



# Board of Zoning Appeals Division II (September 12, 2023) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, September 12, 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-UV2-004 | 2029 Massachusetts Avenue**  
Center Township, Council District #17, Zoned C-3  
Shanea Howell, by Sarah Walters

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling (not permitted) and provide for an addition with a six-foot front setback from Jefferson Avenue (10-foot setback required) with garage access from Jefferson Avenue (access from an improved alley required).

**\*\*Continuance requested by petitioner**

## Petitions for Public Hearing

## PETITIONS TO BE EXPEDITED:

- 2. 2023-DV2-020 | 1538 Ringgold Avenue**  
Center Township, Council District #21, Zoned D-5 (TOD)  
AKS Capital LLC, by Luke Childers

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

- 3. 2023-DV2-023 | 3159 North Pennsylvania Street**  
Center Township, Council District #9, Zoned D-5 (TOD)  
Nottingham Properties LLC, by Matthew Peyton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a five-foot rear yard setback (20-foot rear yard setback required).

- 4. 2023-DV2-025 | 1449 Olive Street**  
Center Township, Council District #21, Zoned D-5 (TOD)  
Two Chicks & A Hammer Inc. – 1449 Olive LLC, by Brittany DeLucio

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with 1.3-foot north side yard setback and a two-foot corner side setback (five-foot side yard setback required).

**5. 2023-UV2-010 | 4002 Broadway Street**

Washington Township, Council District #7, Zoned D-5 (TOD)  
Eclectic Soul V.O.I.C.E.S. Corporation, by Russell Brown

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a Transitional Living Quarters for Youth (not permitted).

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

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

**6. 2023-DV2-015 | 1133 South Illinois Street**

Center Township, Council District #16, Zoned D-8  
Hoosier Renovators LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit multi-unit house on a 30-foot-wide lot (minimum 35-foot wide lot required) with a three-foot front yard setback from Illinois Street (minimum 10-foot front yard setback required) and a sidewalk with a zero-foot side yard setback (minimum two-foot side yard setback required).

**7. 2023-DV2-017 (Amended) | 717 East 27th Street**

Center Township, Council District #17, Zoned D-8  
Lamond Jay Henderson, by Myron Cheeks

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex on a 50-foot wide lot with an area of 3,250 square feet (three-story not permitted, minimum lot width of 60 feet and area of 7,200 square feet required) and a main floor area of 360 square feet per unit (660 square-foot minimum main floor area required) with a five-foot rear yard setback (20-foot rear yard setback required) having 44% open space (60% open space required).

**8. 2023-UV2-009 | 1540 South East Street**

Center Township, Council District #16, Zoned C-3  
1540 East LLC, by Mark and Kim Crouch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (500 feet of separation required) and a bar within 48-feet of a protected district (100 feet of separation required).

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

**9. 2023-DV2-021 | 5000 Nowland Avenue**

Center Township, Council District #12, Zoned SU-2 / D-5  
Roman Catholic Archdiocese of Indpls Properties Inc., by Chris Hyink

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an 8.08-foot tall monument sign with digital display (maximum five-foot monument sign permitted, digital display not permitted).

**10. 2023-DV2-022 | 5000 Nowland Avenue**

Center Township, Council District #12, Zoned SU-2 / D-5  
Roman Catholic Archdiocese of Indpls Properties Inc., by Leslie Steinert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking lot resulting in 220 total parking spaces (maximum of 197 parking spaces permitted).



**11. 2023-DV2-024 | 2507 Willowbrook Parkway**

Washington Township, Council District #9, Zoned C-3 (W-1) (FF)  
DAST 2 LLC, by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).

**12. 2023-DV2-026 | 5515 Guilford Avenue**

Washington Township, Council District #9, Zoned D-5 (TOD)  
Anthony & Julia Nicholson, by Jerry Meyers

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a two-foot northern side yard setback (five-foot side yard setback required).

**13. 2023-UV2-008 | 1718 South East Street**

Center Township, Council District #16, Zoned C-3  
Captain Mike's Holding Corp, by Mark and Kim Crouch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar within 68 feet of a protected district (100-foot separation required) and to allow for a deck with a zero-foot front yard setback, encroaching 2.3-feet into the right-of-way of East Street (10-foot front yard setback required, encroachment into the right-of-way 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****Department of Metropolitan Development  
Division of Planning  
Current Planning Section**

**Case Number:** 2023-UV2-004  
**Address:** 2029 Massachusetts Avenue (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** C-3  
**Petitioner:** Shanea Howell, by Sarah Walters  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling (not permitted) and provide for an addition with a six-foot front setback from Jefferson Avenue (10-foot setback required), with garage access from Jefferson Avenue (access from an improved alley required).

Due to an error related to publication of the notice, this petition was continued for cause from the May 16, 2023 hearing to the July 11, 2023 at the request of the petitioner.

This petition was continued for cause from the July 11, 2023 hearing to the August 12, 2023 hearing at the request of the petitioner.

The petitioner notified staff that they will be requesting a final **continuance for cause from the September 12, 2023 hearing to the October 10, 2023 hearing** to allow sufficient time to file a companion petition to rezone the property with variance of development standards due to the significant changes made to the request. Staff would support a request to transfer the fees to the anticipated companion petition.

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## BOARD OF ZONING APPEALS DIVISION II

September 12, 2023

**Case Number:** 2023-DV2-020

**Property Address:** 1538 Ringgold Avenue (approximate address)

**Location:** Center Township, Council District #21

**Petitioner:** AKS Capital LLC, by Luke Childers

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

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached single-family dwelling with three-foot side yard setbacks (five-foot side yard setbacks required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends approval of this petition

**Recommended Motion:** Motion to approve petition 2023-DV2-020

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

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff recommends approval of this petition

## PETITION OVERVIEW

- This request would allow for the construction of a detached single-family dwelling with three-foot side yard setbacks (five-foot side yard setbacks required).
- The subject site has a width of 19 feet, well smaller than typical D-5 lots, which usually have widths of 25-40 feet. Therefore, Staff sees the width of the site as a clear practical difficulty to the petitioner.
- Applying the five-foot side yard setback development standard to this site would result in a house that is 8 feet wide, which is neither practical, nor is it similar to the neighborhood context. Five-foot side yard setbacks will allow for a house that is approximately 12 feet wide.



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- The existing foundations on site (shown in site photos) are to be removed and rebuilt, with a slightly different footprint than the existing foundations. The future footprints are detailed in the site plans below.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	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>		
Ringgold Avenue	Local Street Existing ROW: 60 feet Proposed ROW: 48 feet	
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/2/23	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	8/2/23	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	8/2/23	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Red Line Transit-Oriented Development Strategic Plan (2021)

### Pattern Book / Land Use Plan



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- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood living typology for this site.
- In the Traditional Neighborhood living typology, the Pattern Book recommends:
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk
  - Garages be accessed and loaded via alley, when possible

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

- The Red Line Transit-Oriented Development Strategic Plan was created to establish “policy guidelines that support land use and development patterns that: complement the implementation of the Red Line bus rapid transit route, maximize the economic development and public benefit of the investment, promote more in-demand (and under-supplied) walkable urban villages, and promote economic mobility for those who can most benefit from the educational and employment opportunities the Red Line connects”.
- The area in which the subject site is located has been identified by the Red Line Strategic Plan as “Walkable Neighborhood”, and sits approximately 7 minutes walking from the nearest TOD station (Pleasant Run station on Shelby Street)
- The housing types recommended in the Walkable Neighborhood portions of the TOD overlay are “primarily small lot single-family attached or detached, with some mixed-use and multi-family at the center”.
- The proposed housing for this site is in accordance with these recommendations.

### **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 new infill housing, the Infill Housing Guidelines recommendations include:
  - Orient front façade towards street
  - For undersized lots, look at the surrounding context for appropriate housing sizes
  - Consider the sizes, materials, and styles of surrounding houses
  - Use street type to guide appropriate massing



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- The proposals of this request are in accordance with these recommendations.

**Indy Moves**

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

- Not Applicable to the Site.



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## ZONING HISTORY

### ZONING HISTORY – SITE

**2019DV3005**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling on an existing foundation, with a seven-foot front setback, four-foot separation between dwellings and 49% open space (18-foot front setback or average, 10-foot separation between dwellings and 60% open space required), **approved**.

### ZONING HISTORY – VICINITY

**2006UV2036; 1601 Leonard Street (south of site)**, VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to legally establish a three-family dwelling (not permitted), with a 21-foot front setback from Leonard Street (minimum 30-foot front setback required), and a seven-foot front setback from Palmer Street (minimum 25-foot front setback required), and to legally establish a 600-square-foot detached garage with a four-foot front setback in front of the established front building line set by the primary structure (not permitted), **approved**.

**2012DV3036; 1524 Ringgold Avenue (north of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a room addition, with a 1.5-foot north side setback and a 4.5-foot aggregate side setback (minimum four-foot side setback and 10-foot aggregate side setback required), **approved**.

**2017ZON071; 1001 Palmer Street (south of site)**, Rezoning of 1.33 acres from the SU-1 and D-5 districts to the D-8 classification, **approved**.

**2018DV2015; 1517 Leonard Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for an existing single-family dwelling and dwelling addition with six feet between dwellings and a 12-foot front setback (18-foot front and 10 feet between dwellings required), **approved**.

**2019DV3006; 1540 Ringgold Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling on an existing foundation, with a seven-foot front setback, six-foot separation between dwellings and 49% open space (18-foot front setback or average, 10-foot separation between dwellings and 60% open space required), **approved**.

**2019DV3007; 1544 Ringgold Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling on an existing foundation, with a 6.5-foot front setback, six-foot and 3.5-foot separation between dwellings and 49% open space (18-foot front setback or average, 10-foot separation between dwellings and 60% open space required), **approved**.

**2021DV1046; 1544 Ringgold Avenue (south of site)**, (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with an eight-





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foot front setback, 3.8 feet between dwellings and a detached garage with 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved.**

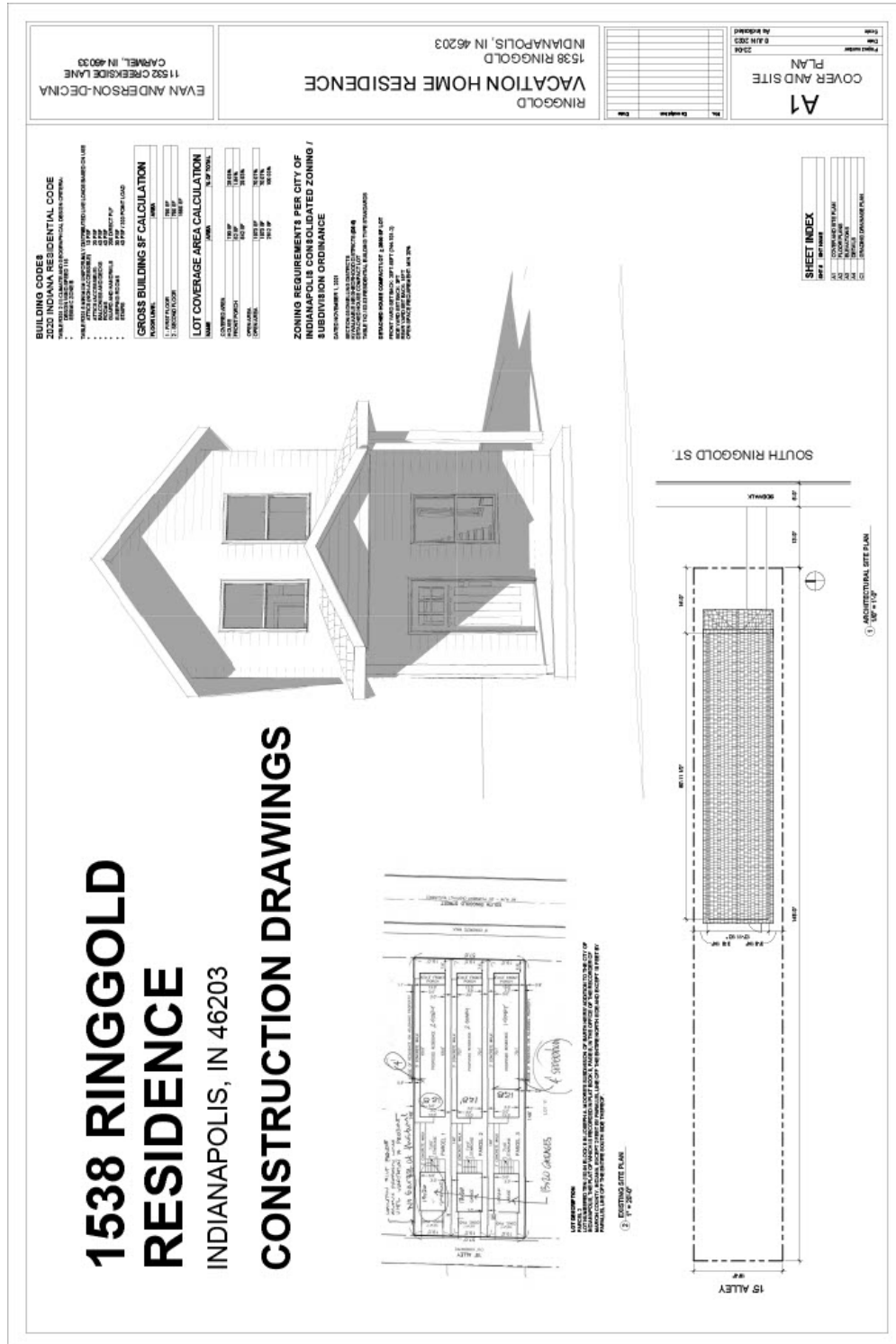
**2021CVR839; 1525 Ringgold Avenue (east of site),** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two 30-foot wide, 4,400-square foot lots, with four and six feet separation between dwellings, and 58% open space on the northern lot and with six and 8.5 feet of separation and 58% open space on the southern lot (50-foot width, 5,000-square foot lot, 10 feet of separation and 60% open space required), **approved.**

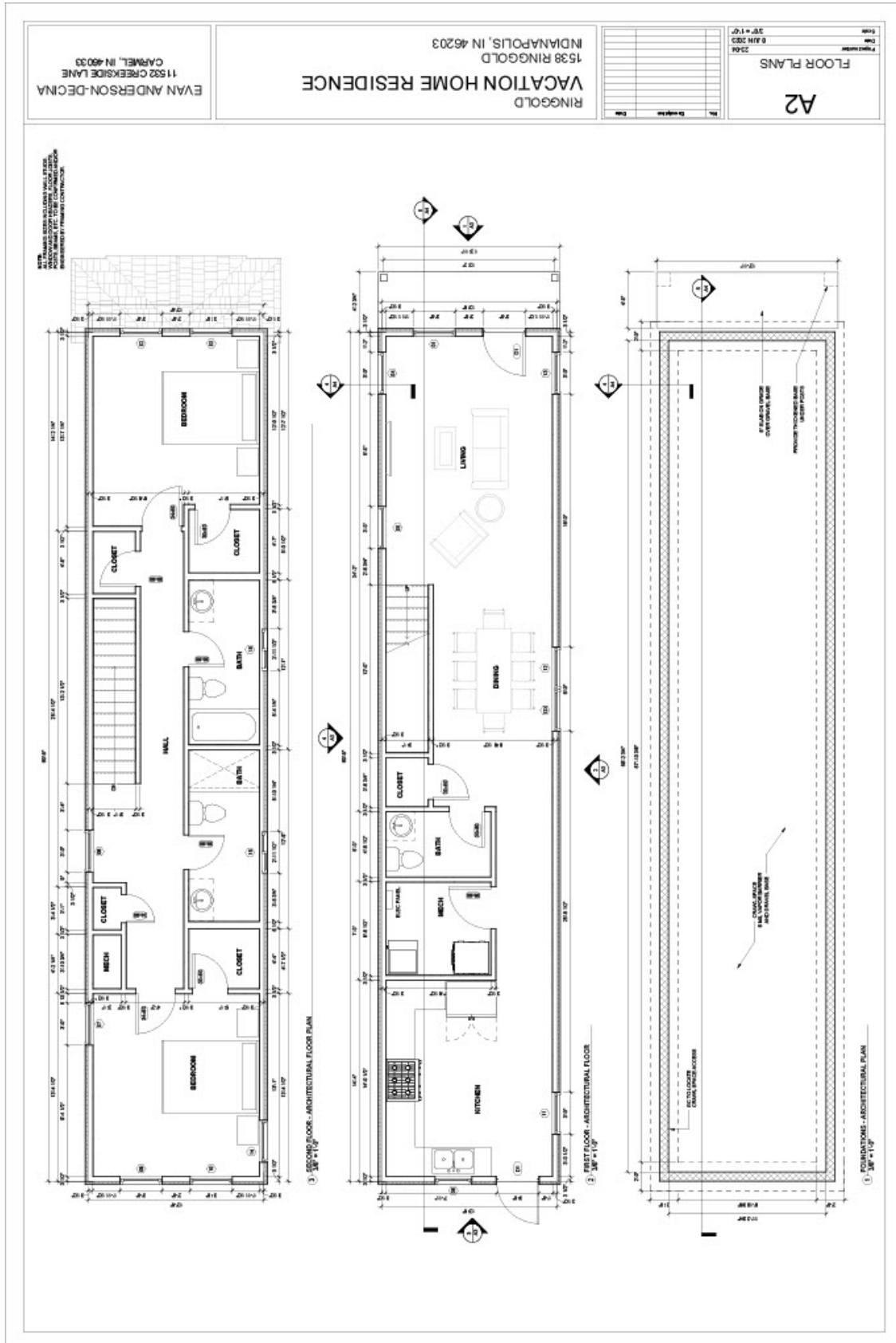
**2022DV2040; 1517 Ringgold Avenue (north of site),** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-yard side setbacks required), **approved.**

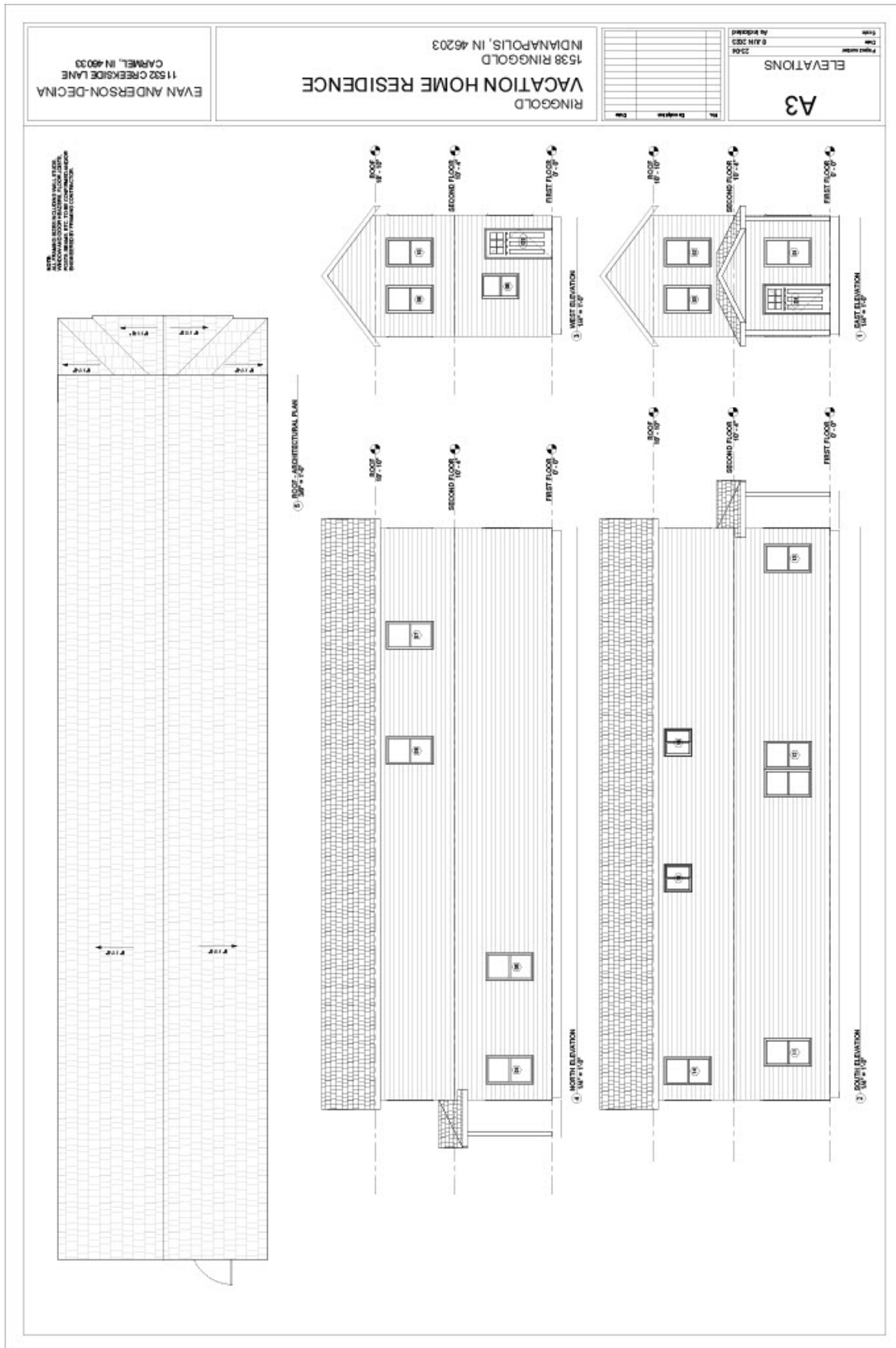
**2022ADM235; 1501 Ringgold Avenue (north of site),** Replace playground equipment in PK 1 district, approved.

