



Board of Zoning Appeals BZA Division II (May 16, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, May 16, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-DV2-004 | 849 South Belmont Avenue (approximate address)

Center Township, Council District #16, Zoned D-5

D.G. Kidanemhret Eritrean Orthodox Tewahdo Cathedral, Inc., by Biniam Sahlezghi Kifle

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide a 54-inch decorative fence within the front yards and clear sight triangle of Belmont Avenue and Wyoming Street (maximum 3.5-foot-tall fence permitted, encroachments within clear sight triangles prohibited).

****Staff is requesting a continuance to a later date in order to further review the request.**

2. 2023-DV2-005 | 4540 North Park Avenue (approximate address)

Washington Township, Council District #7, Zoned D-2 (TOD)

Thomas and Kelly Creveling, by Mark Demerly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 850 square feet (maximum 720 square feet), resulting in an open space of 72 percent (75 percent open space required).

****Staff is requesting a continuance to the June 13, 2023 hearing due to a an error related to the publication of notice.**

3. 2023-DV2-006 | 231 Hendricks Place (approximate address)

Center Township, Council District #17, Zoned D-8 (TOD)

Gino Liongson and Aaron Ferris, by Sarah Walters

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an attached garage resulting in a 5.5-foot rear yard setback (15-foot rear yard setback required).

****Due to a publication error, Staff is requesting that this petition be continued and transferred to the May 23, 2023 hearing of Division III.**

4. 2023-DV2-007 | 1502 West 25th Street (approximate address)

Center Township, Council District #11, Zoned D-5 (W-5)

Damon and Monica Richards, by Andrew Brindley

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot corner side setback from Koehine Street (eight-foot corner side setback required).

****Due to a publication error, Staff is requesting that this petition be continued and transferred to the May 23, 2023 hearing of Division III.**

5. 2023-DV2-008 | 3802 East 10th Street (approximate address)

Center Township, Council District #12, Zoned C-4

Jabbo Investments LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an automobile fueling station and laundromat with zero percent building transparency on the façade facing 10th Street and a maximum light level of 20.2 (average of 16.2) foot-candles under the fueling station canopy (40% façade transparency required, maximum average light level of 4.5 foot-candles permitted).

***A registered neighborhood organization has filed an automatic continuance, continuing this petition to the June 13, 2023 hearing.**

6. 2023-DV2-009 | 6151 North Keystone Avenue (2419 East 62nd Street parcel address)

Washington Township, Council District #2, Zoned C-4 and D-P

Kite Realty Group, by H.C. Klover Architect

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted).

****Staff is requesting a continuance to the June 13, 2023 hearing due to a an error related to the publication of notice.**

7. 2023-UV2-004 | 2029 Massachusetts Avenue (approximate address)

Center Township, Council District #17, Zoned C-3

Shanea Howell, by Sarah Walters

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

****Staff is requesting a continuance to the June 13, 2023 hearing due to a an error related to the publication of notice.**

8. 2023-UV2-005 | 3721 East 10th Street (approximate address)

Center Township, Council District #12, Zoned MU-1 and I-4

Miller Land LLC, by Cynthia A. Bedrick

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile repair shop (not permitted) with 11 parking spaces (20 spaces required).

***A registered neighborhood organization has filed an automatic continuance, continuing this petition to the June 13, 2023 hearing.**

9. 2023-UV2-006 | 2320 Duke Street (approximate address)

Washington Township, Council District #9, Zoned I-1 (W-1)

Sweezy & Sweezy Properties LLC, by David Kingen

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a rubber press, a Heavy Manufacturing operation (not permitted).

****Staff is requesting a continuance to the June 13, 2023 hearing due to a an error related to the publication of notice.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

10. 2023-MO2-001 | 5510 Millersville Road (approximate address)

Washington Township, Council District #3, Zoned C-4

R. Michael Thomas, by Ted W. Nolting

Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2025.

11. 2023-UV2-002 (Amended) | 6627 Mann Road (approximate address)

Decatur Township, Council District #20, Zoned D-A (FF) (FW)

Dennis Brackenridge, by Aaron McGee

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way), with one of the secondary dwellings being taller than the primary dwelling (not permitted), on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

12. 2022-UV3-022 (Amended) | 830 River Avenue (approximate address)

Center Township, Council District #16, Zoned D-5 (RC)

Two Chicks & A Hammer 830 River LLC, by Austin Aynes

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex (maximum height of 2.5 stories permitted), on a 40-foot wide, 6,000-square foot lot (60-foot lot width, minimum area of 7,200 square feet required) with an open space of 48% (60% required) with a third and fourth dwelling within a detached garage (not permitted) with mechanical equipment, walking paths and patios encroaching within the side yard setbacks (five-foot setback required, walking paths must be two-feet from side lot lines).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

13. 2023-DV2-003 | 231 Wellington Road (approximate address), Town of Meridian Hills

Washington Township, Council District #2, Zoned D-2

John & Erin Young, by Brian J. Tuohy

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

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.

STAFF REPORT

Item 1.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV2-004
Address: 849 South Belmont Avenue (approximate address)
Location: Center Township, Council District #16
Zoning: D-5
Petitioner: D.G. Kidanemhret Eritrean Orthodox Tewahdo Cathedral, Inc., by
Biniam Sahlezghi Kifle
Request: Variance of Development Standards of the Consolidated Zoning and
Subdivision Ordinance to provide a 54-inch decorative fence within the
front yards and clear sight triangle of Belmont Avenue and Wyoming
Street (maximum 3.5-foot-tall fence permitted, encroachments within
clear sight triangles prohibited).

Due to a faulty publication of the legal notice, Staff is requesting that this petition be **continued for cause with published notice, from the May 16, 2023, hearing, to a date to be determined at the hearing that meets the publication requirements.**

RU

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

Case Number: 2023-DV2-005
Address: 4540 Park Avenue (approximate address)
Location: Washington Township, Council District #7
Zoning: D-2 (TOD)
Petitioner: Thomas and Kelly Creveling, by Mark Demerly
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 850 square feet (maximum 720 square feet), resulting in an open space of 72 percent (75 percent open space required).

Due to an error related to publication of the notice, this petition needs to be continued to another hearing of Division II, with additional notice. Staff requests that it be **continued to the June 13, 2023, hearing of Division II.**

AR

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

Case Number: 2023-DV2-006
Address: 231 Henricks Place (approximate address)
Location: Center Township, Council District #17
Zoning: D-8 (TOD)
Petitioner: Gino Liongson and Aaron Ferris, by Sarah Walters
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an attached garage resulting in a 5.5-foot rear yard setback (15-foot rear yard setback required).

