



Board of Zoning Appeals
Board of Zoning Appeals Division I
(January 7th, 2025)
Meeting Agenda

Meeting Details

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

Date: Tuesday, January 07, 2025 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2024-UV1-017 | 1016 Tecumseh Street

Center Township, Council District #13, zoned D-8
Indy Opportunity Biz LLC, by William A Bentley II

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

****Petitioner requests that this petition be withdrawn, requiring the Boards acknowledgement**

2024-UV1-025 | 1601 North College Avenue

Center Township, Council District #13, zoned C-3
NORAL LLC, by Haley Walker

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

****Petitioner has requested that this petition be withdrawn, requiring the Boards acknowledgement**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-UV1-030 | 2927 West Washington Street

Warren Township, Council District #18, zoned C-4 (TOD)
Teklit Fecadu

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a five-unit multi-family building(not permitted).

****Staff to request a continuance to the February 4, 2025 hearing in order to allow for the submittal of additional materials**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2024-DV1-038 | 2511 Columbia Avenue**
Center Township, Council District #8, zoned D-5
Bentley Construction LLC, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling on a 28-foot-wide lot (60-foot width required), a 53% open space percentage (60% open space required), and a 5,746 sqft lot (7,200 sqft required).

- 3. 2024-DV1-049 | 3830 Meadows Drive**
Washington Township, Council District #8, zoned D-P / C-4 / D-5 (TOD) (W-5)
Health & Hospital Corporation of Marion County, by Chad Butler

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a medical laboratory with a 28% front building line along Meadows Drive (80% front building line required), one public entry on the east façade (minimum three public entries required) and a loading/service area within the front yard of Rural Street (not permitted), with a parking area providing a 9.7-foot front yard setback from Meadows Drive (not permitted, 50-foot setback required).

- 4. 2024-UV1-031 | 1328 South Belmont Avenue**
Wayne Township, Council District #17, zoned C-1
Paula Almanza Gonzalez and Carlos Juarez, by Epifanio Carbajal

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling(not permitted) and a parking pad with a zero-foot rear transitional yard (eight feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 5. 2024-DV1-033 | 7401 Holliday Drive West, Town of Meridian Hills**
Washington Township, Council District #2, zoned D-1
Ezra & Sonja Burdix

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

- 6. 2024-UV1-023 | 7780 Michigan Road**
Pike Township, Council District #1, zoned C-1 / C-3 / D-A (FW) (FF)
Wagner Michigan Road LLC, by Ingris Velasquez

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

- 7. 2024-UV1-024A | 4723 South Emerson Avenue**
Franklin Township, Council District #24, zoned C-S
CFT NV Developments LLC, by Ross McArthur

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

- 8. 2024-UV1-027 | 7720 West New York Street**
Wayne Township, Council District #16, zoned I-2
Elite Solutions Group LLC, by Mitch Sever

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a heavy truck and equipment service and repair center, with outdoor storage and operations

exceeding 25 percent of the floor area of enclosed building and within 15 feet of a protected district (not permitted, outdoor storage and operations not permitted within 500 feet of a protected district) and providing 20-foot side transitional yards (30 feet required).

9. 2024-DV1-037 | 2402 East 38th Street

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

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

****Petitioner to request a continuance to the February 4, 2025 hearing of Division I**

PETITIONS FOR PUBLIC HEARING (New Petitions):

10. 2024-DV1-044 | 289 North Cole Street

Wayne Township, Council District #16, zoned D-4
Humberto Carreon Rubio, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a greater floor area than and forward of the primary building (not permitted).

11. 2024-DV1-045 | 4496 Saguaro Trail

Pike Township, Council District #6, zoned I-2
Shear Saguaro LLC, by Justin W. Leverton, Esq.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot rear yard setback (30 feet required).

****Automatic continuance filed by the Petitioner, continuing this to the February 4, 2025 hearing of Division I**

12. 2024-DV1-046 | 8654 West 86th Street

Pike Township, Council District #1, zoned D-2 / D-S (FF)
Gary A. & Mickey K. James

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall decorative fence within the front yard of 86th Street (maximum height of 3.5-feet permitted).

13. 2024-DV1-047 | 1919 Mansfield Street

Center Township, Council District #12, zoned D-5 (W-1)
James & Mary Holman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required).

14. 2024-DV1-048 | 5541 North Kenwood Avenue

Washington Township, Council District #7, zoned D-5 (MSPC) (FF)
John Stuart Alexander & Warren Cangany, by Laurie Tinsley

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).

****Petitioner to request a continuance and transfer of this petition to the January 14, 2025 hearing of Division II**

Additional Business:

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

BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

Case Number: 2024-UV1-017
Property Address: 1016 Tecumseh Street (approximate address)
Location: Center Township, Council District #13
Petitioner: Indy Opportunity Biz LLC, by William A Bentley II
Current Zoning: D-8
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two three-unit apartment buildings on a lot improved with a two-unit multi-unit home (one primary building per lot permitted).
Current Land Use: Residential
Staff Recommendations: Staff has no recommendation for this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 7, 2025 BZA DIVISION I HEARING

- The petition was continued to the November 7, 2024 hearing to allow for changes to the site plan.
- The petition was continued again to the December 3, 2024 BZA Division I hearing to allow for more time to make changes to the submission.
- The petition was continued to the January 7, 2025 BZA Division I hearing to allow for more time to make changes to the site plan.
- The petitioner has indicated that they wish to withdraw this petition, which only requires the Board's acknowledgement.



BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

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

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petitioner, from the November 7, 2024, hearing, to the January 7, 2025, hearing.

The petitioner **has requested to withdraw this petition**. This will require the Board's acknowledgement.



BOARD OF ZONING APPEALS DIVISION I **January 7th, 2025**

Case Number: 2024-UV1-030
Property Address: 2927 West Washington Street
Location: Warren Township, Council District #18
Petitioner: Teklit Fecadu
Zoning: C-4 (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a five-unit multi-family building (not permitted).
Current Land Use: Commercial
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

To allow the petitioner to submit the required documentation, this petition should be continued to the **February 4th, 2025**, hearing at the petitioner's and staff's request. A full staff report will be available in advance of that hearing.



BOARD OF ZONING APPEALS DIVISION I

January 7th, 2024

Case Number: 2024-DV1-038 (Amended)

Property Address: 2511 Columbia Avenue

Location: Center Township, Council District #8

Petitioner: Bentley Construction LLC, by John Cross

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling on a 28-foot-wide lot (60-foot width required), a 53% open space percentage (60% open space required), and a 5,746 sqft lot (7,200 sqft required).

Current Land Use: Residential

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the third public hearing for this petition.

The second public hearing for this case occurred on December 3rd, 2024 where it was continued due to an continuing issue with the legal request.

The first public hearing for this case occurred on November 7th, 2024 where it was continued due to an issue with the legal request.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This Variance of Development Standards petition includes three (3) requests: 1) to allow the construction of a duplex on a 28-foot wide parcel (60-foot width required), 2) to allow the parcel to have only 53% of open space (60% open space required), and finally 3) to allow for the size of the parcel with a duplex to be 5,746 sqft in size (7,200 sqft required).
- If this petition is approved, the owner will build a two-story, two-unit duplex on the parcel.
- This property is 0.09 acres and is currently zoned D-5. The lot currently does not have a primary structure.



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

- The Ordinance states that a D-5 zoned parcel with a duplex is required to have a minimum lot width of 60 feet. This property was platted sometime during or around 1915, so it is smaller than the modern D-5 zoned property as defined in the most current version of the Ordinance. With the size of this lot, surrounding context, and orientation, it would not be possible for the owner to build a residential home on this property without a variance.
- With the current size of the proposed building and lot, this property will have 53% open space.
- The percentage of open space is calculated by comparing the square footage of built structures on the parcel to the total square footage of the parcel. The open space percentage ensures that green space is available on each parcel and prevents overdevelopment.
- A duplex is required to have 60% open space.
- As stated before, this parcel was platted in 1915 and is, therefore, smaller in size. If the proposed structure decreased in size, the duplex would not meet the minimum square footage per apartment.
- According to the Ordinance, a D-5 zoned parcel with a duplex must be 7,200 sqft in size. Again, due to the parcel's age, this parcel is smaller than the typical D-5 zoned property in the most current version of the Ordinance, similar to the lot width minimum requirement. The current size of the proposed duplex and the lot size still allow sufficient space for the required setbacks, so approving the smaller size will not affect the surrounding area.
- Staff recommends approval of this petition because of the age of the parcel, its current size preventing other uses or homes, the surrounding context, and open space. If this variance is approved, it would not change the character of the area currently experiencing growth and would provide a new home on an older parcel.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Traditional Neighborhood
	South:	South: Traditional Neighborhood
	East:	East: Large Scale Park
	West:	West: Village Mixed-Use
Thoroughfare Plan		
Columbia Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	09/26/2024	
Site Plan (Amended)	N/A	



Elevations	10/21/2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	09/26/2024
Findings of Fact (Amended)	10/21/2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg 17-18)

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

- **Front Setback:** The distance between the edge of street right-of-way and a building. In many residential zoning districts, the front setback on corner lots is along the street with the greater number of lots fronting upon it. (pg 10)



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

- When Setbacks are Different, Build in the 'Setback Range' If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses. (pg 10)
- When Setbacks are the Same, Match the Existing Context In some neighborhoods, houses were designed to be situated along a street in a nearly straight line. If setbacks are uniform, the setbacks for new construction should also be uniform. (pg 10)

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2000-UV1-008: 2401 Winthrop Avenue
 - MULTI-FAMILY DWELLINGS, CLUBHOUSE, PLAYGROUND IN I-4-U
 - AP
- 2001-DV1-052: 1322 E 25th Street
 - OUTDOOR STORAGE AND SALES IN AN 80 SQUARE FOOT TENT
 - AP
- 2001-UV3-008: 2462 Winthrop Avenue
 - SOCIAL CLUB IN I-2-U
 - AP
- 2001-UV3-023: 2444 Winthrop Avenue
 - ESTABLISH THE OUTSIDE STORAGE OF VEHICLES, REPAIR OF VEHICLES, AND EXCEEDING PERMITTED OUTSIDE STORAGE CAPACITY, orig filed as 2450 WINTHROP AVE
 - AP
- 2002-UV3-006: 923 E 25th Street
 - RELIGIOUS USES IN I-2-U
 - AP
- 2003-UV1-044: 916 E 25th Street
 - OFF-SITE PARKING LOT FOR CHURCH
 - PEN
- 2004-DV2-010: 1131 E 25th Street
 - 10,000 FT² WAREHOUSE WITH A REDUCED SETBACK
 - AP
- 2004-HOV-063: 2520 Winthrop Avenue
 - Legally establish dwelling in I-2-U
 - AP
- 2004-SE2-001: 1131 E 25th Street
 - SHOWROOM FOR SALE OF STEEL PRODUCTS IN I-4-U
 - AP
- 2005-DV1-032: 1100 E 24th Street
 - Provide for construction of a 42,379-sq.ft. addition to an existing 108,294-sq.ft. industrial building, w/ a zero-ft. front setback from Yandes Street (min. 20-ft. setback req.), and a zero-ft. north side setback (min. 20-ft. setback req.), and w/ maneuvering space for an off-street loading area within the rights-of-way of Yandes Street and East 24th Street.
 - AP



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

- 2006-ZON-010: 1311 E 25th Street
 - 1311 East 25th Street aka 2465 No. Columbia Ave. Recorded instrument 2006-0082667. special use not envisioned by neighborhood plan
 - AP
- 2007-VAC-811: 2451 Dr Andrew J Brown Avenue
 - VACATE 204.6 FOOT LONG ALLEY
 - AP
- 2008-HOV-011: 2361 Sheldon Street
 - PROVIDE FOR REDUCED FRONT SETBACK
 - AP
- 2012-HOV-004: 2734 Columbia Avenue
 - Special Exception to provide for a religious to add a 484-square foot addition for ADA restrooms.
 - Approved
- 2018-ZON-002: 2401 Winthrop Avenue
 - Rezoning of 2.04 acres from the I-4 district to the D-8 classification.
 - Approved
- 2020-CVR-830: 2626 Winthrop Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two two-family dwellings, with 12-foot front setbacks, 3.5-foot side setbacks, seven feet between dwellings and 48% open space (18-foot front setback, four-foot side setback, 10 feet between dwellings and 55% open space).
 - Approved
- 2020-CVR-842: 2450 N Arsenal Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story multi-family building within the clear sight triangle of the abutting streets (not permitted), with a 10-foot front transitional setback from the right-of-way of Dr. Andrew J. Brown Avenue, with a 7.5-foot front transitional setback from the right-of-way of East 25th Street, with a patio with a zero-foot front transitional setback from Dr. Andrew J. Brown Avenue and East 25th Street, with a 90-foot front setback from Arsenal Avenue, with parking with a 10-foot front transitional setback from Arsenal Avenue, with parking in the front yard of Arsenal Avenue, with zero-foot side transitional yards and 10-foot side transitional yards, and with two 38-foot wide curb cuts from Arsenal Avenue (buildings not permitted within the clear sight triangle, 12-foot front transitional yard, maximum 20-foot front setback, 15-foot side transitional setback required and access from alley required, curb cuts cannot exceed 24 feet at the street line).
 - Denied
- 2020-CZN-830: 2626 Winthrop Avenue
 - Rezoning of 0.251 acre from the I-2 district to the D-8 district.
 - Approved
- 2020-CZN-842: 2450 N Arsenal Avenue
 - Rezoning of 1.32 acres from the C-1 district to the MU-2 classification to provide for a development of a mixed-use building.
 - Approved

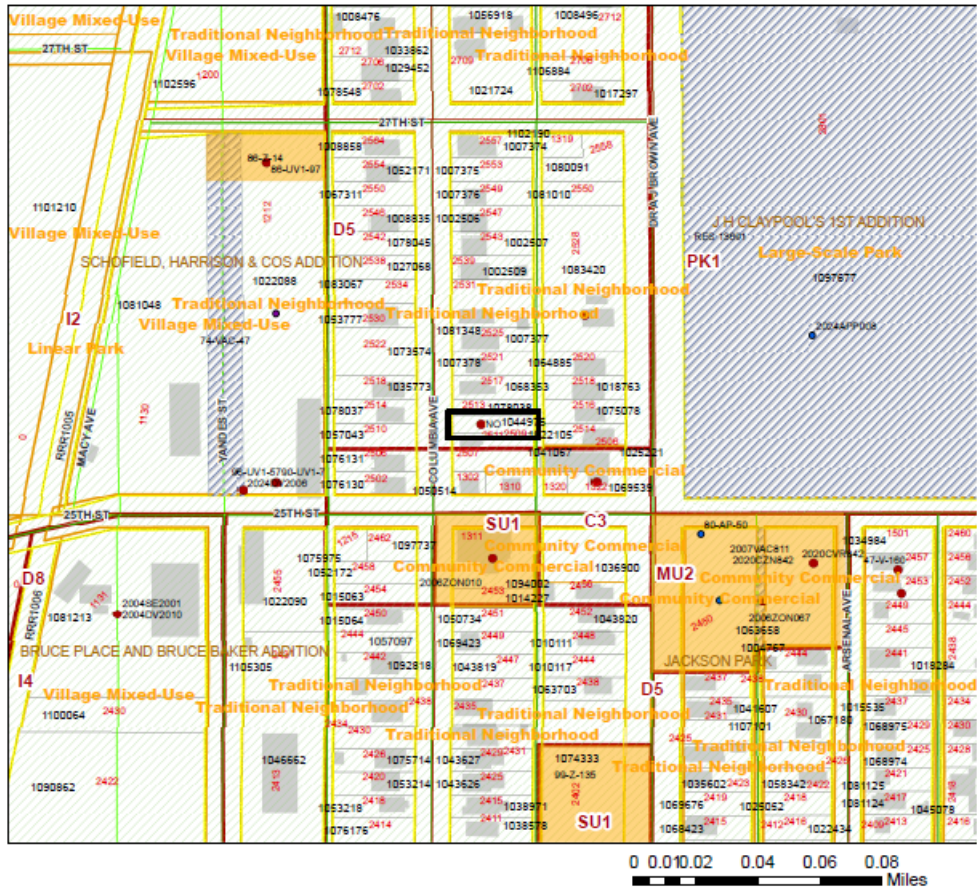
- 2020-UV2-013: 2450 N Arsenal Avenue
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story multi-family building (not permitted) within the clear sight triangle of the abutting streets (not permitted), with a 145.25-foot front setback from Arsenal Avenue, a trash container in the front yard of Arsenal Avenue, with two-doubled loaded rows of parking in the front yard of Arsenal Avenue, with a trash container and parking lot with a two-foot east front transitional yard, with a parking lot with a 7.5-foot north front transitional yard and eight-foot south side transitional setback (maximum 65-foot front setback, trash enclosures not permitted within the front yard, one-single-loaded row of parking permitted, 10-foot front transitional yards, 10-foot side transitional yards required).
 - Withdrawn
- 2020-ZON-048: 1123 E 25th Street
 - Rezoning of 1.435 acres from the I-4 district to the D-8 district.
 - Approved
- 2021-CVR-850: 2606 Winthrop Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 53% open space (55% open space required).
 - Approved
- 2021-ZON-015: 2615 Winthrop Avenue
 - Rezoning of 0.26 acre from the I-2 district to the D-8 district.
 - Approved
- 2021-ZON-031: 919 E 24th Street
 - Rezoning of 0.22 acre from the I-2 district to the D-8 district.
 - Approved
- 2022-CVR-831: 1616 E 25th Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide sidewalks only adjacent to the proposed structure along 25th Street and Ralston Avenue (additional sidewalks required along perimeter of park site based on proposed size of building).
 - Approved
- 2022-DV3-023: 2703 Guilford Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family detached dwelling with a five-foot east rear setback (twenty feet required).
 - FOF Adopted
- 2022-PLT-067: 2525 Guilford Avenue
 - Approval of a Subdivision Plat, to be known as Guilford Homes Addition, dividing 0.12-acre into two lots, and Approval of a Subdivision Plat, to be known as Guilford Homes 2 Addition, dividing 0.12-acre into two lots.
 - Approved
- 2022-ZON-018: 2602 Winthrop Avenue



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

- Rezoning of 0.40 acre from the I-2 district to the D-8 district to allow for single-family residential.
 - Approved
- 2023-DV3-037: 2519 Guilford Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot-wide lot (60-foot lot width required).
 - Approved
- 2023-DV3-038: 2434 Winthrop Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a townhome community development with six-foot rear yard setbacks and a livability space ratio of 0.21 (15-foot rear yard setback, livability space ratio of 0.66 required).
 - Approved
- 2023-PLT-099: 2434 Winthrop Avenue
 - Approval of Subdivision Plat to be known as Secondary Plat of Arnold's Place, dividing 1.35 acres into 33 townhome lots.
 - Approved
- 2023-ZON-015: 2444 Winthrop Avenue
 - Rezoning of 1.35 acres from the I-2 district to the D-8 district.
 - Approved
- 2024-DV2-006: 1212 E 25th Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 20-foot-tall internally illuminated pole sign (not permitted).
 - Withdrawn
- 2024-ZON-044: 2712 Winthrop Avenue
 - Rezoning of 2.96 acres from the D-5 district to the D-8 district for residential development.
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS
- Built/Platted
- OPER_STATUS
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Area map around 2511 Columbia Avenue.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 variance will allow the construction of a residential multi-unit dwelling The dwelling will comply with all setbacks so will not have an negative impact on the community but instead will benefit the area with an additional dwelling.