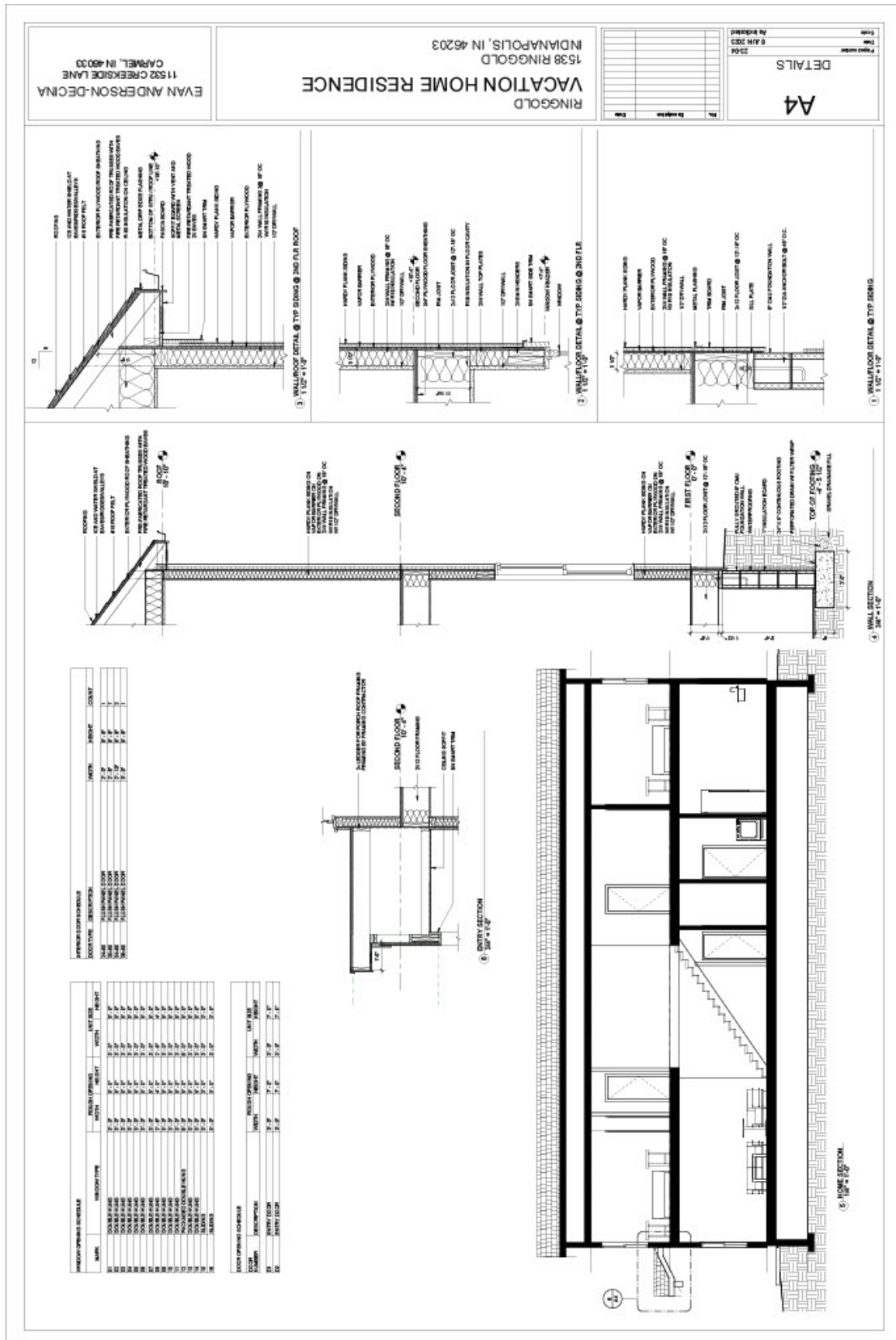
**2023ZON054; 1554 Ringgold Avenue (south of site),** Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district, **pending.**

EXHIBITS



























## STAFF REPORT

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

**Case Number:** 2023-DV2-023  
**Address:** 3159 North Pennsylvania Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** D-5 (TOD)  
**Petitioner:** Nottingham Properties LLC, by Matthew Peyton  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a five-foot rear yard setback (20-foot rear yard setback required).

### RECOMMENDATIONS

Staff **recommends approval** of the request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5	Compact	Single-Family residential
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	D-5	Single-Family residential

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends 5 to 8 Residential Units per Acre

##### SECONDARY ZONING DISTRICT

Red Line & Purple Line Transit-Oriented Development Overlay

- ◇ The subject site contains two lots, one developed with a single-family dwelling and the other undeveloped. The property is within the overlay for the Mapleton Fall Creek Neighborhood Land Use Plan.

(Continued)

**STAFF REPORT 2023-DV2-023 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for the construction of an attached garage with a five-foot rear setback where a 20-foot setback is required.
- ◇ A detached garage may have a reduced rear setback of five feet; however, the existing dwelling has a rear setback of approximately 28 feet. Given the small back yard and the dimensions needed for a typical garage, staff would not be opposed to an attached garage with a five-foot rear setback.
- ◇ The subject site has an existing driveway on Pennsylvania Street, which would be removed. Vehicle parking accessed from the alley would be preferable for pedestrian safety, so staff is not opposed to a reduced setback for a garage on an alley.

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

Pennsylvania Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 70-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated July 28, 2023

**FINDINGS OF FACT**

File-dated July 28, 2023

**ZONING HISTORY – VICINITY**

**2018-ZON-020, 3201 North Meridian Street**, rezoning of 6.46 acres from the D-5, D-9, HD-2, SU-1, and SU-7 districts to the SU-1 district, **approved**.

**2009-ZON-039, 32 East 32<sup>nd</sup> Street**, rezoning of 0.315 acre, from the D-5 District, to the SU-7 classification, **approved**.

**2001-AP2-005, 37 East 32<sup>nd</sup> Street**, approval to eliminate the condition that requires the attic to be used for storage, **approved**.

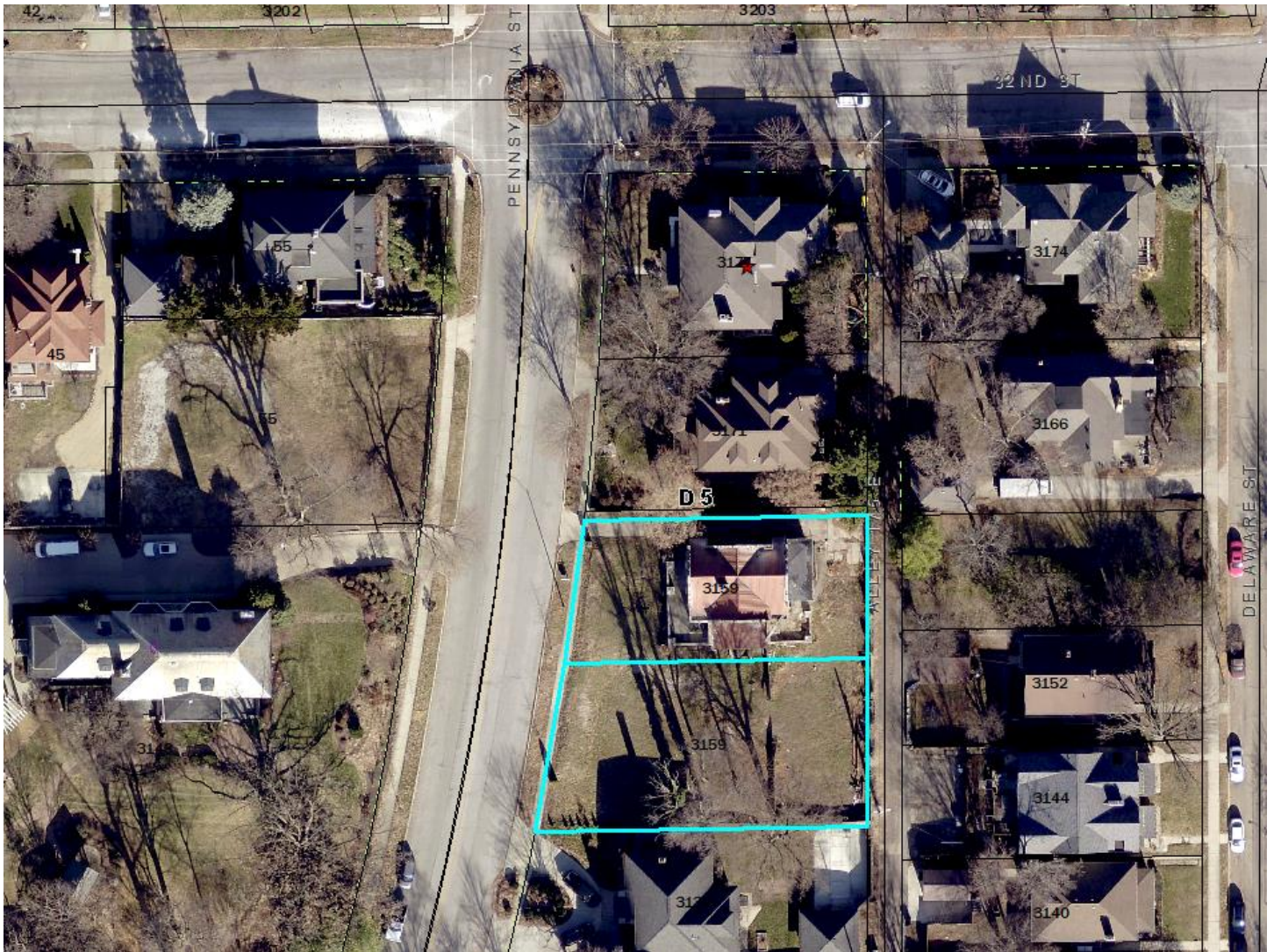
**83-Z-216, 32 East 32<sup>nd</sup> Street**, rezoning of 0.23 acre from the D-5 district to the C-3 district, **dismissed**.

**83-V2-18, 3177 North Pennsylvania Street**, variance to reconstruct a detached garage on an existing foundation with a two-foot rear setback, **approved**.

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

There are existing structures within the neighborhood that follow the proposed 5 foot rear setback.

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

The condition of a 5 foot rear setback are already present within the neighborhood.

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

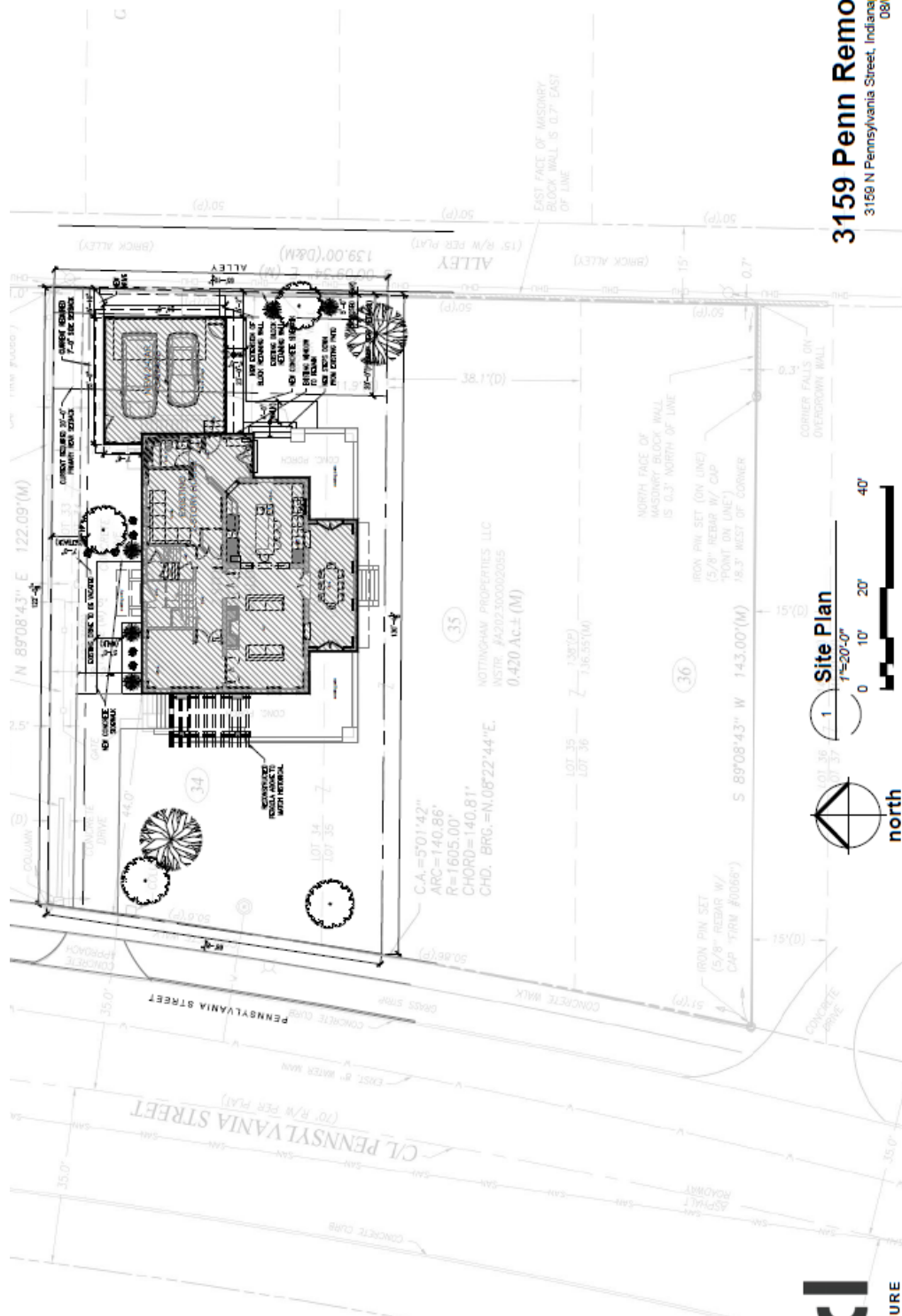
The existing historical residence was built farther back on the property than current planning would follow. Strict application of current zoning would leave less than needed buildable area to provide an attached garage for modern day vehicles.





3159 Penn Remodel  
3159 N Pennsylvania Street, Indianapolis, IN  
08/07/2023 SD 002

3159 N Pennsylvania Street, Indianapolis, IN  
08/07/2023







Subject site, viewed from Pennsylvania Street



Subject site and adjacent undeveloped lot





Adjacent undeveloped lot



Subject site viewed from alley, proposed garage access



## STAFF REPORT

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

**Case Number:** 2023-DV2-025  
**Address:** 1449 Olive Street (approximate address)  
**Location:** Center Township, Council District #21  
**Zoning:** D-5 (TOD)  
**Petitioner:** Two Chicks & A Hammer Inc. – 1449 Olive LLC, by Brittany DeLucio  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with 1.3-foot north side yard setback and a two-foot corner side setback (five-foot side yard, eight-foot corner side yard setbacks required).

### RECOMMENDATIONS

Staff **recommends approval** of this request.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5	Single-family dwelling
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##### SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood uses.
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### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties. A setback of less than three feet from the property line requires additional fire-rating.
- ◇ The proposed 1.3-foot north side yard setback and the two-foot corner side yard setback would roughly match the setbacks of the original built single-family dwelling on the subject site. The variances were not originally required as the existing setbacks were considered legally non-conforming. After the start of remodeling, it was determined that the amount of remodel work to the original dwelling would exceed what was allowed by the permit on file, and variances would then be needed to legally establish the existing setbacks as proposed.

(Continued)

## **STAFF REPORT 2023-DV2-025 (Continued)**

- ◇ For the two-foot corner side setback, the existing right-of-way along this portion of East Cottage Avenue is 60 feet, which exceeds the proposed 48-foot right-of-way, and encroaches into the subject site corner side yard approximately 12 feet from the sidewalk. Therefore, the proposed dwelling would have a setback of 14 feet from the sidewalk and would meet the intent of the corner side yard setback.
- ◇ Therefore, Staff believes that the requested reduced setbacks for the dwelling, being similar to the original developed dwelling on site, would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.

## **GENERAL INFORMATION**

### THOROUGHFARE PLAN

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

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

### SITE PLAN

File-dated August 8, 2023.

### FINDINGS OF FACT

File-dated August 8, 2023.

## **ZONING HISTORY**

**2023-DV2-002; 1449 Olive Street (subject site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot corner side yard setback and a three-foot north side yard setback, within the clear sight triangle of the intersection of the alley and Cottage Avenue, **granted**.

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

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

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

(Continued)

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

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

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

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

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

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Front of subject site, looking east.



North side 1.3-foot side setback, looking east





South side two-foot corner side setback (with temporary dumpster), looking east



Adjacent properties to the south, looking southeast.





Adjacent properties to the east, looking north.



Adjacent properties to the north, looking east.

## STAFF REPORT

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

**Case Number:** 2023-UV2-010  
**Address:** 4002 Broadway Street (*Approximate Address*)  
**Location:** Washington Township, Council District #7  
**Zoning:** D-5 (TOD)  
**Petitioner:** Eclectic Soul V.O.I.C.E.S. Corporation, by Russell Brown  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a Transitional Living Quarters for Youth (not permitted).

### **RECOMMENDATIONS**

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

The Transitional Living Quarters shall be operated in substantial compliance with the Plan of Operation dated August 18, 2023.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

EXISTING ZONING,	CONTEXT AREA,	AND LAND USE
D-5	Compact	Vacant dwelling

#### **SURROUNDING ZONING AND LAND USE**

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

COMPREHENSIVE LAND USE PLAN	The Washington Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
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(Continued)

## **STAFF REPORT 2023-UV2-010 (Continued)**

- ◇ The subject site was platted in 1904 as a part of the Washington Heights subdivision. It sits on the northwest corner of Broadway Street and 40<sup>th</sup> Street. Based on historic mapping and the Assessor's property card it appears the building on site was originally constructed as a two-family dwelling in 1920. In recent years, two outside doors have been removed, possibly modifying the building into a one-family dwelling. A garage accessed off the alley dated back to at least the late 1930s, but was demolished in the early 2000s. A two-car parking pad remains.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the site. This land use typology is intended to provide for a variety of housing options ranging from single-family dwellings to small apartment buildings. It also provides for neighborhood-serving businesses, institutions, and amenities.

## **VARIANCE OF USE**

- ◇ The petition seeks a variance to provide for the operation of a Transitional Living Quarters in the D-5 district. The Ordinance defines a Transitional Living Quarters as a "residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation and similar human service functions. This definition does not include a group home, daily emergency shelter, diversion center, or residential facilities or shelters for residents who are required to leave during the day for work or other purposes."
- ◇ Transitional Living Quarters are not permitted in the D-5 and other single-family dwelling districts. They are permitted in the multi-family districts and as an accessory use in the Mixed-Use 1 district.
- ◇ The only type of group living permitted in a D-5 district is a group home. Group homes are intended for handicapped persons or persons with developmental disabilities and are licensed by the State.
- ◇ The Plan of Operation submitted with this request indicates that the facility would house up to seven male youths between the ages of 14 and 17. These youth are, or in danger of becoming, homeless as "a result of family situations, economic situations, or other behavioral challenges." Residents would be provided with on-site and off-site educational opportunities, artistic expression, and workforce development training. Mentors or case managers would be onsite at all times. Residents at the facility would not have their own cars.

(Continued)

## **STAFF REPORT 2023-UV2-010 (Continued)**

- ◇ As noted above, the Ordinance limits Transitional Living Quarters to multi-family dwelling districts. Transitional Living Quarters often house more persons and in larger buildings than what is generally found in single-family dwelling neighborhoods. Their occupancy and size are more typical of a multi-family dwelling neighborhood.
- ◇ In this instance, an existing structure that is in scale with the neighborhood would be used. The number of persons on-site would be limited to nine (seven residents plus two staff persons). This is a number that might be commonly found in a two-family dwelling, which is what this structure was originally constructed as.
- ◇ As the proposed use would be conducted in a building that is appropriate to the neighborhood, would house an appropriate number of persons and would operate under the proposed Plan of Operation, staff recommends approval 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 50-foot existing right-of-way and a 48-foot proposed right-of-way.

40th 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.

### **FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

### **WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

## **ZONING HISTORY – SITE**

None.

## **ZONING HISTORY – VICINITY**

**2022-DV1-057A; 4001 North Park Avenue (west of site),** requested a variance of development standards to legally establish deficient side and rear setbacks, **approved.**

(Continued)



**STAFF REPORT 2023-UV2-010 (Continued)**

**2022-DV1-057B; 4001 North Park Avenue (west of site)**, requested a variance of development standards to provide for street access to an existing detached garage, **denied**.

klh

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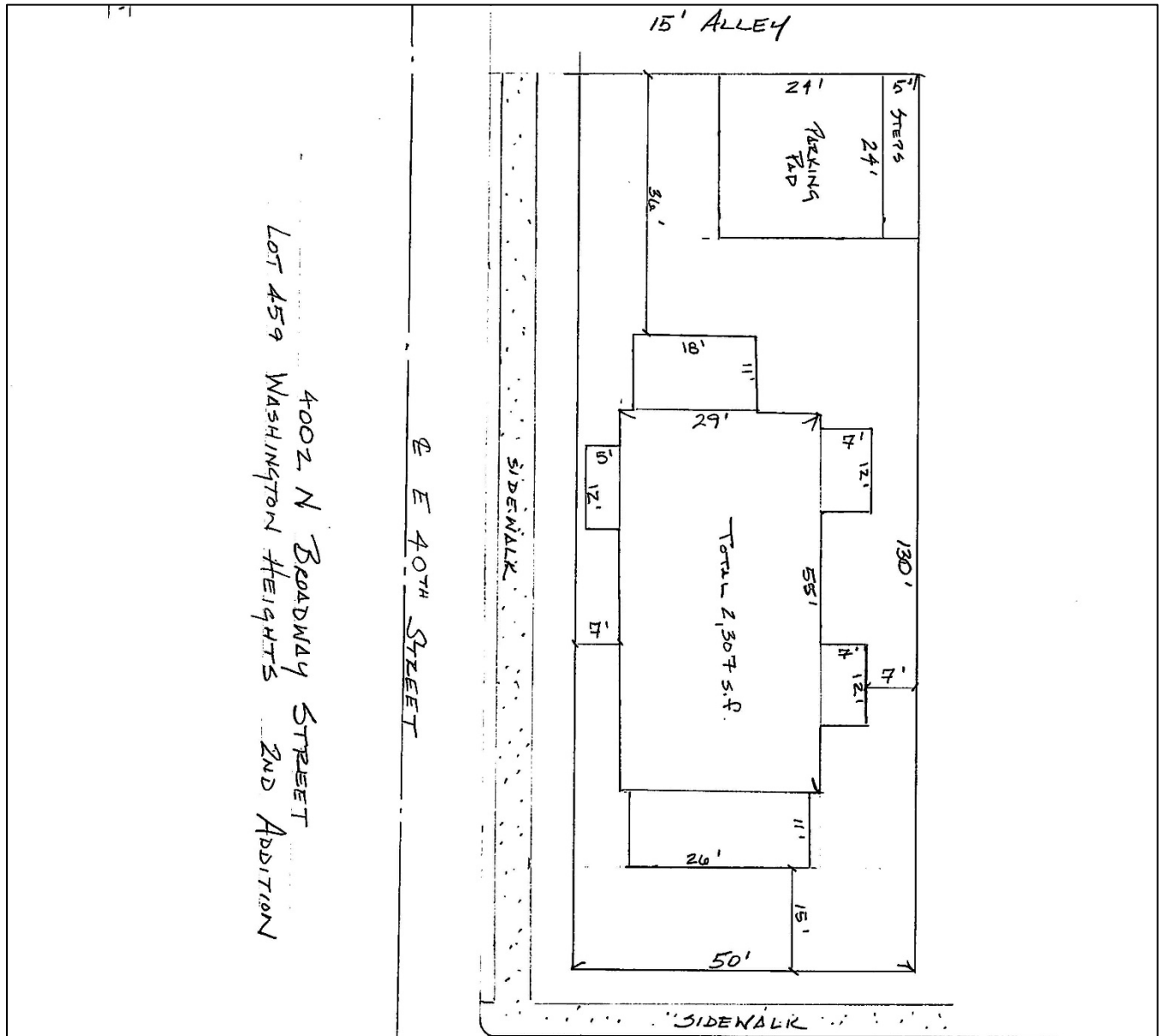
## STAFF REPORT 2023-UV2-010, Location



## STAFF REPORT 2023-UV2-010, Aerial photograph (2022)



## 2023-UV2-010; Site Plan





**2023-UV2-010; Plan of Operation****PLAN OF OPERATION****4002 N BROADWAY STREET**

**SUBJECT PROPERTY:** The subject property consists of a .15+/- acres which is located at 4002 N. Broadway Street (the “Site”).

**Use:** Currently, the parcel carries a D5 Zoning and has been utilized for various purposes over the years by previous owners.

The proposal includes a variance of use to allow for a Transitional Living Quarters for youth in the property. The site will be utilized as a short term (period not to exceed 90 days) home for up to seven (7) males between ages 14 and 17 called “Blossom House”. Blossom House will provide a transitional housing arrangement for youth who are, or may become unhoused as a result of family situations, economic situations or other behavioral challenges. Blossom House will provide on-site access to cognitive behavior programming, on-site and remote educational opportunities, artistic expression, and workforce development training opportunities as well as support groups and counseling opportunities. Two (2) on-site mentors and/or case managers will be present around the clock for Blossom House. On an as needed basis a Registered Nurse will visit the site for medical assessments and wellness needs. Any resident visits with family or other visits will occur at offsite location, not at Blossom House.