Due to an error related to publication of the notice, staff is requesting that this petition be **continued and transferred from the May 16, 2023 hearing of Division II to the May 23, 2023 hearing of Division III**, with additional notice.

The petitioner has agreed to this continuance and transfer request.

MI

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV2-007
Address: 1502 West 25th Street (approximate address)
Location: Center Township, Council District #11
Zoning: D-5 (W-5)
Petitioner: Damon and Monica Richards, by Andrew Brindley
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot corner side setback from Koehine Street (eight-foot corner side setback required).

Due to a faulty publication of the legal notice, this petition will need to be **continued for cause with published notice, from the May 16, 2023, hearing, and transferred to the May 23, 2023, hearing**, at the request of Staff.

RU

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

Case Number: 2023-DV2-008
Address: 3802 East 10th Street (approximate address)
Location: Center Township, Council District #12
Zoning: C-4
Petitioner: Jabbo Investments LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an automobile fueling station and laundromat with zero percent building transparency on the façade facing 10th Street and a maximum light level of 20.2 (average of 16.2) foot-candles under the fueling station canopy (40% façade transparency required, maximum average light level of 4.5 foot-candles permitted).

A registered neighborhood organization has filed an automatic continuance, continuing this petition to the June 13, 2023, hearing of Division II.

EDH

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

Case Number: 2023-DV2-009
Address: 6151 North Keystone Avenue (2419 East 62nd Street parcel address)
Location: Washington Township, Council District #2
Zoning: C-4 / D-P
Petitioner: Kite Realty Group, by H.C. Klover Architect
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted).

Due to an error related to publication of the notice, this petition needs to be continued to another hearing of Division II, with additional notice. Staff requests that it be **continued to the June 13, 2023, hearing of Division II.**

EDH

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

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

Due to an error related to publication of the notice, this petition needs to be continued to another hearing of Division II, with additional notice. The petitioner has requested that it be **continued to the July 11, 2023, hearing of Division II.**

Staff has no objection to the two-month continuance request.

MI

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

Case Number: 2023-UV2-005
Address: 3721 East 10th Street (approximate address)
Location: Center Township, Council District #12
Zoning: MU-1 / I-4
Petitioner: Miller Land LLC, by Cynthia A. Bedrick
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile repair shop (not permitted) with 11 parking spaces (20 spaces required).

A registered neighborhood organization has filed an automatic continuance, continuing this petition to the June 13, 2023 hearing of Division II.

EDH

STAFF REPORT

Item 9.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-UV2-006
Address: 2320 Duke Street (approximate address)
Location: Washington Township, Council District #9
Zoning: I-1 (W-1)
Petitioner: Sweezy & Sweezy Properties LLC, by David Kingen
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a rubber press, a Heavy Manufacturing operation (not permitted).

Due to a faulty publication of the legal notice, this petition will need to be **continued for cause with published notice, from the May 16, 2023, hearing, to the June 13, 2023, hearing**, at the request of Staff.

RU

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MO2-001
Address: 5510 Millersville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4
Petitioner: R. Michael Thomas, by Ted W. Nolting
Request: Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2024.

This petition was automatically continued at the request of City County Councilor Boots, from the April 11, 2023, hearing to the May 16, 2023, hearing.

RECOMMENDATIONS

Staff **recommends approval** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	C-4	Animal care and veterinary services
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SURROUNDING ZONING AND LAND USE

North -	C-3/C-1	Commercial fast-food restaurant, office, and daycare
South -	D-3	Four-unit dwelling / office
East -	C-3	Commercial retail
West -	D-3	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed-Uses for this site.
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HISTORY

- ◇ In 2021, petition 2021-DV2-019, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, where a 20-foot transitional setback is required. That variance petition was granted on May 11, 2021.

(Continued)

MODIFICATION REQUEST

- ◇ The 2021-DV2-019 variance grant was subject to a commitment limiting the variance grant to two years from the date of approval by the Board of Zoning Appeals, on May 21, 2021. The petitioner is requesting that the terms of Commitment #1 be extended by an additional two years to May 11, 2025.
- ◇ The subject site's parcel consists of an existing animal care and veterinary service, associated parking, and the temporary modular building. The temporary modular building is located immediately behind the existing primary structure and has a three-foot south side transitional setback, where 20 feet is required. Both the subject site and the adjacent site to the south are fairly wooded, which provides additional screening from the reduced setback.
- ◇ The petitioner has indicated the continued need for the temporary building is due to the ongoing increase in rescue group and humane society patients, workflow, and reduced capacity due to COVID restrictions, and the increase in fostering of pets.
- ◇ Staff, has no objection to this modification request. However, Staff will not support any future requests for an extension of this commitment beyond the May 11, 2025, date.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Millersville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 30-foot existing right-of-way and a 50-foot proposed right-of-way.
SITE PLAN	File-dated February 17, 2023
FINDINGS OF FACT	File-dated February 22, 2023

ZONING HISTORY

2021-DV2-019; 5510 Millersville Road (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, **granted**.

93-UV3-100; 5504 Millersville Road (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the conversion of a single-family residence into a four-unit multi-family structure, **granted**.

90-V1-126; 5510 Millersville Road (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to permit an addition to an existing veterinary office with an apartment with a 16-foot side yard, **approved**.

69-Z-199; 5510 Millersville Road (subject site), requested the rezoning of 0.85 acre, being in the D-3 district, to C-4 classification to provide for a small animal clinic, **approved**.

RU

2023-MO2-001: Location Map



A202100089356

07/08/2021 12:58 PM

**KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 3

By: KS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description:

See Exhibit "A"

Statement of COMMITMENTS:

1. The variance grant shall be limited to two years from the date of approval by the Board of Zoning Appeals, May 11, 2021.

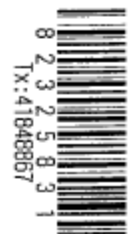
These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2021-DV2-019 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made); and,
- 3.
4. _____

BZA's Exhibit A - - Page 1 of 2







View of subject site, looking west



View of temporary structure, looking south



View of temporary structure with three-foot transitional yard setback, looking east



Rear of subject site with parking lot and temporary structure, looking east.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV2-002
Address: 6627 Mann Road (approximate address)
Location: Decatur Township, Council District #20
Zoning: D-A (FF) (FW)
Petitioner: Dennis Brackenridge, by Aaron McGee
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way), with one of the secondary dwellings being taller than the primary dwelling (not permitted), on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

This petition was automatically continued from the April 13, 2023 hearing to the May 16, 2023 hearing.

