



Board of Zoning Appeals Division I (February 6, 2024) Meeting Agenda

Meeting Details

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

Date: Tuesday, February 06, 2024 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2023-UV1-027 | 7425 Westfield Boulevard**
Washington Township, Council District #2, Zoned D-4 (TOD) (FF)
7425 Westfield Boulevard LLC, by Michael Lang

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a mental health treatment facility (not permitted) with 20 off-street parking spaces (31 parking spaces required).

****Staff requests continuance to March 5, 2024 hearing of Division I**

- 2. 2024-DV1-003 | 7219 92nd Street**
Pike Township, Council District #1, Zoned D-1
Daniel & Sarah Richardt, by Jay Christman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 26.5-foot tall pole barn with a four-foot front yard setback from, and within the front yard of Moore Road (maximum height of 24 feet permitted, 30-foot front yard setback required, accessory structures not permitted in front yards).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

- 3. 2023-SE2-001A | 2400 Roosevelt Avenue**
Center Township, Council District #17, Zoned I-3
Reagan Outdoor Advertising, by Michelle Noppenberger

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and SR-37 by a state agency, along a freeway within I-465 (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

4. 2023-UV1-021 | 7040 Rockville Road

Wayne Township, Council District #15, Zoned D-3
Donald P. Quass, by David Gilman

Variance of use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a secondary dwelling unit, without an owner living on site (not permitted), with a zero-foot west side yard setback (six-foot side yard setback required).

5. 2023-UV1-028 | 7429 Westfield Boulevard

Washington Township, Council District #2, Zoned D-4 (TOD) (FF)
7425 Westfield Blvd LLC, by Michael Lang

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot (prohibited) with a zero-foot front yard setback from Helen Drive and a zero-foot west side yard setback and deficient landscaping (20-foot front yard, four-foot side yard setbacks and landscaping required).

**** Petitioner requests withdrawal**

PETITIONS FOR PUBLIC HEARING (New Petitions):

6. 2024-DV1-001 | 4120 North Illinois Street

Washington Township, Council District #7, Zoned D-5 (MSPC)
Emily West, by Paul Ewer

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a four-foot south side yard setback (seven-foot side yard setbacks required).

7. 2024-DV1-002 | 5449 North Pennsylvania Street

Washington Township, Council District #7, Zoned D-4 (MSPC)
Robert King and Mary McCrate, by Mark Demerly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a nine-foot rear yard setback (20-foot rear yard setback required).

8. 2024-DV1-004 | 1416 English Avenue

Center Township, Council District #18, Zoned D-5II
Ebuka Enogu, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a carriage house resulting in an 8-foot rear yard setback and encroaching within the clear sight triangle of intersecting alleys (encroachment of clear sight triangles prohibited).

9. 2024-UV1-001 | 5914 and 5920 East Stop 11 Road

Franklin Township, Council District #25, Zoned C-3
Epple LLC, by Andrew Wert

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor operations associated with a fitness center (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. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office

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-UV1-027
Address: 7425 Westfield Boulevard (approximate address)
Location: Washington Township, Council District #2
Zoning: D-4 (TOD) (FF)
Petitioner: 7425 Westfield Boulevard LLC, by Michael Lang
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a mental health treatment facility (not permitted) with 20 off-street parking spaces (31 parking spaces required).

This petition was automatically continued by a registered neighborhood organization from the January 2, 2024, hearing, to the February 6, 2024, hearing.

Staff is requesting that this petition be **continued to the March 5, 2024**, hearing, to allow time for the petitioner to file a rezoning petition to replace this petition.

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BOARD OF ZONING APPEALS DIVISION I **February 06, 2024**

Case Number: 2024DV1003
Property Address: 7219 92nd Street (approximate address)
Location: Pike Township, Council District #1
Petitioner: Daniel & Sarah Richardt, by Jay Christman
Current Zoning: D-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 26.5-foot tall pole barn taller than the primary building, with a four-foot front yard setback from and within the front yard of Moore Road (maximum height of 24 feet permitted, height of accessory buildings must be less than height of primary building, 30-foot front yard setback required, accessory structures not permitted in front yards).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PETITION OVERVIEW

- The subject site is currently improved with a single-family residence as well as a small accessory building to the east of the SFR. The 4.11-acre site also contains an existing tennis court on the eastern portion of the parcel near Moore Road. This petition would legalize placement of a 26.5-foot tall pole barn near the tennis court with a deficient setback in the front yard of Moore Road.
- This property is currently zoned D-1 (Dwelling District One) to allow for low residential density and estate-style development characterized by generous front yards for trees and a bucolic atmosphere within suburban areas. The existing property is an allowable use type per ordinance and is also a listed use for the Rural or Estate Neighborhood typology within the Marion County Land Use Pattern Book.



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

- Most of this property is located within the Environmental Overlay of the Marion County Land Use Pattern Book, which indicates that development should “minimize impact on the natural environment, including trees” and that “development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area”. Even with the placement of this new shed, the property will easily exceed the 30% requirement for tree cover.
- The zoning ordinance contains building height regulations in the interest of public safety and visibility as well as for preservation of residential character. Additionally, accessory structures are required to be below the height of primary structures to increase their visibility and fulfill the Infill Housing Guidelines stipulation that accessory structures not overshadow primaries.
- Uniform and generous front setbacks within less dense residential zonings helps to establish the perceived size of streets and are important in establishing the estate-style development desired by the D-1 zoning designation. Additionally, requirements for placement of accessory structures within side or rear yards increases the visibility of primary structures and fulfill the Infill Housing Guidelines stipulation that accessory structures not overshadow primaries.
- This request would establish an accessory structure with a height of 26.5 feet, which exceeds the ordinance requirement of 24 feet for accessory structures. The proposed pole barn is also taller than the primary structure that is approximately 20 feet tall, but the difference in grade of 16 feet between the structures would place the pole barn at a lower elevation than the primary structure (see diagram within the Exhibits).
- The applicant has indicated this increased height is needed for storage of small equipment and materials including a Jeep vehicle, utility trailer, and small tools for personal use and property upkeep. Given the existing screening around the property within a comparatively rural setting and the fact that the secondary structure would still be “subordinate” to the height of the primary when measured from sea level, staff would be supportive of this variance.
- This request would also establish the accessory structure within a front yard with a deficient setback of approximately 4 feet from the property line to the east. Since approximately 72.3% of the subject site is comprised of front yard where the structure could not be placed, staff feels that legitimate practical difficulty exists. Placement of the pole barn in a different location would also likely require regrading and removal of trees which would run counter to comprehensive plan guidance. For these reasons, staff supports approval of the variance to allow for placement of the barn in the proposed location with deficient setback in the front yard.

GENERAL INFORMATION

Existing Zoning	D-1
Existing Land Use	Residential
Comprehensive Plan	Rural or Estate Neighborhood



Department of Metropolitan Development
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 Current Planning

Surrounding Context	Zoning	Surrounding Context
North:	D-1	North: Rural or Estate Neighborhood
South:	D-A	South: Rural or Estate Neighborhood
East:	D-A	East: Rural or Estate Neighborhood
West:	D-1	West: Rural or Estate Neighborhood
Thoroughfare Plan		
Moore Road	Primary Collector	Existing ROW: 74' Prop ROW: 80'
92 nd Street	Local Street	Existing ROW: 60' Prop ROW: 50'
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/05/2023	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/05/2023	
Findings of Fact (Amended)	01/12/2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Pattern Book recommend the Rural or Estate Neighborhood living typology for this site.
- This site falls within the environmental overlay, which indicates that impact should be minimized on the natural environment and that development should preserve or add at least 30% of the parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site



Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.
- The IHG recommends that front setbacks should match the context of the existing block and be built within existing setback ranges of adjacent properties.
- The IHG also recommends that accessory building should be located behind the existing building unless there is a precedent otherwise, and that the scale, height, size, and mass of accessory structures should not overshadow primary buildings.

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

2011DV3001; 7341 92nd Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 3.08-acre single-family dwelling lot with 25 feet of lot width and lot frontage (minimum 90-foot lot width required at the required setback line, minimum 45 feet of street frontage required), **approved**.

2010DV1001; 7575 92nd Street (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 192-square foot storage shed in front of the established primary front building line (accessory buildings not permitted in front of the established primary front building line), **approved**.

2009UV2016; 9211 Moore Road (northeast of site), VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for two single-family dwellings on one parcel (not permitted), **approved**.

2006UV2005A; 9211 Moore Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Sign Regulations to legally establish a five-foot tall, 40 square-foot pylon sign (not permitted), and a fence over 42 inches tall in the required front yard along Moore Road, **approved**.

2006UV2005B; 9211 Moore Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS to legally establish four three-square foot pylon signs in the right-of-way of Moore Road, **denied**.

2006UV2005C; 9211 Moore Road (east of site), VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for a restaurant use (not permitted) within an existing 2,700 square-foot barn, processing and production of dairy products on site, a farmers market, a children's summer camp, and agri-tourism, **approved**.

2006UV2005D; 9211 Moore Road (east of site), VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for live entertainment, and catering for up to 250 persons, **denied**.

2006UV2005E; 9211 Moore Road (east of site), VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for live entertainment and catering for up to 600 persons, **denied**.

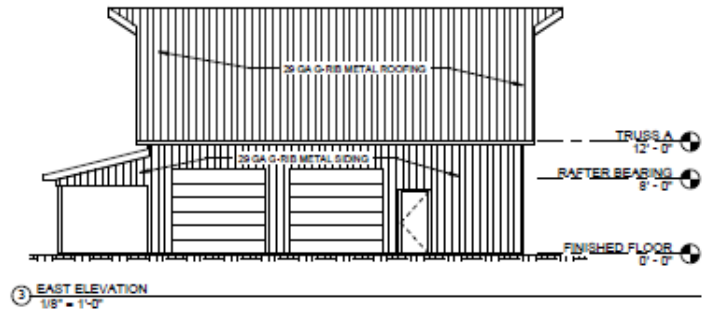
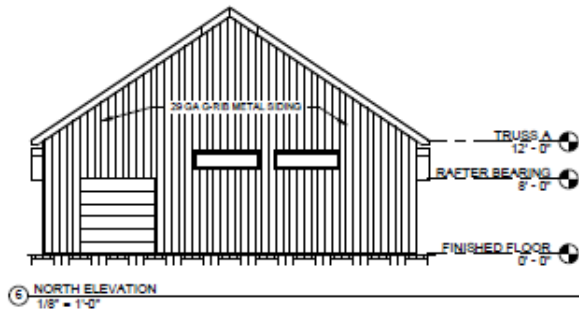
92-Z-109A; Various properties located on Cooper Road, Lafayette Road, 87th Street, 88th Street, 96th Street, Kissel Road, and Moore Road (south of site), requested a rezoning to the D-S Classification, approved.