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 variance will permit construction of a residential multi-unit dwelling which use is consistent with the surrounding area. The consistent use will not negatively impact the area and the dwelling will comply with all other developmental standards.

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

the multi-unit dwelling cannot be constructed without the variance. Given the lots small size compared to surround lots the variance is needed for the construction.

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

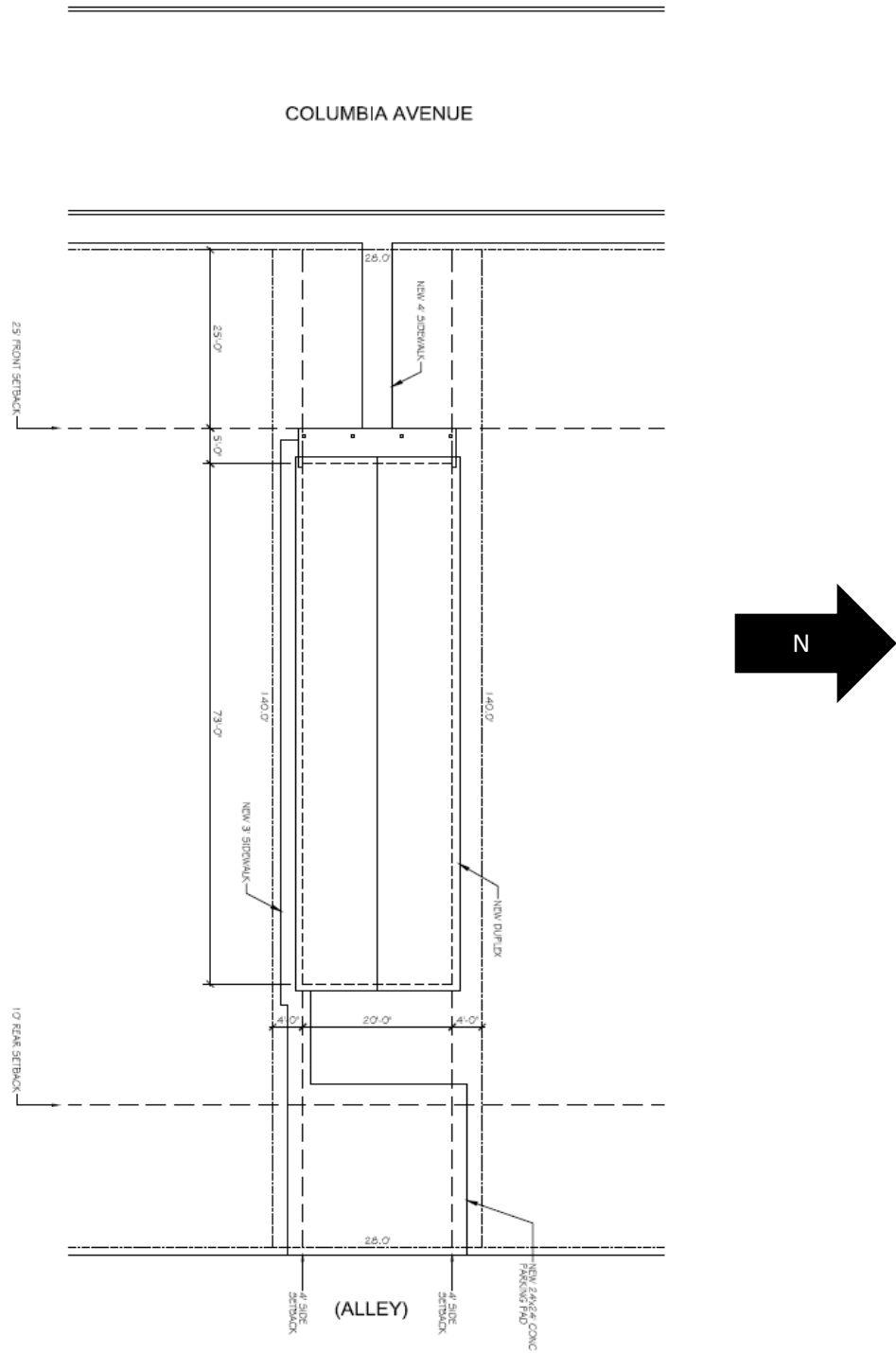


Exhibit 3: Site plan of the proposed duplex that will be built at 2511 Columbia Avenue.

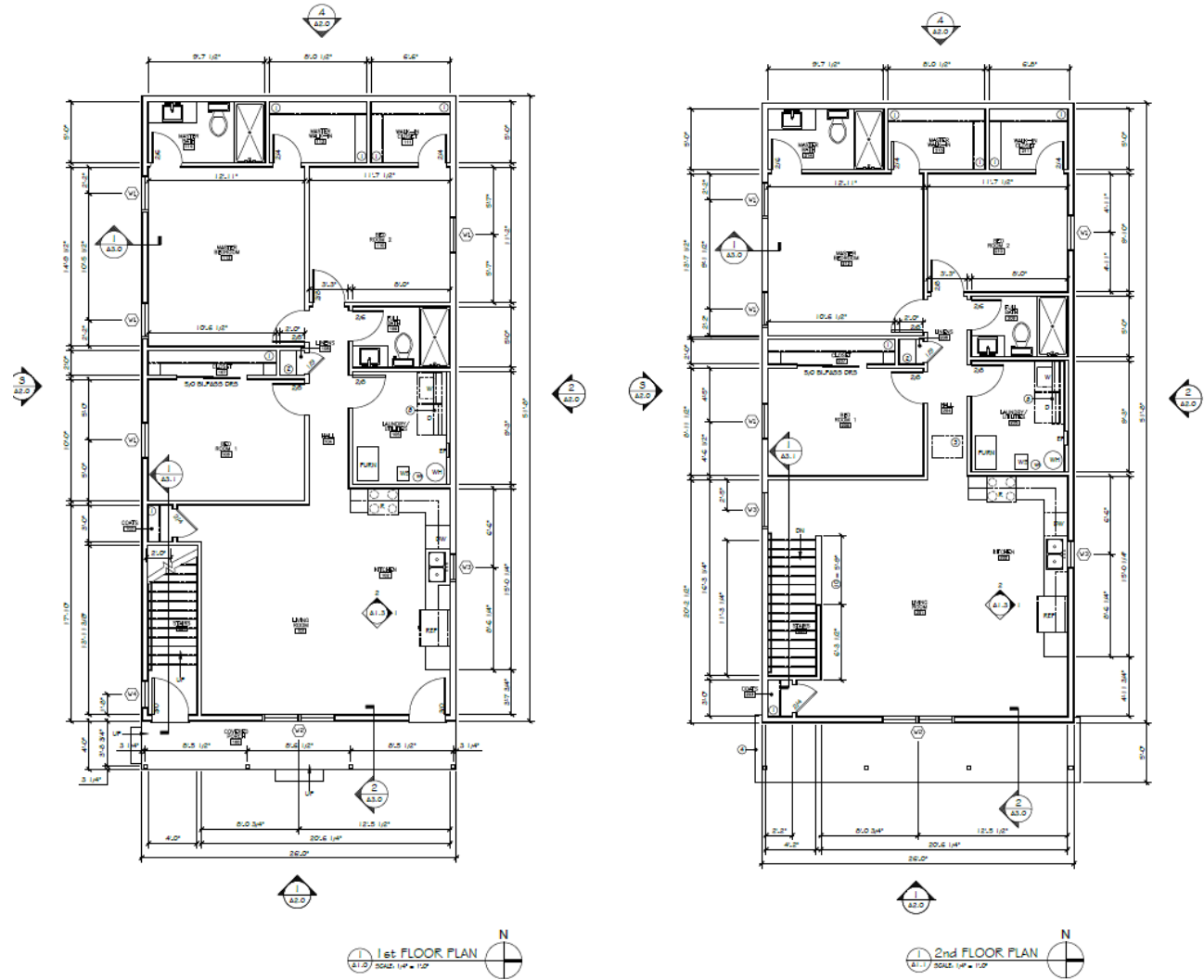


Exhibit 5: Floor plans of the two apartments of the proposed duplex.



Exhibit 6: Proposed location of the new two-story duplex.



Exhibit 7: Proposed location of the two story duplex will sit between the shed and the parked vehicles.



Exhibit 8: Two story duplexes that sit to the northwest of 2511 Columbia Avenue.

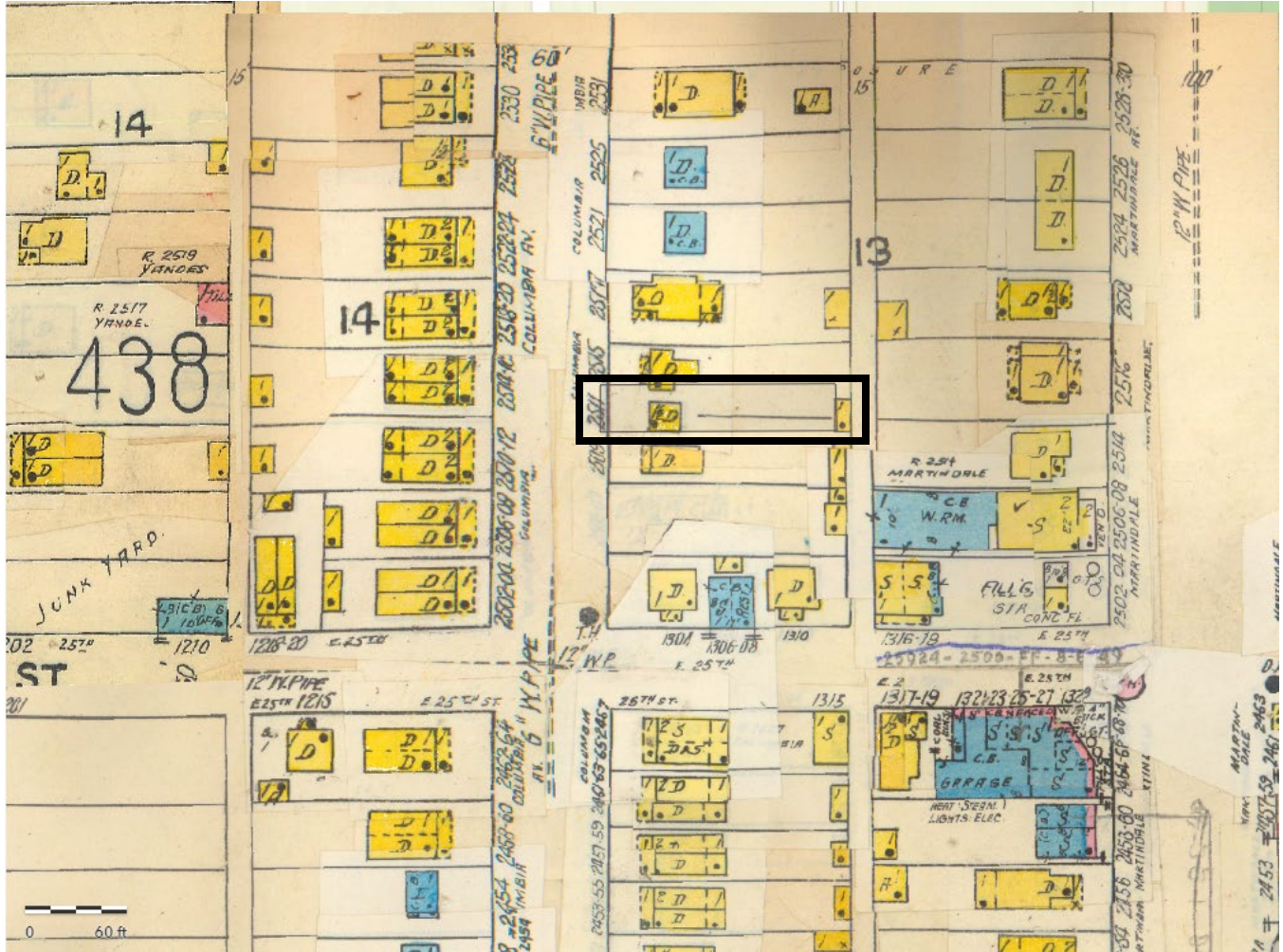


Exhibit 9: 1915 plat of 2511 Columbia Avenue and surrounding area.



BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

Case Number: 2024-DV1-049
Address: 3830 Meadows Drive (approximate address)
Location: Washington Township, Council District #8
Zoning: D-P / C-4 / D-5 (TOD) (W-5)
Petitioner: Health & Hospital Corporation of Marion County, by Chad Butler
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a medical laboratory with a 28 percent front building line along Meadows Drive (80 percent required), one public entry on the east façade (three required) and a loading/service area within the front yard of Rural Street (not permitted) with a parking area providing a 9.-7-foot front yard setback from Meadows Drive (not permitted, 50-foot setback required).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The subject site is currently undeveloped, to provide for the construction of a medical laboratory. The subject site is on a selected segment along the Purple Line bus rapid transit system. Therefore, the property is also located within the Transit Oriented Development Overlay district, which is more restrictive on automotive uses. The surrounding neighborhood consists of previously developed commercial uses.
- ◇ The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:



- Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
- Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
- Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
- Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ For the request to provide for a 28 percent front building line along Meadows Drive where an 80 percent building line is required, and one public entry on the east façade where three are required, Staff does recommend approval.
- ◇ The *front building line* percentage is defined as the percentage of the lot frontage which must be occupied by at least a portion of the front building (740-201.B).
- ◇ The subject site is bordered on all four sides by throughfares, providing a practical difficulty in meeting the standards that were created primary for parcels with a singular frontage. The required 80 percent building line and public entries are being provided along East 38th Street, being the proposed primary access for pedestrians in the area and the primary frontage throughfare.
- ◇ The request for a reduction of front building line and entrances along Meadows Drive would be minor deviations in Staff's opinion, as the intent of the Ordinance is being met, without any reduction in pedestrian access to the primary entrance off of East 38th Street.
- ◇ For the request of a parking area providing a 9.-7-foot front yard setback from Meadows Drive where a 50-foot setback is required, Staff does recommend approval.
- ◇ For the request to provide a surface parking area within the minimum 50-foot front yard setback, in Staff's opinion, there is a practical difficulty in developing the site due to the multiple frontages around the site, which create access and circulation issues if the parking lot was required to meet the 50-foot site setback for this proposed development. Since there is no direct access from East 38th Street or Meadows Drive, and the parking lot as designed, either to the side or rear of the proposed buildings, does meet the intent of the 50-foot setback in Staff's opinion. Therefore, Staff does recommend approval of the request for a surface parking area within the minimum 50-foot front yard setback.
- ◇ For the request of a loading/service area within the front yard of Rural Street, Staff does recommend approval.
- ◇ The subject site is bordered on all four sides by throughfares, providing a practical difficulty in meeting the standards that require the loading/service area to be in a side or rear yard, where none exist. Rural Street in this instance does act as a service drive, as it is adjacent to other parking



areas and a rear service entrance. With the primary public entries being provided along East 38th Street, the proposed loading/service area would be screened appropriately and would not have any negative impact on any adjacent properties.