RECOMMENDATIONS

Staff recommends approval of the request with the following commitments:

1. Approval of the variance will be subject to the plan of operation file dated April 20, 2023.
2. No recreational vehicles are permitted except for personal use or property maintenance.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-A	Metro	Single-Family Residential and Agricultural
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SURROUNDING ZONING AND LAND USE

North	D-A	Agriculture
South	D-A	Single-Family Residential
East	SU-13	Undeveloped / White River
West	D-7 / C-4	Multi-Family Residential / Undeveloped

LAND USE PLAN

The Comprehensive Plan recommends Rural or Estate Neighborhood and Floodway development.

- ◇ The subject site is approximately 25 acres and within the floodplain along the White River. The site is developed with a single-family dwelling and accessory structures, one secondary dwelling, and a barn for boarding livestock. The rear of the property is on the bank of the White River. This site also contains Mann Creek and a tributary stream, and a pond. Much of the site is covered by existing trees and vegetation.

(Continued)

STAFF REPORT 2023-UV2-002 (Continued)**VARIANCE OF USE**

- ◇ This request would provide for the construction of five secondary dwellings, on a lot where the property owner does not maintain their permanent residence for use as part of a commercial campground.
- ◇ The land use recommendation for this site is Rural or Estate Neighborhood with the environmentally sensitive overlay for the floodway. This typology may include bed and breakfast uses, which are comparable to the camping use proposed. The camping use per the plan of operation would be limited to cabin rentals (the proposed secondary dwellings) and existing house. The floodway overlay would limit the area of developable land. The proximity to rivers and streams would support recreational activities such as walking trails, docks, and picnic shelters. Therefore, staff would not be opposed to recreational use for this site.
- ◇ Staff would note that it would be preferable to rezone this site to the SU-16 district for outdoor recreation; however, the existing single-family dwelling and agricultural use would necessitate that at least part of the site should remain within the D-A zoning district. Much of this site is within the floodplain, which limits the development potential of the site. Staff discussed the possibility of rezoning, and subdividing the property to retain the single-family and agricultural use, but the limits of the floodplain would require an additional variance of development standards to have less than the minimum three acres for a lot in the D-A district. Given the constraints of the site and the existing agricultural use, staff would not oppose a variance of use instead of a companion rezoning, plat, and variance of development standards.
- ◇ The use-specific standards for secondary dwellings limit one secondary dwelling per lot developed with a single-family dwelling, and the primary or secondary dwelling must be the property owner's primary residence. Given that the purpose of these secondary dwellings is for a campground use instead of a primary residence, staff is not opposed to a variance where the property owner does not reside in one of the proposed dwellings.
- ◇ The secondary dwellings proposed are rental cabins for a commercial campground use, but they are classified as secondary dwellings due to the retention of the dwelling district zoning and existing primary dwelling. Staff is not opposed to the variance to permit additional dwelling structures where they are associated with a commercial campground.
- ◇ Staff would note that there is a planned greenway at the rear of this site—White River Greenway. Staff would highly recommend a land dedication for construction of this greenway in the future.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for five secondary dwellings with entries not visible from the right-of-way. The ordinance also requires that accessory structures must be located no closer to the front yard than the primary structure. The existing setbacks and topography of the site limit the visibility of any structure located behind the existing dwelling and barn. Staff believes the existing conditions create a practical difficulty in meeting the ordinance and therefore would not be opposed to this variance.

(Continued)

STAFF REPORT 2023-UV2-002 (Continued)

- ◇ This request would provide for one of the secondary dwellings being taller than the primary dwelling. The existing site has hilly topography, and one proposed secondary dwelling would be taller than the primary dwelling. The purpose of this standard is so that secondary structures will be clearly subordinate to the primary dwelling. This proposed secondary dwelling is only 574 square feet, which is well below the maximum 720 square feet permitted for a secondary dwelling. The existing primary dwelling is a one-story ranch style house with a low roofline. The proposed secondary dwelling is also one story, but is situated on a slope that would result in it being taller than the primary dwelling. Staff would not be opposed to a variance for a secondary dwelling taller than the primary dwelling where it is affected by topography changes and the secondary dwelling is a one-story structure.

GENERAL INFORMATION

THOROUGHFARE PLAN	Mann Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing right-of-way and a 119-foot proposed right-of-way.
SITE PLAN	File-dated March 7, 2023
PLAN OF OPERATION	File-dated April 20, 2023
FINDINGS OF FACT	File-dated March 7, 2023

ZONING HISTORY – SITE

EXISTING VIOLATIONS: VIO23-001443, failure to obtain an Improvement Location Permit when one is required; the conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district: outdoor recreation and/or camping grounds is not a permitted use in the D-A zoning district; only one secondary dwelling unit is permitted per single family detached dwelling; use of a commercial dumpster is not a permitted accessory use in the D-A zoning district; the height of any accessory building or minor residential structure shall be less than the height of the primary building.

PREVIOUS CASES: None

ZONING HISTORY – VICINITY

2018-ZON-082, 5500 Mills Road, rezoning of 9.363 acres from the D-7 and D-6II districts to the C-3 district, **approved**.

2014-UV2-008, 6501 Mann Road, variance to provide for a wireless communications facility, with a 145-foot-tall monopole, topped by a five-foot-tall lighting rod, with accessory equipment cabinets, **withdrawn**.

2013-ZON-016, 5500 Milles Road, rezoning of 15.52 acres from the D-7, D-11, and C-4 districts to the C-S classification, **approved**.

2000-ZON-098, 5500 Mills Road, rezoning of 97 acres from the D-A district to the D-P district, **withdrawn**.