EXHIBITS

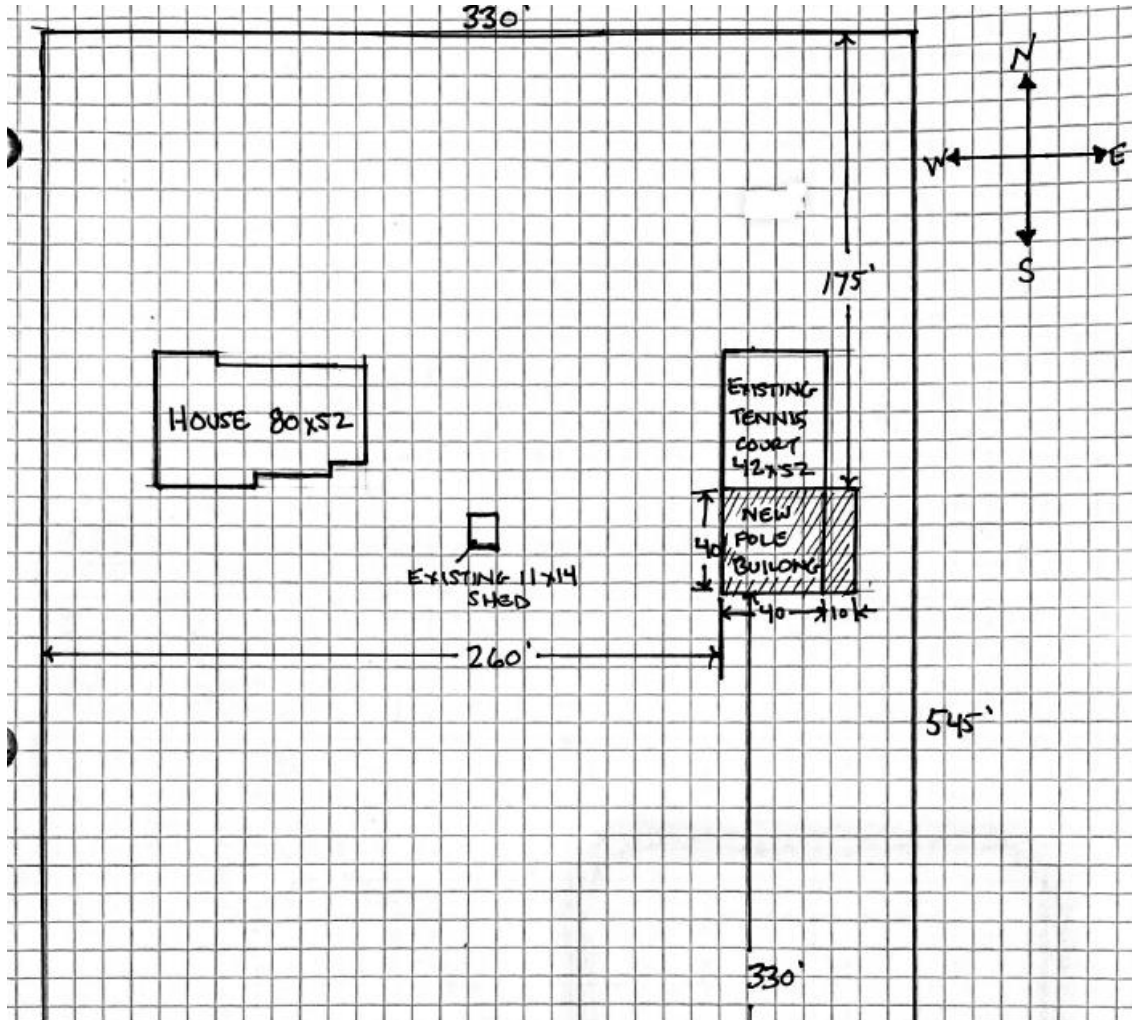
2024DV1003 ; Aerial Map



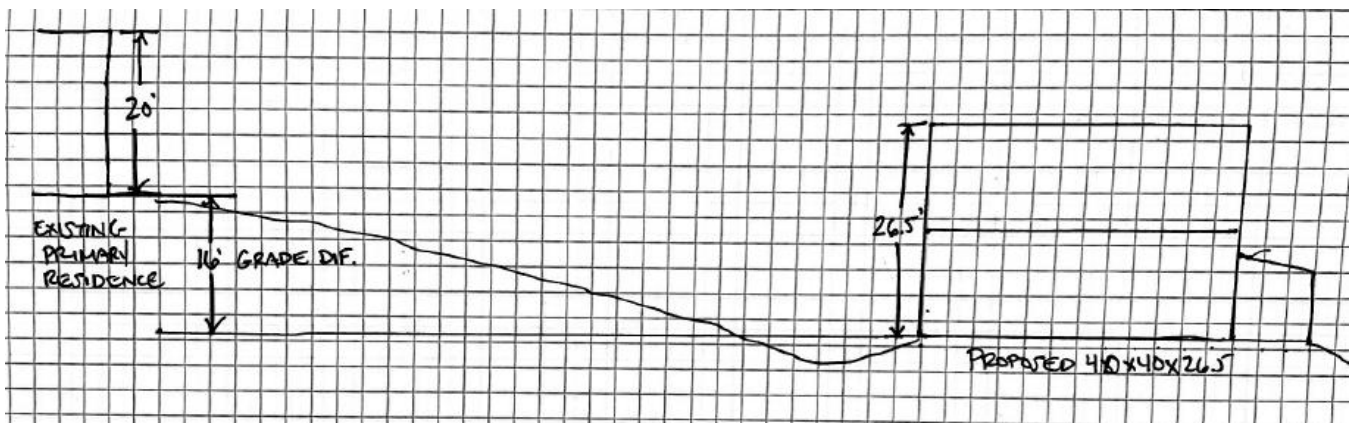
2024DV1003 ; Partial Elevations



2024DV1003 ; Site Plan



2024DV1003 ; Structure Heights





2024DV1003 ; Findings of Fact

FINDINGS OF FACT

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

The variance is for an additional 2' 5" height of the new building. This will still be lower than the existing house on the property as the foundation sits at a much lower elevation than the existing house (16' lower). Also, there are two large barns across the street which will also be taller than the new building.

In terms of overstepping minimum setback from Moore Rd, the building will be disguised by an area of thick trees and bushes.

The new building will sit 63' from the center of Moore Rd.

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

This will be a high-end pole building which will be aesthetically pleasing to the eye. It will fit in with the architecture to any adjacent buildings in the neighborhood. Also, the proposed building is seperated from the frontage road by a strip of heavy brush and trees which will subtly disguise the proposed building from the road.

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

In order to keep with the same style of architecture as adjacent buildings, it requires that we have an 8/12 pitch roof structure which in turn makes the building taller. Also, we will need no less than 12' high walls to accomodate the practical use of the petioner and any future owners of the property and building. Lastly, although the lot is large, this area is the only flat area on the lot that this, or similar, structure will work.

2024DV1003 ; Pictures



Photo 1: Primary Residence Viewed from 92nd Street (North)



Photo 2: View of Proposed Site from the West

2024DV1003 ; Pictures (continued)



Photo 3: View of Proposed Site from 92nd Street (North)



Photo 4: View of Proposed Site from Moore Road (East)

2024DV1003 ; Pictures (continued)



Photo 5: Looking East from Proposed Location



Photo 6: Looking South from Proposed Location

STAFF REPORT

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

Case Number: 2023-SE2-001A
Address: 2400 Roosevelt Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: I-3
Petitioner: Reagan Outdoor Advertising, by Michelle Noppenberger
Request: Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and SR-37 by a state agency, along a freeway within I-465 (not permitted).

ADDENDUM FOR FEBRUARY 6, 2024

Due to the lack of a quorum, this petition was continued from the January 9, 2024, Board II hearing, and transferred to the February 6, 2024 Board I hearing.

ADDENDUM FOR JANUARY 9, 2024

Due to an indecisive vote, this petition was continued from the December 12, 2023, hearing, to the January 9, 2024, hearing.

December 12, 2023

RECOMMENDATIONS

Staff **recommends approval** of the Special Exception request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact I-3 Commercial Contractor

SURROUNDING ZONING AND LAND USE

North D-5 Single-family residential / Interstate I-70
South D-5 / I-3 Single-family residential / Undeveloped
East I-3 Commercial contractor / Industrial uses
West D-5 / SU-1 Single-family residential / Religious uses / Interstate I-70

COMPREHENSIVE PLAN

The Comprehensive Plan recommends light industrial uses for the site.

(Continued)

SPECIAL EXCEPTION

- ◇ An outdoor advertising off-premise sign is defined in the Ordinance as “A sign that directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. This limitation does not apply to the content of commercial messages.”
- ◇ The need for the special exception arises from a condition peculiar to the property involved because a road expansion project included West Thompson Road, and the expansion of SR-37/I-69 by INDOT would eliminate the sign’s existing location at 1720 W. Thompson Road on private property causing the relocation of the sign.
- ◇ Indiana Code 8-23-20-25.6 reads as follows:

Sec. 25.6.

(a) As used in this section, “market area” means a point within the same county as the prior location of an outdoor advertising sign.

(b) This section applies only to an outdoor advertising sign located along the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991, or any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.

(c) If an outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway, the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may:

- (1) elevate a conforming outdoor advertising sign; or*
- (2) relocate a conforming or nonconforming outdoor advertising sign to a point within the market area, if the new location of the outdoor advertising sign complies with the applicable spacing requirements and is located in land zoned for commercial or industrial purposes or unzoned areas used for commercial or industrial purposes.*

(d) If within one (1) year of an action being field under IC 32-34, an owner can demonstrate that the owner has made good faith efforts to relocate a conforming or nonconforming outdoor advertising sign to a conforming location within the market area, but the owner has not obtained a new conforming location, the outdoor advertising sign will be treated as if it cannot be relocated within the market area. Notwithstanding subsection (e) and IC 8-23-20.5, if an outdoor advertising sign cannot be elevated or relocated to a conforming location and elevation within the market area, the removal or relocation of the outdoor advertising sign constitutes a taking of a property interest and the owner must be compensated under section 27 of this chapter, Notwithstanding subsections (d) and (g), if a conforming outdoor advertising sign cannot be elevated or relocated within the market area, the removal or relocation of the conforming outdoor advertising sign constitutes a total taking of a real property interest, including the sign structure, and the owner must be compensated under section 27 of this chapter.

(Continued)

(e) The county or municipality, under IC 36-7-4, may, if necessary, provide for the elevation or relocation by ordinance for a special exception to the zoning ordinance of the county or municipality.

(f) The elevated outdoor advertising sign or outdoor advertising sign to be relocated, to the extent allowed by federal or state law, may be modified:

- (1) to elevate the sign to make the entire advertising content of the sign visible; and*
- (2) to an angle to make the entire advertising content of the sign visible; and*
- (3) in size or material type, at the expense of:
 - (A) the owner, if the modification in size or material type of the outdoor advertising sign is by choice of the owner; or*
 - (B) the department, if the modification in size or material type of the outdoor advertising sign is required for the outdoor advertising sign to comply with IC 22-13.**

(g) This section does not exempt an owner or operator of a sign from submitting to the department any application or fee required by law.

(h) At least twelve (12) months before the filing of an eminent domain action to acquire an outdoor advertising sign under IC 32-34, the department must provide written notice to the representative of the sign owner identified on the outdoor advertising sign permit that is on file with the Indiana Department of transportation that a project has been planned that may impact the outdoor advertising sign.

