



## Board of Zoning Appeals Division I (August 1, 2023) Meeting Agenda

### Meeting Details

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

**Date:** Tuesday, August 01, 2023

**Time:** 1:00 PM

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

### Business:

#### Adoption of Meeting Minutes

#### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2023-DV1-032 | 515 South East Street**  
Center Township, Council District #16, Zoned D-8 (RC) (TOD)  
Daniel G Corsaro Family Investments LLC, by Mark Demerly

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to allow for vehicular access from Warsaw Street (access from improved alleys required).

**\*\*Continuance requested by staff to September 5, 2023**

- 2. 2023-DV1-034 | 517 Prospect Street**  
Center Township, Council District #16, Zoned D-8  
K&D Epic Holdings LLC, by Mark and Kim Crouch

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

**\*\*Continuance requested by petitioner to September 5, 2023**

- 3. 2022-UV1-009 (rehearing) | 8930 West Washington Street**  
Wayne Township, Council District #22, Zoned C-4 (FW)  
S&S Center, LLC, by Sylvia B. Miller

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the continuation of automobile and motorcycle sales (not permitted).

**\*\*Automatic Continuance to September 5, 2023 to be acknowledged**

### Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

**4. 2023-DV1-036 | 914 Harlan Street**

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

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

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

**5. 2023-DV1-022 (Amended) | 2247 Broadway Street**

Center Township, Council District #17, Zoned D-8  
Reuben & Katherine Maust, by Peter Meehan

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 1,085 square feet (maximum 720 square feet permitted).

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

**6. 2023-DV1-021 | 1931 Lake of the Pines Drive, 8535 & 8515 West 21st Street**

Wayne Township, Council District #6, Zoned D-11  
Lake of the Pines LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 52 lots with mobile homes, without an underground safe room or the installation of walkways (1,040 square foot safe room required for 52 lots and installation of walkways required) with 22-foot-wide pavement (24 feet required).

**7. 2023-DV1-025 | 5010 East 16th Street**

Center Township, Council District #12, Zoned C-4 / D-5  
Mart Properties LLC, by William Faber

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 115-foot tall monopole wireless communication facility with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district (maximum height of 70 feet permitted within 500 feet of a protected district) without the required perimeter landscaping (10-foot wide landscape yard around the perimeter of the tower enclosure required) and a six-foot tall fence with one-foot of barbed wire (barbed wire prohibited).

**8. 2023-UV1-010 | 1946 North Euclid Avenue**

Center Township, Council District #17, Zoned D-5  
Daria Powell, by Kevin J. Powell

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a single-family dwelling into a multi-unit house (2 units) (not permitted) and conversion of the detached garage into a third dwelling unit (not permitted) without any of the units on site being owner occupied (secondary dwelling units only permitted with single-family detached dwellings and owner shall occupy a unit on the lot as their permanent residence).

**9. 2023-UV1-013 | 5320 West Vermont Street**

Wayne Township, Council District #15, Zoned C-4  
Josh Investment Inc., by Pat Rooney

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 42-unit multi-family dwelling project (not permitted) with a 17-foot east transitional yard and 16-foot south transitional yard (20-foot transitional yards required), 29 parking spaces (31 required for multi-family), and deficient landscaping and lighting elements (landscaping and photometric standards required).

**10. 2023-UV1-014 | 7006 Southeastern Avenue**

Franklin Township, Council District #18, Zoned I-1  
The Auto Center, by Mitchell A. Ray

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a personal motor vehicle repair shop within the existing building (not permitted) with outdoor storage of motor vehicles awaiting repair within 70 feet of a protected district without the required screening (outdoor storage not permitted within 500 feet of a protected district, solid screened enclosure required).

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

**11. 2023-DV1-031 | 1409 Fletcher Avenue**

Center Township, Council District #17, Zoned D-5  
Dan Barber, by Bob Abbott

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-foot side yard setbacks required).

**12. 2023-DV1-033 | 337 Sanders Street**

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

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing single-family dwelling resulting in a three-foot front yard setback, a zero-foot west side yard setback, a three-foot eastern side yard setback and an open space of 31 percent (minimum 10-foot front yard setback, five-foot side yard setbacks and 40 percent open space required).

**13. 2023-DV1-035 | 1310 West 26th Street**

Center Township, Council District #11, Zoned D-5 (W-5)  
Allan Pingul, by Jeremy Littell

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and secondary dwelling unit, each with three-foot side yard setbacks (five-foot side yard setbacks required).

**14. 2023-UV1-016 | 2909 South Meridian Street**

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

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

**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.

## STAFF REPORT

Item 1.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-DV1-032  
**Address:** 515 South East Street (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** Daniel G. Corsaro Family Investments LLC, by Mark Demerly  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to allow vehicular access from Warsaw Street (access from improved alleys required).

On-site notice was not installed in a timely manner to meet the minimum 23-day notice requirements as required in the BZA's Rules of Procedure. Therefore, this petition should be **continued, with on-site notice required, to the September 5, 2023,** hearing. A staff report will be available prior to that hearing.

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

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

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

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## STAFF REPORT

Item 3.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2022-UV1-009 (rehearing)  
**Address:** 8930 West Washington Street (approximate address)  
**Location:** Wayne Township, Council District #22  
**Zoning:** C-4 (FW)  
**Petitioner:** S&S Center, LLC, by Silvia Miller  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the continuation of automobile and motorcycle sales (not permitted).

The petitioner has filed an automatic continuance for this petition, **continuing it from the August 1, 2023, hearing, to the September 5, 2023, hearing.**

This will require the Board's acknowledgement.

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## STAFF REPORT

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

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

### RECOMMENDATIONS

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

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

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5 Single -family dwelling under renovation

##### SURROUNDING ZONING AND LAND USE

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

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood uses for the site.

### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The D-5 district is intended for areas of medium intensity single-family residential development. This district is designed for urban, built-up areas of the community, and two-family dwellings are permitted on any lot in this district. The district has a typical density of 4.5 units per acre. The Fountain Square neighborhood has historically had smaller lots with small setbacks between houses. The variance requests would not be out of character for this area.

(Continued)

## **STAFF REPORT 2023-DV1-036 (Continued)**

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

## **GENERAL INFORMATION**

### THOROUGHFARE PLAN

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

### SITE PLANS

File-dated July 5, 2023.

### ELEVATIONS (AMENDED)

File-dated July 24, 2023.

### FINDINGS OF FACT

File-dated July 5, 2023.

(Continued)

**ZONING HISTORY**

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

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

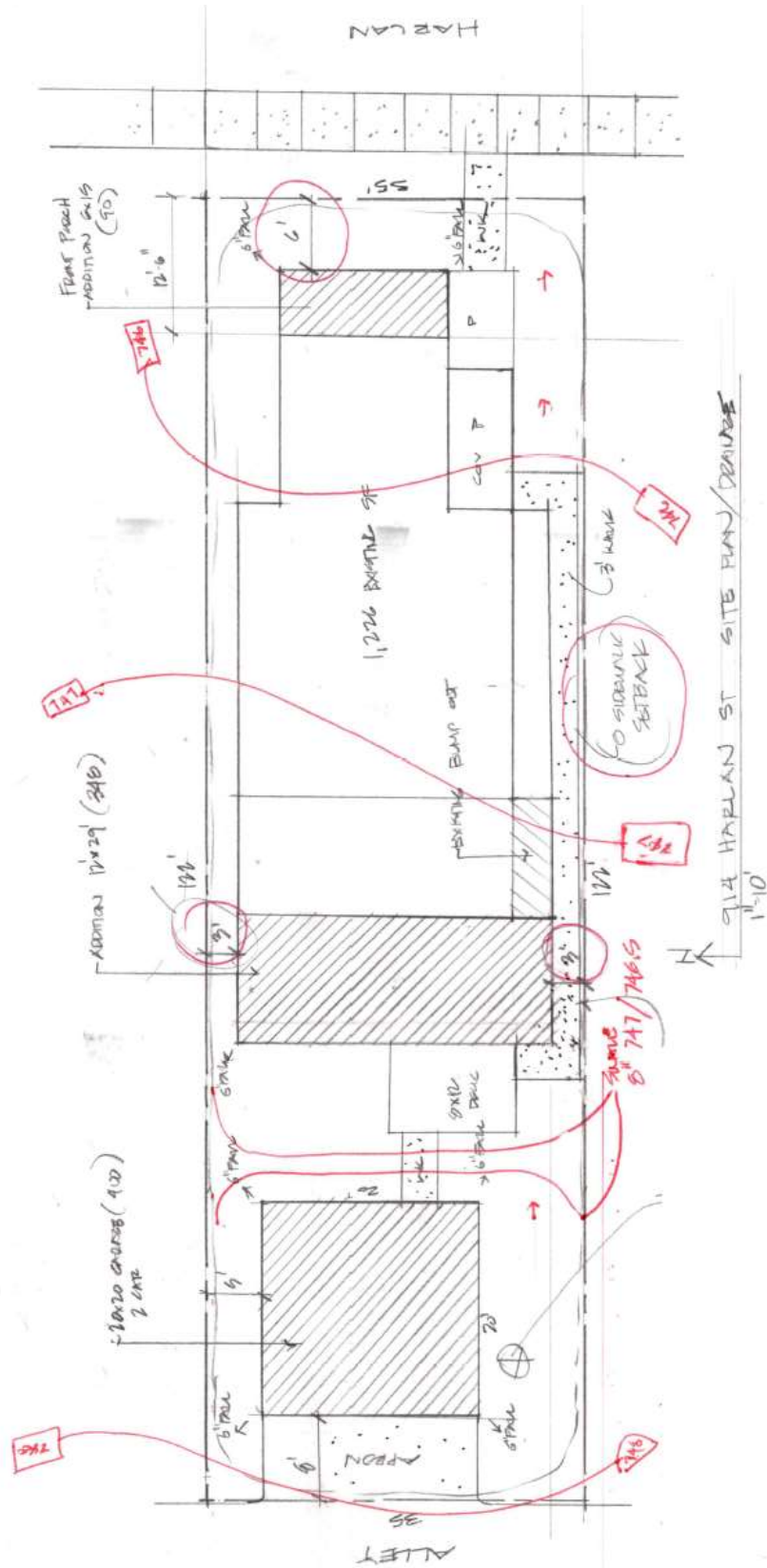
**2017-HOV-062; 2127 Pleasant Street (east of site)**, requested a variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish a single-family dwelling, with a 2.5-foot west side setback, a six-foot front setback and five feet between dwellings,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

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

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Subject site, looking west.



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



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



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





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



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

## STAFF REPORT

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

**Case Number:** 2023-DV1-022 (Amended)  
**Address:** 2247 Broadway Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8  
**Petitioner:** Rueben & Katherine Maust, by Peter Meehan  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 1,085 square feet (maximum 720 square feet permitted).

#### August 1, 2023

This petition was continued from the **July 6, 2023 hearing to the August 1, 2023 hearing** for an indecisive vote.

#### July 6, 2023

This petition was continued for cause from **June 6, 2023 hearing to the July 6, 2023 hearing** to provide for an amendment.

#### RECOMMENDATIONS

Staff **recommends denial** of the request.

#### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

D-8	Compact	Single-Family residential
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##### SURROUNDING ZONING AND LAND USE

North	D-8	Single-Family residential
South	D-8	Undeveloped
East	C-3	Commercial
West	D-8	Single-Family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ The subject site is a 7,080-square foot lot in the D-8 district, and is developed with a single-family dwelling and a detached garage (to be demolished). This house is in the Near Northside neighborhood

(Continued)

**STAFF REPORT 2023-DV1-022 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This petition would provide for construction of a carriage house, which would include a secondary dwelling containing 1,085 square feet. The ordinance permits a maximum of 720 square feet for a secondary dwelling.
- ◇ The intent of the maximum floor area for a secondary dwelling is so that the secondary dwelling is clearly accessory and subordinate to the primary structure. Staff would also note that the minimum floor area for the D-8 district is 800 square feet—the proposed secondary dwelling is large enough to be considered a primary dwelling. Staff believes the practical difficulty for a larger secondary dwelling is self-imposed and is therefore recommending denial of the petition.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	Broadway Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing and proposed right-of-way.
SITE PLAN	File-dated April 14, 2023
SITE PLAN (AMENDED)	File-dated June 15, 2023
FLOOR PLANS	File-dated June 15, 2023
FINDINGS OF FACT	File-dated June 15, 2023

**ZONING HISTORY – VICINITY**

**2006-DV3-053, 2259 Broadway Street**, variance to provide for the construction of a 1,520-square foot single-family dwelling, having a main floor area of 610 square feet, and resulting in an open space ratio of 51.57 percent, **approved**.

**2006-DV3-024, 655 East 23<sup>rd</sup> Street**, variance to provide for ten-foot front yard setbacks, and in the case of a corner lot, to provide for a ten-foot front setback for the elevation of the single-family dwelling with a primary entrance, and for a five-foot front setback for other elevations, **approved**.

**2006-DV3-023, 2259 Broadway Street**, variance to provide for ten-foot front yard setbacks, and in the case of a corner lot, to provide for a ten-foot front setback for the elevation of the single-family dwelling with a primary entrance, and for a five-foot front setback for other elevations, **approved**.

**98-UV1-55, 2246 North College Avenue**, variance to provide for religious uses with a gravel parking area, **approved**.

**86-Z-60, 2246 North College Avenue**, rezoning of 0.28 acre from the D-8 district to the C-3 district, **approved**.

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**2023-DV1-022; Site Plan****SITE DATA:**

Total Existing Lot Area: 7080 SF  
 Zoning: D8  
 Minimum Open Space: 55%

**EXISTING**

Main Home First Floor Area: 1980 SF  
 Detached Garage Area: 440 SF

EXISTING LOT COVERAGE (%): 34 %

**PROPOSED**

Main Home First Floor Area: 1980 SF  
 Proposed Garage Area: 1065 SF

PROPOSED LOT COVERAGE (%): 43 %

**SITE PLAN LEGEND**

- C / W - WATER SERVICE
- E / L - ELECTRICAL SERVICE
- S / W - SEWER
- - - - - PROPERTY SET BACK LINE
- ~ ~ ~ SITE TOPOGRAPHY
- [ ] SILT FENCE / EROSION CONTROL

SITE PLAN NOTES		
NOTE	QTY	DESCRIPTION
S1	1	DEMO PAVER PATH FROM EXISTING GARAGE TO HOUSE.
S2	1	DEMO EXISTING GARAGE APRON

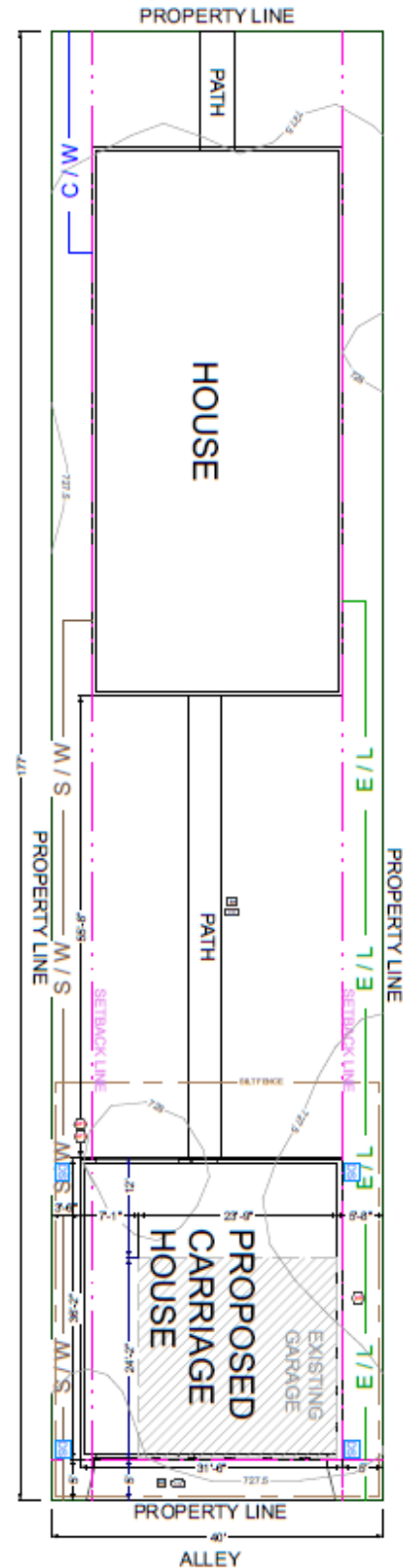
LANDSCAPING PLAN NOTES		
NOTE	QTY	DESCRIPTION
L1	1	TRIM TREES AS NEEDED FOR NEW STRUCTURE HEIGHT.

UNDERGROUND UTILITY NOTES		
NOTE	QTY	DESCRIPTION
UT1	1	NEW ELECTRICAL SERVICE TO BE BORED UNDERGROUND TO GARAGE BUILDING.
UT2	1	NEW SEWER SERVICE TO BE BORED UNDERGROUND TO GARAGE BUILDING.
UT3	1	NEW WATER SERVICE TO BE BORED UNDERGROUND TO GARAGE BUILDING.

CONCRETE PLATWORK PLAN NOTES		
NOTE	QTY	DESCRIPTION
CC1	1	NEW ~225 SF - BROOM FINISHED CONCRETE PATH TO BE INSTALLED FROM HOUSE TO NEW GARAGE.
CC2	1	NEW ~145 SF - BROOM FINISHED CONCRETE GARAGE APRON TO BE INSTALLED FROM NEW GARAGE TO ALLEY.