**Site Plan:** The use will require internal reconfiguration only. Proposed internal layout is included as part of this application. No additional exterior hard surfacing will be required. The staffing levels and low visitor traffic required for the use will not require significant traffic to the site so no additional off-street parking will be proposed or required for the use.

**Vehicle and Pedestrian Plan:** The site has off street parking for two spaces which represents the largest shift of employees who will be onsite for a full shift. Any additional visitors or staff to Blossom House have on-street parking ability on Broadway Street immediately adjacent to the Site. Residents at Blossom House will not have private vehicles during their residency.

**Hours and Details of Operation:** Residents will reside onsite during their stay at Blossom House, so residents may be on site twenty-four hours. When residents are onsite, onsite mentors and/or case managers shall also be onsite with the presence of two mentors/case managers required when Blossom House is at full occupancy. Any additional supportive services requiring visitors to the site for other services will visit during traditional working hours.

**2023-UV2-010; Findings of Fact****PETITION FOR VARIANCE OF USE****FINDINGS OF FACT**

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

The proposed use will provide a stabilizing environment for youth who may be in various stages of housing crisis. The proposed use will provide round the clock care and support for the residents, including needed educational, mental health, and mentoring services to allow for the residents to transition into a stable housing situation. There currently exists a gap in similar short term living arrangements, so this home will fill a need in the Indianapolis community

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

The proposed use will not require changes to the exterior of the property and the site will be appropriately and adequately staffed round the clock. The community based nature of the property is an important component to the success of the residents and will allow for limited impact on nearby properties. The necessary on-site staffing will not create negative impacts on surrounding properties or nearby streets.

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

The location, while located on a hard corner in an area of the City with mixed use opportunities nearby does not permit this residentially based program to occur in a residential district. The corner lot with an appropriately sized home to support seven residents in a community where residents will feel welcomed and comfortable is not widely available in the Indianapolis community.

4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The use classification as included in the zoning ordinance appears to contemplate facilities with adult residents which are larger in scale. The intentionality of serving only a small number youth residents in a purely residential setting is not contemplated in the zoning ordinance. The ability to provide the needed short term services to these residents without significant changes to the residential appearance of the property provides future returns to residential uses if needed.

5. The grant does not interfere substantially with the Comprehensive Plan because:

The Comprehensive Plan contemplates traditional neighborhood. The provision of group living is contemplated in various other service types in traditional neighborhood residential areas. The limited modifications required for the property to be utilized for this youth serving program will allow the appearance and use to be in line with the development patterns of many uses contemplated to occur in a traditional neighborhood.

**DECISION**

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

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

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

**2023-UV2-010; Photographs**



Looking northwest across intersection of Broadway and 40<sup>th</sup> streets at the subject site.



Looking west at the subject site from Broadway Street.





Looking west at the neighbor to the north.



Looking north from the site along Broadway Street.



Looking east across Broadway Street at the neighbors to the east.



Looking east along 40<sup>th</sup> Street.





Looking north across 40<sup>th</sup> Street at the east end of the site.



Looking north across 40<sup>th</sup> Street at the subject site.





Looking south at the neighbor to the south.



Looking southwest from the subject site along 40<sup>th</sup> Street at the neighbors to the southwest.



Looking northeast across the back of the site and at the neighbors to the north.



Looking north along the alley. The white car is on the subject site.





Looking west across the alley at the neighbor to the west.



## STAFF REPORT

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

**Case Number:** 2023-DV2-015  
**Address:** 1133 South Illinois Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-8  
**Petitioner:** Hoosier Renovators 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 three-unit multi-unit house on a 30-foot-wide lot (minimum 35-foot wide lot required) with a three-foot front yard setback from Illinois Street (minimum 10-foot front yard setback required) and a sidewalk with a zero-foot side yard setback (minimum two-foot side yard setback required).

### ADDENDUM FOR SEPTEMBER 12, 2023

This petition was continued for cause from the August 8, 2023, hearing to the September 12, 2023 hearing at the request of a remonstrator.

Staff continues to **recommend approval** of this request subject to the July 13, 2023, submitted site plan.

### August 8, 2023

### RECOMMENDATIONS

Staff **recommends approval** of this request subject to the July 13, 2023 submitted site plan.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-8	Compact	Undeveloped
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##### SURROUNDING ZONING AND LAND USE

North	D-8	Residential (Single-family dwelling)
South	D-8	Residential (Single-family dwelling)
East	C-4	Commercial
West	D-8	Residential (Single-family dwelling)

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

(Continued)

**STAFF REPORT 2023-DV2-015 (Continued)**

- ◇ The 0.06-acre subject site is an undeveloped lot. The site consisted of a two-family dwelling that was demolished in 2022 and is surrounded by single-family dwellings except for a commercial use east of the site.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow the construction of a three-unit multi-unit house with a deficient lot width and deficient front and side setbacks.
- ◇ Per Table 744-701-2, the Terrace Frontage design standards require a front building line range of 10 to 19.9 feet. The request would allow a three-foot front setback, but there is an exception for the front setback that notes “a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site”. The average of the property north and south of the site would allow for a 2.5-foot front setback without a variance. For this reason, staff found no issue with the approval of the front setback variance that could ultimately be withdrawn if the petitioner so chooses.
- ◇ Table 744-201-1 notes that minor residential features such as sidewalks are required to be no closer than two feet from any side lot line. The request would allow zero-foot side yard setbacks for sidewalks north and south of the garage, which staff determined would not substantially affect use and value of the area adjacent to the property. Because the setback variance would not be for a portion of the building, staff is supportive of this request.
- ◇ Lastly, the variance would allow a three-unit multi-unit house to be built on a 30-foot lot width where 35 feet would have been required. Staff supports an increased housing density where appropriate and when the proposal would not cause overdevelopment of a site. Since the development for three units on this site would have minimal deviations from the Ordinance, it is reasonable to approve the proposal.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	Illinois 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 May 16, 2023.
AMENDED SITE PLAN	File-dated July 13, 2023.
PRELIMINARY ELEVATIONS	File-dated July 21, 2023.
PRELIMINARY FLOOR PLANS	File-dated July 21, 2023.
FINDINGS OF FACT	File-dated May 16, 2023.

(Continued)

**STAFF REPORT 2023-DV2-015 (Continued)****ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

**2022-DV1-025; 16 West Morris Street and 1150 South Meridian Street** (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a 4,940-square foot liquor store located 22 feet from a protected district (100-foot separation required), with a six-foot setback from Meridian Street and a four-foot setback from Morris Street (10-foot front yard setback required), encroaching within the clear sight triangle of the intersection of Meridian Street and Morris Street (prohibited) with vehicular access to Meridian Street and Morris Street (alley access required), a zero-foot south landscape strip (six feet required), and four frontage trees provided (seven trees required), and six frontage shrubs provided (27 large shrubs required). **granted.**

**2019-UV3-002; 324 West Morris Street and various locations** (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 30-inch wide by 46-inch-high banners as Public Signs, as provided for and amended by Petition 2018-APP-032, attached to utility poles within the right-of-way and within protected districts (not permitted) along Morris Street, Russell Avenue, Norwood Street, and Merrill Street, **granted.**

**2018-APP-032;** (southwest of site), Approval of 26-inch wide by 56.5-inch high banners as Public Signs attached to utility poles on locations along Morris Street, Russell Avenue, Illinois Street, West Street, McCarty Street, Meridian Street, South Street, Kentucky Avenue, Norwood Street, and Merrill Street and Bluff Road, **approved.**

**2018-UV3-006; 1106 South Meridian Street** (northeast of site), Variance of use and development standards to provide for a contractor, and to legally establish zero-foot east and north front yards, without landscaping and to legally establish deficient parking and loading maneuvering within the right-of-way, **granted.**

**2003-HOV-025; 1129 South Illinois** (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,129 square foot single-family dwelling with a one-foot north side yard setback and a two-foot south side yard setback (minimum four-foot, ten-foot aggregate, side yard setback required), and to provide for a 576 square-foot detached garage with three-foot north and south side yard setback and a six-foot aggregate side yard setback (minimum four-foot, ten-foot aggregate, side yard setback required), resulting in 52.64 percent open space (minimum fifty-five percent open space required), **granted.**

(Continued)



**STAFF REPORT 2023-DV2-015 (Continued)**

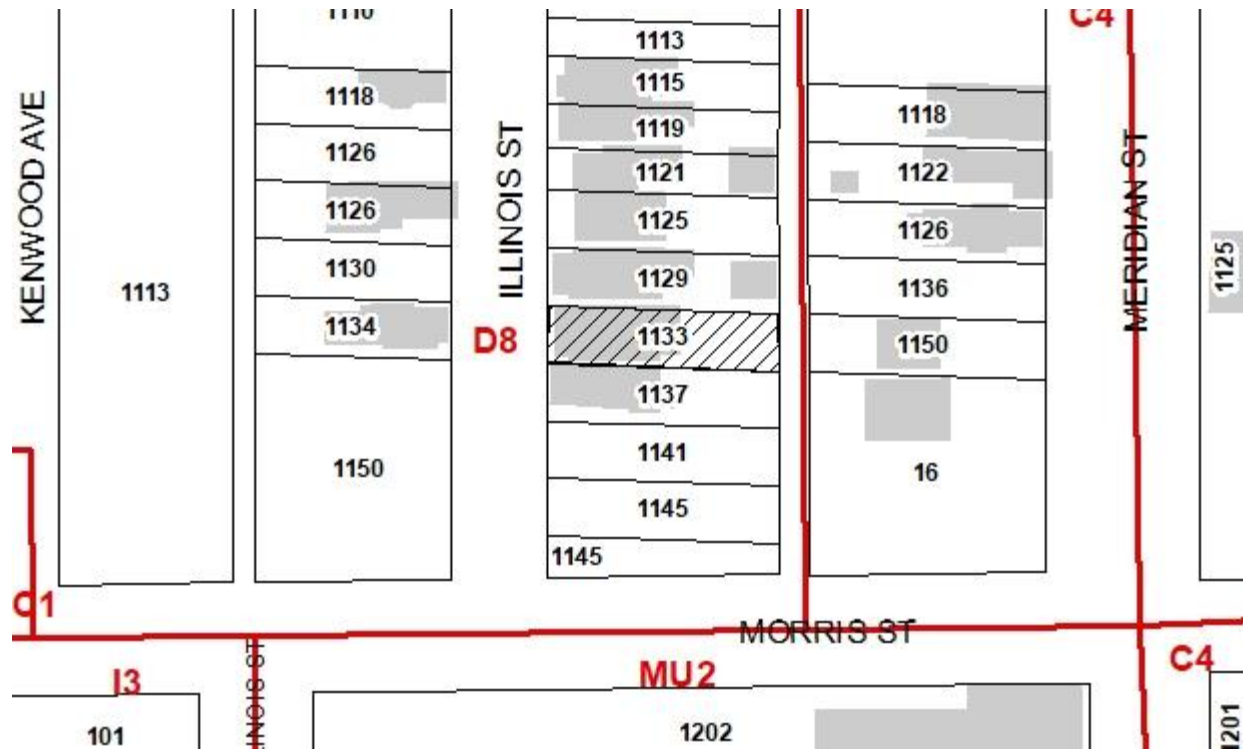
**2000-UV1-036;** (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 2,970-square foot addition to a 6,300-square foot warehouse, for a legally established fabric warehousing and distribution company, with a zero-foot side yard setback (minimum four-foot side yard setback (minimum four-foot side yard setback required), creating 3,978.4-square feet of open space or 30 percent of the lot area (minimum 7,286.62-square feet of open space or 55 percent of the lot area required), **withdrawn.**

**87-Z-86; 1101 South Meridian Street** (east of site) Rezoning of 4.3 acres, being in an area with undesignated zoning, to the C-4 classification to correct a map error relating to rezoning petition 84-Z-15, **approved**

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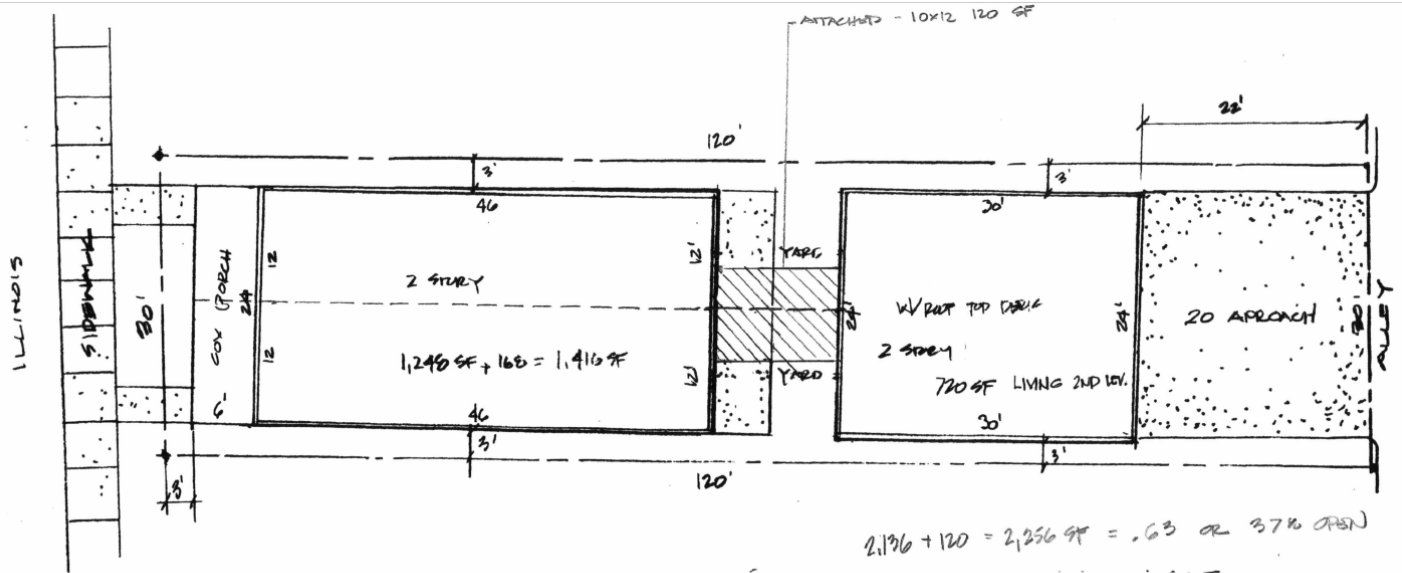
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**2023-DV2-015; Location Map**



**2023-DV2-015; Aerial Map**



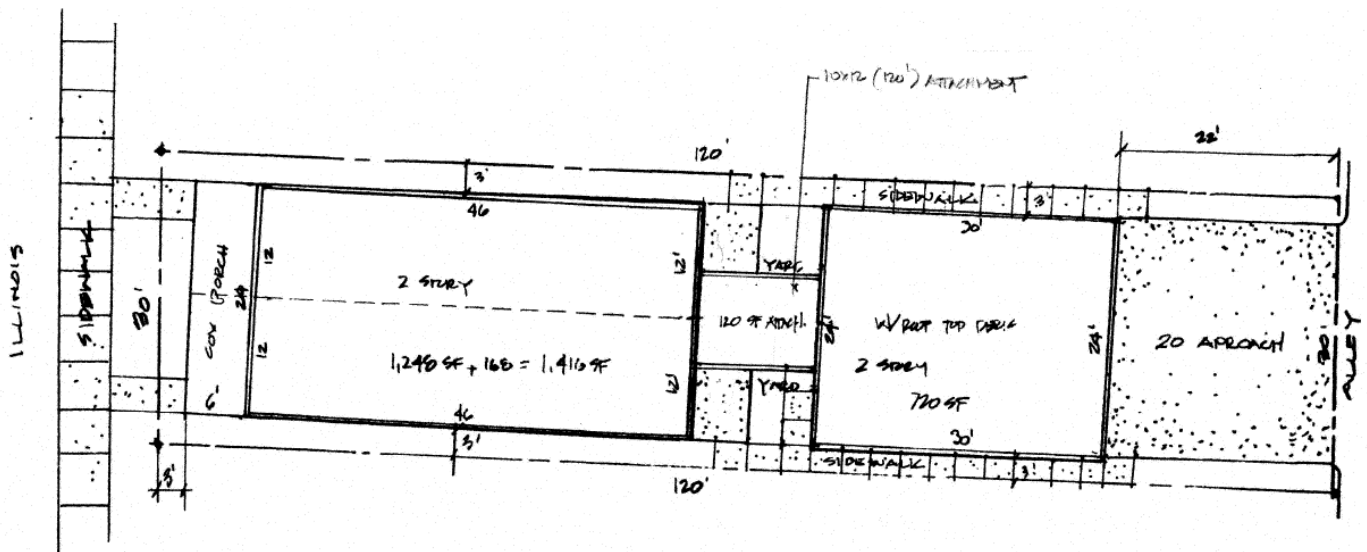
**2023-DV2-015; Site Plan**

D-B ZONING LOT 30x120 3600 SF

ORIGINAL HOUSE DESTROYED BY NEUTROT/DEMOL

N  
↑  
SITE PLAN 1133 S ILLINOIS STREET  
1"=10'

(.3 UNIT MULTI FAMILY HOUSES - 0' SIDEWALK SETBACK / 3' FRONT YARD SETBACK .37% OPEN SPACE)

**2023-DV2-015; Amended Site Plan**

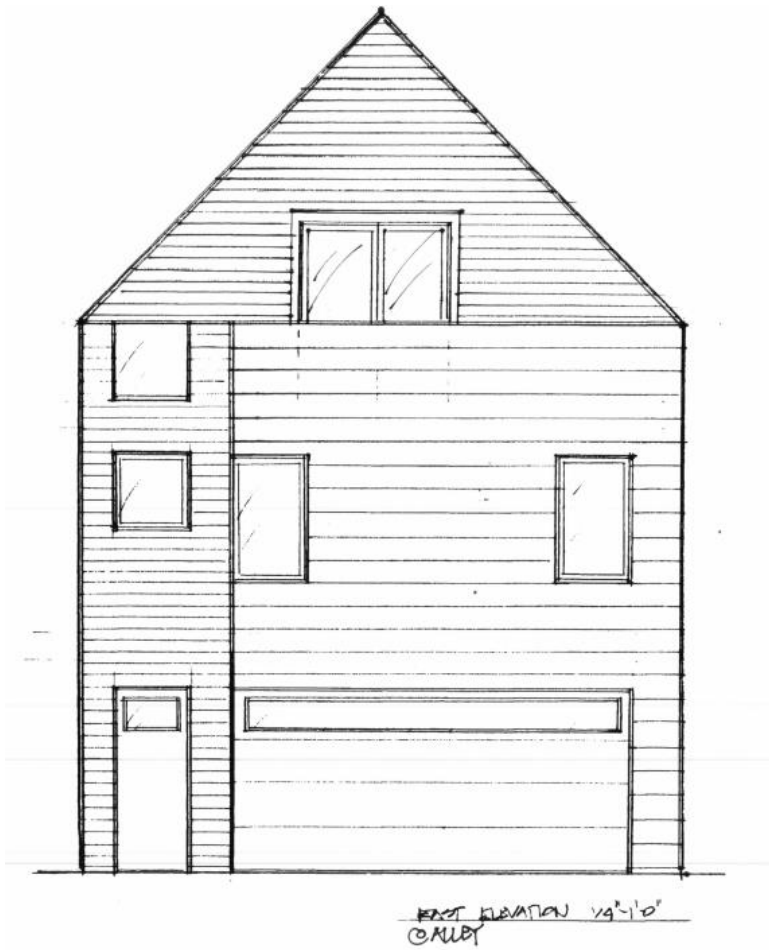
D-B ZONING LOT 30x120 3600 SF

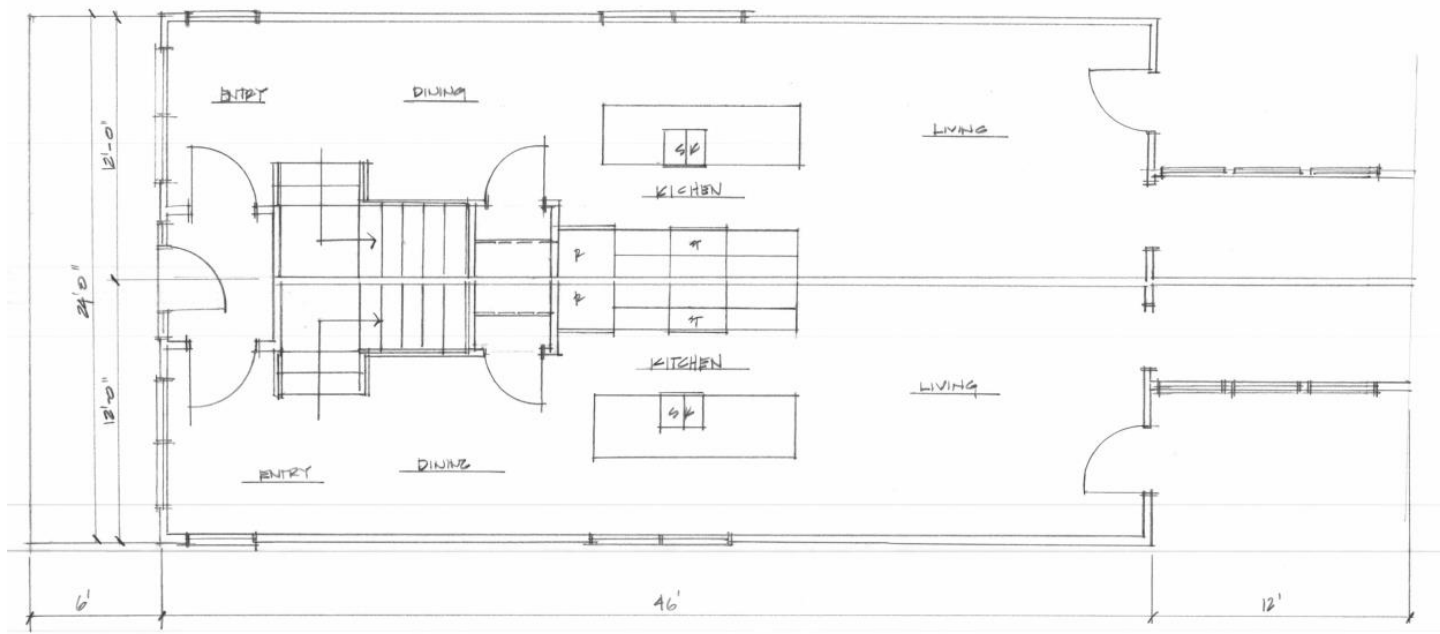
ORIGINAL HOUSE DESTROYED BY NEUTROT/DEMOL

N  
↑  
SITE PLAN 1133 S ILLINOIS STREET  
1"=10'