(i) If the agency fails to provide notice required by subsection (h) within (12) twelve months of an action being filed against an owner under IC 32-24, the owner may receive reasonable compensation for losses associated with the failure to receive timely notice. However, failure to send notice required by subsection (h) is not a basis of an objection to a proceeding under IC 32-23-1-8.

- ◇ The current Zoning and Subdivision Ordinance does align with state code, which provides for a special exception to the zoning ordinance to allow for an elevation or relocation of the outdoor advertising sign if the sign must be moved or removed due to construction or highway widening.
- ◇ The owner has a government imposed practical difficulty due to a road expansion project that includes the sign's current location at 1720 W. Thompson Road, and the expansion of I-69 by INDOT, which would eliminate the sign's existing location on private property causing the relocation of the sign.
- ◇ State code notes that there should be the option to elevate the sign or relocate the sign but does not specify that both options must be granted. Since the widening of SR-37/I-69 is out of the petitioner's control, staff is supportive of the special exception request as proposed.

(Continued)

STAFF REPORT 2023-SE2-001A (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Roosevelt Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

This portion of I-70 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a freeway, with a 340-foot to 480-foot existing right-of-way.

SITE PLAN

File-dated September 11, 2023.

ELEVATIONS

File-dated September 11, 2023.

FINDINGS OF FACT

File-dated September 11, 2023.

ZONING HISTORY

2022-UV2-010; 2400 Roosevelt Avenue (subject site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 70-foot tall, 14-foot by 48-foot digital off-premise advertising sign, with an eight-foot setback from Interstate 70, within Interstate 465, within 100 feet of a protected district, adjacent to an exit roadway and to allow for digital messages to display for minimum of eight seconds, **withdrawn**.

83-Z-69; 2408 Roosevelt Avenue (subject site), requested the rezoning of 3.53 acres, being in the D-5 and C-3 districts, to I-3-U classification to provide for the Rural/I-70 Industrial Park Phase II Urban Renewal Plan, **approved**.

98-Z-210; 2411 Roosevelt Avenue and 18 other addresses (south of site), requested the rezoning of 6.6 acres, being in the D-5 and C-3 Districts, to the I-3 classification to provide for medium industrial uses, **approved**.

87-HOV-109; 2503 Bloyd Avenue (northeast of site), requested a variance of development standards to provide for the development of the subject site without the required public street frontage, **granted**.

86-HOV-29; 2502 Roosevelt Avenue (east of site), requested a variance of development standards to provide for the development of the subject site without the required public street frontage, **granted**.

84-HOV-66; 2507 Roosevelt Avenue (south of site), requested a variance of development standards to provide for an additional to an existing manufacturing facility within the required front yard setback with no landscaping in the front yard, and with loading maneuvering encroaching into the right-of-way, **granted**.

RU





Photo of subject site, looking northwest.



Photo of subject site, proposed sign relocation area, looking north.



Photo of subject site, proposed sign relocation area, looking west.



Photo of adjacent Interstate I-70 elevation, looking north



Photo of adjacent protected district to the south.



Photo of adjacent commercial contractor use to the east, looking north.



BOARD OF ZONING APPEALS DIVISION II

February 6, 2023

Case Number:	2023-UV1-021
Property Address:	7040 Rockville Road (approximate address)
Location:	Wayne Township, Council District #15
Petitioner:	Donald P. Quass, by David Gilman
Current Zoning:	D-3
Request:	Variance of use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a secondary dwelling unit, without an owner living on site (not permitted), with a zero-foot west side yard setback (six-foot side yard setback required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of the zero-foot west side yard setback; however, Staff recommends denial of the remainder of the petition
Staff Reviewer:	Noah Stern, Associate Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 6, 2024 BZA I HEARING

- This petition was continued from the November 14, 2023 hearing to the December 5, 2023 hearing for additional variance requests. The petitioner did not meet the publishing deadline for the December 5, 2023 hearing and requested a 2-month continuance to the February 6, 2024 hearing.

STAFF RECOMMENDATION

Staff **recommends approval** of the zero-foot west side yard setback; however, Staff **recommends denial** of the remainder of the petition.

PETITION OVERVIEW

- This petition would provide for a secondary dwelling unit, without an owner living on the site (not permitted), with a zero-foot west side yard setback (six-foot side yard setback required).
- The petitioner filed for a Certificate of Legal Non-Conforming Use (2024-LNU-001) to legally establish the accessory dwelling unit structure and its west side yard setback location of zero feet. This structure has been in existence since approximately 1946 and predates the setback standards currently in place for this site, qualifying it for LNU status. The LNU Certificate, which is currently pending approval, would effectively render the portion of the request pertaining to the west side yard setback unnecessary and, therefore, does not need to be included in this petition. Staff has no



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preference as to which method (either through this variance request or the LNU) of legally establishing the accessory structure and its location is chosen and would leave that decision up to the petitioner.

- Given the legally non-conforming nature of the secondary dwelling unit, Staff is not opposed to the variance of development standards to allow for the zero-foot side yard setback and would recommend approval if the petitioner elects to keep it as a portion of this petition.
- The petition also requests a use variance to allow for the secondary dwelling unit to be used as such without the property owner living on site. This portion of the request does not comply with the use standards set out by 743-301.GG of the Consolidated Zoning and Subdivision Ordinance. While secondary dwelling units are legal in all dwelling districts, operating a secondary unit without the owner living on site is not a permitted use per 743-301.GG. Further, Staff does not see any practical difficulty or justifiable reason in which the owner is not able to comply with the regulations set forth and does not wish to potentially set an undesired precedent of supporting a use that is explicitly prohibited by the Ordinance. Therefore, Staff is opposed to and recommends denial of the use variance to allow for the secondary dwelling unit to be in operation without the property owner living on the site.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-Family Residential
	South:	South: Single-Family Residential
	East:	East: Single-Family Residential
	West:	West: Single-Family Residential
Thoroughfare Plan		
Rockville Road	Primary Arterial Existing ROW: 140 feet Proposed ROW: 112 feet	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	9/8/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	9/8/23	



**Findings of Fact
(Amended)** N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects of all scales and types.
- With regards to secondary dwelling units, the Infill Housing Guidelines document recommends:
 - Locate accessory structures behind primary building
 - Access accessory buildings from alleys, when possible
 - With the site not containing alley access, the secondary dwelling unit is accessible via the driveway on the east side of the primary structure
 - Don't overshadow primary building
- The proposal is in accordance with these recommendations.

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

- Not Applicable to the Site



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



ZONING HISTORY

ZONING HISTORY - SITE

99-V2-83, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence in the front yard along Rockville Road (maximum 42 inches permitted), **denied**.

ZONING HISTORY – VICINITY

77-Z-123; 55 N Girls School Road (west of site), request rezoning of 3.28 acres, being in the C-3 & D-3 district, to C-4 classification to permit commercial development, **approved**.

89-Z-114; 7040 Rockville Road (north of site), request rezoning of 5.7 acres, being in the D-3 district, to the D-4 classification to provide for residential development by platting, **approved**.

91-V3-18; 35 Ponsonby Court (north of site), requests a Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of a single-family residence with a rear yard setback of 15 feet (20 feet required), **approved**

91-Z-102; 7201 Rockville Road (west of site), Variance of Development Standards to permit a reduction of the number of off-street parking spaces required to one for each 284 square feet of gross floor space in the structures on the site (one space for each 200 square feet required) and to permit parking and driveways in the front transitional yards, **approved**.

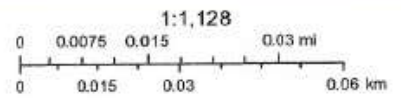
2002SE1001; 7035-7045 Rockville Road (south of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a church, **approved**.

2010DV1037; 7222 Rockville Road (west of site), Variance of development standards of the Commercial Zoning Ordinance to provide for 3360-square feet of outdoor play area (200 square feet or one percent (1%) of the floor area, whichever is greater, permitted) for a doggie-daycare/boarding facility, **approved**.

2014DV3019; 36 Ponsonby Court (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 12 by 16-foot sunroom, with a 15-foot rear setback (20-foot rear setback required), **approved**.

EXHIBITS

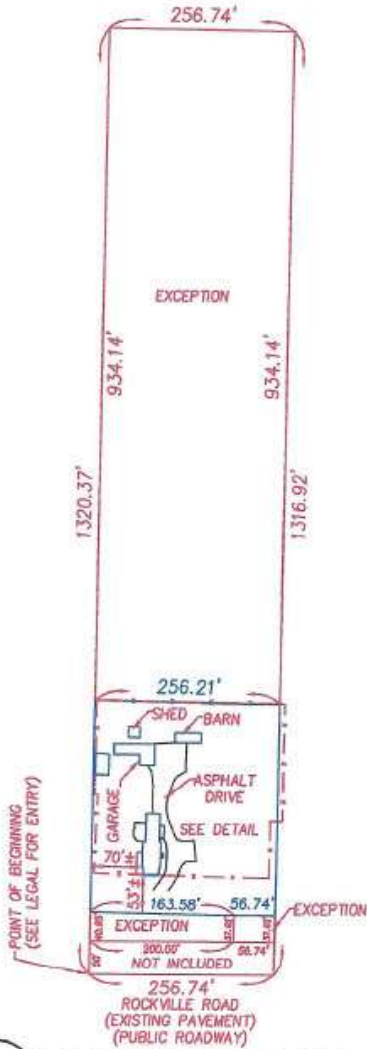
7040 Location Map



Sources: Esri, HERE, Garmin, USGS, Imagery, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand)

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.



SCALE: 1"=200'

LEGEND

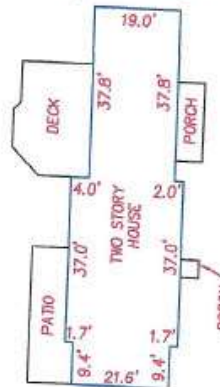
—•—•— FENCE±

NOTE: OBTAINING ACCURATE AND COMPLETE DATA ON OR NEAR THE PERIMETER OF LARGER TRACTS IS BEYOND THE SCOPE OF THE REPORT. THE LOCATION OF ANY IMPROVEMENTS AND FENCES SHOWN HAVE BEEN ESTIMATED. DUE TO THE SIZE OF THE TRACT AND INADEQUATE REFERENCE MONUMENTATION, THE ACCURACY OF THIS REPORT IS LIMITED TO ±5 FEET. A STAKED BOUNDARY RETRACEMENT SURVEY IS RECOMMENDED IF PRECISE LOCATIONS ARE DESIRED.

NOTE: EASEMENTS CONTAINED WITHIN SCHEDULE B, SECTION II WERE NOT PROVIDED FOR THIS REPORT.

HOUSE DETAIL

(NOT TO SCALE)



Hahn Surveying Group, Inc.
Land Surveyors
8925 N. Meridian Street, Suite 120
Indianapolis, IN 46260
PHONE: (317) 846-0840 / (317) 846-4119
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com



CERTIFIED: 08/15/2023

Chad L. Brown
Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: S23-19232
Sheet 2 of 3



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 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 2nd dwelling unit was established in 1946 and has been consistently used for human occupancy. The site has direct access to a public street with adequate open space for proper drainage. The dwellings have all utilities available to them.