**ARCHITECTURAL SITE PLAN**  
 SCALE: 1"=20'

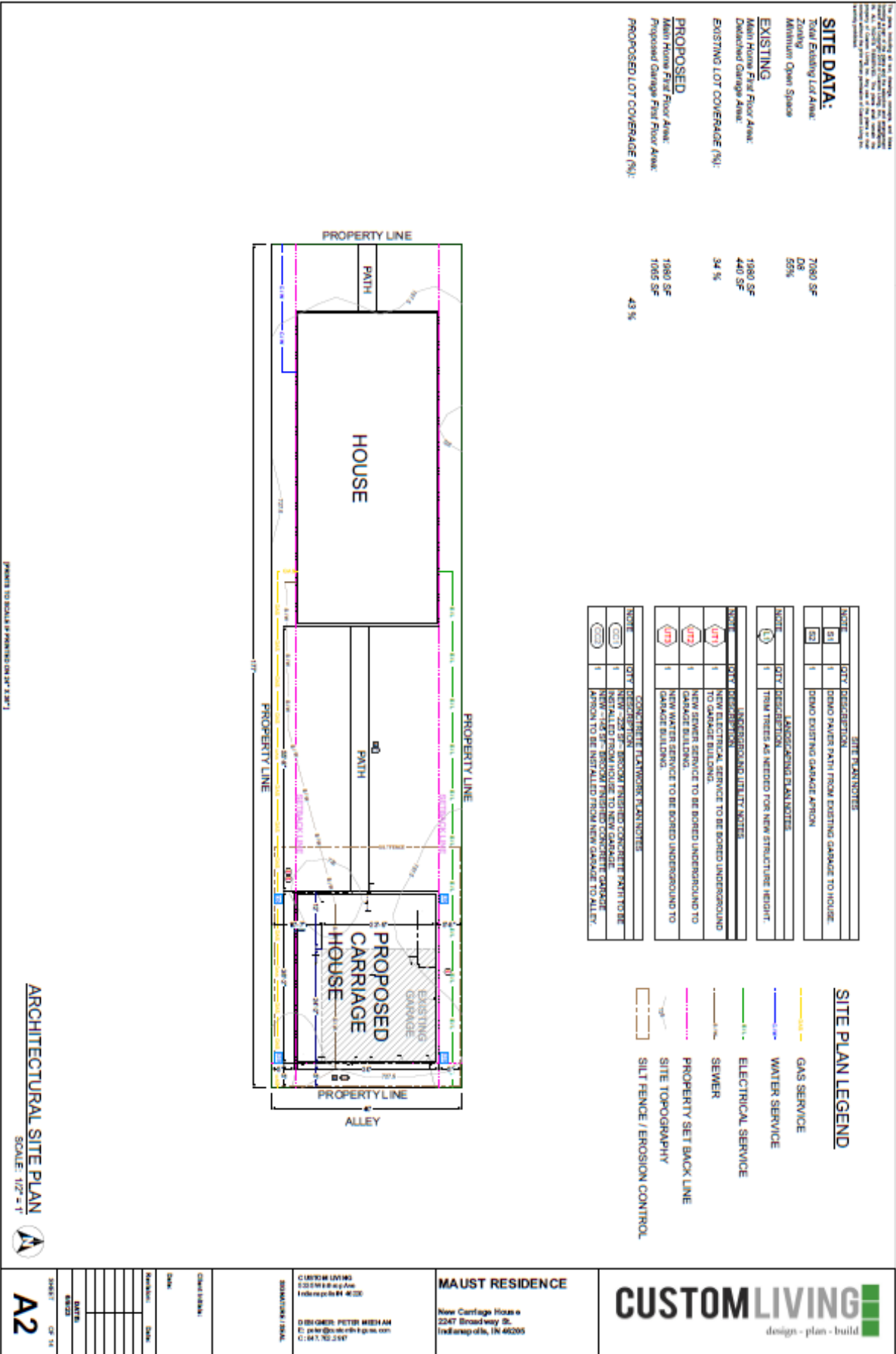
**MAUST RESIDENCE**

VARIANCE OF USE // 4/5/23

**CUSTOMLIVING**  
 design - plan - build



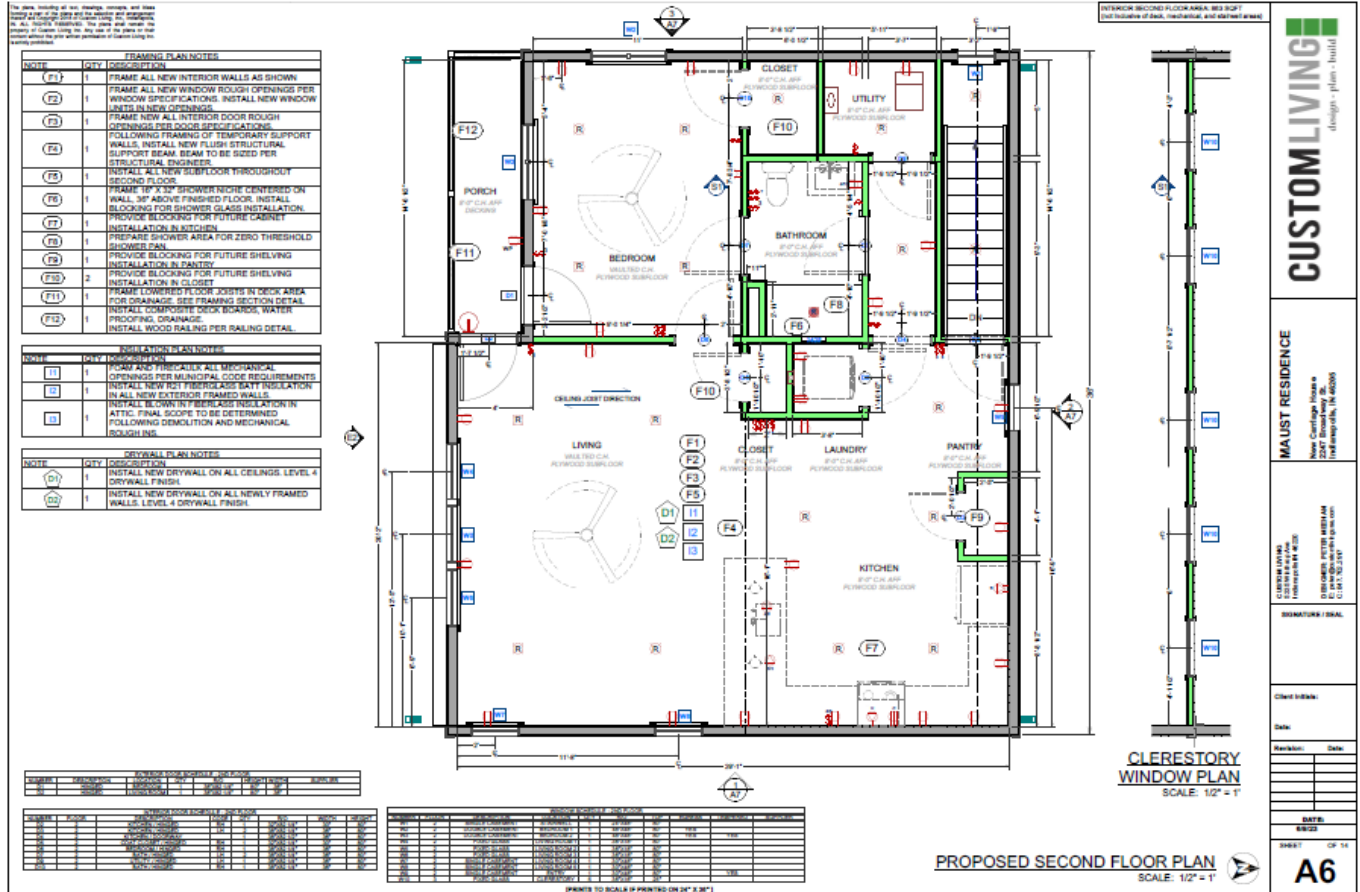
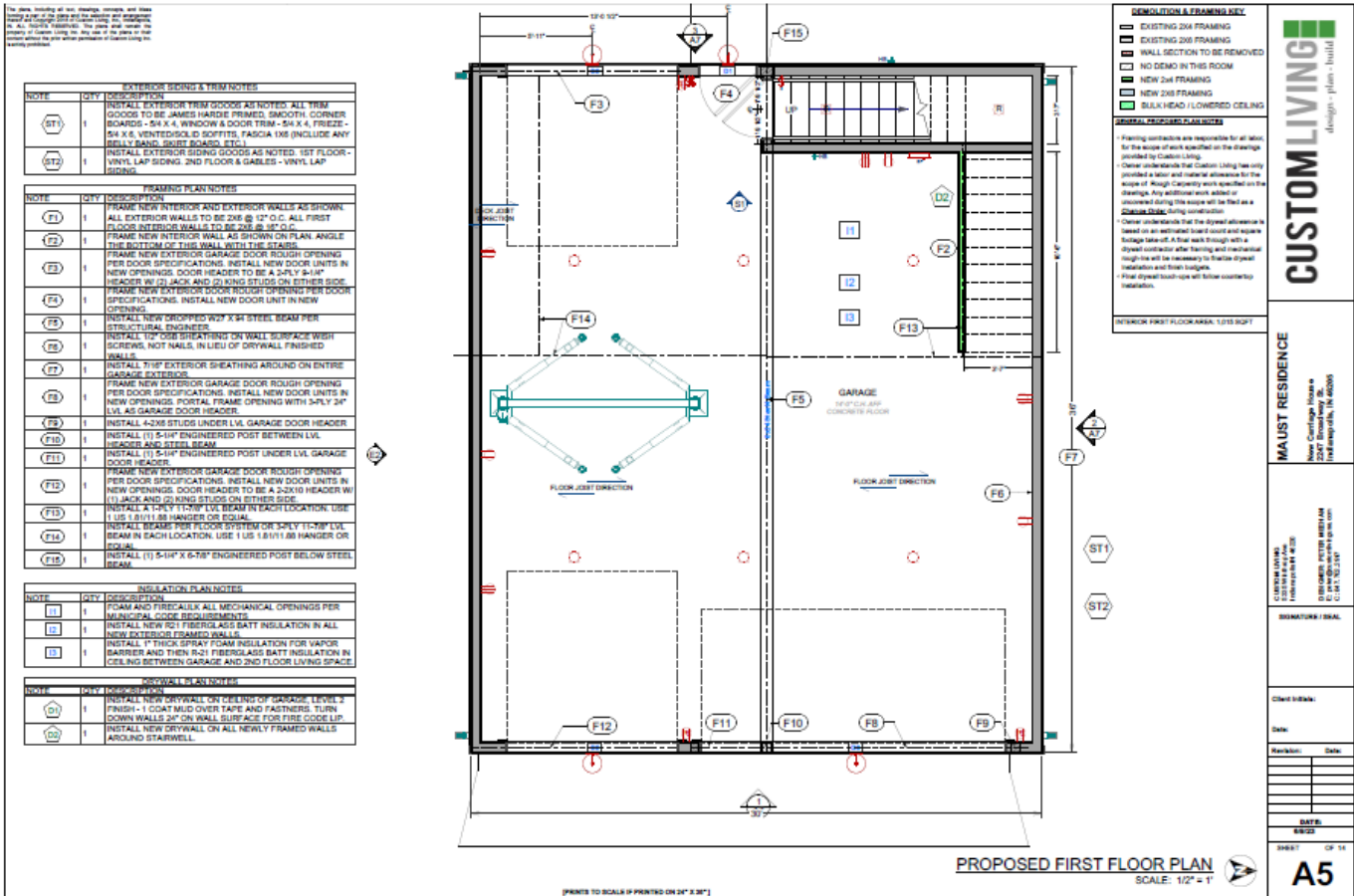
2023-DV1-022; Site Plan (Amended)





# 2023-DV1-022; Floor Plan

Item 5.







Subject site viewed from Broadway street



Existing garage 23.75 feet wide, to be demolished

## STAFF REPORT

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

**Case Number:** 2023-DV1-021  
**Address:** 1931 Lake of the Pines Drive, 8535 & 8515 West 21st Street  
 (approximate address)  
**Location:** Wayne Township, Council District #6  
**Zoning:** D-11  
**Petitioner:** Lake of the Pines LLC, by Joseph D. Calderon  
**Request:** Variance of Development Standards of the Consolidated Zoning and  
 Subdivision Ordinance to provide for the development of up to 52 lots with  
 mobile homes, without an underground safe room or the installation of  
 walkways (1,040 square foot safe room required for 52 lots and installation  
 of walkways required) with 22-foot-wide pavement (24 feet required).

This petition was automatically continued from the July 6, 2023 hearing to the August 1, 2023 hearing at the request of a City-County Councillor.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-11	Metro	Residential
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##### **SURROUNDING ZONING AND LAND USE**

North	D-A/D-4	Residential (Single-family dwellings)
South	D-4/D-P	Residential (Single-family dwellings) / Nursing Home
East	D-A/D-5/D-4	Residential (Single-family dwellings)
West	SU-10/D-5/D-3	Cemetery / Residential (Single-family dwellings)

##### **COMPREHENSIVE PLAN**

The Comprehensive Plan recommends suburban neighborhood development.

(Continued)

**STAFF REPORT 2023-DV1-021 (Continued)**

- ◇ The subject site, zoned D-11, is comprised of four parcels. Three of the parcels are contiguous, developed with single-family dwellings and located along the eastern boundary of the existing mobile dwelling project development. The fourth parcel is an internal parcel currently used for outdoor storage for the residents. The site is surrounded by undeveloped land to the north, zoned SU-10 and single-family dwellings to the north, across West 21st Street, zoned D-A; single-family dwellings and mobile dwelling project development to the south, zoned D-5 and D-11, respectively; a single-family dwelling and a mobile dwelling project development to the east, zoned D-A and D-11, respectively; and a mobile dwelling project development and undeveloped land to the west, zoned, zoned D-11 and SU-10, respectively.
- ◇ The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district fulfills a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is 6 units per gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, similar to site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares is necessary for the location of this district.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow for the expansion of a mobile home park development with 52 new lots without the required underground safe room, with deficient street widths and without walkways.
- ◇ The D-11 district has other standards specific to mobile home developments which require an underground safe room for all new developments with at least 20 square feet of space for each mobile home site for protection from tornados.
- ◇ The 52 new lots would require an underground safe room totaling 1,040 square feet. Seeing that there would be two sites on opposite ends of the existing mobile home park, staff would advise that an underground safe room be provided at each expansion site for the corresponding new lots for ease of access.
- ◇ Staff found no reason to support a variance from the underground saferoom standard since this would prevent a safety precaution that was determined important enough to be included in the 2016 adoption of Ordinance changes to save lives. If there is a concern with financing, then staff would recommend reducing the number of lots to ensure this safety measure is included.

**Streets and Walkways**

- ◇ The D-11 district requires that private interior streets that have two-way traffic with no parking shall have a minimum pavement width of 24 feet, exclusive of curb or gutters, and that walkways be installed on both sides of a roadway with an improved width of greater than 20 feet. Walkways are required on one side of interior streets if improved with an improved width of 20 feet or less.

(Continued)



**STAFF REPORT 2023-DV1-021 (Continued)**

- ◇ As proposed, the interior streets would measure 22 feet wide without the required walkways.
- ◇ The request to reduce the street width and not propose the walkways is bad practice and would show that pedestrian safety is not a priority. Staff understands that the existing mobile home development does not have walkways, but that is because it was not required at the time those sections were constructed. Continuing this pattern would not be beneficial to the new residents that could live in a community that is required to be developed with pedestrian safety in mind.
- ◇ Staff determined that the strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property because the subject sites could still be developed as expansions to the mobile home park while meeting the standards of the Ordinance.
- ◇ Furthermore, the approval of the variance would be injurious to the public safety of the new residents since the Ordinance was updated with new safety measures which the petitioner is requesting to eliminate through the proposed layout of the expansions.
- ◇ For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	21 <sup>st</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 31.5-foot existing right-of-way and a 80-foot proposed right-of-way.
SITE PLAN	File-dated May 25, 2023.
FINDINGS OF FACT	File-dated April 6, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

1. **VIO23-004738:** 1931 Lake of the Pines Drive (subject site) The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance;(744-903.G.9. - Commercial off-premise signs are prohibited).

**PREVIOUS CASES**

**2022-CZN / CVR-802; 8515 and 8535 West 21st Street and 1931 Lake of the Pines Drive** (subject site) Rezoning of 8.851 acres from the D-A District to the D-11 classification and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot perimeter yard along the north and west lot lines (50-foot perimeter yard required), **approved and granted.**

(Continued)

**STAFF REPORT 2023-DV1-021 (Continued)**

**98-AP-63; 8625 and 8647 West 21st Street** (subject site), requested a modification of commitments, related to petition 94-Z-136 to delete Commitment Number 3 requiring landscaping along the east property line of the site; alternative landscaping would be provided along the east property of the adjacent site, **withdrawn**.

**97-Z-229; 8605 West 21<sup>st</sup> Street** (subject site), Rezoning of 10 acres, to the D-11 classification to provide for the expansion of a mobile home park, **approved**.

**94-Z-136; 8625 and 8647 West 21st Street** (subject site), requested rezoning of seven acres from the D-3 and D-A Districts to the D-11 classification to permit the expansion of a mobile home project, **approved**.

**86-V2-17; 8701 West 21<sup>st</sup> Street** (north or subject site?), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a mobile home park without the required side yards and with an open storage area for recreational vehicles, **granted**.

**70-Z-242; 8801 West 21st Street** (subject site), requested rezoning of 100 acres, being in the A-1 District, to the D-11 classification to provide for mobile home development, **approved**.

**ZONING HISTORY – VICINITY**

**2023-DV1-003; 8838 West 21st Street** (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,450 square foot detached accessory structure to be used as a hobby shop, being larger than the primary dwelling (not permitted), **granted**.

**2018-ZON-116; 8845 West 21st Street** (west of site), Rezoning of 7.00 acres from the D-11 district to the SU-10 classification, **approved**.

**2014-UV2-013; 8434 West 21st Street** (northeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a 1,500-square foot pole barn to house horses, cows and/or maintenance equipment, prior to the erection of a single-family dwelling, **granted**.

**2007-UV1-004; 8434 West 21st Street** (northeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a twenty-foot tall, 2,048-square foot pole barn without a primary structure on the lot, **granted (subject to the construction of a primary dwelling within 18 months of approval-not completed)**

**2005-DV1-044; 8410 West 21st Street** (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 2,120-square foot accessory building resulting in 2,648 square feet of accessory building area, or 262 percent of the main floor area of the primary structure, **withdrawn**.

**2002-ZON-168; 1745 North Raceway Road** (west of site), Rezoning 33.495 acres from the SU-10 (FW) (FF) to D-5 (FW) (FF), to provide for single-family residential development, **approved**.

(Continued)

**STAFF REPORT 2023-DV1-021 (Continued)**

**94-Z-185 / 94-CV-29; 1948 North Country Club Road** (east of site), Rezone 13.67 acres from D-12 to D-5 and a variance of development standards to permit construction of a single-family residential development including two-story dwelling structures with a main floor area of the primary building of 585 square feet (minimum 660 square feet required), **approved and granted.**

**93-Z-78; 8738 West 21st Street** (north of site), Rezoning of 43 acres, being in the D-A District, to the D-4 classification to provide for the development of a single-family residential subdivision by platting, **approved.**

**89-Z-33; 1602 Woodpointe Drive** (south of site), Rezoning of 9.00 acres, being in the D-1 District, to the D-4 classification to provide for residential development, **approved.**

**89-Z-227; 1926 Country Club Road** (east of site), Rezoning of 12.94 acres, being in the A-2 District, to the D-12 classification to provide for two-family residences, **approved.**

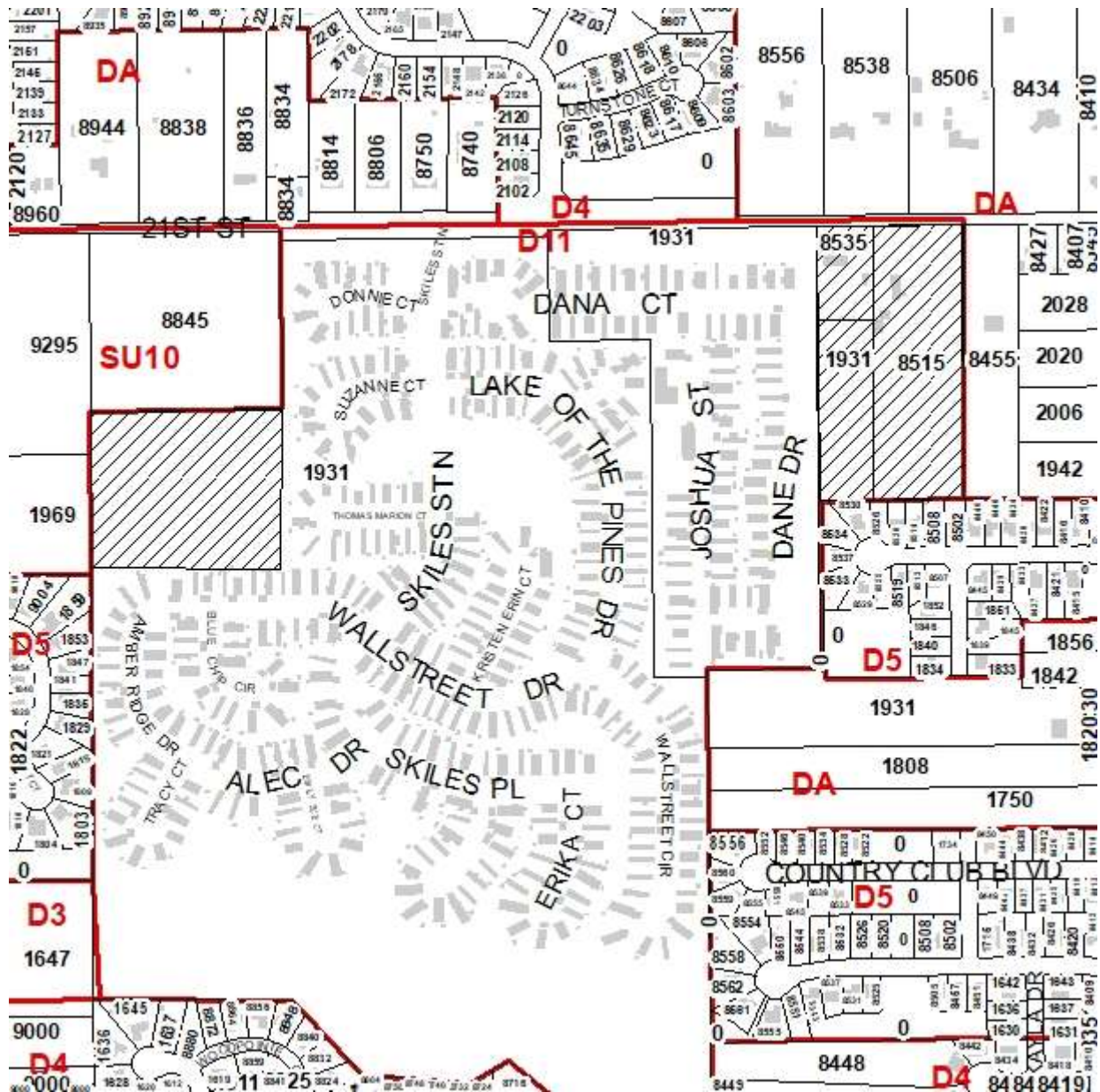
**87-HOV-62; 2006 Country Club Road** (east of site), Variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for the construction of a barn at eight feet from the side property line (15-feet required), **granted.**

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**2023-DV1-021; Location Map**

Item 6.



