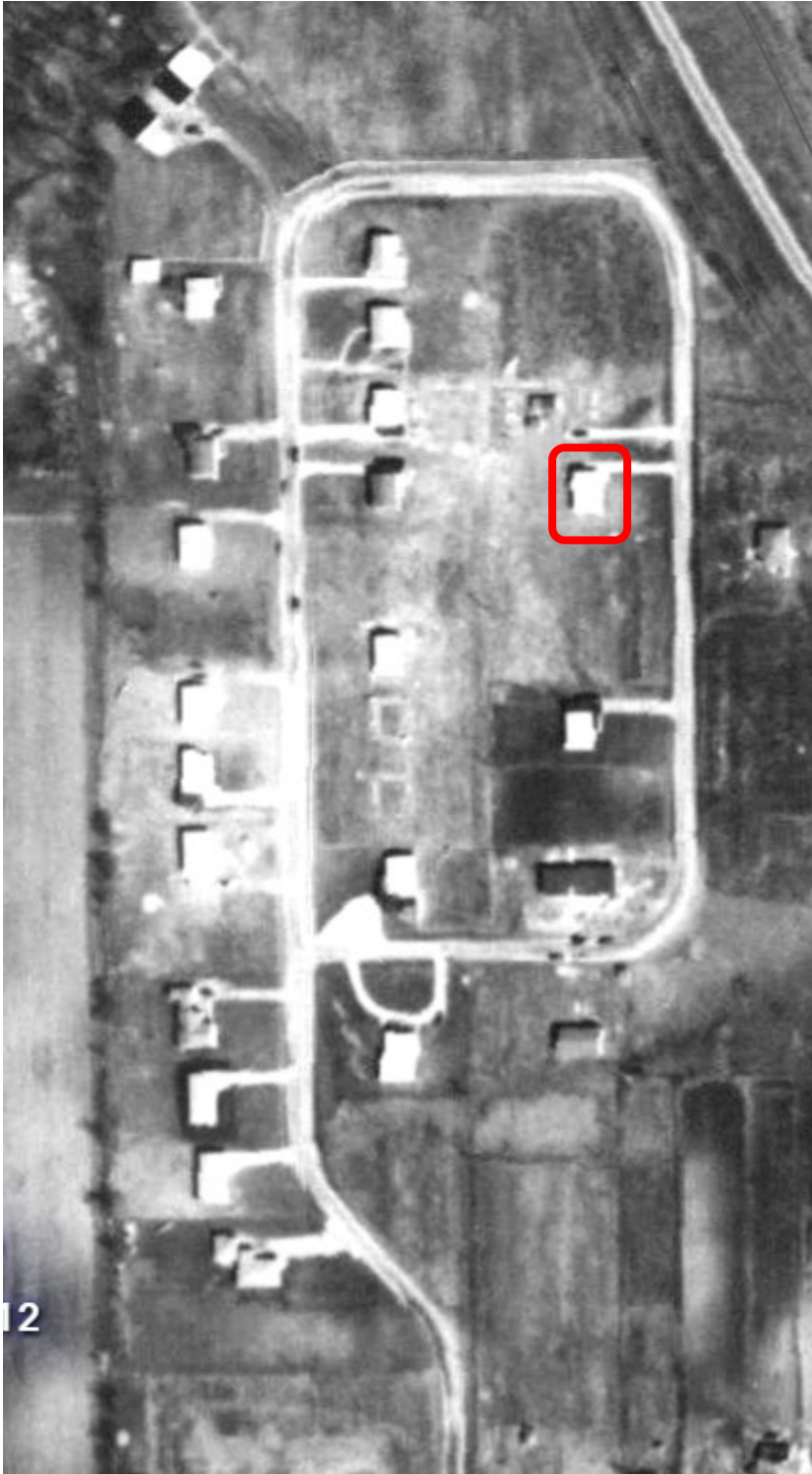


Exhibit 4: This is an aerial photo of the neighborhood in 1956. Circled in red is property 1718 Hamblen E Drive.



Exhibit 5: 1718 Hamblen E Drive.



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Division of Planning  
Current Planning**



Exhibit 6: Homes north of 1718 Hamblen E Drive.



Exhibit 7: Homes south of 1718 Hamblen E Drive.



Exhibit 8: Homes across from 1718 Hamblen E Drive.



Exhibit 9: Back of 1718 Hamblen E Drive, homeowners will be extending to make room for more living space and bedrooms.





Exhibit 10: Front of 1718 E Hamblen E Drive, homeowners will be adding a covered porch.



Exhibit 11: Southside of 1718 Hamblen E Drive, homeowners will be extending to add room to existing bedrooms.

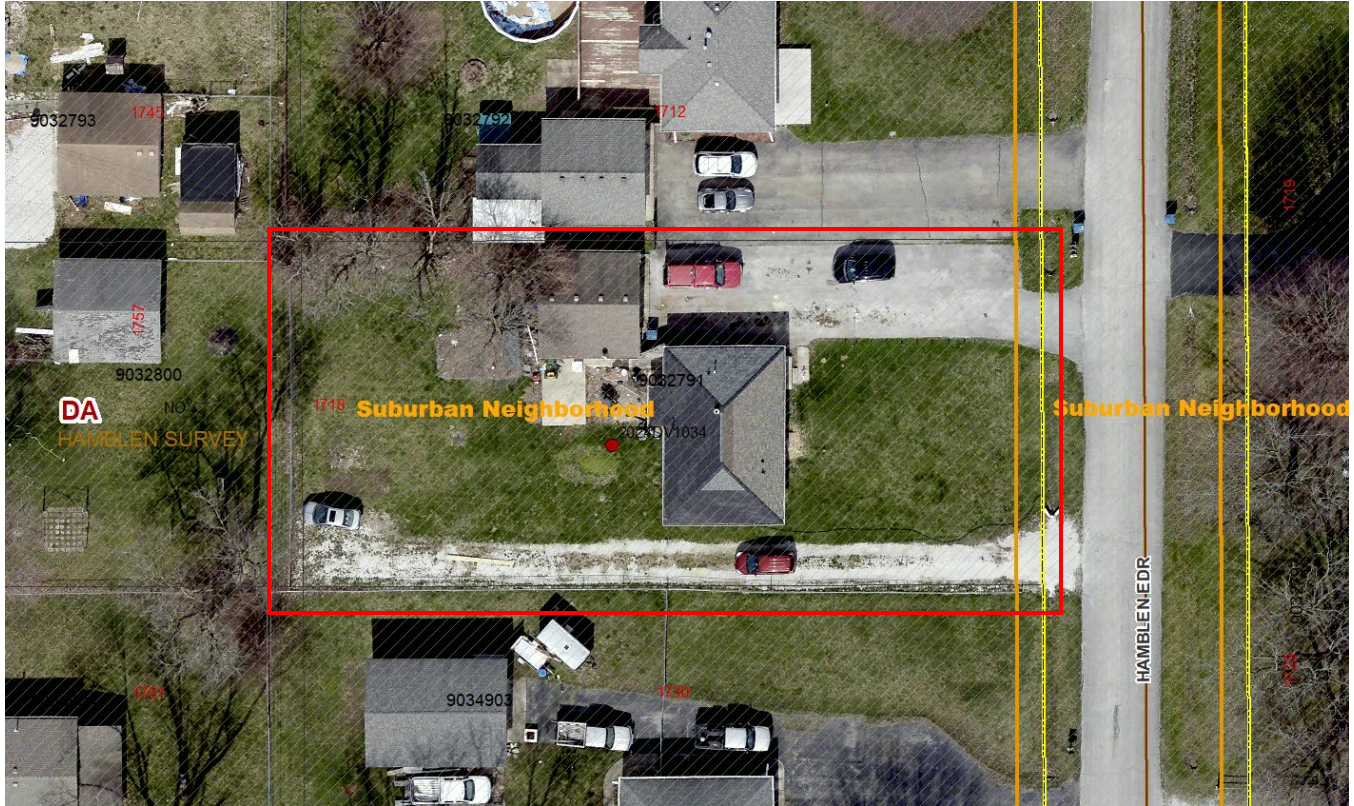


Exhibit 12: 1718 Hamblen E Drive aerial.



**BOARD OF ZONING APPEALS DIVISION I**

**November 7<sup>th</sup>, 2024**

**Case Number:** 2024-DV1-035

**Property Address:** 3301 East 25<sup>th</sup> Street (Approximate Address)

**Location:** Center Township, Council District #8

**Petitioner:** Intend Indiana Inc. by Mia Guterrez

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an 11.7-foot rear yard setback (20-foot setback required)

**Current Land Use:** Residential

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- This petition would allow for the reduction of the rear setback line from the required 20ft to 11.7 ft for the construction of a single-family home.
- This property zoned is D-5 and is considered a small lot that is 5,400sqft in size.
- The property was platted sometime during or around 1915.
- The neighboring property to the east has a side yard setback of 11.6ft (3ft required).
- With the 11.7' and the current setback of the neighbor to the east they will have 23.3' feet between each building.
- Since this property is on a corner lot, the front lot needs to be between 20' – 50' feet. The side yard setback on the 25<sup>th</sup> street side (the north side for this lot) needs to be 8'. The side yard setback on the non-corner side (the south side for this lot) needs to be 5', and the rear which is the east side of the parcel needs to have a setback of 20'.
- Currently the proposed home has a home is placed to have a 20.6' front setback, 18.6' for the side yard setback to the north beside 25<sup>th</sup> street, and finally 12' for the south side setback.



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

- To fit the proposed home of this size, the property has to have a variance to allow the front setback or the rear setback to be smaller than the required; the non-conformity of the lot creates a practical difficulty in complying with 20' on both sides unless the proposed home is changed to be smaller.
- Staff recommends **approval** of this petition because this compact parcel was platted in 1915 and is smaller in size due to the changes in the Ordinance standards. Without this variance the home could only be 18.7' feet wide and this would dramatically shrink the size of any home to be placed on it.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Traditional Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	D-5	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
25 <sup>th</sup> Street	Secondary Arterial	55 feet right-of-way existing and 56 feet proposed.
Lasalle Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	10/10/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/10/2024	
<b>Findings of Fact (Amended)</b>	10/24/2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Pattern Book.

### Pattern Book / Land Use Plan

The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg 33).

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2001-DV2-008H: 2721 Adam Street
  - SIDE YARD SETBACKS.
    - AP.
- 2001-DV2-008I: 2804 Adams Street
  - Side and front yard setbacks.
    - AP.
- 2002-UV1-028: 2321 N Lasalle Street
  - Conversion of a SFD to TFD without req lot area, lot width.
    - AP.
- 2002-UV1-029: 2321 N Lasalle Street
  - Conversion of SFD to TFD without lot area and width.
    - AP.
- 2004-UV3-047: 3216 E 25<sup>th</sup> Street
  - Daycare in C-3.
    - AP
- 2004-VAC-014: 2301 N Olney Street
  - Planning/Vacation/Street/NA.
    - AP.
- 2004-VAC-022: 3541 Roosevelt Avenue
  - Planning/Vacation/Alley/NA.
    - AP.
- 2004-ZON-112: 2301 N Olney Street
  - 3460 east 23rd st, 3460 glen drive, 2353 stuart street, and 2304-2370 gale st.
    - AP.
- 2006-ZON-066: 2602 N LaSalle Street
  - REZONING of 0.89 acre, from the D-5 District, to the SU-1 classification legally establish and provide for the expansion of religious uses.
    - AP.
- 2010-DV1-016: 2355 Wheeler Street
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an 8.4-foot front setback from Glen Drive (25-foot front setback required).
    - Approved.
- 2010-ZON-027: 2860 N Talbott Street
  - REZONING of 355.42 acres, from the D-A, D-A (FF), D-A (FF) (FW), D-2 (FF), D-3 (FW), D-4 (FF), D-5, D-5 (RC), D-5 (RC) (W-1), C-1 (RC), SU-2, SU-9 (W-5), PK-1, PK-1 (FF), PK-1 (FF) FW, PK-1 (FW), PK-1 (W-5), I-3-U I-3-U (FF) and I-4-U, and I-4-U (FW) (FF), I-



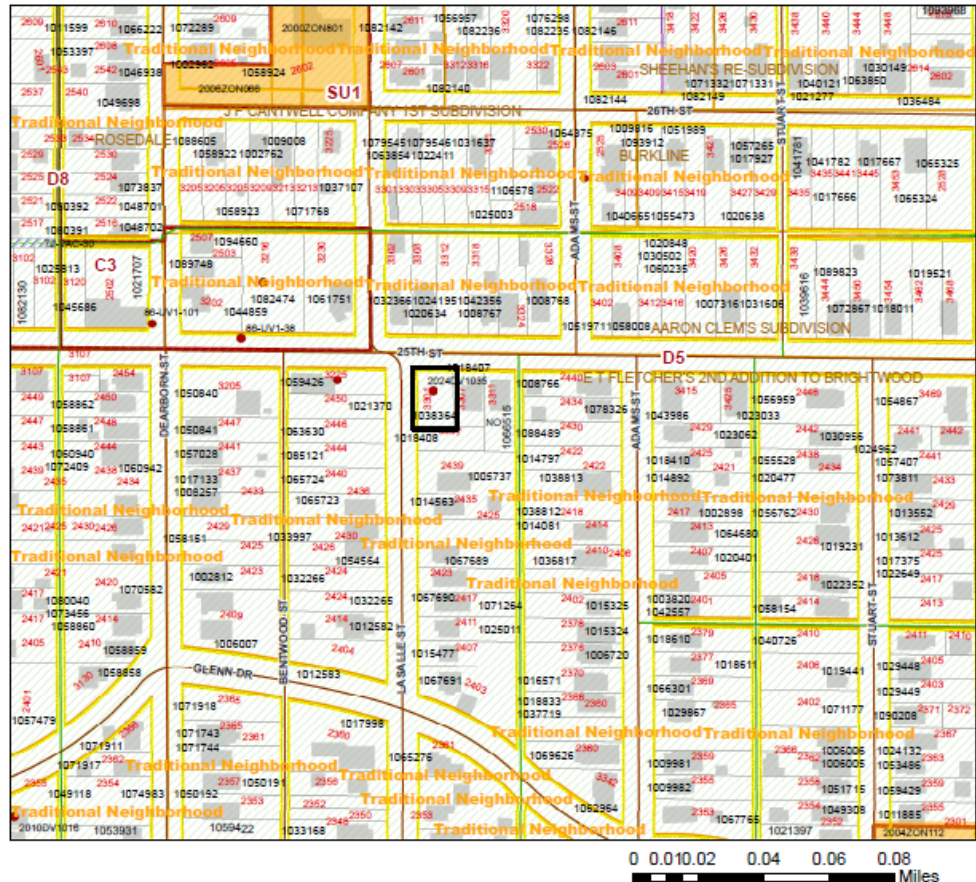
**Department of Metropolitan Development  
Division of Planning  
Current Planning**

4-U (FW) Districts, to the PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (RC), PK-1 (W-1), PK-1 (W-5) classification to provide for park uses.

- Approved.
- 2022-DV1-034: 2727 Wheeler Street
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for duplex with vehicular access to Wheeler Street (alley access required).
    - Approved
- 2022-DV1-035: 3801 S Post Road
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for accessory renewable energy equipment (solar panels) in the front yard of Post Road and Interstate 74 (not permitted) with a zero-foot setback from the right-of-way of Interstate 74 (20-foot transitional yard required).
    - Approved
- 2022-HOV-004: 2363 N Parker Avenue
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a zero-foot corner side setback from the right-of-way of Glenn Drive (eight-foot corner side setback required), within the clear-sight triangle (not permitted).
    - Withdrawn
- 2023-DV1-016: 2701 Wheeler Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vehicular access from 27th Street (exclusive vehicular access from an improved alley required).
    - Approved



**EXHIBITS**



**Legend**

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS

- Built/Platted
- OPER\_STATUS
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Area map around 3301 E 25th Street.



Petition Number 2024-DV1-035

**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:

Our request for a variance will not alter the proposed use of the site. The project was funded and proposed in partnership with the City of Indianapolis' LIFT Indy 2021 program, and is designed to provide an affordable homeownership opportunity for existing neighborhood residents. The nature of the lot requires that a variance be requested so that a single-family home could be fit onto the lot while still allowing line of sight for drivers on N Lasalle Street. The addition of a new-construction, owner-occupied property in the neighborhood will provide opportunity for a local family to become homeowners at an affordable rate. The construction would act as an investment into the neighborhood, turning what is now a vacant lot into a property that provides additional tax-base to the city.

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 area is a primarily residential area, zoned D5. The addition of a single-story, single-family residential building will not substantially effect the intended or current uses of the surrounding areas.

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

Vehicles on N Lasalle Street need additional line of sight onto E 25th Street, and as such, the structure will need to be pushed further to the southeast side of the lot to accommodate this (see attached site plans). This accommodation will require a variance for the rear setback.

Exhibit 2: The Findings of Fact submitted by the petitioner.

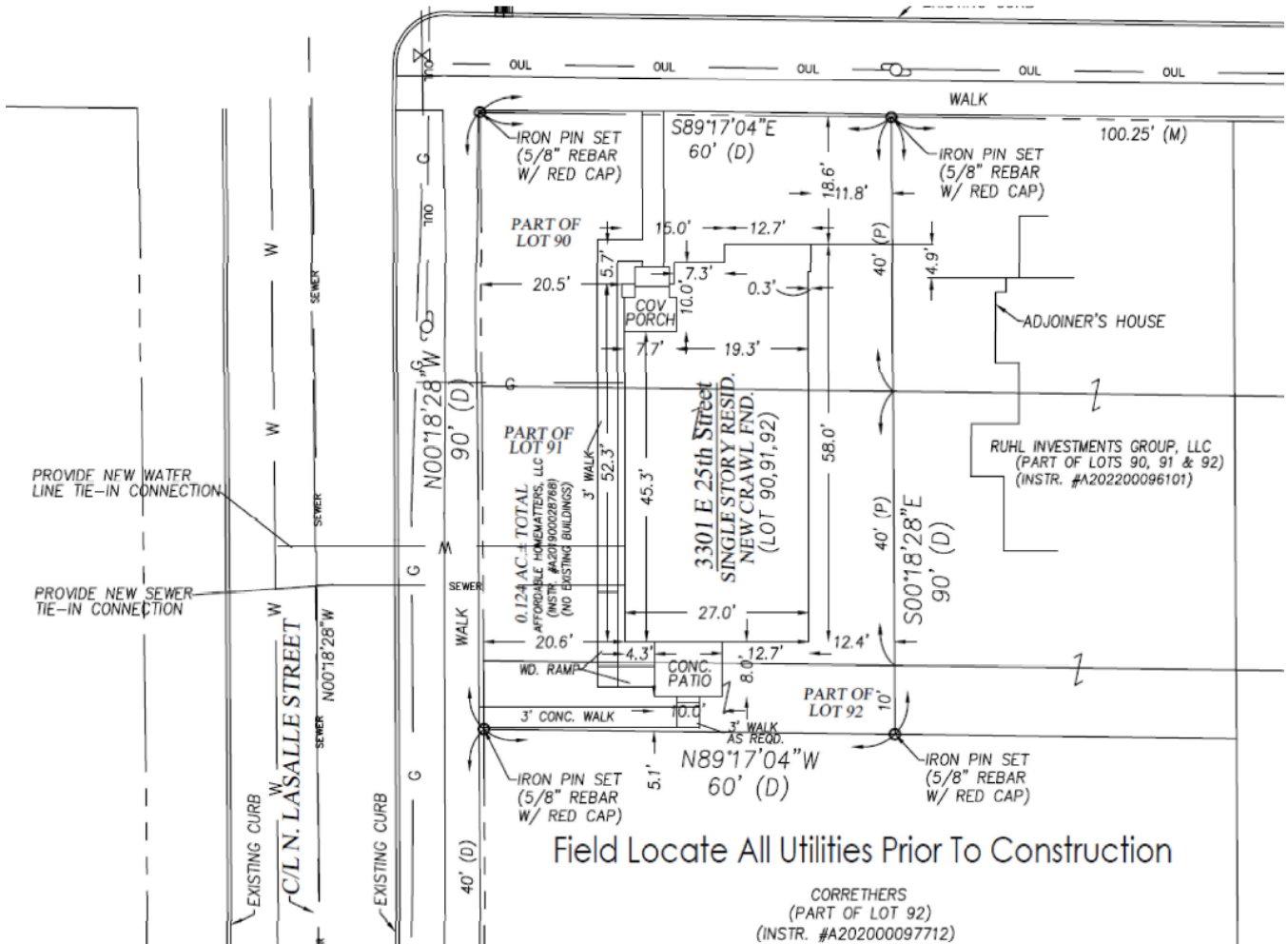


Exhibit 3: Site plan for proposed single family home at 3301 E 25<sup>th</sup> Street

PLOT DATE: 3-31-23

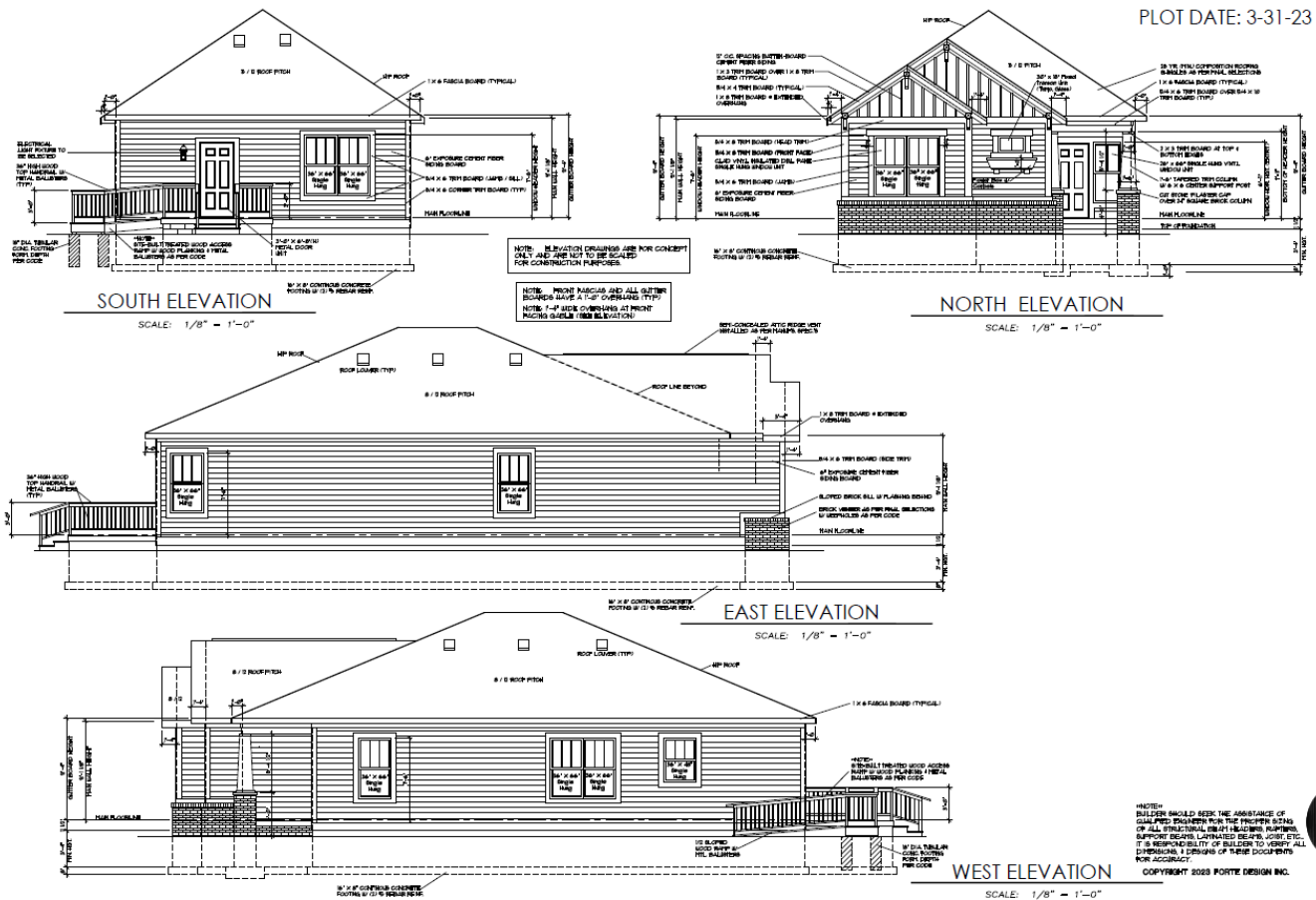


Exhibit 4: Elevations for the proposed single-family dwelling, if this variance is approved.



Exhibit 5: Empty lot where new home will be built if this variance is approved.



Exhibit 6: Home that will sit to the east of the new build.



Exhibit 7: Homes to the north of 3301 E 25<sup>th</sup> Street.



Exhibit 8: Homes to the south of 3301 E 25<sup>th</sup> Street.