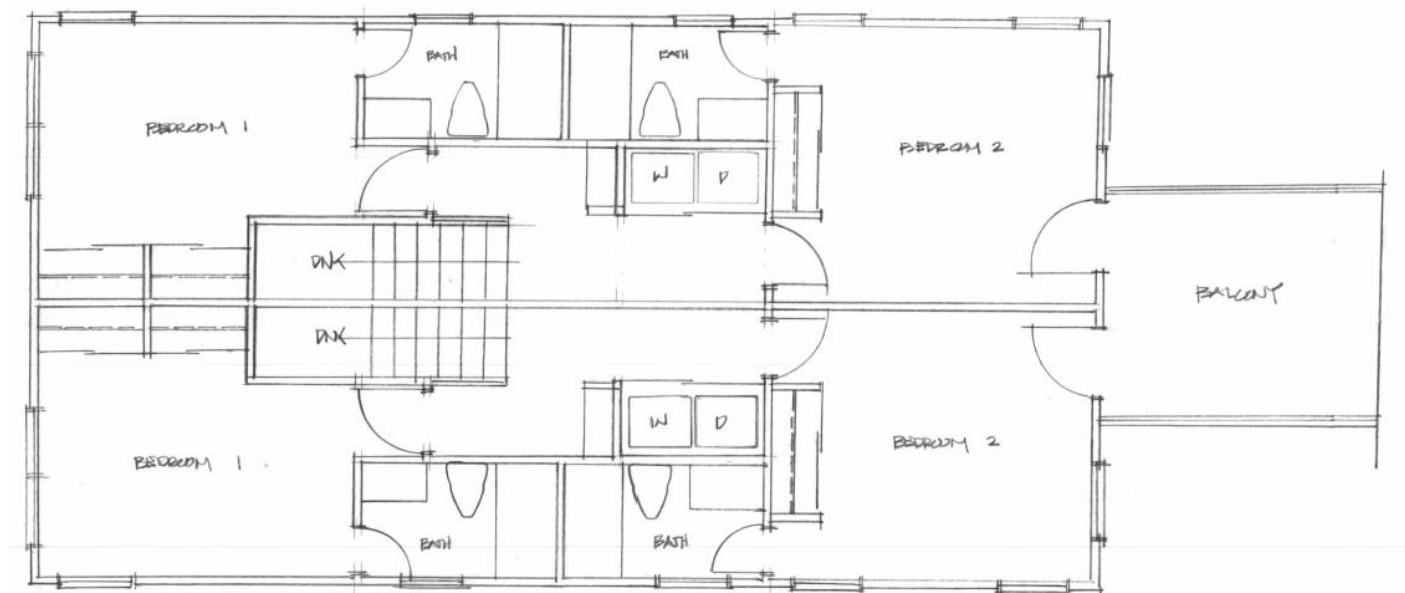
(3 UNIT MULTI UNIT HOUSE - 0' SIDEWALK SETBACK .37% OPEN SPACE)







FIRST FLOOR PLAN  
1/4" = 1'-0"



SECOND FLOOR PLAN  
1/4" = 1'-0"

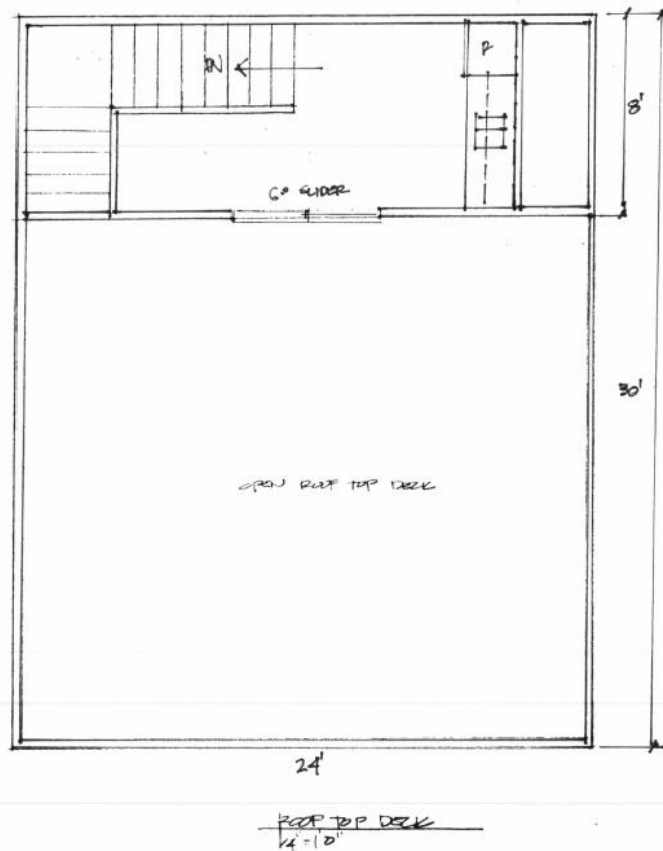
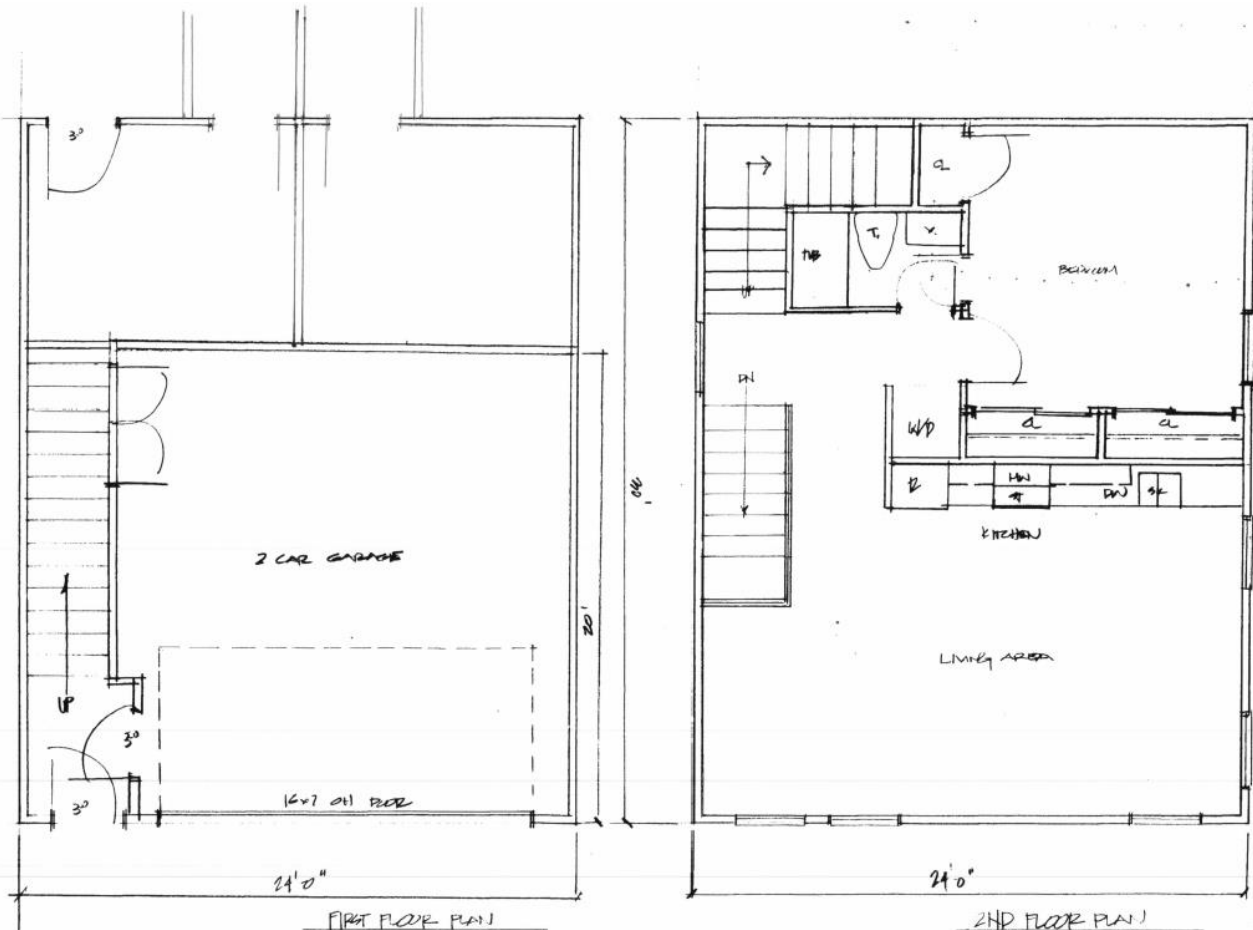






Photo of the Subject Property: 1133 South Illinois Street



Rear photo of the subject site.





Photo of the dwelling south of the subject site.



Photo of the dwelling north of the subject site.





Photo of the exiting front setbacks along Illinois Street.



## STAFF REPORT

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

**Case Number:** 2023-DV2-017 (Amended)  
**Address:** 717 East 27<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8  
**Petitioner:** Lamond Jay Henderson, by Myron Cheeks  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex on a 50-foot wide lot with an area of 3,250 square feet (three-story not permitted, minimum lot width of 60 feet and area of 7,200 square feet required) and a main floor area of 360 square feet per unit (660 square-foot minimum main floor area required) with a five-foot rear yard setback (20-foot rear yard setback required) having 44% open space (60% open space required).

This petition was continued from the August 8, 2023 hearing to the September 12, 2023 hearing at the request of staff to allow additional time to review and discuss changes made to an amended site plan.

### RECOMMENDATIONS

Staff **recommends denial** of this request as amended.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-8	Compact	Undeveloped
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##### SURROUNDING ZONING AND LAND USE

North	C-3	Residential (Two-family dwelling)
South	D-8	Undeveloped
East	D-8	Undeveloped
West	C-1	Residential (Single-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends traditional neighborhood development.
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- ◇ This 0.06-acre site is undeveloped. Historical aerial photography indicates a structure was removed between 1986 and 1991. It is surrounded by a two-family dwelling to the north, across East 27<sup>th</sup> Street, zoned C-3; undeveloped land to the east, zoned D-8; a single-family dwelling to the west, zoned C-1; and undeveloped land to the south, zoned D-8.

(Continued)

**STAFF REPORT 2023-DV2-017 (Continued)**

- ◇ The traditional neighborhood land use plan recommendation is to provide for a full spectrum of housing types in compact and well-connected areas. Building form should promote social connectivity of neighborhood. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. This typology recommends a density range of 5 to 15 units per acre.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The initial request was for the construction of a three-story duplex on a deficient lot width of 50 feet and lot size of 2,737 square feet with deficient main floor areas of 360 square feet, a 5.25-foot front yard setback and a zero-foot rear yard setback for a sidewalk with 34% open space.
- ◇ The grant of the amended request would allow for the same three-story duplex development with changes to the lot size for 3,250 square feet with a five-foot rear yard setback and increased open space to 44%. The 5.25-foot front yard setback variance and zero-foot rear setback for the sidewalk were removed with the amended site plan.
- ◇ Duplexes are only permitted in the D-8 district when the lot width of 60 feet and lot area of 7,200 square feet are met because it requires more building area and 60% open space. The subject site falls well below this size requirement with a 50-foot lot width and 2,736 square foot area for a proposed 34% open space. Staff finds the request to be unreasonable and would be a mockery of the invaluable time put in place to amend the Ordinance to ensure there is more housing diversity where appropriate.
- ◇ The D-8 dimensional standards require a minimum 660 square foot main floor area for dwellings over one story and newly adopted standards limit the height to 35 feet or 2.5 stories, whichever is the lesser of the two values shall be the maximum height.
- ◇ As proposed, the third story does not meet the definition of “Story, Half”, which is “the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with headroom of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath”.
- ◇ Due to the small size of the existing lot, the development of the site should be reflective of the lot limitations by not utilizing a large portion of the site for the purpose of vehicle storage and reducing the main floor area to 360 square feet. Instead, the garages could be eliminated, which would allow for the 660-square foot main floor area to be met and would further allow for a 2.5 story single-family dwelling to be proposed instead of a three-story duplex.
- ◇ Staff would note that there are multiple examples across the City where dwellings exist without garages on site and readily available street parking is utilized.
- ◇ The building would require a 20-foot rear setback. The site plan does not note the balcony locations, but they would have the same setbacks as the covered front and rear porches noted. The east and west building elevations show the extent of the second and third floor balconies, which staff finds to be excessive for the lot size.

(Continued)

**STAFF REPORT 2023-DV2-017 (Continued)**

- ◇ Ultimately, the request would be overdevelopment of the site due to the desire to have two units on site with a two-car garage for each unit and balconies that reduce the open space of the site. Staff informed the petitioner that if a two-unit multi-unit house were proposed without the garages, then staff could have discussed the possibility with a new site layout and building plans.
- ◇ The subject site had a previous variance issued for a single-family dwelling that although not applicable today represents a more compatible site design.
- ◇ The proposal would not be in line with the newly adopted Infill Housing Design Guidelines. Specifically with regards to the building massing since the other dwellings in the immediate area have two stories. The flat roof design would also not align with the hip and gable rooflines of the existing dwellings. The proposed fenestration for new construction should relate to the surrounding context with the proportion of glass (windows) to solid materials (wood, brick, and other materials), which would not be the case on the first-floor elevation facing the street.
- ◇ Lastly, the Findings of Fact note that the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because “it will be difficult to develop the property” but fails to mention any specific standards that would hinder development of the site. Staff would argue that any perceived difficulties are self-imposed by the petitioner due to the proposed design of the duplex and site layout. Furthermore, the site could be developed to meet the standards of the Ordinance if developed within the footprint noted in Staff Exhibit 1 of the report.
- ◇ For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	27 <sup>th</sup> 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 July 6, 2023.
AMENDED SITE PLAN	File-dated August 2, 2023.
ELEVATIONS	File-dated July 6, 2023.
FLOOR PLANS	File-dated July 6, 2023.
FINDINGS OF FACT	File-dated July 6, 2023.

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

None.

(Continued)



**STAFF REPORT 2023-DV2-017 (Continued)****PREVIOUS CASES**

**2017-CVR-840; 717 East 27<sup>th</sup> Street** (subject site) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot front setback and a five-foot rear setback (18-foot front and 15-foot rear setbacks required), **granted**.

**2017-CZN-840; 717 East 27<sup>th</sup> Street** (subject site) Rezoning of 0.06 acre from the C-1 district to the D-8 classification, **approved**.

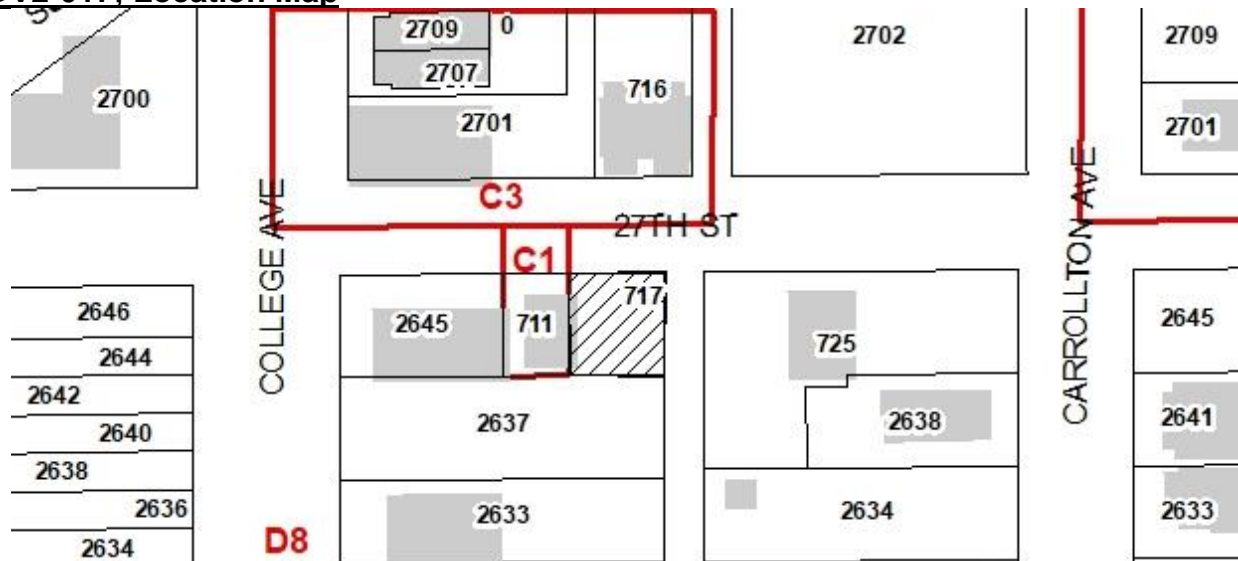
**ZONING HISTORY – VICINITY**

**2001-ZON-155; 725 East 27<sup>th</sup> Street and 2644, 2702, 2708 and 2712 Carrollton Avenue** (north of site), Rezoning 0.89 acre from the D-5 and D-8 Districts to the SU-1 classification, **approved**.

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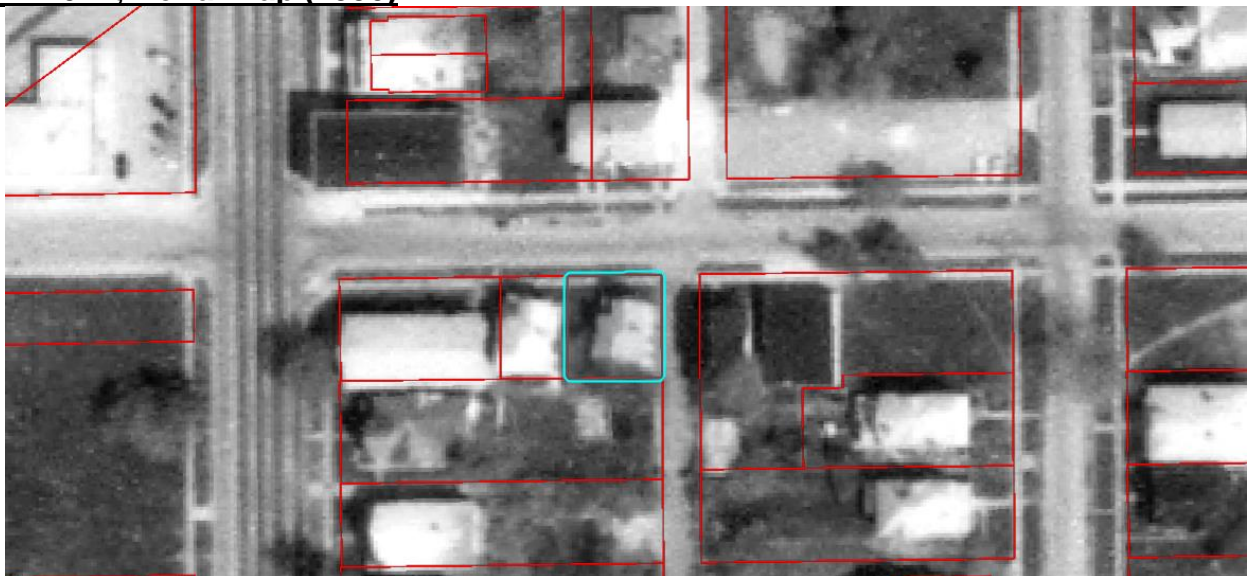
**2023-DV2-017; Location Map**