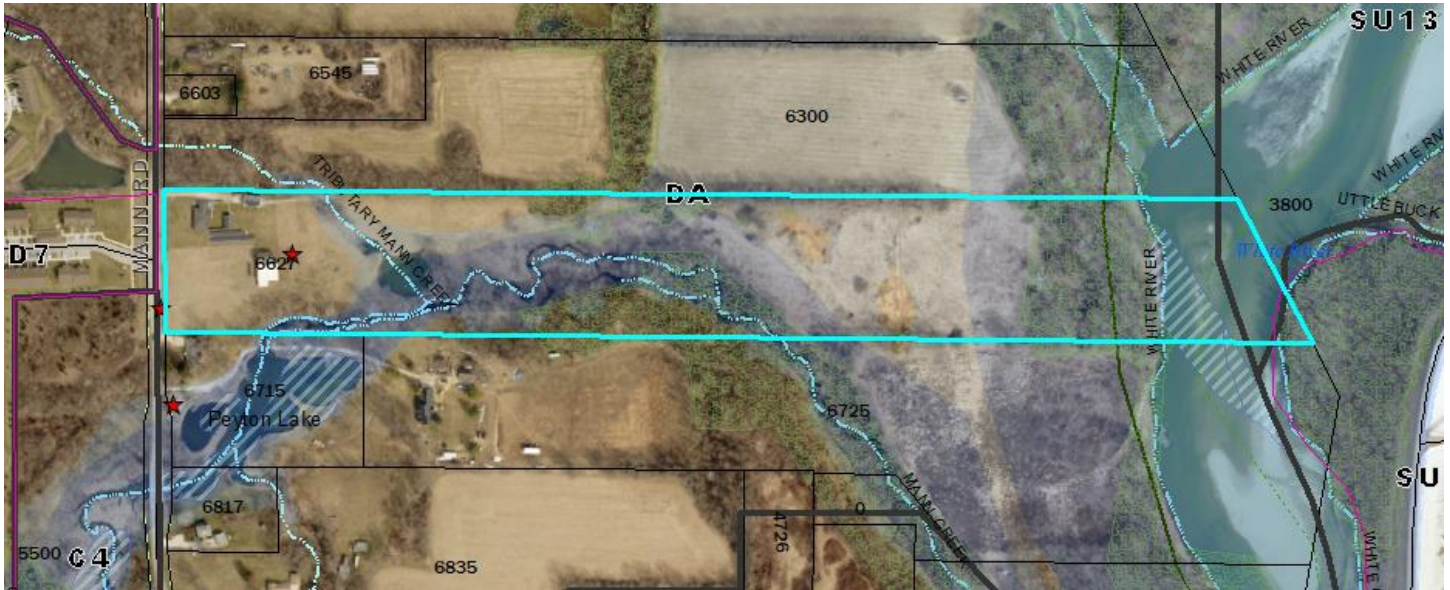
(Continued)

97-UV3- 86, 6715 Mann Road, variance to provide for a second single-family dwelling on one lot, approved.

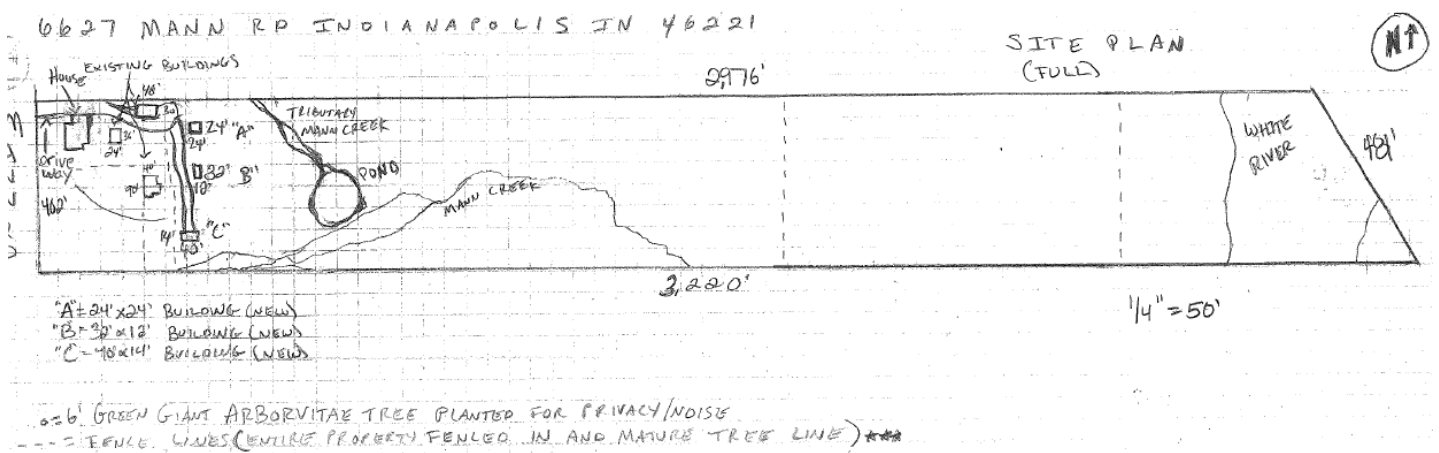
83-V3-109, 6725 Mann Road, variance to provide for the construction of a single-family dwelling and detached garage on a lot with no public street frontage, **approved**.

AR

2023-UV2-002 Aerial Map



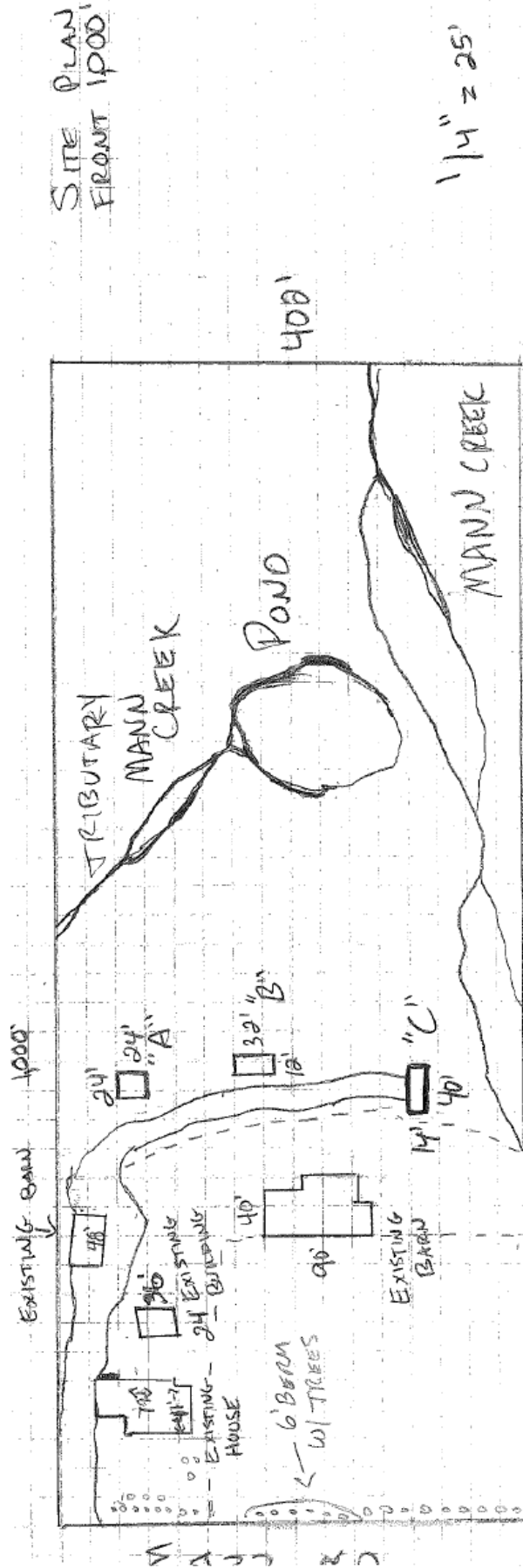
2023-UV2-002 Site Plan



2023-UV2-002 Site Plan Detail

Image Not to Scale

Item 11.