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

The second dwelling has been established per the Assessor's records since 1946. The subject dwelling was established before the adjacent residence.

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

The second dwelling was established per the Assessor's Property Report approximately 1946, prior to the adoption of the Dwelling District Zoning Ordinance.

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

To legally establish the use for the 2nd dwelling for the past 77 years without interruption would be difficult due to the limited availability of historic public records and aerial photography.

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

The site is zoned D-3 which allows 2.6 units per acre and falls within the topology of the land use recommendation of Suburban Residential.

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

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
The subject site has direct access to a public street, adequate open space for proper drainage and all utilities to the subject dwellings.

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 subject dwelling was established in 1946 according to the Assessor's Property Report. The rear yard setback and square footage of the dwelling were established prior to the development of the adjacent residences.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
To move the residence or to add to its footprint would be difficult and create an unnecessary hardship for the owners.

DECISION

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

Adopted this _____ day of _____, 20 ____











STAFF REPORT

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

Case Number: 2023-UV1-028
Address: 7429 Westfield Boulevard (approximate address)
Location: Washington Township, Council District #2
Zoning: D-4 (TOD) (FF)
Petitioner: 7425 Westfield Blvd LLC, by Michael Lang
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot (prohibited) with a zero-foot front yard setback from Helen Drive and a zero-foot west side yard setback and deficient landscaping (20-foot front yard, four-foot side yard setbacks and landscaping required).

This petition was automatically continued by a registered neighborhood organization from the January 2, 2024, hearing, to the February 6, 2024, hearing.

The petitioner has submitted a request to withdraw this petition. The Board will need to acknowledge the withdrawal.

RU



BOARD OF ZONING APPEALS DIVISION I

February 6, 2024

Case Number: 2024-DV1-001

Property Address: 4120 North Illinois Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: Emily West, by Paul Ewer

Current Zoning: D-5 (MSPC)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a four-foot south side yard setback (seven-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this petition

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 petition would provide for building additions resulting in a four-foot south side yards setback (seven-foot side yard setbacks required).
- The primary structure on the subject site was built in 1937 and the formerly detached (now attached) garage has been an existence since at least the 1950s. The garage has a side yard setback of approximately one foot. The proposed addition will set further from the property line, with a setback of four feet from the side yard. The proposed addition is of a similar development pattern to much of the surrounding area and properties that contain primary and accessory structures with reduced/minimal setbacks. Given that the proposed addition will not encroach the side property line any further than current development on site, Staff is unopposed to the variance request.
- Additionally, the subject site lies within the Meridian Street Preservation Area, which seeks to maintain and preserve the character and aesthetics of Meridian Street and parallel streets from 39th Street to



Department of Metropolitan Development
 Division of Planning
 Current Planning

58th Street. The Meridian Street Preservation Commission heard and approved the request at its December 19, 2023 meeting.

GENERAL INFORMATION

Existing Zoning	D-5 (MSPC)	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 (MSPC)	North: Single-family residential
South:	D-5 (MSPC)	South: Single-family residential
East:	D-2 (MSPC)	East: Single-family residential
West:	D-5 (MSPC)	West: Single-family residential
Thoroughfare Plan		
North Illinois Street	Primary Collector Existing ROW: 60 feet Proposed ROW: 56 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/28/23	
Site Plan (Amended)	N/A	
Elevations	8/28/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/28/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Meridian Street Preservation Area Plan (2004)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood living typology for this site.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Meridian Street Preservation Area Plan (2004) recommends very low-density single-family (0-2 units/acre) residential for this 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

2023ZON064; 40 W 40th Street (south of site), Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish for establish a community center, **approved**.

2023DV2027; 4110 N Illinois Street (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an eight-foot wooden privacy fence within the side and rear yards (maximum six-foot tall fence permitted), **withdrawn**.

2018DV1021; 4030 N Illinois Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot tall fence in the side and rear yards (maximum six-foot tall), **approved**.

2003ZON062; 4035, 4037, 4047 N Capitol Avenue (south of site), Rezoning of 0.30 acres from D-5 to SU-2 to provide for educational uses, **approved**.

88-V3-112; 4117 N Capitol Avenue (west of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a detached garage with a rear setback of 3.5 feet (five feet required), **approved**.

88-V3-80; 4114 N Illinois Street (east of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an enclosed swimming lane at two feet from the side property line (seven feet required), **approved**.

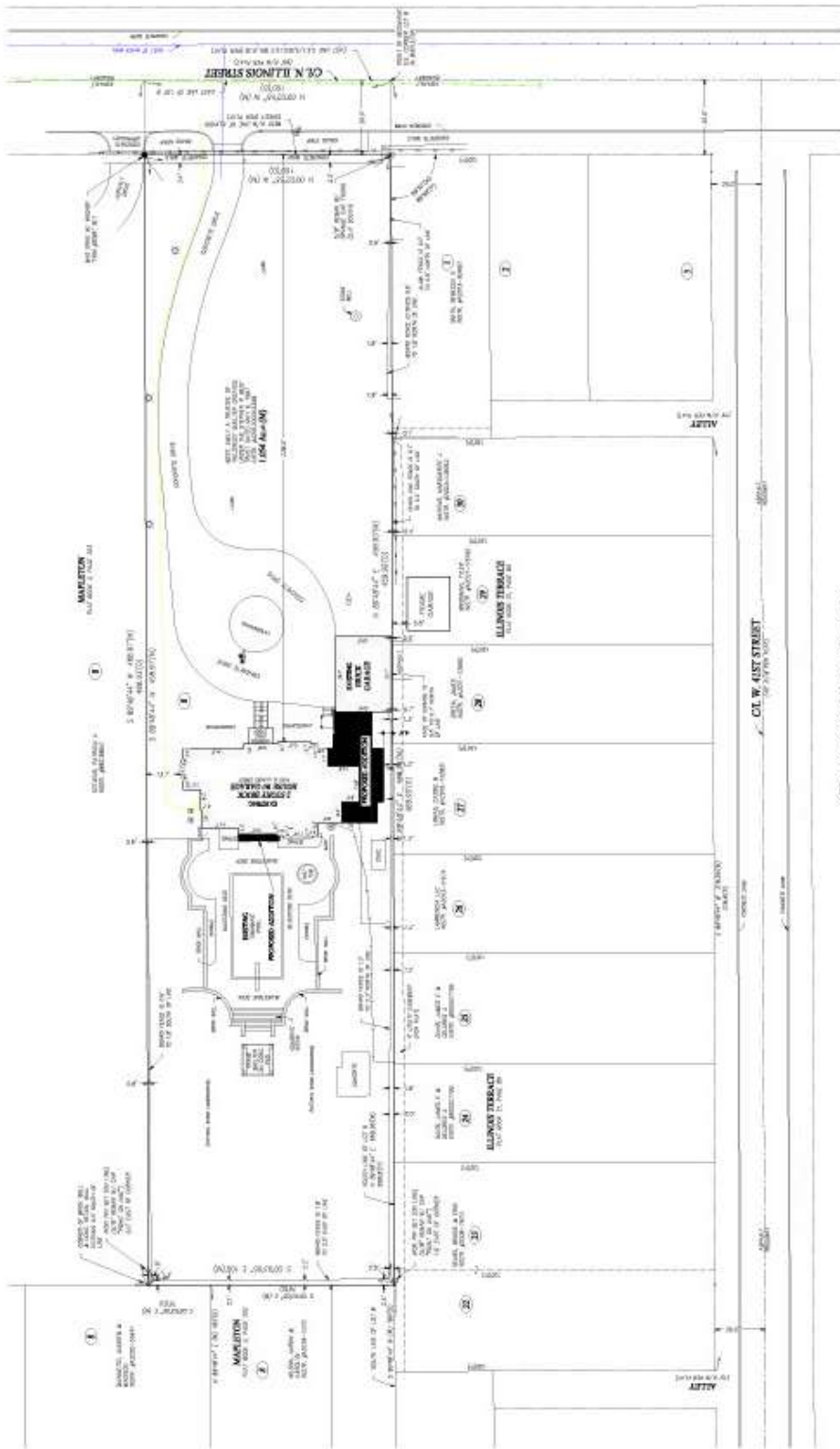
EXHIBITS





Department of Metropolitan Development
 Division of Planning
 Current Planning

PROJECT NUMBER A0.1	DATE 22004	ARCHITECTURAL SITE PLAN WEST RESIDENCE REMODEL 4120 North Illinois Street Indianapolis, IN 46208	QUANTUM ARCHITECTURE 1000 S. 50th Street, Indianapolis, IN 46205 317.413.0457 www.quantumarch.com
	DRAWN BY CHECKED BY DATE 8-23-2023 5:59P. AM 22004		



PRELIMINARY
 NOT FOR
 CONSTRUCTION

Architectural Site Plan
 QUANTUM ARCHITECTURE



Department of Metropolitan Development
Division of Planning
Current Planning



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by
Paul Ewer on behalf of Emily West
for a Prior Approval of a Variance for the property located at 4120 N.
Illinois Street

**FINAL ORDER GRANTING PRIOR
APPROVAL OF A VARIANCE
#V-MSPC 23-19**

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on December 19 2023, in the second floor conference room of the Meridian Street United Methodist Church at 5500 N. Meridian Street, and heard evidence and considered an application for a Prior Approval of a Variance filed by Paul Ewer on behalf of Emily West, for improvements to be made at the property located at 4120 N. Illinois Street.

Being duly advised in the premises, the Commission, by a vote of 7-0 of its seven (7) members present and voting AYE: (Norman, Fujawa, Roth, Bennett, Hess, Madden, Vanderstel), NAY: (None), ABSTAIN: (None) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Certificate of Appropriateness requested approval for the:
 - Reduction of side setback in a D5 zoning district (7ft. required, 4ft. provided).
3. Such improvements shall be per plans on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Certificate of Appropriateness requested by the applicant should be **GRANTED**, with the following commitment(s): None.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Variance for the aforesaid construction is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

December 20, 2023
Date









BOARD OF ZONING APPEALS DIVISION I

February 6, 2024

Case Number: 2024-DV1-002

Property Address: 5449 North Pennsylvania Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: Robert King and Mary McCate, by Mark Demerly

Current Zoning: D-4 (MSPC)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a nine-foot rear yard setback (20-foot rear yard setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this petition

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 petition would provide for building additions resulting in a nine-foot rear yard setback (20-foot rear yard setback required).
- The proposal calls for the demolition of the existing detached garage, which sits approximately 3 feet from both the rear property line and north side property line, and the construction of an attached garage on the back of the existing primary structure. The proposed addition will sit further from both the rear and side property lines, with a rear setback of 9 feet. The proposed addition is also of similar development to much of the surrounding area and properties that contain both primary and accessory structures with reduced/minimal setbacks. Given that the proposed addition will sit further from the property line than the current garage structure, Staff is unopposed to the variance request.
- Additionally, the subject site lies within the Meridian Street Preservation Area, which seeks to maintain and preserve the character and aesthetics of Meridian Street and parallel streets from 39th Street to 58th Street. The Meridian Street Preservation Commission heard and approved the request at its December 19, 2023 meeting.