Exhibit 9: Church to the west of 3301 E 25<sup>th</sup> Street

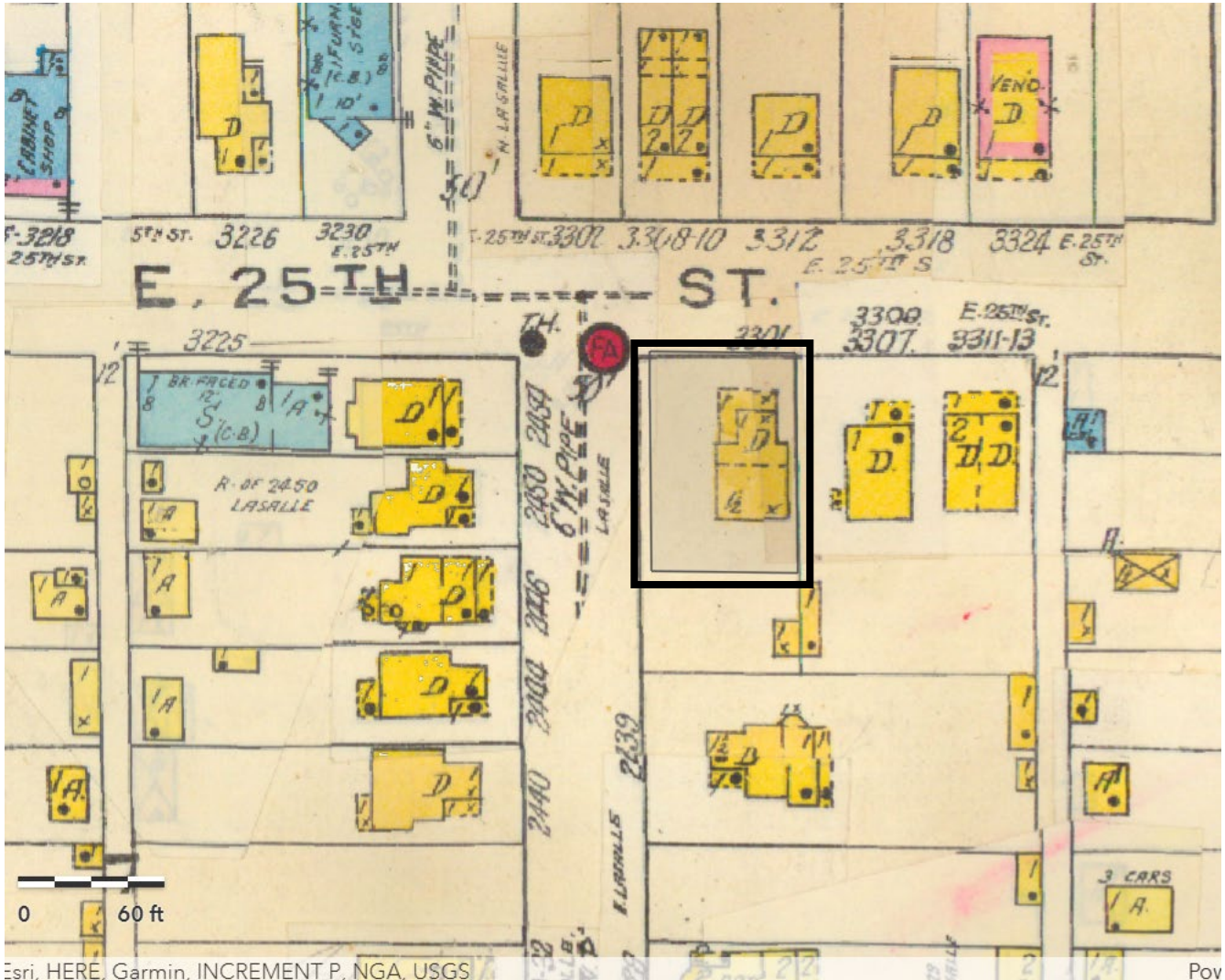


Exhibit 10: 1915 plat map of 3301 E 25<sup>th</sup> Street and surrounding area..



**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-DV1-036  
**Address:** 8144 East Southport Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** C-4  
**Petitioner:** DRGSF Surplus LLC, by Mistie Nigh  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second drive-thru sign (one sign permitted per lane).

**Current Land Use:** Commercial multi-Tenant

**Staff Recommendation:** Staff recommends approval of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The Indianapolis Zoning Ordinance places limits on the number of secondary freestanding signage that can be placed within commercial areas to limit the visual clutter and confusion that could be caused by duplicate signage.
- ◇ The first drive-thru sign (see sign A in Elevations) serves as a pre-menu board showing a selection of available products. The second drive-thru sign (sign B in Elevations) servers as an order point and would not display menu items but would solely be utilized to show customer orders in progress and confirm their accuracy. However, since that sign would be used exclusively by customers utilizing the drive-thru unit and would utilize static digital display, it would be classified as a second drive-thru sign and require the requested variance.
- ◇ Staff notes that the proposed pre-menu board sign is approximately nine (9) square feet in size and is small enough that it would typically be allowed if it adjoined the order board sign as an additional panel. The modest distance between the two signs would be one car length or approximately eight (8) feet and would provide nearly the same exposure and views as if the pre-menu sign were attached or integral to the order board. Since the proposed two drive-thru signs would be limited in scope to providing a menu and verifying accurate orders with minimal disruption for surrounding properties, staff is supportive of the variance request.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial multi-Tenant	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-4	Integrated Commercial Center
	South: D-A	Single-Family dwelling
	East: C-4	Commercial restaurant
	West: C-4	Commercial office
<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	90-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 19, 2024	
<b>Elevations</b>	September 19, 2024	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	September 19, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Community Commercial uses for the site.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology that 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.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.



**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.

**ZONING HISTORY**

**2023-DV1-008; 8144 East Southport Road (subject site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an out lot, including: The erection of a third freestanding sign along Southport Road, being 260 feet from an existing freestanding sign to the east (maximum of two freestanding signs permitted per frontage, 300-foot separation required); 51 parking spaces provided at 162-square feet each (maximum 43 parking spaces permitted, minimum 180 square feet required); and a drive through with stacking spaces within the front yard of Southport Road (not permitted) and no exclusive bypass aisle (required), **granted**.

**2020-DV2-012; 8120 East Southport Road (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road (maximum 85-foot front setback and one double-loaded row permitted), **granted**.

**2014-CZN-824A; 8120 East Southport Road (includes subject site)**, Rezoning of 28.15 acres from the D-A district to the C-4 classification to provide for an approximately 98,500 square foot grocery store, a fueling station and integrated commercial center, **approved**.

**2014-CVR-824; 8120 East Southport Road (includes subject site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a grocery store, a gasoline station and commercial retail development, with outdoor seating and dining, with 500 square feet of outdoor storage on the fueling station parcel, and with 665 parking spaces, **granted**.

**2014-CZN-824B; 8120 East Southport Road (west of site)**, Rezoning of 5.9 acres from the D-A district to the C-3 classification to provide for an integrated commercial center, **approved**.

**2014-CZN-824C; 8120 East Southport Road (north of site)**, requested the rezoning of 12.5 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

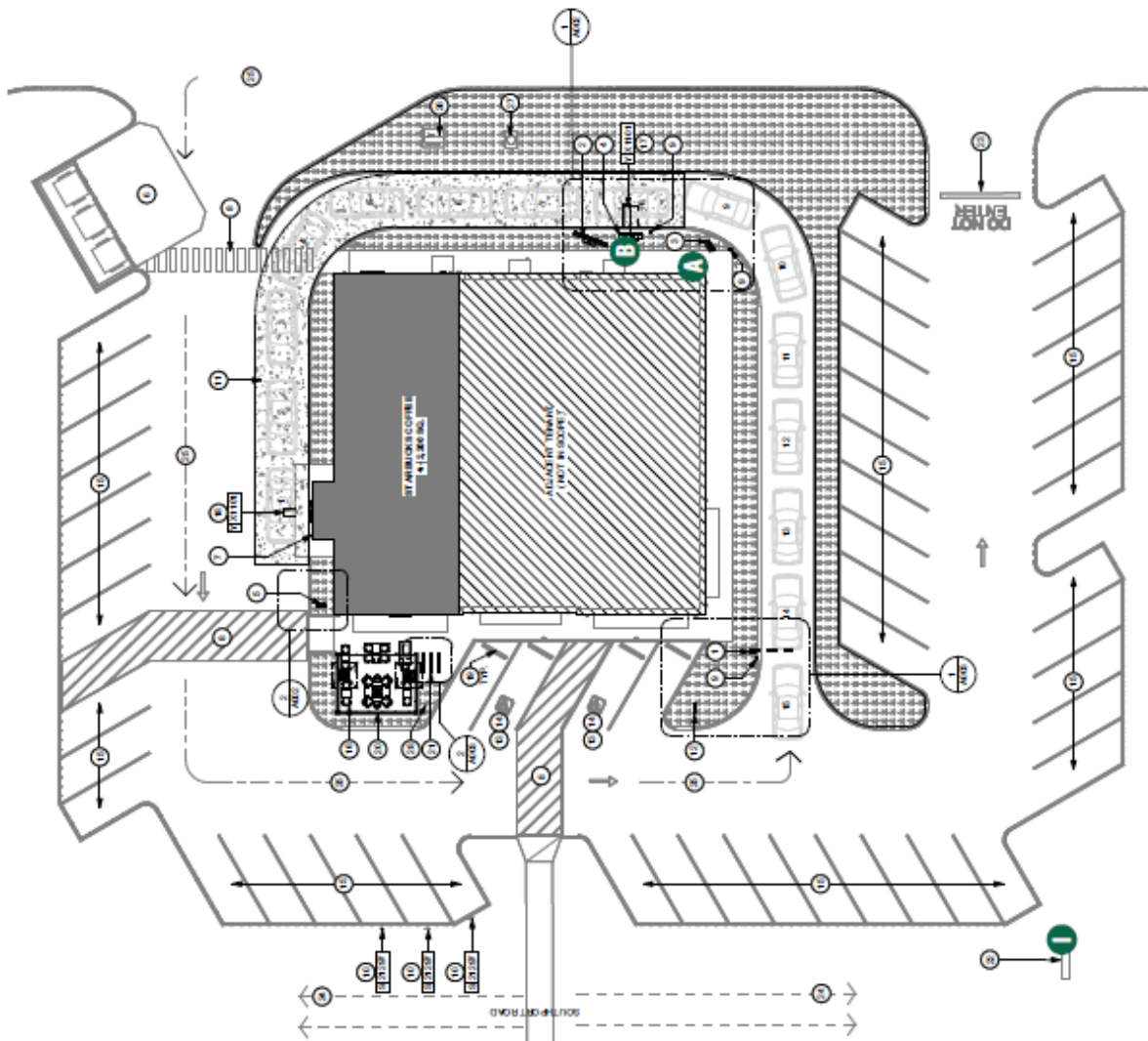
**2014-CZN-824D; 8120 East Southport Road (west of site)**, Rezoning of 6.7 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

RU

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Site Plan



Elevations

Sign A

DT PRE-MENU

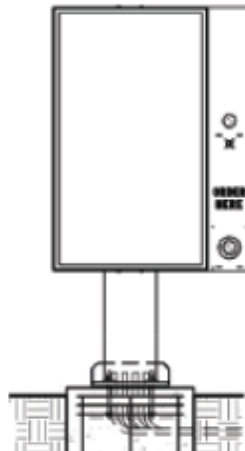


Sign B

ORDER POINT

Qty. 1

**B**







**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:

This sign is a digital order screen only. Long drive thru lines can cause traffic issues and potentially traffic incidents as well, within reason a digital order screen helps to raise efficiency in the drive thru process to help minimize these potential hazards making it a positive impact for the community.  
The Pre-Menu board is also a great asset in a drive thru for customer that do not need a full menu and just need to get thru the drive thru quickly.

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 digital order screen cannot be seen from the back of it and can only be seen by the customer ordering, therefor, signage will not affect the use and value of the areas adjacent to the property.  
The Pre-Menu is also only single sided so it will not be seen by only drive thru customers.

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

The digital order screen and the pre-menu board serve an important purpose as part of the drive thru process. It is imperative that customers in the drive thru are served as quickly and efficiently as possible to maximize business,ensure a positive customer experience and to prevent long drive thru lines.The digital order screen is also beneficial to customers that may have hearing impairments as they are able to see their order on the screen and correct any issues before it is prepared rather than relying solely on a speaker post. This maximize business for Starbucks and provides a good customer experience for everyone. The Pre-Menu board is also a benefit to customer who do not need to see the entire menu. They can quickly see specials and make a quick and more efficient decision.

**Photographs**



Photo of subject property integrated center, looking northwest.



Photo of subject property tenant bay, looking north.



Photo of first drive-thru pre-menu sign, looking west

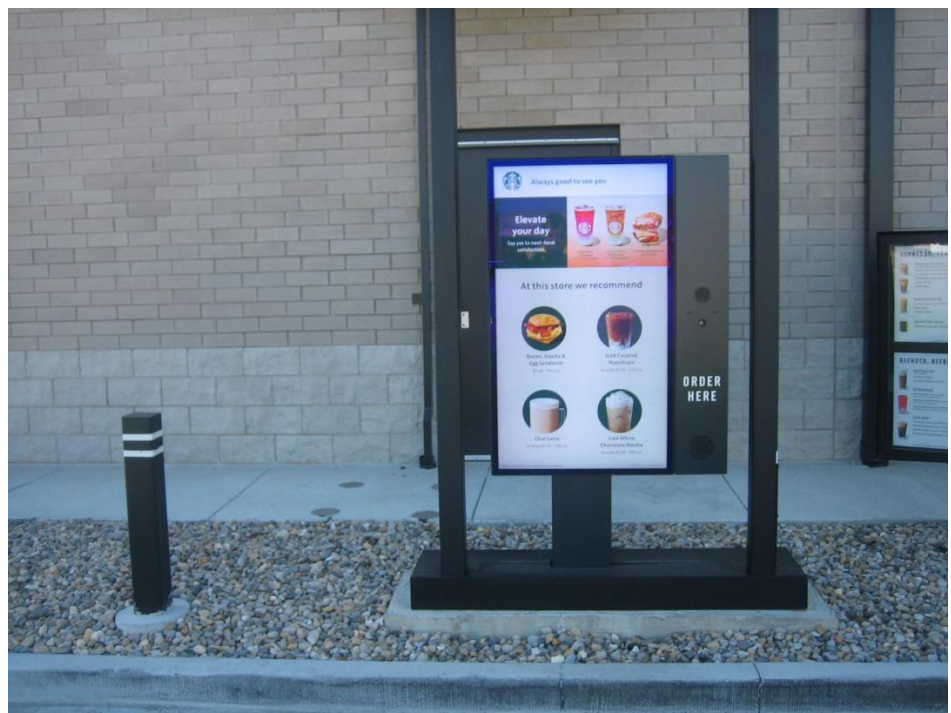


Photo of second drive-thru sign, looking south



Photo of adjacent commercial restaurant to the east



Photo of adjacent commercial office to the west, looking northwest



**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-DV1-031  
**Address:** 8040 East Southport Road  
**Location:** Franklin Township, Council District #25  
**Zoning:** C-3 / C-S  
**Petitioner:** DRGSF Outlot One LLC, by Elizabeth Bentz Williams  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding pylon sign, being the fifth freestanding sign along Southport Road (maximum of two permitted).

**Current Land Use:** Integrated Commercial Center under development

**Staff Recommendation:** Staff recommends Denial of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the October 1, 2024, hearing, to the November 7, 2024 hearing at the request of the petitioner.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs, and separation requirements.
- ◇ The Sign Regulations allow two freestanding signs for an integrated center. This requirement is designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a fifth freestanding sign along this portion of Southport Road, where a maximum of two freestanding signs are permitted as part of an integrated center development.
- ◇ The practical difficulty noted in the findings of fact for the requested fifth freestanding sign is that Harrington Street is not determined to be a public street. If it was a public street, then the proposed sign would not be part of the integrated center and would be permitted.



- ◇ However, Harrington Street, was designed as a private street by the developer and is part of the overall development and rezoning, including the subject site.
- ◇ The requested fifth freestanding sign could be replaced with an appropriate building or façade signs, providing the needed location identification for passing motorists. With the building being an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict the existing three building and façade signs. This would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely. A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign proliferation along the right-of-way.

The location of the sign is not appropriate due to it being over 300 feet from the entrance to the businesses. This could lead to confusion and possible motor accidents by turning at the sign and ending up in the retention pond.

- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Retention pond for integrated commercial development	
<b>Comprehensive Plan</b>	Office Commercial uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-S	Undeveloped
	South: D-P	Single-Family dwellings
	East: C-3	Commercial under development
	West: D-A	Undeveloped
<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	140-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	



<b>Overlay</b>	N/A
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	September 4, 2024
<b>Sign Elevations</b>	September 4, 2024
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	September 4, 2024

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Office Commercial uses for the site.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.

**ZONING HISTORY**

**2020-DV2-012; 6740 South Franklin Road (includes subject site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road, **granted**.



**2023-DV1-027; 8136 East Southport Road (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a monument sign, being the fourth freestanding sign along Southport Road, and located 295 feet from another freestanding sign, **granted**.

**2023-DV1-008; 8144 East Southport Road (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an out lot, including a) The erection of a third freestanding sign along Southport Road, being 260 feet from an existing freestanding sign to the east; b) Fifty-one parking spaces at 162-square foot each provided; and c) A drive through with stacking spaces within the front yard of Southport Road and no exclusive bypass aisle, **granted**.

**2020-DV2-012; 8120 East Southport Road (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road, **granted**.

**2014-CZN-824A; 8120 East Southport Road (east of site)**, requested the rezoning of 28.15 acres from the D-A district to the C-4 classification to provide for an approximately 98,500 square foot grocery store, a fueling station and integrated commercial center, **approved**.

**2014-CVR-824; 8120 East Southport Road (east of site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a grocery store, a gasoline station and commercial retail development, with outdoor seating and dining, with 500 square feet of outdoor storage on the fueling station parcel, and with 665 parking spaces, **granted**.

**2014-CZN-824B; 8120 East Southport Road (includes subject site)**, requested the rezoning of 5.9 acres from the D-A district to the C-3 classification to provide for an integrated commercial center, **approved**.

**2014-CZN-824C; 8120 East Southport Road (north of site)**, requested the rezoning of 12.5 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

**2014-CZN-824D; 8120 East Southport Road (north of site)**, requested the rezoning of 6.7 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

RU

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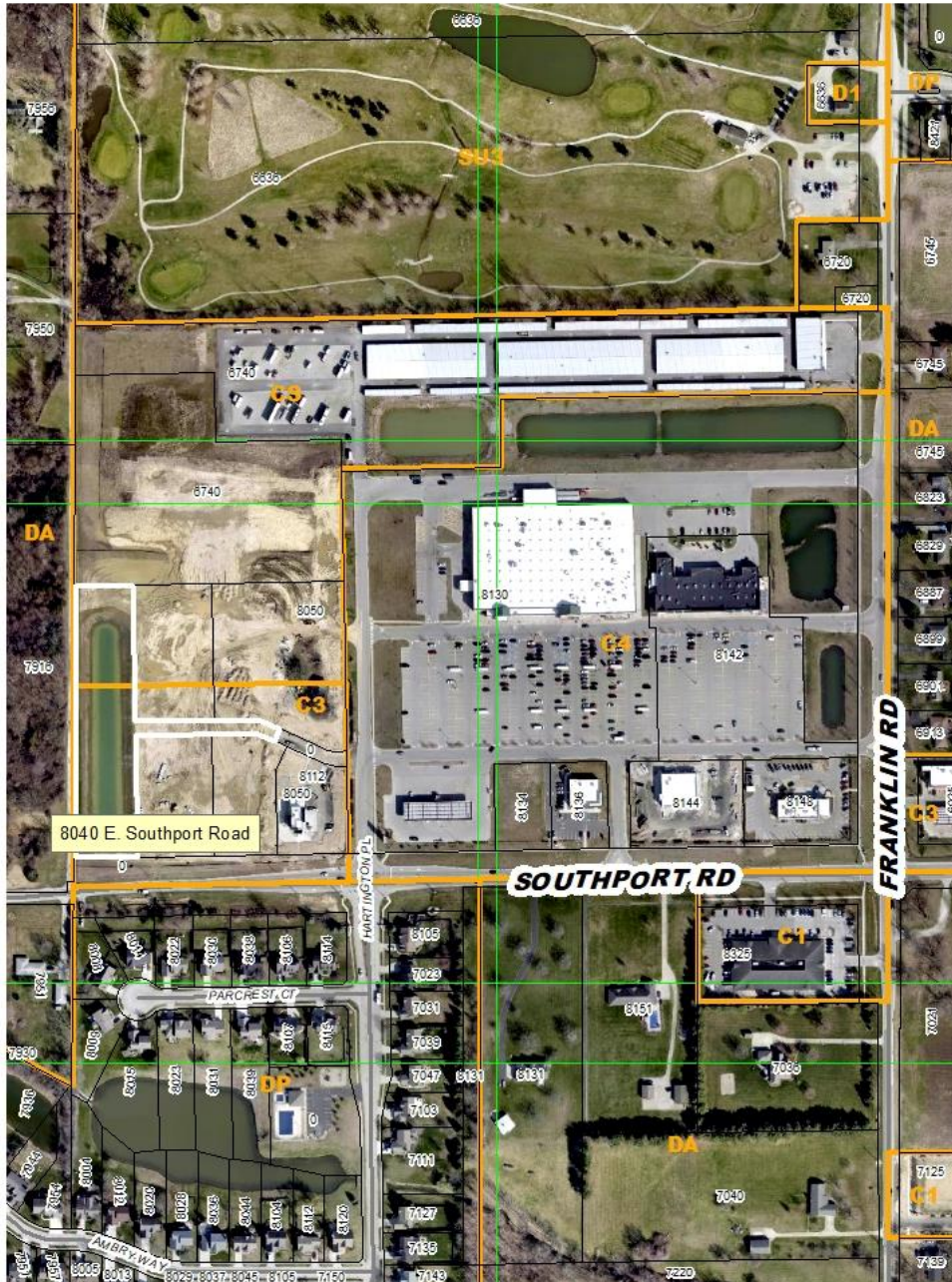