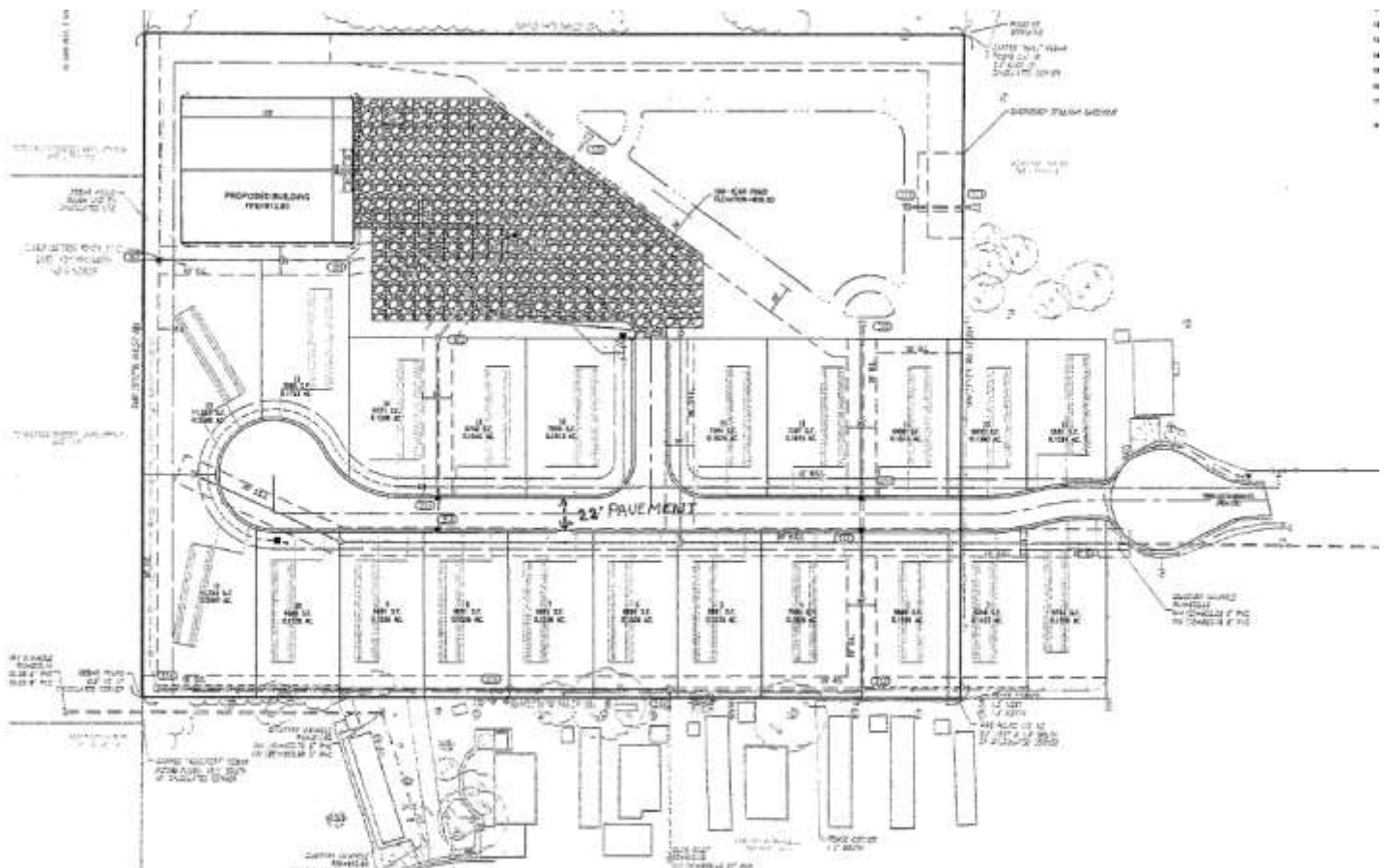
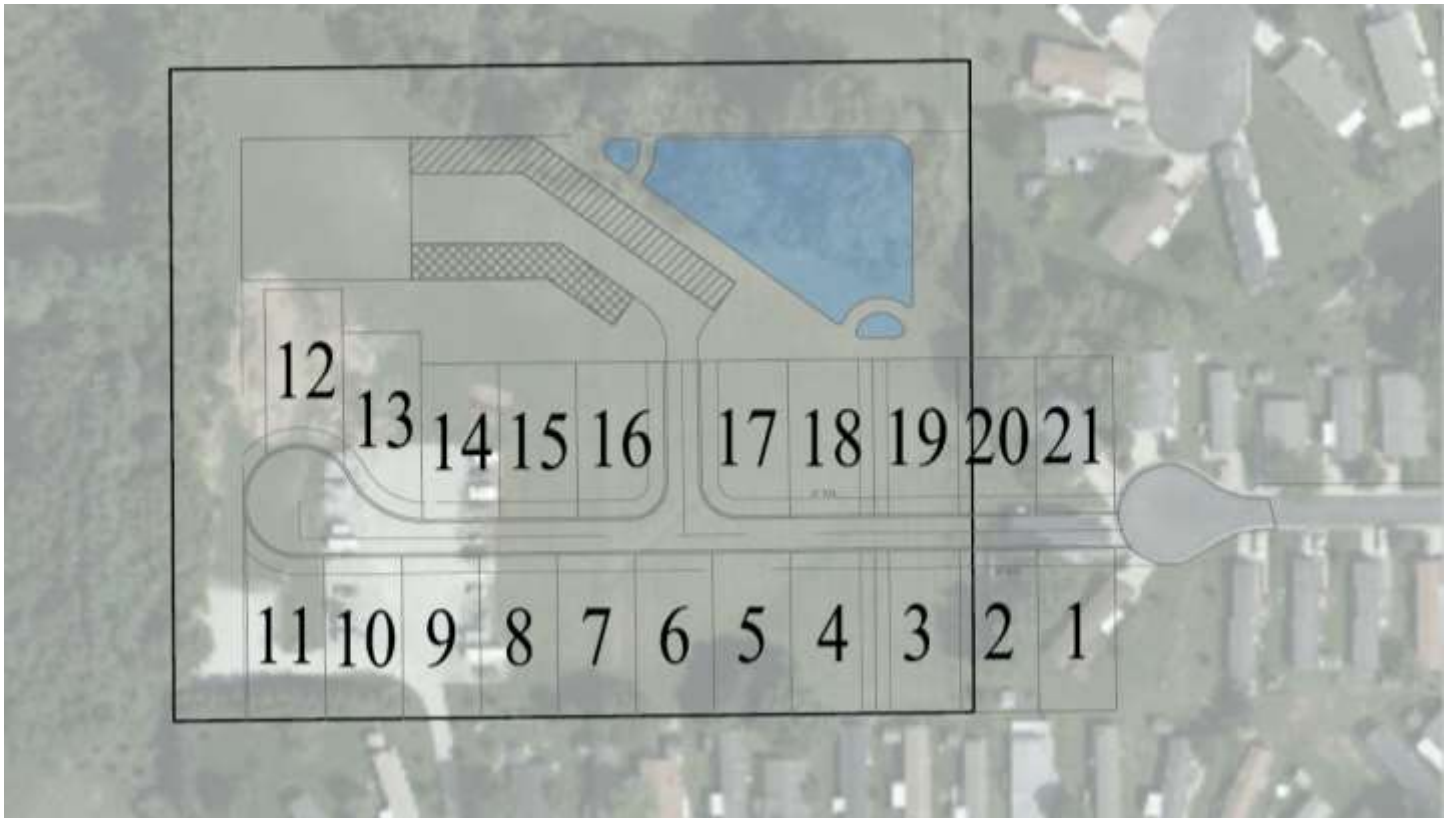














Looking west at the internal site to the northwest.



Looking west at the internal site proposed entrance.





Photo looking west at the internal northwest site.



Photo looking north at the internal northwest site.



Photo looking northeast at the internal northwest site.





Photo of the existing entrance to the northwest site.



Photo of the existing entrance to the eastern site.





Photo of the existing east perimeter landscaping.



Photo looking east at the 1931 Lake of the Pines Drive parcel to the east.





Photo looking northeast at the 8515 West 21<sup>st</sup> Street parcel.



Photo looking south from 21<sup>st</sup> Street at the emergency exit to remain.





Photo looking south at the 8535 West 21<sup>st</sup> Street parcel.



Photo looking south at the 8515 West 21<sup>st</sup> Street parcel.

## STAFF REPORT

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

**Case Number:** 2023-DV1-025 (Amended)  
**Address:** 5010 East 16<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #12  
**Zoning:** C-4 / D-5  
**Petitioner:** Mart Properties LLC, by William Faber  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 115-foot tall monopole wireless communication facility with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district (maximum height of 70 feet permitted within 500 feet of a protected district) with a nine-foot wide perimeter landscape yard (10-foot wide landscape yard around the perimeter of the tower enclosure required) and a six-foot tall fence with one-foot of barbed wire (barbed wire prohibited).

This petition was automatically continued from the July 6, 2023 hearing to the August 1, 2023 hearing at the request of a registered neighborhood organization.

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

C-4 / D-5	Compact	Commercial
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwellings)
South	C-3/C-4	Commercial
East	C-4	Commercial
West	D-5	Residential (Single-family dwellings)

##### LAND USE PLAN

The Comprehensive Plan recommends community commercial development.

- ◇ The 1.18-acre subject site is developed with a commercial building and associated parking lot.
- ◇ The site is immediately abutting single-family dwellings to the north and west with commercial uses east and south.

(Continued)

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The initial request included a variance to not provide the 10-foot-wide perimeter landscaping required around the wireless communication facility, but the petitioner submitted revised plans to have a nine-foot-wide landscape yard proposed.
- ◇ The grant of the amended request would permit a 115-foot-tall monopole tower with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district with a nine-foot landscape yard and a six-foot tall fence with one-foot of barbed wire.
- ◇ The monopole tower for a wireless communication facility (WCF) is permitted in the C-4 district per Table 743-301-1 of the Ordinance but is limited to a maximum of five feet higher than the building height permitted in the district when located within 500 feet of a protected district. The maximum building height permitted in the C-4 district is 65 feet so a maximum 70-foot-tall monopole tower would be allowed.
- ◇ The purpose of the wireless communications regulations shall be to: “encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors that are compatible with the adjacent land uses; retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to nonresidents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.”
- ◇ The leased area would be 40 feet by 40 feet surrounded by a six-foot tall chain link fence, with three strands of barbed wire and with a nine-foot-wide landscape yard with bollards proposed an additional foot out.
- ◇ The Ordinance requires a 10-foot landscaped yard around the entire perimeter of the tower site to screen the equipment from view. This could be accomplished without the need for a variance since the site could be reconfigured to incorporate an additional foot to the proposed landscape plan.
- ◇ Staff determined that the proximity of the tower to the residential uses to the west and north would be inappropriate because the proposed tower would be substantially taller than any surrounding vegetation or structure, which would impact the adjacent properties more than the property upon which the tower would be located. There was no attempt to camouflage or integrate this tower with the existing built environment to limit the impacts of this WCF.
- ◇ The strict application of the zoning ordinance would not result in practical difficulties in the use of the property because a 70-foot-tall monopole tower could be proposed on site with a ten-foot landscape yard and elimination of the barbed wire without the need for variances. For these reasons, staff is recommending denial of the request.

(Continued)

**STAFF REPORT 2023-DV1-025 (Continued)****GENERAL INFORMATION**

THOROUGHFARE PLAN	16 <sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 75-foot existing right-of-way and a 78-foot proposed right-of-way.
SITE PLAN	File-dated May 16, 2023.
AMENDED SITE PLAN	File-dated June 21, 2023.
LANDSCAPE PLAN	File-dated June 21, 2023.
ELEVATION	File-dated May 16, 2023.
AMENDED ELEVATION	File-dated June 21, 2023.
PLAN OF OPERATION	File-dated May 16, 2023.
FINDINGS OF FACT	File-dated May 16, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

**2015-UV1-015; 5015 East 16<sup>th</sup> Street** (south of site), Variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot-tall monopole tower (not permitted), with a 10-foot antenna, and accessory equipment cabinets, **denied**.

**2003-UV3-010; 5041 East 16<sup>th</sup> Street** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for religious uses, **granted**.

**99-UV2-122; 5041 East 16<sup>th</sup> Street** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility for automobiles and light trucks, **granted**.

**96-V2-99; 5102 East 16<sup>th</sup> Street** (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the placement of a 40 by 10-foot storage container to accommodate inventory associated with a retail discount store on-site (not permitted) for a temporary period of one year, **granted**.

(Continued)

**STAFF REPORT 2023-DV1-025 (Continued)**

**96-V3-30; 5013 East 16<sup>th</sup> Street** (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a fast-food restaurant, with a drive-through with off-street parking within the front yard along Bancroft Street, **granted**.

**87-UV1-119; 1534 North Emerson** (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the outside display and sale of automobiles without the required perimeter landscaping, **denied**.

**87-UV3-77; 5041 East 16<sup>th</sup> Street** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the construction of an automobile parts store with major repair service and parts installation, **granted**.

**86-UV1-94; 1510 North Emerson Avenue** (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the operation of a motorcycle repair shop in a portion of an existing commercial building, **denied**.

**83-UV1-149; 1534 North Emerson Avenue** (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the retail sales of cars with four wall signs, also request a variance of the required setback for outdoor display of vehicles, minimum parking and the required six-foot landscaping strip, **granted for a temporary period of three years, expiring December 6, 1986**.

**82-UV3-19; 5102 East 16<sup>th</sup> Street** (east of site), Variance of use and development standards to permit the construction and operation of a drive-through window on an existing restaurant located within one-hundred feet of a residential zoning district, **denied**.

**76-UV2-80; 1534 North Emerson Avenue;** (southeast of site), Variance of use and development standards to provide for the outdoor display and sale of automobiles without the required display setbacks, perimeter landscaping or parking spaces, **granted for a temporary period of three years, expiring August 17, 1979**.

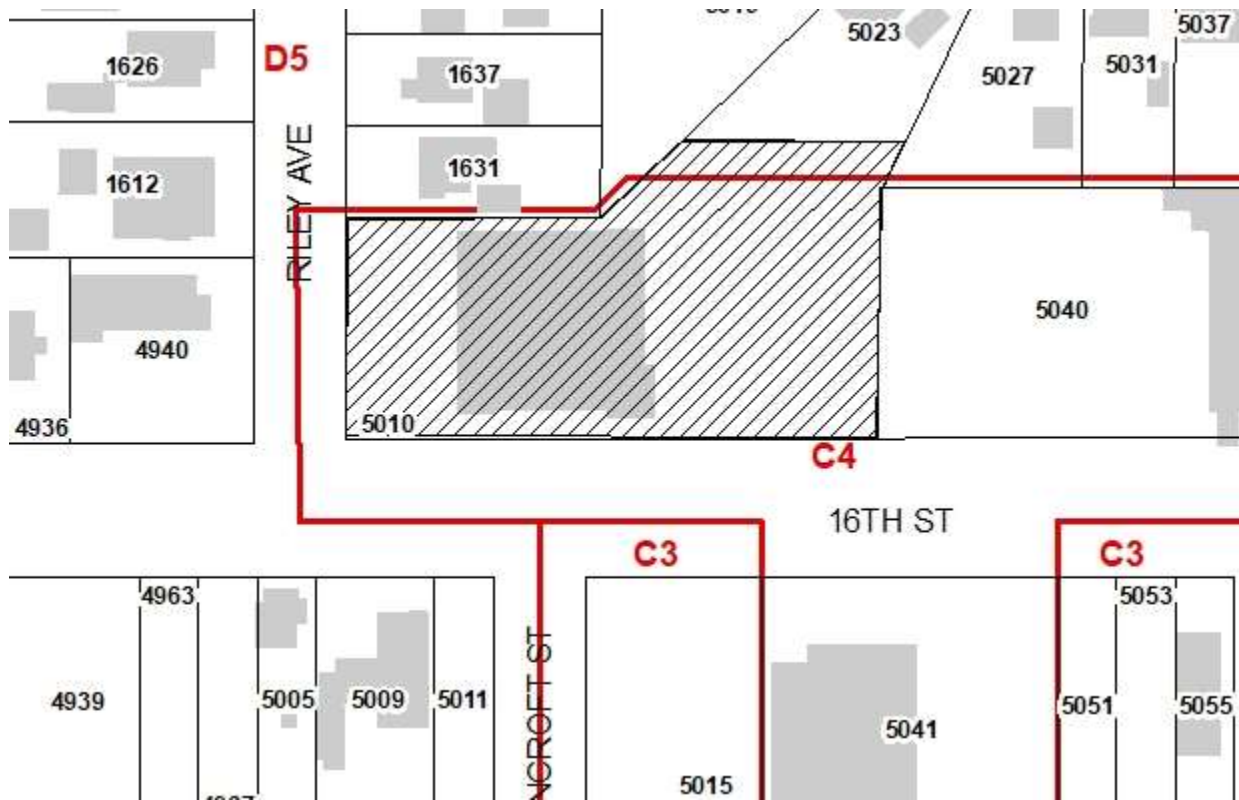
**62-V-335; 1534 North Emerson Avenue;** (southeast of site), Variance of development standards to provide for the expansion of a gasoline service station, **granted**.

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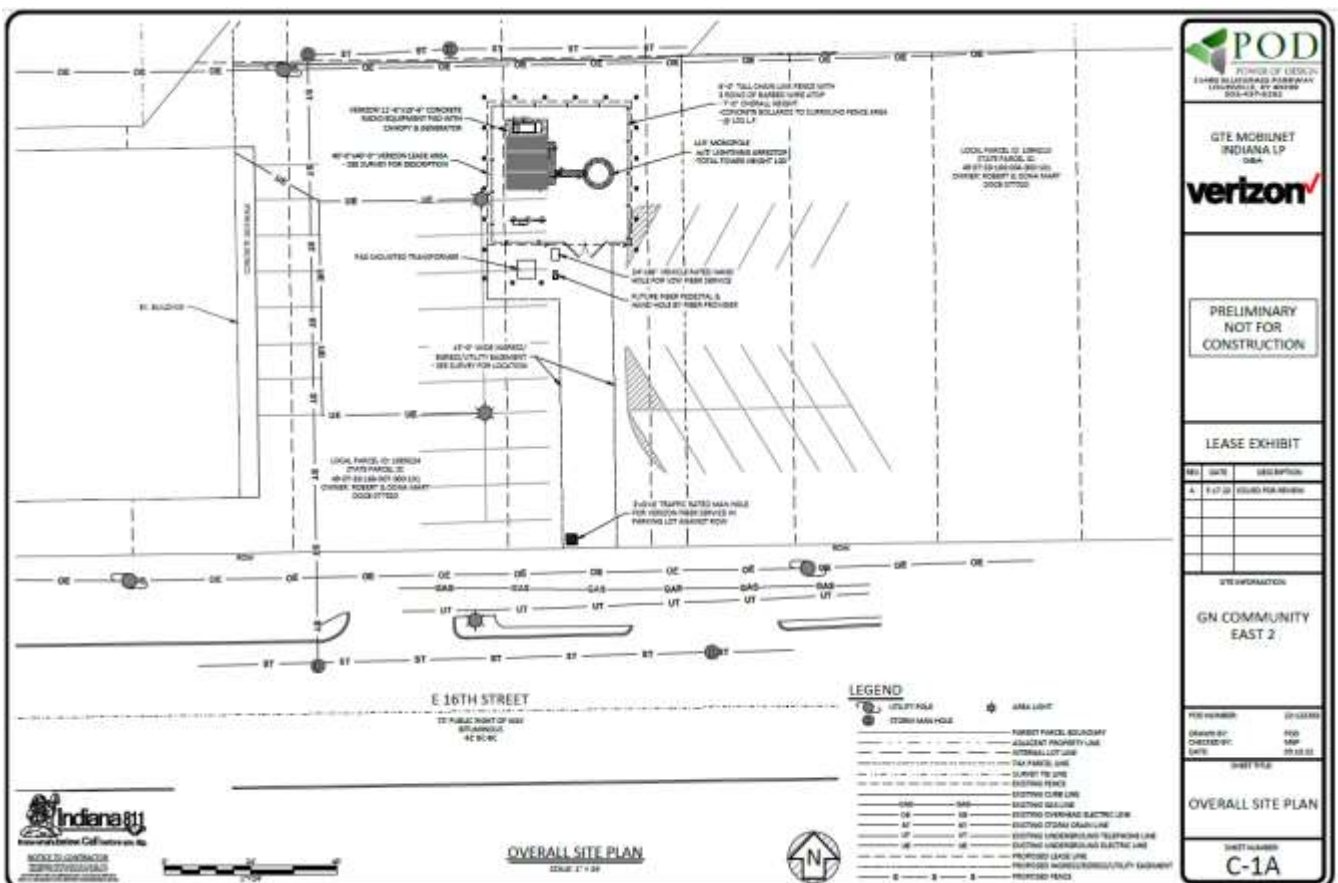
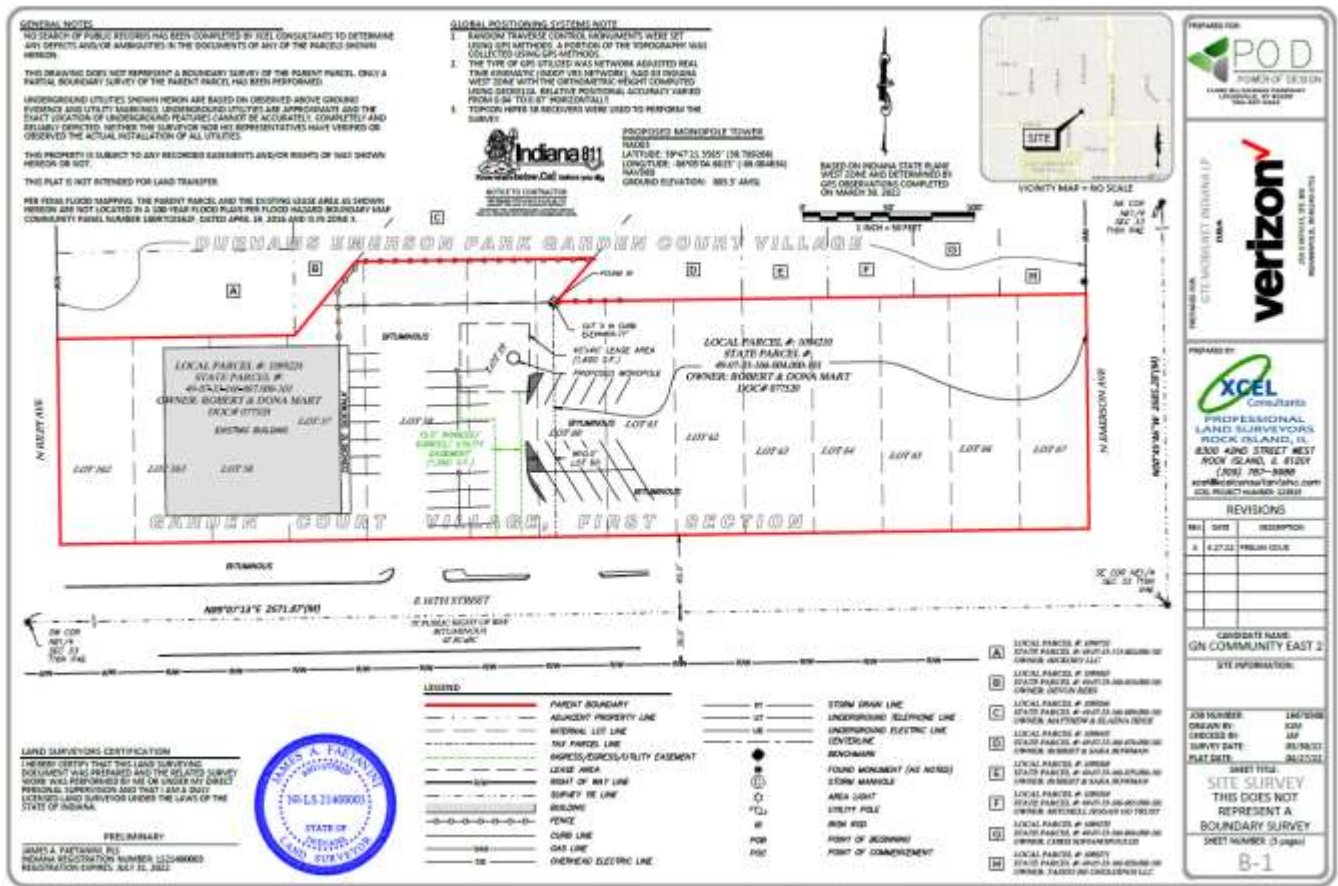