GENERAL INFORMATION

Existing Zoning	D-P / C-4 / D-5		
Existing Land Use	Undeveloped		
Comprehensive Plan	Village Mixed Use		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-P	Fitness Center and Health Clinic
	South:	C-3 / C-4	Commercial Retail
	East:	C-4	Commercial Office and Retail
	West:	C-1 / C-4	Commercial Office and Retail
Thoroughfare Plan			
	East 38 th Street	Primary Arterial	90-foot existing and proposed right-of-way.
	Meadows Drive	Primary Collector	78 foot existing and proposed right-of-way
Context Area	Compact area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	5 year		
Site Plan	December 10, 2024		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	December 10, 2024		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Uses for the site.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan



- This site falls within the Purple Line Bus Rapid Transit Oriented Development (TOD) overlay. The TOD overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

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.

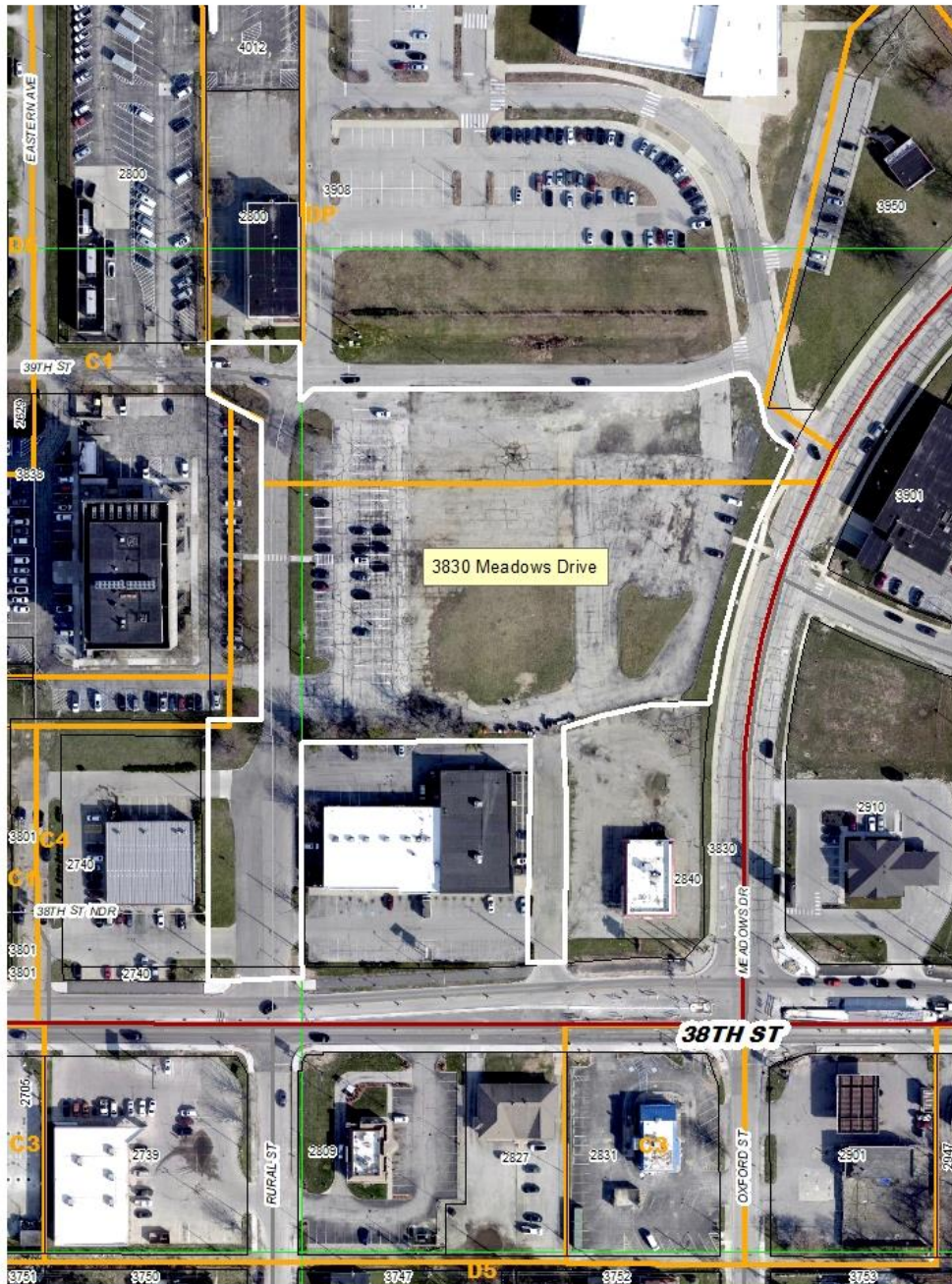
ZONING HISTORY

None

RU *****

EXHIBITS

Location Map





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

Section 744-508-B
-Rural St service area

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

The proposed building has a service area located on the western side of the building. If Rural St is to be considered a front lot line, the proposed service area would be located in the front yard of Rural St, and therefore would not meet requirement section 744-508.B of service areas prohibited from being in the front yard.

The site is a corner lot, with 38th St corridor and Meadows Dr being the intended street frontages of the building. 38th St and Meadows Dr are both within a public right-of-way. 39th St is within a private drive, owned by neighboring property (YMCA). N Rural St is within a private drive, owned by applicant. The intention of the site layout is that the parking lot is behind 38th St frontage and behind Meadows setback line.

This variance is not injurious to public health, safety, morals, and general welfare of the community because the design of the parking lot allows for safe vehicle and pedestrian movements. Meadows Dr is heavily trafficked by individuals walking and driving to the Avondale Meadows Academy and Avondale Meadows YMCA. The proposed parking lot driveways and walks allow for more clearly identified intersections and area of crossings, provides long sight lines, and provides safe driving and walking conditions. The parking layout is designed to minimize paths of travel and maximize safety.

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 use or value of the area adjacent to the property include in the variance of Meadows Dr side and Rural St sides will not be affected in an adverse manner because these adjacent properties also consist of driveways and parking lots located in the front of their buildings. The proposed landscaping plan for the site includes vegetation to visually screen service area and parking lot. Existing vegetation that could remain was kept in place to further screen areas.

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

The zoning ordinance requiring the parking lot setback along Meadows Dr will result in practical difficulties because there is a minimum parking count required for the building's services and size. Enforcing the 50' minimum offset would eliminate 23 parking stalls. The lots were sized to properly service the projected visitor count, and a reduction in parking would negatively impact vital records department servicing individuals seeking death/birth certificates and medical records.

The zoning ordinance requiring the service area to not be along Rural St will result in practical difficulties because 38th St and Meadows Dr are identified as a frontage. The building's operations and service requires a service area. The north side of the building is utilized for on site visitor and employee parking, and a service area on the north side of the building would negatively impact the safety of pedestrians and operations utilizing the same space.



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

Table 744-404-1
- Meadows limitations to parking in front of building

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

The proposed parking lot exceeds 1 single-loaded for of parking, exceeding the limitations identified in section 744-404-1 requires parking in front of a building limited to 1 row of parking.
The site is a corner lot, with 38th St corridor and Meadows Dr being the intended street frontages of the building. 38th St and Meadows Dr are both within a public right-of-way. 39th St is within a private drive, owned by neighboring property (YMCA). N Rural St is within a private drive, owned by applicant. The intention of the site layout is that the parking lot is behind 38th St frontage and behind Meadows setback line. There is no proposed modifications to the existing street parking.
This variance is not injurious to public health, safety, morals, and general welfare of the community because the building's frontage setback line are establish along 38th St and Meadows Dr. Proposed parking lots are set back behind these frontage setback lines. There is no proposed modifications to the existing street parking.

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 use or value of the area adjacent to the property include in the variance of Meadows Dr side and Rural St sides will not be affected in an adverse manner because these adjacent properties also consist of driveways and parking lots located in the front of their buildings. The proposed landscaping plan for the site includes vegetation to visually screen service area and parking lot. Existing vegetation that could remain was kept in place to further screen areas. There is no proposed modifications to the existing street parking.

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

The zoning ordinance requiring the parking lot setback along Meadows Dr will result in practical difficulties because there is a minimum parking count required for the building's services and size. Enforcing the 50' minimum offset would eliminate 23 parking stalls. The lots were sized to properly service the projected visitor count, and a reduction in parking would negatively impact vital records department servicing individuals seeking death/birth certificates and medical records. There is no proposed modifications to the existing street parking.

DECISION



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

Table 744-702-3
- Meadows surface parking limits (50' offset)

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

The Meadows Dr side of the site does not meet minimum surface parking offset 50' not met per Table 744-702-3 Private Frontage Design Standards, and a variance is required.
All proposed parking is located behind the established front setback line along Meadows Dr and no proposed parking is in the front yard. However, the 50' minimum setback requirement is not met; the parking ranges from 9.75' to 30.0' offset from Meadows Dr right-of-way.
The site is a corner lot, with 38th St corridor and Meadows Dr being the intended street frontages of the building. 38th St and Meadows Dr are both within a public right-of-way. 39th St is within a private drive, owned by neighboring property (YMCA). N Rural St is within a private drive, owned by applicant. The intention of the site layout is that the parking lot is behind 38th St frontage and behind Meadows setback line.
This variance is not injurious to public health, safety, morals, and general welfare of the community because the design of the parking lot allows for safe vehicle and pedestrian movements. Meadows Dr is heavily trafficked by individuals walking and driving to the Avondale Meadows Academy and Avondale Meadows YMCA. The proposed parking lot driveways and walks allow for more clearly identified intersections and area of crossings, provides long sight lines, and provides safe driving and walking conditions. The parking layout is designed to minimize paths of travel and maximize safety.

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 use or value of the area adjacent to the property include in the variance of Meadows Dr side and Rural St sides will not be affected in an adverse manner because these adjacent properties also consist of driveways and parking lots located in the front of their buildings. The proposed landscaping plan for the site includes vegetation to visually screen service area and parking lot. Existing vegetation that could remain was kept in place to further screen areas.

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

The zoning ordinance requiring the parking lot setback along Meadows Dr will result in practical difficulties because there is a minimum parking count required for the building's services and size. Enforcing the 50' minimum offset would eliminate 23 parking stalls. The lots were sized to property service the projected visitor count, and a reduction in parking would negatively impact vital records department servicing individuals seeking death/birth certificates and medical records.
The zoning ordinance requiring the service area to not be along Rural St will result in practical difficulties because 38th St and Meadows Dr are identified as a frontage. The building's operations and service requires a service area. The north side of the building is utilized for on site visitor and employee parking, and a service area on the north side of the building would negatively impact the safety of pedestrians and operations utilizing the same space.

DECISION

Photographs



Photo of subject site, looking north.



Photo of subject site Meadows Drive frontage, looking north



Photo of subject site, looking south.



Photo of subject site, looking east.



BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

Case Number: 2024-UV1-031
Address: 1328 South Belmont Avenue (approximate address)
Location: Wayne Township, Council District #17
Zoning: C-1
Petitioner: Paula Almanza Gonzalez and Carlos Juarez, by Epifanio Carbajal
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling (not permitted) and a parking pad with a zero-foot rear transitional yard (eight feet required).

Current Land Use: Single Family Dwelling.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended.

PETITION OVERVIEW

- ◇ The request would legally establish an existing single-family dwelling and provide for a rear paved parking space.
- ◇ The Marion County Assessor’s records indicate the single-family dwelling was originally built on site in 1933. At some point, this portion of South Belmont Avenue was rezoned to the existing C-1 district.
- ◇ The Comprehensive plan recommends 5-8 Residential Units Per Acre for the site, and the proposed use would be compatible with the predominantly residential neighborhood.
- ◇ Due to the existing zoning being a long-term legacy zoning and outdated for the site, Staff believes there is a practical difficulty in meeting the Commercial oriented development standards.
- ◇ Staff does recommend that the petitioner file a rezoning petition in the near future, to rezone the site to D-5, which will help with any future residential upgrades and development on the site. As any future required variances will not be supported if the C-1 zoning is to remain.



GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	5-8 Residential Units Per Acre	
Overlay	N/A	
Surrounding Context	Zoning	Surrounding Context
	North: C-1	Single Family Dwelling
	South: C-1	Single Family Dwelling
	East: C-1 / D-5	Single Family Dwelling
	West: D-5	Single Family Dwelling
Thoroughfare Plan		
South Belmont Avenue	Secondary Arterial	49-foot existing right-of-way and a 56-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Site Plan	December 6, 2024	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact - Original	December 6, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 5-8 residential units per acre.

Pattern Book / Land Use Plan

- Not Applicable to the 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

- Not Applicable to the Site.



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

- Not Applicable to the Site.

ZONING HISTORY

2021-CZN-826/2021-CVR-826; 1329 South Belmont Avenue (east of site), requested the rezoning of 0.10 acre from the C-1 district to the D-5 district, **Approved**, and a variance of use and development standards to provide for a single-family dwelling with 52% open space and five feet between dwellings, **granted**.

2000-HOV-017; 1330 South Belmont Avenue (south of site), requested a variance of use to legally establish a single-family dwelling with reduced setbacks and construction of an attached garage with reduced setbacks, **granted**.

95-V3-90; 1305 South Hiatt Street (northeast of site), requested a variance of development standards to provide for an eight-foot tall privacy fence along the south property line, **denied**.

73-UV3-4; 1334-1338 South Belmont Avenue (south of site), requested a variance of use to provide for an auto repair shop in an existing detached garage and a pole sign, **granted**.

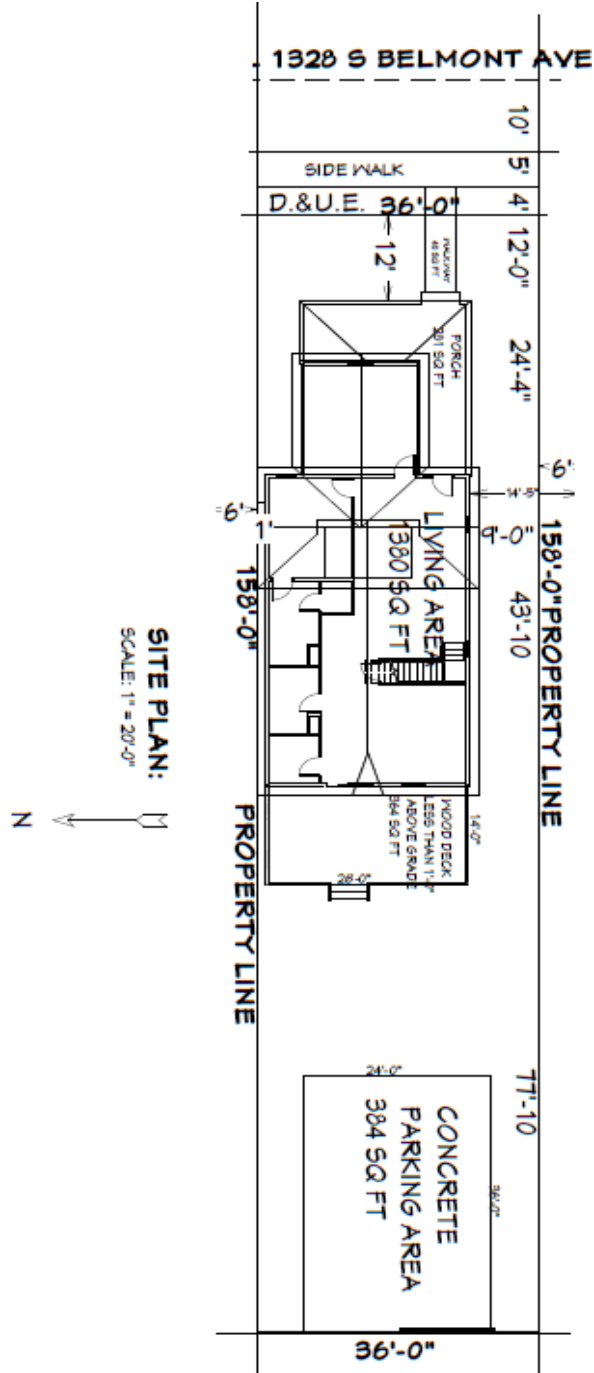
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

THE SUBJECT DWELLING IS EXISTING WITH 12'-0" FRONT SETBACK, 1'-0" NORTH SIDE SETBACK
9'-0" SOUTH SIDE SETBACK AND 77'-10" REAR SET BACK

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

THE REMODEL OF THE SUBJECT DWELLING WILL INCREASE ITS VALUE AND CURB APPEAL.

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

WITHOUT THE GRANT OF THE REQUEST WOULD NOT BE POSSIBLE TO LEGALIZE
THE EXISTING ONE FAMILY DWELLING

DECISION

Photographs



Subject site, looking west from Belmont Avenue.



Subject site rear yard, looking southeast



Subject site propsoe drear parking pad area, looking south.



Adjacent single-family dwellings to the south, looking southwest.