**EXHIBITS**

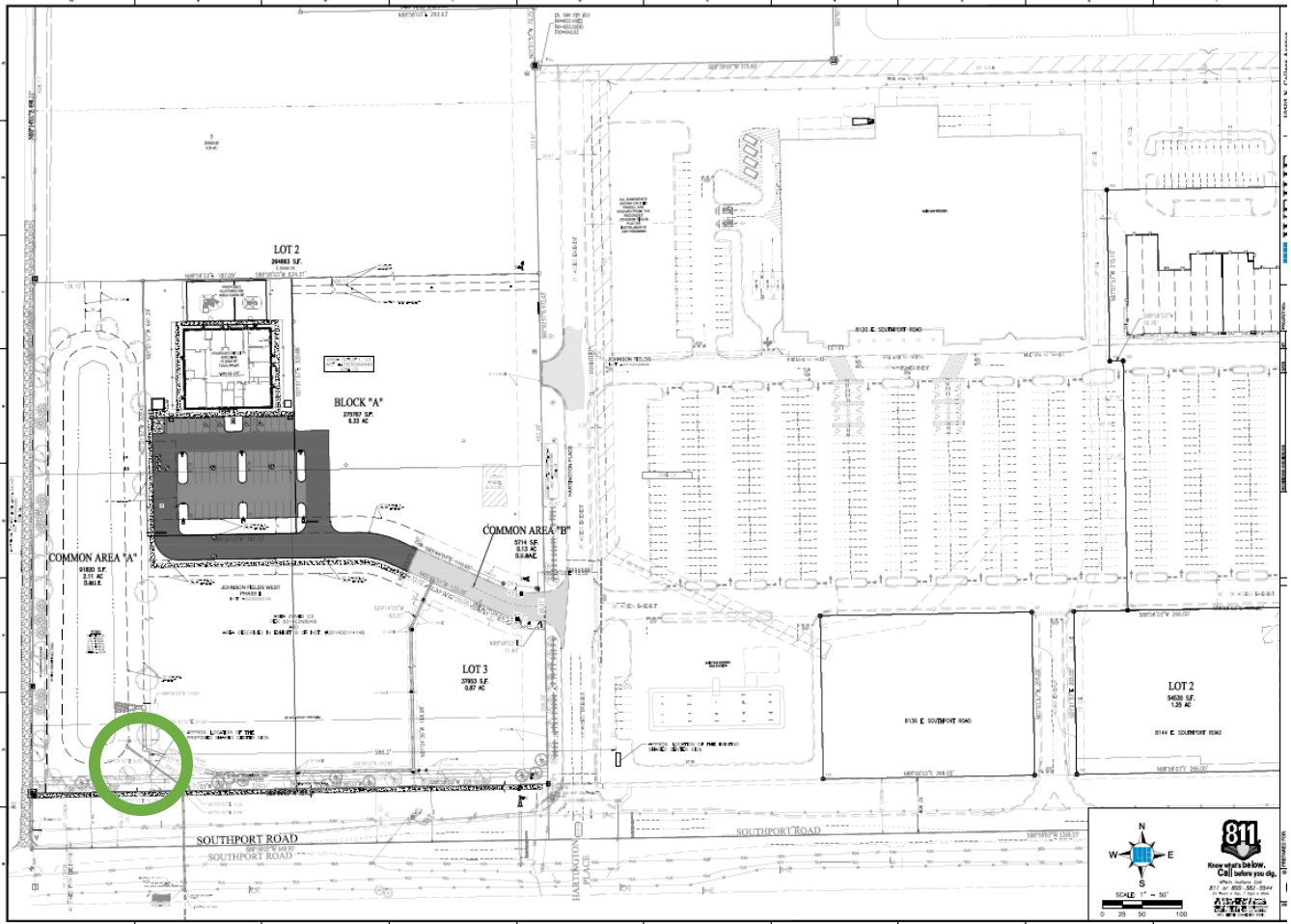
**Location Map Subject Site**



**Location Map Integrated Center**

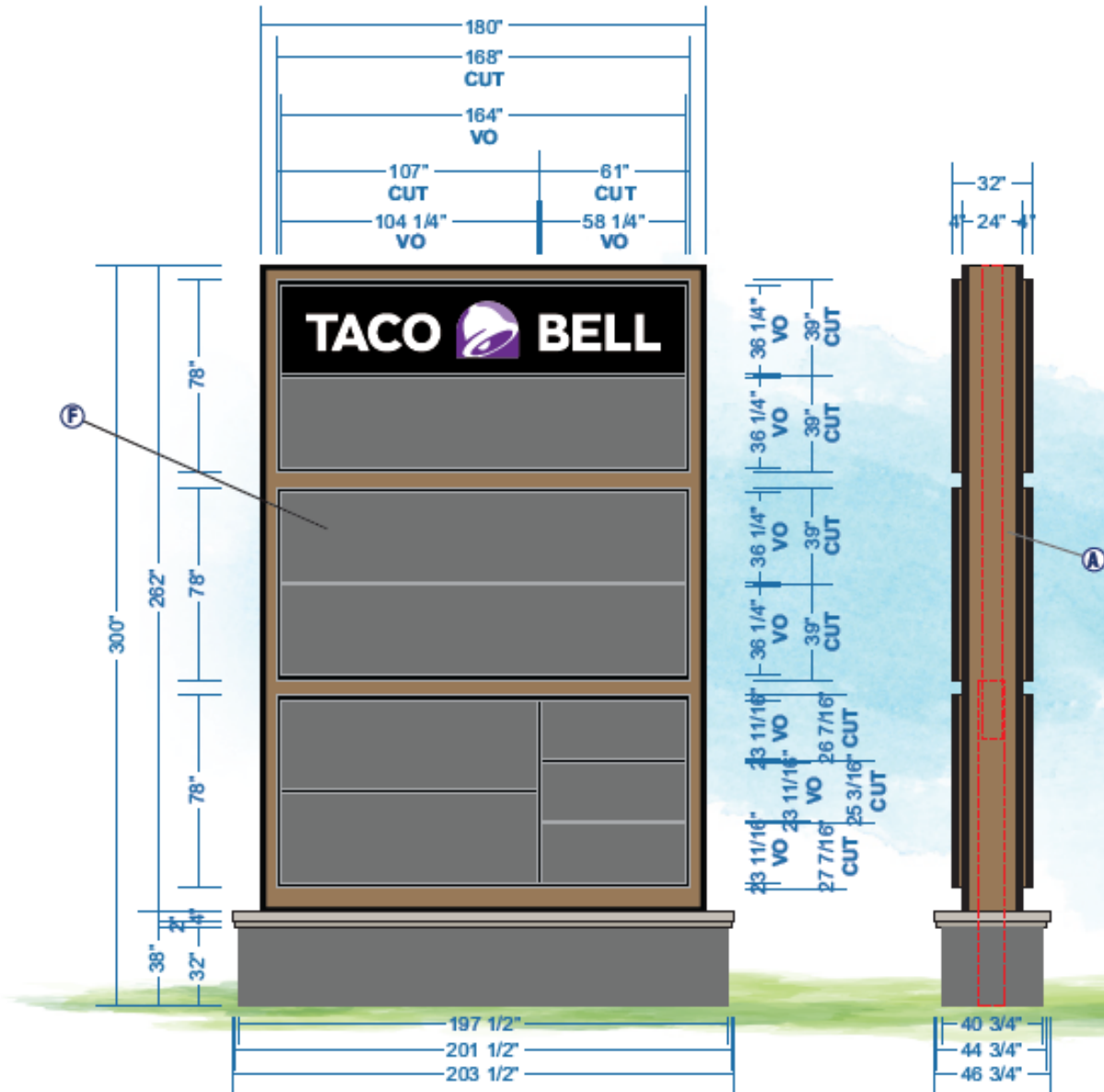


**Overall Site Plan**



(Sign location inside circle)

Sign Elevation





**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 – Number of signs and distance between signs**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

The subject property is zoned for commercial development. There are three existing free-standing signs to the east, the closest is approximately 586 feet from the proposed sign. There are no issues that would affect the public health, morals or general welfare of the community.

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

The proposed sign is designed as an integrated center sign and will be designated to allow other tenants west of Harrington Place space for identification. The request to add an additional sign with approximately 648 linear feet of site frontage, between Harrington Place and the west property line of the common area, is reasonable and needed. Due to the distance between signs and the fact that the sign will use only halo or external lighting, the grant will not cause any adverse effects, nor will it result in sign clutter. The sign is located on a separate parcel platted as Common Area "A" within a commercially zoned subdivision.

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

Harrington Place is a private street, it is constructed to public street standards, and functions as a public street as well as a signalized-intersection at its intersection with Southport Road. Harrington Place is part of Block A in Johnson Fields Subdivision, as part of the Kroger lot. The ordinance definition of integrated center states:

"...any lot that abuts a lot determined to be an integrated center is also considered a part of the integrated center if the abutting lot shares vehicle access to a public street with that integrated center and does not have its own direct vehicle access to a public street."

If Harrington Place was a public street, this variance would not be required. Because the extreme length of the integrated center frontage along Southport Road, and the situation that only two signs are permitted, a practical difficulty is created for the successful and identification of development on property located west of Harrington Place. The variance would allow for the provision of general information to the patrons (and potential patrons) of the businesses safely identifying the location and accessing businesses within.

Photographs



Approximate proposed sign location, looking north



Approximate proposed sign location, looking northeast



Existing outlot development with two of three wall signs, looking northeast



Existing outlot development with two of three wall signs looking northwest



Adjacent integrated commercial development frontage with three existing signs, and two illegal signs, looking east.



Adjacent DA residential proeprty to the west, looking north.





**BOARD OF ZONING APPEALS DIVISION I**

**November 7, 2024**

**Case Number:** 2024-UV1-019  
**Property Address:** 2562 North Bancroft Street (approximate address)  
**Location:** Center Township, Council District #8  
**Petitioner:** Edward Hansen, by James Pierce  
**Current Zoning:** I-3 / D-4 (FF) (FW)

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a non-permitted minor residential structure (not permitted) within the floodway fringe (only permitted within Floodway Fringe if less than 70 percent of the primary building), being larger and taller than the primary building (not permitted).

**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends denial of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FO NOVEMBER 7, 2024 HEARING**

- This petition was continued from the October 1, 2024 BZA Division I hearing due to a 2-2 indecisive vote.

**STAFF RECOMMENDATION**

- Staff recommends denial of this petition.

**PETITION OVERVIEW**

- This petition would provide for the construction of a non-permitted minor residential structure (not permitted) within the floodway fringe (only permitted within Floodway Fringe if less than 70 percent of the primary building), being larger and taller than the primary building (not permitted).
- The structure in question was erected without the application and issuance of required permits. In these instances, Staff generally views any related practical difficulty to be self-imposed, and insufficient in obtaining a favorable Staff recommendation. Further, Staff has concerns that recommending approval of such requests may promote similar patterns of substandard building practices. The Ordinance requires that an Improvement Location Permit (ILP) be obtained to legally establish a new structure; thus, in these cases, it is a violation of the Zoning Ordinance to not obtain



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

the appropriate permits. Staff views this as an illegal structure: to approve these variances would legally-establish a structure that doesn't comply with the Ordinance.

- The Zoning Ordinance does not allow accessory structures to be larger in area nor taller in height than the primary structure. This standard is in place to promote orderly development, maintain residential aesthetics, and to limit the introduction of higher intensity uses into lower intensity areas.
- Additionally, the structure in question is located within the Floodway Fringe of the Pogue's Run Creek. Accessory structures are not permitted in the Floodway Fringe in effort to limit the number of structures that may be damaged and present a danger in the event of a flood. Staff does not see this as appropriate nor to be a quality development and, therefore, recommends denial of the petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-3 / D-4 (FF) (FW)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-4	North: Single-family residential
South:	D-4	South: Single-family residential
East:	D-4	East: Single-family residential
West:	I-3	West: Industrial
<b>Thoroughfare Plan</b>		
North Bancroft Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/21/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	8/21/24	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	8/21/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- With regards to accessory structures, the Infill Housing Guidelines recommends:
  - Don't overshadow primary building

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

- Not Applicable to the Site.



Department of Metropolitan Development  
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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

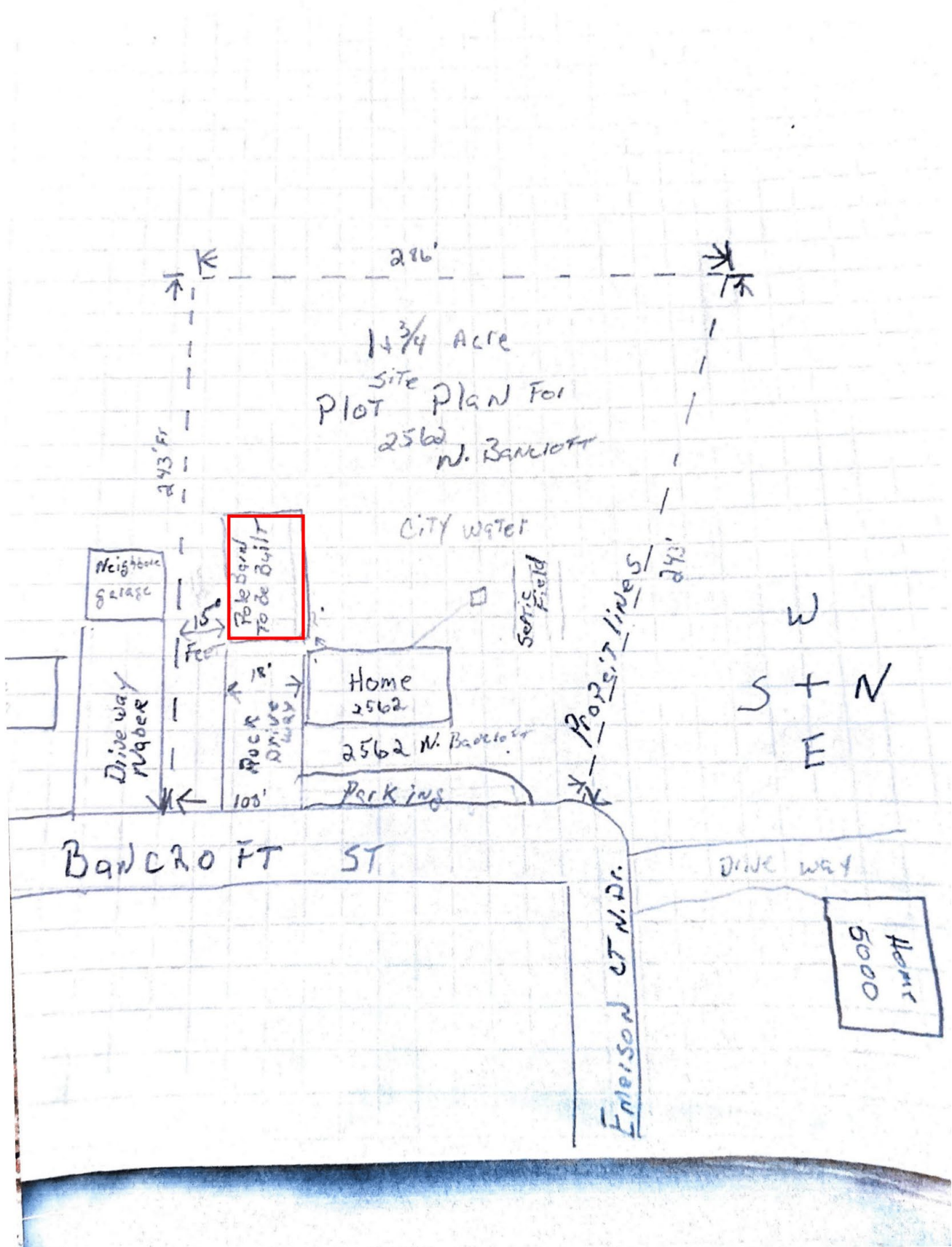
**94-UV2-17; 4655 Massachusetts (west of site)**, variance of use of the Industrial Zoning Ordinance to provide for servicing and warehousing of commercial delivery trucks, unrelated to the primary use, **approved**.

**90-Z-212; 2808 N Sherman Road (north of site)**, requests the rezoning of 8.9 acres, being in the D-4/FF/FW and I-3-U/FF/FW districts, to the I=3-U/FF/FW classification to provide for the development of industrial uses, **approved**.

**EXHIBITS**



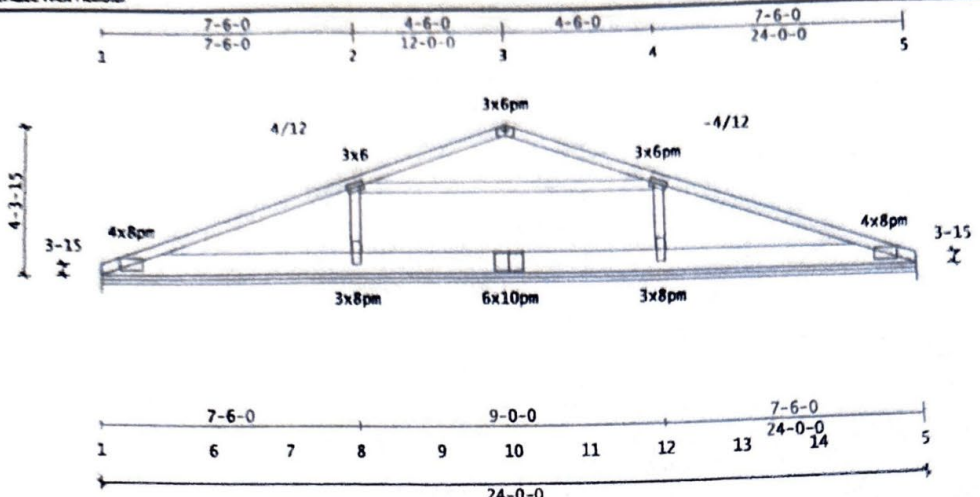






Department of Metropolitan Development  
Division of Planning  
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QTREC0612133 - Qty: 2 Truss: PT1E  
 Customer: Walk-in  
 Truss Mt: Contact Nick Hollister  
 SID: 0000836703  
 TID: 116068  
 Date: 10/08/20  
 Page: 1 of 1



Plates -- Simpson Strong-Tie 20 ga (A520) or 18 ga (A510S, A51855, or A51856) Indicated by '-18'

<b>Code/Design:</b> TNC-2012/TPI-2007 <b>PSF Live Dead:</b> Dur Factors TC 20.0 4.0 Live Wind Snow BC 0.0 1.0 Lum 1.15 1.60 1.15 Total: 25.0 Pit 1.15 1.60 1.15 <b>Spacing:</b> 2'-00"-00 o.c. Flies: 1 <b>Repetitive Member Increase:</b> Yes <b>Green Lumber:</b> No <b>Wet Service:</b> No <b>Tab Tolerance:</b> 154 Creep (Kcr) = 1.5	<b>Snow Load Specs-</b> ASCE7-10 Ground Snow(P <sub>g</sub> ) = 20.0 psf Risk Cat: I Terrain Cat: C Roof Exposure: Fully Exposed Thermal Condition: Unheated(1,2) Unobstructed Slippery Roof: Yes Low-Slope Minimums(P <sub>min</sub> ): No Unbalanced Snow Loads: Yes Rain Surcharge: No Ice Dam Chk: No	<b>Wind Load Specs-</b> ASCE7-10 Wind Speed(V) = 115 mph Risk Cat: I Exposure Cat: C Bldg Dims: L = 0.0 ft B = 0.0 ft H.R.H(h) = 15.0 ft Kzt = 1.0 Bldg Enclosure: Enclosed Wind DL(psf): TC = 2.4 BC = 0.6 End Vertical Exposed: L = Yes R = Yes Wind Uplift Reporting: MWFRS C/C End Zone: N/A	<b>Additional Design Checks-</b> 10 psf Non-Concurrent BCLL: Yes 20 psf BC Limited Storage: No 200 lb BC Accessible Ceiling: No 300 lb TC Maintenance Load: No 2000 lb TC Safe Load: No Unbalanced TCLL: Yes
---	---	---	--

**Material Summary**

TC	2x4	SP (ALSC6-2013)	#1
BC	2x8	SP (ALSC6-2013)	#1
Web	2x4	SP (ALSC6-2013)	#1

**Reaction Summary**

Jnt	X-Loc	React -Up	Width	Reqd	Mat	PSI
8	7-06-00	300	169	24-00-00		
12	16-06-00	300	169	24-00-00		

Reactions not shown: down < 400 and up < 150  
 Reaction Summary (plf) ----  
 Jnt-Jnt React -Up Width  
 1- 5 25 9 24-00-00 (reduced)  
 Max Horiz = -49 / +49 at Joint 1

**Deflection Summary**

TrussSpan	Limit	Actual(in)	Location
Vert LL	L/240	L/999(-0.00)	6- 7
Vert DL	L/120	L/999(-0.00)	6- 7
Vert TL	L/180	L/999(-0.00)	6- 7
Horz LL	0.75in	(0.00)	Jnt 3
Horz TL	1.25in	(0.00)	Jnt 5

**Member Forces Summary**

Mem	Ten	Comp	CSL	
TC	1- 2	62	279	0.24
	2- 3	123	278	0.24
	3- 4	123	278	0.24
	4- 5	62	279	0.24
BC	1- 6	221	18	0.03
	5-14	221	18	0.03
	6- 7	221	18	0.02
	7- 8	221	18	0.02
	8- 9	221	18	0.02
	9-10	221	18	0.02
	10-11	221	18	0.02
	11-12	221	18	0.02
	12-13	221	18	0.02
	13-14	221	18	0.02
Web	2- 8	171	295	0.03
	4-12	171	295	0.03

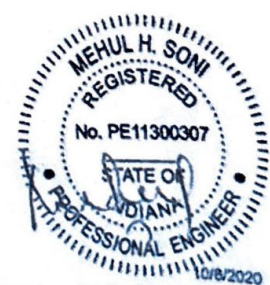
**Loads Summary**  
 This truss has been designed for the effects of an unbalanced top chord live load occurring at [12-00-00] using a 1.00 Full and 0.00 Reduced load factor.  
 See Loadcase Report for loading combinations and additional details.  
 Dead Loads may be slope adjusted: > 8.0/12

**Notes**  
 Gable webs are attached with min. 1x3 20 ga. plates. The max. rake overhang = 1/2 the truss spacing. If this truss is exposed to wind loads perpendicular to the plane of the truss, it must be braced according to a standard detail matching the wind criteria shown, or according to the Construction Documents and/or BCSI - B3.  
 Plates designed for Cq at 0.85 and Rotational Tolerance of 10.0 degrees  
 A "pm" next to the plate size indicates that the plate has been user modified; see Plate Offsets for any special positioning requirements.  
 C/C wind pressure has not been considered in the design of this truss.

**Bracing Data Summary**

Chords	Sheathing required or bracing indicated:
TC	2-04-00
BC	8-00-00
Web Bracing	None

**Plate offsets (X, Y):**  
 (None unless indicated below)  
 Jnt3(0, -00-10)



NOTICE: A copy of this design shall be furnished to the erection contractor. The design of this individual truss is based on design criteria and requirements supplied by the Truss Manufacturer and relies upon the accuracy and completeness of the information set forth by the Building Designer. A seal on this drawing indicates acceptance of professional engineering responsibility solely for the truss component design shown. See the cover page and the 'Important Information & General Notes' page for additional information. All connector plates shall be manufactured by Simpson Strong-Tie Company, Inc. in accordance with ESR-2762. All connector plates are 20 gauge, unless the specified plate size is followed by a '-18' which indicates an 18 gauge plate, or 'Bd 18', which indicates a high tension 18 gauge plate.

**SIMPSON Strong-Tie** Component Solutions  
 Truss Studio V  
 2019.10.1.11  
 Helpdesk: 1-866-252-8436  
 csshelp@strongtie.com



National Flood Insurance Program

# Elevation Certificate and Instructions

2023 EDITION



**FEMA**



Department of Metropolitan Development  
Division of Planning  
Current Planning

Form Instructions

U.S. DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
National Flood Insurance Program

OMB Control No. 1660-0008  
Expiration Date: 06/30/2026

**ELEVATION CERTIFICATE**  
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>HANSEN, EDWARD R.</u>		Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>2562 N. BANCROFT STREET</u>		Company NAIC Number: _____
City: <u>INDIANAPOLIS</u> State: <u>IN</u> ZIP Code: <u>46218</u>		
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>BROOKWOOD ADDN, BLK C, 300'x370' irr. tract SE to NE approx. 1.48 AC.</u>		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>NON-RESIDENTIAL</u>		
A5. Latitude/Longitude: Lat. <u>39°48'19"N</u> Long. <u>86°05'19"W</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84		
A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).		
A7. Building Diagram Number: <u>C2.a</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s): <u>1,344</u> sq. ft.		
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>0</u>		
d) Total net open area of non-engineered flood openings in A8.c: <u>0</u> sq. in.		
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>0</u> sq. ft.		
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.		
A9. For a building with an attached garage: <u>N/A</u>		
a) Square footage of attached garage: _____ sq. ft.		
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>0</u>		
d) Total net open area of non-engineered flood openings in A9.c: <u>0</u> sq. in.		
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>0</u> sq. ft.		
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.		
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1.a. NFIP Community Name: <u>CITY OF INDIANAPOLIS</u>		B1.b. NFIP Community Identification Number: <u>180159</u>
B2. County Name: <u>MARION</u>	B3. State: <u>IN</u>	B4. Map/Panel No.: <u>0162</u> B5. Suffix: <u>F</u>
B6. FIRM Index Date: <u>04/16/2016</u>	B7. FIRM Panel Effective/Revised Date: <u>04/16/2016</u>	
B8. Flood Zone(s): <u>AE</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>801.1</u>	
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other: <u>IND. DNR FLOODPLAIN ANALYSIS; REGULATORY ASSESS. (COPY ATTACHED)</u>		
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____		
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA		
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		



Department of Metropolitan Development  
Division of Planning  
Current Planning

Form Instructions

**ELEVATION CERTIFICATE**  
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>2562 N. BANCROFT STREET</u>	<b>FOR INSURANCE COMPANY USE</b> Policy Number: _____ Company NAIC Number: _____
City: <u>INDIANAPOLIS</u> State: <u>IN</u> ZIP Code: <u>46218</u>	

**SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)**

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: GPS RTK / INCURS NETWORK Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929  NAVD 1988  Other: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?  Yes  No  
If Yes, describe the source of the conversion factor in the Section D Comments area.

- |   |               |   |                                |
|---|---------------|---|--------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor):  | <u>804.57</u> | <input checked="" type="checkbox"/> fee | <input type="checkbox"/> meter |
| b) Top of the next higher floor (see Instructions):   | <u>N/A</u>    | <input type="checkbox"/> t              | <input type="checkbox"/> meter |
| c) Bottom of the lowest horizontal structural member (see Instructions):  | <u>N/A</u>    | <input type="checkbox"/> fee            | <input type="checkbox"/> meter |
| d) Attached garage (top of slab):   | <u>N/A</u>    | <input type="checkbox"/> t              | <input type="checkbox"/> meter |
| e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): | <u>N/A</u>    | <input type="checkbox"/> fee            | <input type="checkbox"/> meter |
| f) Lowest Adjacent Grade (LAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished              | <u>803.03</u> | <input checked="" type="checkbox"/> t   | <input type="checkbox"/> meter |
| g) Highest Adjacent Grade (HAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished             | <u>804.47</u> | <input checked="" type="checkbox"/> t   | <input type="checkbox"/> meter |
| h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:   | <u>N/A</u>    | <input type="checkbox"/> fee            | <input type="checkbox"/> meter |

**SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION**

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No

Check here if attachments and describe in the Comments area.