**2023-DV1-025; Location Map**



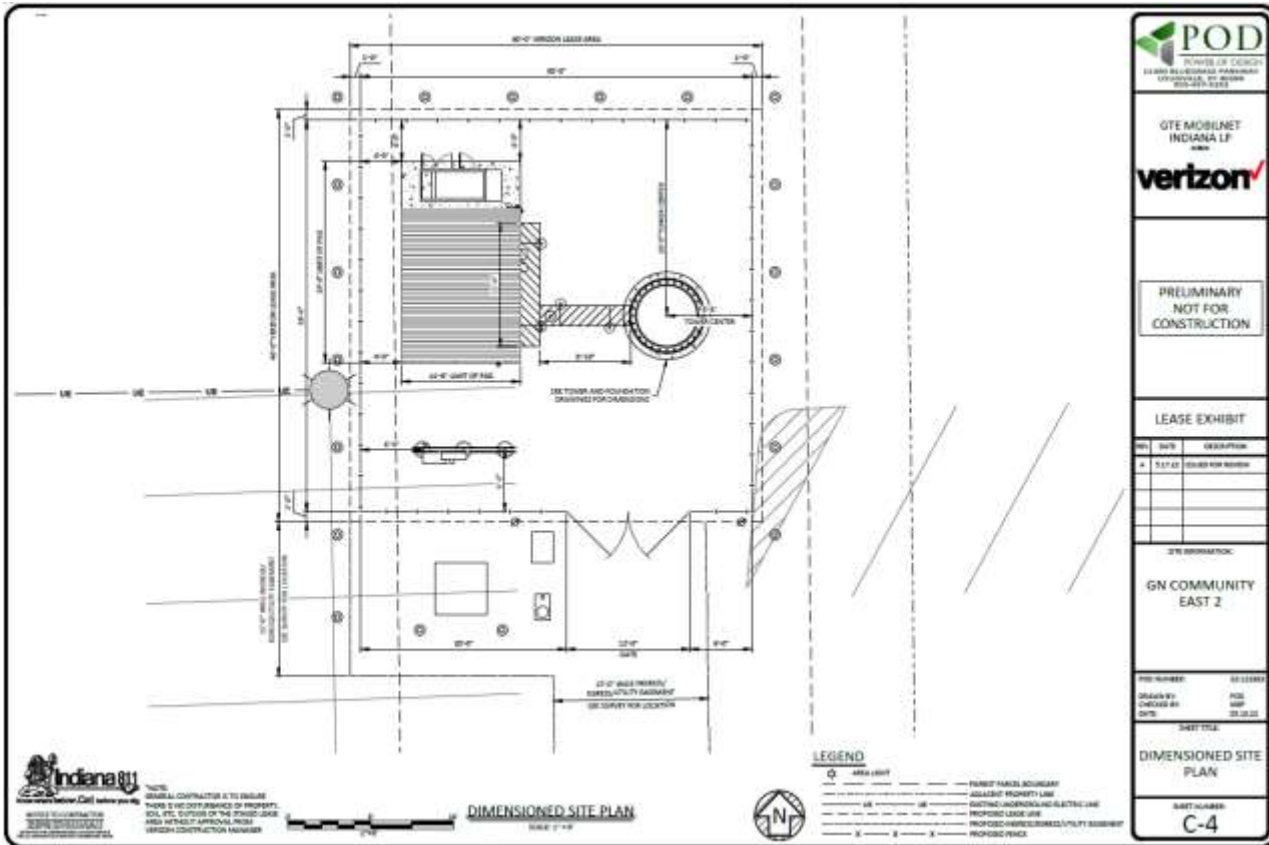
**2023-DV1-025; Aerial Map**



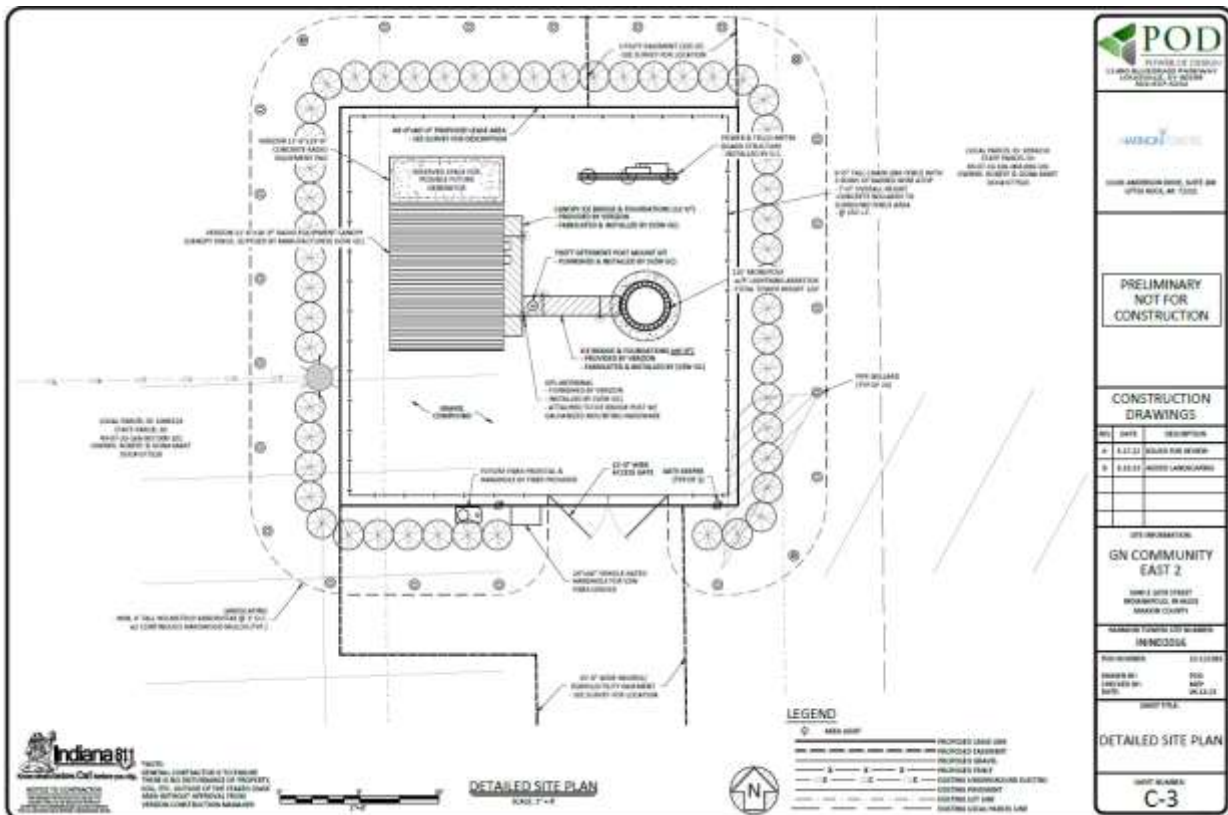


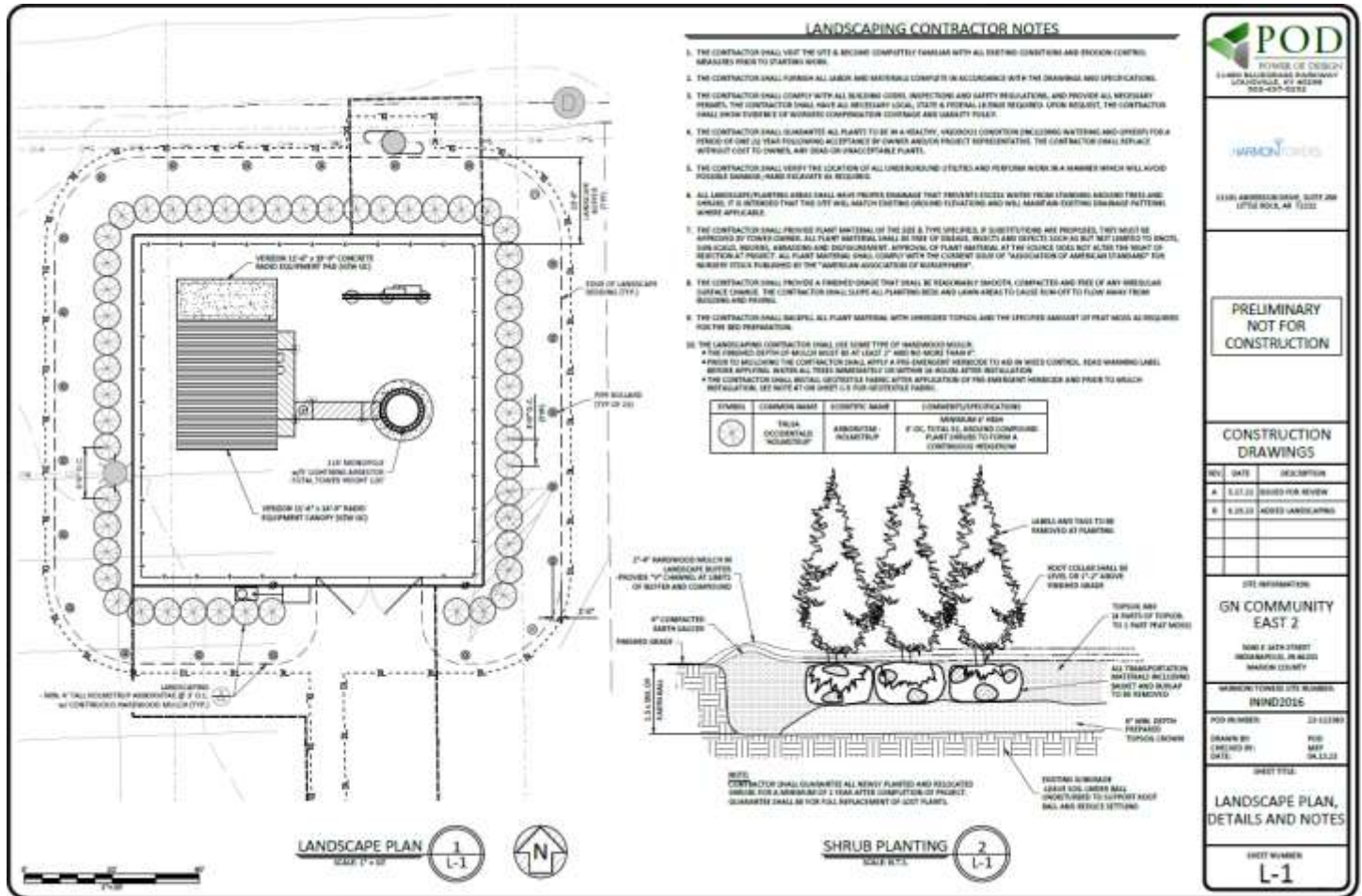


## 2023-DV1-025; Site Plan (Continued)



## 2023-DV1-025; Amended Site Plan





**POD**  
POD DESIGN  
3400 N. HARRISON STREET  
LITTLE ROCK, AR 72205  
(501) 475-1000

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**CONSTRUCTION  
DRAWINGS**

REV.	DATE	DESCRIPTION
1	5.17.23	ISSUED FOR REVIEW
2	5.17.23	ADDED LANDSCAPING

**SITE INFORMATION:**

**GN COMMUNITY EAST 2**

1000 E. 10TH STREET  
INDIANAPOLIS, IN 46203  
HARRISON COUNTY

**INDIANAPOLIS SITE NUMBER:**

**IND2016**

**POD NUMBER:** 23-01000

**DRAWN BY:** LMS/MS/MS  
**DATE:** 04.13.23

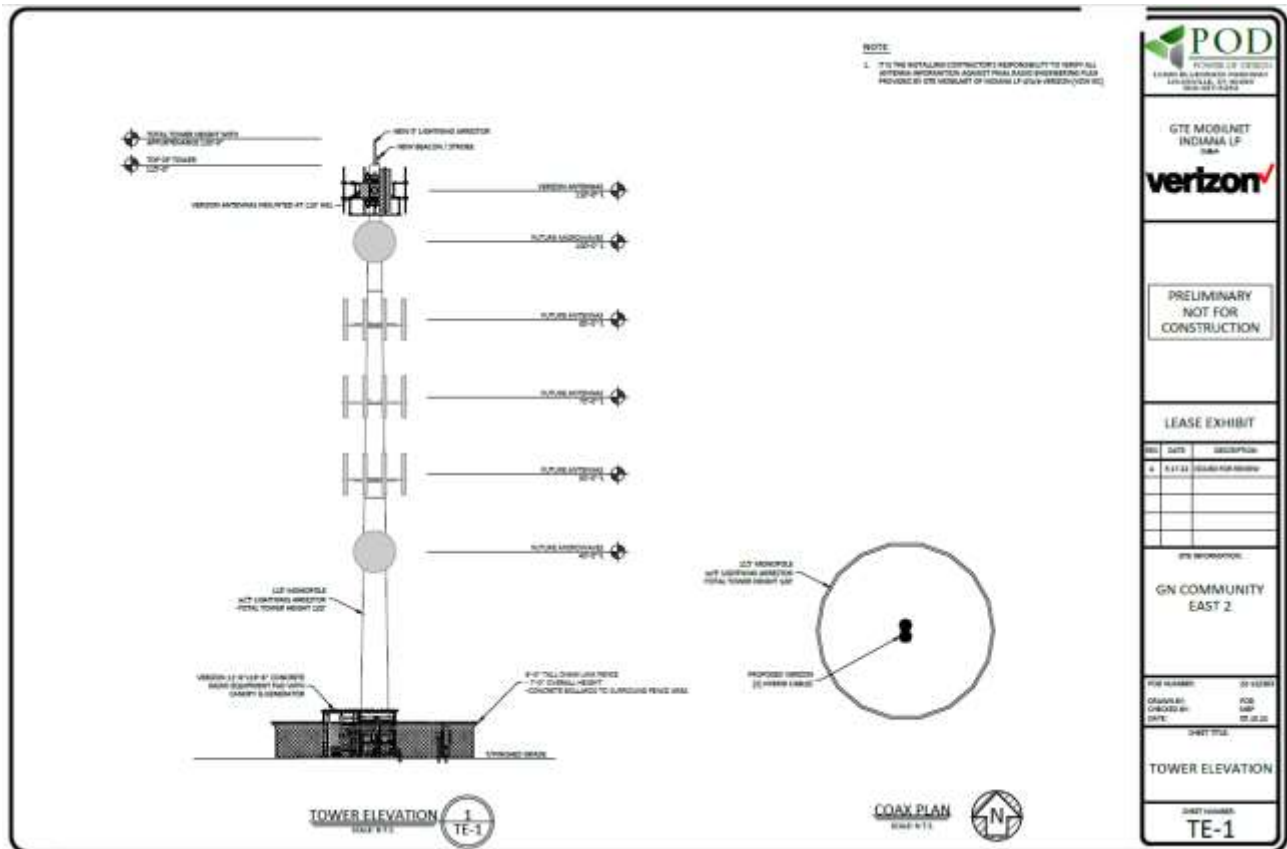
**SHEET TITLE:**

**LANDSCAPE PLAN,  
DETAILS AND NOTES**

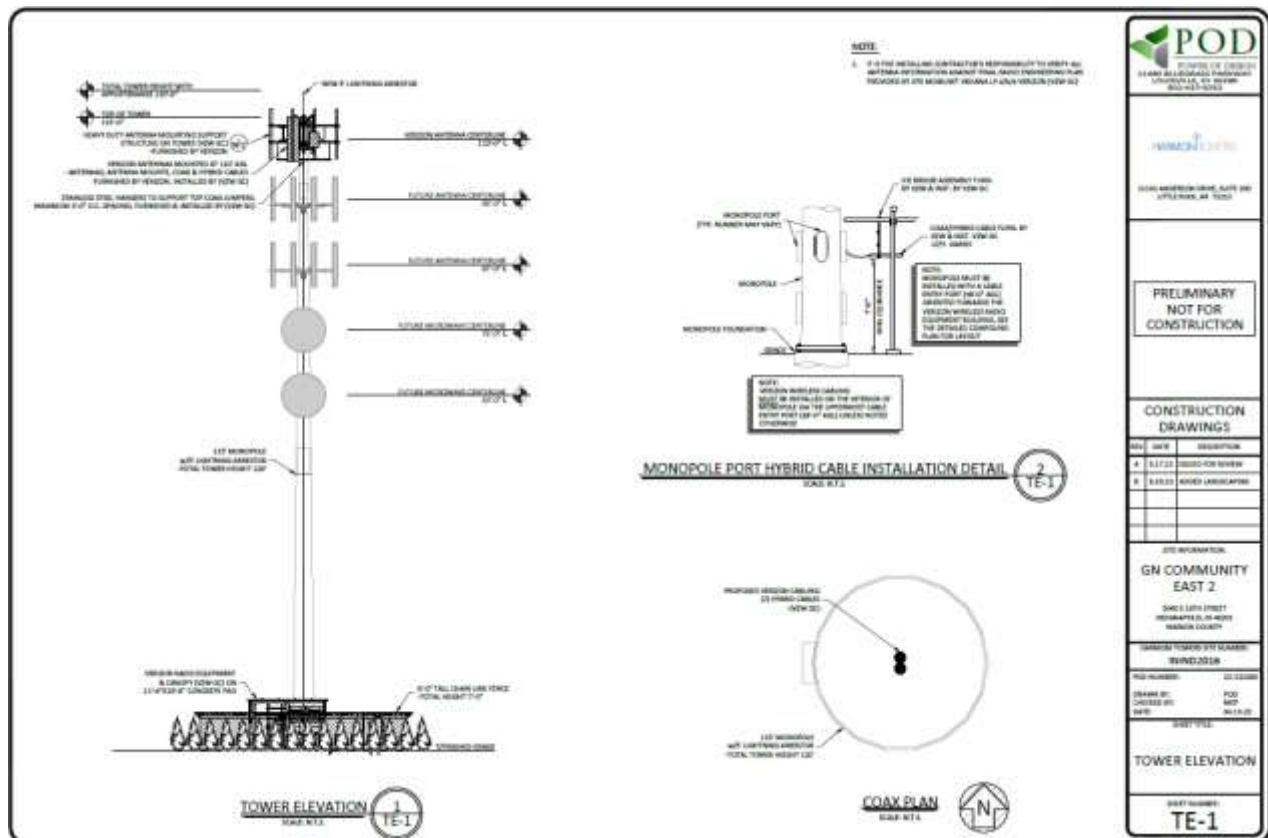
**SHEET NUMBER:**

**L-1**

## 2023-DV1-025; Elevation



## 2023-DV1-025; Amended Elevation





**Plan of operation – 115' communications tower, 5040 E 16TH STREET, Indianapolis, IN**

1. **Workforce:** This is an unmanned facility. Once the tower is operational, ongoing maintenance and upgrades are necessary to ensure that it continues to provide reliable service. This involves seasonal inspections and maintenance, as well as upgrades to equipment and software as needed to keep up with advances in technology and changes in network requirements.
2. **Clients & Customers:** This is an unmanned facility and will not be accessible to the general public.
3. **Processes conducted on Site:** The tower will support antennas and base station equipment for the Verizon Wireless network.
4. **Materials Used:** The tower is constructed of steel and sits inside of a fenced compound topped with barbed wire and surrounded by concrete bollards. It will be locked and accessible only by Verizon personnel. The facility is unmanned and will not be lit.
5. **Shipping & Receiving:** There will be no shipping or receiving taking place at this location.
6. **Waste:** There will be no waste generated at this facility. Any equipment that is removed or no longer in service will be removed from the site.

A communications tower, also known as a cell tower, is an essential infrastructure component in modern society. It is used to transmit and receive cellular signals, enabling people to communicate with each other over long distances. Here are some reasons why a cellular tower is a necessary and justifiable investment:

1. **Improved Communication:** Cell towers improve communication by providing a more reliable and clearer connection for people to make phone calls, send text messages, and access the internet.
2. **Increased Access:** Cell towers allow more people to have access to cellular service.
3. **Public Safety:** In emergency situations, cellular towers are a crucial tool for emergency responders to communicate with each other and with the public.
4. **Economic Development:** The availability of cellular service can attract new businesses and industries to an area. This can lead to increased employment opportunities, increased tax revenues, and an overall improvement in the local economy.
5. **Infrastructure Investment:** Building a cellular tower is a significant investment in the local infrastructure. This investment can benefit the community in the long term by increasing property values, improving access to services, and making the area more attractive to new residents and businesses.



Photo of the proposed location of the monopole tower at 5010 East 16<sup>th</sup> Street.



Photo of the rear yard setback.





Photo of 16<sup>th</sup> Street looking west.



Photo of the the commercial properties south of the site.



Photo of 16<sup>th</sup> Street lookng east.

## STAFF REPORT

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

**Case Number:** 2023-UV1-010  
**Address:** 1946 North Euclid Avenue (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5  
**Petitioner:** Daria Powell, by Kevin J. Powell  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a single-family dwelling into a multi-unit house (2 units) (not permitted) and conversion of the detached garage into a third dwelling unit (not permitted) without any of the units on site being owner occupied (secondary dwelling units only permitted with single-family detached dwellings and owner shall occupy a unit on the lot as their permanent residence).