**2023-DV2-017; Aerial Map**

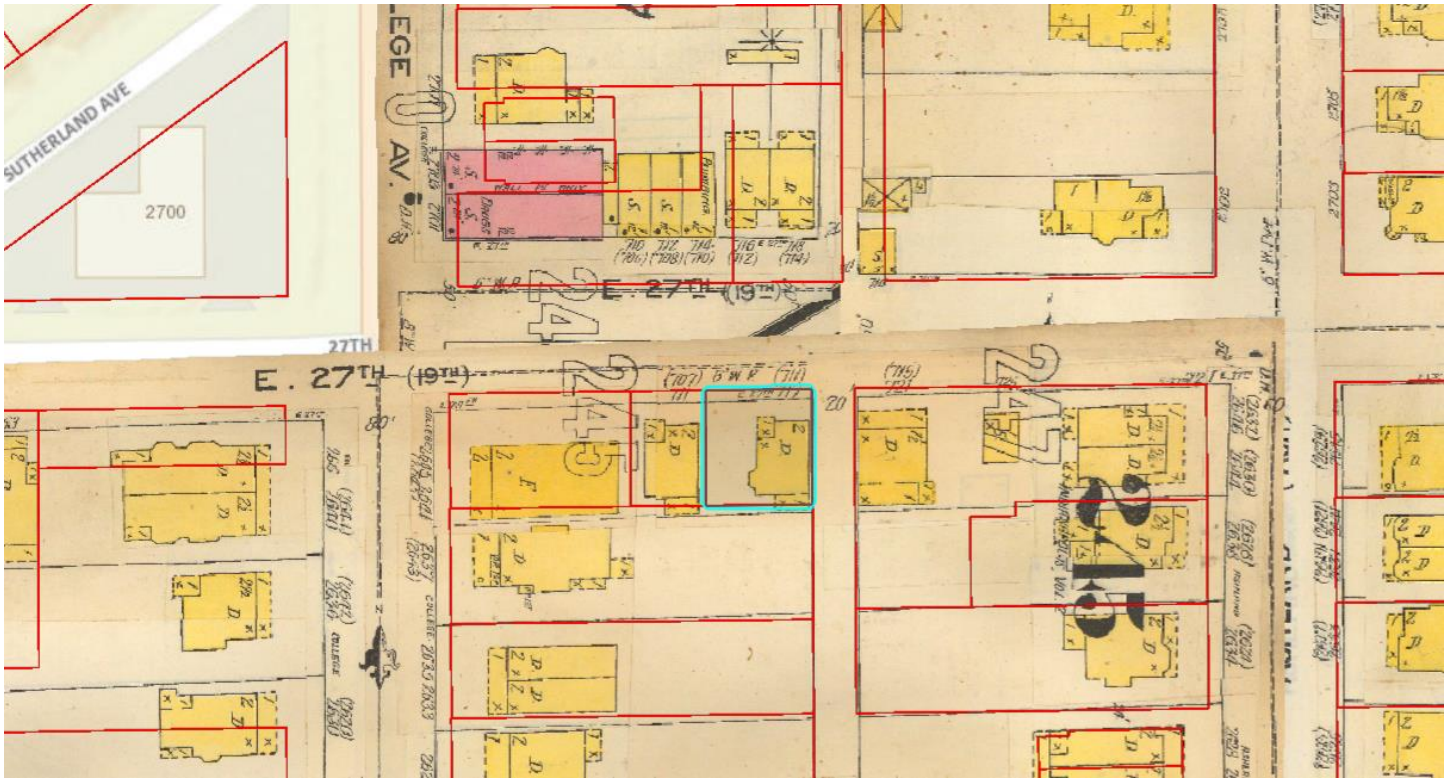


**2023-DV2-017; Aerial Map (1990)**

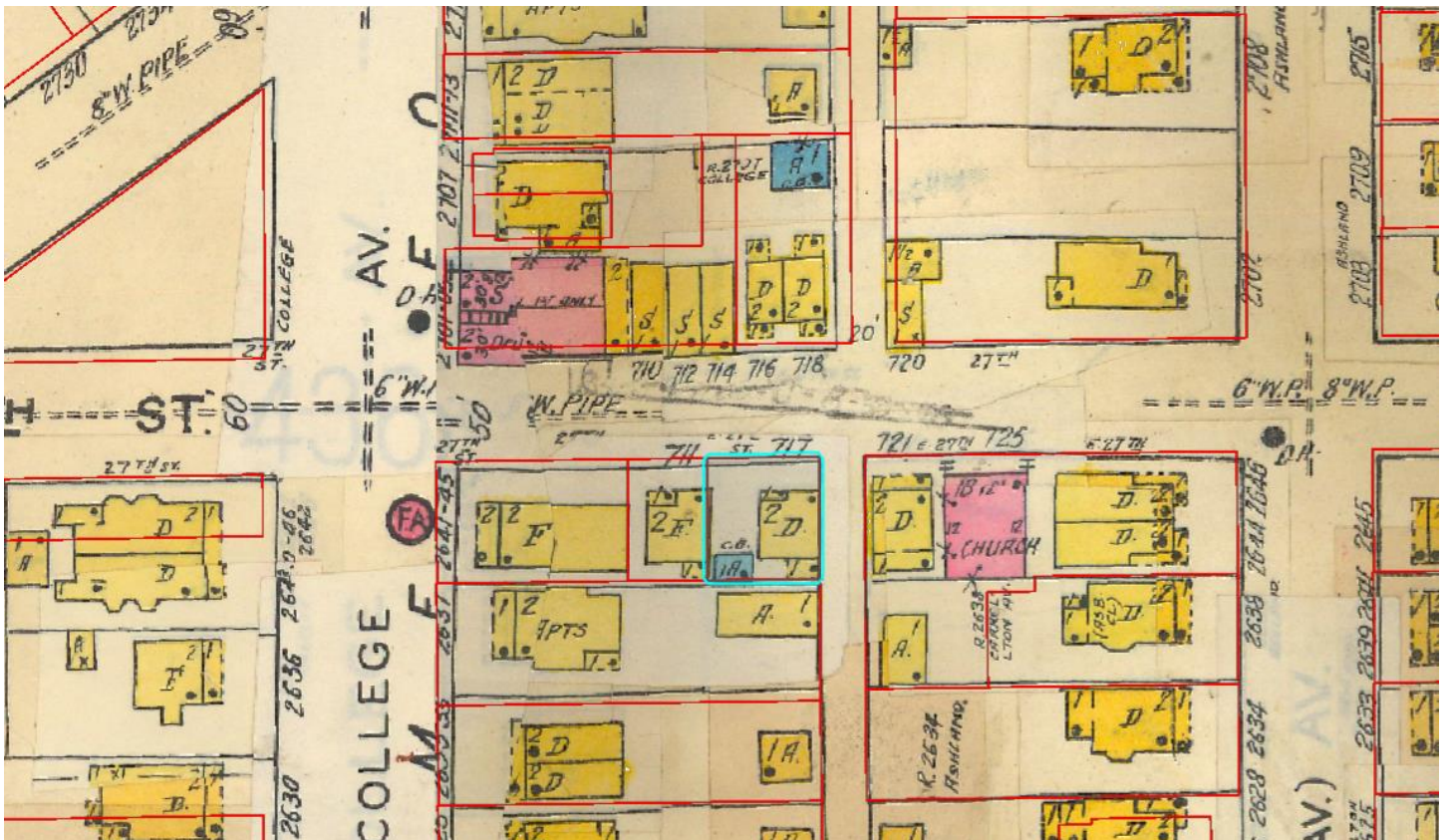




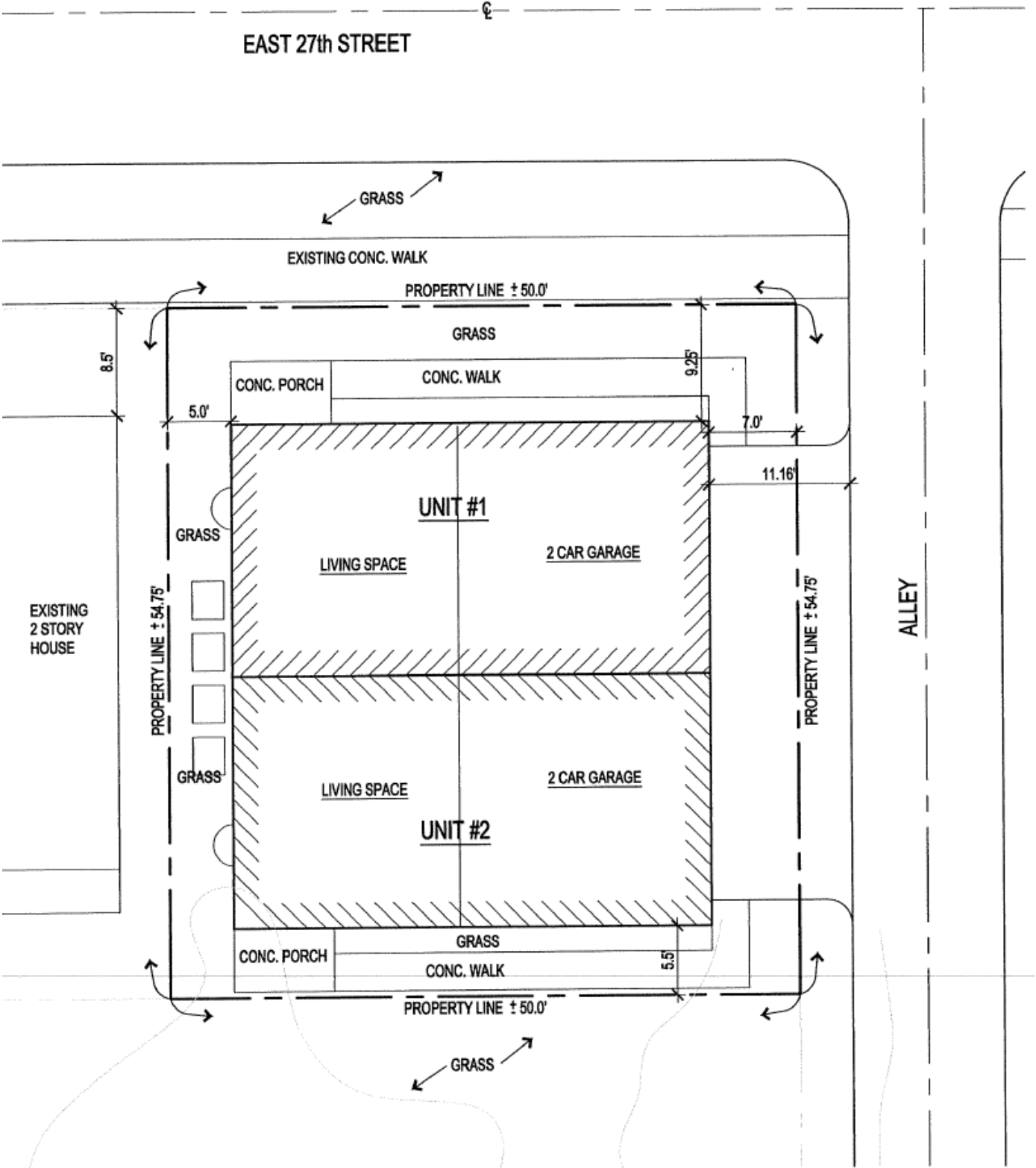
2023-DV2-017; Sanborn (1898)




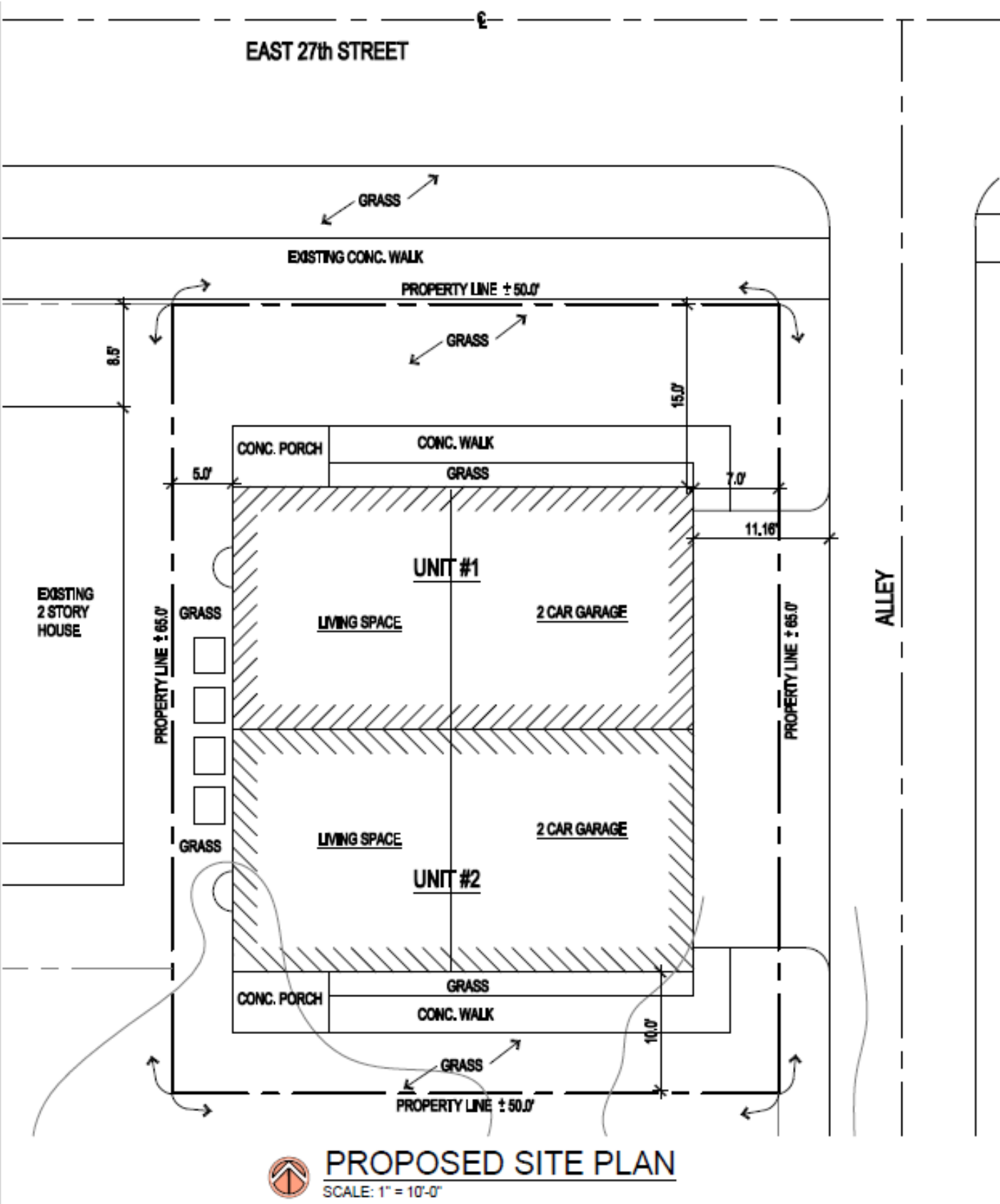
2023-DV2-017; Sanborn (1915)

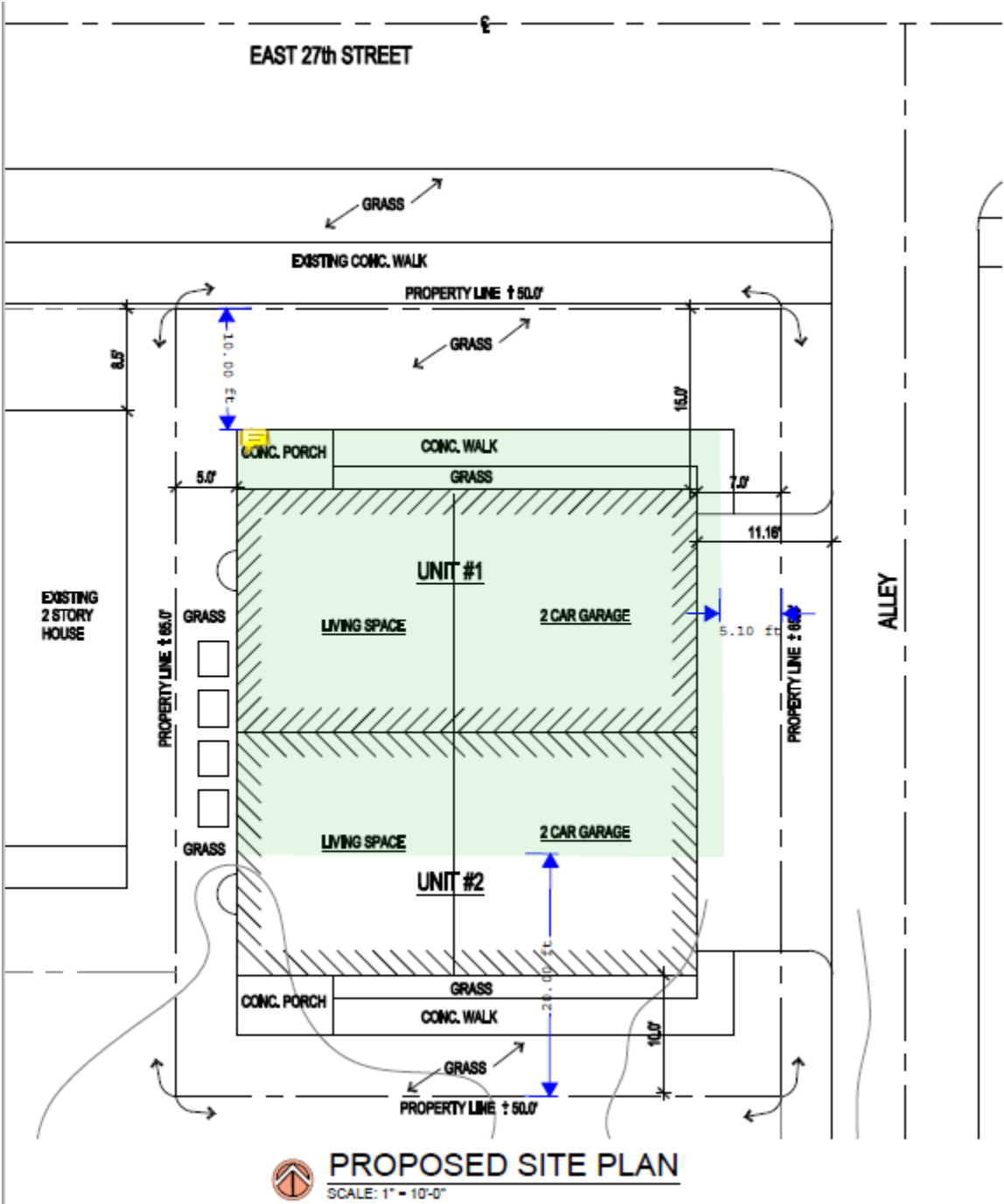






 **PROPOSED SITE PLAN**  
SCALE: 1" = 10'-0"

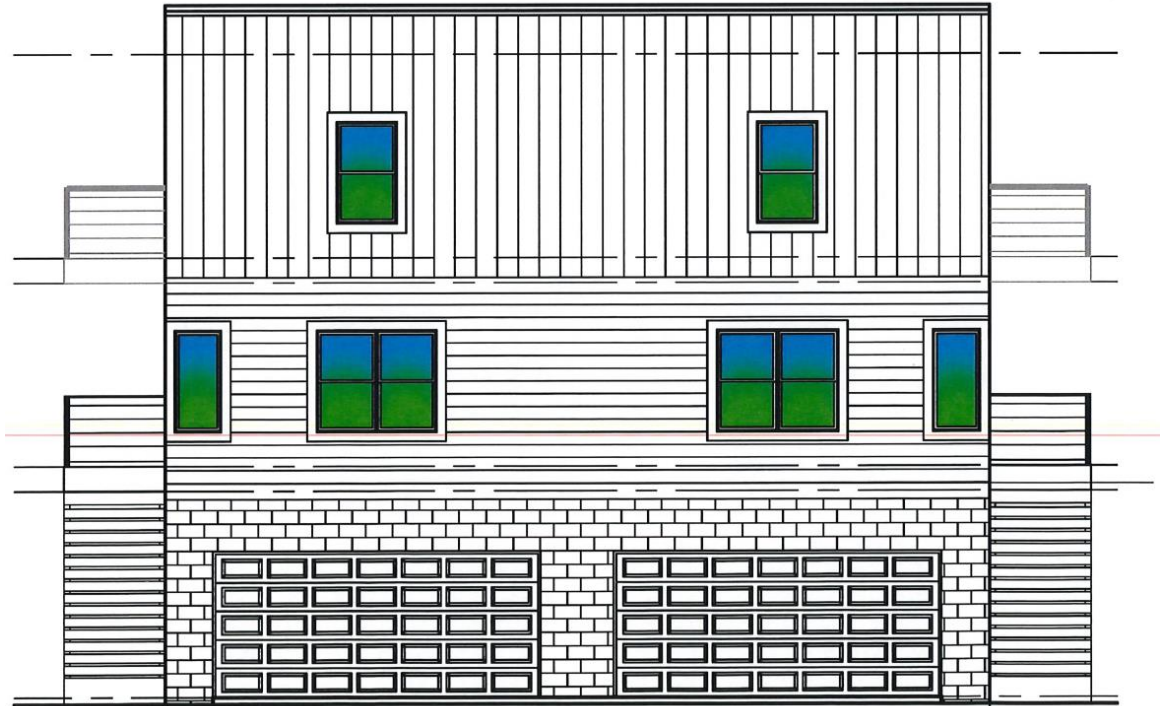








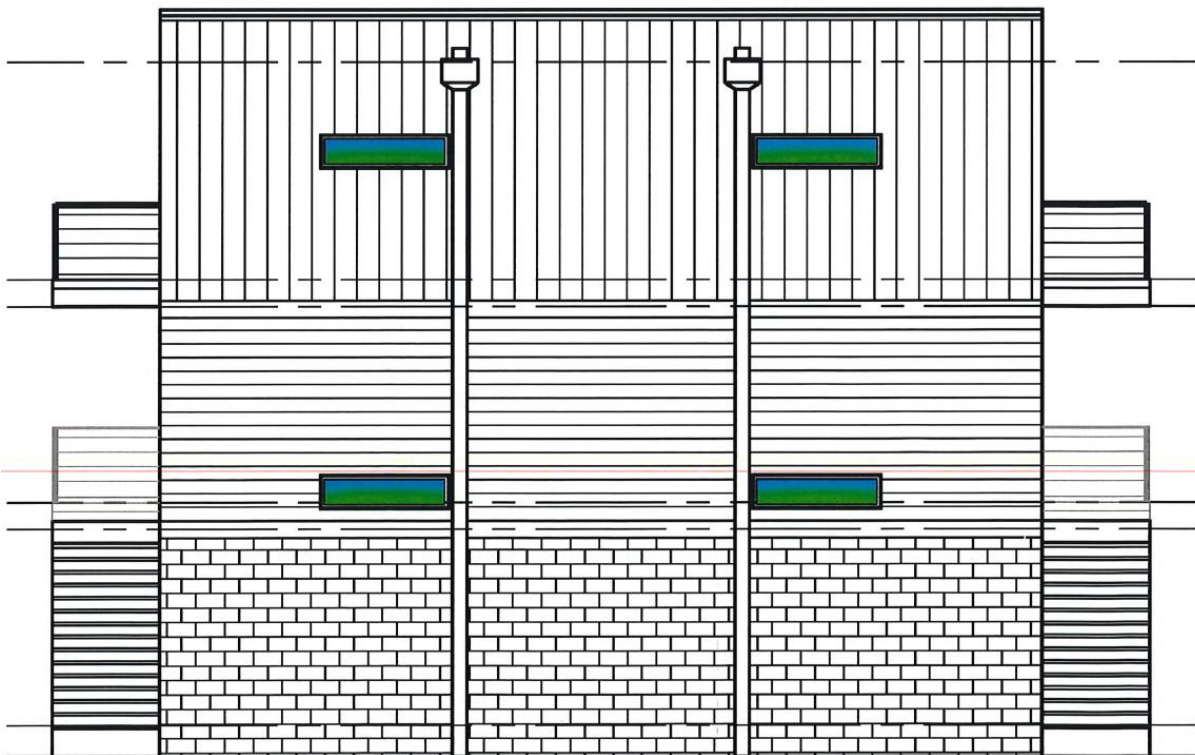
NORTH ELEVATION      UNIT #1  
SCALE: 1/8" = 1'-0"



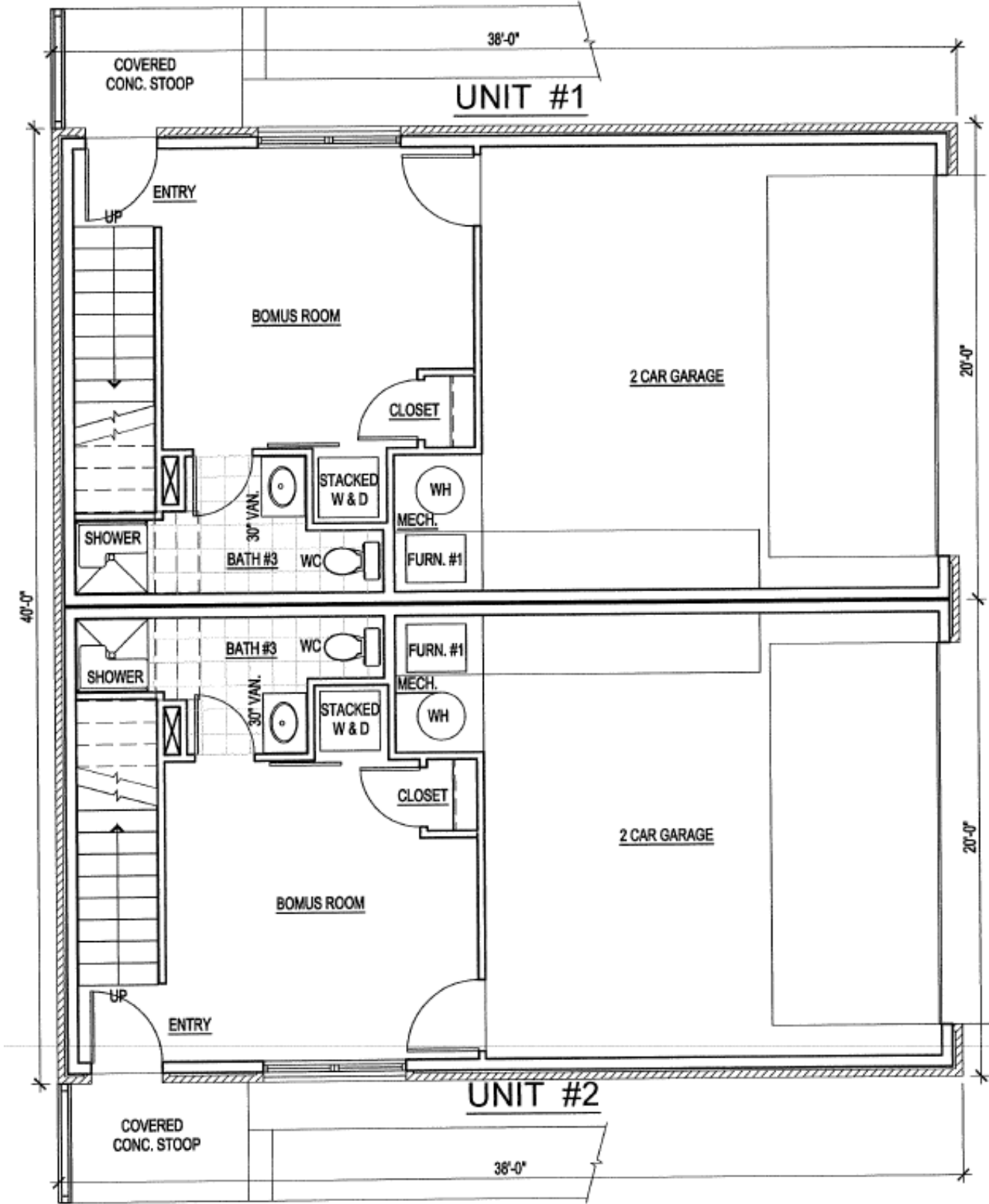
UNIT #2      EAST ELEVATION      UNIT #1  
SCALE: 1/8" = 1'-0"