Certifier's Name: KENNETH GREGORY GARRISON License Number: LS29300014

Title: LAND SURVEYOR

Company Name: MJ GIBSON LAND SURVEYING, LLC

Address: 1990 N. MERIDIAN ROAD, SUITE A

City: GREENFIELD State: IN ZIP Code: 46140

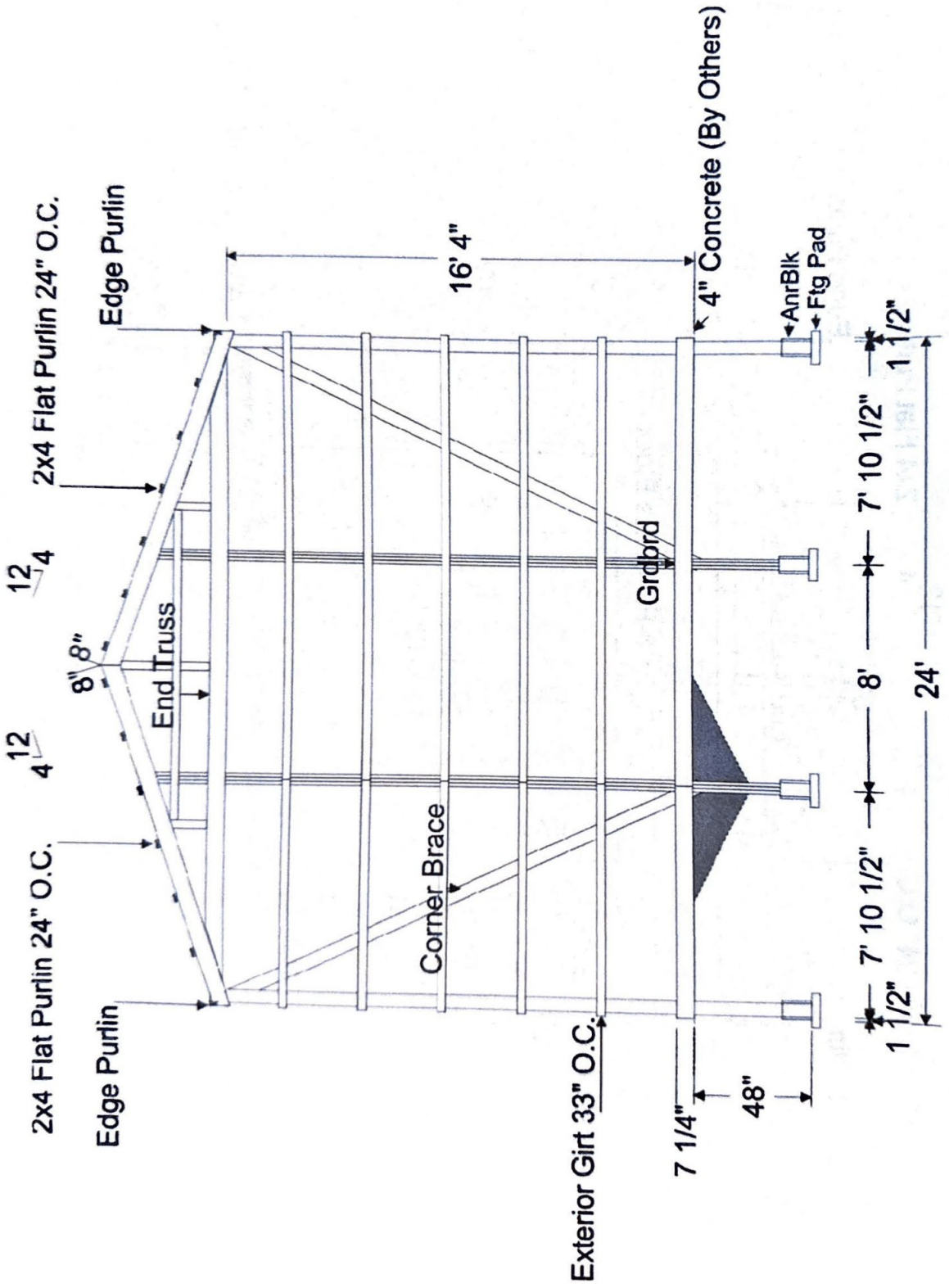
Telephone: 317-462-4055 Ext.: - Email: kenn@gmj surveys.com

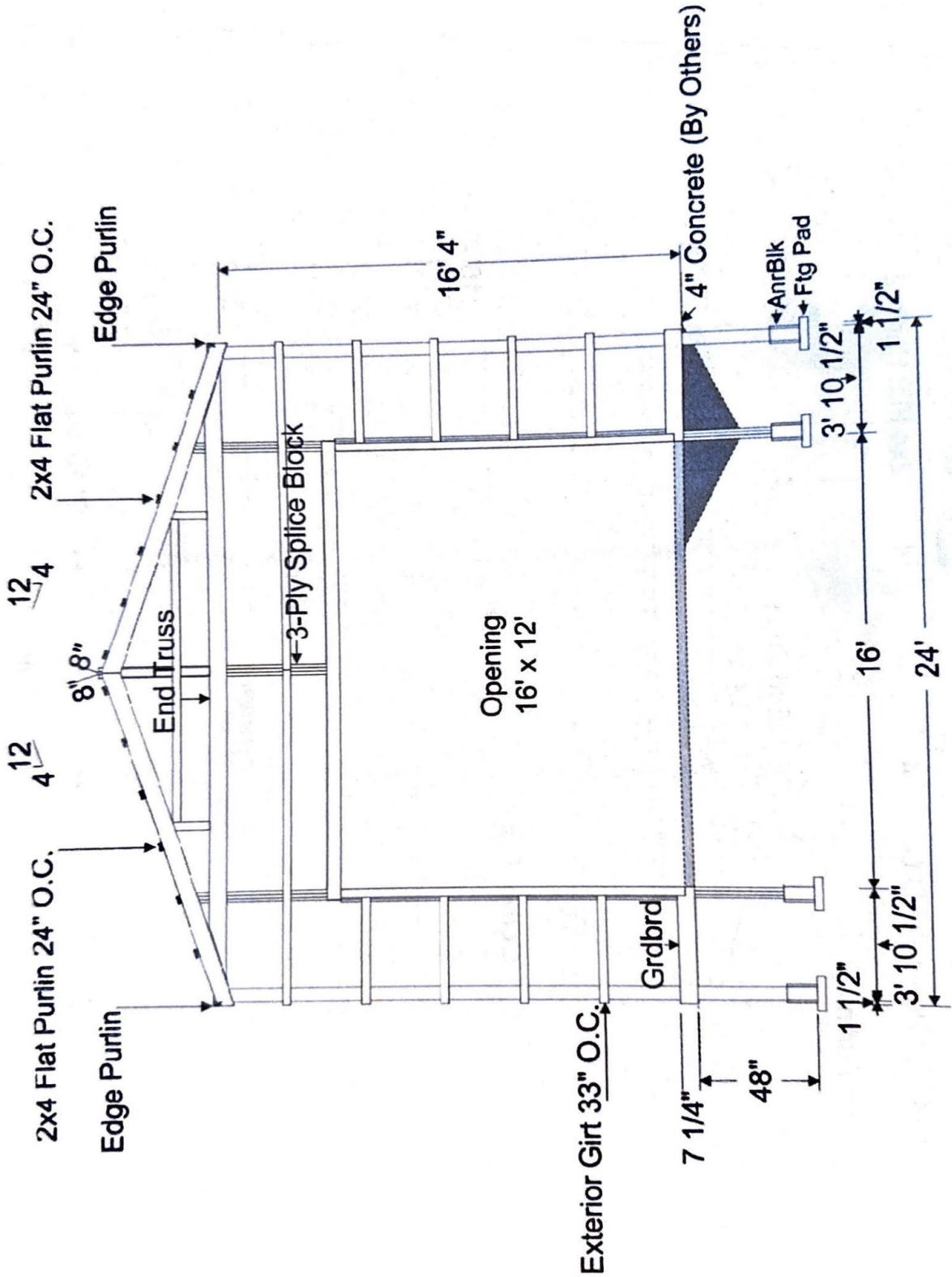
Signature: Kenneth Gregory Garrison Date: \_\_\_\_\_

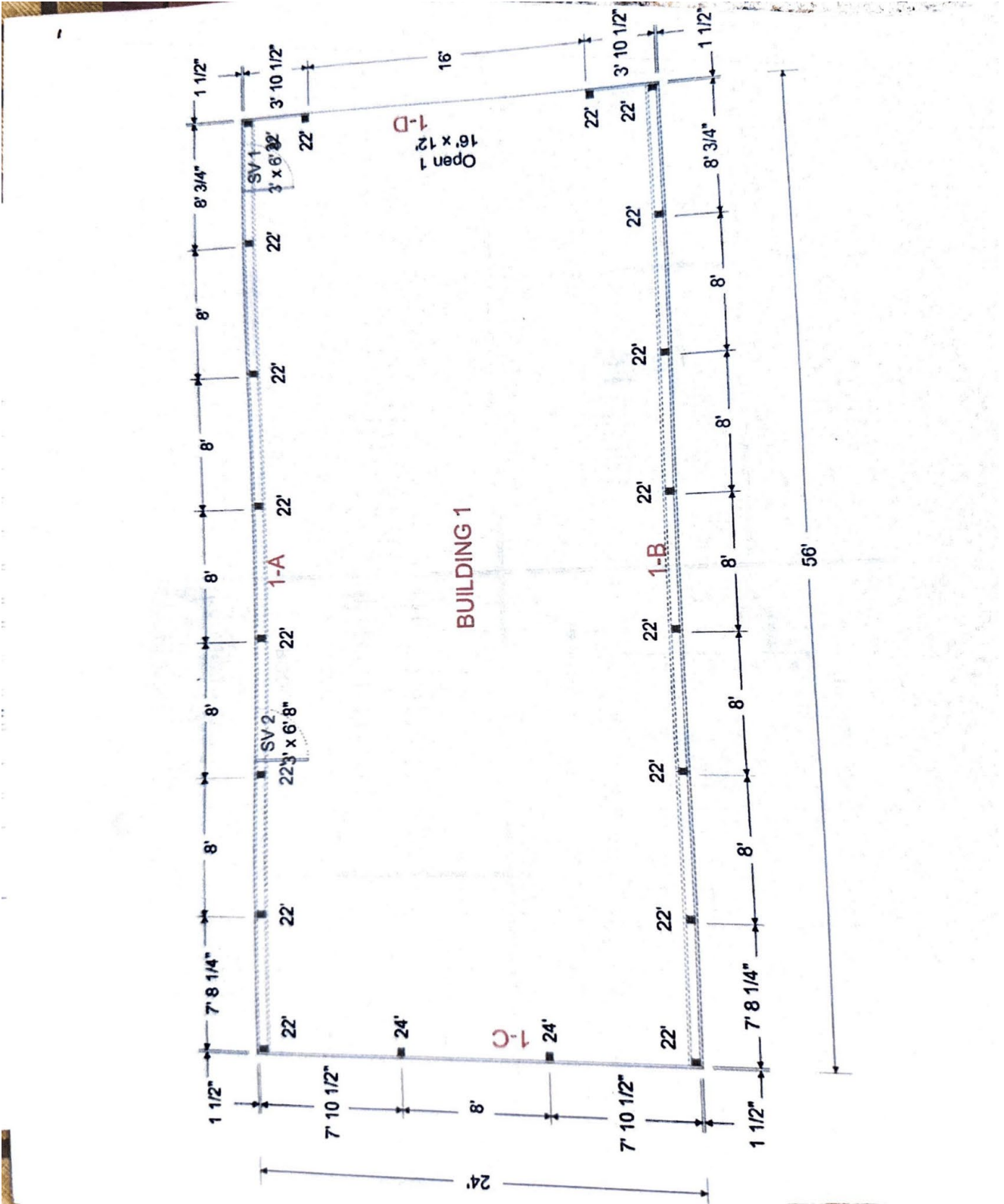


Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):  
ELEVATIONS SHOWN ON THIS FORM WERE OBTAINING UTILIZING GPS RTK (INCURS NETWORK).  
BFE WAS ESTABLISHED BY IND. DEPT. OF NATURAL RESOURCES FLOODPLAIN ANALYSIS (COPY ATTACHED)  
THIS CERTIFICATE IS FOR A NEWLY CONSTRUCTED GARAGE/BARN - CONSTRUCTED ON A SLAB.









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 GARAGE / POLE BARN WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE THE HEIGHT AND SQUARE FOOTAGE OF THE GARAGE DOESN'T APPLY TO THESE CONCERNS, THE GARAGE IS SITUATED ON THE BACK SIDE OF THE PROPERTY APPROXIMATELY 100' +/- AWAY FROM PUBLIC RIGHT OF WAY;

\_\_\_\_\_  
\_\_\_\_\_

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

THE GARAGE / POLE BARN HAS BEEN BUILT FOR NEARLY 2 YEARS NOW WITH NO REALATIVE COMPLAINTS, THE GARAGE IS ONE OF THE MORE NEWER LOOKING ACCESSORY STRUCTURES IN THE AREA, WOULD RAISE PROPERTY VALUE FOR ADJACENT NEIGHBORS, COLOR MATCHED TO CURRENT RESIDENCE (NOT SHOWN IN ABOVE IMAGE)

\_\_\_\_\_  
\_\_\_\_\_

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

THE PROPERTY OWNER WOULD NEED TO TEAR DOWN THE GARAGE / POLE BARN OR MODIFY IT STRUCTURALLY AS IT IS CURRENTLY STANDING / BUILT.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 24

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_











## BOARD OF ZONING APPEALS DIVISION I

November 7<sup>th</sup>, 2024

<b>Case Number:</b>	2024-UV1-022
<b>Property Address:</b>	9111 Crawfordsville Road
<b>Location:</b>	Wayne Township, Council District #11
<b>Petitioner:</b>	Rancho Enterprises Inc., by Mark and Kim Crouch
<b>Current Zoning:</b>	C-3 / I-2
<b>Request:</b>	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor business, per the filed site plan and plan of operation.
<b>Current Land Use:</b>	Commercial
<b>Staff Recommendations:</b>	Staff recommends <b>denial</b> of this variance request.
<b>Staff Reviewer:</b>	Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the second public hearing for this petition.

The first public hearing for this petition was continued by the Town of Clermont, a registered neighborhood organization, who filed an Automatic Continuance, continuing this petition from the October 1st, 2024, hearing, to the November 7th, 2024 Division I, hearing.

## STAFF RECOMMENDATION

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

## PETITION OVERVIEW

- This Variance of Use would allow for the operation of a plumbing contracting business at the subject site.
- As proposed, the request includes the construction of a storage building to the rear of the property for the storage of equipment.
- This parcel is split zoned C-3 and I-2, (rear property line crosses into the I-2 zoning). Staff would note that the abutting I-2 zoned area is overwhelmingly improved with residential structures, and the district presence itself is a vestige of pre-Unigov zoning.
- According to the plan of operation, included below, no semi-truck traffic or parking would be permitted. However, six (6) box trucks, two (2) enclosed trailers and one (1) flatbed trailer would be stored on site.



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

- The contracting business would be open from 8:00 am to 6:00 pm Monday through Friday.
- During the day there is the possibility to have up to 11 vehicles parked on the property. No customers are expected to be visiting the site but there is the possibility to have vendors come to the property on occasion.
- At night and during the weekend its currently planned to have three (3) vehicles and the three (3) trailers parked on the property.
- Commercial Contracting businesses are generally characterized by large amounts of outdoor storage and fleet vehicles. For this reason, this use is only permitted by-right within the C-5, C-7 and Industrial Districts. However, Staff recently amended the Ordinance to allow for this use to operate within the C-4 District with the grant of a Special Exception, in recognition of degrees of intensity of this use, some of which may be appropriate to locate in closer proximity to less intense uses.
- The Land Use Pattern Book recommends Village Mixed-Use for the subject site. The proposed use would represent a substantial deviation from this recommendation and believes that the grant of the request would materially injure the implementation of this plan along this Corridor.
- This area of Marion County is within the Town of Clermont. This portion of Crawfordsville Road functions as its primary commercial corridor, similar to a small town “Main Street”. Subsequently, there is a heavy commercial presence along the corridor in both commercially designed buildings as well as converted single-family dwellings, such as the existing building on the subject site. However, Staff would note that this corridor is mostly populated with eating establishments, bars or taverns, light retail, and personal and professional services. The proposed use is a Heavy Services business and would represent a substantial deviation from this development pattern.
- Staff is concerned about the expansion of the business that may necessitate such a use in the future. Subsequently, Staff believes the appropriate decision would be to deny the variance and recommend that the applicant seek an appropriately zoned and located property that would prevent this from becoming an enforcement issue necessitating a future refiling.
- Staff would note that the number of vehicles (11 passenger vehicles and three hauling vehicles) that may be present at any given time, along with the inclusion of only four spaces on the site plan, will inevitably lead to a level of congestion that indicates over-intensification of the site. Staff would note that while this property is zoned commercial, it was clearly platted as a residential lot given its dimensions and improvement with a single-family dwelling.
- Given these facts, Staff believes the request to be wholly inappropriate and strongly recommends denial of the request. The property is already commercially zoned in a manner that is consistent with its immediate context, and that no practical difficulty is associated with the property warranting approval. As a reminder, the practical difficulty criteria establishes that the lot and/or site can ONLY be utilized for the requested use. Staff is unified in that C-3 and I-2, separately and together, provide for a wide range of uses. There is no peculiarity in this site that would not allow for any of the permitted uses list in the Land Use Table.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 / I-2
<b>Existing Land Use</b>	Commercial

<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3	North: Village Mixed-Use
South:	I-2	South: Village Mixed-Use
East:	C-3	East: Village Mixed-Use
West:	C-3	West: Village Mixed-Use
<b>Thoroughfare Plan</b>		
Crawfordsville Road)	Primary Arterial	50 ft right-of-way existing and 90 ft right-of-way proposed.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	08/21/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/21/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Indy Moves Final Plan 2018

**Pattern Book / Land Use Plan**

The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.



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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Indy Moves - Anticipate connections to future Eagle Creek Greenway and upgraded bicycle and pedestrian facilities on Crawfordsville Road. Key intersection improvements are also needed at Girls School Rd and Morris St, Rockville Rd, W 21st St, and Crawfordsville Rd (pg 25).
- Indy Moves Project List
  - Girls School Road Complete Street
    - The Girls School Road complete street project will provide a sidewalk and multi-use path for people walking and bicycling along Girls School Road between Morris Street and Crawfordsville Road. This will establish a vital north-south multimodal connection on the West side of Indianapolis, connecting residential areas, several schools, and employment centers. People using Girls School Road will benefit from safe, well-buffered places to walk and ride bicycles, including crossing improvements at busy intersections. This project will create a consistent three-lane typical section along the extent of Girls School Road, also improving safety for automobile users by establishing a two-way center turn lane with a through travel lane in each direction. (Appendix D: Project List pg 5)

**ZONING HISTORY**

**ZONING HISTORY – SITE**

N/A

**ZONING HISTORY – SURROUNDING AREA**

- 2008-DV1-023 – 9251 Crawfordsville Road
  - Variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for: a) 2,790-square foot gas station canopy with a 66.83-foot front setback from the centerline of Crawfordsville Road, encroaching 3.167 feet into the proposed right-of-way of Crawfordsville Road (minimum ten-foot front setback from the proposed right-of-way required), and with a 71-foot front setback from the centerline of Raceway road, being one-foot from the proposed right-of-way or Raceway Road (minimum ten-foot front setback from the proposed right-of-way required), b) an air machine with an approximately 33-foot front setback from the existing right-of-way of Raceway-Road and underground storage tanks for racing fuel with an approximately five-foot front setback the existing right-of-way of Raceway Road within the required front yard (not permitted), c) a racing fuel dispenser with and approximately 33-foot front setback from the existing right-of-way or Crawfordsville Road within the required front yard (not permitted), d) an 40-foot tall, 240-square foot pole sign with a 12.167-foot front setback from the existing right-of-way or Crawfordsville Road (minimum fifteen-foot front setback required), e) a 29.48-foot tall, 166-square-foot pole sign with a three-foot front setback from the existing right-of-way of Raceway Road (minimum fifteen-foot front setback required), f) two, 46.5-square foot canopy signs, being 47.44 percent of the area of the north and south canopy faces (maximum 24.5-square foot signs, or 25 percent of the canopy faces, permitted). **AP.**
- 2008-HOV-028 – 9109 Hamilton Avenue
  - Variance of use of the Commercial Zoning Ordinance to legally establish a 1003-square foot, single-family dwelling (not permitted), with a 576-square foot detached garage. **AP**
- 2009-HOV-017 – 3421 Church Street
  - Variance of use of the Industrial Zoning Ordinance to legally establish a single-family dwelling (not permitted) and a 248-square foot detached accessory building. **Approved.**
- 2009-HOV-025 – 3428 Anderson Street
  - Variance of use and development standards of the Industrial Zoning Ordinance and Commercial Zoning Ordinance to legally establish a single-family dwelling (not permitted), with a four-foot south side setback and to legally establish a detached garage (not permitted), with a four-foot south side setback and an seven-foot west rear setback (minimum 10-foot side and rear setback required in I-2U District). **Approved.**
- 2012-UV1-007 – 9235 Crawfordsville Road
  - Variance of use of the Commercial Zoning Ordinance to provide for a firearms store (not permitted). **Approved.**
- 2015-UV3-028 – 3435 Church Street



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- Variance of use of the Commercial Zoning Ordinance to legally establish and provide for primary and secondary residential development (not permitted), including a single-family dwelling and a detached garage, with an office, encroaching into the right-of-way of Church Street (not permitted). **Approved.**
- 2021-HOV-020 – 3409 Church Street
  - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage accessory to a single-family dwelling (not permitted), with a six-foot front transitional setback in the front yard of Ben Hur Avenue (30-foot front transitional setback required and accessory buildings not permitted within the front yard). **Approved.**
- 2014-UV1-007 – 6695 East 75<sup>th</sup> Street
  - Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a bus storage facility (not permitted), on a lot with: a) 1.08 acres (three acres required), b) zero feet of frontage and lot width (125 feet of frontage and 250 feet of lot width required), and c) with a zero-foot west side yard (minimum 30-foot side setback required). **Approved.**
- 2022-UV1-017 – 9067 Crawfordsville Rd
  - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish automobile, motorcycle, and light vehicle service and repair (not permitted). **Withdrawn.**



**EXHIBITS**

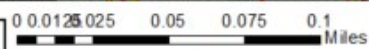
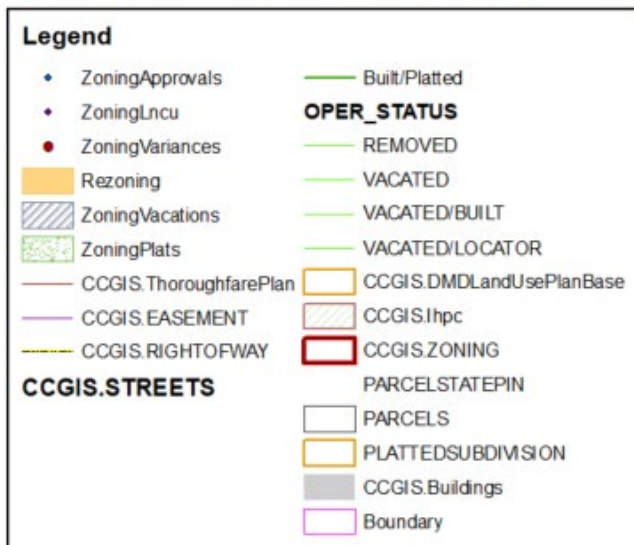
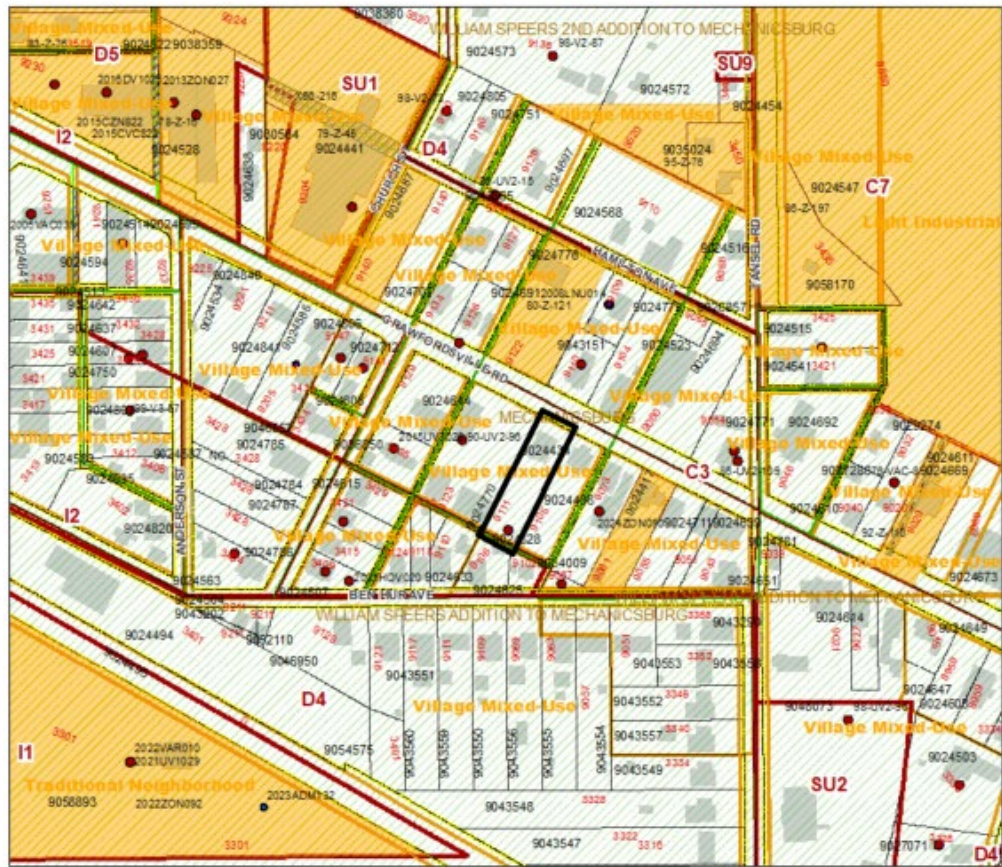


Exhibit 1: Area map of the surrounding area around 9111 Crawfordville.