#### **ADDENDUM FOR August 1, 2023**

This petition was continued from the July 6, 2023 hearing to the August 1, 2023 hearing due to the petitioner's absence.

Staff continues to **recommend denial** of the request.

#### **ADDENDUM FOR JULY 6, 2023**

This petition was automatically continued from the June 6, 2023 hearing to July 6, 2023 hearing at the request of a registered neighborhood organization.

Staff continues to **recommend denial** of the request.

#### **June 6, 2023**

#### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

#### **EXISTING ZONING AND LAND USE**

D-5                      Compact              Residential (Single-family dwelling)

(Continued)



**STAFF REPORT 2023-UV1-010 (Continued)****SURROUNDING ZONING AND LAND USE**

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

**COMPREHENSIVE PLAN**            The Comprehensive Plan recommends traditional neighborhood development.

- ◇ The 0.12-acre subject site is developed with a single-family dwelling and detached garage. The property is surrounded by similarly developed single-family dwellings with associated detached accessory structures.

**VARIANCE OF USE**

- ◇ The grant of the request would allow three units on site with two proposed in the single-family dwelling and one in the detached garage. The property owner would not reside on site.
- ◇ The D-5 district allows new construction of multi-unit dwellings. However, a variance is needed to convert a single-family dwelling into a multi-unit dwelling.
- ◇ The Ordinance only permits secondary dwelling units for properties with single-family detached dwellings and requires that the property owner occupy one of the dwelling units as a permanent resident.
- ◇ As proposed, this request would result in a density of 25 units per acre, which exceeds the Comprehensive Plan recommended density of five to 15 units per acre for the traditional neighborhood typology. Staff is supportive of the addition of density throughout the city, but there is a limit that can be placed per small individual residential lots. Additionally, the context of the neighborhood should be considered when reviewing variance proposals and staff was unable to locate any two-family or multi-family dwellings in the immediate area.
- ◇ Staff determined that the two units proposed in the existing dwelling would not be appropriate because it is unusually small measuring approximately 750 square feet per the site plan or 720 square feet per the floor plan compared to the minimum 900 square-foot main floor area required for a single-family dwelling. Two units within the existing dwelling would have a minimum floor area of 375 square feet or 360 square feet, but the petitioners' application noted that a one-bedroom apartment and studio apartment would be proposed resulting in one of the units being much smaller in size.
- ◇ An increase in housing units could be accomplished if the single-family dwelling were to remain and the garage converted to a secondary dwelling for a maximum of two units on site without the need for variances. This would result in an approximate density of 16 units per acre that would be more in line with the Comprehensive Plan recommendation.

(Continued)

**STAFF REPORT 2023-UV1-010 (Continued)**

- ◇ The requirement related to the property owner occupying one of the dwelling units as their permanent residence is to discourage the possibility of absentee owners and the resulting negative impact on adjacent residences and neighborhood such as neglect in property maintenance.
- ◇ The need for the variance does not arise from some condition peculiar to the property involved because two appropriately sized dwelling units could be proposed on site without the need for a variance.
- ◇ The strict application of the terms of the zoning ordinance would not constitute an unnecessary hardship if applied to the property for which the variance is sought because the site could continue to be used as is without variances.
- ◇ For these reasons, staff is recommending denial of the requests.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	Euclid Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated May 1, 2023.
FLOOR PLAN	File-dated May 1, 2023.
FINDINGS OF FACT	File-dated May 1, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

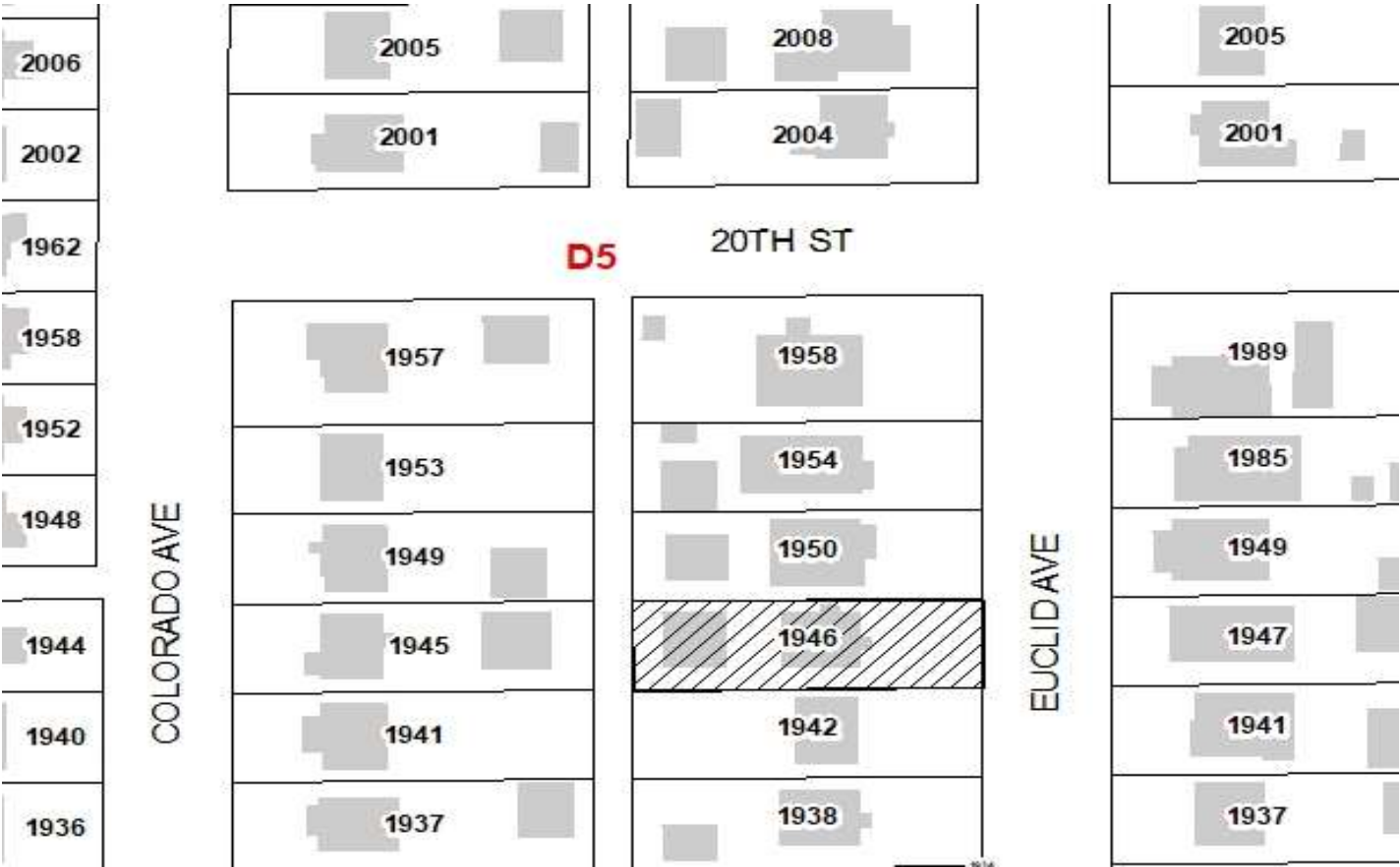
**2008-HOV-023; 1949 Forest Manor Avenue** (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 578-square foot attached garage with a three-foot rear setback (minimum twenty-foot rear setback required), **granted**.

**95-V2-10; 2002 North Linwood Avenue** (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence within the required front yard along 20<sup>th</sup> Street (minimum 42 inches in height required within the front yard) and within the right-of-way of 20<sup>th</sup> Street (not permitted), **granted**.

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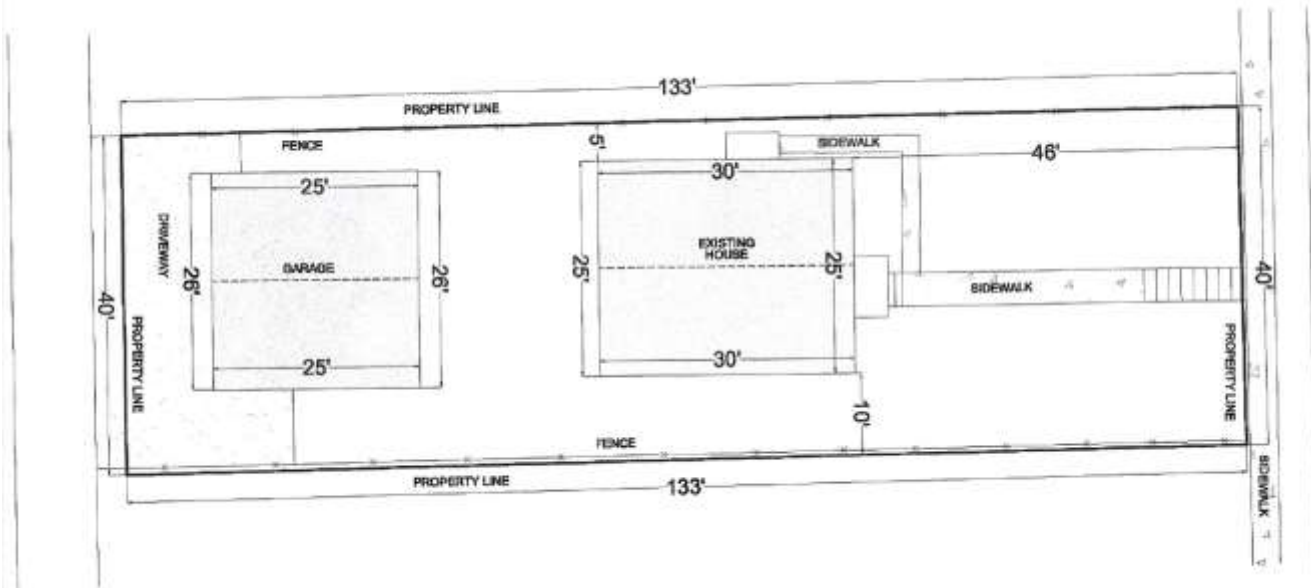
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2023-UV1-010; Location Map



2023-UV1-010; Aerial Map

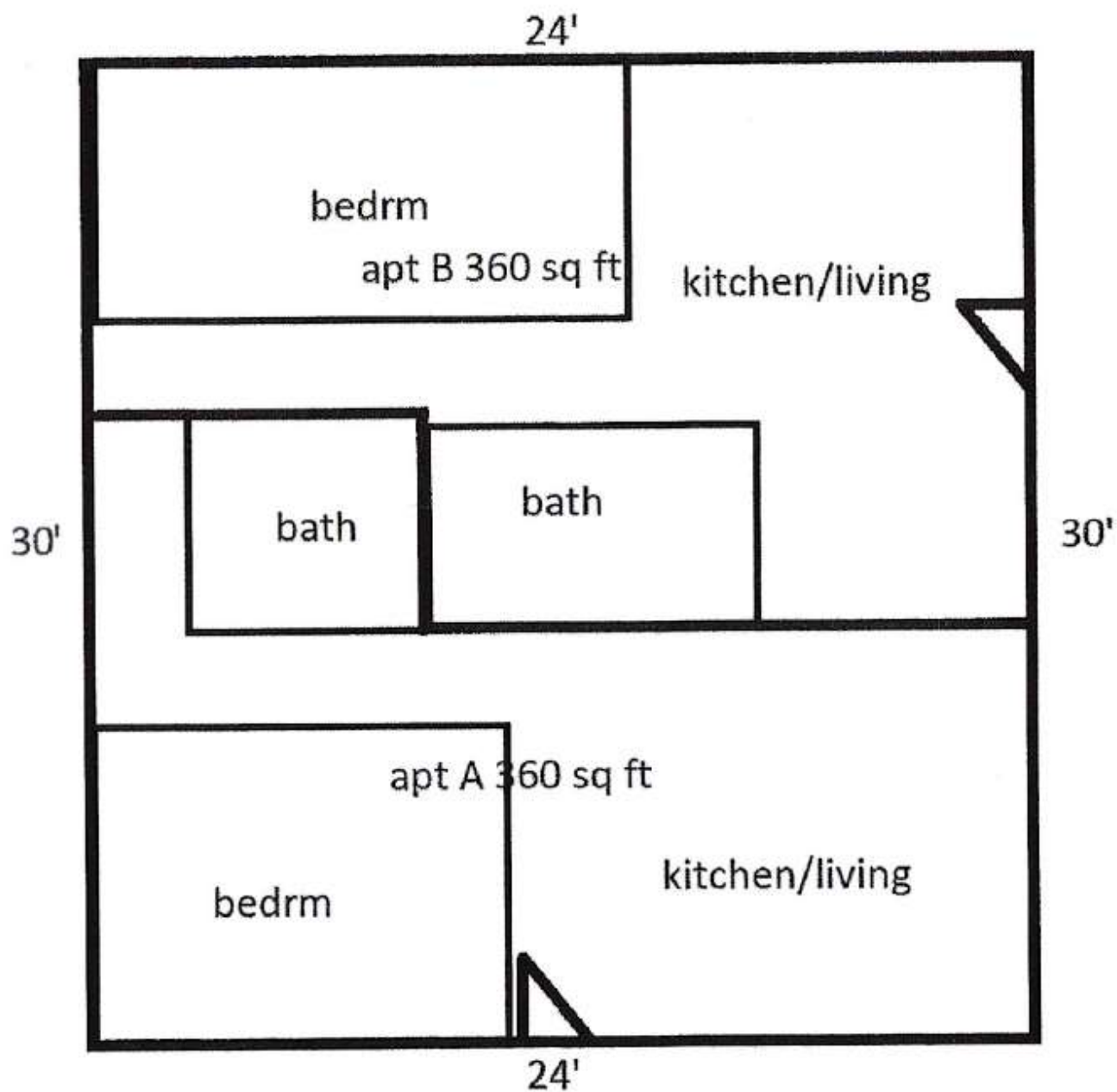




N ELMOLD AVE



1946 N. Euclid, Indianapolis, IN. 46218



PLAN OF OPERATION  
1946 N EUCLID AVENUE  
INDIANAPOLIS, IN 46218

The workforce would be maintenance, grass cutting, landscaping, performed done by the owner and/or subcontractors who are not W-2 employees.

Clients/Customers would be the occupants/tenants. There is parking in the detached two-car garage, street parking, plus a side area next to the garage.

The processes conducted on site would be providing safe, functional housing for tenants.

The materials used would be appliances and maintenance materials.

There will be no shipping and receiving other than regular mail

There will be no waste other than normal trash generated by tenants.



Photo of southern building façade at 1946 North Euclid Avenue.



Photo of the northern buiding façade at 1946 North Euclid Avenue.





Photo of the detached garage and north side setback.



Photo of the detached garage and south side setback.





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



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



Photo of a corner lot that could potentially be a two-family dwelling, but this was not confirmed.

## STAFF REPORT

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

**Case Number:** 2023-UV1-013  
**Address:** 5320 West Vermont Street (approximate address)  
**Location:** Wayne Township, Council District #15  
**Zoning:** C-4  
**Petitioner:** Josh Investment Inc., by Pat Rooney  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 42-unit multi-family dwelling project (not permitted) with a 17-foot east transitional yard and 16-foot south transitional yard (20-foot transitional yards required), 29 parking spaces (31 required for multi-family), and deficient landscaping and lighting elements (landscaping and photometric standards required).

### ADDENDUM FOR August 1, 2023

This petition was continued from the July 6, 2023 hearing to the August 1, 2023 hearing at the request of the petitioner.

Staff continues to **strongly recommend denial** of the request.

### RECOMMENDATIONS

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

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

C-4	Metro	Undeveloped
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwellings)
South	D-3	Residential (Single-family dwellings)
East	SU-1	Religious Use
West	C-4	Offices

COMPREHENSIVE PLAN	The Comprehensive Plan recommends office commercial development.
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(Continued)



**STAFF REPORT 2023-UV1-013 (Continued)**

- ◇ The 3.62-acre subject site is an undeveloped lot with an outdoor advertising sign on site.
- ◇ The site is surrounded by single-family dwellings to the south, zoned D-3, religious uses to the east, zoned SU-1, single-family dwellings to the north, zoned D-5, and offices to the west, zoned C-4.

**VARIANCE OF USE**

- ◇ The grant of the request would allow a multi-family development to be immediately adjacent to a proposed gas station and convenience store.
- ◇ The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Comprehensive Plan recommends Office Commercial typology. "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."
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time. The Pattern Book serves as a policy guide as development occurs.
- ◇ The Office Commercial recommendation does not include residential uses in the list of approved or supportive uses. Furthermore, the C-4 district does not allow residential uses by right other than emergency shelters, which are meant to be temporary solutions for those seeking assistance. This proves that the intent is to discourage residential development within this typology and zoning district.
- ◇ In instances where residential uses are developed on appropriately zoned dwelling districts, they are entitled to protections from such intense uses with the requirements for transitional yards that provide a high degree of heavily landscaped buffering to protect residents from issues with noise and light pollution. That would not be the case with this development since the request would integrate two opposing uses with shared access drives, parking lot, and lighting.
- ◇ The site would also not provide for residential amenities such as a club house, pool, outdoor recreation, walking trails, barbeque pits, or the like that would normally be provided for this type of residential development.

(Continued)

**STAFF REPORT 2023-UV1-013 (Continued)**

- ◇ Furthermore, Staff determined the development to be inappropriately designed creating a pedestrian safety concern because no safety measures would be taken to prevent pedestrian and vehicular incidences if customers from the commercial uses choose to cut through the shared parking area to circumvent a red light at the intersection.
- ◇ A multi-family development would be wholly inappropriate in such proximity to a proposed gas station and convenience store due to the nature of the use (noise, trash, lighting), with primarily outdoor operations 24 hours per day, 365 days per year. Providing a multi-family development at this location would be a disservice to future residents, since a 24-hour gas station and convenience store would have a negative impact on their quality of life.
- ◇ The Findings of Fact note that the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because “it would result in the subject property being used for a gas station only which is not the highest and best use of the subject property especially since the subject property is approximately 3.52 acres”. However, the C-4 district allows for a variety of other uses such as other commercial uses, health care facilities, community, cultural and educational facilities. It is unlikely that all appropriate uses have been exhausted. Instead, it would be the petitioner who would be restricting the development of the large site with the proposal.
- ◇ In staff’s opinion, the grant of the request would substantially interfere with the Comprehensive Plan because residential uses would not be recommended for office commercial development.
- ◇ If approved against staff’s recommendation, Indy Parks requests a commitment for the installation of required landscaping (trees) be installed in the right-of-way of Vermont Street and Lynhurst Drive at approved locations by City Forrester with maintenance funding to Keep Indianapolis Beautiful (KIB) for the trees for no less than three years after installation. Trees shall be maintained and replaced if needed by the petitioner throughout the three-year period.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would permit the development of the site to have deficient transitional yards, parking, landscaping, and lighting.
- ◇ The C-4 district in the Metro Context area requires 20-foot front transitional yards. As proposed, the site would have a 17-foot east transitional yard and a 16-foot south transitional yard.
- ◇ With this being all new construction, there is no reason why the 20-foot transitional yards could not be met to protect the religious and residential uses to the east and south from the more intense commercial use proposed.

(Continued)

**STAFF REPORT 2023-UV1-013 (Continued)**

- ◇ The parking calculations of the site included office space, fueling station/convenience store, and laundromat, but failed to include the parking requirements for the multi-family dwellings. Based on the three-story 42-unit complex, 31 parking spaces would be required for the multi-family dwellings. The site provides a total of 83 parking spaces, which leaves 54 for the commercial uses with a remainder of 29 spaces for the residents. There would be approximately two parking spaces missing, which staff finds could be proposed on site or the petitioner could use the parking reductions of the Ordinance to address the deficiency and note it on their parking calculations. An additional three bike spaces would be required unless the petitioner wishes to amend the request for an additional variance.
- ◇ The photometric plan provided did not extend to the entirety of the site as required by Table 744-604-1 for the entrances, walkways, and right-of-way. Additionally, the required light level standards were not met in the plan that was provided.
- ◇ Based on the landscape information provided, the required landscaping would not be met since the calculations of the required trees or plantings were not rounded up to the next whole number per Sec. 740-306.A. Staff was unable to confirm if the Green Factor would be met since a Green Factor calculation sheet was not provided.
- ◇ Ultimately, staff determined that the development standards could be met with the reconfiguration of the proposed development and strongly recommends that the request be denied.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	Vermont Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing right-of-way and a 50-foot proposed right-of-way.
THOROUGHFARE PLAN	Lynhurst Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 98-foot existing right-of-way and a 112-foot proposed right-of-way.
OVERLAY	This site is located within an environmentally sensitive overlay, specifically the Forest Woodlands Alliance
FLOODPLAIN	The northern portion of this site is in the 500-year unregulated floodplain of Mill Run.
SITE PLAN	File-dated June 1, 2023.
LANDSCAPE PLAN	File-dated June 1, 2023.
ELEVATIONS	File-dated March 8, 2023.
PHOTOMETRIC PLAN	File-dated June 1, 2023.
FINDINGS OF FACT	File-dated March 8, 2023.

(Continued)



**STAFF REPORT 2023-UV1-013 (Continued)****ZONING HISTORY – SITE**

EXISTING VIOLATIONS: None.

**PREVIOUS CASES**

**2001-DV2-024; 5348 West Vermont** (subject site), Variance of development standards of the Sign Regulations to provide for a 40-foot tall, combined advertising sign / commercial pole sign located 76 feet from a protected district (minimum 100-foot separation required) for a proposed integrated center, with the advertising portion being 195-square feet and the commercial portion being 210-square feet, **denied**.

**81-Z-44; 5320 West Vermont** (subject site), Rezoning of 10.0 acres, being in the C-4 and D-6II Districts to the C-4 classification, to provide for commercial development, **approved**.