GENERAL INFORMATION

Existing Zoning	D-4 (MSPC)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-family residential
	South:	South: Single-family residential
	East:	East: Single-family residential
	West:	West: Single-family residential
Thoroughfare Plan		
North Pennsylvania Street	Local Street Existing ROW: 48 feet Proposed ROW: 58 feet	
Context Area	Compact or Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	11/9/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/9/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Meridian Street Preservation Area Plan (2004)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Meridian Street Preservation Area Plan (2004) recommends low density single-family (3-5 units/acre) residential for this site.

Infill Housing Guidelines

- Enter Recommendation by IHG or “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 – SITE

2020DV1064; 5040 Washington Boulevard (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot rear setback (20-foot rear setback required), **approved**.

2020DV2007; 5456 N New Jersey Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with three-foot side and rear setbacks (four-foot side and five-foot rear setbacks required), **approved**.

2003HOV013; 5510 N Delaware Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to replace an existing 12.2 by 22-foot detached garage, with a seven-foot side yard setback, with an 18 by 26-foot detached garage with a one-foot side yard setback, **approved**.

96-UV1-22; 5445 N Delaware Street (east of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 22'2" by 27'2" second single-family residence on one lot (only one single-family residence per lot permitted), **approved**.

EXHIBITS

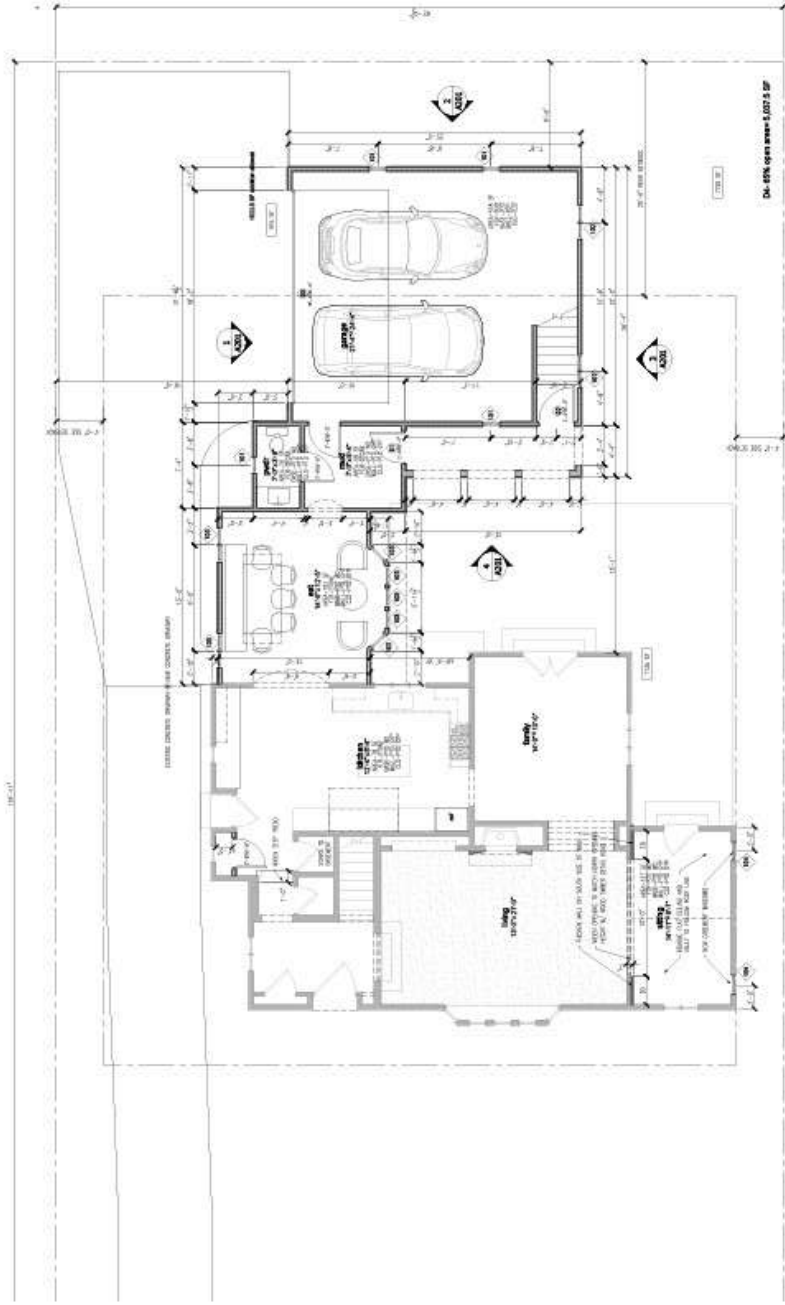




Department of Metropolitan Development
 Division of Planning
 Current Planning

GENERAL NOTES:

- 1. SEE SHEET A100 & A101 FOR THE EXISTING FLOOR PLAN.
- 2. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



McClintock Building Addition
 1000 10th Street, San Francisco, CA 94103
 415.774.1111
 www.demetry.com
 Demetry Architects
 1000 10th Street, San Francisco, CA 94103
 415.774.1111
 www.demetry.com

A101
 SHEET 1 OF 1

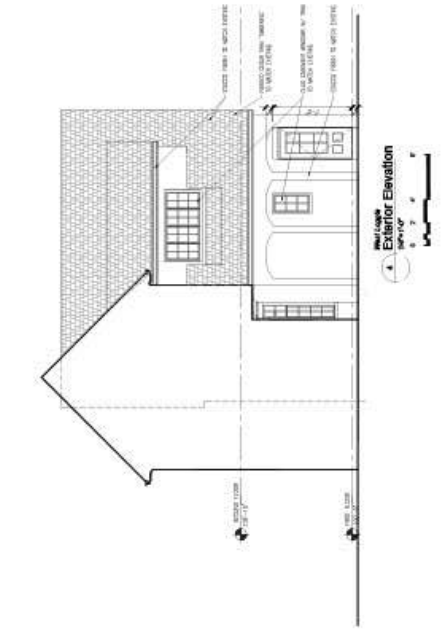
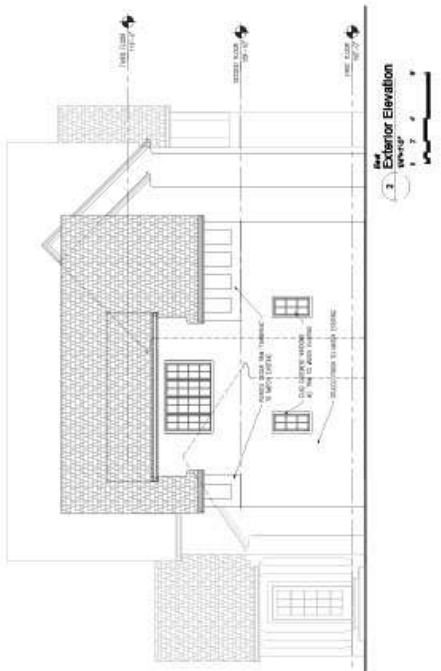
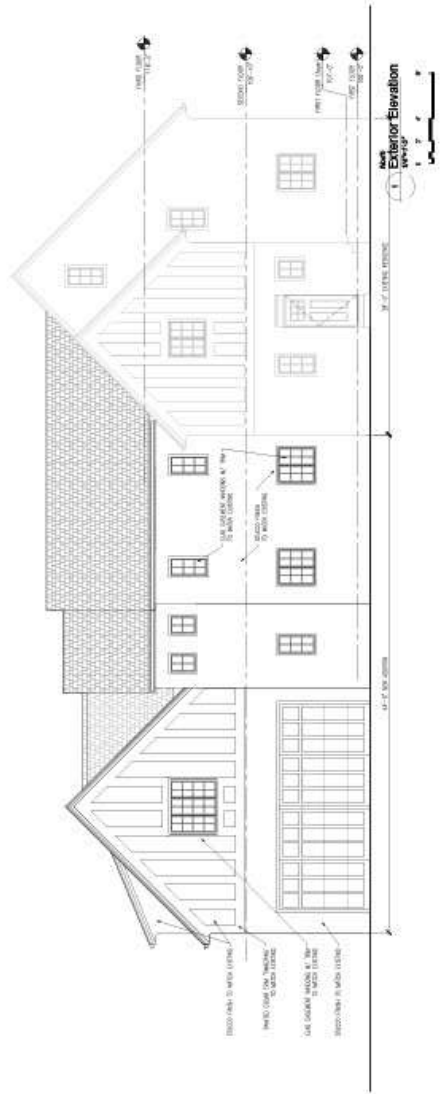
GENERAL NOTES:

- SEE SHEET A-200 FOR EXTERIOR ELEVATION
- SEE SHEET A-201 FOR INTERIOR ELEVATION
- SEE SHEET A-202 FOR FLOOR PLAN
- SEE SHEET A-203 FOR SECTION
- SEE SHEET A-204 FOR SECTION
- SEE SHEET A-205 FOR SECTION
- SEE SHEET A-206 FOR SECTION
- SEE SHEET A-207 FOR SECTION
- SEE SHEET A-208 FOR SECTION
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- SEE SHEET A-216 FOR SECTION
- SEE SHEET A-217 FOR SECTION
- SEE SHEET A-218 FOR SECTION
- SEE SHEET A-219 FOR SECTION
- SEE SHEET A-220 FOR SECTION

WINDOW SCHEDULE

NO.	TYPE	SIZE	FINISH
1	DOUBLE HUNG	36" x 48"	WOOD
2	DOUBLE HUNG	36" x 48"	WOOD
3	DOUBLE HUNG	36" x 48"	WOOD
4	DOUBLE HUNG	36" x 48"	WOOD
5	DOUBLE HUNG	36" x 48"	WOOD
6	DOUBLE HUNG	36" x 48"	WOOD
7	DOUBLE HUNG	36" x 48"	WOOD
8	DOUBLE HUNG	36" x 48"	WOOD
9	DOUBLE HUNG	36" x 48"	WOOD
10	DOUBLE HUNG	36" x 48"	WOOD
11	DOUBLE HUNG	36" x 48"	WOOD
12	DOUBLE HUNG	36" x 48"	WOOD
13	DOUBLE HUNG	36" x 48"	WOOD
14	DOUBLE HUNG	36" x 48"	WOOD
15	DOUBLE HUNG	36" x 48"	WOOD
16	DOUBLE HUNG	36" x 48"	WOOD
17	DOUBLE HUNG	36" x 48"	WOOD
18	DOUBLE HUNG	36" x 48"	WOOD
19	DOUBLE HUNG	36" x 48"	WOOD
20	DOUBLE HUNG	36" x 48"	WOOD

NOT CURRENT



McCracken Remodel Addition
 Denver Architects
 1500 14th Street, Suite 1000
 Denver, CO 80202
 Phone: 303.733.1111
 Fax: 303.733.1112
 www.denverarchitects.com

A201



Department of Metropolitan Development
Division of Planning
Current Planning



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by
Mark Demerly on behalf of Robert King and Mary McCrate
for a Prior Approval of a Variance for the property located at 5449 N.
Pennsylvania Street

**FINAL ORDER GRANTING PRIOR
APPROVAL OF A VARIANCE
#V-MSPC 23-20**

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on December 19, 2023, in the second floor conference room of the Meridian Street United Methodist Church at 5500 N. Meridian Street, and heard evidence and considered an application for a Prior Approval of a Variance filed by Mark Demerly on behalf of Robert King and Mary McCrate, for improvements to be made at the property located at 5449 N. Pennsylvania Street.