Adjacent single-family dwellings to the north, looking northwest



Adjacent single-family dwellings to the east.



BOARD OF ZONING APPEALS DIVISION I **January 07, 2025**

Case Number: 2024DV1033

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

Location: Washington Township, Council District #2

Petitioner: Ezra & Sonja Burdix

Current Zoning: D-1

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

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** subject to the below commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/3/24: A for-cause continuance request was made by the Town of Meridian Hills to allow for their town council and land use committee to vote on the petitioner’s request on December 17th prior to it being heard by the Board of Zoning Appeals. The petition was continued to the January 7, 2025 hearing date.

11/7/24: A timely automatic continuance request was filed by the Town of Meridian Hills to allow them time to discuss the proposed addition with the applicant. This petition will be continued to December 3rd, 2024, and a full staff report will be published in advance of that hearing date.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance request subject to a commitment ensuring that the existing landscaping that screens the front-yard addition area will remain in place and be properly maintained.

PETITION OVERVIEW

- 7401 Holliday Drive West is located within a residential context and is currently improved with a single-family dwelling with attached garage. In addition to being zoned D-1 for low-density suburban residential development, the property is also located within the Class R-3 district of the Town of Meridian Hills and would be subject to additional development standards for front, side, and rear yard setbacks per 744-203.A of the Indianapolis Zoning Ordinance.



Department of Metropolitan Development
Division of Planning
Current Planning

- The proposed layout associated with this variance request would result in a 200 square-foot building addition placed along the eastern side yard as well as an 800 square-foot building addition along the southern front yard nearest 73rd Street. These additions, along with a proposed rear patio, would reduce the open space ratio at the property to 81%, which is narrowly above the minimum requirement of 80%.
- Since this property is a corner lot located within the Metro context, it would have two front yards along both the Holliday and 73rd frontages. The applicable front setback standards for this property would be the average setback of the existing dwelling units on the block per R-3 standards within Meridian Hills. In this case, the sole neighboring property to the east would result in a setback requirement of 46.75 feet: the proposed addition would result in a 33-foot front setback and would require a variance to legalize.
- VIO24-005152 was opened at this property in June for a failure to obtain a drainage permit for land alterations made within the front yards of the property (alterations visible within the Exhibit photographs). Approval of this variance would not impact the status of this infrastructure violation, and this non-conformity would need to be resolved regardless of the disposition of this petition.
- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood living typology for predominantly single-family housing with natural features preserved and houses extending beyond the fronts of garages. Infill Housing Guidelines also indicate that front setbacks should build within the setback range when the front setbacks of adjacent properties vary and should match the existing context when neighboring properties are situated in a straight line (corner lots should incorporate the context of both frontages).
- The findings of fact submitted with this variance application indicate that “given the abundance of mature, evergreen and fully leafed trees, proposed modifications will likely go un-noticed”. Staff agrees with this assessment, and notes that within D-1 zoning outside of Meridian Hills the front setback standard would be the greater of the average setback or 30 feet (the proposed 33-foot setback would meet the latter standard). Given that this front yard is well-screened, doesn’t contain an entry feature, only shares a block with one other house, and approximates the 30-foot front setback standard sometimes applicable for D-1 zoning, staff feels that this would be a minor deviation from ordinance standards and recommend approval of the variance subject to a commitment that the trees surrounding the area of the southern addition remain in place and be properly maintained to ensure adequate screening from the rights-of-way of Holliday and 74th.



GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	D-1	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
Thoroughfare Plan		
Holliday Drive West	Local Street	57-foot existing right-of-way and 50-foot proposed right-of-way
74 th Street	Local Street	52-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes or No	
Wellfield Protection Area	No	
Site Plan	09/17/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/17/2024	
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 recommend this site to the Suburban Neighborhood typology which is predominantly made up of single-family housing. Natural corridors and natural features should be treated as focal points for development, and houses should extend beyond the front of the garage.



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 guidelines indicate that front setbacks should build within the setback range when the front setbacks of adjacent properties vary and should match the existing context when neighboring properties are situated in a straight line. On conforming corner sites where two streets meet, building setbacks should reflect context from both streets.

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

2019DV3008A ; 7307 Holliday Drive W (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with an eight-foot north side setback and 20-foot aggregate side setback (12-foot side setback and 30-foot aggregate required), **approved**.

2019DV3008B ; 7307 Holliday Drive W (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall wrought iron fence in the front yard (maximum four-foot tall with 30% opacity or less) and within the clear sight triangle of the abutting streets (not permitted), **approved**.

2014HOV041 ; 7373 Holliday Drive E (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a seven-foot east side setback, an eight-foot north side setback and a 15-foot aggregate side setback (minimum 10-foot setback and 30-foot aggregate site setback required), **approved**.

2014HOV055 ; 7474 Holliday Drive E (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage addition, with a 13.8-foot rear setback (minimum 25-foot rear setback required), **approved**.

2014DV2029 ; 7373 Holliday Drive E (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling on a lot with zero feet of public street frontage and lot width, and without direct access from a public street (45 feet of public street frontage, 90 feet of lot width required at the front building setback line and direct access from a public street required), **approved**.

2013DV3029 ; 130 W 73rd Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a six-foot tall fence, consisting of a three-foot tall natural stone wall, and a three-foot tall ornamental black fence, with two six-foot tall, black ornamental swing gates, within 1.5 feet of the front lot line along 73rd Street (maximum 42-inch tall fence permitted in the required front yard), **approved**.

99-HOV-4 ; 7440 Holiday Drive E (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for expansion of existing detached garage with a rear-yard setback of 8 feet (minimum 30 feet required), **approved**.

98-V3-55 ; 7457 Holliday Drive W (north of site), variance of development standards of the Dwelling Districts Subdivision Ordinance to provide for an 18 by 36 foot inground pool and ground level deck with: (a) a 37 foot front yard setback from 75th Street (minimum of 60 feet required); (b) an 8 foot tall fence within the front yard area (maximum height of 3.5 feet permitted) and (c) the pool located in the front yard (75th Street frontage) (not permitted), **approved**.

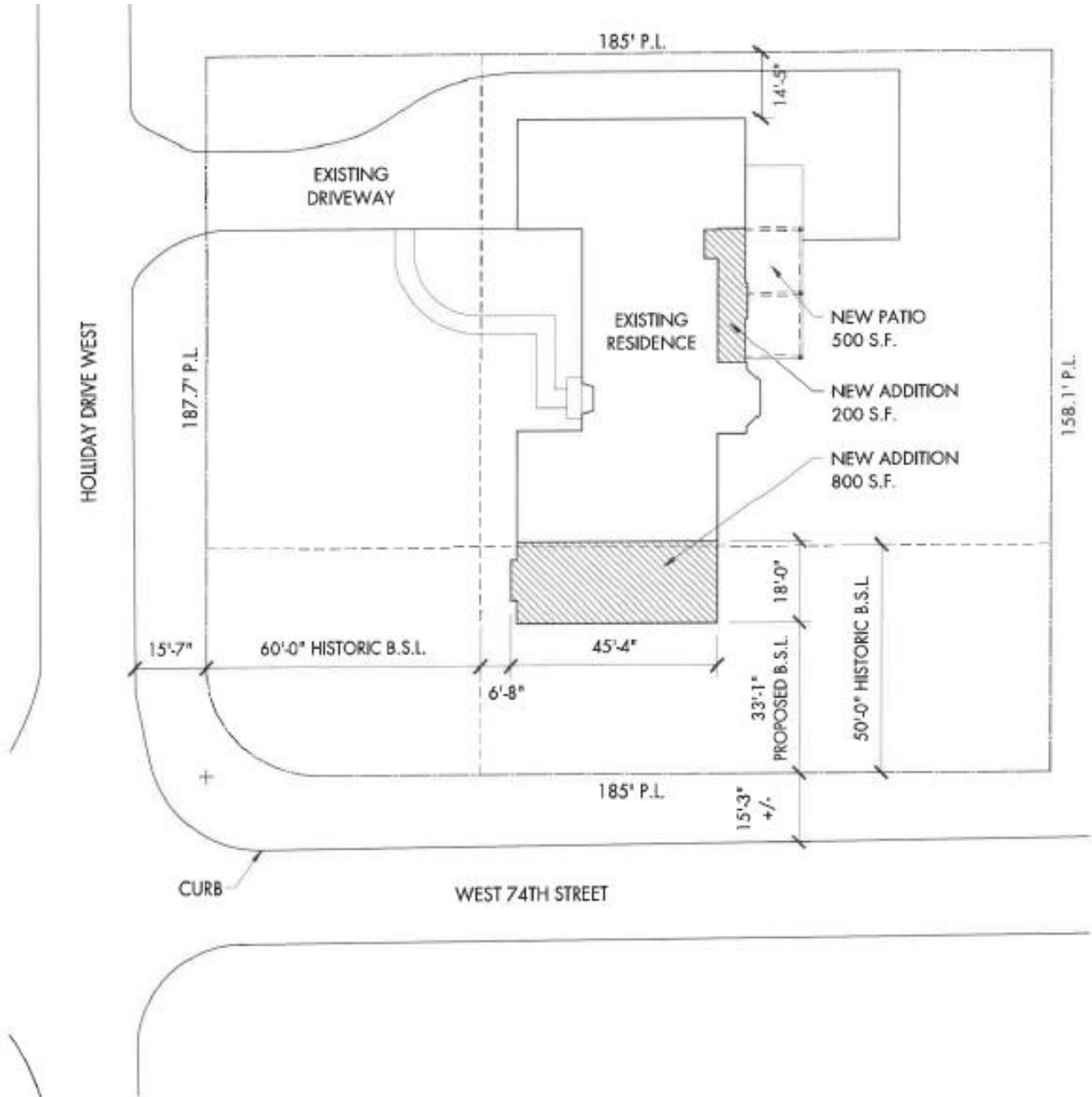
97-HOV-25 ; 7383 Holliday Drive (south of site), variance of development standards of the Dwelling Districts Subdivision Ordinance to provide for a privacy fence being 6 feet in height in a portion of the front yard along Holliday Drive West (maximum 42 inches permitted), **approved**.

EXHIBITS

2024DV1033 ; Aerial Map



2024DV1033 ; Site Plan



BURDIX RESIDENCE

7401 HOLLIDAY DRIVE WEST
INDIANAPOLIS, INDIANA

SITE PLAN

AUGUST 29, 2024
SCALE: 1" = 30'





2024DV1033 ; Findings of Fact

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

The petition for variance fo development standards will only affect petitioners property. This variance, if granted will only slightly affect the structure of the petitioners residence (add 18' along the south boundary), and will not be injurious to any other citizenry. In fact, given the abundance of mature, evergreen and fully leafed trees, proposed modifications will likely go un-noticed.

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 petitioners request will not modify the use of adjacent property to the subject in any manner, nor will the variance, if granted affect adjacent or area properties adversely in any manner. The requested petition, if granted would positively affect adjacent and area values as the anticipated improvements would have a definite positive affect on adjacent and area properties.

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

The ordinance as written would prevent the petitioner from expanding the size of the subject dwelling, to better accommodate the petitioners current family size. The request would take the petitioners open space from the 80% requirement, to just 83% as proposed. 744-201-1 setback requirement is the greater of 30' or the average setback. Petitioner would still be compliant with the greater setback requirement. Additionally, petitioner is aware of the same or similar variances being granted, or a grandfather element in petitioners area. Several addresses include; 7373 Holliday Dr W, 7554 Holliday Dr W, 207 W 77th St, 150 W 75th St, 222 W 75th St, 7481 W 75th St. In other-wards by variance or other, petitioners request has been a common dwelling modification in petitioners area.

2024DV1033 ; Photographs



Photo 1: Subject Site from South



Photo 2: Subject Site from West

2024DV1033 ; Photographs (continued)



Photo 3: Area of Proposed Addition from West



Photo 4: Area of Proposed Addition from Southwest

2024DV1033 ; Photographs (continued)



Photo 5: Area of Proposed Addition from Southeast



Photo 6: Adjacent Property to East

2024DV1033 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to West



BOARD OF ZONING APPEALS DIVISION I

January 07, 2025

Case Number:	2024UV1023
Property Address:	7780 Michigan Road (<i>approximate address</i>)
Location:	Pike Township, Council District #1
Petitioner:	Wagner Michigan Road LLC, by Ingris Velasquez
Current Zoning:	C-1 / C-3 / D-A (FW) (FF)
Request:	Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a grocery store, eating establishment and event center (not permitted) utilizing the existing 55-space multitenant parking area and with no bicycle parking (required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends denial of this request.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

12/3/24: This petition received an indecisive 2-2 vote at the December 3rd hearing and was automatically continued to the January 7th hearing date to be re-heard.

11/7/24: This petition was continued from the November 7th hearing to the December 3rd date to allow for sufficient time between the date of notices being mailed and the date of the hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

- The subject site is located within a multitenant commercial center currently containing uses such as auto insurance sales, a naturopathic practitioner, a massage therapy training school, and a dental office. It is bordered by office commercial uses to the south, residential uses to the east and west, and undeveloped land to the north separating it from more intense commercial uses at the 79th and Michigan intersection. The property is partially within a floodplain give its proximity to Crooked Creek, and is serviced by a bus stop to the south along Michigan.
- This variance would allow for tenant space within the commercial building to function as a grocery store with small accessory dining area and capacity for hosting of events. Each of the proposed uses (grocery stores, eating establishments, and event centers) are only allowed as accessory



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

uses within C-1 zoning; establishing the primary use of a grocery store at this location would not be allowed by-right absent petition approval.

- 7780 Michigan Road is predominantly zoned C-1 (Office-Buffer District) to act as a buffer between uses of varying intensities and provide for a freestanding area to allow for the development of office uses and compatible office-type uses. Similarly, the site is recommended to the Office Commercial working typology by the Pattern Book and partially located within a floodway/environmentally sensitive area. The area containing the current multitenant center does not fall within the floodway and is not located within areas of the parcel zoned C-3 or D-A. The proposed uses of a grocery store, restaurant, and event center are typically found within C-3/C-4 zoning and/or areas recommended for the Community Commercial typology by the Pattern Book.
- The original submittal indicated that these uses would solely occupy Suite A of the structure (2880 square feet in size). However, updated plans provided during staff's review indicate that the use would occupy additional space to the west for a total area of approximately 5016 square feet. The multitenant center that contains this tenant space is serviced by a parking lot that currently appears to contain 55 vehicle spaces. The required amount of parking for the primary use of a grocery store with this floor area would be between 14 and 25 spaces. Staff would note that although adequate parking stalls do appear to exist directly in front of this tenant bay strictly for the grocery store use, (a) little information was provided about the scope of frequency of events at the site which could impact these totals (they would "maybe do some events to promote foods or new products"), (b) the only loading space available for weekly shipments would be a small pedestrian doorway on the rear of the building, (c) the only dumpster would be a shared one on the western portion of the property, and (d) bicycle parking does not appear to be shown on plans.
- The plan of operation and proposed floorplan provided by the applicant indicate that the business would typically be open from around 8:30 to 9:30 in the morning to around 8 to 9 at night. The business would have around 22 employees and would provide predominantly edible goods (fruits, vegetables, meats, etc.) as well as some basic home goods (baby and pet care, hygiene products, etc.). The facility would also contain a small dining area for the consumption of food prepared on-site. Any state or local regulations related to food service would also need to be met for this business to conduct legally and variance approval would not be a substitute for compliance. Finally, the plan of operation mentions the business would serve as a "community hub" that would host events and create a space for gathering (a primary use typically only allowed in C-4 zoning).
- The findings of fact provided by the applicant indicate that the proposed business would fill a vacant tenant space and would be compatible with surrounding offices uses. Staff would disagree that the proposed use of a grocery store with a small restaurant and capacity for events would match the level of intensity envisioned either by C-1 zoning or by the Office Commercial typology. Although adaptive reuse of existing commercial property is encouraged, it is only appropriate in cases where the site could feasibly support that intensity. Staff feels that the proposed uses could not feasibly be supported by a small tenant space of 5016 square feet within an office park setting given the lack of adequate loading areas. Additionally, staff notes that (a) the property is only 800 feet away from the Carniceria Durango Supermercado to the northeast that would fill a similar



Department of Metropolitan Development
Division of Planning
Current Planning

grocery function while being appropriately located in a C-3 zoning district and (b) no undue hardship exists that would disallow a compliant C-1 use at this property. For these reasons, staff would recommend denial of the variance request.

GENERAL INFORMATION

Existing Zoning	C-1 / C-3 / D-A (FW) (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial / Floodway	
Surrounding Context	Zoning	Surrounding Context
	North: C-3	North: Undeveloped
	South: C-1	South: Commercial
	East: D-5	East: Residential
	West: D-A	West: Residential
Thoroughfare Plan		
Michigan Road	Primary Arterial	100-foot right-of-way existing and 102-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	08/26/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/28/2024	
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 recommend the portion of this site that would contain the proposed use to the Office Commercial working typology to provide for single and multi-tenant office buildings. It is often a buffer between higher and lower intensity land uses and can



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

facilitate establishments such as medical and dental facilities, education services, insurance and real estate offices, financial and legal services, body care salons, etc.