**ZONING HISTORY – VICINITY**

**2020-UV1-013; 359 North Lynhurst Drive**(southeast), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for automobile sales and repair (not permitted), with zero-foot front transitional yards and a 10-foot south side transitional yard (20-foot front and side transitional yards required), **withdrawn**.

**2017-SE1-006; 5136 West Vermont Street** (east), Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for accessory religious uses to an existing religious use, including offices and meeting rooms, **granted**.

**2017-UV2-004; 645 North Lynhurst Drive** (northeast), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for truck parking (not permitted), with a six-foot transitional setback and an office building with a 15-foot transitional setback (20-foot transitional setback required) and with a six-foot tall fence in the front yard (not permitted), **dismissed**.

**2015-DV1-072; 528 Shingle Oak Court** (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a sunroom addition, with an eleven-foot setback, encroaching nine feet into a 20-foot-wide drainage and utility and sewer easement, **granted**.

**2006-DV1-032; 340 and 342 North Lynhurst Drive** (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an eight-foot-tall wooden privacy fence in the front yard along Vermont Street and in the west and south side yards, with portions of the fence rising to a height of nine feet along North Lynhurst Drive, **granted**.

**92-Z-93; 603 North Lynhurst Drive** (northeast of site), Rezoning of 2.1 acres being in the I-2-U district, to the C-3 Classification to provide for a retail center, **approved**.

**86-UV1-95; 350 North Fuller Drive** (southeast), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing church, **granted**.

(Continued)

**STAFF REPORT 2023-UV1-013 (Continued)**

**85-Z-27; 705 North Lynhurst Drive** (northeast of site), Rezoning of 14.45 acres, being in the A-2 district, to the I-2-U classification, to provide for light industrial uses, **approved.**

**85-Z-212; 602 North Lynhurst Drive** (north of site), Rezoning of 93.8 acres from the SU-16, D-6II, D-7 and D-9 Districts to the D-5 Classification to provide for residential use by platting, **approved.**

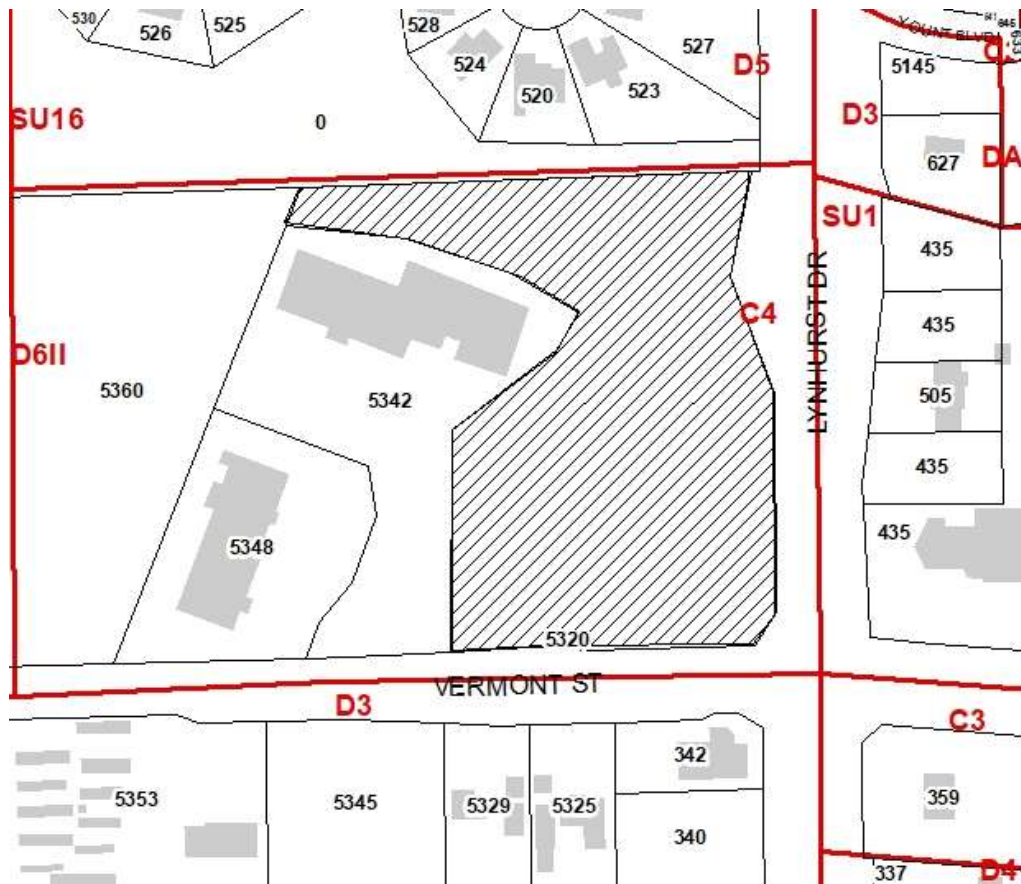
**82-Z-97; 702 North Lynhurst Drive** (north of site), Rezoning of 45.2 acres, being in the D-6II and D-7 District, to the SU-16 Classification to provide for commercial recreation and an amusement park, **approved.**

**72-Z-97; 5520 West Vermont Street** (west of site), Rezoning of 40.50 acres, being in the A-2 District, to the D-6il classification, to provide for an apartment complex, **approved.**

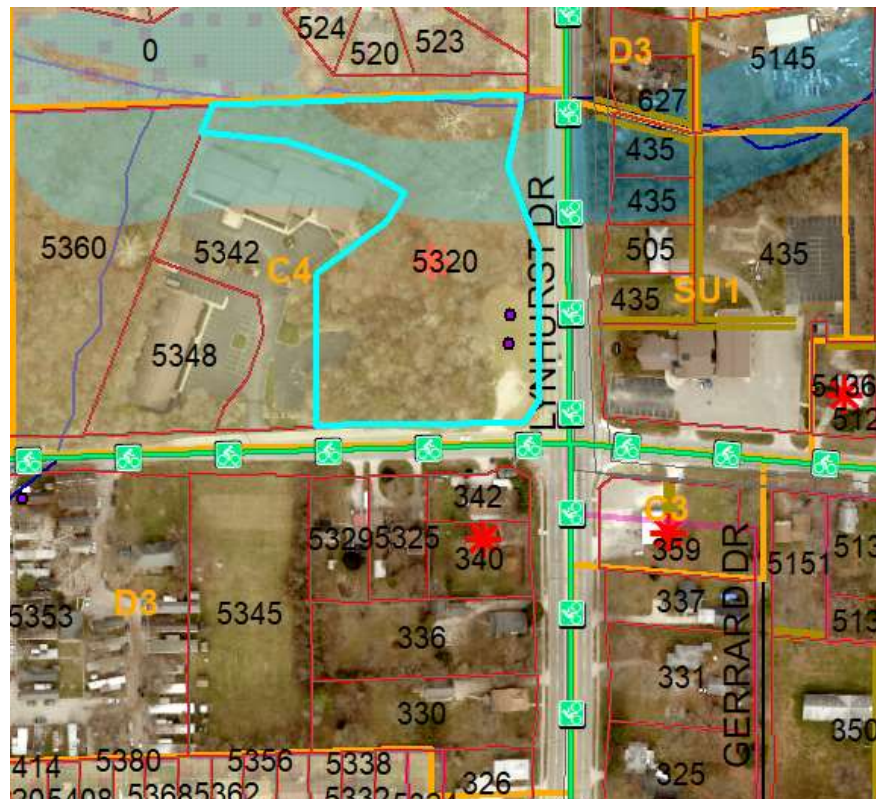
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## 2023-UV1-013; Location Map



**2023-UV1-013; Aerial Map**





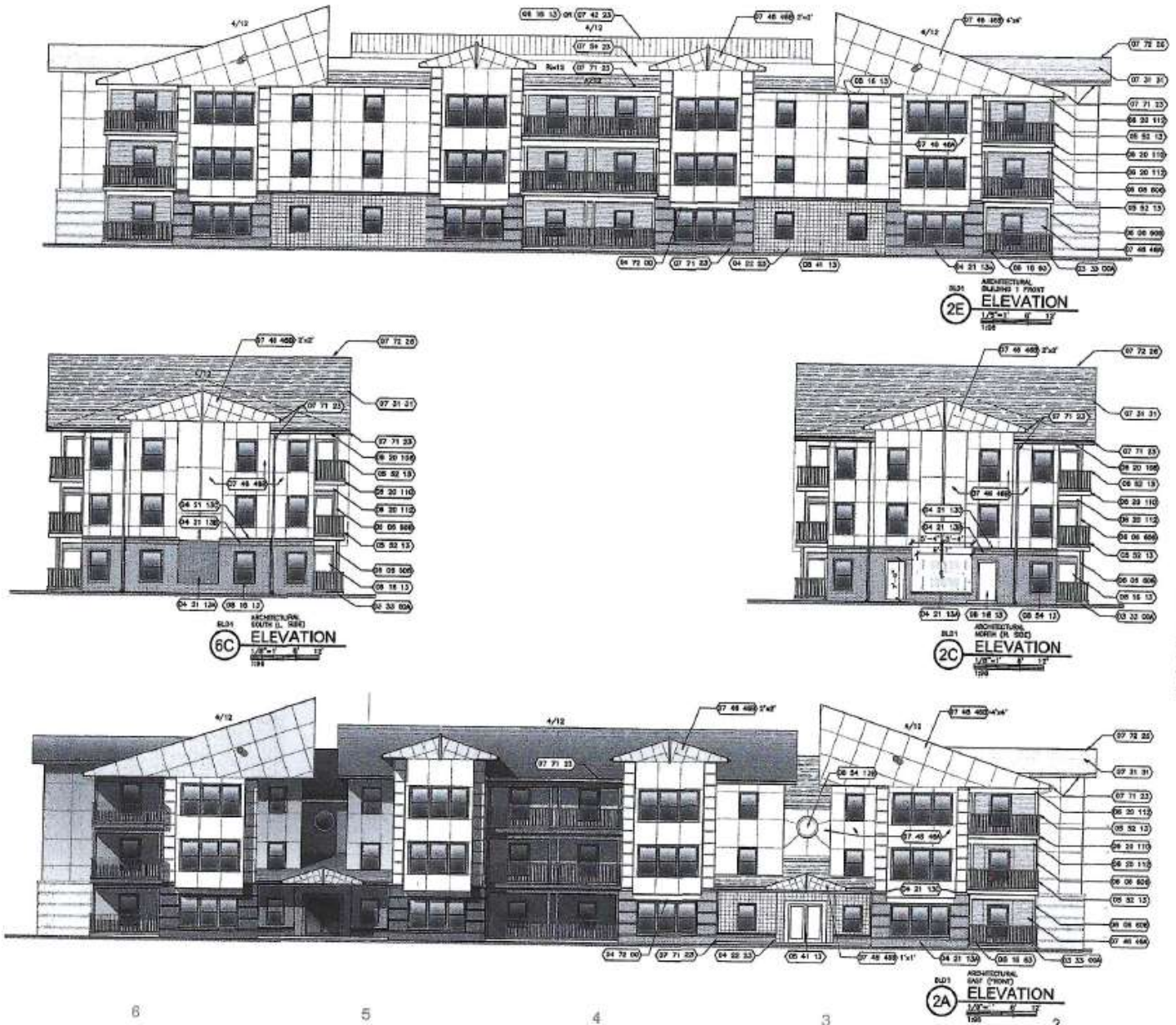


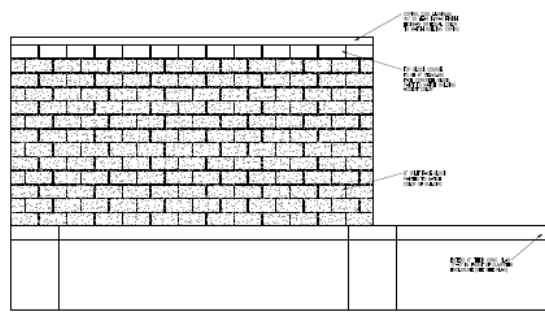
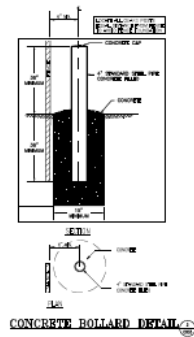
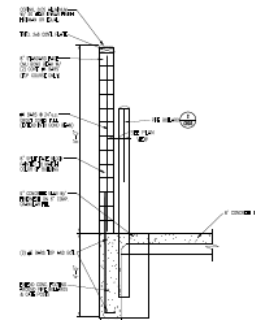
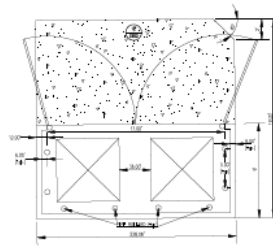
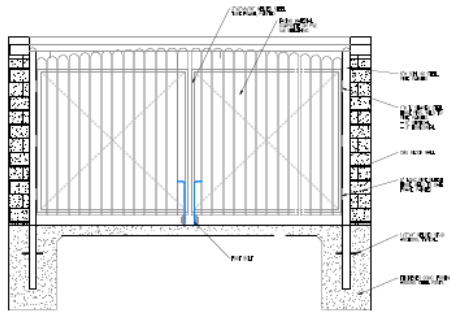


## REQUIREMENTS

(PI)	PARKING LOT INTERIOR REQUIREMENTS
	9% OF UNCOVERED VEHICLE AREA 1 TREE PER 180 SF. = 4300 SF = 24 TREES REQUIRED 12 TREES PROVIDED + 12 TREE CREDITS USED
(PP)	PARKING LOT STREET FRONTAGE PERIMETER
	1 ORNA. TREE PER 20 LF + 3 SHRUBS PER 25 LF IN 6' BED 15 ORNA. + 37 SHRUBS ON EAST SIDE 17 ORNA. + 41 SHRUBS ON SOUTH SIDE 32 ORNA. + 78 SHRUBS REQUIRED 11 ORNA. + 21 TREE CREDITS + 78 SHRUBS PROVIDED
(FY)	FRONT YARD LANDSCAPE
	20% OF FRONT YARD FRONTAGE LENGTH IN NATIVE PERENNIAL AND SHRUB PLANTINGS 1,067 SF EAST + 1,103 SF SOUTH = 2,170 SF PLANTING 1,067 SF EAST + 1,103 SF SOUTH = 2,170 SF PLANTING







**DUMPSTER ENCLOSURE DETAILS**

NOTE: DUMPSTER MASONRY TO MATCH PROPOSED BUILDINGS. SEE ARCHITECTURAL PLANS



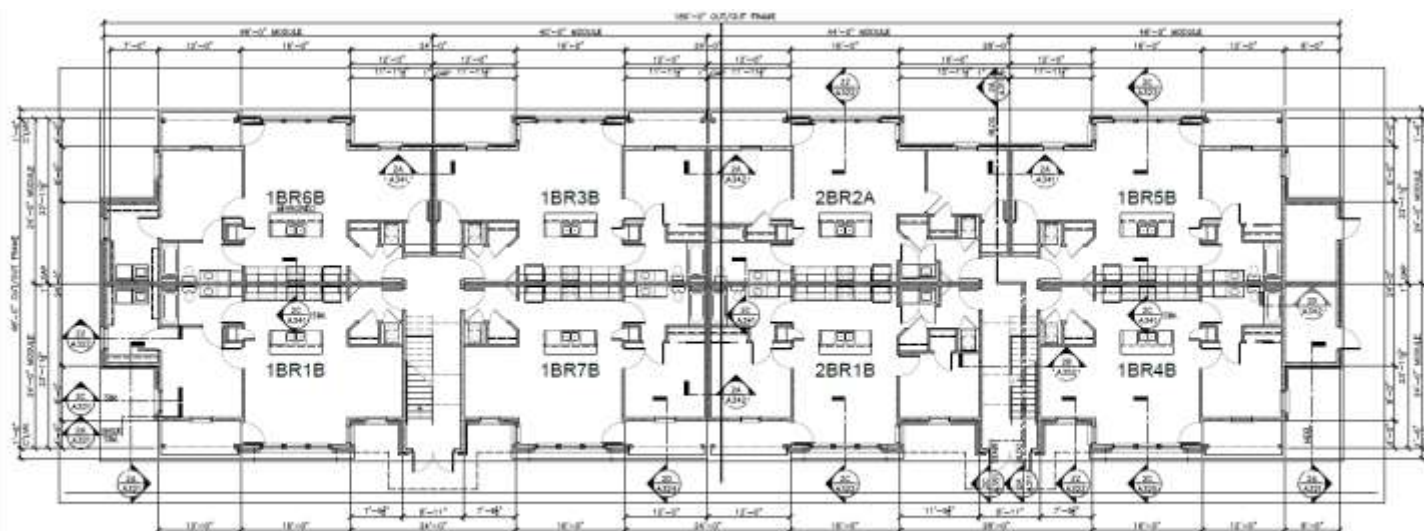
**JOSEPH INVESTMENT INC.**  
1000 E. 10TH ST.  
SUITE 100  
DENVER, CO 80202

**INTEGRATED CENTER  
CONSTRUCTION PLANS**  
DENVER, CO  
Details - Dumpster Enclosure

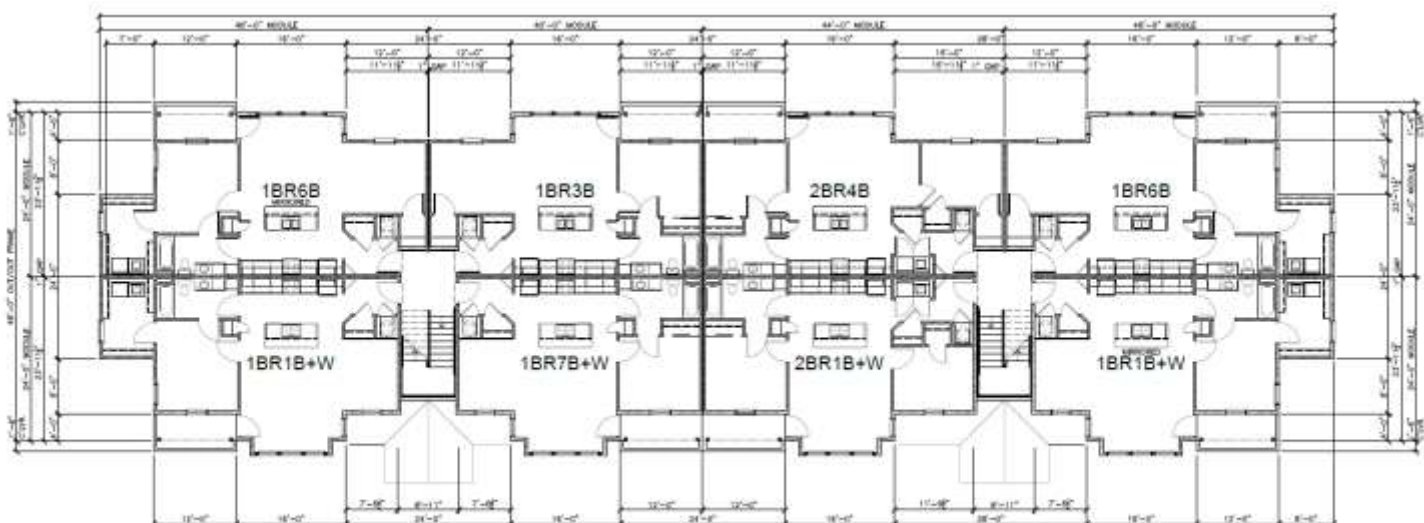


**19113**  
**C803**

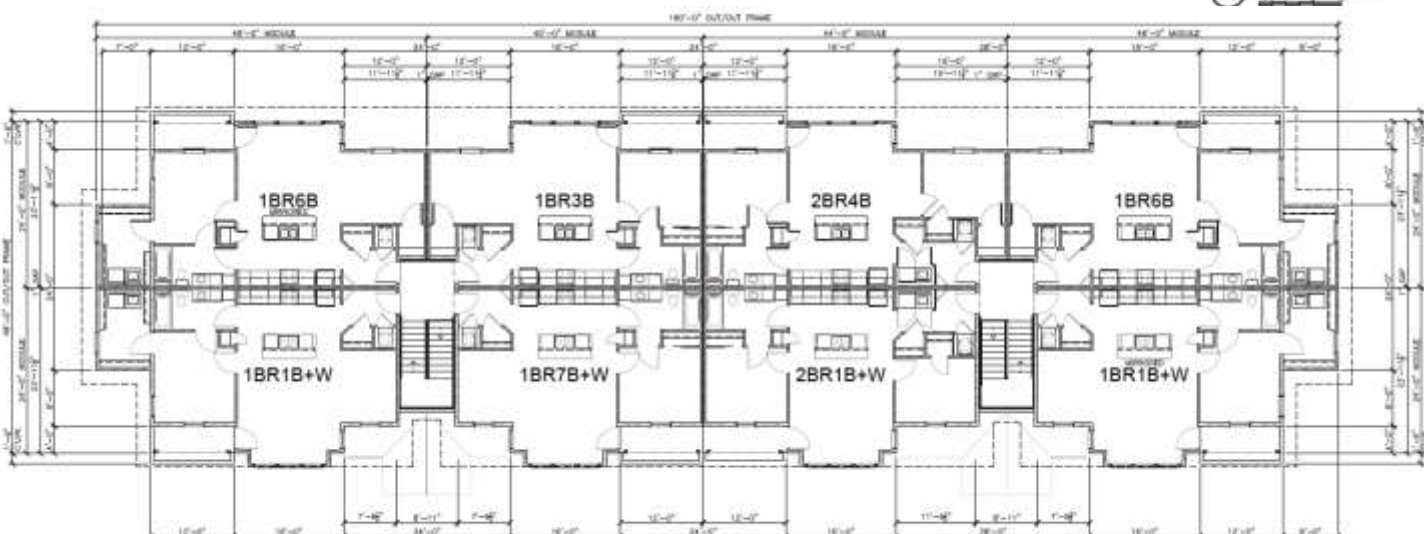




2A  
ARCHITECTURAL  
FLOOR - L1  
PLAN  
1/8" = 1'-0"