2023-UV2-002 Plan of Operation**PLAN OF OPERATION**

6627 Mann Rd. Indianapolis IN 46221

April 20, 2023**Introduction**

The long-term goal of Nature Stay Getaways is to offer temporary short-term lodging, and vacationers get-away from all the hustle and bustle of everyday life. Nature Stay Getaways specializes in personalized service. It's unique location is one of the most attractive parts of Indianapolis. We plan to be more than a great lodging and vacationer's paradise. We plan to create an environment of leisure that surpasses the standard weekend retreat for Indianapolis. All while keeping our beautiful 60-acre property a natural green space and wildlife natural habitat on the majority of the property. The front 3 acres out of the floodplain will remain agriculturally used for horse stables and animals.

Location

Nature Stay Getaways is located along the white river just north of southwest way park. A great central location between our downtown and the Indianapolis airport.

Operation

Nature Stay Getaways is an established short term vacation rental operation and has been in business for the last 4 years. After taking possession of our 35 acres and our first short term rental nearly 5 years ago, we added a Ranch house and 25 acres next door to our current establishment.

This summer we plan on adding three new cabins, and possibly 1 more in the future. No more than 5 total cabins on the property.

Check in hours are between 4 pm and 10 pm. Check out is before 10 am.

Mandatory quiet hours are after 10 pm

All campfires are only to be in designated brick fire pits. Fires must be attended to at all times, and put out when no one is present.

Stays are to be 14 days or less. No long term stays.

2 parking spots per cabin.

A dumpster will be on site for all trash. Part of cleaners duties is to keep trash picked up including along Mann Road where litter has become a major issue for our community.

Cabins will tie into septic system.

No parties allowed

Cabins are mainly for 2 people but can accommodate up to 4 adults above the age of 16 plus children.

Staff will include 3 cleaners and 1 maintenance man. Owners also live next door to oversee and be available after hours, if needed. Staff will be present typically from 7 am to 7 pm.

Our Services

Each of our luxury cabins are furnished with a king or queen bed in the bedroom. They also include a kitchen, living room and full bathroom. Each cabin has its own designated hot tub. TVs in the living room and bedroom. They will have Wi-Fi, Board games, and a fireplace.

There is an outdoor grill and seating area at each location.

Designated walking trails near the river, lake, creeks, pond, and wooded area.

Fishing in the private lake and pond. As well as the river for guests with fishing license.

(Continued)

2023-UV2-002 Plan of Operation (Continued)

Bird watching with Herron, geese, ducks, and eagles visiting commonly.

Guests can visit the flower fields and our unique garden with pavilion.

Designated picnic tables and seating areas.

We offer a guided farm animal experience with opportunities for photos and to learn about the animals.

The Market

Nature Stay Getaways target market strategy is based on becoming a destination of choice for people searching for a rustic place to relax or recharge. The target markets that we are going to pursue are people or families looking for a vacation destination, honeymooners, family reunions, local get aways and anyone else who loves nature. Our country style setting and facilities are a natural choice for couples or small families to visit with having so many outdoor things to do along the white river. Our major customer segments are tourists, locals, and anyone looking to enjoy nature from all over the United States.

2023-UV2-002; Findings of Fact

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

There will be no farm/ environmental waste created on the property preventing further pollution to the White River.

There will be environmental benefits to keeping landscape natural along the river. The conservation Reserve enhancement

Program's critical area will be honored.

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:

There are three existing similarly operated properties within one mile of the property. There will be minimal

additional traffic. There are supportive neighbors. The petitioner lives in the adjacent

property and is invested in orderly operation. The property is bordered by trees as well as fencing.

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

There is limited developable area due to floodplain consuming 90% of the property. Rezoning and platting would require

multiple Variances for development standards due to D-A having 3 acre minimum and only 3 of the 25 acre parcel

are not in floodplain. The comprehensive plan supports recreation on riverfront properties.



Existing primary dwelling, looking east



Existing front yard, looking south



Existing front yard and west of site, looking west



Distance from existing solar panels to Mann Road, looking west



Picnic area behind the primary dwelling



Solar panels on side/rear yard, looking east



Existing barn and livestock recreation area, looking east



Existing secondary dwelling remodeled from an accessory building, looking south



Existing patio behind the secondary dwelling



Accessory storage building for lawn maintenance equipment, looking west



Secondary dwelling cabin—taller than the primary dwelling, looking east



Secondary dwelling cabin, looking east



Stream and pond, looking east



Stream and pond, looking east



Secondary dwelling cabin, looking south



Location of proposed campfire area, looking east



South of site (petitioner's residence)



Existing barn and livestock, looking west



Existing barn and accessory storage building, looking north



Utility meter, looking west



Existing barn, looking south

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV3-022
Address: 830 River Road (Approximate address)
Location: Center Township, Council District # 16
Petitioner: Two Chicks & A Hammer 830 LLC, by Austin Aynes
Request Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a three-story duplex (maximum height of 2.5-stories permitted) on a 40-foot wide, 6,000-square foot lot (60-foot lot width, minimum area of 7,200 square feet required), with an open space of 48% (60% required), with a third and fourth dwelling within a detached garage (not permitted), with mechanical equipment, walking paths and patios encroaching within the side yard setbacks (five-foot setback required, walking paths must be two feet from side lot lines).

ADDENDUM FOR MAY 16, 2023, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued from March 14, 2023, hearing to May 16, 2023, hearing. Staff received revised plans on March 15, 2023. Staff finds that the revised plans are acceptable and **recommends approval** of the petition.

ADDENDUM FOR MARCH 14, 2023, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued from January 10, 2023, hearing to March 14, 2023, hearing. The petitioner has requested a continuance to the May 16, 2023, for additional time to submit staff requested revised plans.

ADDENDUM FOR JANUARY 10, 2023, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued from November 15, 2022, hearing to January 10, 2023, hearing. As of this writing, no new information has been submitted to the file.

ADDENDUM FOR NOVEMBER 15, 2022, BOARD OF ZONING APPEALS, DIVISION TWO

This petition was continued and transferred from the October 18, 2022, Division Three hearing to November 15, 2022, Division Two hearing. As of this writing, no new information has been submitted to the file.