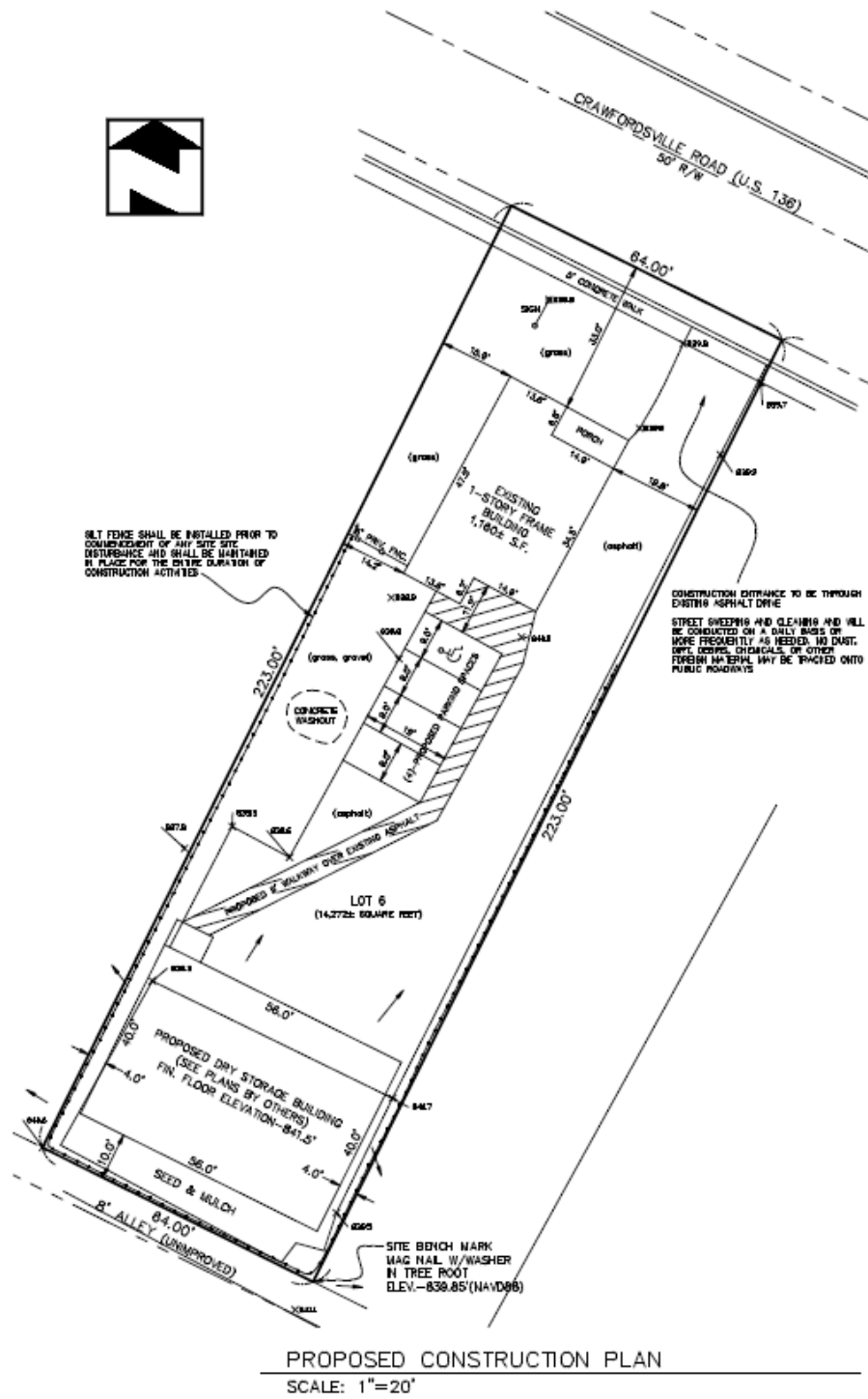


Exhibit 2: Site Plan for 9111 Crawfordsville, if variance of use is approved.

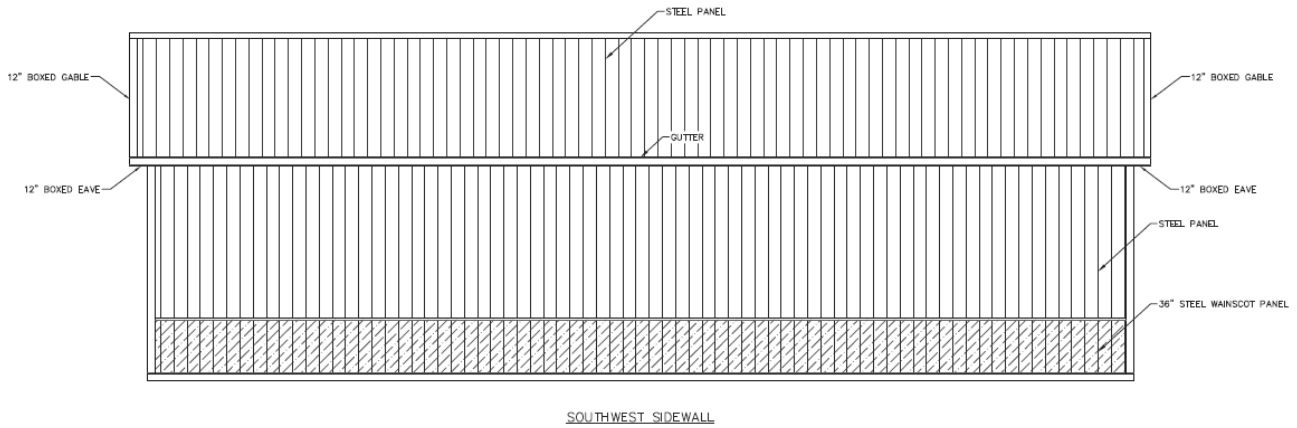
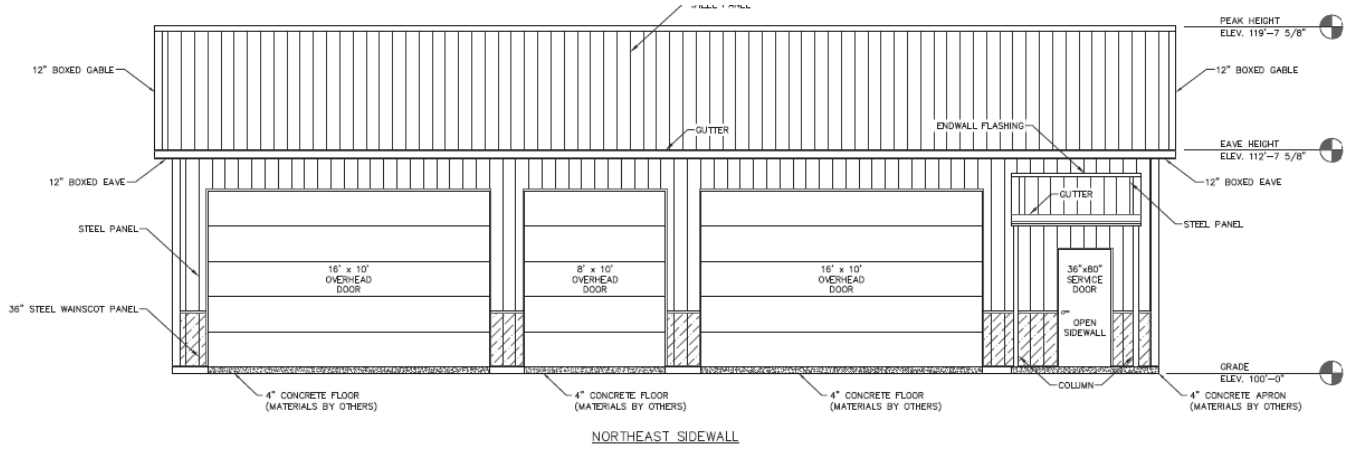


Exhibit 3: Front and Back elevations of the outside storage that will be built in the back of the property.

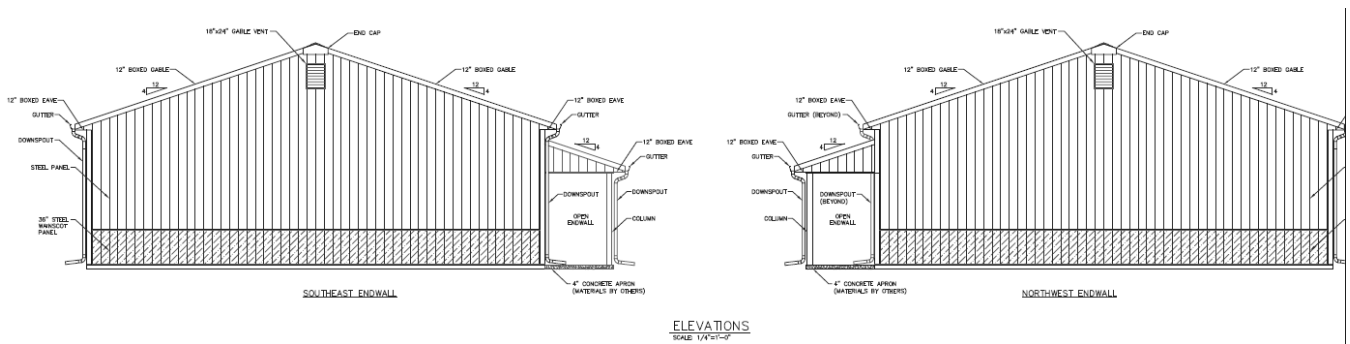


Exhibit 4: Side Elevations of the outside storage that will be built in the back of the property.

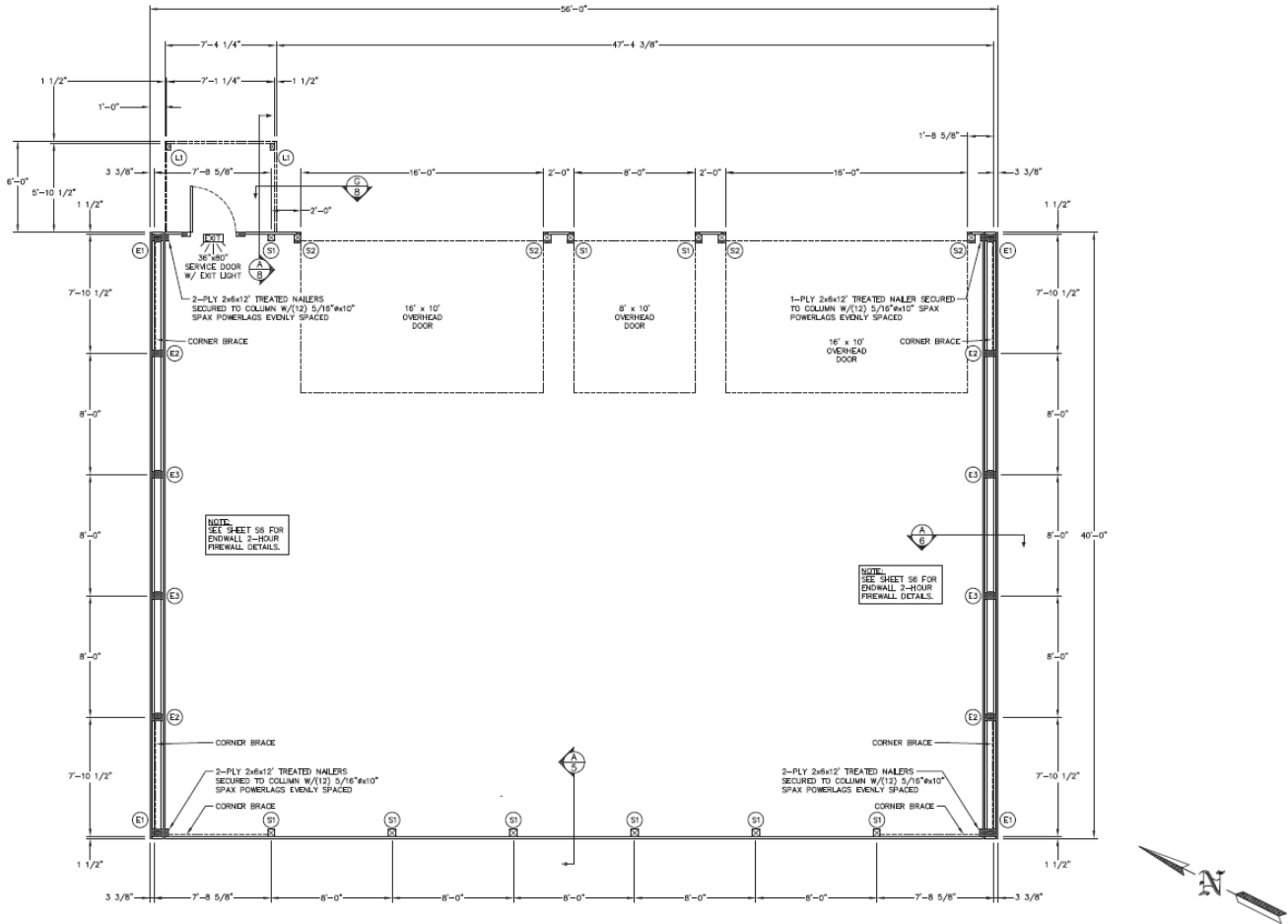


Exhibit 5: Floor Plan of the outside storage.



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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the grant will allow for the property to be used by the existing construction company to continue to conduct business as it has for the past 2 years.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 construction company has conducted business for the past 2 years without any complaints from the surrounding neighborhood.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

current property is zoned C-3 and a construction company is not allowed in C-3 zoning.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

existing construction company has been in existence on the property for 2 years and does not meet C-3 zoning standards. Without variance approval, existing construction company will not be able to continue to conduct business.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the comprehensive plan recommendation is for commercial and the construction company has been in existence an used for commercial purposes since its existence.

\_\_\_\_\_

\_\_\_\_\_

Exhibit 6: Findings of Fact submitted for the variance of use at 9111 Crawfordsville.

See The Business Operations .

Monday through Friday (Nothing on Saturday or Sunday)

Hours of Operation are form 8:00 a.m. to 6:00 p.m.

We don't take semi deliveries, Only Box truck or Pull Behind Trailers.

We will have 6 plumbers Truck Plus the Secretaries car and My Truck, the Secretaries car stay here for most of the day, I come and go All day long. The plumbers load up at 8:00 am. leave and are gone most of the day, at 5:00 they return to the office, drop off work orders park the trucks and go home. 3 of them leave their cars here the other 3 take our company trucks home.

We have 2 enclosed trailers and 1 flatbed. No heavy equipment.

Other than a vendor, Superintended or random Solicitor we mostly have no one stop by since its a phone call based business.

Exhibit 7: The plan of operation for the contracting business if this variance is approved.



Exhibit 8: Front facing image of 9111 Crawfordsville from across the road.



Exhibit 9: Work area behind 9111 Crawfordsville.



Exhibit 10: Looking west down Crawfordsville Rd.



Exhibit 11: Looking east down Crawfordsville Rd.





Exhibit 12: The commercial business to the east of the proposed contracting business.



Exhibit 13: The dwelling to the west of the proposed contracting business.

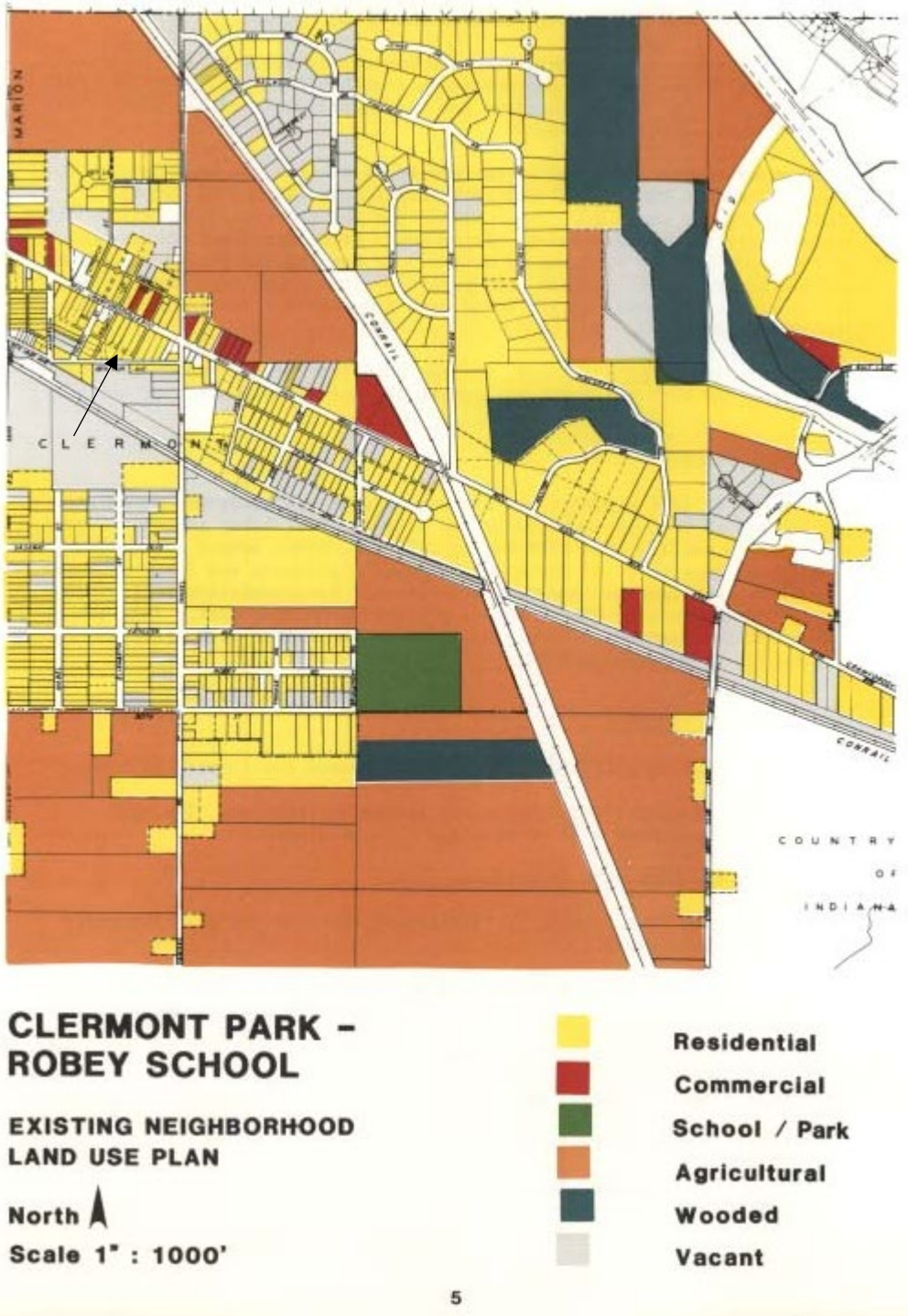


Exhibit 14: Map from Clermont Park – Robey School Master Plan 1983. Arrow points to the now 9111 Crawfordsville Road parcel.

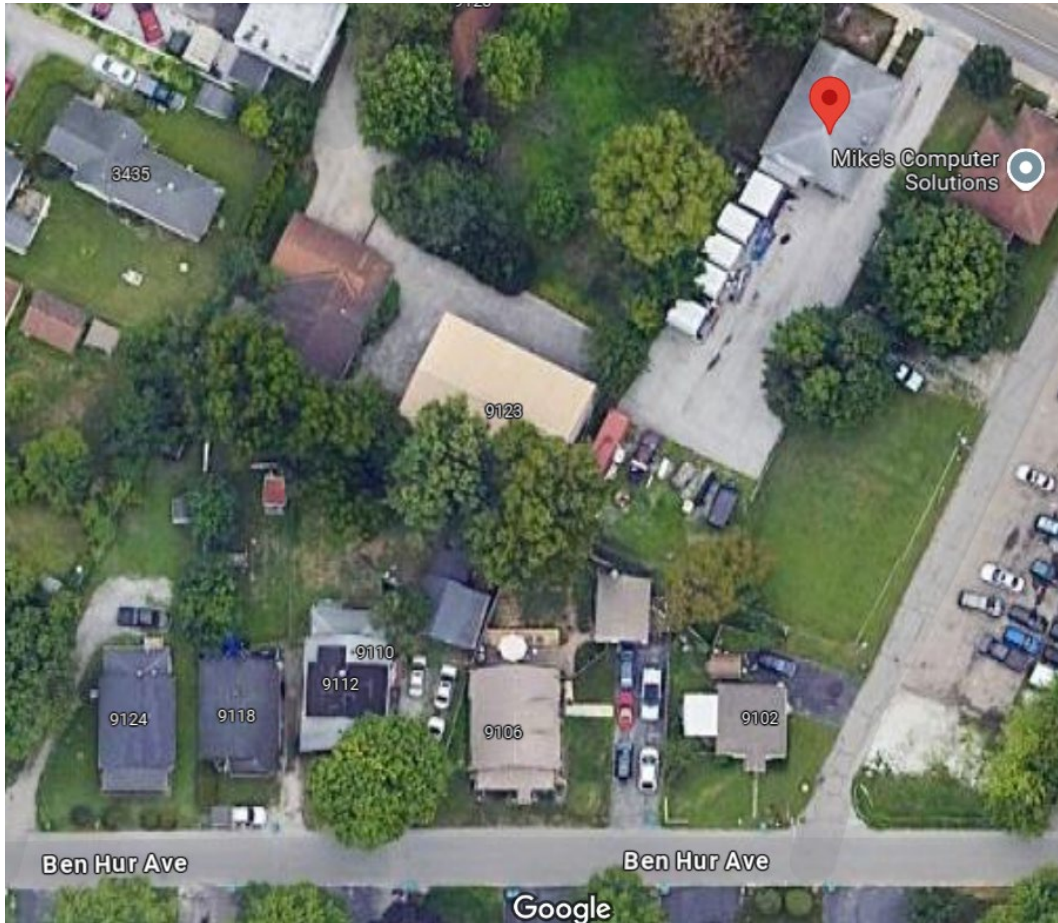


Exhibit 15: Google Maps aerial of property with residential homes behind it. These homes are placed in an Industrial zoning.

1. Any variance of use for the subject property shall be personal only to the petitioner, Rancho Enterprises, Inc. and the variance shall not run with the land.
2. There would be no outside storage of goods or materials.
3. That the to be constructed shed at the rear of the property be substantially the same as the drawings submitted. (copy attached).

Exhibit 16: Commitments agreed upon between the owner, petitioner and the Clermont Town Council.



**BOARD OF ZONING APPEALS DIVISION I** **November 07, 2024**

**Case Number:** 2024DV1032

**Property Address:** 4527 North College Avenue (*approximate address*)

**Location:** Washington Township, Council District #7

**Petitioner:** Heather Harvey

**Current Zoning:** D-5 (TOD) (W-5)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall fence within the front yard of College Avenue and encroaching within the clear sight triangle of the driveway (maximum 3.5-foot-tall fence permitted, encroachment of clear sight triangles not permitted).

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 4527 North College Avenue is currently improved with a single-family residence and a detached garage within the rear yard that has direct vehicle access onto College Avenue. The site is surrounded by other residences with detached garages in the Meridian-Kessler neighborhood. The property is located both within a Wellhead Protection Area and the Transit-Oriented Development overlay. The front yard of the property had several trees installed between 2011 and 2014 that largely obstruct the view of the front porch when viewed directly from the west.
- A fence was installed within the front yard in June of 2024 as shown by the below site plan and photographs. The fence is around eleven (11) feet from the front property line and is constructed with wood panels. A violation case (VIO24-005152) was opened later that month for a fence with a height of six (6) feet within the front yard. Staff also notes that the fence would partially encroach into the required clear-sight triangular area for driveways.