UNIT #2      SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



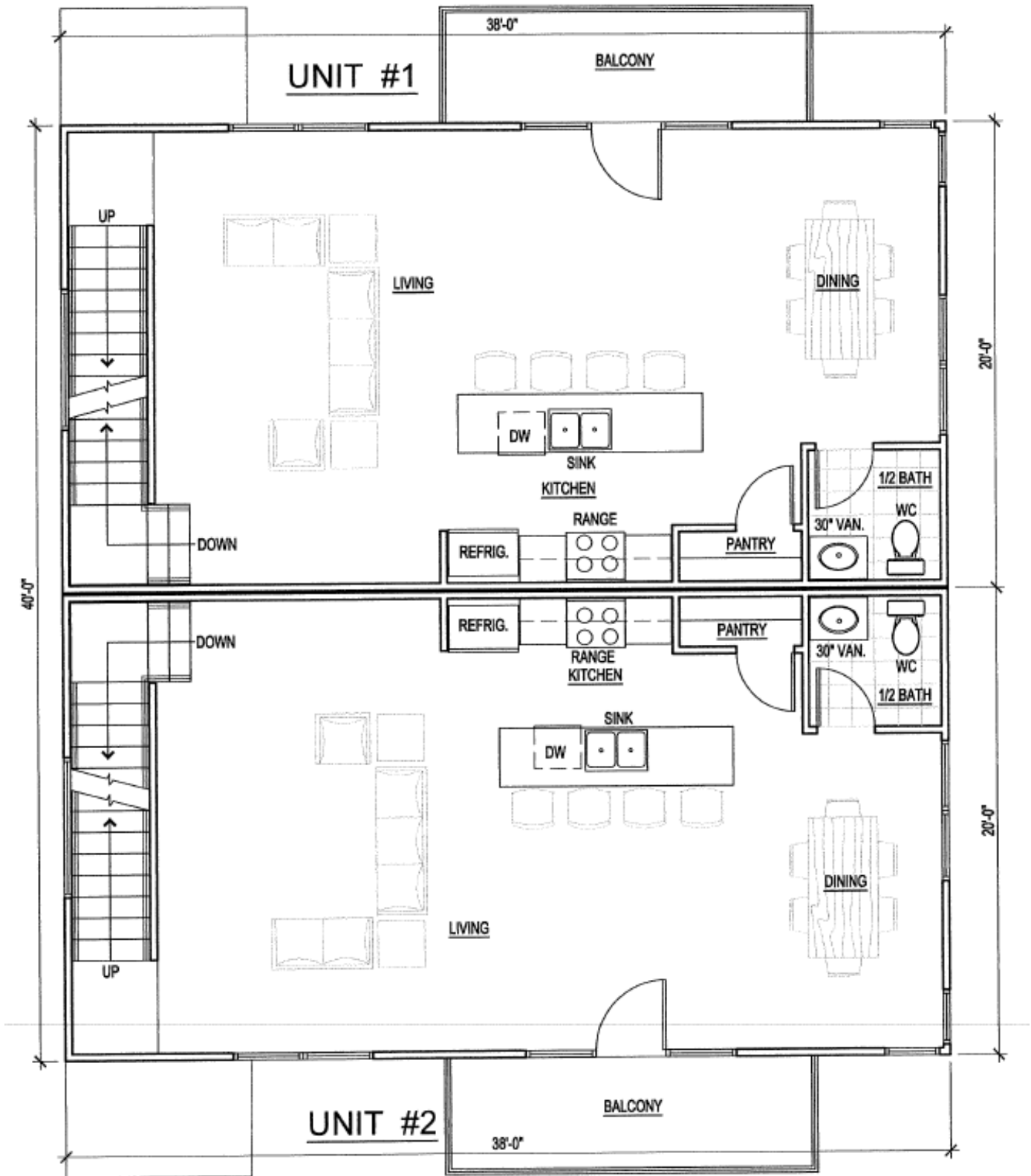
UNIT #1      WEST ELEVATION      UNIT #2  
SCALE: 1/8" = 1'-0"



**FIRST FLOOR PLAN**

SCALE: 3/16" = 1'-0"





## SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"



# THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"





Photo of the Subject Property: 717 East 27th Street



Photo of the rear yard of the subject site.





Photo of an undeveloped lot and church east of the subject site.



Photo of a two-family dwelling north of the subject site.





Photo of the street frontages and front setbacks along 27<sup>th</sup> Street.



Photo of the single-family dwelling and multi-unit house west of the site.



## STAFF REPORT

Item 8.

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

**Case Number:** 2023-UV2-009  
**Address:** 1540 South East Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** C-3  
**Petitioner:** 1540 East LLC, by Mark and Kim Crouch  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (500 feet of separation required) and a bar within 48-feet of a protected district (100 feet of separation required).

### ADDENDUM FOR SEPTEMBER 12, 2023

This petition was continued from the August 8, 2023, hearing, to the September 12, 2023 hearing at the request of the petitioner.

The petitioner has indicated the request for the operation of a bar within 48-feet of a protected district may be withdrawn if the use is changed to a restaurant.

### August 8, 2023

### RECOMMENDATIONS

Staff **recommends denial** of this petition.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

Compact	C-3	Commercial
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##### SURROUNDING ZONING AND LAND USE

North -	C-3	Residential / Commercial office
South -	C-3	Commercial event space
East -	C-3	Commercial / Residential
West -	C-1	Single-Family Dwelling

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends Village Mixed Use for the site.

(Continued)



**VARIANCE OF USE****TATTOO PARLOR SEPERATION**

- ◇ This request would provide for a variance of use, for a tattoo parlor to be located within 70 feet of the adjacent protected district to the west, 100 feet from the protected districts to the north/northwest, 150 feet from the protected district to the southwest, and 215 feet from the protected district to the east, when the Ordinance requires a separation of 500 feet, measured in any direction. The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 500-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the north, west and south, would be detrimental and injurious to the overall community.
- ◇ Due to inherent exceptional land use characteristics and potential locational impacts, tattoo parlors are permitted within the C-3 district only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 743-1 and shall not be located within 500 ft. of a protected district. If they are not able to meet the 500-foot separation, then they are only permitted in the C-3 with a Variance of Use. Tattoo parlors are also permitted in the C-4, C-5, and C-7 Districts with a 1,000-foot separation from any protected district.
- ◇ The subject site is zoned C-3, however, the tenant bay is located approximately 70 feet from a D-5 zoned protected district to the northwest, west and south. There are other residential uses zoned C-3 to the north, east, and south. The site is otherwise surrounded by various commercial uses.
- ◇ If inappropriately located, this use may have a deleterious effect upon other land uses and values. Regardless of their size, tattoo parlors are not appropriate uses adjacent to residential uses because of the medical waste generated. For this site, there is little screening to buffer the site from the surrounding residential uses.

**BAR SEPERATION**

- ◇ This request would also provide for a variance of use, for a bar to be located within 48 feet of adjacent protected districts, when the Ordinance requires a separation of 100 feet, measured in any direction. The 48-foot measured separation is from the outside patio seating area, that has limited sound barriers and speakers for music mounted on the rear wall positioned to the west towards one of the adjacent protected districts as indicated in the plan of operation and as seen in staff photo #4).
- ◇ The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 100-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the east and west, would be detrimental and injurious to the overall community.

(Continued)

- ◇ The proposed use would be in an existing building that is legally non-conforming in lot coverage and setbacks. The existing building and patio covers approximately 46% of the site, limiting the site from providing enough parking to meet the demand for all the uses on site. This may require staff and customer parking to use adjacent residential streets and further impact adjacent protected residential dwellings.
- ◇ The strict application of the terms of the zoning ordinance does not prohibit the use of the property for its intended use, for neighborhood commercial retail and service development. A practical difficulty is not present because this lot is a typical lot, improved with a commercial building, and can be used for various C-3 permitted uses by right, other nearby properties have done without the need for a separation variance. Any practical difficulty is self-imposed by the desire to use the site for a tattoo parlor within 70 feet of a protected district, and a bar within 48-feet of a protected district.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of South East Street is indicated as a primary arterial on the Official Thoroughfare Plan, with a 56-foot existing and proposed right-of-way.  This portion of Lincoln Street is indicated as a local street on the Official Thoroughfare Plan, with a 65-foot existing and proposed right-of-way.
SITE PLAN	File-dated May 31, 2023
PLAN OF OPERATION (Tattoo)	File-dated July 24, 2023
PLAN OF OPERATION (Bar)	File-dated July 25, 2023
FINDINGS OF FACT (Tattoo)	File-dated September 19, 2022

**ZONING HISTORY**

**2023-UV1-009; 409 Lincoln Street (southwest of site)**, requested a variance of use and development standards to provide for an addition to an existing single-family dwelling resulting in a two-foot west transitional side yard, **granted**.

**2022-UV2-028; 1634 South East Street (south of site)**, requested a variance of use to provide for a bar within 22 feet and 75 feet of protected districts, **denied**.

**2019-HOV-056; 438 Lincoln Street (west of site)**, requested a variance of use and development standards to provide for the construction of a porch, with a five-foot side west side transitional yard, attached to a single-family dwelling, located within the clear sight triangle of the abutting street and alley, with zero-foot front and front transitional yards, **granted**.

**2019-DV1-002; 1506 South East Street (north of site)**, requested a variance of development standards to provide for a two-story single-family dwelling, with an eight-foot front setback, with two feet and 1.5-foot side setbacks, with two feet and 1.5 feet between primary dwellings and a detached garage with a two-foot south side setback, and with 37% open space., **granted**.

(Continued)

## **STAFF REPORT 2023-UV2-009 (Continued)**

**2019-DV2-018; 1539 South New Jersey Street (northwest of site)**, requested a variance of development standards to provide for single-family dwelling with an eight-foot front setback, 3.45-foot and four-foot separation between dwellings and to provide for a detached garage and 50% open space, **granted**.

**2019-DV3-024; 1628 South East Street (south of site)**, requested a variance of development standards to provide for a real estate office, with accessory storage, with five parking spaces, and with maneuvering within the rear transitional yard, **granted**.

**2018-DV1-025; 1531 South East Street (east of site)**, requested a variance of development standards to legally establish a retail building, with four parking spaces, three of which are substandard, without a van handicapped parking space, and with a zero-foot east transitional yard without landscaping, **granted**.

**2018-DV3-017; 1502 South East Street (north of site)**, requested a variance of development standards to provide for an addition to a single-family dwelling, with nonconforming front and south side setbacks and separation between dwellings, creating an open space of 50% and to provide for a deck with a zero-foot north side setback, **granted**.

**2018-UV1-017; 1529 South East Street (north of site)**, requested a variance of use to provide for primary and accessory residential uses, including a single-family dwelling and a detached garage, **granted**.

**2018-UV1-046; 1518 South East Street (north of site)**, requested a variance of use and development standards to provide for the remodel of an existing single-family dwelling and the construction of a second single-family dwelling, with 4.5-foot front setbacks, on proposed lots with 27 feet of frontage and 24 feet of frontage, respectively, **granted**.

**2018-CZN-821; 1526 South East Street (north of site)**, requested the rezoning of 0.13 acre from the C-1 district to the D-5 district; **approved**.

**2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue (includes sites to the north, west and south)**, requested the rezoning of 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

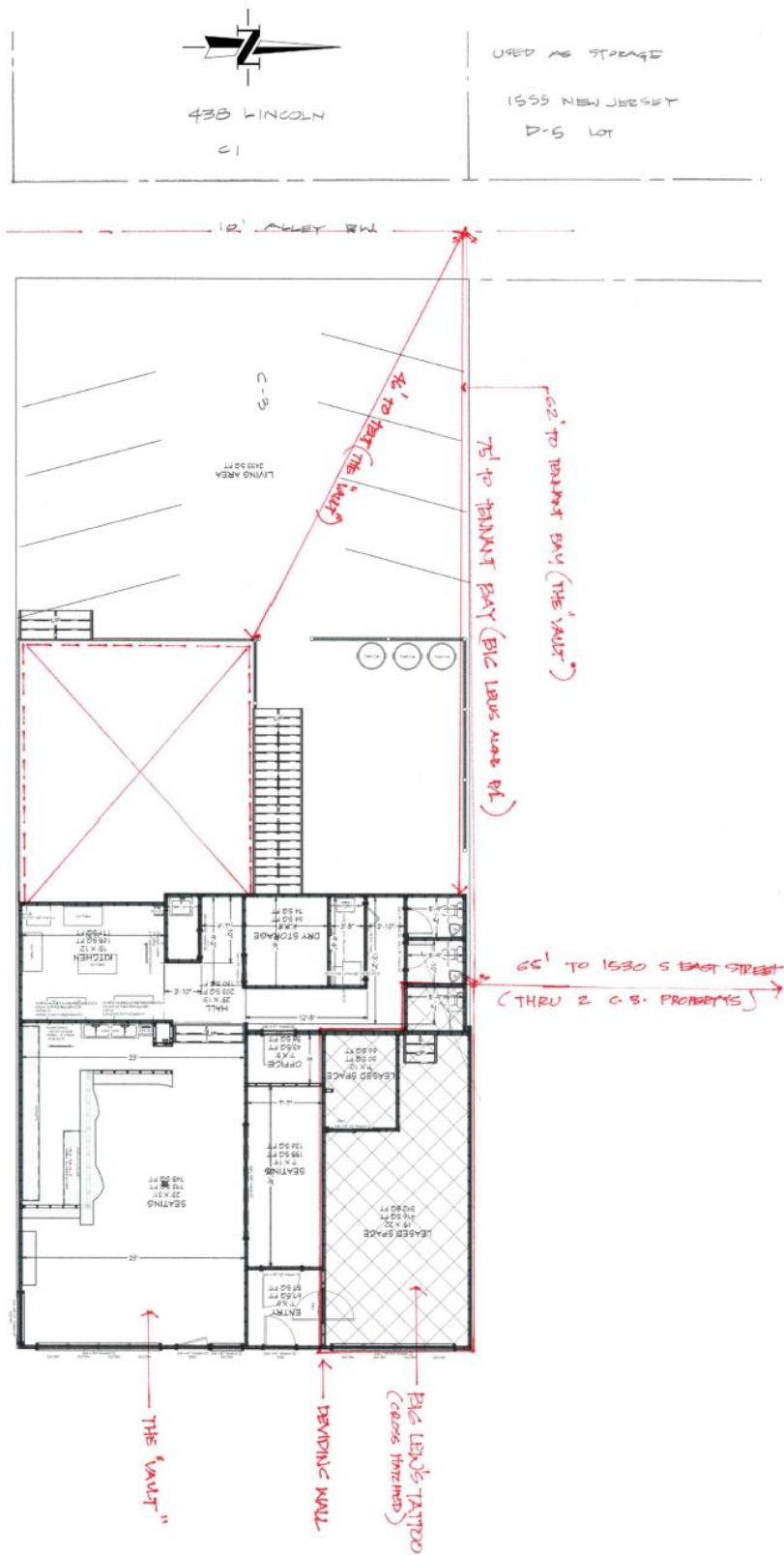
**2014-UV2-003; 1537 South East Street and 516 Lincoln Street (east of site)**, requested a variance of use and development standards to provide for commercial space and two dwelling units; and to legally establish an existing building, with a zero-foot front setback along East Street and Lincoln Street being within the clear sight triangle of said streets; a parking area with a zero-foot front setback; five parking spaces, with maneuvering within the right-of-way of Lincoln Street; without a landscape buffer along the frontage of both streets; and to provide for two stoops, with steps and a handicapped ramp encroaching approximately four to five feet, respectively into the right-of-way of Lincoln Street, **granted**.

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**Big Lew's Tattoos – Plan of Operation  
1540 s east street Indianapolis Indiana 46225**

**Workforce.**

There will be about 1 Artist on site daily. Hours of operation are Monday- Closed, Tuesday- Saturday 11am-9pm, Sunday 12pm-6pm. Artists are responsible for their own transportation to and from work. There is street parking available for use onsite. There is a security system and cameras 24/7.

**Clients & Customers.**

Clients range between ages 18-90. Clients will come to the shop, Tuesday through Saturday 11am-9pm and Sunday 12pm-6pm. We can hold 15 clients in the shop at a time. We provide music and entertainment while a client waits on their tattoo. We provide amazing service, only doing amazing high-quality tattoos. We will make sure that the clients receive amazing service. The client will also receive after care instructions. There will be a receptionist at the front door at all times to greet clients and ensure they are signed in and accounted for at all times, street parking will be closely monitored by the camera systems. The cameras can be monitored on the owner's phone.

**Materials Used.**

Material used: cleaning supplies and Disinfectant These materials will be used to sanitize bathrooms and floors and common areas and booths. All cleaning supplies, and disinfectants will be stored in a locked storage room.

Client chairs, Artist chairs, Arm rest, machines, inks, needles, stencil paper, iPads, gloves.

**Shipping & Receiving:**

Materials are brought to the facility in either the company or mid-size cars of the office staff. Materials should be brought before or after business hours only. Stocking of materials should occur once a week. There should not be any shipping.

**Waste:**

Type of waste: Food trash, paper, plastic wrapping, needles, - generated by clients and employees.

Four trash barrels with lids and bags on site, multiple sharps containers, and a hazard bin.

Trash will be removed at the end of the shift daily. Any hazardous materials are picked up by a company.



**The Vault Indy - Plan of operation**  
1542 South East Street, Indianapolis, IN 46225

The Vault Indy is a restaurant/bar creating craft cocktails and pairing local spirits with local foods. We hire local and all but one employee lives in Marion County. We are helping to be a part of the economic growth on the southside of Indianapolis. We also attract lots of out-of-town guests that might not know of the south side of Indianapolis and without our business and other new development the tourist might not venture to these smaller neighborhoods. The building we are in was vacant and run down when we first found it. It now has three different businesses all adding to the neighborhood. Although we are a bar, we keep the sound down outside at night in respect to our neighbors and try to get as involved with donations and neighborhood projects or development.

The Vault Indy employs 9-12 employees depending on the season and type of private events. Most work on site minus a marketing person that helps with social media advertising etc. Each employee has their own transportation or lives within walking distance of the establishment. They park either on the street or in the parking lot behind the building. All employees either leave together or leave during the daylight. There are cameras around the entire business to keep security as high as possible as well as we have a bouncer on Friday & Saturday evenings. The establishment also has a panic alarm and security system for fire, smoke, break ins etc. monitored by ADT.

The typical client for our establishment is from ages 22-75, all genders, interested in fine spirits and classic/craft cocktails. The median income of our client is unknown, but our average ticket price is \$50.00. All customers must be on site to purchase drinks or food from our establishment. Clients also park on street or in the private parking lot behind the building. 50 clients may be inside our establishment at a time and another 30 outside.

Our business provides the community with fresh local and organic ingredient foods along with local spirits from distillers around us and around the Midwest. We provide our clients with an intimate experience in crafting cocktails with fresh local ingredients. We also work hand in hand with the neighborhood to stay involved with any donations needed for community projects/events/the community center that helps with after school programs for working parents.

No hazardous materials used. Any cleaning supplies or sanitary products used in the dishwasher are not hazardous and safe for all contact due to being a food and drink establishment.

No shipping happens. We will eventually have some merch like shirts etc. but at this moment only products that can be purchased can't be shipped. We receive in food and liquor products delivered by small box trucks or vans weekly 2-3 times a week.

Waste generated is food waste, paper products, by guests and employees. No waste is hazardous. There is no recycling program as of yet, but we do use compostable products to reduce our waste.



#1 - Subject site looking west.



#2 - Subject site tattoo parlor tenant bay, looking west.



#3 - Subject site bar tenant bay, looking west.



#4 - Subject site bar tenant bay rear patio with speakers, looking east





#5 - Adjacent residential protected district approximately 48 and 70 feet to the west.



#6 - Adjacent residential protected district to the northwest.





#7 - Adjacent residential protected district to the west, looking east.



#8 – Adjacent residential use to the west, zoned C-1, looking north.





#9 - Adjacent residential protected district to the southwest approximately 108 feet, looking south.



#9 - Adjacent mixed use to the east, with commercial retail and apartments zoned C-3.





#9 - Adjacent mixed uses to the north, with multi-family apartments and commercial office zoned C-3, looking west.



Adjacent residential protected district to the north approximately 68 feet, looking west.

## STAFF REPORT

Item 9.

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

**Case Number:** 2023-DV2-021  
**Address:** 5000 Nowland Avenue (approximate address)  
**Location:** Center Township, Council District #12  
**Zoning:** SU-2 / D-5  
**Petitioner:** Roman Catholic Archdiocese of Indpl Properties Inc., by Chris Hyink  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an 8.08-foot tall monument sign with digital display (maximum five-foot monument sign permitted, digital display not permitted).

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

SU-2 and D-5	High School educational facility and associated recreational and competitive athletic fields
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##### SURROUNDING ZONING AND LAND USE

North - D-5	Single-Family Dwellings
South - D-5	Single-Family Dwellings
East - D-5	Single-Family Dwellings
West - D-5	Single-Family Dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends regional special uses for the site.
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- ◇ The site is primarily zoned SU-2 which permits educational uses, and recreational and competitive fields as accessory uses. A small portion in the southwest corner of the site is zoned D-5.
- ◇ The proposal would allow for a taller than permitted monument sign that incorporates a prohibited digital display panel.

### VARIANCE OF USE & DEVELOPMENT STANDARDS

- ◇ This proposal would allow for the erection of an 8.08-foot tall, monument sign, with digital display within 80 feet of a protected district. The digital display (EVMS) is not permitted in an SU district, and when allowed, it is not permitted within 400 feet of a protected district. The Ordinance has

(Continued)

been constructed to limit these signs near protected districts, because of their scrolling displays, brightness and aesthetic impact on protected districts. The proposed sign would be within about 75 of a protected district located unobstructed to the south.

- ◇ The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.
- ◇ There are no buildings or landscaping that would obscure the proposed EVMS from the impacted dwelling districts. This sign, therefore, would clearly impact the dwellings to the south because of its brightness and aesthetic impact.
- ◇ The Ordinance was developed to limit the incidence of these signs near protected districts because of their scrolling displays, brightness, and negative aesthetic impact for 24 hours a day, 365 days a year.
- ◇ No practical difficulty in the use of this property would result from denial of this variance request., as the currently permitted sign could continue to be used. The petitioner’s proposed findings indicate that the sign is intended to promote enhanced aesthetics. However, in developing the Sign Regulations, it was determined that the impact of EVMS signs on protected districts outweighed the positive aspects of such signs. The proposed sign has no physical barriers that prevent the community from visually seeing the sign. There is no reason that a manual reader board, although not typically essential to the operation of a high school, could be used, along with social media and other alternative communication methods.
- ◇ Any practical difficulty is self-imposed by the petitioner’s desire to choose to not follow the ordinance for their purposes of providing consistent, aesthetically pleasing signage, by proposing a sign taller than the Ordinance allows and within the protected district separation which is not allowed.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

This portion of Nowland Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.

This portion of Dequincy Street is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.

This portion of Elliott Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 45-foot existing right-of-way and a 48-foot proposed right-of-way.