OCTOBER 18, 2022, BOARD OF ZONING APPEALS, DIVISION THREE

A request to **continue** and **transfer** this petition was submitted by a registered neighborhood group to Board II for hearing on **November 15, 2022**. Staff would not object to this request.

(Continued)

STAFF REPORT 2022-UV3-022 (Continued)

RECOMMENDATIONS

Staff **recommends denial** of the variance request. If the request would be amended to only request a duplex and the open space variance amended to 55% staff would **recommend approval**.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5 (RC) Compact Undeveloped

SURROUNDING ZONING AND LAND USE

North - D-5 (RC)	Single-family dwelling
South - D-5 (RC)	Two-family dwelling
East - D-5 (RC)	Single-and two-family dwellings; four-unit dwelling
West - D-5 (RC)	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development.
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- ◇ This 0.138-acre parcel is unimproved. This area, named The Valley, is generally characterized as a mix of single- and two-family dwellings within the neighborhood and commercial retail and vehicle-related businesses along Oliver Avenue. This site is less than two blocks south of the former GM Stamping Plant site, which is being redeveloped into a mixed-use development, with offices, hotels, multi-family dwellings and an extension of White River State Park. This neighborhood dates at least to 1898, according to *Sanborn Fire Insurance Maps*.

ORDINANCE

- ◇ The Consolidated Zoning and Subdivision Ordinance was amended in November 2021. This amendment included new Walkable Neighborhood Dwelling Districts use and development standards. The D-5 zone is included in these standards. The Walkable Neighborhood Dwelling Districts standards implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. The Valley Neighborhood has many of these items already in place.

(Continued)

- ◇ The Walkable Neighborhood Dwelling Districts standards for D-5 would permit a multi-unit house within the main structure, without the need for a variance. A multi-unit house would be up to four units. All dwelling units would be required to be within the main structure, however, the four dwelling units that are requested with this petition could be permitted without the need for a variance.

VARIANCES / REGIONAL CENTER

- ◇ This petition would provide for new development on a 40-foot-wide lot that would consist of a duplex structure and a separate structure that would include two additional dwelling units, plus garage parking. several development standards variances are requested, including height of the main structure at three stories, open space of 48%, and mechanical equipment, walking paths and patios encroaching into the side yard setbacks.
- ◇ A duplex would be permitted on this D-5 lot if the lot would be 60 feet in width with land area of 7,200 square feet. The lot is 40 feet in width and 6,000 square feet in size. Staff would support a duplex if most of the other variances would be withdrawn from consideration. A duplex would not be out of character of this neighborhood. Staff would support an open space of 55%, as opposed to the requested 48%. The accessory structure could be reduced in size to be closer to the required 60% open space.
- ◇ Two secondary dwelling units are requested within a separate structure to west of the main structure. The Ordinance permits one secondary dwelling unit if the main structure is a single-family dwelling. The request for two secondary dwelling units on a lot with a duplex, represents a gross intensification of the Ordinance requirements. Additionally, this request would not be compatible with the neighborhood.
- ◇ The proposed encroachment of mechanical equipment, walking paths and patios into the side yard setbacks and a reduction in the open space to 48% would be a clear indication of over-development of the site. There is no practical difficulty demonstrated in these development standards request.
- ◇ The site is located within the Regional Center overlay district. Since the adoption of the Regional Center on November 17, 1970, design of renovations, new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to compliance to the Regional Center Secondary District regulations, along with zoning district development standards. A Regional Center Approval has been filed for this development via 2022-REG-008.

SITE PLAN / ELEVATIONS

- ◇ The proposed site plan indicates that the main structure would have individual entries to each of the two units, with backyard areas for each of these units. The accessory structure would include two dwelling units that may or may not have visibility to the street or alley. If this petition would be approved, the secondary dwelling unit entries must be visible to the street or alley, for safety purposes.

(Continued)

- ◇ Patios, walking paths and mechanical equipment would encroach into the required side yard setbacks. In the rear, a concrete drive would access the vehicle entries into the garage, from the alley.
- ◇ The elevations for the main structure indicate that a portion of this structure would be three stories in height. The Ordinance requires a maximum of 2.5-stories. The dwellings that abut this site are single-story. A three-story structure would be out of character for this neighborhood and would impact the adjacent dwellings in a negative manner. Additionally, there is no practical difficulty demonstrated as the structure could be re-designed with minimal effort to meet the maximum 2.5-story height.

SITE PLAN	File-dated July 8, 2022
Amended	File-dated August 15, 2022
Second Amended	File-dated March 15, 2023

FINDINGS OF FACT	File-dated July 8, 2022
Amended	File-dated September 19, 2022.

ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

2022-HOV-001; 835 Birch Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with three-foot side yard setbacks and a fifteen-foot rear yard setback, **granted**.

2021-DV1-078; 673 River Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a five-foot rear setback and a five-foot side yard setback, **granted**.