Being duly advised in the premises, the Commission, by a vote of 7-0 of its eight (8) members present and voting AYE: (Norman, Fujawa, Colby, Roth, Hess, Madden, Vanderstel), NAY: (None), ABSTAIN: (Bennett) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Certificate of Appropriateness requested approval for the:
 - Reduction of rear yard setback in a D4 zoning district (20 ft. required, 9 ft. provided).
3. Such improvements shall be per plans on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Certificate of Appropriateness requested by the applicant should be **GRANTED**, with the following commitment(s): None.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Variance for the aforesaid construction is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

December 20, 2023
Date







BOARD OF ZONING APPEALS DIVISION I **February 06, 2024**

Case Number: 2024DV1004

Property Address: 1416 English Avenue (approximate address)

Location: Center Township, Council District #8

Petitioner: Ebuka Enogu, by Mark and Kim Crouch

Current Zoning: D-5II

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a carriage house resulting in an 8-foot rear yard setback and encroaching within the clear sight triangle of intersecting alleys (encroachment of clear sight triangles prohibited).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PETITION OVERVIEW

- This property received permits in July 2023 for construction of a new single-family residence which is currently under construction. This petition would seek to legalize placement of a detached garage loaded from the side alley with a secondary dwelling unit (SDU) above. The proposed structure would be within the rear yard and encroaching within the clear sight triangle established by intersecting alleys to the west and north, which is disallowed per ordinance.
- The site was rezoned to the D-5II designation in 2023. This zoning is intended for small-lot housing formats, primary for small, detached houses and for infill situations in established urban areas. The single-family home is an allowable use type per ordinance and is also a listed land use for the Traditional Neighborhood typology within the Marion County Land Use Pattern Book.



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- In addition to a detached 2-car garage, this petition would allow for construction of a secondary dwelling unit. The Pattern Book “encourages” the placement of SDUs and mentions that a diverse housing mix is a focus of the Traditional Neighborhood typology. Similarly, the Infill Housing Guidelines encourage SDUs and mention affordability as a potential benefit in addition to diversity of housing types.
- The proposed accessory structure would be subordinate to the primary (proposed height of 22.5 feet for the garage/SDU compared to 35 feet for the primary). Additionally, administrative approval of elevations is a requirement per the conditions of 2023ZON017 to allow for staff input on roof design, building height, and building massing.
- The proposed rear setback of 8 feet would be allowed per ordinance (this district and lot dimensions would typically require 15 feet, but is eligible for the rear setback exception found in 743-306.A.4.b). The sole ordinance issue relates to encroachment within the clear sight triangle created by adjacent alleys.
- The ordinance establishes clear sight triangle areas to prevent visual obstructions for drivers of typical vehicles when approaching intersections of roadways. The absence of regulations on clear sight visibility would result in increased injuries and fatalities caused by the inability of motorists or pedestrians to recognize and respond to oncoming traffic.
- Plans indicate that the proposed structure would fall within the 40-foot clear sight triangle required for intersection of alleys but would not encroach into a 30-foot clear-sight triangle. Although the ordinance doesn’t require placement of secondary dwelling units, relevant comprehensive plans view SDUs very favorably and the subject site wouldn’t allow for the structure to be feasibly placed in a different location. Additionally, while concerns related to public safety are legitimate, the minimal clear-sight triangle encroachment would be at the intersection of two alleys that would typically feature slower vehicle speeds than those along primary streets. For these reasons, staff would recommend approval of the variance request.

GENERAL INFORMATION

Existing Zoning	D-5II	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: I-2	North: Traditional Neighborhood
	South: D-5	South: Traditional Neighborhood
	East: D-5	East: Traditional Neighborhood
	West: D-P	West: Traditional Neighborhood
Thoroughfare Plan		
English Avenue	Primary Arterial	Existing ROW: 60’ Prop ROW: 78’
Context Area	Compact	



Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	12/14/2023
Site Plan (Amended)	N/A
Elevations	12/14/2023
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	12/14/2023
Findings of Fact (Amended)	1/11/2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood living typology for this site.
- The Pattern book encourages secondary dwelling units for this land use and typology and indicates that garages should be loaded from alleys and side streets when possible.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.



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- The IHG recommends that accessory structures should be placed behind primaries and encourages secondary dwelling units to promote affordability and a diversity of housing options.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2023ZON017, Rezoning of 0.08 acre from the D-5 district to the D-5II district, **approved**.

ZONING HISTORY – VICINITY

2023CVR857; 436 Spruce Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street (not permitted), **pending**.

2023CPL857; 436 Spruce Street (northeast of site), Approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot, **pending**.

2023CZN857; 436 Spruce Street (northeast of site), Rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district, **approved**.

2023ZON005; 1405 Deloss Street (northeast of site), Rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling, **approved**.

2022DV1011; 1422 English Avenue (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing structure with a one-foot east side setback and seven-foot rear yard setback and provide for building additions resulting in a three-story, single-family dwelling with a six-foot east side yard setback and a seven foot rear yard setback (maximum 2.5 story dwelling permitted, seven-foot side setback, 20-foot rear setback required), **withdrawn**.

2021ZON014; 1400 English Avenue (west of site), Rezoning of 1.85 acres from the SU-1 district to the D-P district for 37 dwelling units, consisting of 31 single-family attached dwellings and six single-family detached dwellings at a density of 20 units per acre, **approved**.

2021PLT051; 1400 English Avenue (west of site), Approval of a Subdivision Plat, to be known as Colere', dividing 1.89 acres into 36 single-family attached lots, **approved**.

2020DV2046; 514 Spruce Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and an attached garage, with a main floor area of 542 square feet within the clear sight triangle of the abutting street and alley (not permitted), with a two-foot front setback, a three-foot rear yard and 34% open space (main floor area of 660 square feet, 18-foot front setback or average, 20-foot rear setback and 60% open space required), **approved**.

2018HOV068; 1417 Deloss Street (northeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including but not limited to a single-family dwelling (not permitted), with three-foot and five-foot side



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setbacks and a six-foot front setback (10-foot side and 20-foot front setbacks required), and a 20-foot rear setback, with a five-foot rear setback for a detached garage (30-foot transitional setback required), **approved.**

2018HOV056; 1421 Deloss Street (northeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses (not permitted), including but not limited to a single-family dwelling, with a nine-foot front setback and two-foot side setbacks and a five-foot rear transitional setback for a detached garage (20-foot front yard, 10-foot side yards and 30-foot rear transitional yard required), **approved.**

2018DV3041; 1423 English Avenue (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,000 square-foot, 40-foot wide lot (minimum 7,200 square feet, 70-foot wide lot required) with 48% open space (60% open space required), **approved.**

2017HOV040 ; 1401 English Avenue (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwellings, with five-foot front setbacks (18 feet required), six feet between dwellings (10 feet required), within the clear sight triangle of the abutting streets (not permitted), on lots with deficient lot area and width (5,000 square feet and 50-foot width required), and with 50% open space (60% open space required), **approved.**

2017DV1031; 1447 English Avenue (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide a single-family dwelling and detached garage, creating 50% open space (60% required), with a 15-foot front setback (18-foot front setback required), with three and nine feet between dwellings, and with a two-foot side yard (10 feet between dwellings and three-foot side setback required), **approved.**

97-Z-86; 510 Laurel Street (southwest of site), Metropolitan Development Commission rezoning of 9.96 acres, being in the C-1 and D-5 Districts, to the SU-2 classification to provide for school uses, **approved.**

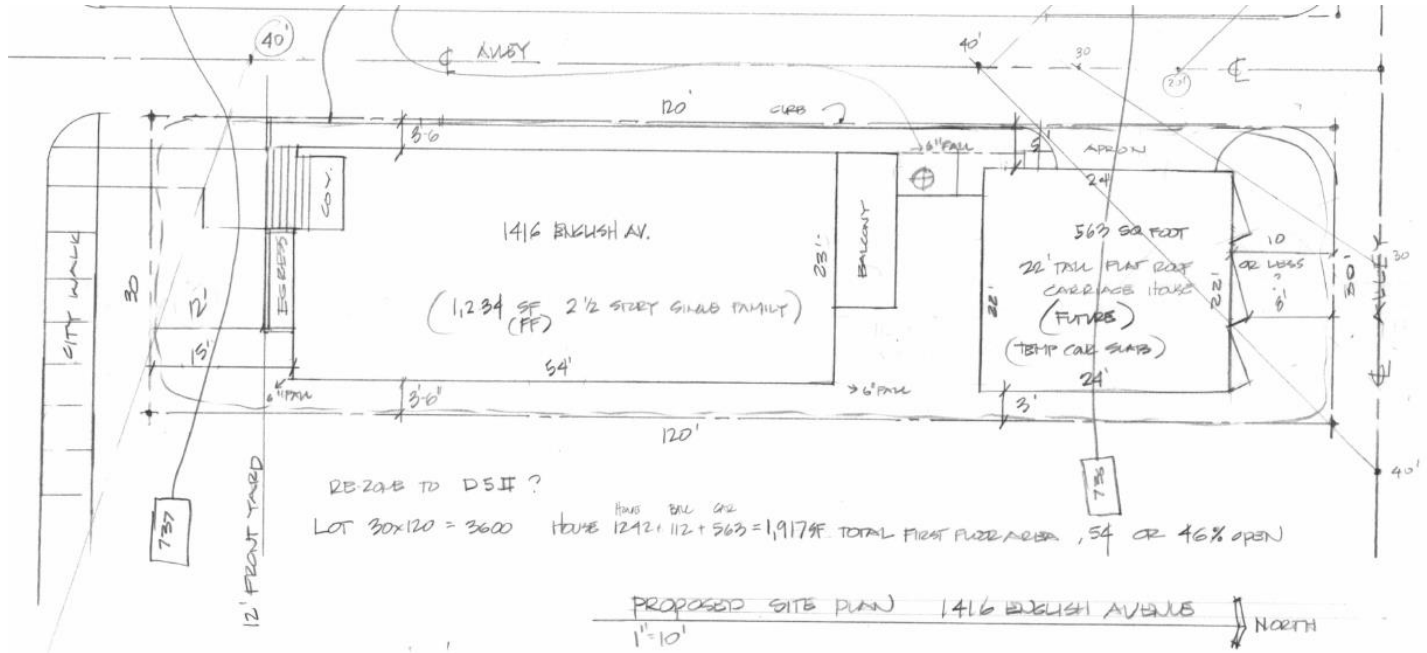
97-Z-81; 1400 English Avenue (west of site), Rezoning of 1.8 acres to the SU-1 zoning classification for religious uses, **approved.**