(Continued)



SITE PLAN File-dated July 21, 2023

ELEVATIONS File-dated July 21, 2023

FINDINGS OF FACT File-dated July 21, 2023

**ZONING HISTORY**

**Subject Site:**

**2022-DV2-038; 5000 Nowland Avenue;** requests variances of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot chain link and decorative fencing within the front yards and clear sight triangles of the intersections of Elliot Avenue, Dequincy Street and Nowland Avenue and the clear sight triangle of the driveway off of Nowland Avenue (chain link fencing not permitted in front yards, maximum height of 3.5 feet permitted, encroachment of the clear sight triangles not permitted); **granted.**

**Vicinity:**

**2015-UV1-015; 5015 East 16<sup>th</sup> Street;** requests requested a variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot tall monopole tower, with a 10-foot antenna, and accessory equipment cabinets; **denied.**

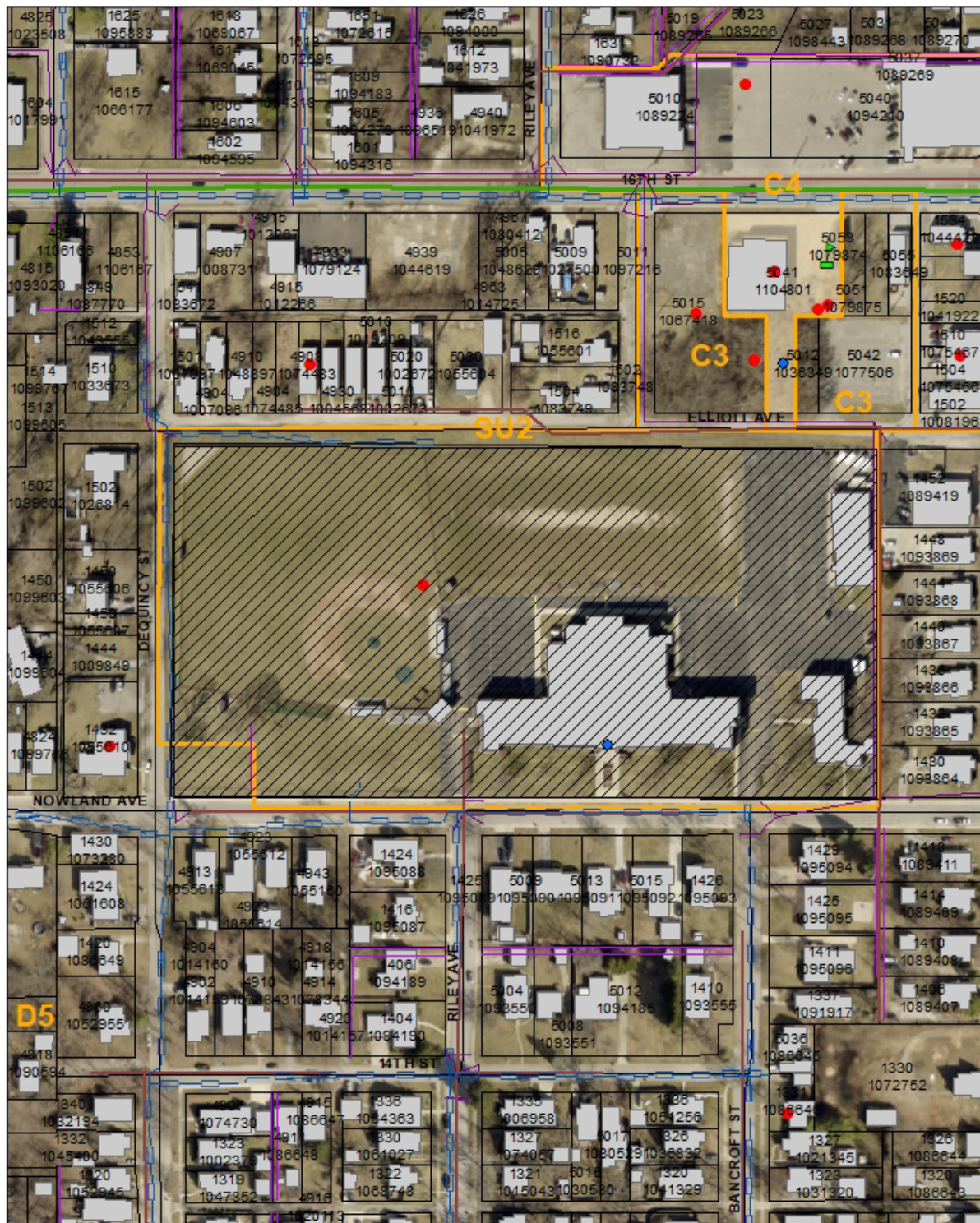
**2012-UV1-026; 1432 Dequincy Street;** requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a transitional living program for up to eight people; **granted.**

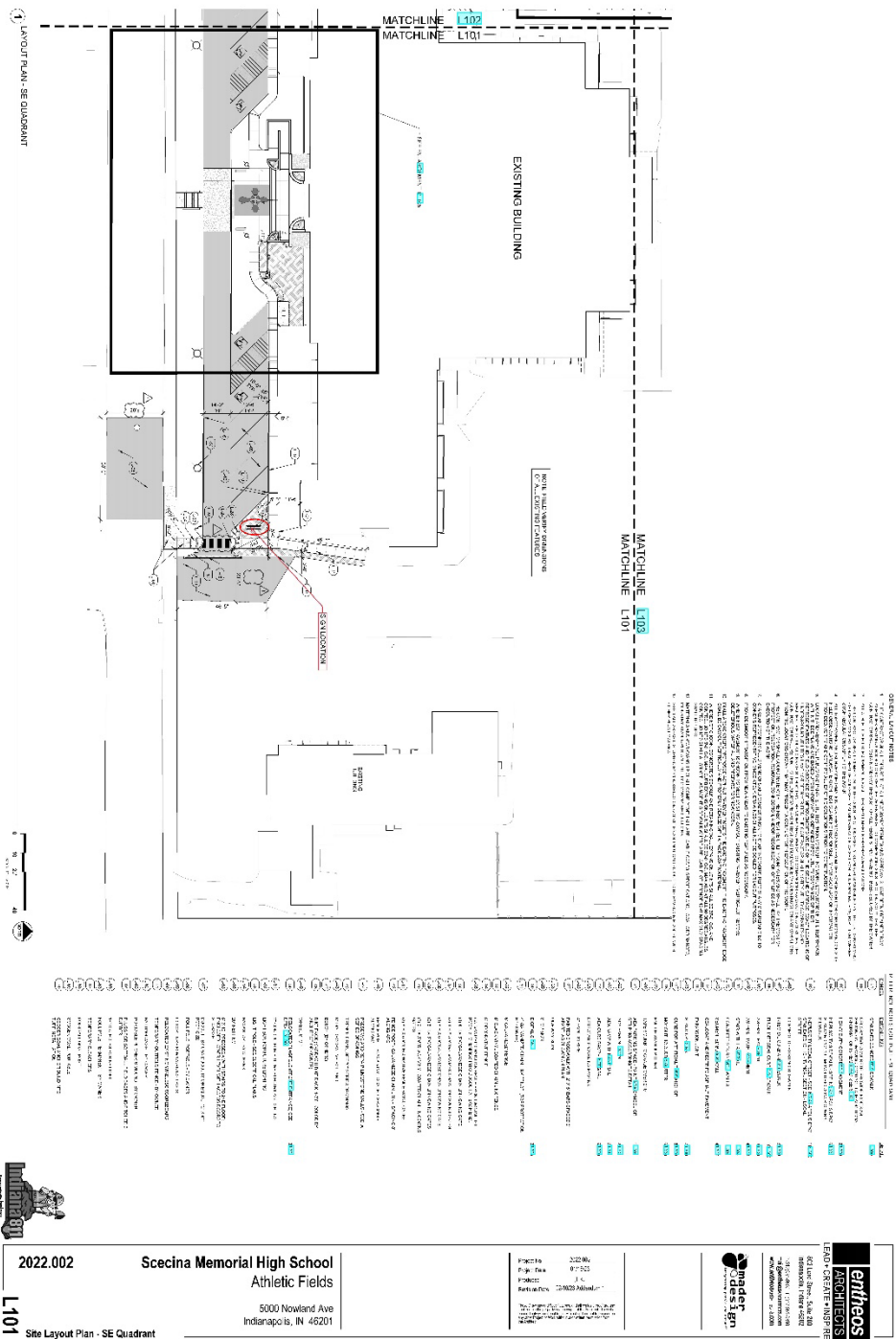
**2003-UV3-010; 5041 East 16th Street;** requested a variance of use of the Commercial Zoning Ordinance to provide for religious uses; **granted.**

**99-UV2-122; 5041 East 16th Street;** requests a variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility, for automobiles and light trucks; **granted.**

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2022.002

**Scecina Memorial High School**

Athletic Fields

5000 Nowland Ave  
Indianapolis, IN 46201

2022.002

**Scecina Memorial High School**

Athletic Fields

5000 Nowland Ave  
Indianapolis, IN 46201

2022.002

**Scecina Memorial High School**

Athletic Fields

5000 Nowland Ave  
Indianapolis, IN 46201



**LEGEND**

- BLACK
- WHITE
- METALLIC SILVER
- PMS 123 SCECINA GOLD
- PMS 201 SCECINA CARDINAL RED

**SPECIFICATIONS QTY: 1 D/E**

- 24" DEEP EXTRUDED ALUMINUM CABINET W/ ROUTED PUSH THRU FACE PTD. PMS 201 SCECINA CARDINAL RED.
- 1/2" THK. CLEAR ACRYLIC COPY W/ TRANS WHITE VINYL FACES AND 2ND SURFACE DIFFUSER.
- 1/2" THK. CLEAR ACRYLIC LOGO W/ DIGITAL PRINT TRANS VINYL FACES.
- INTERNAL ILLUMINATION W/ WHITE LEDS.
- 120X300 6MM MESSAGE CENTERS.
- 2 X 2 SQ ALUMINUM TUBE FABRICATED CROSS PTD. METALLIC SILVER.
- 3 X 3 INTERNAL STEEL SUPPORT DIRECT BORED IN 8" PVC SLEEVE.
- CONCRETE BASE W/ 2" CHAMFER EDGES AND 8" PVC SLEEVE BY OTHERS.



Photo One: Looking West Along Nowland Avenue.



Photo Two: Facing East Along Nowland Avenue.





Photo Three: Front Façade of Subject Site.



Photo Four: Location of Proposed Sign.





Photo Five: Residential Neighborhood to the South, Across Nowland Avenue.

## STAFF REPORT

Item 10.

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

**Case Number:** 2023-DV2-022  
**Address:** 5000 Nowland Avenue (approximate address)  
**Location:** Center Township, Council District #12  
**Zoning:** SU-2 / D-5  
**Petitioner:** Roman Catholic Archdiocese of Indpl Properties Inc., by Leslie Steinert  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking lot resulting in 220 total parking spaces (maximum of 197 parking spaces permitted).

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

SU-2 and	High School educational facility and associated recreational and
D-5	competitive athletic fields

##### SURROUNDING ZONING AND LAND USE

North -	D-5	Single-Family Dwellings
South -	D-5	Single-Family Dwellings
East -	D-5	Single-Family Dwellings
West -	D-5	Single-Family Dwellings

**COMPREHENSIVE PLAN** The Comprehensive Plan recommends regional special uses for the site.

- ◇ The site is primarily zoned SU-2 which permits educational uses, and recreational and competitive fields as accessory uses. A small portion in the southwest corner of the site is zoned D-5.

### VARIANCE OF USE & DEVELOPMENT STANDARDS

- ◇ The request would allow for 220 parking spaces to be provided on site, an 11.67 percent increase of the maximum 197 permitted by-right.

(Continued)

- ◇ Parking maximums were implemented as part of the adoption of Indy Rezone in order to limit the amount of hardscaping on site to reduce the urban heat island effect and the potential for water runoff on adjacent properties.
- ◇ The application indicates that the requested increase is to allow for the current construction on site to be completed and in anticipation of potential future expansions that may result in the removal of parking near the main building. It is Staff's position that this reasoning is insufficient, and that any parking expansion be done in accordance with future construction activity. Furthermore, Staff is unsure how the denial of this request would result in the inability of the current expansion project to be completed. Therefore, Staff does not believe there to be sufficient practical difficulty warranting a favorable recommendation.

**GENERAL INFORMATION**

**THOROUGHFARE PLAN**

This portion of Nowland Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.

This portion of Dequincy Street is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.

This portion of Elliott Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 45-foot existing right-of-way and a 48-foot proposed right-of-way.

(Continued)



SITE PLAN File-dated July 21, 2023

ELEVATIONS File-dated July 21, 2023

FINDINGS OF FACT File-dated July 21, 2023

**ZONING HISTORY**

**Subject Site:**

**2022-DV2-038; 5000 Nowland Avenue;** requests variances of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot chain link and decorative fencing within the front yards and clear sight triangles of the intersections of Elliot Avenue, Dequincy Street and Nowland Avenue and the clear sight triangle of the driveway off of Nowland Avenue (chain link fencing not permitted in front yards, maximum height of 3.5 feet permitted, encroachment of the clear sight triangles not permitted); **granted.**

**Vicinity:**

**2015-UV1-015; 5015 East 16<sup>th</sup> Street;** requests requested a variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot tall monopole tower, with a 10-foot antenna, and accessory equipment cabinets; **denied.**

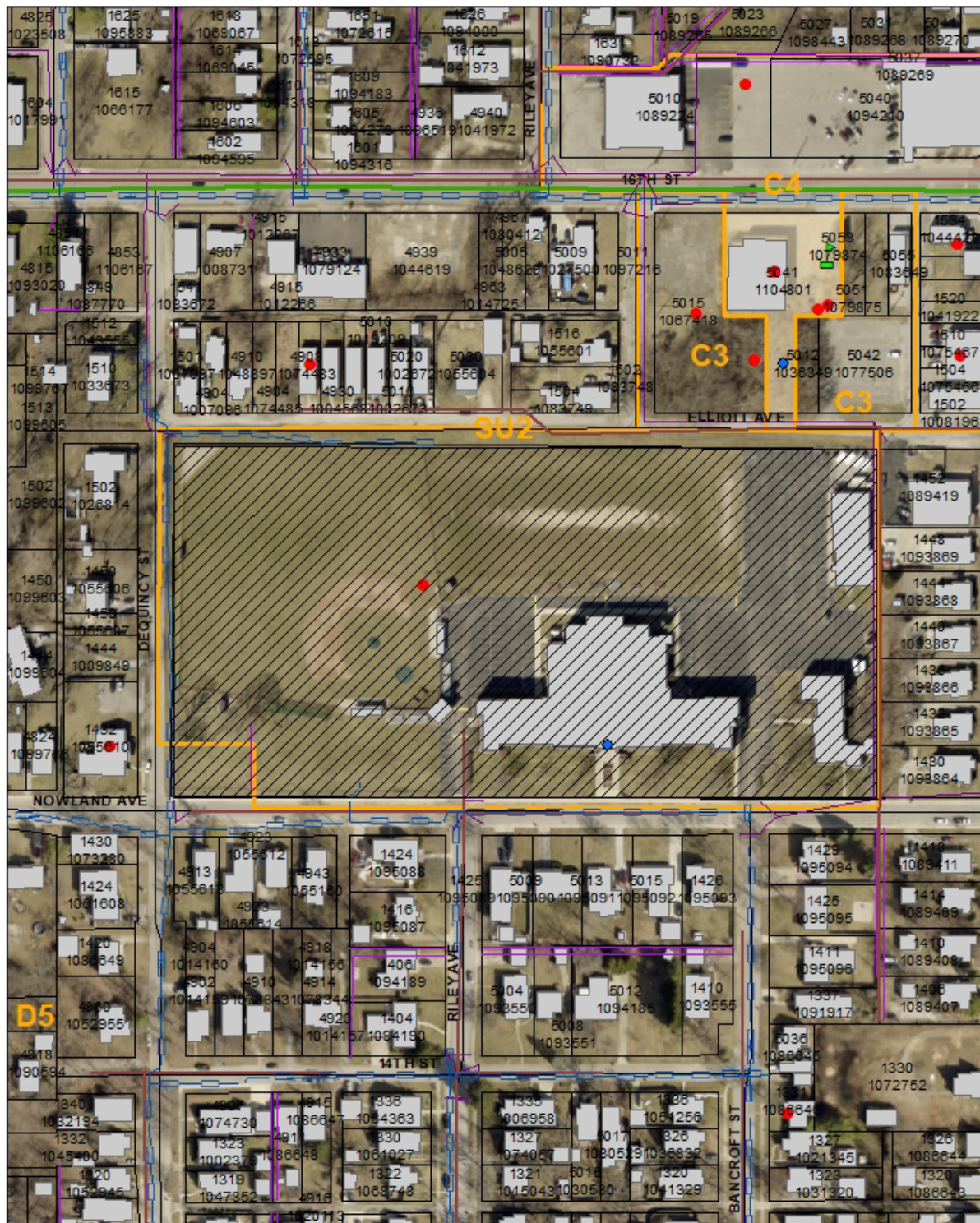
**2012-UV1-026; 1432 Dequincy Street;** requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a transitional living program for up to eight people; **granted.**

**2003-UV3-010; 5041 East 16th Street;** requested a variance of use of the Commercial Zoning Ordinance to provide for religious uses; **granted.**

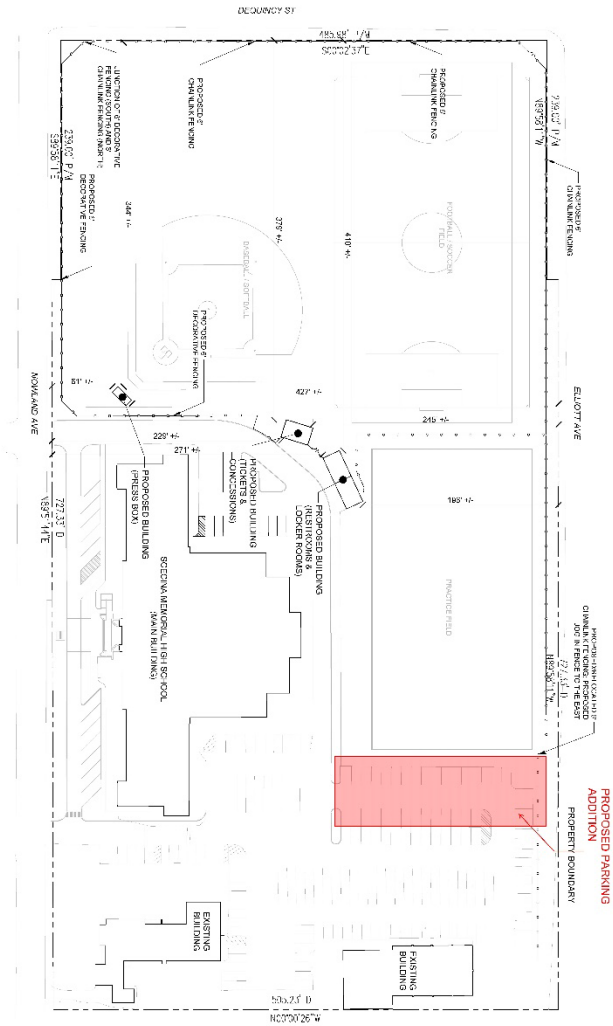
**99-UV2-122; 5041 East 16th Street;** requests a variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility, for automobiles and light trucks; **granted.**

EDH

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## 1 SITE PLAN



2022.002

SP1 Site Plan

**Sccecina Memorial High School**  
Athletic Fields  
5000 Nowland Ave  
Indianapolis, IN 46201

Project No. 2024072  
Project Date Aug. 18, 2025  
Project Loc. IL, USA  
Discussion Date Dec. 16, 2025

This is preliminary information regarding a new project. The information is subject to change. The information is for informational purposes only. It is not intended to be used for any other purpose.







Photo One: Looking West Along Nowland Avenue



Photo Two: Facing East Along Nowland Avenue.



Photo Three: Façade of Building on Subject Site.



**BOARD OF ZONING APPEALS DIVISION II**

**September 12, 2023**

**Case Number:** 2023-DV2-024

**Property Address:** 2507 Willowbrook Parkway (approximate address)

**Location:** Washington Township, Council District #9

**Petitioner:** DAST 2 LLC, by Joseph Lese

**Current Zoning:** C-3 (W-1) (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).

**Current Land Use:** Commercial

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

**Recommended Motion:** Motion to approve petition 2023-DV2-024

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of this request

- However, if the Board is to approve this petition, Staff would request for the approval to be subject to the site plan, not permitting any deviation from the proposed location and design.

**PETITION OVERVIEW**

- This request would provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).
- The site consists of a newly constructed water drainage basin, a parking lot, an access drive, and an undeveloped area where a future building and parking lot have been proposed. The total area of the site is 4.20 acres.



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

- The fence design (depicted below) calls for 8-foot-tall, corrugated metal panels with a wood trim board pergola that sits 2 feet above the metal panels. The metal panels would be opaque, with zero see-through visibility, while the 2 feet above the panels would remain primarily open apart from the vertical wood posts connecting to the wood trim board pergola that sits 2 feet above the panels. The access drive is to have an automatic sliding gate system, restricting access from the Pennwood Drive right-of-way.
- The proposed fence height is well beyond the height permitted and would effectively eliminate all visibility of the subject site from rights-of-way and adjacent properties. Fence height limitations are in place to allow for and protect open space and visibility, while allowing for reasonable privacy from surrounding areas. Furthermore, Staff finds the height requested to be excessive and unnecessary to providing sufficient privacy and does not see any practical difficulty for the petitioner to require a fence at a height of 10 feet.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 (W-1) (FF)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3	North: Commercial
South:	C-3	South: Commercial
East:	C-3	East: Commercial
West:	C-3	West: Commercial
<b>Thoroughfare Plan</b>		
Willowbrook Parkway	Local Street Existing ROW: 80 feet Proposed ROW: 48 feet	
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	8/15/23	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	8/4/23	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	8/4/23	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

### **Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site

### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site

### **Infill Housing Guidelines**

- Not Applicable to the Site

### **Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**84-Z-88; 4601 North Keystone Avenue (south of site)**, requests rezoning of 0.88 acres, being in the D-5 district, to the C-5 classification, to provide for the operation of an automobile sales lot, **approved**.

**86-UV3-18; 4755 Kingsway Drive (north of site)**, variance of use of the Commercial Zoning Ordinance to provide for a day nursery in an existing office building, **approved**.

**89-Z-16; 2424 E 46<sup>th</sup> Street (south of site)**, requests the rezoning of 0.80 acres, being in the D-5 district, to the C-2 classification to conform with the Keystone Avenue Corridor Plan adopted August 1986, **approved**.

**91-Z-100; 4610 N Keystone Avenue (west of site)**, rezoning of 0.8 acres, being in the C-1 District, to the C-3 for classification for commercial development, **approved**.

**93-Z-177; 2502 E 46<sup>th</sup> Street (south of site)**, requests the rezoning of 1.38 acres, being in the D-5 district, to the C-2 classification to provide for commercial office uses, **approved**.

**95-UV2-46; 4599 Allisonville Road (east of site)**, requests a variance of use of the Commercial Zoning Ordinance to provide for an outdoor automobile sales/display and indoor automobile repair operation (not permitted), **approved**.

**2000ZON868; 2902 E 46<sup>th</sup> Street (east of site)**, rezoning of 8.59 acres from C-4, to C-S to provide for neighborhood retail uses and warehousing, **approved**.

**2002UV3025; 2508 Willowbrook Parkway (west of site)**, variance of use of the Commercial Zoning Ordinance to provide for a homeless terminal care facility (not permitted), **approved**.