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Division of Planning  
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- The applicant claims that representatives from the Department of Business and Neighborhood Services informed them on three (3) separate occasions that such a fence would (a) not require a permit and (b) could be placed with a non-compliant front yard height due to the 'naturally occurring obstruction' within their front yard between the fence area and public right-of-way. Although permits aren't needed for fence installation, erection of this fence requires a variance for the front yard height and clear-sight triangle encroachment.
- This property is zoned D-5 to allow for medium and large-lot housing formats (primarily detached housing) within walkable suburban neighborhoods or established urban areas, and the Meridian Kessler Neighborhood Plan recommends it to the Traditional Neighborhood living typology for similar uses while also encouraging open view of front porches to increase interaction between homeowners and pedestrians. Infill Housing Guidelines also indicate that fences installed in front yards should be ornamental in nature and that privacy fences and landscaping that limits visibility by blocking windows, doors or corners are discouraged.
- Findings of fact provided by the applicant indicate that the fence is screened from view by existing landscaping and that a variance would be appropriate given the amount of recent crime in the area as well as the information provided by BNS prior to installation. Staff would contend that although the fence is screened when viewed directly from the west, (a) it is viewable to passersby from the southwest and northwest and (b) the addition of extra screening beyond the non-conforming fence height already installed would deviate even further from the Infill Housing Guidelines. Additionally, there could be a variety of alternative methods to secure property and privacy that don't involve placement of a six-foot fence in the front yard. If there was any miscommunication regarding the fencing requirements, it was unintentional and, while unfortunate, that alone does not constitute a practical difficulty specific to the site. A fence can be built without a permit as long as it meets the standards of the Ordinance.
- Staff has additional concerns about the encroachment of this fence within the required clear-sight triangle created by the intersection of the driveway with both College Avenue and the sidewalk running between College Avenue and the petitioner's home. Rules about clear-sight triangular areas are in place to ensure that motorists can adequately identify and avoid pedestrians or other motorists at points of intersection between roads and driveways; given that the city of Indianapolis has seen 565 pedestrians and cyclists hit by cars in 2024 alone (with 30 fatalities), exceptions for rules designed to prioritize pedestrian safety should only be granted in cases of extreme need. The current zoning ordinance would require alley access for new developments within this context to minimize the pedestrian risk from front driveways, and legalization of a fence in the clear sight area would increase that risk without an identifiable site-specific practical difficulty.
- Given that the neighborhood plan for Meridian-Kessler mentions visibility of front porches and that variances for front yard fences were denied for nearby properties in 1997 and 2016, staff feels that there is precedent for maintaining pedestrian-friendly development patterns along this corridor. It is unclear to staff how a 6-foot fence would provide substantially greater security than a 3.5-foot fence, and the encroachment into required clear-sight areas would likely result in a net negative for public safety. Staff would recommend denial of the variance requests.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
<b>Thoroughfare Plan</b>		
College Avenue	Primary Arterial	80-foot existing right-of-way and 78-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	09/12/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	07/21/2024	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan
- Meridian Kessler Neighborhood Plan (2016)
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single family



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

homes to large-scale multifamily housing. The property is also within Transit-Oriented Development and Residential Corridor Reserve overlays: the latter is intended for areas where the residential nature of a corridor is at risk due to encroachment from other institutional land uses.

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

- The subject site is closest to the College and 46<sup>th</sup> BRT stop of the Red Line which means that it would fall under the Walkable Neighborhood typology. This typology is for areas that are primarily residential but may have a commercial node of 1-2 city blocks, and development should be primarily small lot single-family attached or detached structures.

**Neighborhood / Area Specific Plan**

- The Meridian Kessler Neighborhood Plan recommends this site for Traditional Neighborhood uses and notes its place along the College Avenue corridor. Open porches are encouraged for more interaction between porch-dwellers and passers-by. The property is just to the south of Critical Area 108 (College Avenue at 46<sup>th</sup> Street) which is designed to support commercial uses that would be appropriate for the proximity to residential uses.

**Infill Housing Guidelines**

- The Infill Housing Guidelines indicate that in front yards, fences should be ornamental in style and that privacy fences should not be installed. It also indicates that landscaping should be thoughtfully designed with trees matching the surrounding context to provide shade in front yards while retaining visibility without blocking windows, doors, or corners.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2017CVR800 ; 4573 N College Avenue (north of site)**, Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a restaurant, with 27, 162-square foot parking spaces (44, 180-square foot parking spaces required), within a 60-foot parking bay (63 feet required), to legally establish seven-foot front setbacks and zero-foot and seven-foot transitional side setbacks (10-foot front setbacks, eight-foot side transitional (alley) setbacks and 10-foot side transitional setbacks required), and to legally establish the existing encroachments into the site distance triangles of the adjoining streets and alleys (not permitted), **approved**.

**2016DV3007 ; 4565 Broadway Street (northwest of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a six-foot tall fence in the front yard of 46th Street (maximum 3.5-foot tall fence permitted), **denied**.

**97-V3-63 ; 4528 N College Avenue (west of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish the placement of a stone structural barrier being 72 inches in height along the right-of-way of North College Avenue (maximum 42 inches height in the required front yard permitted), **denied**.

**86-HOV-64 ; 4505 Broadway Street (southwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to a detached garage with a 1 foot rear setback (5 feet required), **approved**.

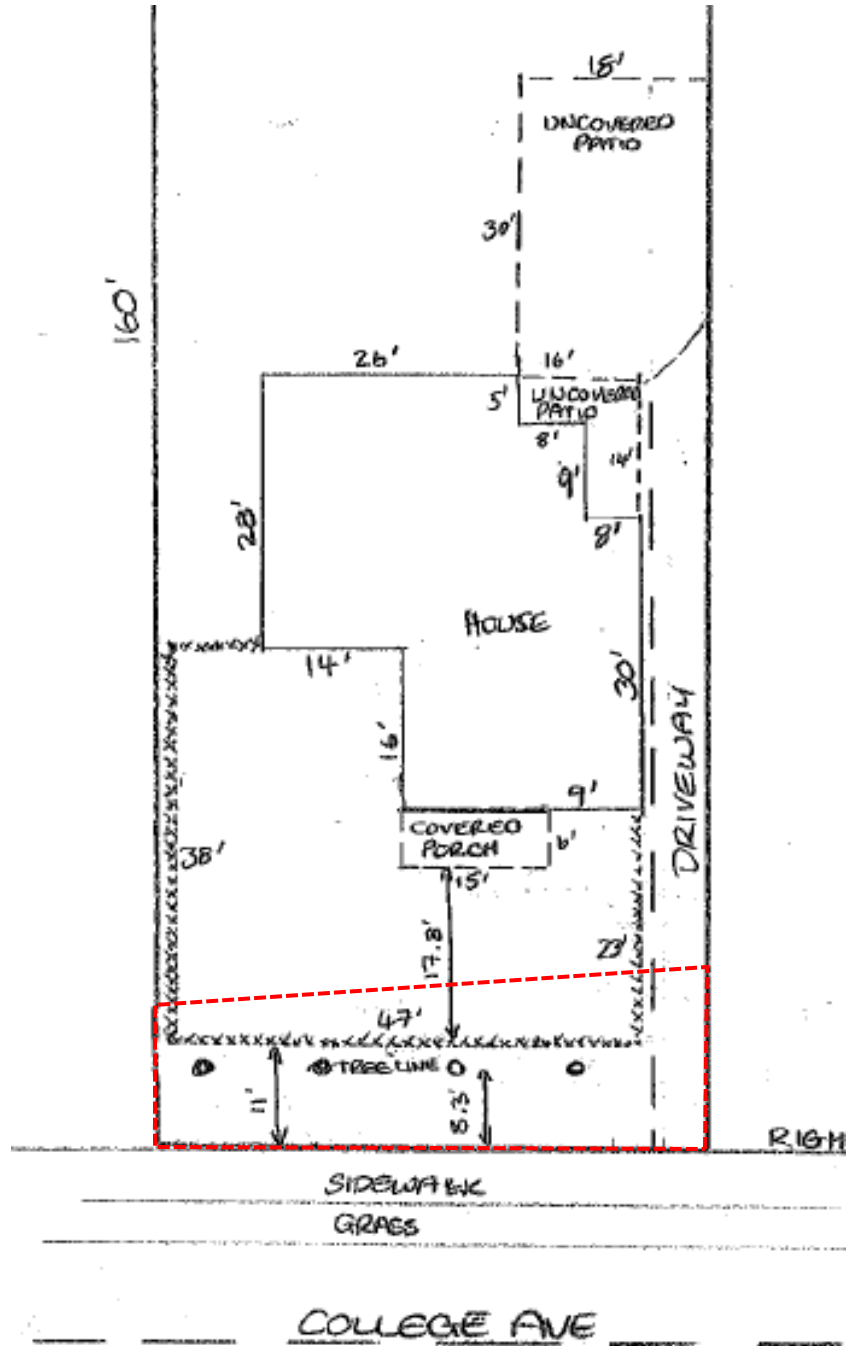


**EXHIBITS**

2024DV1032 ; Aerial Map



2024DV1032 ; Site Plan



(Note: approximation of clear-sight triangular area in red added by staff)



## **2024DV1032 ; Context for Fence Installation (provided by Applicant)**

Due to a long string of violence and safety concerns in the area, the Prosecutor's Office and the Mayor's Neighborhood Advocate informed neighbors in 2022 that the best way to mitigate the ongoing concerns is to close off our properties. Therefore, I closed off my property with a fence line. The fence promotes public safety by protecting property and residents from intruders. Adjacent property (4528 N College) has 6-foot stone fence located in front yard along sidewalk. The following cases were approved by BZA for similar safety concerns: Board I, June 6, 2023; Board II, August 8, 2023; Board III, June 20, 2023.

I was informed by the Assessor's Office that there are no Permits required in Marion County to build a fence on your property. I called DBNS and they confirmed I did not need a permit, and there were some variances that were allowed to the 3.5ft ordinance for front yards, specifically, they referred to "off the dwelling" and "naturally occurring obstructions." After multiple calls with DBNS, I altered my original fence specs to meet the instructions they gave.

Late May 2024 The Assessor's Office and Recorder's office to determine property line and informed me that I needed to confirm plans with DBNS. DBNS confirmed I did not need a permit, and there were some variances that were allowed to the 3.5ft ordinance for front yards, specifically, they referred to "off the dwelling" and "naturally occurring obstructions."

May 29, 2024- The terminology "Naturally occurring obstruction" was told to me by DBNS office. I figured whoever told me that was referencing something specific in the code. When I called this time, I was instructed that I could build behind tree line and be ok. DBNS informed if I wanted to install the 6 foot fence, I would need to move the specs of fence to behind the already existing 16foot evergreen tree line. I asked for this in writing but was informed that because it's not an actual permit or citation, there is nothing they could print.

June 3, 2024 –with the information and instruction given to me by DBNS, I updated my specs with the fence company and called DBNS one more time to confirm 6 feet was ok before we put in the 811 request to dig. The Build began June 18<sup>th</sup> and was completed June 19<sup>th</sup>. The letter with my Citation was dated June 20<sup>th</sup>. I would never have moved forward with the fence specs if DBNS hadn't told me on 3 separate occasions that it was ok and since there are no permits required, I was ok to build. During this last conversation I asked again if I could get anything in writing and I was informed that the only documentation they give out is for permits and since a fence build does not require a permit, I wouldn't get anything in writing. I figured that my conversations with this city entity would be noted or recorded in some manner, but I have been informed by Kyle Willis (issuer of citation) that I was misinformed and there is no recourse for the misinformation I was given other than to file a \$600 Variance request that may or may not be granted.

June 27, 2024 – received citation dated June 20, 2024

\*\* the front of the property is enclosed with trees and shrubbery on the West and North sides of the yard. The fence is only visible from the South. I am more than willing to install trees or shrubbery on the South end of the yard to completely block the site of the fence.



**2024DV1032 ; Findings of Fact**

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

The fence has no capacity to affect the public health, morals, or general welfare. The fence will promote public safety by protecting Petitioner from intruders and providing privacy to the Petitioner.

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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 fence will be confined to Petitioner's property and thus cannot affect the use of the adjacent area. The fence will be screened by trees and thus will not affect the aesthetics of the adjacent area.

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

the property is located in an area that has recently experienced a surge in both violent and property crime. The ordinance limits front yard fences to a height that is inadequate to protect Petitioner from intruders.

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**2024DV1032 ; Photographs**



Photo 1: Subject Site Viewed from West (further sidewalk)



Photo 2: Subject Site Viewed from West (closer sidewalk)

**2024DV1032 ; Photographs (continued)**



Photo 3: Subject Site Viewed from Southwest (June 2024)



Photo 4: Subject Site Viewed from Southwest

**2024DV1032 ; Photographs (continued)**



Photo 5: Subject Site Viewed from Northwest (June 2024)

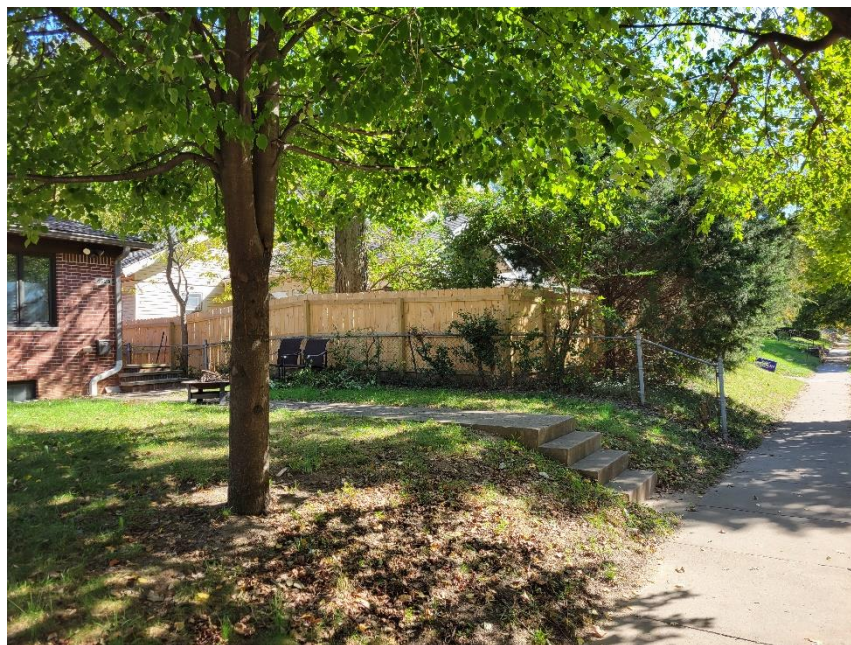


Photo 6: Subject Site Viewed from Northwest

**2024DV1032 ; Photographs (continued)**



Photo 7: Clear-Sight Triangular Area from Driveway

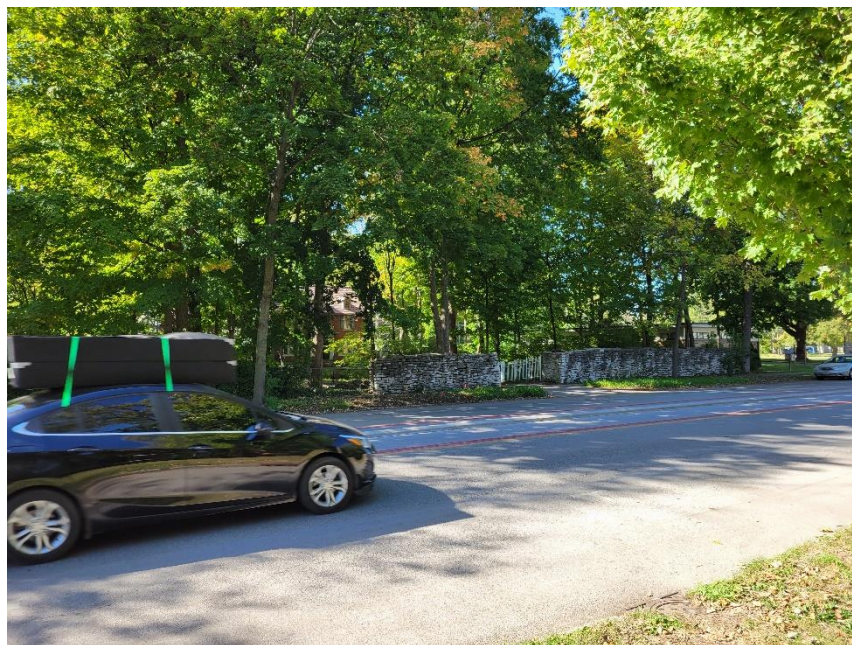


Photo 8: Adjacent Property to Northwest



**BOARD OF ZONING APPEALS DIVISION I** **November 7, 2024**

**Case Number:** 2024-DV1-037  
**Address:** 2402 East 38<sup>th</sup> Street (approximate address)  
**Location:** Washington Township, Council District #8  
**Zoning:** C-5 (TOD)  
**Petitioner:** Popeyes Louisiana Kitchen Inc., by Gilligan Company  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing eating establishment including an additional drive-thru lane within the front yard of Keystone Avenue (not permitted) and deficient primary entry transparencies along the east and west facades (required).

**Current Land Use:** Commercial Restaurant  
**Staff Recommendation:** Staff recommends Denial of this petition.  
**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

**Drive-thru Lane within the front yard.**

- ◇ The site currently contains a commercial eating establishment with an existing drive-thru lane. The menu board and beginning of the service unit is located within the side yard to the north, while the rest of the drive-thru lane and pick-up windows constituting the end of the service unit are along the western side of the building in the front yard of North Keystone Avenue. The current building was constructed in 2015 under a previous version of the ordinance and is considered legally non-conforming, requiring any expansion of the building or site features to be subject to the current version of the zoning ordinance.
- ◇ In 2024, permit applications were made to allow for an interior and exterior remodeling of the property. These plans included a partial addition to the drive-thru lane (see site plan below). This reconfiguration of the site would require the full drive-thru lane to comply with current ordinance standards for stacking spaces within front yards, and for the primary entry transparencies to be compliant as well.

- ◇ Current ordinance standards prohibit stacking spaces within front yards along rights-of-way greater than 30 feet wide, and would require exclusive bypass aisles, as well as the compliance with the screening requirements per 743-306.I.3. The grant of this variance request would allow for an additional drive-thru lane and legalize the non-conforming existing drive-thru lane within the front yard of Keystone Avenue, and expand it further.
- ◇ Limitations on the placement of stacking spaces within front yards exist to reduce congestion and vehicular conflict with patrons of the restaurant and pedestrians as well as to allow for attractive, pedestrian-oriented storefronts facing rights-of-way (screening requirements also contribute to these goals).
- ◇ As this site lies within the Transit Oriented Development (TOD) Overlay for the Bus Rapid Transit (BRT) Purple Line, proposed uses, and the redevelopment of existing uses as for this property, should be oriented towards supporting the Overlay district design and establishing greater walkability in the district. The proposed request for the additional drive-thru lane within the front yard of Keystone Avenue would expand a non-compliant auto-centric use that is non-contributing in the Overlay which would be counterproductive to the intent of establishing greater walkability and connectivity in the area, therefore Staff does recommend denial of this request.

### **Deficient primary entry transparencies**

- ◇ The Ordinance requires a certain percentage of transparency in commercial spaces, in order to maintain a visual connection between indoor and outdoor spaces, and to increase safety with visual surveillance. Upon entering or exiting, customers and public safety first-responders should be able to visually survey into and out of a structure and be able to safely assess entering and exiting and appropriately respond to any incident. The lack of transparency and visibility adjacent to primary entries could hamper public safety, by increasing response time, and possibly place customers and first responders in jeopardy.
- ◇ The current building was constructed in 2015 under a previous version of the ordinance and the existing transparency deficiencies area considered legally non-conforming as originally developed.
- ◇ The recent 2024 plans for an interior and exterior remodeling of the property, would require the window transparencies to comply with current ordinance standards for the primary entry transparencies. The TOD Overlay seeks to establish a more urban and pedestrian accessible storefront along a BRT Corridor, connecting the public realm with the public-serving business along the corridor.
- ◇ The proposed site plan indicates the eastern entrance has a blank wall adjacent to it to the south. It is Staff's recommendation that this wall be converted into a window to allow for transparency adjacent to that east entrance. The site plan also indicates the western entrance has a self-serve soda fountain adjacent to it to the north. It is Staff's recommendation that the soda fountain be relocated, so the wall behind it could be converted into a window to allow for transparency adjacent to that west entrance.



- ◇ There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This site is planned to be renovated, where renovations could be made to meet the current Ordinance transparency requirements. In Staff’s opinion, the existing structure could be renovated to provide sufficient transparency, as required by the Ordinance.

**WELLFIELD PROTECTION DISTRICTS**

- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. Certain land uses within these districts, which are identified in Section 735-801 of the Wellfield Protection Ordinance require the filing and approval of a development plan on behalf of the Metropolitan Development Commission by the technically qualified person in the Department of Metropolitan Development.
- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ The subject site is located in a W-5 protection area. Pursuant to the Wellfield Protection Ordinance, a development plan may be required when application is made for an Improvement Location Permit (ILP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-5		
<b>Existing Land Use</b>	Commercial Restaurant		
<b>Comprehensive Plan</b>	Community Commercial uses		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>	
	North:	C-5	Commercial Restaurant
	South:	C-4	Commercial Retail
	East:	C-5	Commercial Retail
	West:	C-5	Commercial Restaurant
<b>Thoroughfare Plan</b>			
East 38 <sup>th</sup> Street	Primary Arterial	110-foot existing and proposed right-of-way	
North Keystone Avenue	Primary Arterial	122-foot existing and proposed right-of-way	
<b>Context Area</b>	Compact area		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	Purple Line Transit-Oriented Development		
<b>Wellfield Protection Area</b>	5-year		
<b>Site Plan</b>	August 19, 2024		
<b>Window Elevations</b>	September 13, 2024		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	August 27, 2024		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology that 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.

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

- The subject is within 1000 feet of the existing Purple Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

**2014-DV1-015; 3817 N. Keystone Avenue (subject site);** Requesting a Variance of development standards of the Commercial Zoning Ordinance to provide for a three-foot front yard along Keystone Avenue, **granted.**

**2011-DV1-012, 3817 North Keystone Avenue (subject site); Requesting** a variance of development standards of the Commercial Zoning Ordinance and the sign Regulations to legally establish a zero-foot front setback for parking and maneuvering area, without landscaping, and a free-standing sign, **granted.**



**2007-ZON-066, 2302 East 38<sup>th</sup> Street (west of site); Requesting** rezoning of 0.22 acre, from the D-5 (W-1) District to the C-5 (W-1) classification to provide for general commercial uses, **approved**.

**2006-DV2-054; 2335 East 38<sup>th</sup> Street (southwest of site); Requesting** a Variance of Development Standards of the Sign Regulations to provide for the construction of a 30-foot tall, 100-square foot pole sign with a zero-foot setback from the intersection of 38<sup>th</sup> Street and Keystone Avenue, in C-4, **granted**.

**2002-ZON-830; 2244-2248 East 38<sup>th</sup> Street (west of site); Requesting** a rezoning of 0.95 acre, being in the D-5 District, to the C-4 classification to provide for an automobile detailing facility, **withdrawn**.

**98-Z-227 / 98-CV-25; 2231-2235 East 38<sup>th</sup> Street (west of site); Requested** a rezoning of 0.14 acre, being in the D-5 District, to the C-3 classification to provide for neighborhood commercial uses and a parking lot with a zero-foot west transitional yard, **approved**.

**96-HOV-13; 3845 North Keystone Avenue (north of site); Requesting** a Variance of Development Standards of the Commercial Zoning Ordinance and Sign Regulations to provide for the placement of a canopy for an existing gasoline station with a 7.5-foot front yard setback along Keystone Avenue, and a 50-foot wide canopy, in C-5, **granted**.

**95-Z-209 / 95-CV-34, 2401 East 38<sup>th</sup> Street; Requesting** rezoning of 0.46 acre from the D-5 District to the C-4 classification; and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of an automobile parts and accessories sales business with a reduced side transitional yard setback, **approved**.

**95-Z-191; 3850 North Keystone Avenue (north of site), Requesting** a rezoning of 0.4 acre, being in the D-5 District, to the C-5 classification, to provide for automobile sales, **approved**.

**94-HOV-115; 3820 North Keystone Avenue (north of site); requesting** a Variance of Development Standards of the Sign Regulations to provide for the replacement of a second pole sign, removed for the expansion of Keystone Avenue, for an existing automobile sales, service facility and display lot, in C-5, **granted**.

**94-Z-208; 2368 East 38<sup>th</sup> Street (west of site); Requesting** a rezoning of 0.63 acre, being in the D-5 and C-5 Districts, to the C-5 classification, to provide for a restaurant, **approved**.

**84-UV1-87, 2425 East 38<sup>th</sup> Street (east of site); Requesting** a variance of use and development standards of the Commercial Zoning Ordinance to provide for a carry-out restaurant with a drive-through window with 100 feet of a dwelling district, without the required rear transitional yard, **granted**.