- The proximity of the site to the Crooked Creek also means that it has a partial recommendation of Floodway (delineated area that exhibits a great potential for property loss and damage from severe flooding or water quality degradation) and that is partially designated as being within the Environmentally Sensitive overlay. Any development of small-scale personal services should either leave wetlands and high quality woodlands alone or include a one-for-one replacement of such features. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site

Indy Moves

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

- Not Applicable to the Site



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

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

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

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

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

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

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

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

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

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

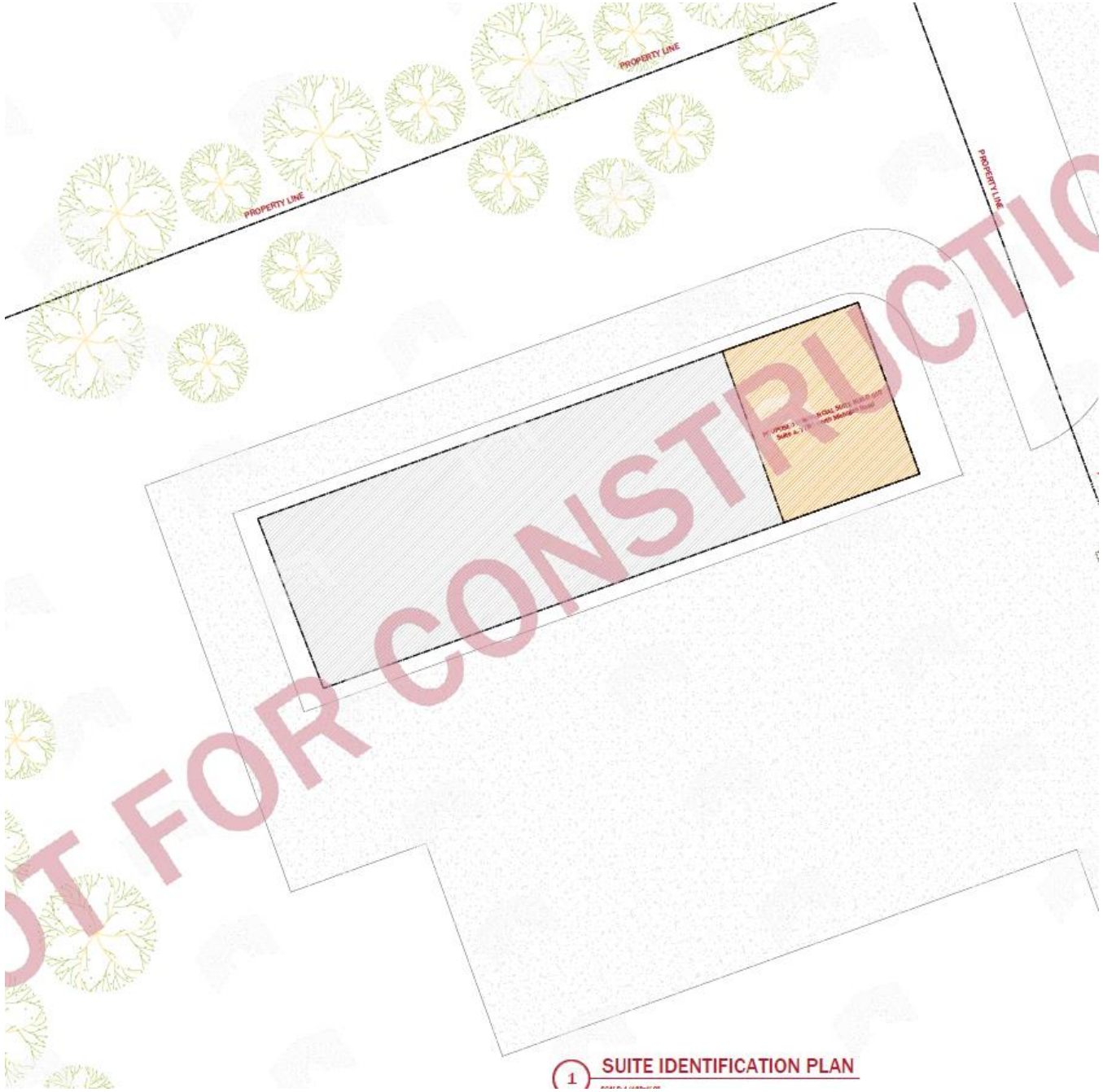
86-Z-99 N ; 7800 Michigan Road (north of site), rezoning of 16 acres from A-2 to C-3, **approved**.

EXHIBITS

2024UV1023 ; Aerial Map



2024UV1023 ; Site Plan



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



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

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

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

Hours of operations will be

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

Average numbers of employees
22 employees



Department of Metropolitan Development
Division of Planning
Current Planning

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

Store Layout:

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

Here's a hypothetical breakdown of the floorplan:

- **Fresh Produce Section:**

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

- **Meat Section:**

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

- **International Delights Aisles:**

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

- **Dairy and Cheese Corner:**

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

- **Bakery and Pastries Counter:**

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

- **Canned and Packaged Goods Shelves:**

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

- **Checkout Area:**

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

Additional Features:

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



2024UV1023 ; Findings of Fact

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

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

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

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

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

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

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

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

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

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

2024UV1023 ; Photographs



Photo 1: Subject Site viewed from South



Photo 2: Subject Site viewed from Southeast

2024UV1023 ; Photographs (continued)



Photo 3: Parking Area + Adjacent Property to South



Photo 4: Adjacent Property to East

2024UV1023 ; Photographs (continued)



Photo 5: Subject Site viewed from North



Photo 6: Rear of Building (multiple tenant bays)

2024UV1023 ; Photographs (continued)



Photo 7: Screening of Adjacent Property to West



Photo 8: Parking Area for Full Multitenant Center



BOARD OF ZONING APPEALS DIVISION I **January 07, 2025**

Case Number: 2024UV1024A
Property Address: 4723 South Emerson Avenue (*approximate address*)
Location: Franklin Township, Council District #24
Petitioner: CFT NV Developments LLC, by Ross McArthur
Current Zoning: C-S

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pylon sign, being the third freestanding sign along Emerson Avenue, within 105 feet and 200 feet of existing signs (maximum of two pylon signs permitted, 300-foot separation required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/3/24: Due to unexpected travel delays that did not allow the applicant to attend the December 3rd hearing date as planned, this petition was continued to the January 7th hearing date per request of the attorney retained by the petitioner.

11/7/2024: At the November 7, 2024 hearing of Division I, the original request was split into part A (related to the pylon sign) and part B (related to the drive-thru signage). 2024UV1024B was approved 3-0; however, 2024UV1024A received an indecisive 2-1 vote and was automatically continued to the December 3, 2024 hearing date. A revised rendering was submitted to staff on November 14th indicating small reductions in height and square footage (this proposed sign is shown within the Exhibits and would have a larger area and equal height to an older sign in a similar location). Staff indicated to the applicant that placement of a monument sign in this close of proximity could be supportable but that placement of a new pylon or pole sign would not gain staff support. The petitioner was not amenable to this compromise.

STAFF RECOMMENDATION

Staff recommends **denial** of the pylon sign request.



PETITION OVERVIEW

- 4723 South Emerson Avenue is improved with a Panda Express restaurant that is currently under construction (the zoning permit ILP23-01055 was issued earlier this year). The subject site also recently had the signage permit SGN24-00473 approved for wall signs, two (2) drive-thru menu signs, and other incidental, freestanding signage. The property is surrounded by a bank to the north, other restaurants to the south and west, and self-storage buildings to the east.
- Previously, this site contained an office building associated with the self-storage use to the east. It also contained a freestanding pole sign with a digital display component advertising the storage use that had a total area of 101 square feet. This sign was removed from the property during the construction process of the Panda Express restaurant (see site photographs within the Exhibits).
- In August of 2024, another sign permit application was made for this site involving the installation of a new pylon sign as well as canopies for the drive-thru areas that would contain additional signage (see elevations within Exhibits). This pylon sign would be larger, taller, and have wider sign base supports than the previously installed pole sign. It would also be placed slightly to the southwest of the original sign's location within 300 feet of two other primary freestanding signs along the shared frontage. The zoning ordinance limits drive-thru signage to one sign per drive lane, so none of these three signs could be legally placed absent approval of this variance petition.
- This case was originally docketed with a reference to a digital display on the pylon sign. A digital display had been included on the elevation rendering provided for the sign permit application but was not included on the most recent set of plans showing solely an internally illuminated sign; the digital display request has been removed from the request text. Additionally, this property is integrated with the lot to the south (5115 Shear Avenue) due to the shared common-site facility of their entrance drive. This is why the proposed sign area of 227 square feet would be allowed and is also why the variance for the number and proximity of signs would be required.
- The property is currently zoned C-S per the terms of the rezoning petition 2004ZON152 to allow for self-storage warehouses as well as some uses typically found within C-3 zoning. The Comprehensive Plan recommends it to the Community Commercial working typology for low-intensity commercial uses that serve nearby homes.
- Findings of fact submitted along with this application indicate that this variance should be approved since the proposed pylon sign would be replacing an "existing sign" with the "same sightlines". Staff disagrees with this statement: in addition to being both larger and taller than the previous pole sign on this property, the proposed location as shown on the site plan would be closer to both signs along the shared Emerson frontage. The existence of an older sign that did not meet current standards is not a site-specific practical difficulty justifying grant of a variance.
- Staff notes that the proposed order canopy would be allowed at the height of 10 feet if there was no associated signage. The proposed size of the sign area on the canopies is only 4.25 square feet (which would be substantially smaller than the maximum size of 40 square feet allowed for drive-thru signs) and would exclusively serve to provide information to maximize the efficiency of



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

the drive-thru. Since the proposed signs would provide minimal disruption for surrounding properties, would be limited in scope to helping motorists know where to order and would be placed upon canopies that are otherwise compliant, staff is supportive of this minor deviation.

- Regulations on primary freestanding signage along shared frontages exist to reduce potential distractions for motorists navigating busy multi-lane streets. Placement of large multi-tenant signs is a common solution to allow for the promotion of multiple businesses. The property to the south of the subject site contains a freestanding sign with an area of 150 square feet and multiple empty tenant panels that is only 105 feet from the proposed sign location. Given that C-4 zoning allows for multiple types of compliant advertising signs (i.e. wall signs) and that ordinance rules are specifically designed to prevent the sort of visual clutter toward which this sign would contribute, staff would recommend denial of the request for a third freestanding sign of this size.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	C-3
	South:	C-4
	East:	C-S
	West:	C-3
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	110-foot existing right-of-way and 112-foot proposed right-of-way
Shear Avenue	Private Street	50-foot existing right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	09/20/2024	
Site Plan (Amended)	N/A	
Elevations	09/20/2024	
Elevations (Amended)	11/14/2024	
Landscape Plan	N/A	
Findings of Fact	09/20/2024	
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 this site to the Community Commercial working typology to allow for low-intensity commercial and office uses within freestanding buildings or small integrated centers that serve nearby neighborhoods. Small-scale personal or professional services are a contemplated land use for this typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

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

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

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

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

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

ZONING HISTORY – VICINITY

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

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

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

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

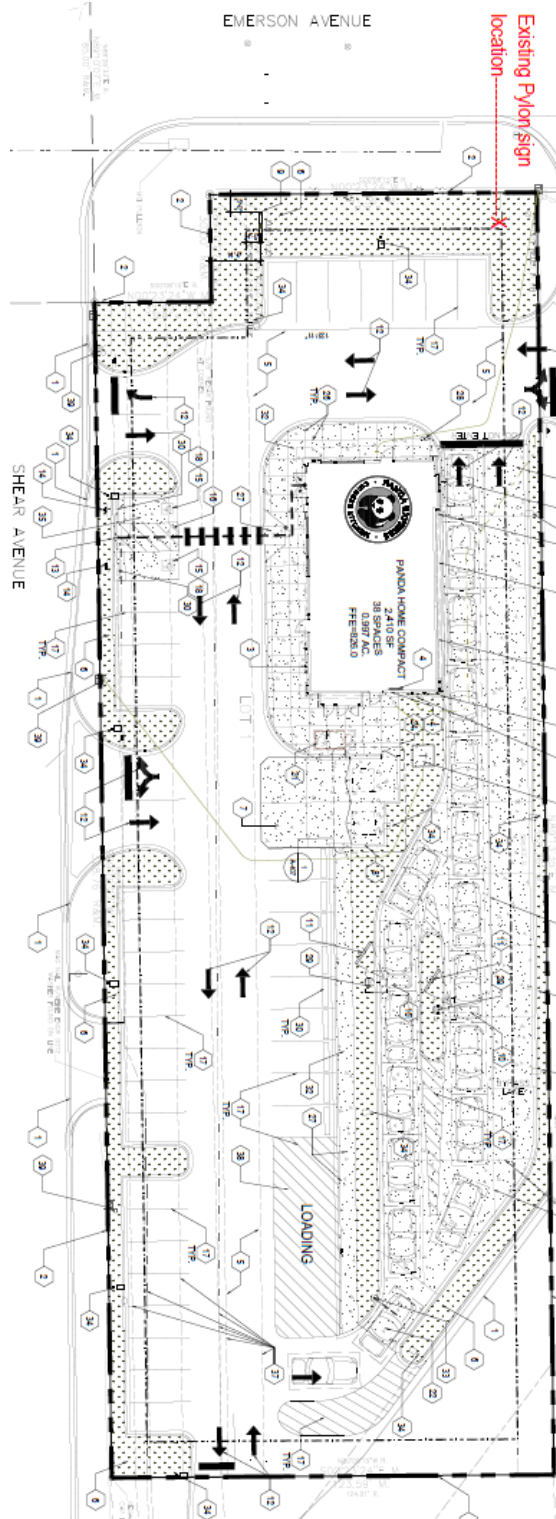
EXHIBITS

2024UV1024 ; Aerial Map



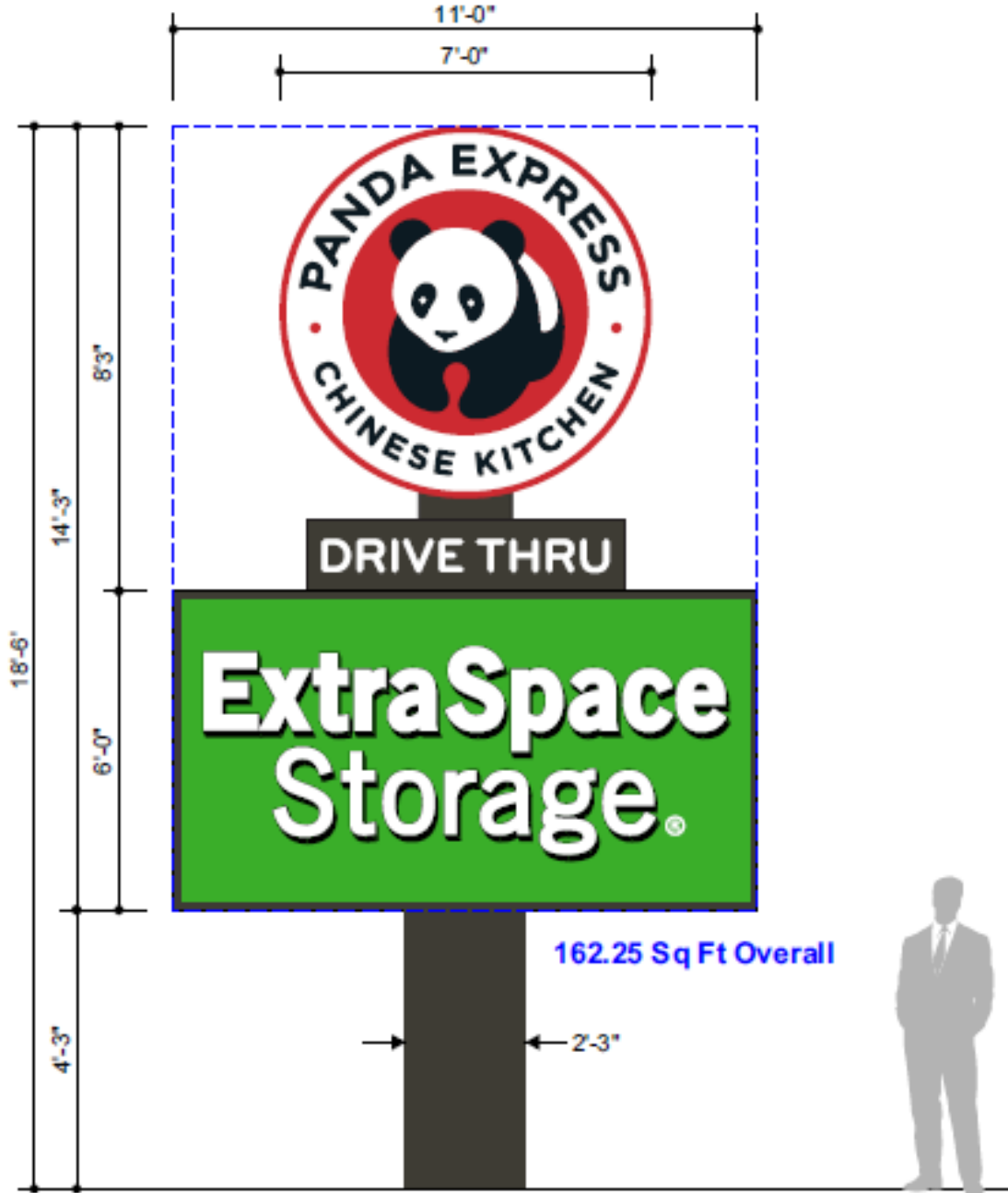
(note: the street to the south of the subject site is Shear Avenue, not E Thompson Rd)