**2004ZON015; 2325 and 2327 E 46<sup>th</sup> Street (south of site)**, Rezoning of 1.4 acres, being in the I-1-s (W-1) District, to the C-5 (W-1) classification to provide for a retail store, **approved**.

**2008ZON052; 4760 Pennwood Drive (north of site)**, rezoning of 4 acres, from the C-3 (W-1) (W-5) District, to the D-6II (W-1) (W-5) classification to provide for multi-family residential uses, **approved**.

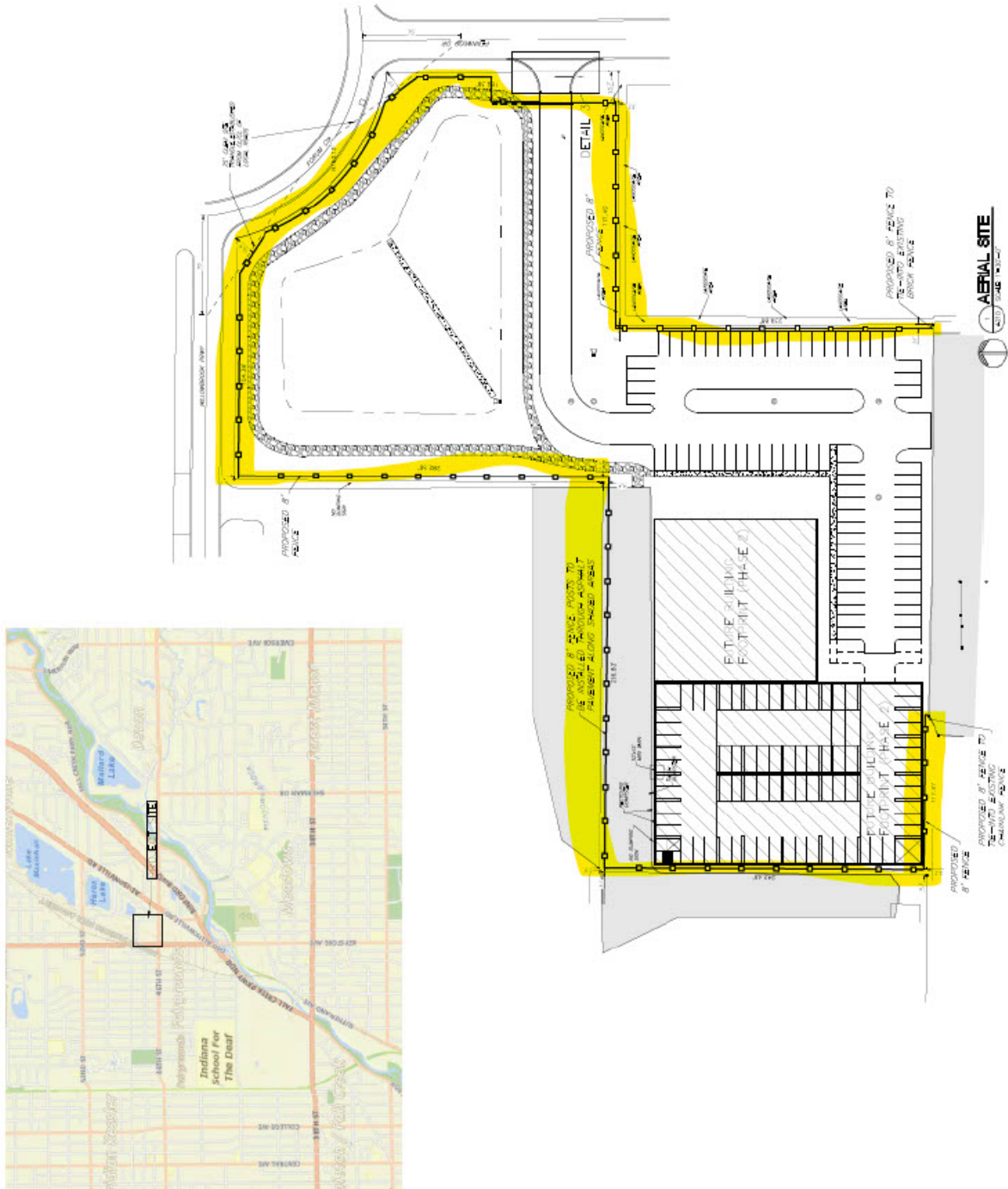
**2018ZON133; 2511 E 46<sup>th</sup> Street (south of site)**, Rezoning of 8.5 acres from the C-3 (W-1) and C-5 (W-1) districts to the D-7 (W-1) classification to provide for approximately 135 multi-family units within existing and new building, **approved**.





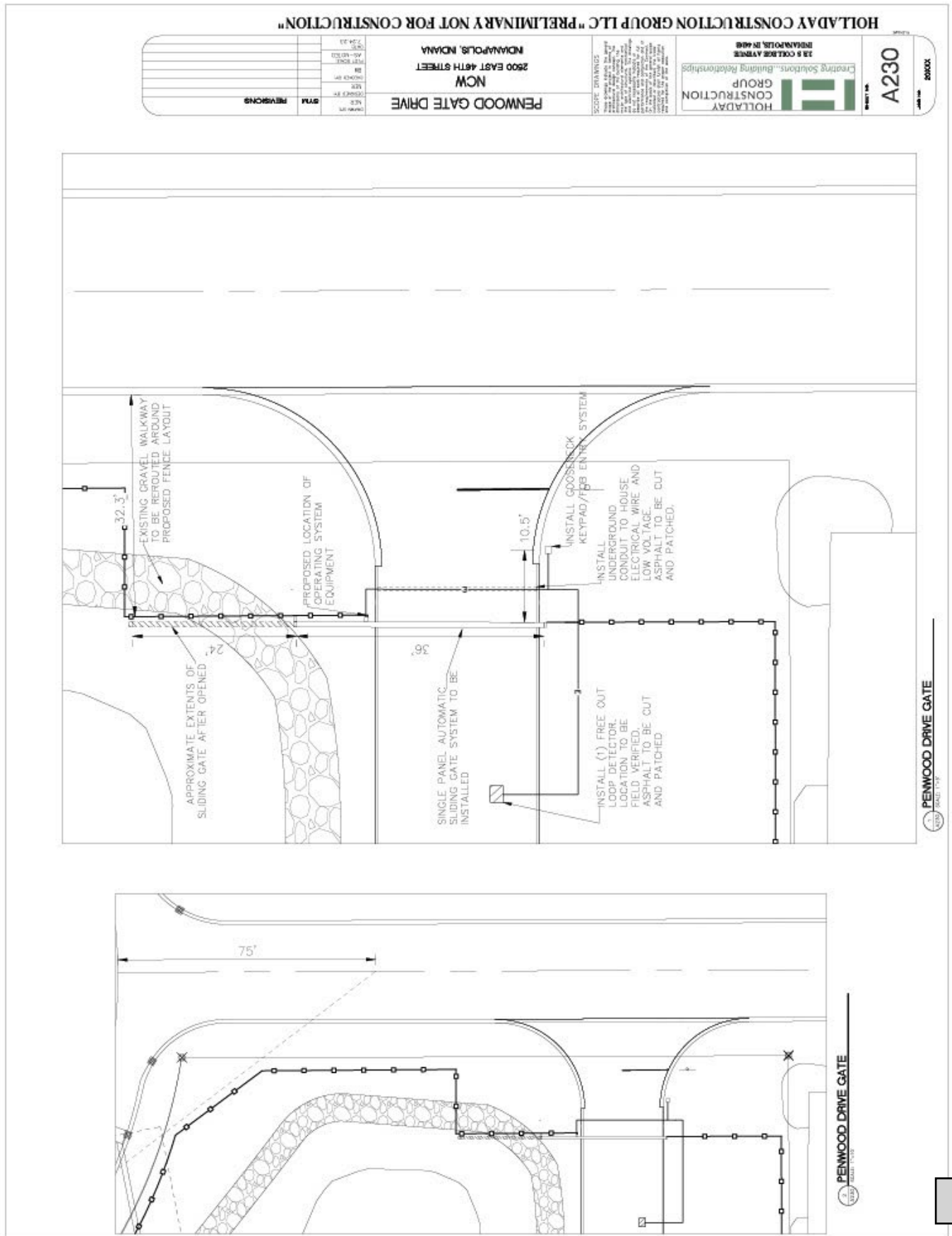
Department of Metropolitan Development  
Division of Planning  
Current Planning

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:

the site location provides a protected campus for the land owner and is in an area of low impact with respect to surrounding commercial properties, as well as a flood zone which will not be altered as part of the project. Public health is not impacted by the fence, safety is improved, and the morals and general welfare are not affected by the public due to its location.

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

the property improvements will bring welcome improvements to an underdeveloped and neglected commercial campus. The adjacent property areas will not be negatively impacted by the addition of the fence but rather improved with additional construction activity. The use of the adjacent properties will not be affected by the addition of this fence.

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

The nature of the business operation requires campus security and protection from crime, and if the owners were limited to what is dictated by the ordinance, the security would be defeated quickly. Also, it prevents the property owner from property damage either by people or vehicles. Also, it protects the property owner and its employees from damage which could otherwise be caused to equipment, belongings, and property development by the general public via foot and/or vehicular traffic.

**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  
Current Planning













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## STAFF REPORT

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

**Case Number:** 2023-DV2-026  
**Address:** 5515 Guilford Avenue (approximate address)  
**Location:** Washington Township, Council District #9  
**Zoning:** D-5 (TOD)  
**Petitioner:** Anthony & Julia Nicholson, by Jerry Meyers  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a two-foot northern side yard setback (five-foot side yard setback required).

### RECOMMENDATIONS

Staff **recommends approval** of the request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5 (TOD)	Compact	Single-Family residential
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	D-5	Single-Family residential

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development.

##### SECONDARY ZONING DISTRICT

Transit-Oriented Development Overlay

(Continued)



**STAFF REPORT 2023-DV2-026 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would provide for the construction of a detached garage, with a two-foot northern side yard setback. The proposed garage is located within the footprint of a previous detached garage.
- ◇ Section 740-602.A.2 allowed for legally established accessory garages to be able to be reconstructed, even if such reconstruction does not comply with modern setbacks, so long as such reconstruction occurs on the existing foundation. The exception is intended to promote the reuse of such foundations to maintain historic development patterns, or bring properties into closer compliance with modern zoning regulations as they develop.
- ◇ While the previous foundation would not be reused for the reconstruction of this garage, Staff would note that the vast majority of homes in the immediate area have detached garages that have minimal setbacks on one side or the other. In addition, the approval of this request allows for the continued use of the historic location of the alley access point and be parallel to the garage door of the detached garage across the alley, mitigating the potential for vehicular conflict.

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

Pennsylvania Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 70-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated August 11, 2023

**FINDINGS OF FACT**

File-dated August 11, 2023

**ZONING HISTORY**

None.

EDH

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**2023-DV2-026; Location Map**



0 0.005 0.01 0.02 0.03 0.04 Miles



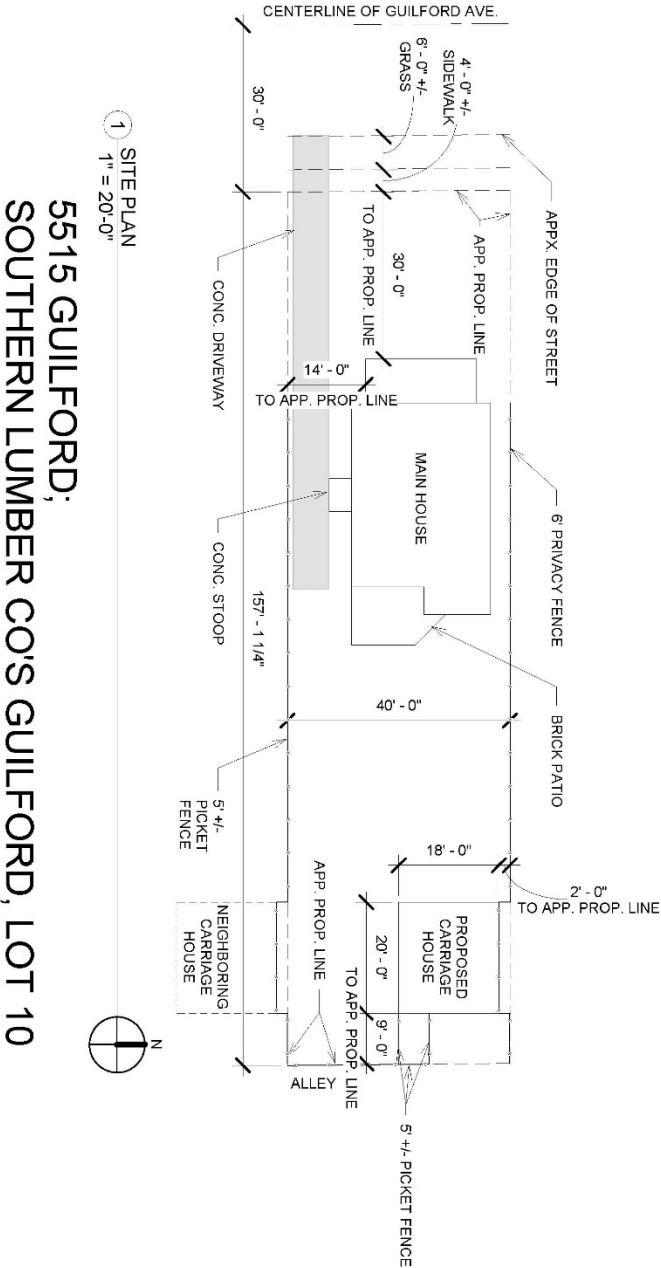






Photo One: Looking North Along Guilford Avenue.



Photo Two: Front of Subject Site.





Photo Three: Alley Along Rear Lot Line of Subject Site.



Photo Four. Rear Lot Line of Subject Site.





Photo Five: Location of Proposed Garage.



## STAFF REPORT

Item 13.

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

**Case Number:** 2023-UV2-008  
**Address:** 1718 South East Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** C-3  
**Petitioner:** Captain Mike's Holding Corp, by Mark and Kim Crouch  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar within 68 feet of a protected district (100-foot separation required) and to allow for a deck with a zero-foot front yard setback, encroaching 2.3-feet into the right-of-way of East Street (10-foot front yard setback required, encroachment into the right-of-way not permitted).

### RECOMMENDATIONS

Staff **recommends denial** of this petition.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

C-3	Commercial
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##### SURROUNDING ZONING AND LAND USE

North -	C-3	Commercial
South -	C-3	Commercial
East -	C-3	Single-family dwelling
West -	D-5	Single-Family Dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed Use for the site.
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#### DEVELOPMENT HISTORY

- ◇ A previous petition, 2021-DV2-010, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot tall fence in the side and rear yards. That request was granted.

(Continued)

**VARIANCE OF USE**

- ◇ This request would provide for a variance of use, for a bar to be located within 68 feet of an adjacent protected district, when the Ordinance requires a separation of 100 feet, measured in any direction. The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 100-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the east and west, would be detrimental and injurious to the overall community.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned C-3 and could be used for any number of uses permitted, by right, including a restaurant as previously used, in the C-3 zoning classification without the need for a separation variance. Any practical difficulty is self-imposed by the desire to use the site for a bar within 68 feet of a protected district.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The petitioner has indicated the request for a 2.3-foot encroachment into the right of way was a typographical mistake made by the petitioner and will be amending the request to provide for a 6.5-inch encroachment into the right-of-way.
- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- ◇ The Ordinance requires a 10-foot front setback for the subject site. The site was zoning compliant prior to the installation of the deck. The deck was recently installed without permits.
- ◇ The grant of the request would be injurious to the safety and general welfare of the community by imposing the elevated deck structure with a zero-foot front setback and encroaching approximately 6.5 inches into the right-of-way.
- ◇ The strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property because the site was zoning compliant previously without the need for the elevated deck as constructed. The addition of the deck is not a requirement of the Ordinance, and the structure would be ordinance compliant without the need for a variance, with the removal of the deck as proposed.
- ◇ Staff does not support variance requests to retroactively correct zoning violations created due to the lack of due diligence. Furthermore, the property owner did not file for a structural permit prior to illegally constructing the deck with the approximate 6.5-inch encroachment into the right-of-way.

(Continued)

- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty as a result to expand a proposed bar use onto the entire site. The site can be used as permitted by the Ordinance without the reduced front setback, or the encroachment into the right-of-way, and without the need for the requested variances.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of South East Street is indicated as a primary arterial on the Official Thoroughfare Plan, with a 25-foot existing and proposed half right-of-way.
SITE PLAN	File-dated June 8, 2023
FINDINGS OF FACT	File-dated June 8, 2023

**ZONING HISTORY**

**2022-UV2-028; 1634 South East Street (north of site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a bar within 22 feet and 75 feet of protected districts, **denied**.

**2021-DV2-010; 1718 South East Street (subject site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot tall fence in the side and rear yards, **granted**.

**2019-DV3-024; 1628 South East Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office, with accessory storage, with five parking spaces, and with maneuvering within the rear transitional yard, **granted**.

**2018-AP3-001; 1628 South East Street (north of site)**, requested a waiver of the Refiling Rule to permit the refiling of a variance petition less than 12 months after the denial of 2018-DV3-009 on April 17, 2018, **granted**.

**2018-DV3-009; 1628 South East Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an office / warehouse building, with 80% accessory use area, with six parking spaces provided, with deficient size and maneuvering area, with parking conflicting with a loading area, **denied**.

**2018-DV1-025; 1531 South East Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a retail building, with four parking spaces, three of which are substandard, without a van handicapped parking space, and with a zero-foot east transitional yard without landscaping, **granted**.

(Continued)



**STAFF REPORT 2023-UV2-008 (Continued)**

**2018-UV1-017; 1529 South East Street (north of site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family dwelling and a detached garage, **granted**.

**2018-CZN-821; 1526 South East Street (north of site)**, requested the rezoning of 0.13 acre from the C-1 district to the D-5 district; **approved**.

**2017-HOV-082; 1434 South East Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch roof, with a front setback of five feet, **granted**.

**2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue (includes sites to the north and south)**, requested the rezoning of 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

**2014-UV2-003; 1537 South East Street and 516 Lincoln Street (north of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for commercial space and two dwelling units; and to legally establish an existing building, with a zero-foot front setback along East Street and Lincoln Street being within the clear sight triangle of said streets; a parking area with a zero-foot front setback; five parking spaces, with maneuvering within the right-of-way of Lincoln Street; without a landscape buffer along the frontage of both streets; and to provide for two stoops, with steps and a handicapped ramp encroaching approximately four to five feet, respectively into the right-of-way of Lincoln Street, **granted**.

**2004-UV2-035; 1721 South East Street (south of site)**, requested a variance of use of the Commercial Zoning Ordinance to legally establish an existing 985.25-square foot single-family home, **granted**.

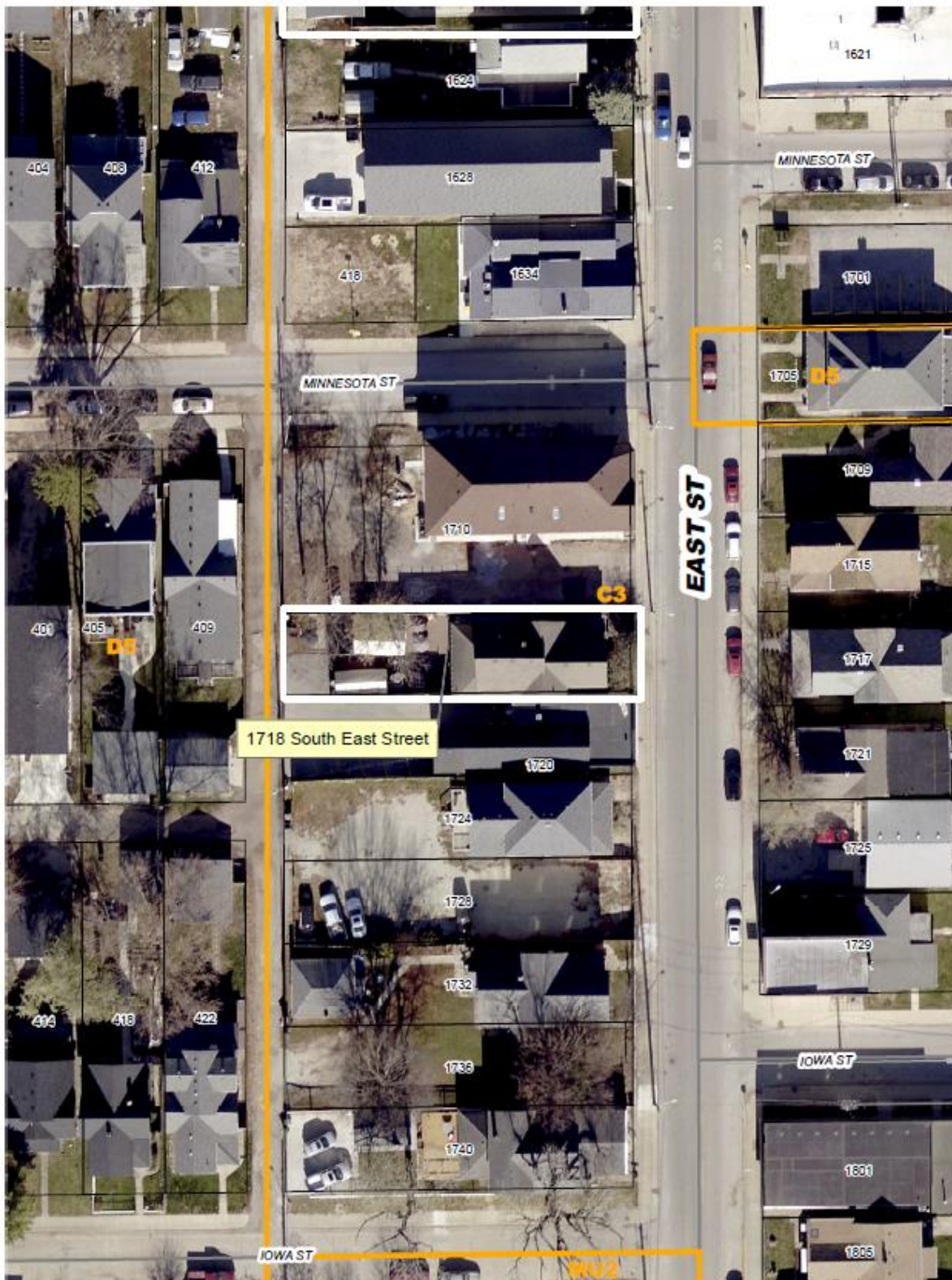
**97-UV3-21; 1531 South East Street (north of site)**, requested a variance of use of the Commercial Zoning Ordinance to permit for the manufacture, display, and sale of kitchen countertops and other laminated products in the existing building, with off-street parking, **granted**.

**96-UV1-101; 1632-1634 South East Street and 422-424 east Minnesota Street (north of site)**, requests a variance of use of the Commercial Zoning Ordinance to provide for three dwelling units in an existing structure and an office use, in C-3, **approved**.

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**2023-UV2-008; Location Map**









Subject site looking west.



Subject site deck looking south, with a zero-foot front yard setback, encroaching approximately 6.5 inches into the right-of-way of East Street





Adjacent residential protected district approximately 68 feet to the west.



Adjacent commercial use to the north, looking west



Adjacent residential uses to the east, zoned commercially.



Adjacent commercial use to the south, looking west