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**EXHIBITS**

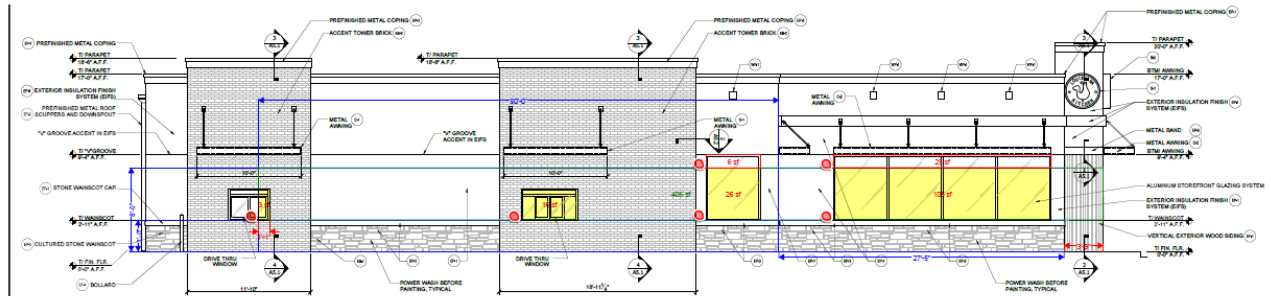
**Location Map Subject Site**



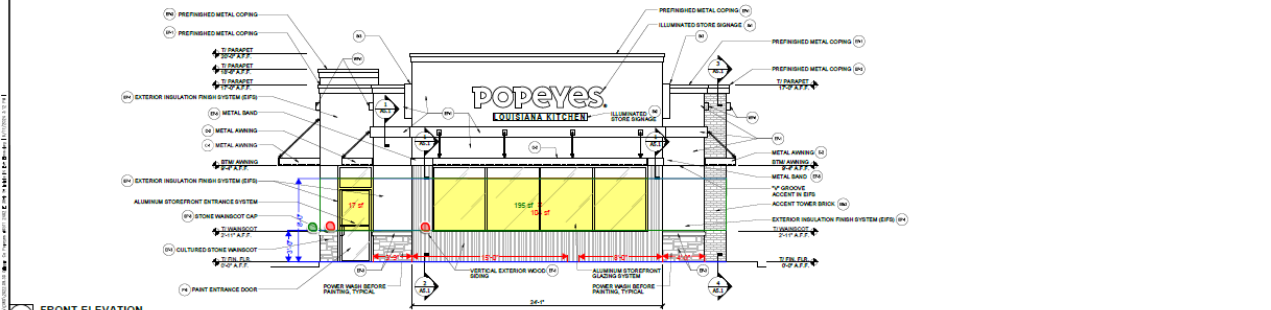
**Site Plan**



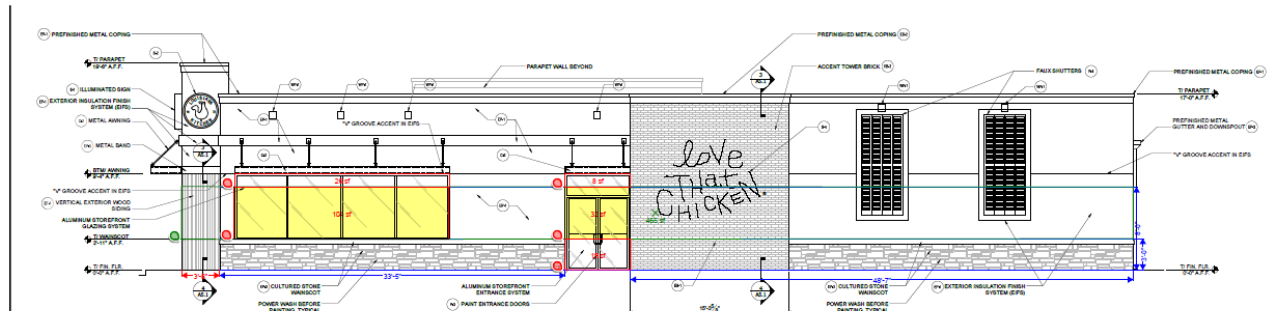
**Window Elevations**



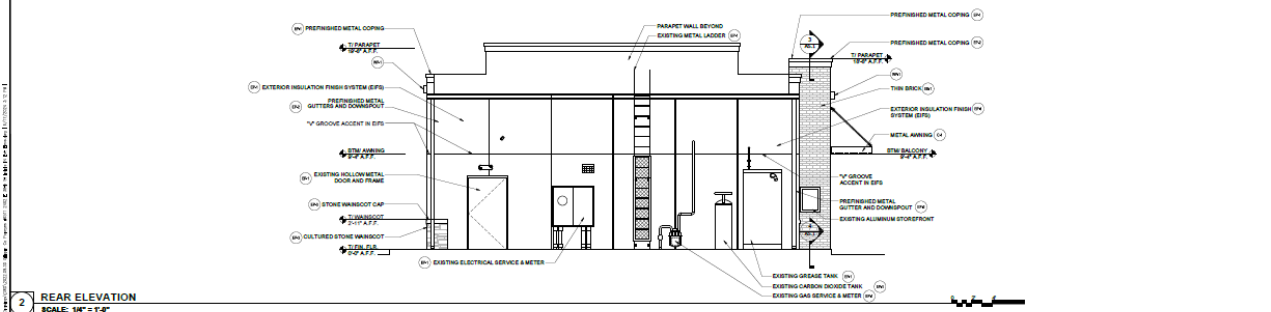
**1 DRIVE THRU ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



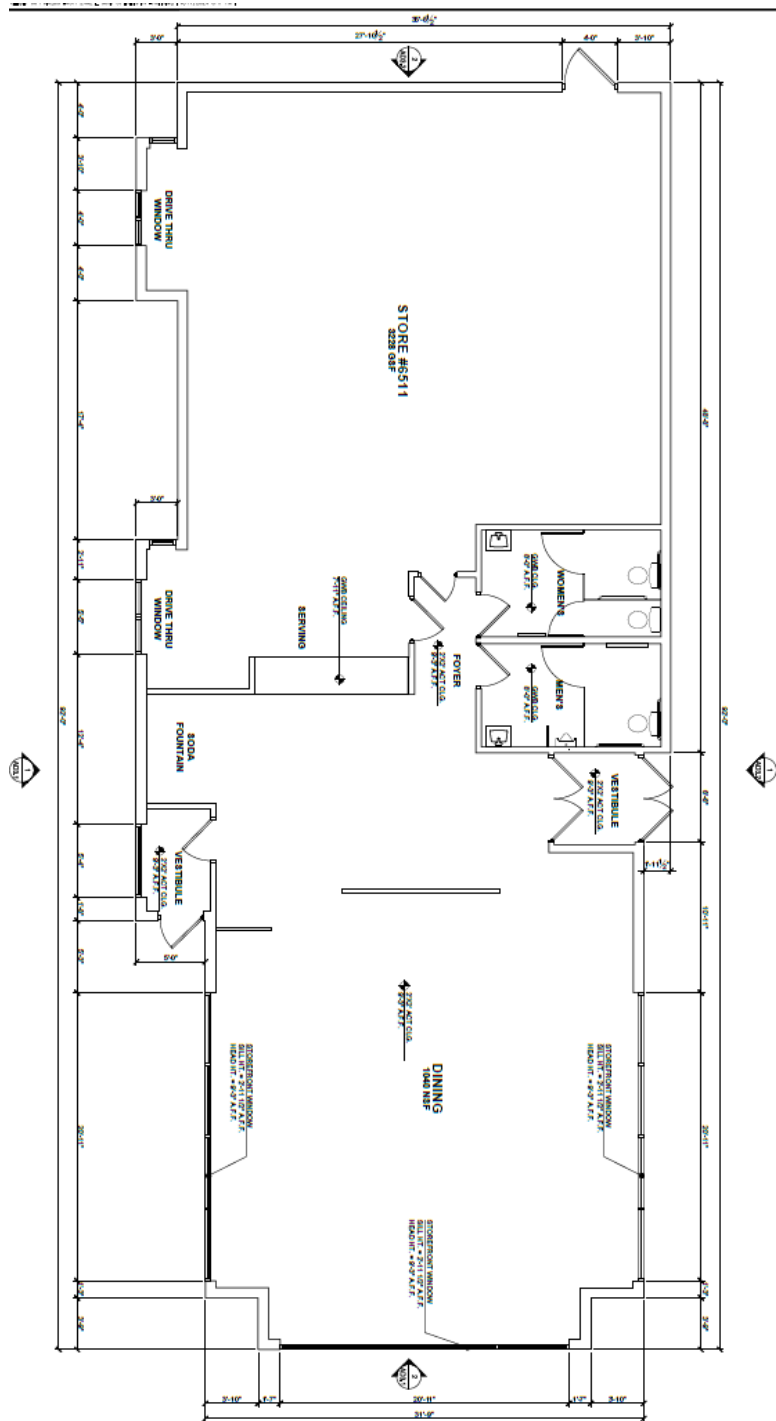
**1 MAIN ENTRANCE ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



**Floor Plan**





**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

*This project is an interior and exterior remodel of the existing Popeye's Restaurant with no foreseen adverse effect on the surrounding parcels or general welfare of the community.  
Converting the drive-thru from a single lane to a double lane drive-thru will still be in compliance of required stacking spaces per 744-406-1 and other drive-thru and C-5 zoning related ordinances.*

**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 parcels adjacent to the existing Popeye's Restaurant are also in the C-5 zoning district and sufficient screening to municipal code exists along the Keystone Ave frontage in question.*

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

*the existing site's stacking lane is, by current ordinance, a non-conforming use, so any remodel/reconstruction of the site would be reevaluated and must conform unless a variance is approved.*

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

*Growing demand and queue in the existing single drive-thru and order station can create traffic buildup and limit access.  
The additional order station placement proposed is the most feasible means of resolving this to keep up with demand and the proposed limits how much additional stacking is considered along the Keystone Ave frontage.*

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

*no change in use since original construction and no change in comprehensive plan to conflict with proposed work.*

Photographs



Subject site, west façade, looking northeast.



Subject site, south façade, looking north.



Subject site, east façade, looking northwest.



Subject site, proposed second drive thru location, looking west.



Subject site drive thru stacking spaces in front yard of North Keystone Avenue, looking southeast.



Adjacent to the south, Purple line transit stop.



Adjacent Commercial restaurant to the west.



Adjacent commercial restaurant to the north.



**BOARD OF ZONING APPEALS DIVISION I** **November 7<sup>th</sup>, 2024**

**Case Number:** 2024-DV1-038

**Property Address:** 2511 Columbia Avenue

**Location:** Center Township, Council District #8

**Petitioner:** MS One Investments LLC, by John Cross

**Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a multi-unit house on a 28-foot-wide lot (35-foot lot width required) with a 30-foot front building line (maximum of 19.9 feet permitted).

**Current Land Use:** Residential

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

Due to an issue with the request, this petition should be **continued** to the **December 3<sup>rd</sup>, 2024**, hearing at the staff's request. A full staff report will be available in advance of that hearing.



**BOARD OF ZONING APPEALS DIVISION I** **November 07, 2024**

**Case Number:** 2024UV1023

**Property Address:** 7780 Michigan Road (*approximate address*)

**Location:** Pike Township, Council District #1

**Petitioner:** Wagner Michigan Road LLC, by Ingris Velasquez

**Current Zoning:** C-1 / C-3 / D-A (FW) (FF)

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a grocery store, eating establishment and event center (not permitted) utilizing the existing 55-space multitenant parking area and with no bicycle parking (required).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this request.

**PETITION OVERVIEW**

- The subject site is located within a multitenant commercial center currently containing uses such as auto insurance sales, a naturopathic practitioner, a massage therapy training school, and a dental office. It is bordered by office commercial uses to the south, residential uses to the east and west, and undeveloped land to the north separating it from more intense commercial uses at the 79<sup>th</sup> and Michigan intersection. The property is partially within a floodplain give its proximity to Crooked Creek, and is serviced by a bus stop to the south along Michigan.
- This variance would allow for tenant space within the commercial building to function as a grocery store with small accessory dining area and capacity for hosting of events. Each of the proposed uses (grocery stores, eating establishments, and event centers) are only allowed as accessory uses within C-1 zoning; establishing the primary use of a grocery store at this location would not be allowed by-right absent petition approval.





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

- 7780 Michigan Road is predominantly zoned C-1 (Office-Buffer District) to act as a buffer between uses of varying intensities and provide for a freestanding area to allow for the development of office uses and compatible office-type uses. Similarly, the site is recommended to the Office Commercial working typology by the Pattern Book and partially located within a floodway/environmentally sensitive area. The area containing the current multitenant center does not fall within the floodway and is not located within areas of the parcel zoned C-3 or D-A. The proposed uses of a grocery store, restaurant, and event center are typically found within C-3/C-4 zoning and/or areas recommended for the Community Commercial typology by the Pattern Book.
- The original submittal indicated that these uses would solely occupy Suite A of the structure (2880 square feet in size). However, updated plans provided during staff's review indicate that the use would occupy additional space to the west for a total area of approximately 5016 square feet. The multitenant center that contains this tenant space is serviced by a parking lot that currently appears to contain 55 vehicle spaces. The required amount of parking for the primary use of a grocery store with this floor area would be between 14 and 25 spaces. Staff would note that although adequate parking stalls do appear to exist directly in front of this tenant bay strictly for the grocery store use, (a) little information was provided about the scope of frequency of events at the site which could impact these totals (they would "maybe do some events to promote foods or new products"), (b) the only loading space available for weekly shipments would be a small pedestrian doorway on the rear of the building, (c) the only dumpster would be a shared one on the western portion of the property, and (d) bicycle parking does not appear to be shown on plans.
- The plan of operation and proposed floorplan provided by the applicant indicate that the business would typically be open from around 8:30 to 9:30 in the morning to around 8 to 9 at night. The business would have around 22 employees and would provide predominantly edible goods (fruits, vegetables, meats, etc.) as well as some basic home goods (baby and pet care, hygiene products, etc.). The facility would also contain a small dining area for the consumption of food prepared on-site. Any state or local regulations related to food service would also need to be met for this business to conduct legally and variance approval would not be a substitute for compliance. Finally, the plan of operation mentions the business would serve as a "community hub" that would host events and create a space for gathering (a primary use typically only allowed in C-4 zoning).
- The findings of fact provided by the applicant indicate that the proposed business would fill a vacant tenant space and would be compatible with surrounding offices uses. Staff would disagree that the proposed use of a grocery store with a small restaurant and capacity for events would match the level of intensity envisioned either by C-1 zoning or by the Office Commercial typology. Although adaptive reuse of existing commercial property is encouraged, it is only appropriate in cases where the site could feasibly support that intensity. Staff feels that the proposed uses could not feasibly be supported by a small tenant space of 5016 square feet within an office park setting given the lack of adequate loading areas. Additionally, staff notes that (a) the property is only 800 feet away from the Carniceria Durango Supermercado to the northeast that would fill a similar grocery function while being appropriately located in a C-3 zoning district and (b) no undue hardship exists that would disallow a compliant C-1 use at this property. For these reasons, staff would recommend denial of the variance request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-1 / C-3 / D-A (FW) (FF)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Office Commercial / Floodway	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Undeveloped
	South:	South: Commercial
	East:	East: Residential
	West:	West: Residential
<b>Thoroughfare Plan</b>		
Michigan Road	Primary Arterial	100-foot right-of-way existing and 102-foot right-of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	08/26/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/28/2024	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend the portion of this site that would contain the proposed use to the Office Commercial working typology to provide for single and multi-tenant office buildings. It is often a buffer between higher and lower intensity land uses and can facilitate establishments such as medical and dental facilities, education services, insurance and real estate offices, financial and legal services, body care salons, etc.
- The proximity of the site to the Crooked Creek also means that it has a partial recommendation of Floodway (delineated area that exhibits a great potential for property loss and damage from severe flooding or water quality degradation) and that is partially designated as being within the Environmentally Sensitive overlay. Any development of small-scale personal services should either



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leave wetlands and high quality woodlands alone or include a one-for-one replacement of such features. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

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

- Not Applicable to the Site

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site

**Infill Housing Guidelines**

- Not Applicable to the Site

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

- Not Applicable to the Site



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2023DV2011 ; 3063 Sapphire Boulevard (east of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with a 20-foot front yard setback, a minimum main floor area of 539 square feet and an open space of 40 percent (25-foot front yard setback, 660 square foot main floor area and 60 percent open space required), **approved**.

**2014UV2007 ; 7820 Michigan Road (north of site)**, Variance of use of the Commercial Zoning Ordinance to provide for an event center, including special events, birthday parties, baptisms, etc. (not permitted), **approved**.

**2006UV2031 ; 7820 Michigan Road (north of site)**, VARIANCE OF USE of the Commercial Zoning Ordinance to provide for religious uses (not permitted), within a tenant space in the existing integrated center, **withdrawn**.

**2005UV2007 ; 7820 Michigan Road (north of site)**, provide for a nightclub in a 7,292-sq.ft. tenant space of an existing 52,900-sq.ft. commercial strip mall in C-3, **denied**.

**98-UV1-10 ; 7804 Michigan Road (north of site)**, variance of use of the Flood Control Districts Zoning Ordinance to provide for the construction of a retail shopping center, being 70 by 200 square feet, within the floodway area (not permitted), **withdrawn**.

**97-V2-12 ; 7651 Michigan Road (north of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of 7 single-family dwellings with front setbacks of 30 feet along Michigan Road (minimum 40 feet from the proposed right-of-way of Michigan Road required which is 60 feet from the existing right-of-way), **denied**.

**94-UV3-64 ; 7804 Michigan Road (north of site)**, variance of use of the Commercial Zoning Ordinance to provide for an automobile and truck leasing/rental business in an existing commercial shopping center (not permitted), with outside storage of 15 automobiles located in the shopping center parking lot and outside storage of 6 trucks located in the rear (outside storage not permitted), **withdrawn**.

**94-UV1-12 ; 7767 Michigan Road (east of site)**, variance of use of the Dwelling Districts Subdivision Ordinance to provide for the continued operation of a vehicle sales business, **approved**.

**94-Z-42 ; 7841 Michigan Road (northeast of site)**, rezoning of 1.72 acres from D-5 to C-3, **approved**.

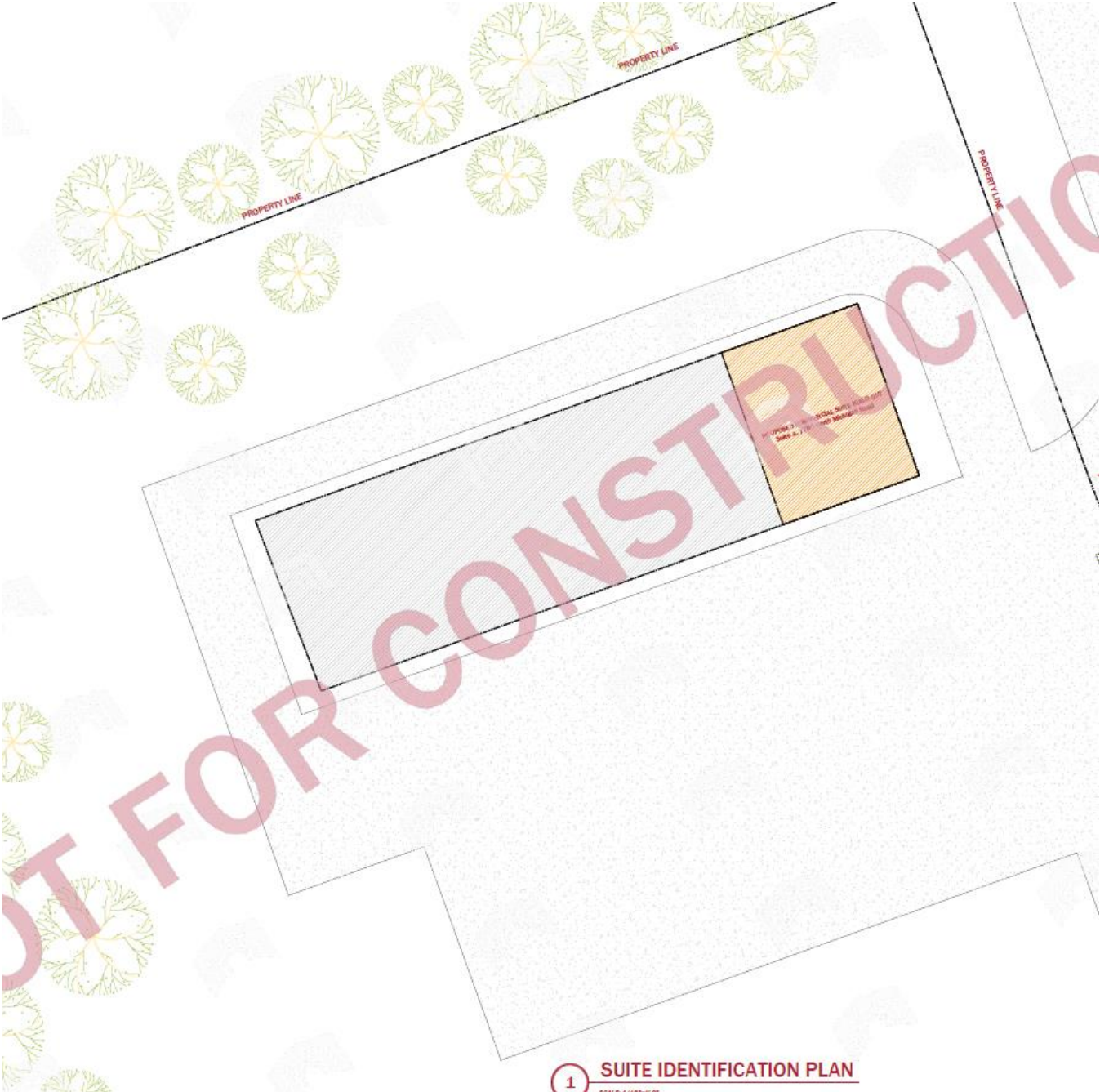
**86-Z-99 N ; 7800 Michigan Road (north of site)**, rezoning of 16 acres from A-2 to C-3, **approved**.

**EXHIBITS**

**2024UV1023 ; Aerial Map**



**2024UV1023 ; Site Plan**

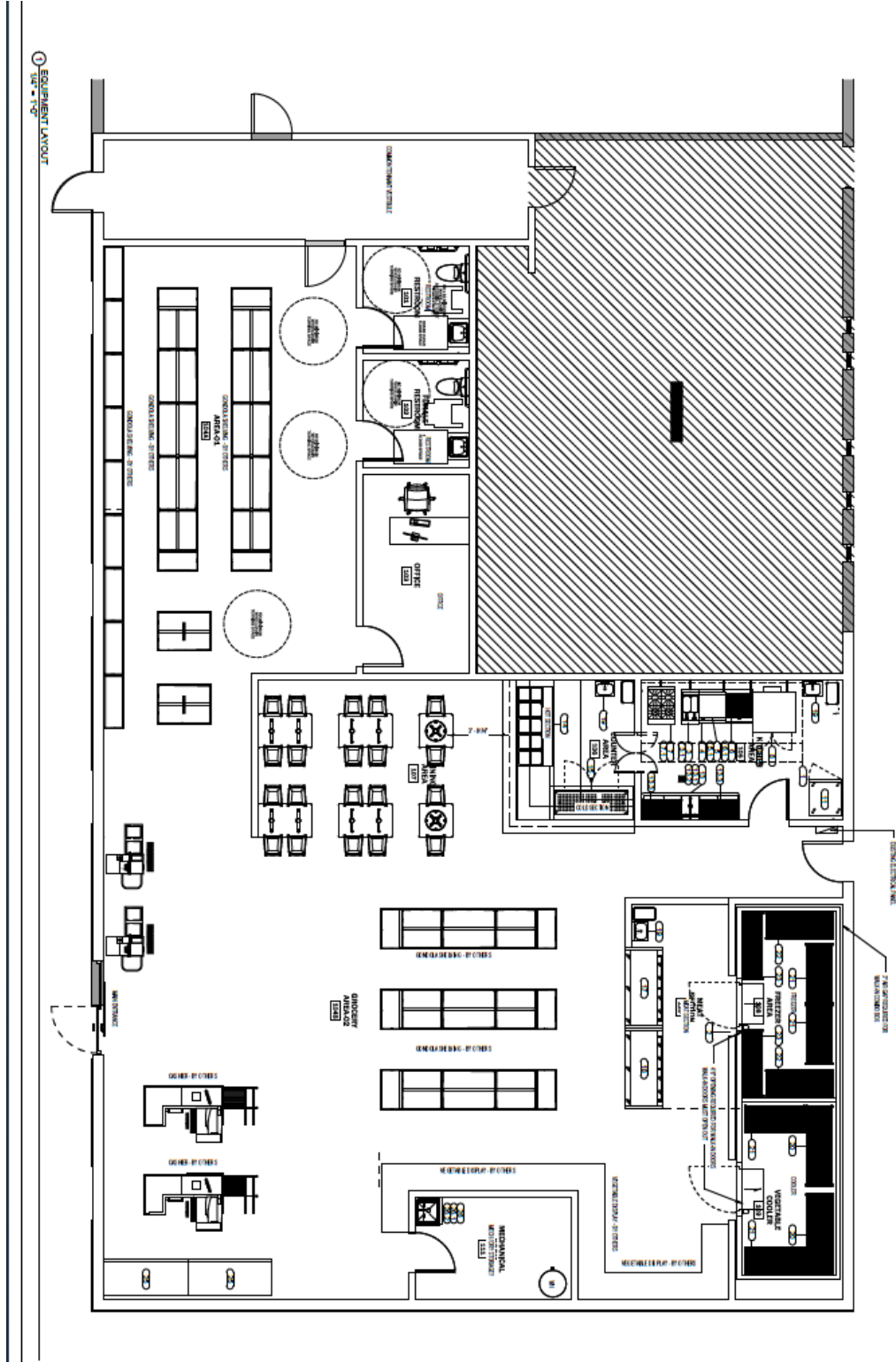


(Note: size of proposed tenant space roughly 2x what's shown above: see Floor Plan on next page)



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**2024UV1023 ; Floor Plan**





**2024UV1023 ; Plan of Operation (1 of 2; Partial)**

Despensa Familiar Supermarket LLC will be a vibrant and community-centric grocery store nestled in the heart of Indianapolis, IN. The supermarket will be meticulously designed to offer an immersive shopping experience to the diverse Hispanic population. Despensa Familiar Supermarket will offer a diverse and high-quality selection of grocery products, including fresh produce, bakery items, meats, seafood, dairy, frozen foods, and household essentials, catering specifically to the needs and preferences of the vibrant Hispanic community in Indianapolis.