EXHIBITS

2024DV1004 ; Aerial Map



2024DV1004 ; Site Plan



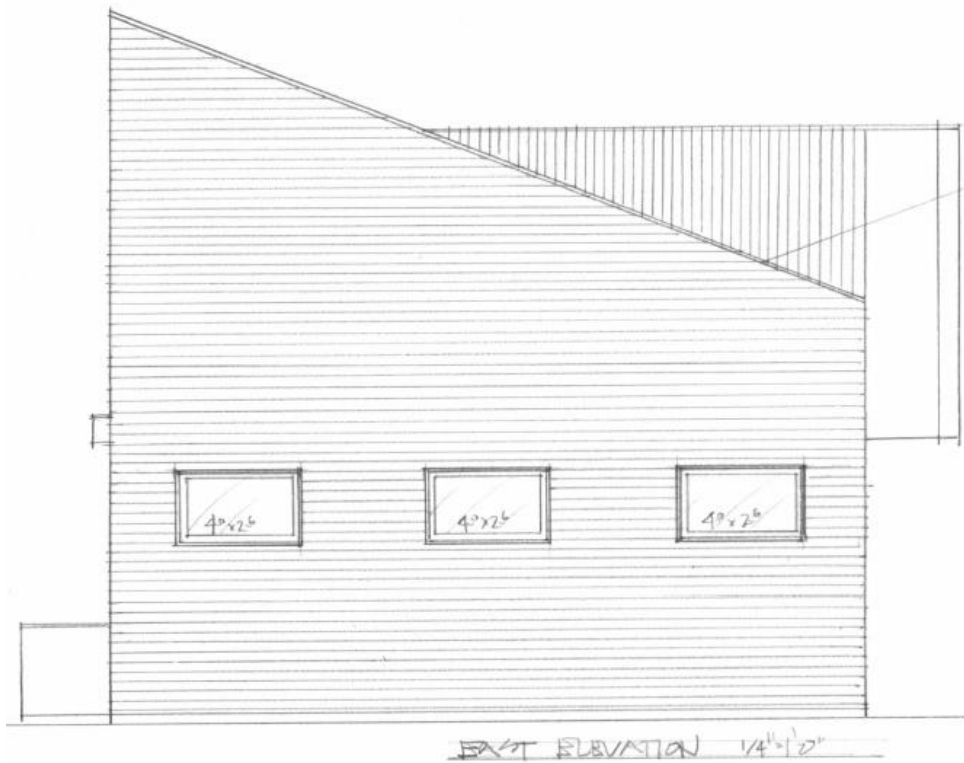
2024DV1004 ; West Elevation



2024DV1004 ; North/South Elevation



2024DV1004 ; East Elevation





2024DV1004 ; Findings of Fact

FINDINGS OF FACT

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

the grant will allow for the construction of a new detached carriage house garage for private residential use on lot zoned for residential.

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 detached carriage house garage will be consistent with development in the area and adjacent area.

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

lot is next to an alley intersection making placement of detached garage difficult to meet current zoning requirements resulting in a need to reduce rear yard setback and allow for encroachment into clear-site triangle. Without variance approval, proposed detached carriage house garage will not be built.

2024DV1004 ; Pictures



Photo 1: Primary Residence Viewed from English Avenue (South)



Photo 2: Existing Side Alley Viewed from South

2024DV1004 ; Pictures (continued)



Photo 3: Proposed Location Viewed from Side Alley (Southwest)



Photo 4: Proposed Location Viewed from Rear Alley (North)

2024DV1004 ; Pictures (continued)



Photo 5: Rear Yard of Adjacent Property to West



Photo 6: Rear Yard of Adjacent Property to East



BOARD OF ZONING APPEALS DIVISION I **February 06, 2024**

Case Number: 2024UV1001

Property Address: 5914 and 5920 East Stop 11 Road (approximate address)

Location: Franklin Township, Council District #25

Petitioner: Epple LLC, by Andrew Wert

Current Zoning: C-3

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor operations associated with a fitness center (not permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

- The property at 5920 East Stop 11 Road currently functions as a multitenant commercial center housing several businesses including a salon, several restaurants, and a fitness center within the tenant space furthest to the west. This petition would seek to allow for placement of a fenced outdoor area of approximately 3600 square feet to the west of the existing property to allow for outdoor operations of the currently existing fitness center. The outdoor area would include a fitness ramp structure for exercise and be screened by a 6-foot tall chain link fence with PVC black coating and with 3-point “sail” shade structures above the workout area.
- This property is currently zoned C-3 (Neighborhood Commercial District) which is designed for an extensive range of retail sales and personal, professional, and business services. It does not allow for businesses that require the outdoor display, sale, or storage of merchandise; or require outdoor operations.



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- The Marion County Land Use Plan Pattern Book defines this area as a Community Commercial site for low-intensity commercial and office uses servicing nearby neighborhoods. Although the Pattern Book does explicitly mention outdoor display of merchandise as a disallowed use, it is the determination of staff that this would not necessarily be inclusive of all outdoor operations.
- Similarly, the commitments associated with rezone petition 2006ZON864 indicate that outdoor storage is disallowed at this property. Since ‘outdoor operations’ have been determined to be a distinct category from outdoor storage, grant of this variance request would not also require a modification of the previous rezoning petition.
- The proposed outdoor area is to be used for cardiovascular training, weightlifting training, weight loss programs, personal trainings, powerlifting training, and agility and speed training. It is anticipated to be open 24 hours a day and would not utilize any outdoor loudspeakers.
- Outdoor operations are limited to more intense commercial zonings to reduce noise pollution and to ensure properties with less intense commercial zonings can successfully limit the scope of their services to the best interests of nearby residential properties. The proposed outdoor expansion would potentially have ill effects related to added noise, access to the dumpster within the rear yard, and a reduction in on-site parking.
- In addition to the potential negative externalities mentioned above, no undue hardship exists at this subject site that wouldn’t allow for feasible placement of alternate uses (i.e., continuing as accessory parking, indoor recreation through a building expansion, or other uses allowed by-right within C-3 zoning). For this reason, staff is opposed to the granting of this variance request.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Suburban Neighborhood
South:	D-6 / C-3	South: Community Commercial
East:	D-3	East: Suburban Neighborhood
West:	D-6	West: Suburban Neighborhood
Thoroughfare Plan		
Stop 11 Road	Secondary Arterial	Existing ROW: 141’ Prop ROW: 90’
Arlington Avenue	Primary Collector	Existing ROW: 136’ Prop ROW: 106’
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	12/04/2023
Site Plan (Amended)	N/A
Elevations	12/04/2023
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	12/04/2023
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial Working typology for this site. This typology provides for low-intensity commercial and offices uses that serve nearby neighborhoods.
- Within Offices, Retailing, and Personal or Professional Services land uses in the Community Commercial typology, outdoor display of merchandise is not recommended when adjacent to residential uses or a Living typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2017MOD023, Modification of Commitments and to terminate Commitment Three of 2004-ZON-115, as modified by Commitment One of 2006-APP-864 and Commitment Three of 2006-ZON-864, and to Modify the Site Plan accordingly (requires one street connection between the subject site and the D-6 zoned parcel to the west), **approved**.

2017PLT067, Approval of a Subdivision Plat, to be known as Arlington Commons Commercial Subdivision, dividing 5.63 acres into three lots, **approved**.

2008APP104, Approval to modify commitments, related to petitions 2004-ZON-115 and 2006-ZON-864, to modify Commitment One, Letter P to provide for the operation of a store such as a Kids Kloser store on the property which sells new and lightly used children’s clothing, toys and other goods (previous commitment prohibited all second-hand stores), **approved**.

2006APP864, Approval to modify the legal descriptions for the commitments, related to 2005-ZON-115, to include the entire parcel subject to the rezoning request, 2006-ZON-864, and to modify Commitment Number Three as follows: “There shall be at least one (1) internal street connection between the development on the subject C-3 parcel and the D-6 development proposed to West of the site.” (previous commitment required two internal street connections), **approved**.

2006ZON864, rezoning of 0.98 acres to the C-3 classification, **approved**.

2004ZON118, rezoning of 42.6 acres to the D-6II classification, **denied**.

2004ZON115, rezoning of 7.9 acres from I-2-S to the C-3 classification, **approved**.

95-Z-213, rezoning of 131.92 acres to the I-2-S classification, **approved**.

ZONING HISTORY – VICINITY

2016ZON071; 8051 S Arlington Avenue (southeast of site), Rezoning of 57.73 acres from the D-A district to the D-4 classification, **approved**.

2012ZON030; 7910 S Arlington Avenue (north of site), Rezoning of 8.25 acres, from the D-6 District, to the D-5 classification to provide for residential uses, **approved**.

2012PLT008; 7910 S Arlington Avenue (north of site), Approval of a Subdivision Plat to be known as Pine Lake, dividing 8.25 acres into 30 lots, **approved**.

2009VAC009; 5930 Edelle Drive (north of site), VACATION of all lots, rights-of-way, easements, and setback lines created by Pine Lake Subdivision, as recorded as Instrument # 2009-0011608, and the



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Declaration of Covenants, Conditions, and Restrictions for Pine Lake Subdivision, recorded as Instrument # 2009-0011607, **approved.**

2008PLT001; 7910 Arlington Avenue (north of site), Approval of a Subdivision Plat to be known as Pine Lake, dividing 8.25 acres into 56 lots, **approved.**

2004ZON114; 5716 E Stop 11 Road (northwest of site), Rezoning of 31.2 acres from the I-2-A district to the D-6 classification, **approved.**