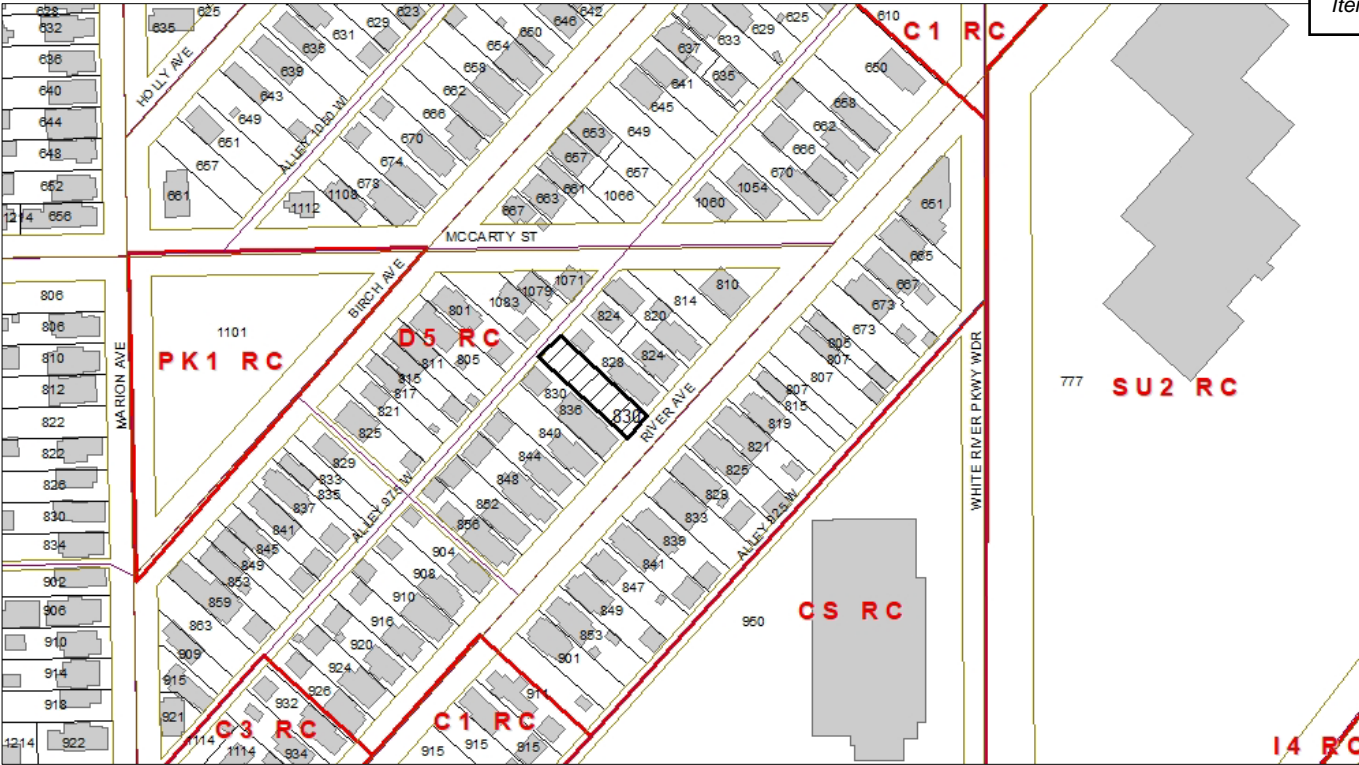
2021-DV2-056; 649 Birch Avenue, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 6,750-square foot lot, 45-foot-wide lot with 49% open space, **granted**.

2021-REG-051; 649 Birch Avenue, requested Regional Center Approval to provide for a two-family dwelling, **approved**.

2018-DV2-001; 833 Birch Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a one-foot side yard setback and 43.5% open space, **granted**.

95-UV1-135; 1173 Oliver Avenue, requested a variance of use of the Commercial Zoning Ordinance to provide for automobile sales, **granted**.