At Despensa Familiar Supermarket, the mission extends beyond being a mere retail establishment. We aspire to be a community hub, fostering a sense of togetherness through collaborations with local businesses, hosting events, and creating a warm and inviting space for gatherings.

Hours of operations will be

- Monday 8:30 AM – 9:30 PM
- Tuesday 8:30 AM – 9:30 PM
- Wednesday 8:30 AM – 9:30 PM
- Thursday 8:30 AM – 9:30 PM
- Friday 8:30 AM – 9:30 PM
- Saturday 9:00 AM – 9:00 PM
- Sunday Sunday  
9:30 AM – 8:00 PM

Average numbers of employees  
22 employees





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## **2024UV1023 ; Plan of Operation (2 of 2; Partial)**

### **Store Layout:**

Upon entering Despensa Familiar Supermarket, customers are greeted by a well-designed layout that maximizes both convenience and cultural experience. The store is divided into various sections, each dedicated to specific product categories.

### **Here's a hypothetical breakdown of the floorplan:**

- **Fresh Produce Section:**

Located at the entrance, a colorful array of fresh fruits and vegetables welcomes customers. Displays are arranged in an appealing and accessible manner, reflecting the quality and variety of the offerings.

- **Meat Section:**

Adjacent to the produce section, the meat department features a well-organized display of fresh cuts, including those commonly used in Hispanic cooking. Experienced butchers are available to assist customers with specific requests.

- **International Delights Aisles:**

Throughout the store, aisles are dedicated to international delights, offering a wide selection of Hispanic products, spices, sauces, and other specialty items. Clear signage and displays make it easy for customers to find their desired products.

- **Dairy and Cheese Corner:**

A designated corner features a diverse assortment of Hispanic cheeses and dairy products. Refrigerated displays maintain the freshness of these products.

- **Bakery and Pastries Counter:**

The bakery section is designed to delight customers with the aroma of freshly baked traditional Hispanic bread and pastries. A visually appealing display showcases specialty cakes and desserts.

- **Canned and Packaged Goods Shelves:**

A central area is dedicated to canned and packaged goods, offering staples such as beans, rice, pasta, and other essentials. The shelves are neatly organized for easy navigation.

- **Checkout Area:**

The checkout area is strategically placed for efficient transactions. Friendly and multilingual staff members ensure a positive end to the customer's shopping experience.

### **Additional Features:**

- **Community Corner:** A designated space for community engagement, featuring local events, cultural displays, and customer testimonials.
- **Customer Seating:** A comfortable seating area provides customers with a space to relax and enjoy a quick snack or beverage.



**2024UV1023 ; Findings of Fact**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the grocery will serve the public's need for food and therefore will promote the public health and general welfare of the community. Also small convenience food court. (restaurant) will serve the public's need for cook food and therefore will Promote the public health and general welfare serve the food clean and safe.

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 grocery will be contained within a small building, will operate during limited hours, and will involve no outside activities. Hours of operation will be from 8:30 AM To 10:00 PM

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

the property has remained vacant for a considerable period, indicating that it is unsuited for the permitted uses.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

it is preventing the property from providing the owner with an economic return and preventing a use that will provide a vital service to the community.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

a small grocery store such as this one is compatible with office commercial activity. A small attached food court (small restaurant) such at this one is compatible with office commercial activity. Office staff will have a close Close place where they can eat

**2024UV1023 ; Photographs**



Photo 1: Subject Site viewed from South



Photo 2: Subject Site viewed from Southeast

**2024UV1023 ; Photographs (continued)**



Photo 3: Parking Area + Adjacent Property to South



Photo 4: Adjacent Property to East

**2024UV1023 ; Photographs (continued)**



Photo 5: Subject Site viewed from North



Photo 6: Rear of Building (multiple tenant bays)

**2024UV1023 ; Photographs (continued)**



Photo 7: Screening of Adjacent Property to West



Photo 8: Parking Area for Full Multitenant Center



**BOARD OF ZONING APPEALS DIVISION I** **November 7, 2024**

**Case Number:** 2024UV1024  
**Property Address:** 4723 South Emerson Avenue (*approximate address*)  
**Location:** Franklin Township, Council District #24  
**Petitioner:** CFT NV Developments LLC, by Ross McArthur  
**Current Zoning:** C-S

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pylon sign, being the third freestanding sign along Emerson Avenue, within 105 feet and 200 feet of existing signs (maximum of two pylon signs permitted, 300-foot separation required) and an additional 10-foot tall drive-thru sign for each drive lane (one sign per drive lane permitted, six-foot tall maximum permitted).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff recommends **denial** of the request for the pylon sign and **approval** of the request for the drive-thru signs.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the pylon sign request and **approval** of the request for the drive-thru signs.

**PETITION OVERVIEW**

- 4723 South Emerson Avenue is improved with a Panda Express restaurant that is currently under construction (the zoning permit ILP23-01055 was issued earlier this year). The subject site also recently had the signage permit SGN24-00473 approved for wall signs, two (2) drive-thru menu signs, and other incidental, freestanding signage. The property is surrounded by a bank to the north, other restaurants to the south and west, and self-storage buildings to the east.
- Previously, this site contained an office building associated with the self-storage use to the east. It also contained a freestanding pole sign with a digital display component advertising the storage use that had a total area of 101 square feet. This sign was removed from the property during the construction process of the Panda Express restaurant (see site photographs within the Exhibits).



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- In August of 2024, another sign permit application was made for this site involving the installation of a new pylon sign as well as canopies for the drive-thru areas that would contain additional signage (see elevations within Exhibits). This pylon sign would be larger, taller, and have wider sign base supports than the previously installed pole sign. It would also be placed slightly to the southwest of the original sign's location within 300 feet of two other primary freestanding signs along the shared frontage. The zoning ordinance limits drive-thru signage to one sign per drive lane, so none of these three signs could be legally placed absent approval of this variance petition.
- This case was originally docketed with a reference to a digital display on the pylon sign. A digital display had been included on the elevation rendering provided for the sign permit application but was not included on the most recent set of plans showing solely an internally illuminated sign; the digital display request has been removed from the request text. Additionally, this property is integrated with the lot to the south (5115 Shear Avenue) due to the shared common-site facility of their entrance drive. This is why the proposed sign area of 227 square feet would be allowed and is also why the variance for the number and proximity of signs would be required.
- The property is currently zoned C-S per the terms of the rezoning petition 2004ZON152 to allow for self-storage warehouses as well as some uses typically found within C-3 zoning. The Comprehensive Plan recommends it to the Community Commercial working typology for low-intensity commercial uses that serve nearby homes.
- Findings of fact submitted along with this application indicate that this variance should be approved since the proposed pylon sign would be replacing an "existing sign" with the "same sightlines". Staff disagrees with this statement: in addition to being both larger and taller than the previous pole sign on this property, the proposed location as shown on the site plan would be closer to both signs along the shared Emerson frontage. The existence of an older sign that did not meet current standards is not a site-specific practical difficulty justifying grant of a variance.
- Staff notes that the proposed order canopy would be allowed at the height of 10 feet if there was no associated signage. The proposed size of the sign area on the canopies is only 4.25 square feet (which would be substantially smaller than the maximum size of 40 square feet allowed for drive-thru signs) and would exclusively serve to provide information to maximize the efficiency of the drive-thru. Since the proposed signs would provide minimal disruption for surrounding properties, would be limited in scope to helping motorists know where to order and would be placed upon canopies that are otherwise compliant, staff is supportive of this minor deviation.
- Regulations on primary freestanding signage along shared frontages exist to reduce potential distractions for motorists navigating busy multi-lane streets. Placement of large multi-tenant signs is a common solution to allow for the promotion of multiple businesses. The property to the south of the subject site contains a freestanding sign with an area of 150 square feet and multiple empty tenant panels that is only 105 feet from the proposed sign location. Given that C-4 zoning allows for multiple types of compliant advertising signs (i.e. wall signs) and that ordinance rules are specifically designed to prevent the sort of visual clutter toward which this sign would contribute, staff would recommend denial of the request for a third freestanding sign of this size.



## GENERAL INFORMATION

<b>Existing Zoning</b>	C-S		
<b>Existing Land Use</b>	Commercial		
<b>Comprehensive Plan</b>	Community Commercial		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>	
	North:	C-3	North: Commercial
	South:	C-4	South: Commercial
	East:	C-S	East: Commercial
	West:	C-3	West: Commercial
<b>Thoroughfare Plan</b>			
Emerson Avenue	Primary Arterial	110-foot existing right-of-way and 112-foot proposed right-of-way	
Shear Avenue	Private Street	50-foot existing right-of-way	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	09/20/2024		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	09/20/2024		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	09/20/2024		
<b>Findings of Fact (Amended)</b>	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Community Commercial working typology to allow for low-intensity commercial and office uses within freestanding buildings or small integrated centers that serve nearby neighborhoods. Small-scale personal or professional services are a contemplated land use for this typology.



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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2023HOV001**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide a restaurant use with a bypass lane with a 4.25-foot north side setback (10-foot setback required) and with 30 parking spaces (maximum 24 parking spaces permitted), **approved**.

**2010MOD006**, Modification of Commitments, related to petition 2004-ZON-152, to modify portions of Commitment Two to eliminate the tree preservation requirement along the east property line and to provide for the landscape plan submitted to the file, **approved**.

**2006APP127**, Approval to MODIFY Commitments, related to 2004-ZON-152 to modify Commitment One to provide for development in accordance with a new site plan, file-dated, August 18, 2006; and Approval of a MODIFICATION OF SITE PLAN, related to 2004-ZON-152 to provide for the development on the site consisting of nine buildings, a communications tower, and a retention pond, **withdrawn**.

**2004ZON152**, Rezoning of 5.7 acres to the C-S zoning district to provide for a self-storage warehouse development and business operation and also a C-3 neighborhood commercial use, **approved**.

**2000UV2029**, variance of use of the Commercial Zoning Ordinance to provide for the warehousing of clothes, housewares, hardware, and other similar items (not permitted) within an existing commercial building, **approved**.

### ZONING HISTORY – VICINITY

**2020CVR803 ; 4805 S Emerson Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 65 parking spaces, 18% transparency on the south elevation and 16% transparency on the north elevation and to permit a 10-foot tall monument sign within 105 feet of an existing integrated center sign (maximum 46 parking spaces permitted, 40% transparency required within 50 feet of a public entrance and 300-foot sign separation required), **approved**.

**2015DV3054 ; 4805 S Emerson Avenue (south of site)**, Variance of development standards of the Sign Regulations to provide for a 20-foot tall freestanding sign, within 115 of an existing freestanding sign to the north (300 feet of separation required), **approved**.

**2015ZON081 ; 4705 S Emerson Avenue (northeast of site)**, Rezoning of 1.23 acres from the C-3 district to the C-S classification to provide for the expansion of an existing self-storage facility, **approved**.

**2011DVB003 ; 4810 S Emerson Avenue (southwest of site)**, VARIANCE of DEVELOPMENT STANDARDS of the Sign Regulations to provide for a 99-square foot free-standing identification sign located 143 feet and 233 feet from other existing free-standing signs (minimum 300-foot separation required), **approved**.

**EXHIBITS**

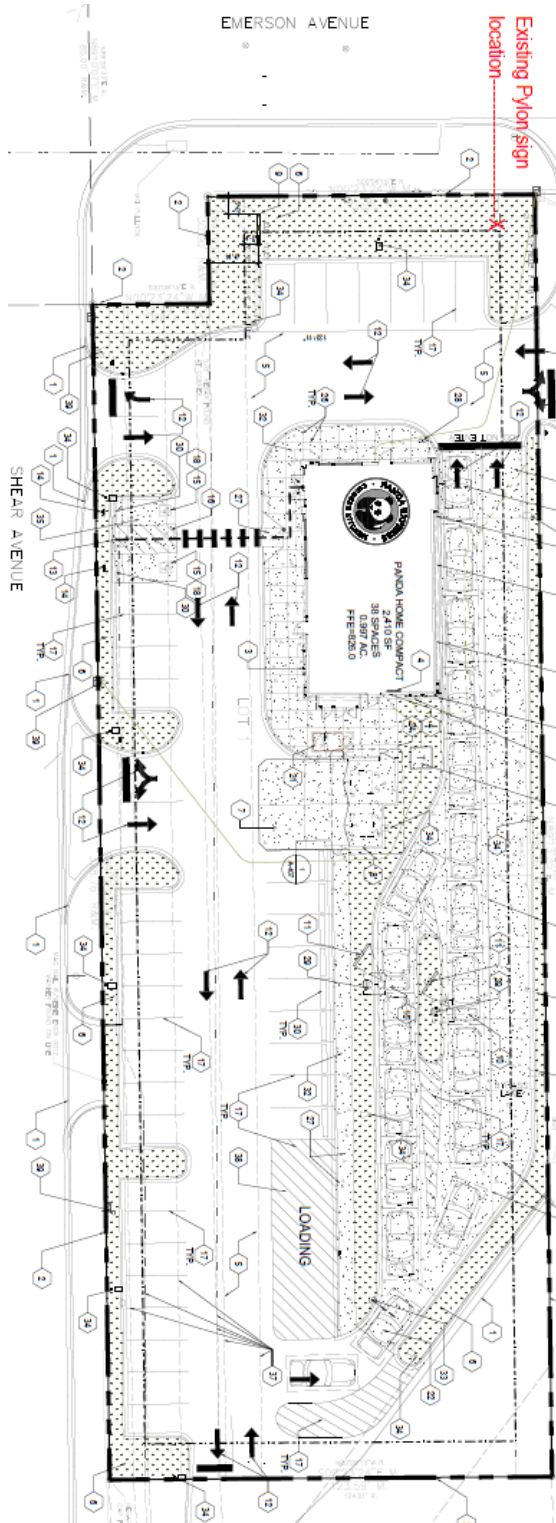
**2024UV1024 ; Aerial Map**



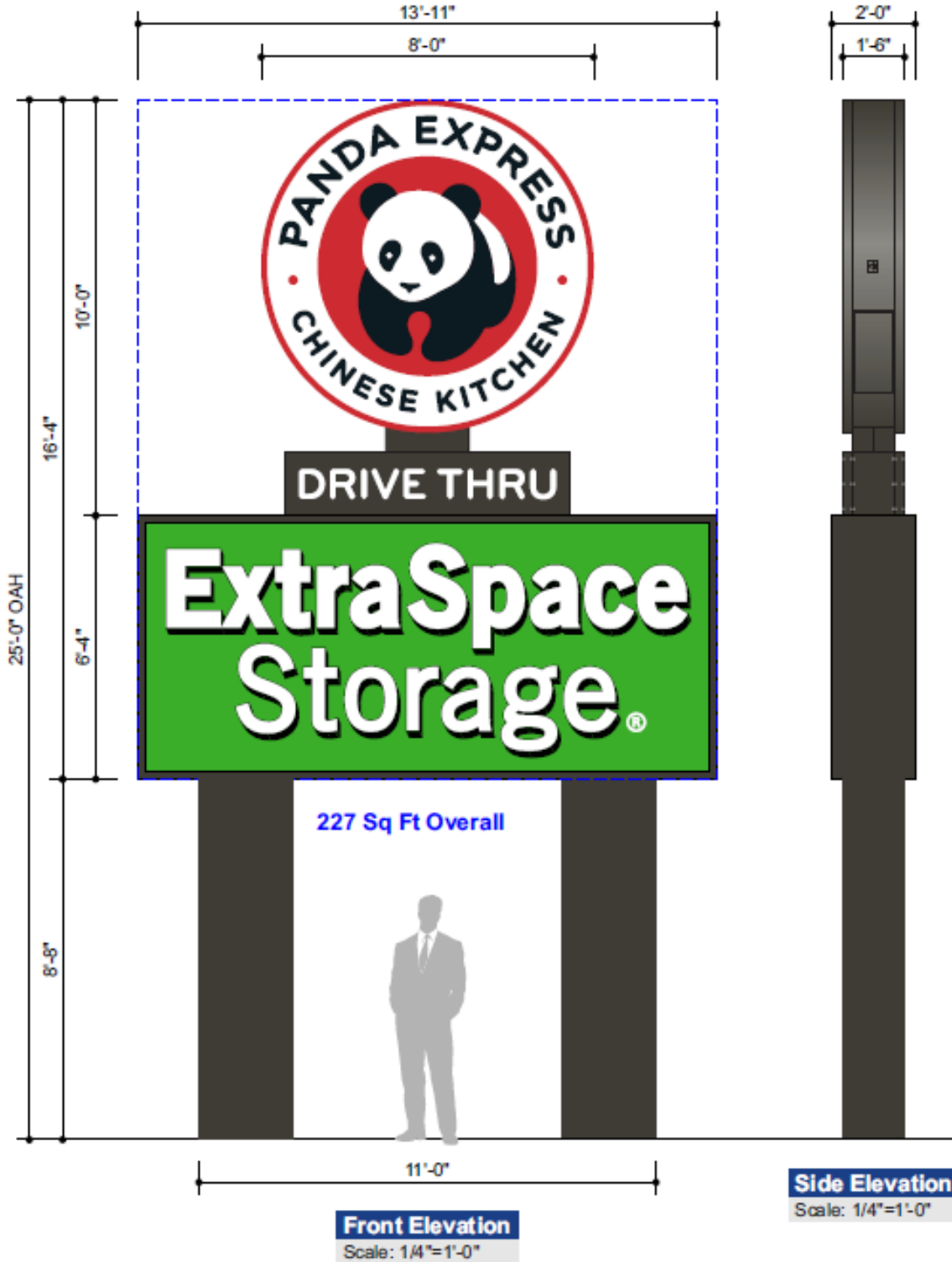
(note: the street to the south of the subject site is Shear Avenue, not E Thompson Rd)

**2024UV1024 ; Site Plan**

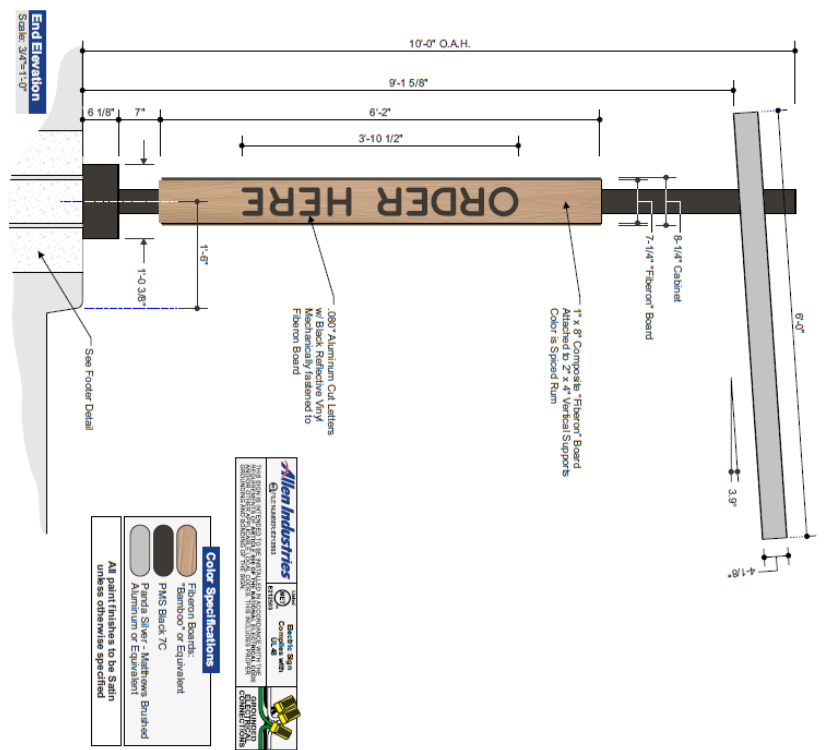
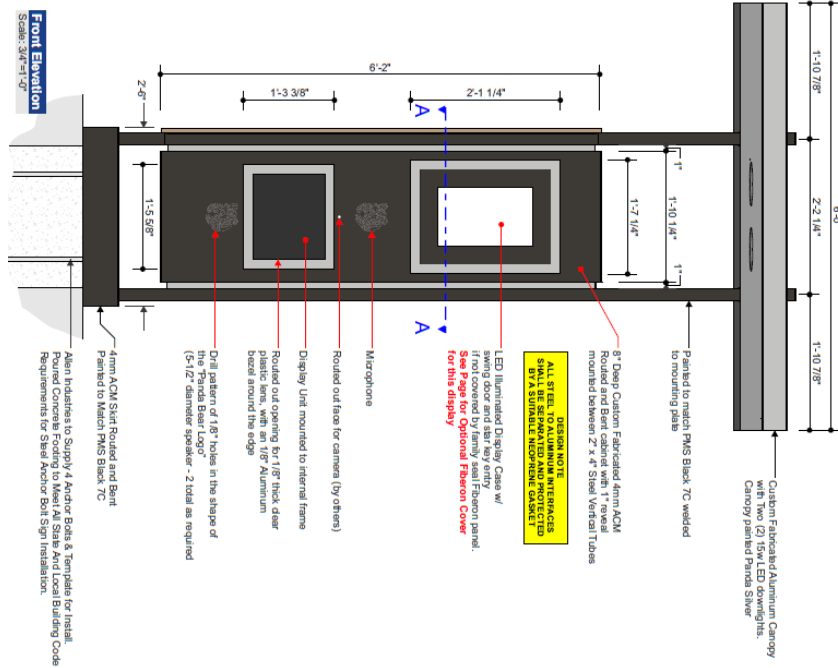
(note: the 'existing pylon sign location' shown on this site plan is inaccurate. The freestanding sign that previously existed but was then removed was further to the south near the location of the new proposed sign (see Aerial Photo)



**2024UV1024 ; Elevation (Pylon Sign)**



**2024UV1024 ; Elevation (Drive-Thru Signs)**



DRIVE THRU ELEMENTS - PRODUCTION DETAILS



**2024UV1024 ; Findings of Fact (Use)**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

This is an existing sign. City code requires sign to come into compliance if any structural changes are being made to the sign.  
The new Panda Express on this property would like to add a small panel to the existing sign. The location of the sign will remain in the exact same position maintaining all the original site lines and required setback.

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

This is an existing sign. All the original site lines and required setbacks will be maintained.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

As part of the purchase agreement the Storage Facility is entitled to use this pylon, the pylon is on our property.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

This is an existing sign. All the original site lines and required setbacks will be maintained.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

No

**2024UV1024 ; Findings of Fact (Development Standards)**

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

This is an existing sign. City code requires sign to come into compliance if any structural changes are being made to the sign.  
The new Panda Express on this property would like to add a small panel to the existing sign. The location of the sign will remain in the exact same position maintaining all the original site lines and required setback.

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

This is an existing sign. All the original site lines and required setbacks will be maintained.

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

This is an existing sign. All the original site lines and required setbacks will be maintained.



**2024UV1024 ; Photographs**



Photo 1: Subject Site from Northwest (May 2023)



Photo 2: Subject Site from Northwest (September 2024)

**2024UV1024 ; Photographs (continued)**



Photo 3: Subject Site from Southwest (May 2023)



Photo 4: Subejct Site from Southwest (September 2024)

**2024UV1024 ; Photographs (continued)**



Photo 5: Neighboring Signs Viewed from South



Photo 6: Neighboring Signs Viewed from North

**2024UV1024 ; Photographs (continued)**



Photo 7: Adjacent Property to East

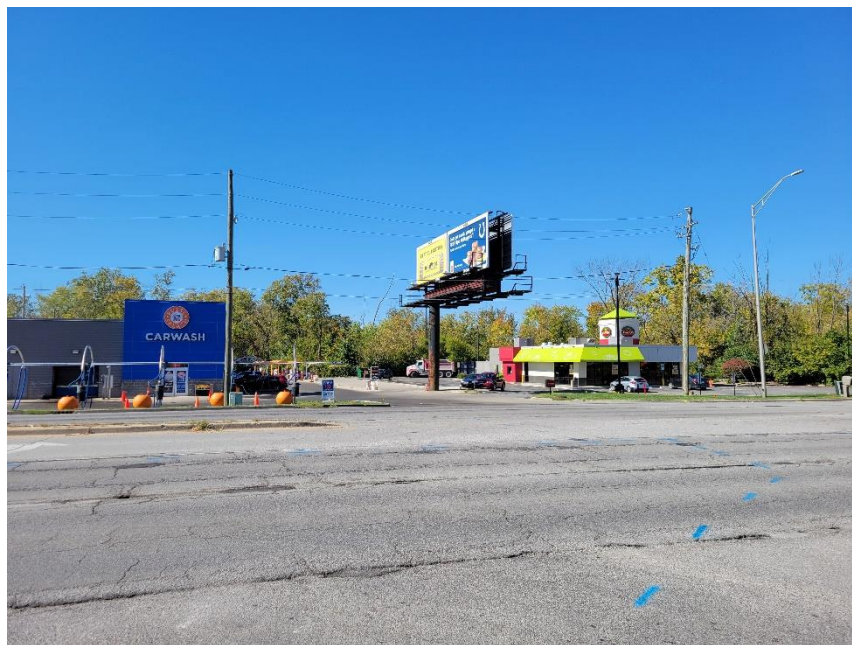


Photo 8: Adjacent Property to West