2C  
ARCHITECTURAL  
FLOOR - L2  
PLAN  
1/8" = 1'-0"



2A  
ARCHITECTURAL  
FLOOR - L3  
PLAN  
1/8" = 1'-0"

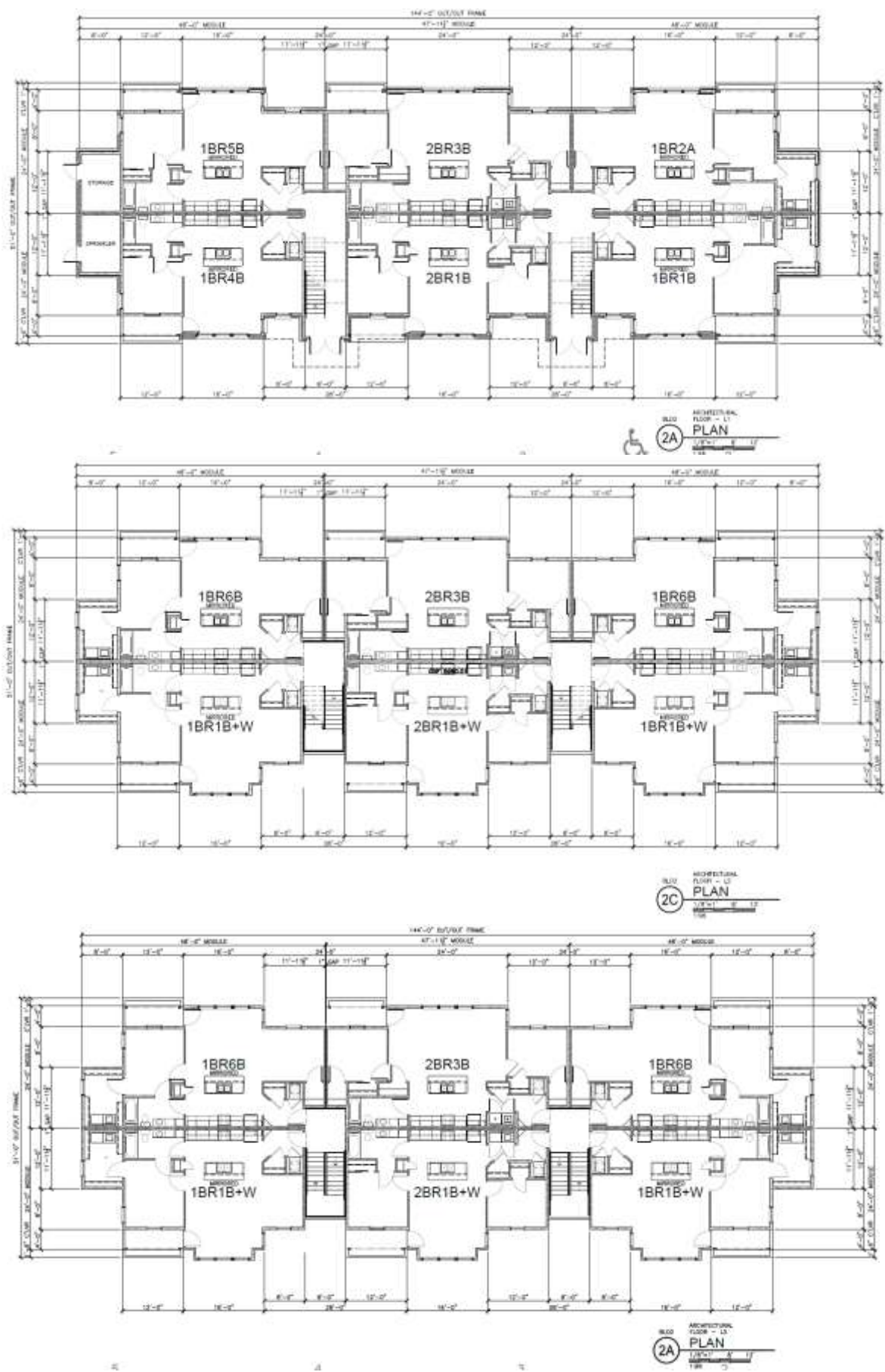








Photo of the Subject Property: 5320 West Vermont Street (



Photo of the southern property boundary of the subject site looking northwest.





Photo of the eastern property boundary looking west on the site.



Photo of the eastern property boundary looking northwest on the site.



Photo of the northern property boundary that would abut the single-family dwellings to the north.





Photo of the offices west of the subject site.



Photo of the western property boundary that will abut the offices to the west of the site.





Photo of the western property boundary of the subject site looking east.



Photo of the parking lot of the offices west of the site.





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



Photo of the commercial property southeast of the site.





Photo of a single-family dwelling east of the site.



Photo of the single-family dwelling associated with the church east of the site.



Photo of the church east of the site.

## STAFF REPORT

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

**Case Number:** 2023-UV1-014  
**Address:** 7006 Southeastern Avenue (approximate address)  
**Location:** Franklin Township, Council District #18  
**Zoning:** I-1  
**Petitioner:** The Auto Center, by Mitchell A. Ray  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a personal motor vehicle repair shop within the existing building (not permitted) with outdoor storage of motor vehicles awaiting repair within 70 feet of a protected district without the required screening (outdoor storage not permitted within 500 feet of a protected district, solid screened enclosure required).

This petition was continued for cause at the request of the petitioner, from the July 6, 2023, hearing, to the August 1, 2023, hearing.

### **RECOMMENDATIONS**

Staff **recommends denial** of this petition.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

Metro	I-1	Neighborhood Commercial Uses
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##### SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwelling / Agricultural uses
South -	C-3	Undeveloped
East -	C-4	Single-family dwelling
West -	D-A	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends village mixed-use
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#### **VARIANCE OF USE**

- ◇ This request would provide for a personal motor vehicle repair shop, or an automobile service or repair use as defined by the Ordinance.
- ◇ An automobile service or repair facility is a permitted C-4 use and are generally considered a medium-intensity commercial use. Such uses often are large traffic generators and are characterized by having primarily indoor operations.

(Continued)

## **STAFF REPORT 2023-UV1-014 (Continued)**

- ◇ The proposed use would provide outdoor storage of motor vehicles awaiting repair on the adjacent gravel parking area, although the submitted site plan and plan of operation does not indicate this, nor place any limits on how many are to be stored at any given time. This storage area would be within 70 feet of a protected district, where a 500-foot separation would normally be required.
- ◇ The existing gravel parking lot is non-compliant, and unstriped. An additional variance would be needed if it is intended to remain.
- ◇ The plan of operation also does not indicate or limit the number of outdoor vehicles to be stored at any given time. Leading to the possibility of unattended and inoperable vehicles remaining on site for lengthy periods of time. The uncertainty of this could overwhelm the site and significantly negatively impact adjacent property owners if this variance was to be granted.
- ◇ The proposed use would be inconsistent with the Comprehensive Plan recommendation of village mixed use for the site. The village mixed use recommendation is intended for low-intensity neighborhood-based retail commercial and office uses, which serve a predominantly residential market adjacent to or very near the location of the use. These uses generally contain no, or extremely limited outdoor display of merchandise. Automotive uses, including an automobile service or repair facility is not a recommended use in the Village Mixed Use plan recommendation.
- ◇ The proposed use would require extensive outdoor storage of automotive vehicles awaiting repair, which runs counter to the intent of the existing I-1 zoning district, and the Comprehensive Plan recommendation for village mixed use. Staff believes that this request, if approved, would negatively impact the adjoining residential uses to the east.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned I-1 and can be utilized for I-1 uses without the benefit of a variance.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

This portion of Southeastern Avenue is indicated in the Official Thoroughfare Plan as a primary collector, with an 80-foot existing and proposed right-of-way.

This portion of East Troy Avenue is indicated in the Official Thoroughfare Plan as a primary collector, with a 30-foot existing right-of-way and an 80-foot proposed right-of-way.

### **SITE PLAN**

File-dated June 2, 2023.

### **PLAN OF OPERATION**

File-dated June 2, 2023.

### **FINDINGS OF FACT**

File-dated June 2, 2023.

(Continued)

**ZONING HISTORY**

**2013-HOV-012; 7102 Southeastern Avenue (southeast of site)**, requested a variance of use to legally establish an existing single-family dwelling and to provide for the construction of a 712-square foot detached garage in a C-3 zoning district, **granted**.

**97-HOV-55; 7201 Troy Avenue (east of site)**, requested a variance of use to provide for an above ground pool associated with an existing single-family dwelling in a C-3 zoning district, **granted**.

**87-A2-1; 7016 Southeastern Avenue (east of site)**, requested an Administrative Appeal of the Administrator's denial of an Improvement Location Permit for the outside display and sale of automobiles, **denied**.

**86-Z-94; 7016 Southeastern Avenue (east of site)**, requested the rezoning of 1.8 acres, being in the C-4 district, to the C-5 classification to allow the sale of used cars, **withdrawn**.

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**2023-UV1-014: Location Map**







## **The Auto Center**

### **Plan of Operations**

The Auto Center is headquartered in the historical H.A. Waterman Co building located at 7006 Southeastern Avenue, Indianapolis, Indiana. It provides local residences a convenient location for their personal auto repair and service needs. It is The Auto Center's goal to provide convenient, affordable, and excellent customer service to its clientele. It has been successful in meeting its goals as evidenced by its perfect rating on Google Reviews and Facebook Rating.

#### **Services Provided:**

The Auto Center provides personal service and repairs such as:

- A/C Installation & Repair;
- Engine Diagnostic & Repair;
- Battery Replacement;
- Brakes;
- Electrical Repair;
- Oil Change;
- Wheel and Tire Alignment; and
- Other routine services and repairs.

The Auto Center does not perform any vehicle body work.

#### **Workforce:**

The Auto Center currently employs five mechanics who operate on 5-10 customer vehicles per day. The Auto Center is open for business Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m.

#### **Customers:**

While open to all non-commercial customers, The Auto Center provides most of its services to residents in Franklin Township and Warren Township. Customers typically drop off their personal vehicles in the Auto Center's secure parking lot which has been upgraded to include asphalt parking spaces and ADA compliant parking spaces.

#### **Materials Used and Services Conducted:**

Auto repairs shops have historically been considered as having loud operations. However, The Auto Center is proud to use all electric tools which effectively silences their operation to surrounding landowners. The Auto Center does not generate any hazardous material or waste, other than motor oil, which is retained in drums and recycled off site every month.





Subject site looking north



subject site looking north.



Subject site, looking southwest



subject site looking southeast



Adjacent single family residential to the east of site, looking north.



Adjacent single family residential and agricultural use to the north of site.



## BOARD OF ZONING APPEALS DIVISION I

August 1, 2023

**Case Number:** 2023DV1031  
**Property Address:** 1409 Fletcher Ave  
**Location:** Center Township, Council District #17  
**Petitioner:** Dan Barber, by Bob Abbott  
**Current Zoning:** D-5  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-foot side yard setbacks required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Approval  
**Recommended Motion:** Motion to approve petition 2023-DV1-031  
**Staff Reviewer:** Noah Stern, Associate Planner

## PETITION HISTORY

This is the first scheduled hearing for this petition

## STAFF RECOMMENDATION

Staff recommends **approval** of this request

## PETITION OVERVIEW

- ◇ This request would provide for a detached garage on the .09-acre subject site with three-foot side yard setbacks for both side yards (five-foot yard setbacks required).
- ◇ Detached garages are a normal development in the neighborhood. Additionally, with most of the area containing narrow lots, reduced side yard setbacks are not uncommon in the neighborhood.
- ◇ The existing lot has a width of 30 feet. The minimum lot width in the D-5 district is 40 feet, thus, the associated development standards for D-5 districts are meant for lots that are wider than the subject site, representing a practical difficulty for the property owner. Therefore, Staff would not be opposed to the reduced three-foot side yard setbacks to accommodate a new detached garage.

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

**GENERAL INFORMATION**

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-5	North: Single-Family Residential
	South: D-5	South: Single-Family Residential
	East: D-5	East: Single-Family Residential
	West: D-5	West: Single-Family Residential
Thoroughfare Plan		
	Local Street Existing ROW: 72ft Proposed ROW: 48 ft	Fletcher Ave
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/31/23	
Site Plan (Amended)	N/A	
Elevations	7/13/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/31/23	
Findings of Fact (Amended)	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 recommends the Traditional Neighborhood living typology for this site
- Garages should be loaded and accessed from an alley or side street, when possible.

### **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**

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
  - With regards to detached garages, the Infill Housing Guidelines document recommends:
    - Locate accessory structures behind primary building
    - Access accessory buildings from alleys
    - Don't overshadow primary buildings
- The proposal is in accordance with these recommendations.

### **Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

#### EXISTING VIOLATIONS

N/A

#### PREVIOUS CASES

N/A

### ZONING HISTORY – VICINITY

**2012DV2012; 1412 Hoyt Ave (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story garage and room addition by legally establishing a 1.5-foot west side setback and creating a six-foot aggregate side setback (four-foot minimum and 10-foot aggregate side setback required), **dismissed**.

**2019DV2007; 1440 Hoyt Ave (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage creating 41% open space (minimum 60% open space required) and to legally establish the existing 13-foot front setback, zero-foot side setbacks and zero-foot separation of the primary dwelling from the adjoining dwellings (18-foot front setback or average, three-foot side setback and 10-foot separation required), **approved**.

**2019DV3011; 1230 Hoyt Ave (south of site)**, (AMENDED) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 10-foot front setback and 3.5 feet between dwellings and to provide for a detached garage, creating 52% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved**.

**2021DV1001; 1515 Hoyt Ave (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a 5.5-foot front setback, nine feet between dwellings, and a detached garage, resulting in 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved**.

**2004ZON101; 1402 Hoyt Ave (south of site)**, Rezoning from C-1 district to D-5 district to provide for continued religious uses. The subject site is improved with a single-story church and was the subject of a previous petition, 2003-LNU-003, which granted a Certificate of Legal Nonconforming Use for religious uses, **approved**.

**2013CZN824; 1334 Hoyt Ave (south of site)**, Rezoning of 0.25 acre from the C-1 district to the D-5 classification to provide for single-family residential development, **approved**.



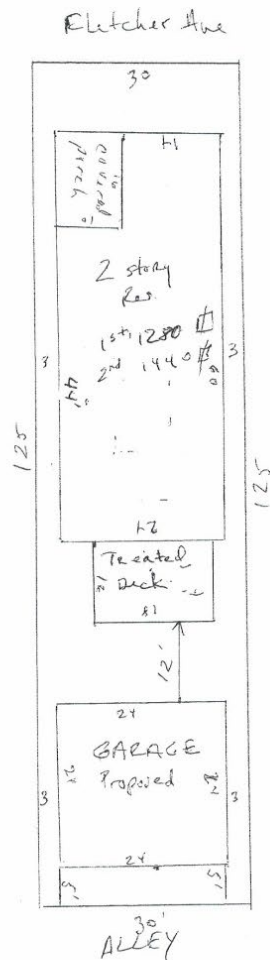
**Department of Metropolitan Development  
Division of Planning  
Current Planning**

**2017ZON005, 1401 Hoyt Ave, (south of site),** Rezoning of 0.09 acre, from the C-1 district to the D-5 classification, **approved.**

**2017ZON048, 1407 Hoyt Ave, (south of site),** Rezoning of 0.09 acre, from the C-1 district to the D-5 classification, **approved.**

Department of Metropolitan Development  
 Division of Planning  
 Current Planning

## EXHIBITS



Dan Baker  
 1402 Fletcher Ave  
 Ingle 46203  
 770-757-7796  
 dbthree@gmail.com

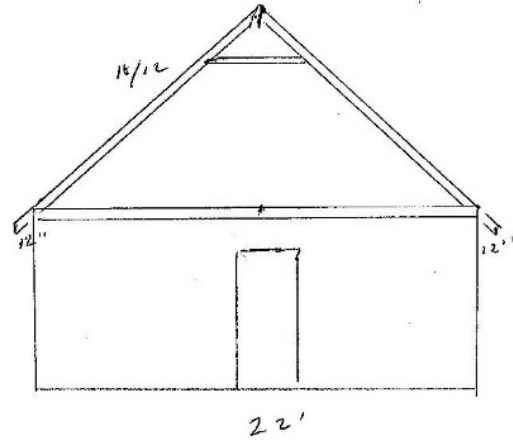
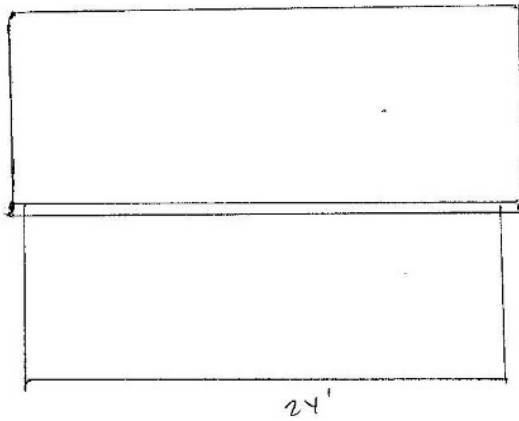
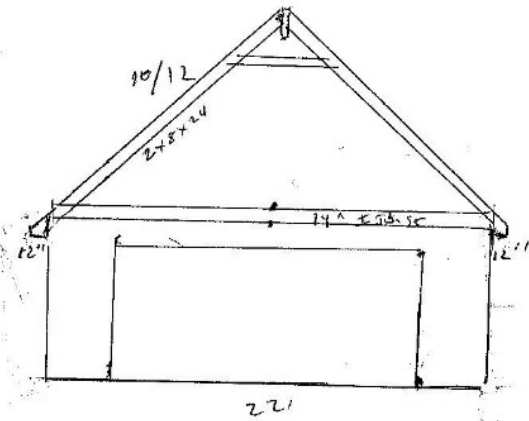
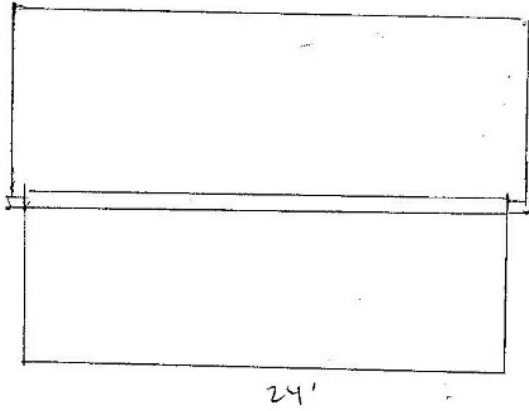
North

1 inch  
 8 Feet



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

2023 DVI 031 1409 Fletcher Ave



1 inch  
 3 Feet

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

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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE **\_Detached garage is a normal accessory building for a residence and will be used only for legal parking of vehicles and storage of personal property**
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 **detached garages are common in this subdivision. Due to small lots, it is common to seek a variance on order to build a garage, The garage will remain at least 3 feet from side property lines and will be the same distance off of property as the primary residence**
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE **Granting of side setbacks variance will not allow the detached garage from encroaching on lot lines or encumbering use of adjacent properties. Increasing building area is necessary in this subdivision due to small lots, The home itself nearly exceeds open area The addition of a small 22x24 detached garage would not be possible with out relief with this variance. A garage is crucial for security of automobiles and personal property**

**DECISION**

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

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

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

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## STAFF REPORT

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

**Case Number:** 2023-DV1-033  
**Address:** 337 Sanders Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-5  
**Petitioner:** 3 Amigos Estate LLC, by Mark and Kim Crouch  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing single-family dwelling resulting in a three-foot front yard setback, a zero-foot west side yard setback, a three-foot eastern side yard setback and an open space of 31 percent (minimum 10-foot front yard setback, five-foot side yard setbacks and 40 percent open space required).

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5	Compact	Residential (Single-family dwelling)
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##### SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE PLAN	The Comprehensive Plan recommends traditional neighborhood development.
--------------------	---

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

(Continued)

**STAFF REPORT 2023-DV1-033 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

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

**GENERAL INFORMATION****THOROUGHFARE PLAN**

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

**SITE PLAN**

File-dated June 27, 2023.