2024UV1024 ; Site Plan



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

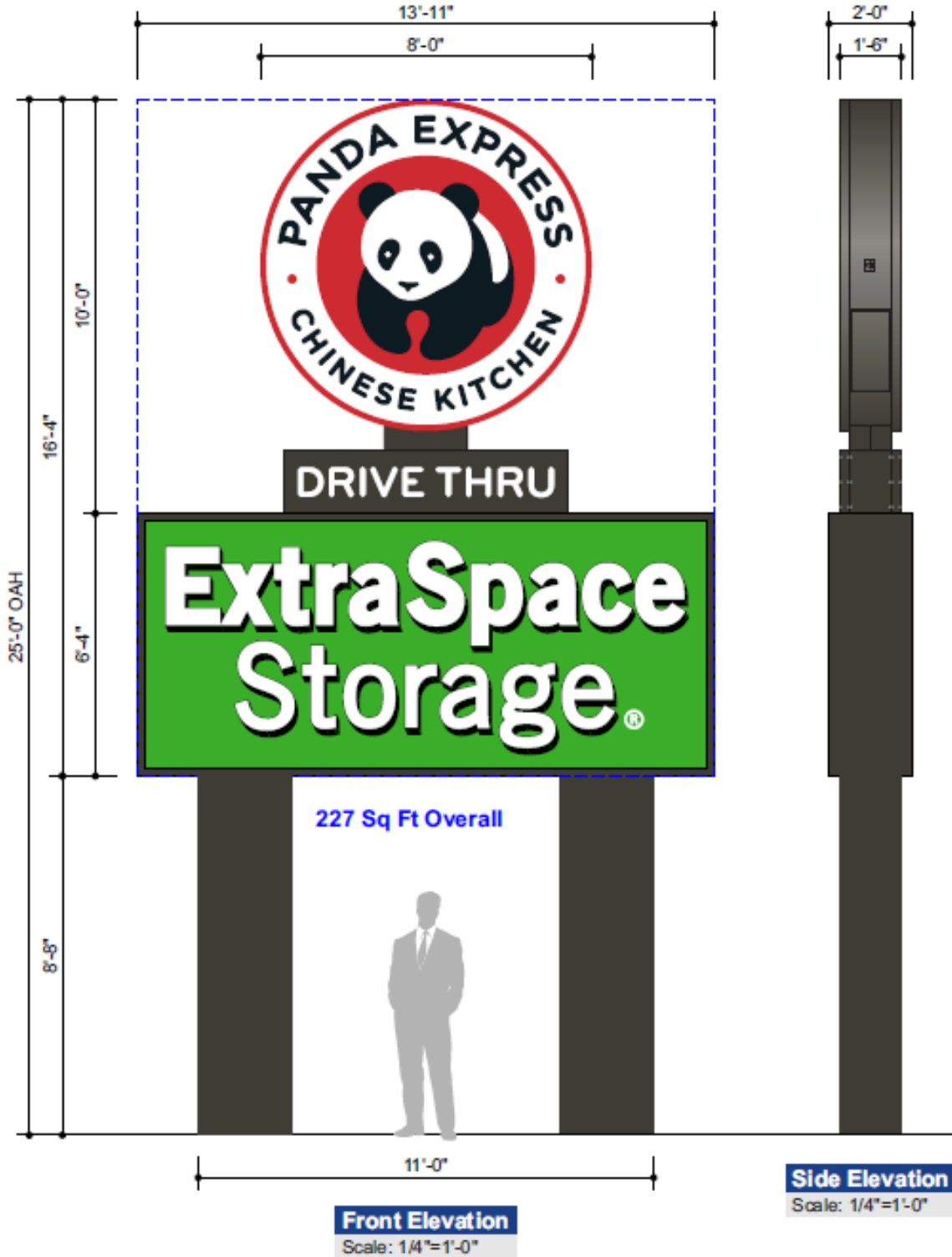
2024UV1024 ; Elevation (Pylon Sign – 11/14/2024)



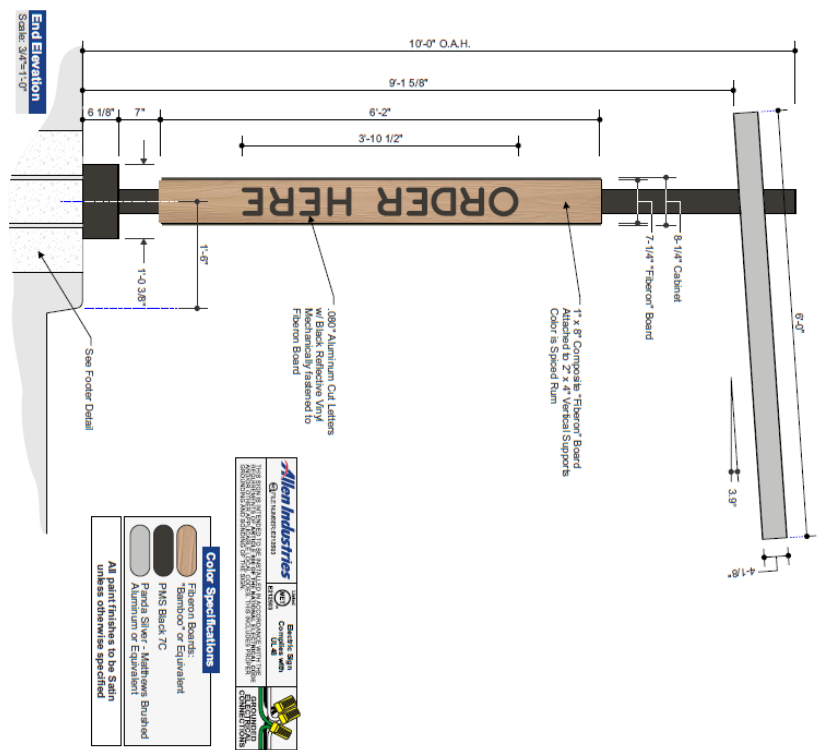
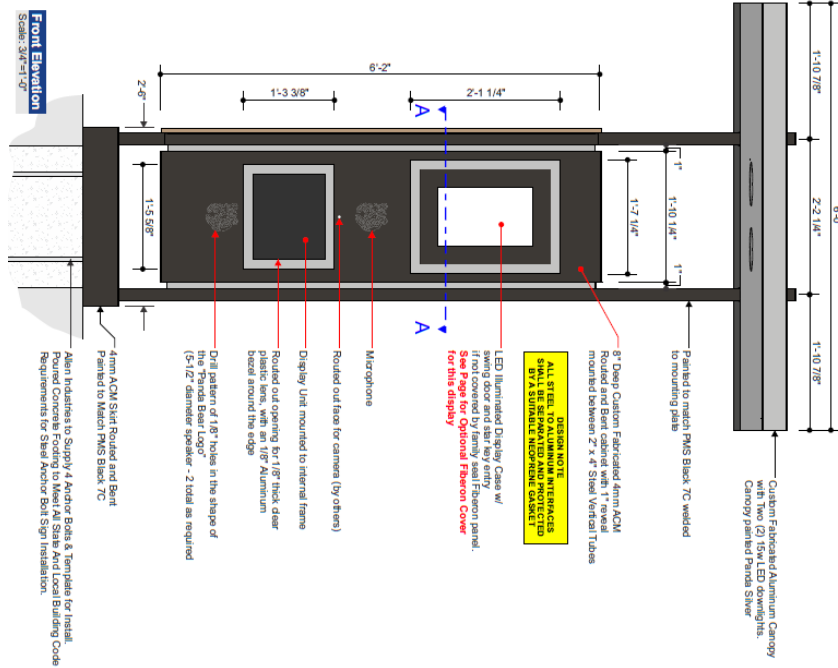
Front Elevation
 Scale: 1/4"=1'-0"

(note: the person placed for scale to the east of the sign would have a height of around 4 ft, 3 in)

2024UV1024 ; Elevation (Pylon Sign – 09/20/2024)



2024UV1024 ; Elevation (Drive-Thru Signs)



DRIVE THRU ELEMENTS - PRODUCTION DETAILS



2024UV1024 ; Findings of Fact (Use)

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

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

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

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

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

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

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

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

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

No

2024UV1024 ; Findings of Fact (Development Standards)

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

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

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

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

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

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

2024UV1024 ; Photographs



Photo 1: Subject Site from Northwest (May 2023)



Photo 2: Subject Site from Northwest (September 2024)

2024UV1024 ; Photographs (continued)



Photo 3: Subject Site from Southwest (May 2023)



Photo 4: Subejct Site from Southwest (September 2024)

2024UV1024 ; Photographs (continued)



Photo 5: Neighboring Signs Viewed from South



Photo 6: Neighboring Signs Viewed from North

2024UV1024 ; Photographs (continued)



Photo 7: Adjacent Property to East

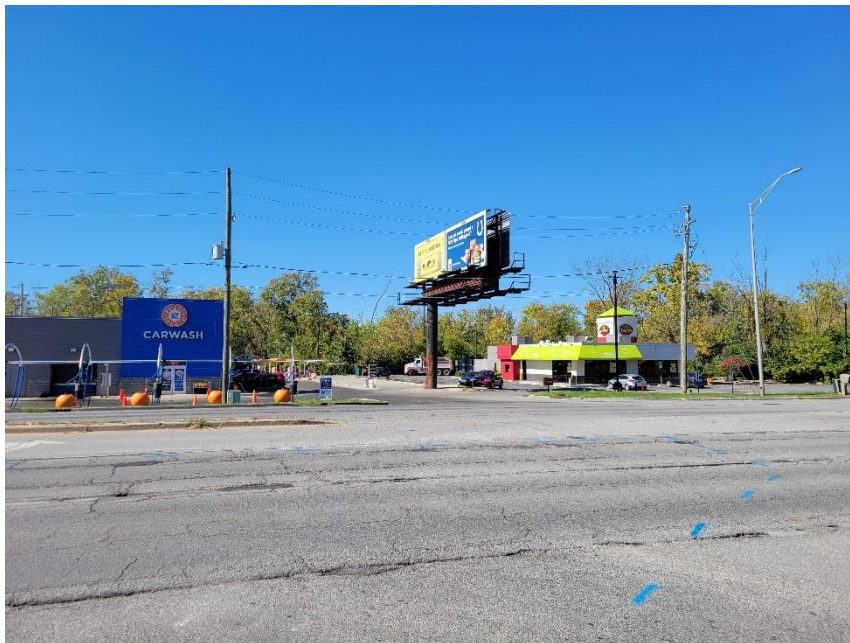


Photo 8: Adjacent Property to West



BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

Case Number: 2024-UV1-027
Property Address: 7720 West New York Street (approximate address)
Location: Wayne Township, Council District #16
Petitioner: Elite Solutions Group LLC, by Mitch Sever
Current Zoning: I-2

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a heavy truck and equipment service and repair center, with outdoor storage and operations exceeding 25 percent of the floor area of enclosed building and within 15 feet of a protected district (not permitted, outdoor storage and operations not permitted within 500 feet of a protected district) and providing 20-foot side transitional yards (30 feet required).

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

PETITION HISTORY

- A timely automatic continuance continued this petition from the December 3, 2024 hearing to the January 7, 2025 BZA Division I hearing.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the operation of a heavy truck and equipment service and repair center, with outdoor storage and operations exceeding 25 percent of the floor area of enclosed building and within 15 feet of a protected district (not permitted, outdoor storage and operations not permitted within 500 feet of a protected district) and providing 20-foot side transitional yards (30 feet required).
- According to aerial imagery, the subject site was undeveloped until late 2019, when the current use of heavy truck equipment service and repair began operations and covered approximately half of the site. The use has since been expanded over the last 5 years and currently utilizes the subject site in its entirety. With the zoning for the site always being I-2 (light industrial), the current use has never been legal and, likewise, goes against the Comprehensive Plan recommendation of light industrial.



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

- The Ordinance makes a very clear distinction between light industrial uses, and heavier industrial uses. I-1 and I-2 districts are for industrial operations that pose little to no risk or hazard to surrounding properties and that do not create objectionable characteristics (dirt, glare, noise, heat, odor, etc.) that extend beyond the property lines. All outdoor operations are prohibited within proximity to a protected district, and are limited to a percentage of the building operation when non in proximity to a protected district. Contrastingly, I-3 and I-4 zoning districts (heavy industrial) are reserved for industrial uses that present moderate to severe risk to the general public. Outdoor operations are permitted and there is no limit on the amount of area on site that is utilized for outdoor operations.
- Staff finds the variances requested to be extreme deviations from the Ordinance that pose potential hazardous impacts on surrounding protected districts (see 500-foot buffer image below). With residential districts existing to the north and east, Staff finds the heavy industrial use as close as 15 feet from protected districts, as well as the variance request to utilize almost the entire site for outdoor storage (limited to 25% of building area) to be far too intense for and to be wholly inappropriate considering the surrounding context. Further, Staff finds that this use goes directly against the Ordinance and Comprehensive Plan positions that I-2 zoning is to serve as a buffer between protected districts and heavier industrial uses.
- Additionally, Staff would note that the remainder of the sites along this stretch of West New York Street are of typical, appropriate light industrial character, with all operations related to the business being located inside, with landscaping and permeable surfaces present and maintained. Staff does not find there to be a reason why the subject site cannot be developed in a similar manner, and does not find there to be a practical difficulty for the petitioner being unable to use the site for I-2 uses because of any specific issue with the site itself.
- With the current use being illegal, inappropriate/a potential nuisance for the surrounding context, and out of line with the Comprehensive Plan, and with Staff not finding a practical difficulty for needing the requested variances, Staff recommends denial of the petition in its entirety, and strongly recommends that the operation be relocated to a site more suited for the use.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Heavy Vehicle Storage and Repair	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
	North: D-3	North: Single-family residential
	South: I-2	South: Light Industrial
	East: D-7	East: Multi-family residential
	West: I-2	West: Light Industrial
Thoroughfare Plan		
West New York Street	Private Drive	0 feet of right-of-way existing and 0 feet proposed
Context Area	Metro	



Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	11/4/24
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	11/4/24
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 Light Industrial working 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

- 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

2017UV2007, 351 Transfer Drive (west of site); Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for medical or dental offices, centers, or clinics; financial and insurance services; and office: business, professional or government, **approved.**

2008ZON094, 7550, 7590, 7600, 7620 Rockville Road (south of site); requested a rezoning of 35.31 acres, being in the D-A and I-2-S districts, to the C-S classification, to provide for C-1 uses, automotive-related uses, business and personal services, eating places, hotels, personal service establishments,, rental or leasing uses, repair services, retail type uses and schools within 350 feet of the northern right-of-way line of Rockville Road, and to provide for I-1 and I-2 industrial uses beyond 250 feet north of the northern right-of-way line of Rockville Road, **approved.**

2007ZON030, 7550, 7590, 7600 7620 Rockville Road (south of site); requested a rezoning of 35.51 acres, being in the D-A and I-2-S districts, to the C-S classification to provide for C-1 and C-3 and I-2 uses, hotels and an I-4 use, being a 20-acre outdoor storage are, **denied.**