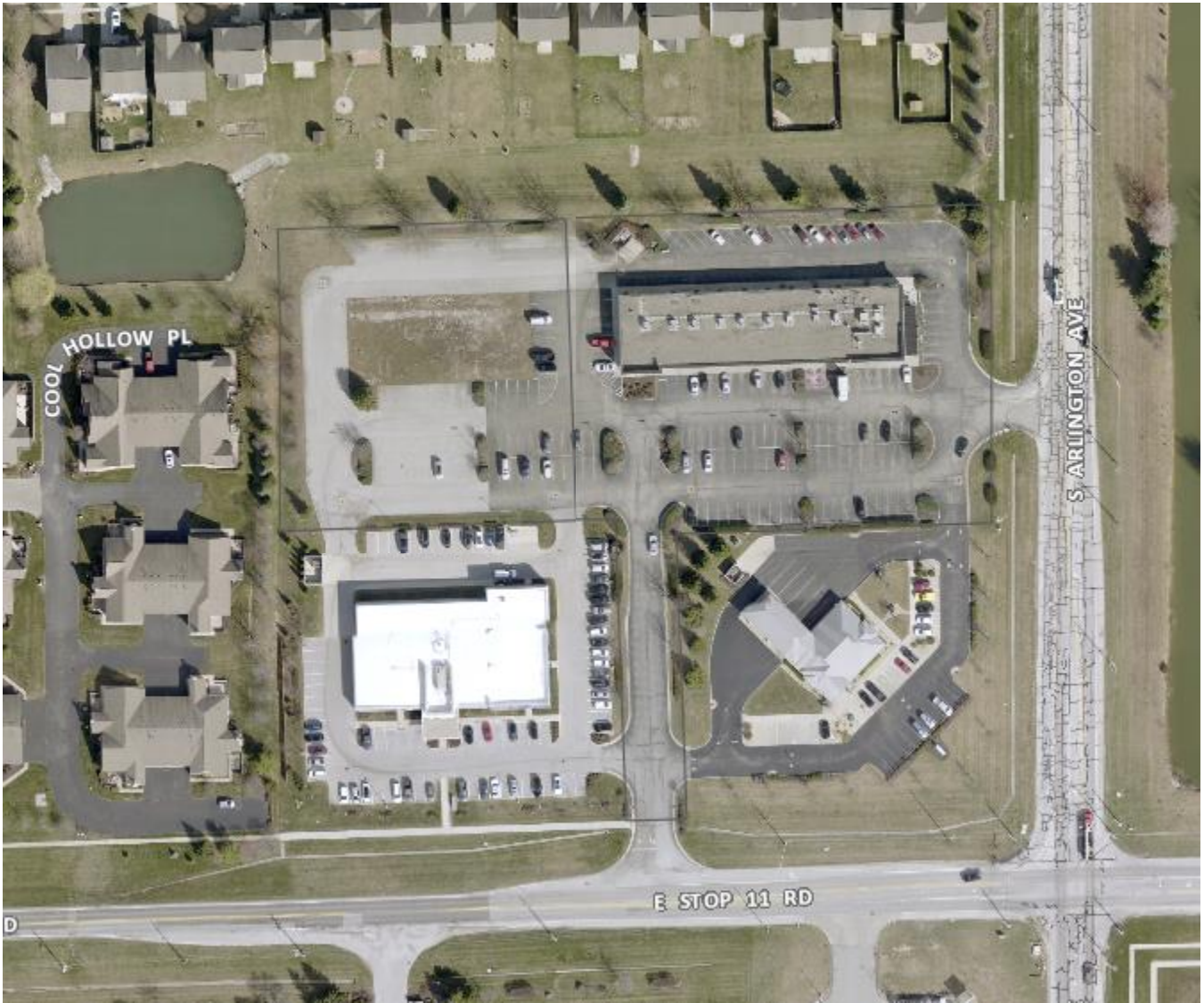
98-Z-260; 5815 E Stop 11 Road (south of site), Rezoning of 16.88 acres to the D-6 classification, **approved.**

92-Z-140; 8050 S Arlington Avenue (south of site), Rezoning of 20.08 acres to the C-3 classification, **approved.**

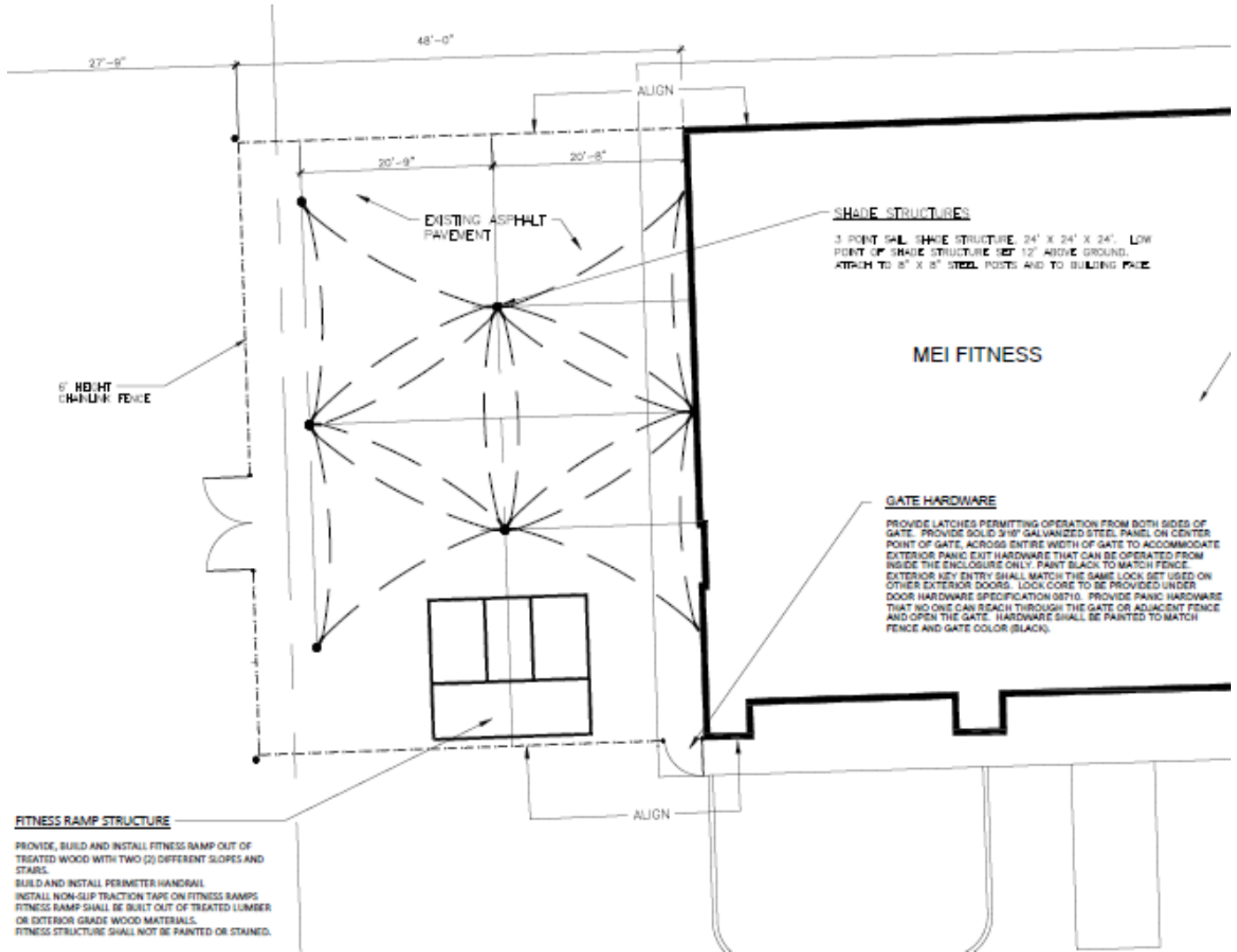
91-P-53; 6220 E Stop 11 Road (east of site), Approval of a Subdivision Plat to be known as Southern Lake Estates, dividing 20.551 acres into 41 lots, **approved.**

EXHIBITS

2024UV1001 ; Aerial Map



2024UV1001 ; Site Plan





2024UV1001 ; Plan of Operation

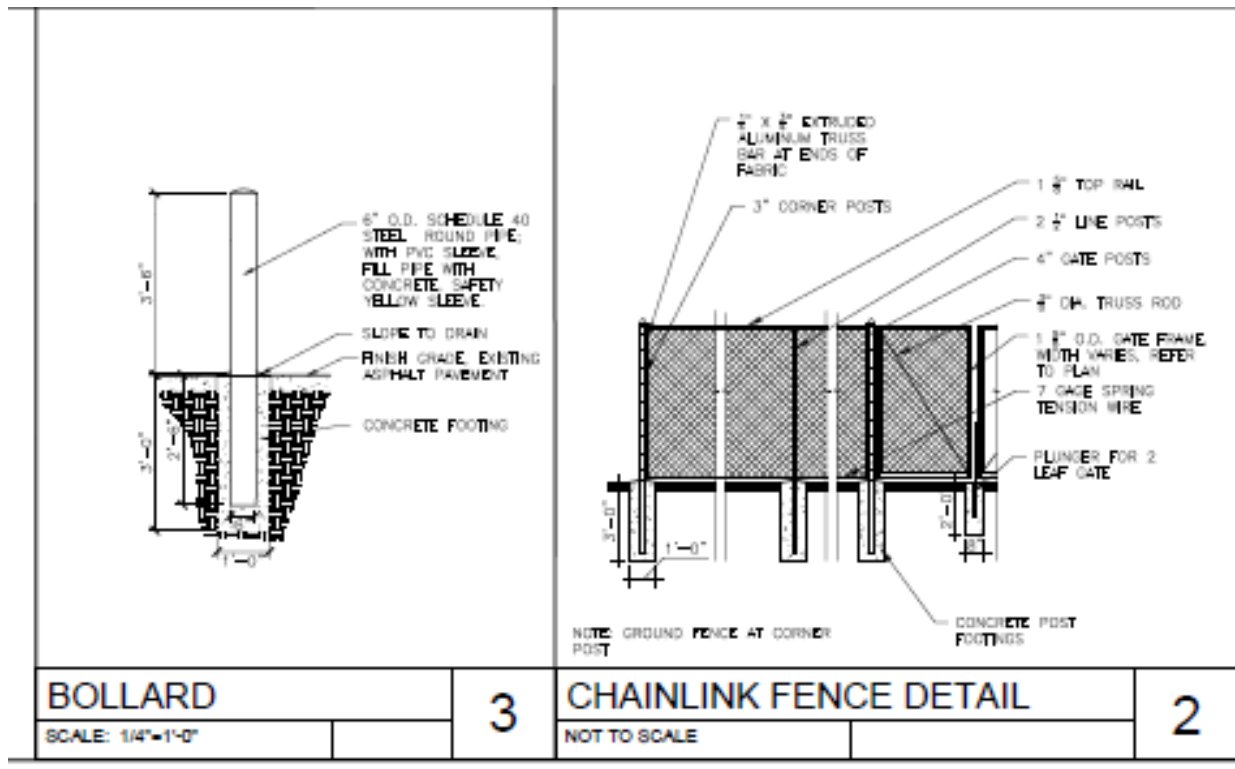
MEI Fitness is owned by Mel Rivera. They currently have five locations throughout the metro area. The Southport facility opened in 2018. MEI is open 7 day a week, 24 hours per day.

The facility on Stop 11 Road is located in a commercial center that also includes Chicago’s Pizza, Red Line Frozen Treats, and a salon. MEI is proposing an outdoor fitness area adjacent to the west end of the present facility. The 48’ by 75’ area would be enclosed by a six foot tall chain link fence with PVC black coating. PVC slats interwoven in the fence will provide additional screening. Three-point sails attached to posts and the building will cover the fitness area.

This expansion will require removal of 14 parking spaces. The zoning ordinance requires 44 spaces for the current building and there will be 108 spaces remaining after the proposed removal.

MEI Fitness is requesting approval of a Variance of Use to allow this expansion. The C-3 zoning district does not permit “outdoor operations”. This is an incidental expansion intended to add a workout option for the existing client base.

2024UV1001 ; Fence Detail





2024UV1001 ; Findings of Fact

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
the proposal is an ancillary use to the existing fitness facility.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
the proposed outdoor fitness area will not change the character or use of the property as it is associated with the existing fitness facility.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
outdoor exercise has proven benefits. The existing fitness center is a permitted use in the C3 zoning district.

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
there are community benefits to outdoor exercise. The proposal is an extension of the permitted use currently operating at this location.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
the Land Use Element identifies this area as Community Commercial which recommends no outdoor display of merchandise when adjacent to residential. There will be no merchandise displayed at this location. Other aspects recommended for Community Commercial are already in place.

2024UV1001 ; Pictures



Photo 1: Existing Multitenant Commercial Center Viewed from the South



Photo 2: Proposed Location of Outdoor Operations Viewed from the South

2024UV1001 ; Pictures (continued)



Photo 3: Looking North from Proposed Location



Photo 4: Looking West from Proposed Location