**FINDINGS OF FACT**

File-dated June 27, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

(Continued)



**STAFF REPORT 2023-DV1-033 (Continued)****PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

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

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

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

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

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

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

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

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

(Continued)

**STAFF REPORT 2023-DV1-033 (Continued)**

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

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

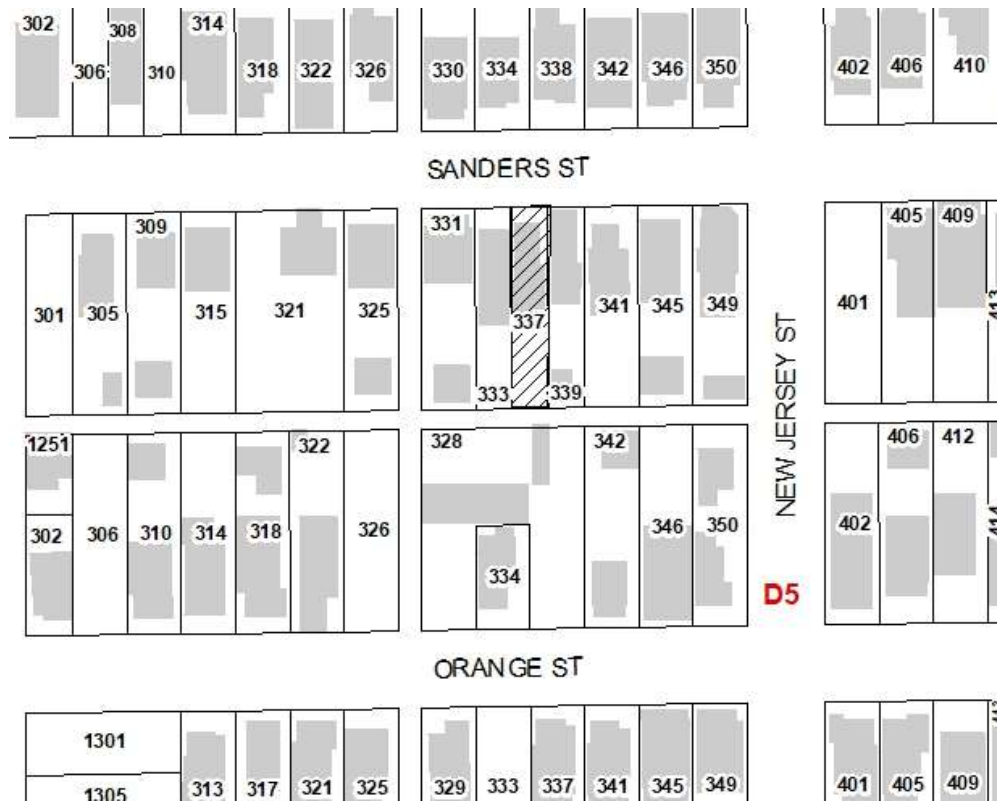
**2016-HOV-28; 345 Orange Street** (southeast), Variance to permit construction of a deck and detached garage, creating 48 percent open space, **granted**.

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

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**2023-DV1-033; Location Map**



**2023-DV1-033; Aerial Map**





## 2023-DV1-033; Site Plan

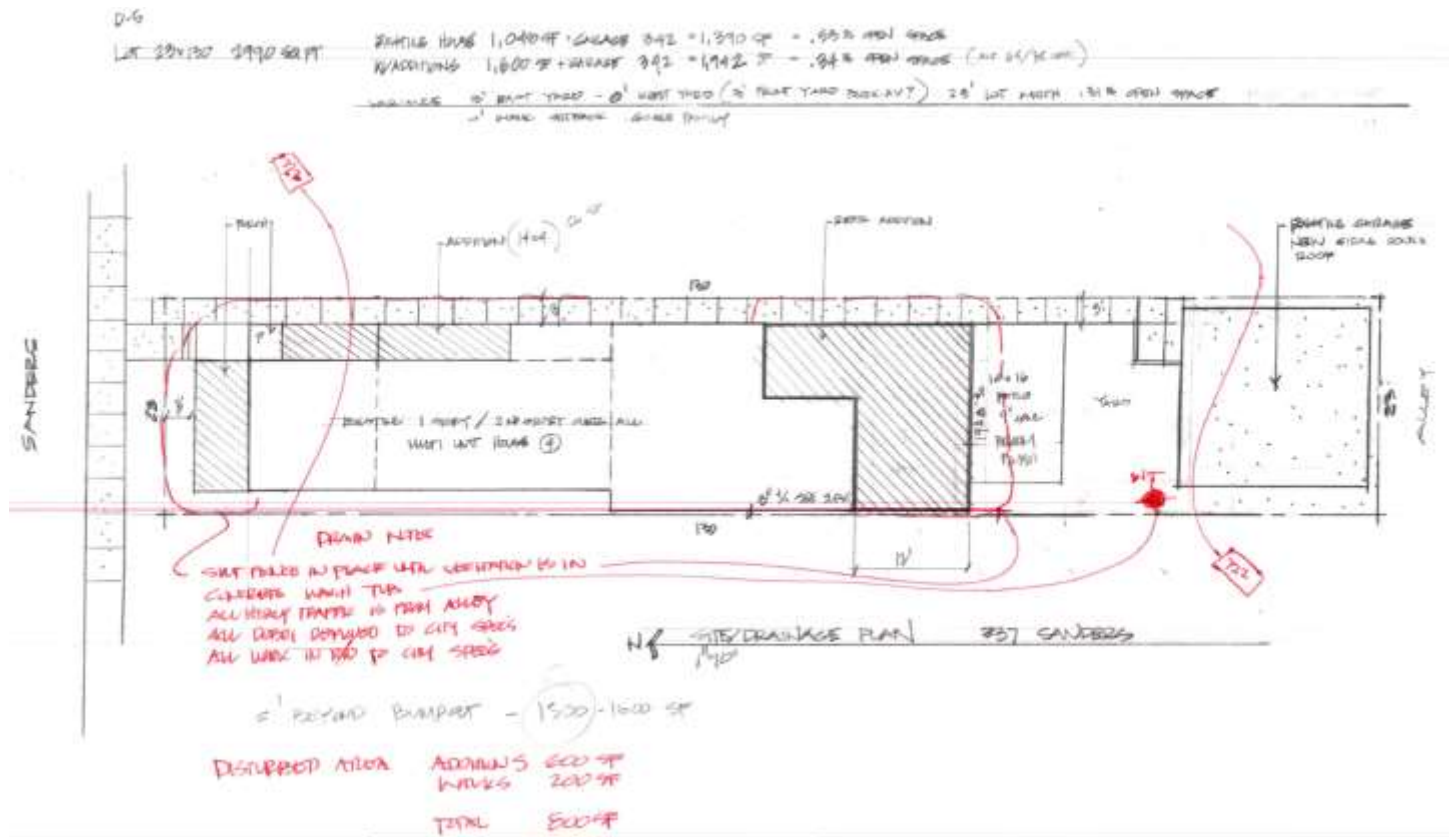




Photo of the Subject Property: 337 Sanders Street



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





Photo of the existing east side setback.



Photo of the existing west side setback.





Interior photo of the existing building foundation.



Interior photo of the existing building looking south.



Photo of the alley south of the subject site.



Photo of the rear of the house.





Interior photo of the existing garage.



Interior photo of the existing garage.



## BOARD OF ZONING APPEALS DIVISION I

August 01, 2023

**Case Number:** 2023-DV1-035

**Property Address:** 1310 W 26<sup>th</sup> Street

**Location:** Center Township, Council District #11

**Petitioner:** Allan Pingul, by Jeremy Littell

**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 and secondary dwelling unit, each with three-foot side yard setbacks (five-foot side yard setbacks required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **approval** for this request

**Recommended Motion:** Motion to approve petition 2023-DV1-035

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

## PETITION HISTORY

N/A

## STAFF RECOMMENDATION

Staff recommends **approval** for this request

## PETITION OVERVIEW

- ◇ The request would grant 4 feet side yard setbacks (5 feet side yard setbacks required) on the .10-acre subject site to allow for the construction of a 2-story single-family detached house and a 2-story accessory structure with a garage on the ground floor.
- ◇ The minimum lot width in D-5 districts for detached units is 40 feet. The lot width of the subject site is 33 feet, representing a practical difficulty with regards to the ability for the property owner to comply with side yard setback requirements.
- ◇ In certain land use typologies, such as D-5, reduced setbacks can often lead to adjacent structures overwhelming one another. The proposed height of the primary structure is to be 24 feet (35 feet maximum). The adjacent single-family residence directly to the west of the subject

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Division of Planning  
Current Planning**

site has a height of approximately 18 feet. The difference in height between the two structures is insignificant enough that the massing of the proposed structure will not overwhelm the adjacent structure. This is in accordance with the Comprehensive Plan recommendation of having primary structures be no more than one and half times the height of adjacent primary structures in the Traditional Neighborhood typology.

- ◇ Accessory structures such as detached garages are found throughout the neighborhood. While, secondary dwelling structures are not commonplace in the surrounding area, the proposed design is in accordance with the Infill Housing Guidelines by placing the secondary structure behind the primary, by allowing for access via the alley to the secondary structure, and by using complimentary aesthetics to that of the primary structure. Likewise, the lot will remain in compliance for the minimum amount of open space required (40%). Therefore, the proposed secondary dwelling unit will not have a significant negative impact on the subject site, nor the overall feeling of the neighborhood.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5										
<b>Existing Land Use</b>	Residential										
<b>Comprehensive Plan</b>	Traditional Neighborhood										
<b>Surrounding Context</b>	<table> <tr> <td><b>Zoning</b></td><td><b>Surrounding Context</b></td></tr> <tr> <td>North: D-5</td><td>North: Single-Family Residential</td></tr> <tr> <td>South: D-5</td><td>South: Single-Family Residential</td></tr> <tr> <td>East: D-5</td><td>East: Single-Family Residential</td></tr> <tr> <td>West: D-5</td><td>West: Single-Family Residential</td></tr> </table>	<b>Zoning</b>	<b>Surrounding Context</b>	North: D-5	North: Single-Family Residential	South: D-5	South: Single-Family Residential	East: D-5	East: Single-Family Residential	West: D-5	West: Single-Family Residential
<b>Zoning</b>	<b>Surrounding Context</b>										
North: D-5	North: Single-Family Residential										
South: D-5	South: Single-Family Residential										
East: D-5	East: Single-Family Residential										
West: D-5	West: Single-Family Residential										
<b>Thoroughfare Plan</b>											
	<table> <tr> <td>Local Street</td><td>26<sup>th</sup> Street</td></tr> <tr> <td>Existing ROW: 54 ft</td><td></td></tr> <tr> <td>Proposed ROW: 48 ft</td><td></td></tr> </table>	Local Street	26 <sup>th</sup> Street	Existing ROW: 54 ft		Proposed ROW: 48 ft					
Local Street	26 <sup>th</sup> Street										
Existing ROW: 54 ft											
Proposed ROW: 48 ft											
<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>	6/28/2023										
<b>Site Plan (Amended)</b>	N/A										
<b>Elevations</b>											
<b>Elevations (Amended)</b>	N/A										
<b>Landscape Plan</b>	N/A										
<b>Findings of Fact</b>	6/28/2023										
<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 recommends the Traditional Neighborhood living typology for this site.
- In the Traditional Neighborhood living typology the Pattern Book:
  - Encourages secondary units
  - Recommends primary structures be no more than one and a half times the height of adjacent primary structures
  - Recommends garages be loaded and accessed from an alley or side street, when possible.

### 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

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- The Infill Housing Guidelines document recommends:
  - Locate accessory structures behind primary building
  - Access accessory buildings from alleys
  - Don't overshadow primary buildings
  - Coordinate the architectural styles and aesthetics of primary and accessory structures



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Division of Planning  
Current Planning**

- Be sensitive to street context: new housing might have different styles but should generally be coordinated with regards to setbacks, massing, public door placement, etc.

The proposal is in accordance with these recommendations.

**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

**2011DV3029; 1352 W 25<sup>th</sup> Street (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 625-square foot addition to an existing dwelling, creating an open space of 60.56% and a rear setback of nine feet (minimum 65% open space and 20-foot rear setback required), **approved**.

**2012UV1019; 1234 W 26<sup>th</sup> Street (east of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for a Men's Fellowship House including bible study, worship and meetings (not permitted), **approved**.

**2019HOV010, 1362 W 27<sup>th</sup> Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four single-family dwellings with 637 square feet of main floor area (660 square feet required), **approved**.

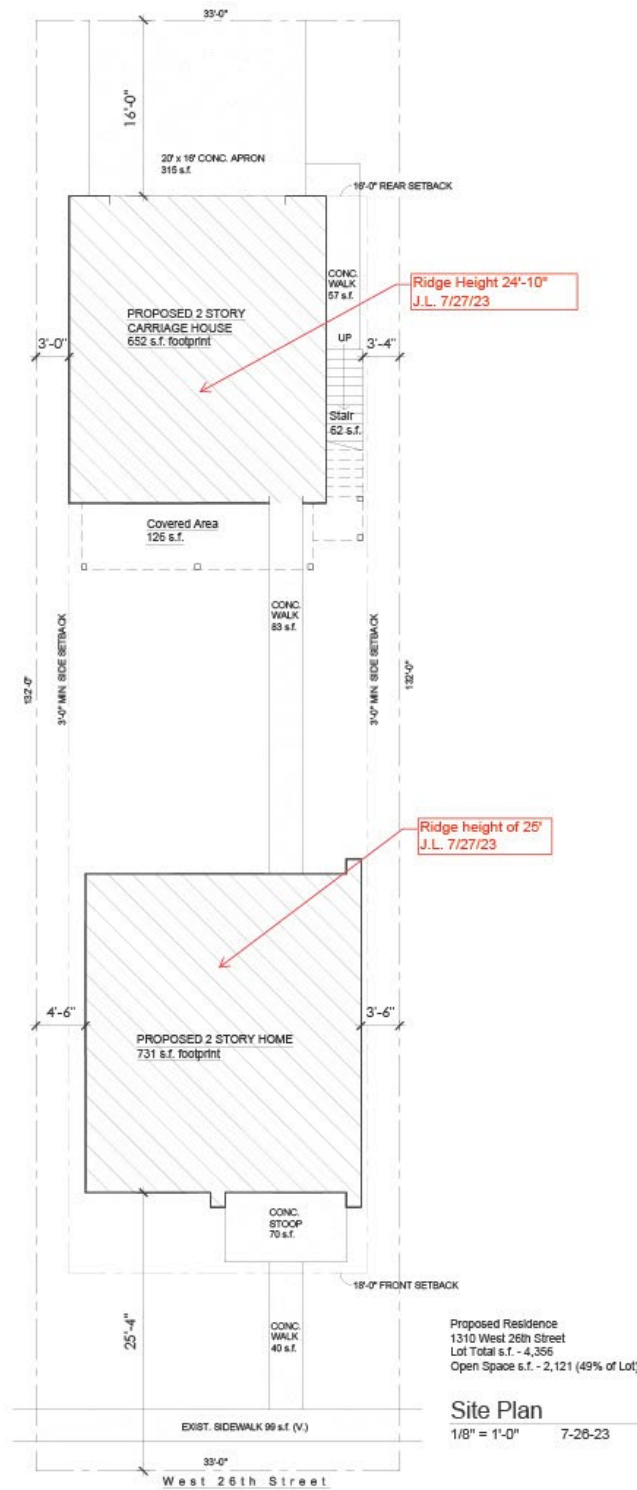
**99-Z-41; 2651 N Harding Street (west of site)**, Rezoning from SU-7 to D-8 district to provide for a two-story, eight apartment unit multi-family structure- designated for seniors, the handicapped, and families 80% or below median income, **approved**.

**2018ZON114, 2534 Burton Ave, (east of site)**, Rezoning of 1.6 acres from the C-1 (W-5), C-3, C-3 (W-5) I-2 (W-5) and I-3 (W-5) districts to the D-5 and D-5 (W-5) classifications, **approved**.

**2023ZON033C, 909 N Pershing Ave, (east of site)**, Rezoning of 909 North Pershing Avenue, totaling 0.12-acre, from the C-1 District to the D-8 District. Rezoning of 1210 & 1214 Udell Street, totaling 0.13-acre, from the I-2 District to the D-8 District. Rezoning of 2520 & 2657 Burton Avenue, totaling 0.24-acre, from the I-2 (W-5) District to the D-8 (W-5) District, **approved**.

**2006HOV038, 1260 Edgemont Ave (south of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 7.7-foot front setback from the right-of-way of Sugar Grove Avenue (minimum 25-foot front setback required), **approved**.

EXHIBITS





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

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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:  
Petitioner proposed variance of setbacks for proposed house and garage will still be within compact context zone requirements for this area.

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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:

Existing trees and open space of adjacent properties will not be adversely affected by installation of the single story garage in the future

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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:

Strict application of setback guidelines will result in a smaller, less aesthetically pleasing single story addition that will not provide appropriate cost to value for Owner to produce a functional 4 bedroom, 2.5 bath home, and will significantly reduce overall value of the property.

Strict adherence to setback requirements will restrict Owner to a single car garage, rather than to a modern standard two car garage, for safe and protected parking of two vehicles on the property, which will reduce value of property.

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**DECISION**

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

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

_____	_____
_____	_____
_____	_____





Department of Metropolitan Development  
Division of Planning  
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## STAFF REPORT

Item 14.

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

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

### RECOMMENDATIONS

Staff **recommends denial** of this petition.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

Compact	C-4	Vacant Commercial Building
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##### SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial uses.
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#### VARIANCE OF USE

- ◇ This request would provide for an automobile sales facility, including outdoor operations, for up to 40 vehicles, a C-5 use, within an area associated with neighborhood commercial and residential development, with D-A, D-5, C-4, and SU-34 zoning. A C-5 use at this location would represent a deviation from the Comprehensive Land Use Plan recommendation of community commercial uses.
- ◇ Retail automobile vehicle sales are generally considered a high-intensity commercial use, along with go-cart raceways, tractor sales, outdoor flea markets, and newspaper printing and publishing, and are permitted in the C-5 zoning district. Uses permitted in the C-5 zoning classification often tend to have extensive outdoor display and activity, bright lighting, and noise; characteristics that negatively affect lesser zoned districts.

(Continued)

- ◇ The proposed use would require extensive outdoor storage for 40 automotive vehicles, which runs counter to the intent of the C-4 District. Staff believes that this request, if approved, would negatively impact the adjoining residential uses and lesser zoned commercial uses nearby.
- ◇ Staff has concerns that recommending approval of the variance request would encourage the conversions of other lesser zoned parcels in the area to heavy commercial and C-5 uses.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned C-4 and can be utilized for C-4 uses without the benefit of a variance.

## GENERAL INFORMATION

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

## ZONING HISTORY

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

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

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

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

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

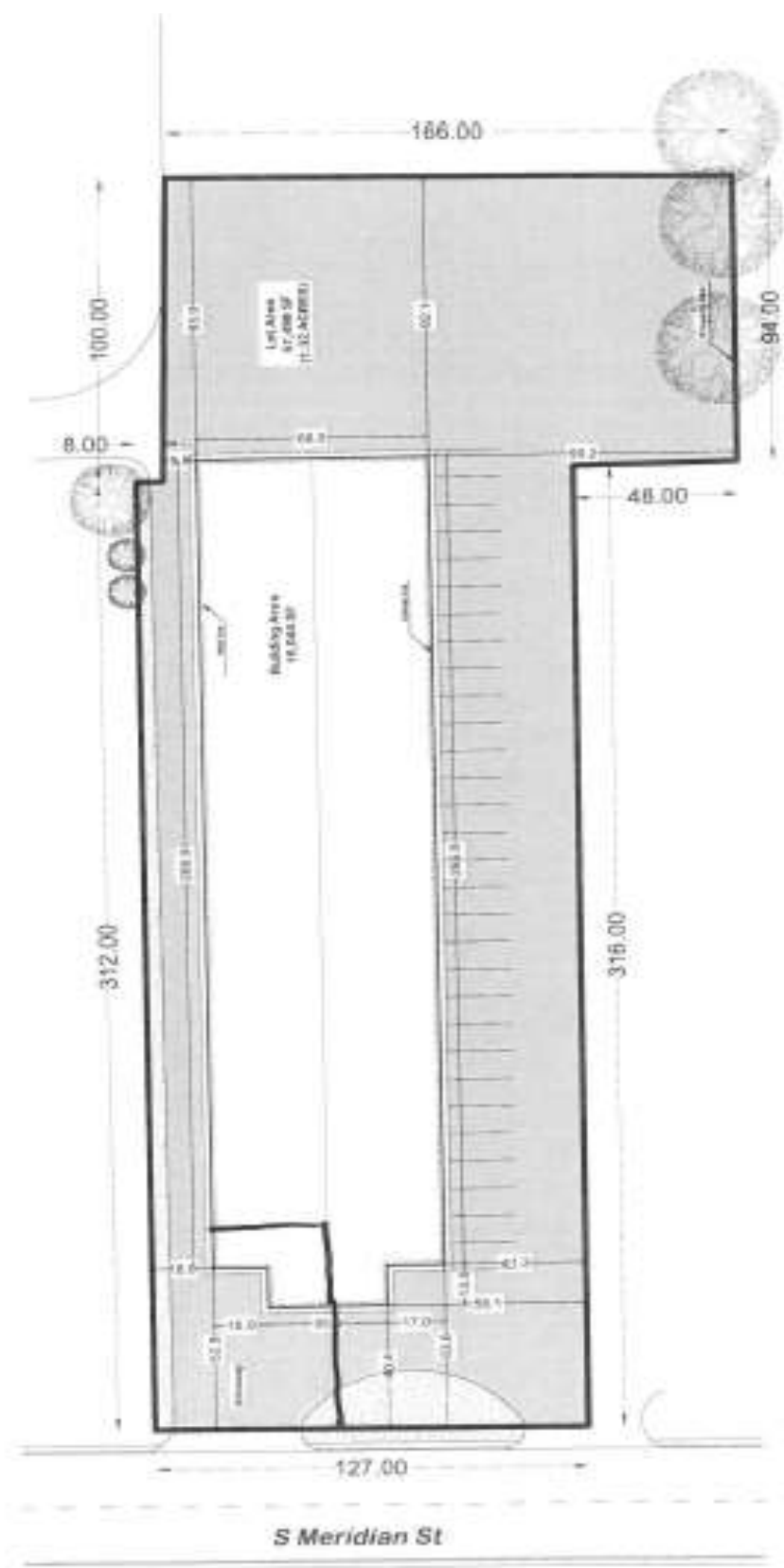
**2003-DV2-021; 2869 South Meridian Street (north of site)**, requested a variance of development standards to provide for the construction of a 1,200 square foot barn resulting in 1,200 square feet of accessory building area or 96 percent of the main floor area of the primary dwelling with a 2-foot north side yard setback, **denied**.

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

## Plan of Operation

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

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

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

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

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

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



subject site looking east



subject site looking northeast





subject site proposed storage area, looking east



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



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



Adjacent commercial uses to the south of site.



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



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