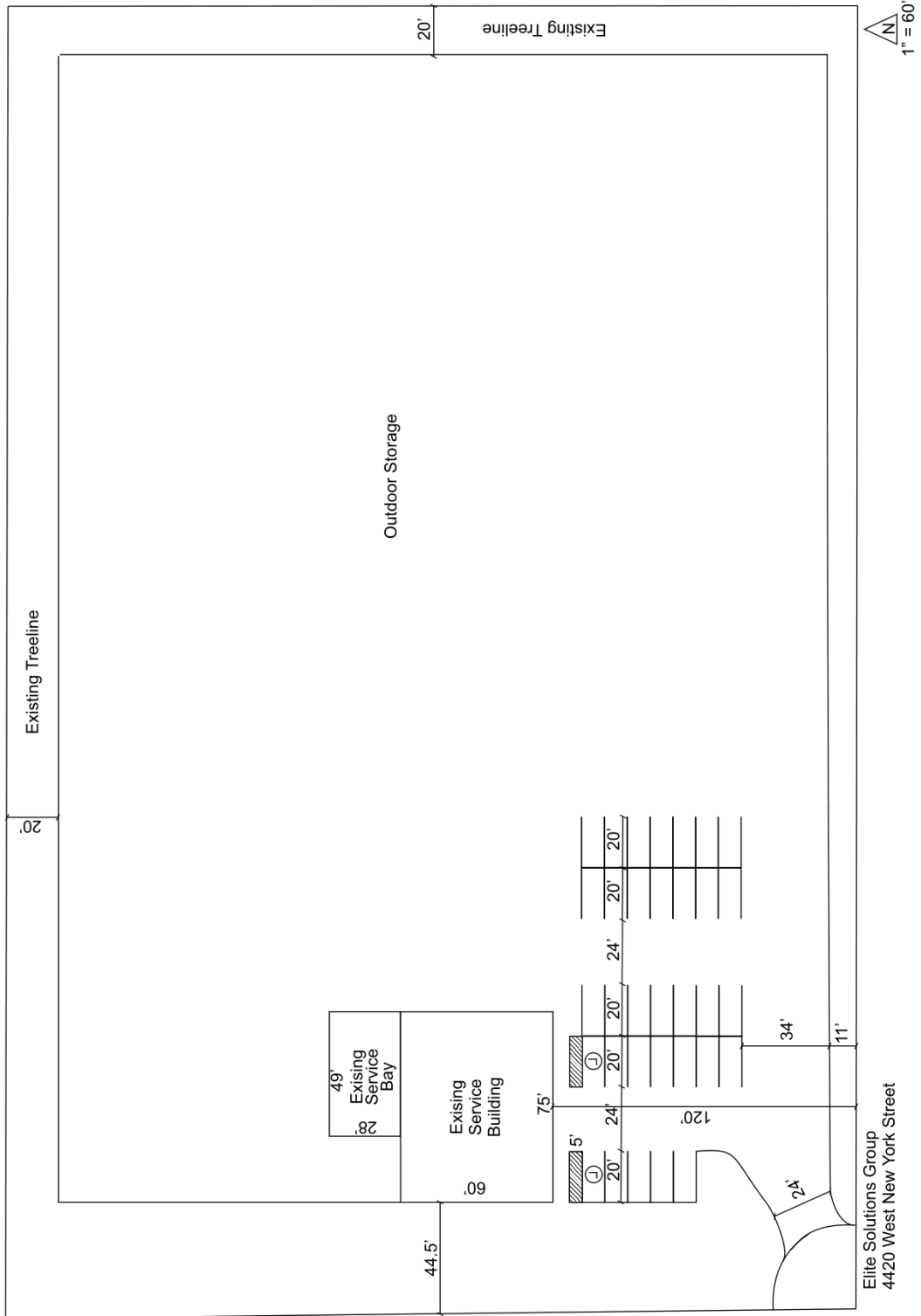
2006VAR/ZON836, 7550, 7600, 7620 Rockville Road (south of site); requested a rezoning of 2.59 acres, being in the D-A district, to the I-2-S classification, to provide for light industrial uses and a variance of development standards of the Industrial Zoning Ordinance, to provide for an interior access drive with a six-foot setback, being in the required 50-foot south transitional yard and without landscaping, **approved.**

93-UV2-5, 7650 Rockville Road aka 7740 West New York Street (west of site); requested variance of use and development standards of the Industrial Zoning Ordinance to provide for a government office building with the size of parking spaces to be 162 square feet (180 square feet required), **granted.**

68-Z-90, 510 Country Club Road (east of site); requested rezoning of 34.63 acres, being in the D-3 district, to the D-7 classification to provide for the construction of an apartment development, **approved.**

EXHIBITS



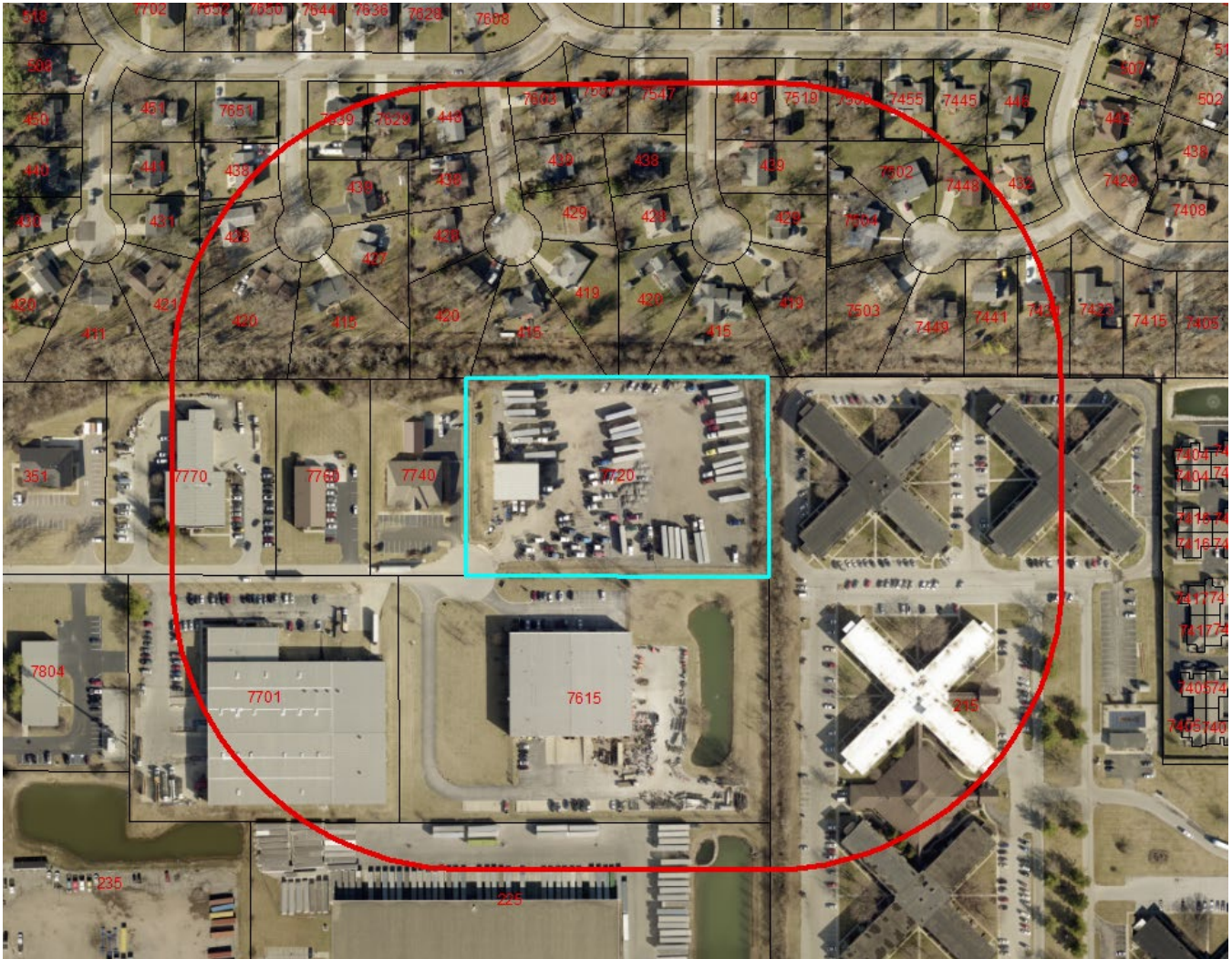




**Department of Metropolitan Development
Division of Planning
Current Planning**

Plan of Operation
Elite Solutions Group
7720 West New York Street

1. The number of employes is currently 78. Market conditions may necessitate minor adjustments in that number.
2. The number of truck tractors or other large equipment will not exceed 60 at any given time.
3. The number of trailers will not exceed 45 at any given time.
4. The hours of operation will be 8:00 a.m. to 8:00 p.m., Monday through Friday, occasional Saturday operation from 8:00 a.m. to 12:00 noon.



Red line: 500-foot separation line for outdoor storage from protected districts



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 use of the property is consistent with the industrial zoning of the subject property. It is operated in a manner that, among other things, protects the public health, safety, morals and general welfare of the community. Therefore, the grant will not be injurious to the public health, safety, morals and general welfare of the community.

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

A substantial tree line exists along the abutting residential properties. For this reason, there have been no complaints about the outdoor operations and storage occurring on the site. Further provisions in the operation of the use further protect those properties. Therefore, the use and value of the area adjacent to the property included in the variance will not be affect in a substantially adverse manner.

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

The presence of I2 zoning adjacent to residential is less than ideal in terms of land use planning. Practically any industrial use permitted in the zoning district would experience difficulty complying with the restrictions on outdoor storage and activity. In addition, practically any permitted use would include truck or heavy equipment traffic. The requested service and repair of such equipment represents only a minor deviation from what is already permitted.

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 extent of indoor and outdoor operations are primarily a significant distance from the residential zoning districts, and the outdoor storage aspect of the use is relatively passive. As with most any service/repair facility, some degree of outdoor operation and storage is inherent in the use. In the operation of nearly all such uses, the outdoor operations and storage exceeds that of the indoor operations. Due to the specialization of the use, some of that storage may exceed 10' in height. No matter how the property is use, the limitations contained the Table 743-306-02 will prove difficult to comply with. Therefore, in this instance and many other instances, compliance with the standards presents practical difficulties in the use of the property.

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

The proposed use, including the requested outdoor aspects of it, are consistent with the light industrial development proposed by the Comprehensive Plan. In fact, Table 743-1 permits "Heavy Equipment Sales, Service or Repair" but not "Truck or Heavy Vehicle Sales, Rental or Repair." The distinction between heavy equipment and trucks or heavy vehicles is so insignificant that the inclusion of truck or heavy equipment service and repair will not substantially interfere with the Comprehensive Plan. Moreover, the associate outdoor aspects are so well screen that any interference are mitigated.

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 use of the property is consistent with the industrial zoning of the subject property. It is operated in a manner that, among other things, protects the public health, safety, morals and general welfare of the community. Therefore, the grant will not be injurious to the public health, safety, morals and general welfare of the community.

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

A substantial tree line exists along the abutting residential properties. For this reason, there have been no complaints about the outdoor operations and storage occurring on the site. Further provisions in the operation of the use further protect those properties. Therefore, the use and value of the area adjacent to the property included in the variance will not be affect in a substantially adverse manner.

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

The extent of indoor and outdoor operations are primarily a significant distance from the residential zoning districts, and the outdoor storage aspect of the use is relatively passive. As with most any service/repair facility, some degree of outdoor operation and storage is inherent in the use. In the operation of nearly all such uses, the outdoor operations and storage exceeds that of the indoor operations. Due to the specialization of the use, some of that storage may exceed 10' in height. No matter how the property is use, the limitations contained the Table 743-306-02 will prove difficult to comply with. Therefore, in this instance and many other instances, compliance with the standards presents practical difficulties in the use of the property.

DECISION

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

Adopted this _____ day of _____, 20 ____

and storage. The outdoor operations and storage is not permitted within 500' of residential zoning, which abuts the site to the north and

east. The area of the outdoor storage also exceeds 25% of the gross floor area of enclosed buildings. Some storage may exceed 10' in height.







Adjacent light industrial to the west of subject site



Adjacent light industrial to the south of subject site



Looking east towards adjacent residential uses



Subject site on the left-hand side with adjacent light industrial uses on the right-hand side



BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

Case Number: 2024-DV1-037 (Amended)
Address: 2402 East 38th Street (approximate address)
Location: Washington Township, Council District #8
Zoning: C-5 (TOD) (W-5)
Petitioner: Popeyes Louisiana Kitchen Inc., by Gilligan Company
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-thru accessory use within 600 feet of a Transit Station (not permitted), and an additional drive-thru lane within the front yard of Keystone Avenue (not permitted).

Current Land Use: Commercial Restaurant

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was heard on November 7, 2024, and had an indecisive vote of 2-1 from the Board. Therefore, it was continued to the December 3, 2024, hearing.

At the November 7 hearing, the request for the deficient primary entry transparencies along the east and west facades was withdrawn, after it was determined the existing transparencies were legally non-conforming and would not be altered or changed.

This petition was continued with notice from the December 3, 2024, hearing, to the January 7, 2025 hearing, to provide for an additional variance request.

The petitioner has indicated they **will be requesting a continuance for cause to the February 4, 2025, hearing.** Staff will not oppose this continuance request.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

Drive-thru accessory use within 600 feet of a Transit Station (not permitted),

- ◇ The subject site consists of an existing fast-food restaurant. This portion of East 38th Street is a segment along the Purple Line bus rapid transit system. Therefore, the property is also located within the Transit Oriented Development Overlay district, which is more restrictive on automotive uses. The surrounding neighborhood consists of previously developed commercial uses.



- ◇ The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000 feet from the centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
 - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
 - Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
 - Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
 - Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

Drive-thru Lane within the front yard.

- ◇ The site currently contains a commercial eating establishment with an existing drive-thru lane. The menu board and beginning of the service unit is located within the side yard to the north, while the rest of the drive-thru lane and pick-up windows constituting the end of the service unit are along the western side of the building in the front yard of North Keystone Avenue. The current building was constructed in 2015 under a previous version of the ordinance and is considered legally non-conforming, requiring any expansion of the building or site features to be subject to the current version of the zoning ordinance.
- ◇ In 2024, permit applications were made to allow for an interior and exterior remodeling of the property. These plans included a partial addition to the drive-thru lane (see site plan below). This reconfiguration of the site would require the full drive-thru lane to comply with current ordinance standards for stacking spaces within front yards, and for the primary entry transparencies to be compliant as well.
- ◇ Current ordinance standards prohibit stacking spaces within front yards along rights-of-way greater than 30 feet wide, and would require exclusive bypass aisles, as well as the compliance with the screening requirements per 743-306.I.3. The grant of this variance request would allow for an additional drive-thru lane and legalize the non-conforming existing drive-thru lane within the front yard of Keystone Avenue and expand it further.
- ◇ Limitations on the placement of stacking spaces within front yards exist to reduce congestion and vehicular conflict with patrons of the restaurant and pedestrians as well as to allow for attractive, pedestrian-oriented storefronts facing rights-of-way (screening requirements also contribute to these goals).



- ◇ As this site lies within the Transit Oriented Development (TOD) Overlay for the Bus Rapid Transit (BRT) Purple Line, proposed uses, and the redevelopment of existing uses as for this property, should be oriented towards supporting the Overlay district design and establishing greater walkability in the district. The proposed request for the additional drive-thru lane within the front yard of Keystone Avenue would expand a non-compliant auto-centric use that is non-contributing in the Overlay which would be counterproductive to the intent of establishing greater walkability and connectivity in the area, therefore Staff does recommend denial of this request.

WELLFIELD PROTECTION DISTRICTS

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

GENERAL INFORMATION

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



Landscape Plan	N/A
Findings of Fact	August 27, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology that provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

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



Department of Metropolitan Development
Division of Planning
Current Planning

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

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

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

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

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

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

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

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

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

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

RU

EXHIBITS

Location Map Subject Site



Site Plan





Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division 1 _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

Photographs



Subject site, west façade, looking northeast.



Subject site, south façade, looking north.



Subject site, east façade, looking northwest.



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



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



Adjacent to the south, Purple line transit stop.



Adjacent Commercial restaurant to the west.



Adjacent commercial restaurant to the north.

BOARD OF ZONING APPEALS DIVISION I **January 7, 2025**

Case Number: 2024-DV1-044
Address: 289 North Cole Street (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-4
Petitioner: Humberto Carreon Rubio, by Mark and Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a greater floor area than, and forward of the primary building (not permitted).

Current Land Use: Single-family dwelling
Staff Recommendation: Staff recommends denial of this petition.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the request to locate the detached garage in front of the primary dwelling.
 Staff recommends **denial** of the request to provide for a detached garage with a floor area greater than the primary dwelling.

PETITION OVERVIEW

- ◇ Staff recommends approval of the request to provide for the construction of a detached garage in front of the primary dwelling. The proposed garage would replace an existing detached garage in a similar location in front of the primary dwelling. The primary dwelling is located to the rear of the lot, so there is not adequate room to place the proposed garage to the rear of the dwelling.
- ◇ Staff recommends denial of the request to provide for a 1,920 square foot detached garage with a floor area greater than the primary dwelling, as there is no practical difficulty requiring the larger size. The petitioner has not provided any findings of fact to support this request.
- ◇ A second detached 1,380 square foot garage already exists on the subject site. Both of these garages exceed the size of most single-family dwellings. Staff is concerned that the need for the excessive large garage is so that the petitioner can run a non-permitted construction contractor business from the site. During Staffs site visit, multiple trucks and equipment was present leading to the conclusion that a commercial contractor business was being operated on site.

- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of the variance request for a garage larger than the primary dwelling. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the size requirement. If additional space is still needed, then the existing detached accessory garage could be used. The desire for a garage larger than the primary dwelling would be a self-imposed hardship, where a standard two or three car garage could be provided that would be smaller than the primary dwelling.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Rural of Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-4 Single-Family dwelling
	South:	D-4 Single-Family dwelling
	East:	PK-1 City Park
	West:	D-A Single-Family dwelling
Thoroughfare Plan		
	Cole Street	Local street 35-foot existing right of way, and 50-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	November 4, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	November 4, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Rural or Estate Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

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.

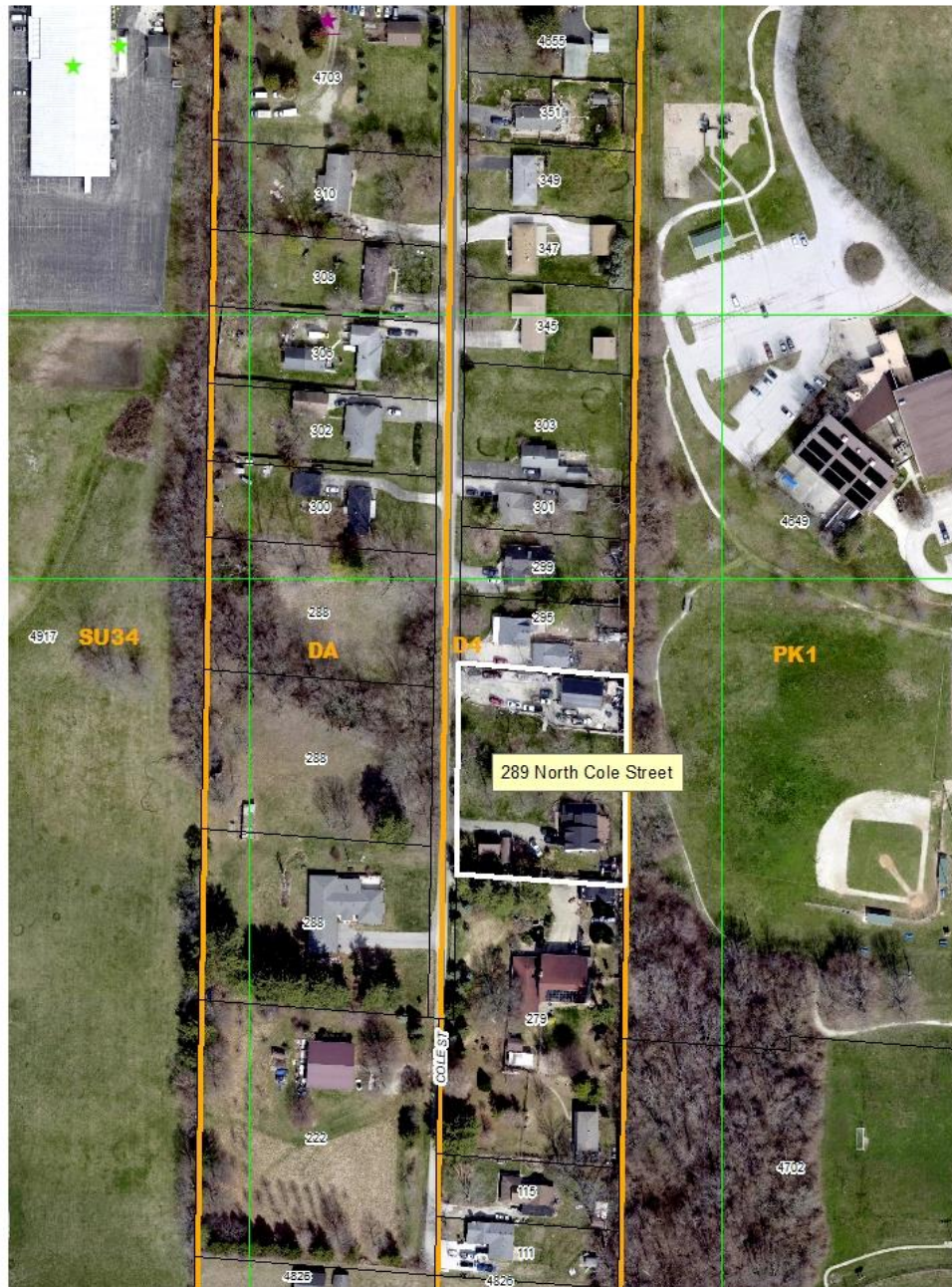
ZONING HISTORY

99-V1-125; 289 North Cole Street (subject site) requested a variance of development standards to provide for the construction of a pole barn, creating 2,160 square feet of detached accessory uses, or 140% of the size of the main floor area of the primary dwelling, **granted.**

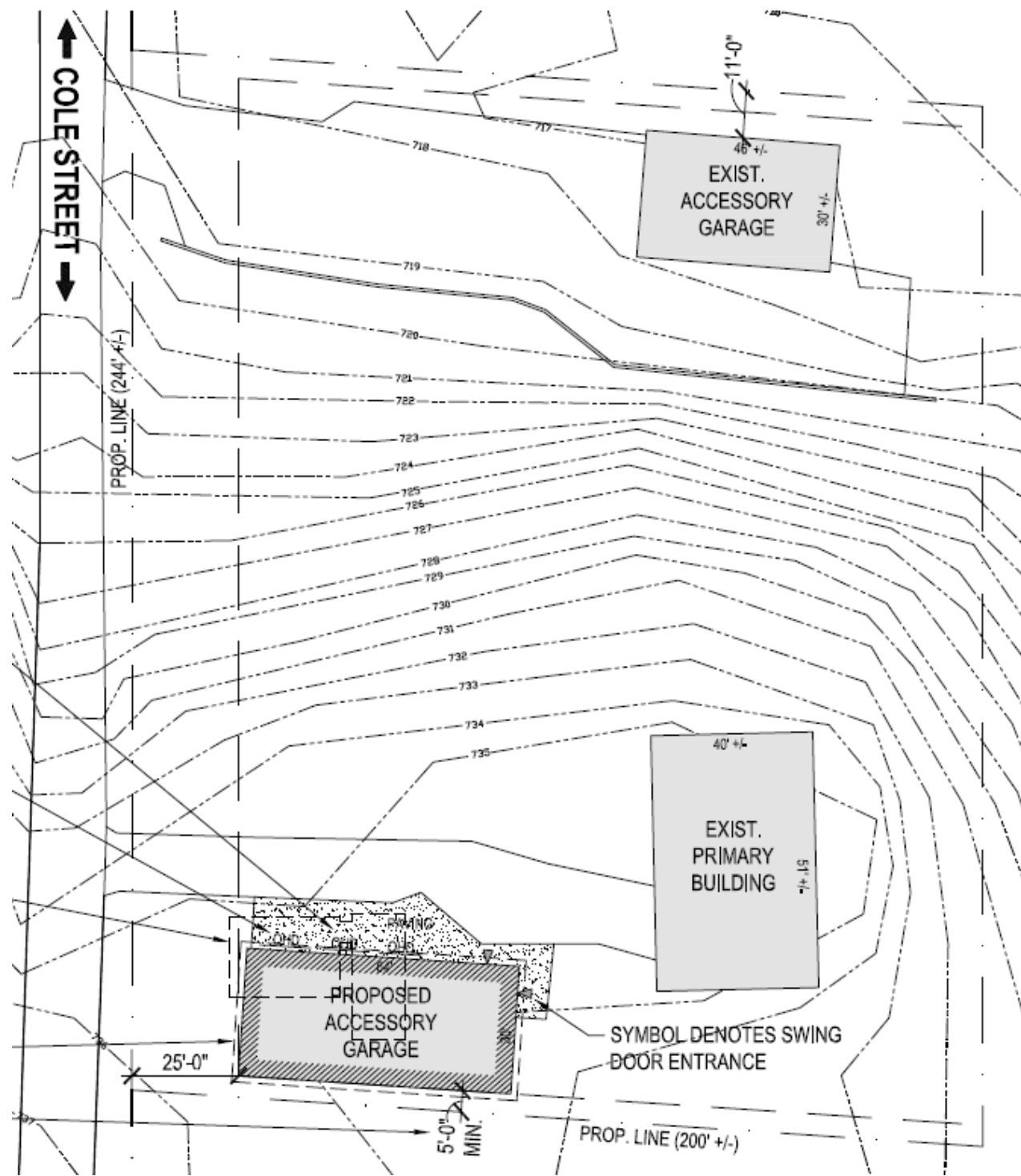
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF 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 grant will allow for the construction of a new detached garage for private residential use.

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

the proposed detached 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:

contour of the property slopes significantly to the north and there is no space behind existing residence to allow for detached garage to be built resulting in a need to place proposed detached garage in front of the residence. Without variance approval, proposed garage will not be built.

Photographs



Photo 1 - Subject property looking east.



Photo 2 - Subject property existing garage to be removed and replaced with a larger garage, looking southeast.



Photo 3 - Subject property line, additional detached accessory pole barn, with commercial contractor equipment, looking east.



Photo 4- Close up of additional contractor equipment being stored outside of accessory pole barn.



Photo 5 - Adjacent properties to the north that are zoning complaint, looking east.



Photo 6 - Adjacent property to the west that is zoning complaint.



BOARD OF ZONING APPEALS DIVISION I **January 7, 2025**

Case Number: 2024-DV1-045

Property Address: 4496 Saguaro Trail (approximate address)

Location: Pike Township, Council District #6

Petitioner: Shear Saguaro LLC, by Justin W. Leverton, Esq.

Current Zoning: I-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot rear yard setback (30 feet required).

Current Land Use: Light Industrial

Staff Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A timely automatic-continuance has been filed by the petitioner, continuing this petition to the February 4, 2025 hearing date.



BOARD OF ZONING APPEALS DIVISION I **January 7th, 2025**

Case Number: 2024-DV1-046

Property Address: 8654 West 86th Street

Location: Pike Township, Council District #1

Petitioner: Gary A. & Mickey K. James

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot tall decorative fence within the front yard of 86th Street (maximum height of 3.5 feet permitted).

Staff Reviewer: Kiya Mullins, Associate Planner

CONTINUANCE

The Pike Township Residents Association Inc., a registered neighborhood organization, has filed an Automatic Continuance, continuing this petition from the January 7th, 2025, hearing, to the February 4th, 2025 Division I, hearing. This will require the Board’s acknowledgement.

BOARD OF ZONING APPEALS DIVISION I **January 7, 2025**

Case Number: 2024-DV1-047
Property Address: 1919 Mansfield Street (approximate address)
Location: Center Township, Council District #12
Petitioner: James & Mary Holman
Current Zoning: D-5 (W-1)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required).
Current Land Use: Residential
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required).
- The Ordinance was amended in April of 2016 to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley for any new driveway, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance, the “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”
- The Department of Business and Neighborhood Services has determined that the abutting alley to the east of the property is an “improved” alley, and therefore access from Mansfield Street to the parcel would not be allowed, per the Ordinance.



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

- The gravel driveway located on the subject site has existed since around 1994, according to aerial imagery. While this predates the Ordinance change in 2016, this driveway was not developed with a curb cut and did not receive permits for such. Therefore, in the City’s view, even though a place to park vehicles in the front yard is existing on the property, vehicular access from Mansfield Street to the private property was never legally established. In 2024, the owner applied for a curb cut of the existing sidewalk for vehicular access to the existing gravel driveway, thus triggering the need for variance approval.
- Vehicles utilizing alleys when available, instead of front-yard driveway access, is a significant help in maintaining walkability and the pedestrian experience, as this style of development results in far fewer conflict points between pedestrians and vehicles, and preserves flat, even sidewalks as opposed to slants and unevenness resulting from driveway curb cuts. Likewise, reducing the number of curb cuts for private vehicular access helps preserve valuable on-street parking spaces available for public use. Further, given that this site is located within the Compact Context Area, Staff finds importance in preserving urban-style development patterns and aesthetics. Typically, this includes neighborhoods with little to no vehicle parking located in front yards, and high-quality pedestrian experience. Contrastingly, high amounts of curb cuts, front-yard vehicle parking, and vehicular priority is more characteristic of suburban-style development which Staff finds to be inappropriate for this area.
- While Staff is aware that there are legally non-conforming driveways and curb cuts that exist in the area, Staffs sees additional curb cuts in areas such as that of the subject site as an undesired precedent that slowly dissolves the character and intentions of urban neighborhoods, and unnecessary when improved alleys are present. With the subject site having access to the improved alley to the rear of the lot, where a vehicular garage already exists (see site visit photos below), Staff does not believe grant of the requested variance to be necessary, and does not find there to be a practical difficulty for the variance and therefore, recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Residential		
Comprehensive Plan	3.5-5 units/acre		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-5	North: Single-family residential
	South:	D-5	South: Single-family residential
	East:	D-5	East: Single-family residential
	West:	D-5	West: Single-family residential
Thoroughfare Plan			
Mansfield Street	Local Street	50 feet of right-of-way existing and 48 feet proposed	
Context Area	Compact		
Floodway / Floodway Fringe	No		



Department of Metropolitan Development
Division of Planning
Current Planning

Overlay	No
Wellfield Protection Area	Yes, One-Year
Site Plan	11/21/24
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	12/31/24
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Indy Moves

Pattern Book / Land Use Plan

- Not applicable to this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends Residential Uses at 3.5-5 units/acre for this site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Riverside Promenade is located approximately 400 feet from subject site.
- The Central White River Trail is located under ½ mile from the subject site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024DV2040, 2010 Mansfield Street (north of site); Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a parking area without exclusive alley access and a zero-foot south side yard setback (alley access required, five-foot side yard setback required), **approved.**

88-Z-213, (east of site); requested rezoning from the D-5 district, to the SU-1 classification, **denied.**

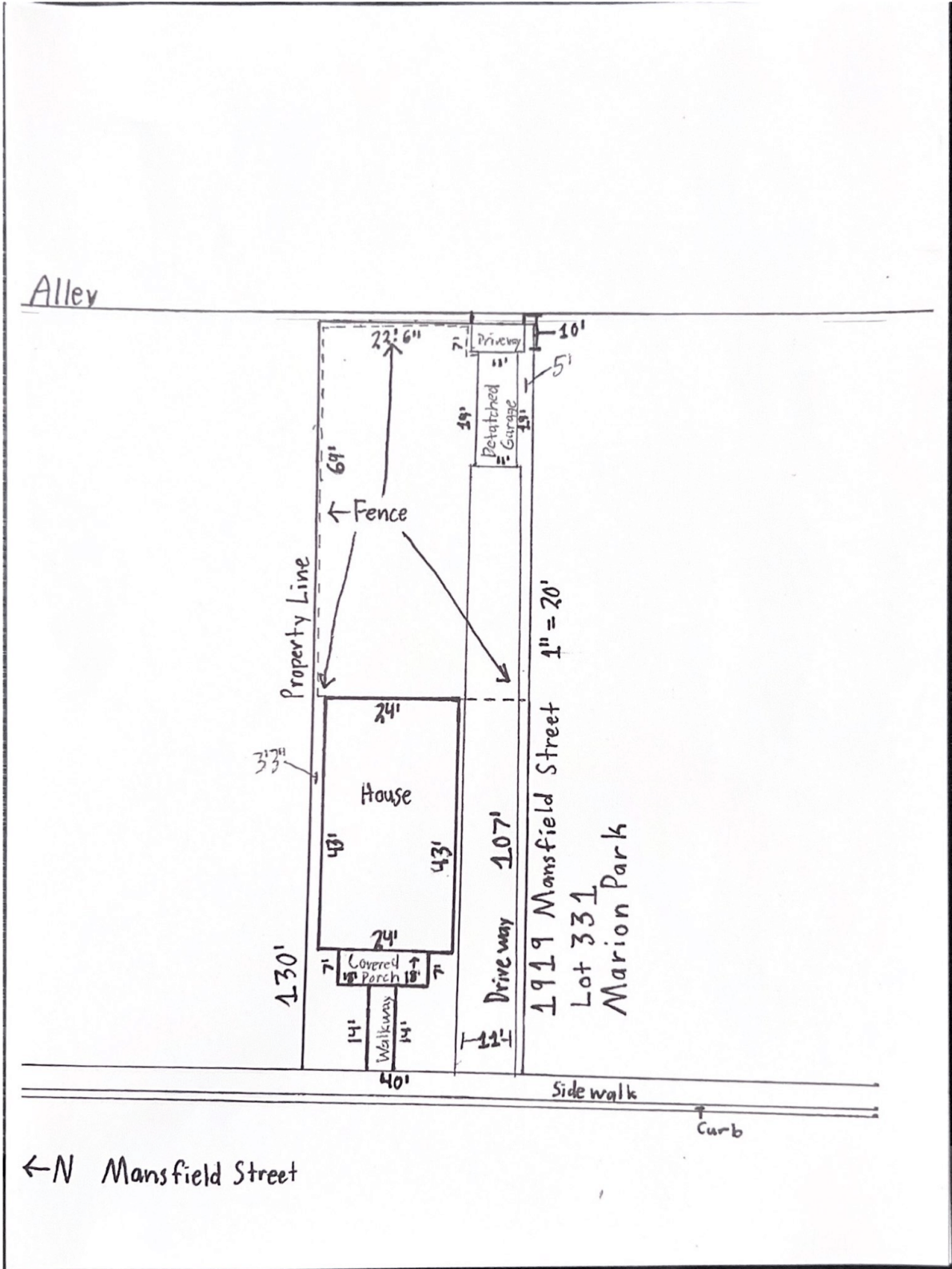
EXHIBITS





Item 13.

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













BOARD OF ZONING APPEALS DIVISION I **January 7, 2025**

Case Number: 2024-DV1-048

Property Address: 5541 North Kenwood Avenue (approximate address)

Location: Washington Township, Council District #7

Petitioner: John Stuart Alexander & Warren Cangany, by Laurie Tinsley

Current Zoning: D-5 (MSPC) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).

Current Land Use: Residential

Staff Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued due to deficient notice. The petitioner is requesting a continuance and transfer to the January 14, 2025 BZA Division II hearing.