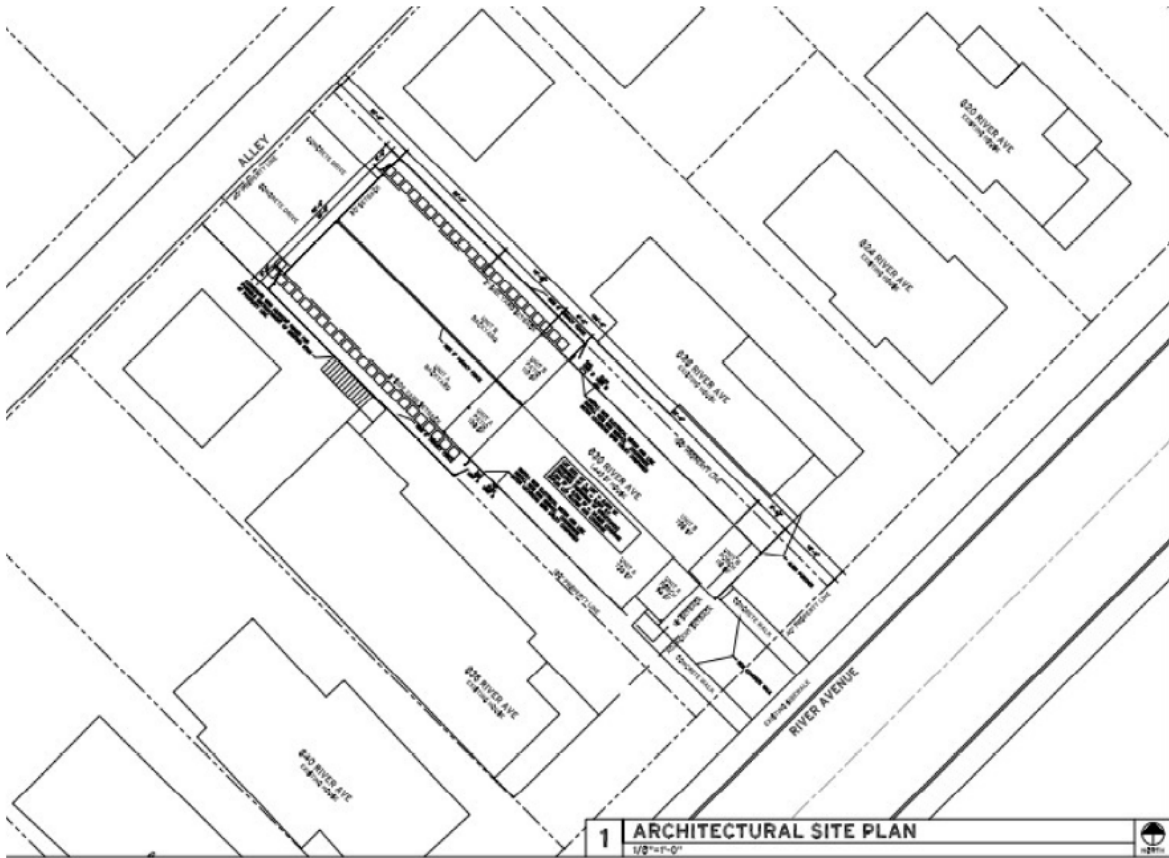
JY



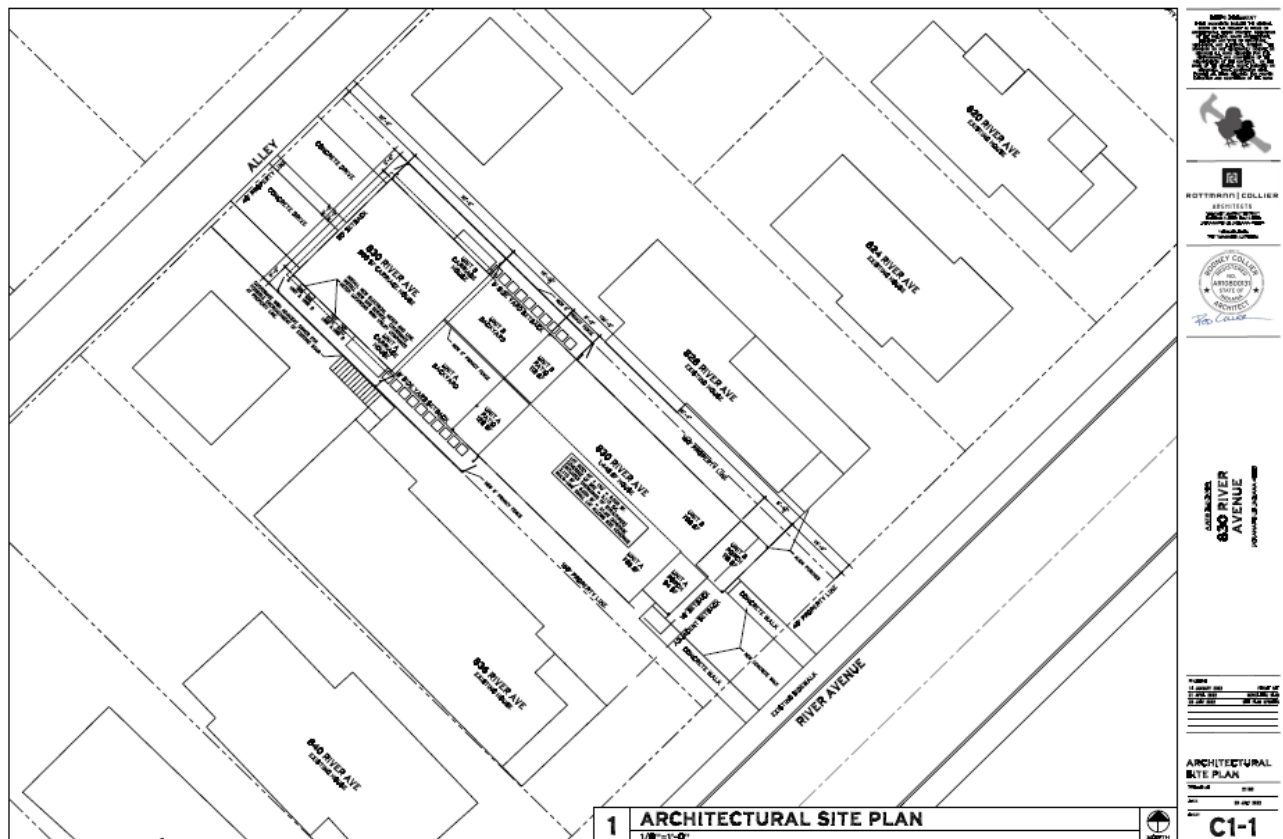
Map of site and surrounding parcels



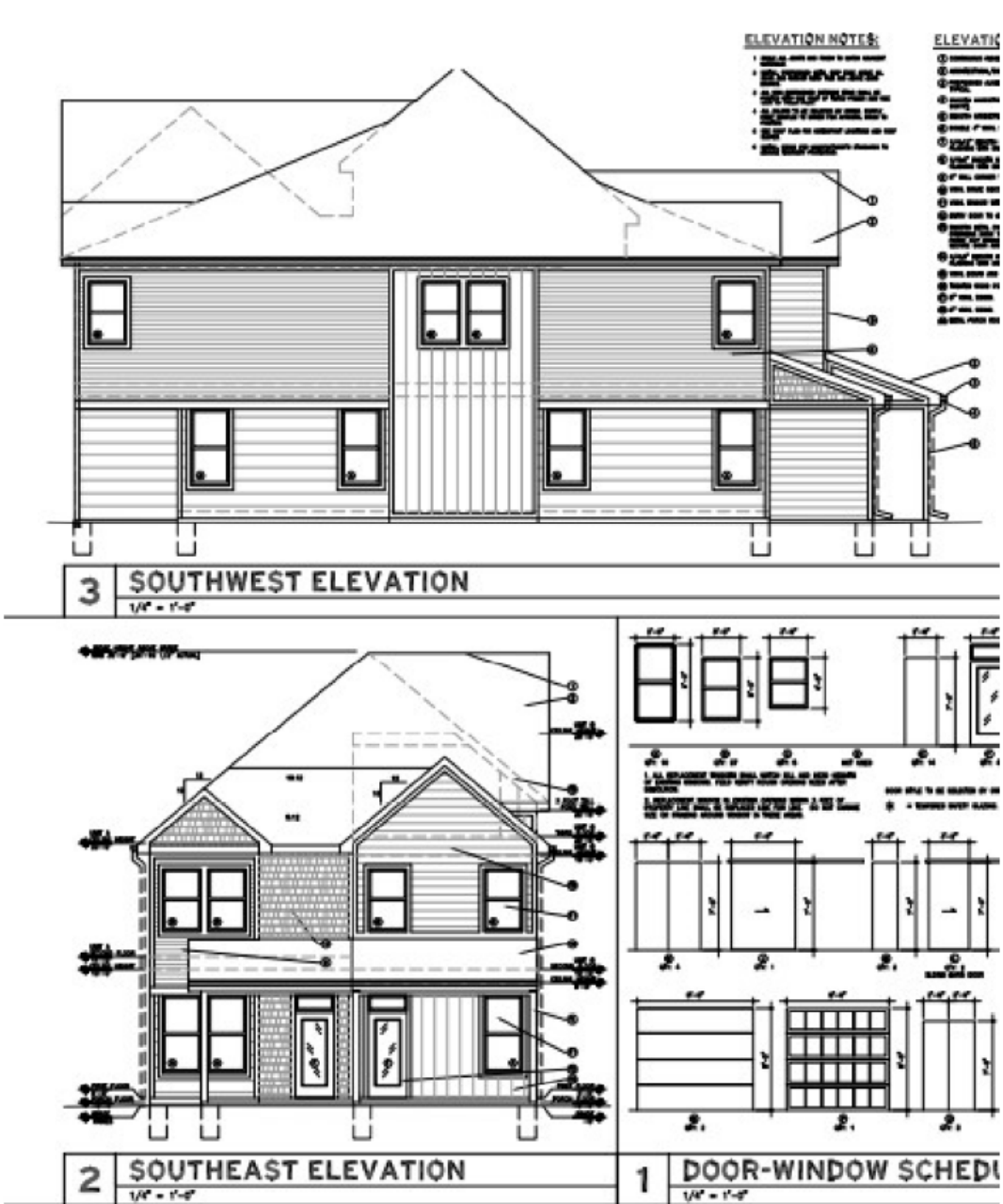
Aerial of site and surrounding neighborhood



Site plan - amended



Site plan - original



Proposed elevations - amended



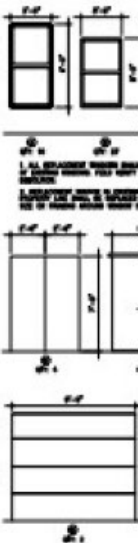
3 NORTHEAST ELEVATION

1/4" = 1'-0"



2 NORTHWEST ELEVATION

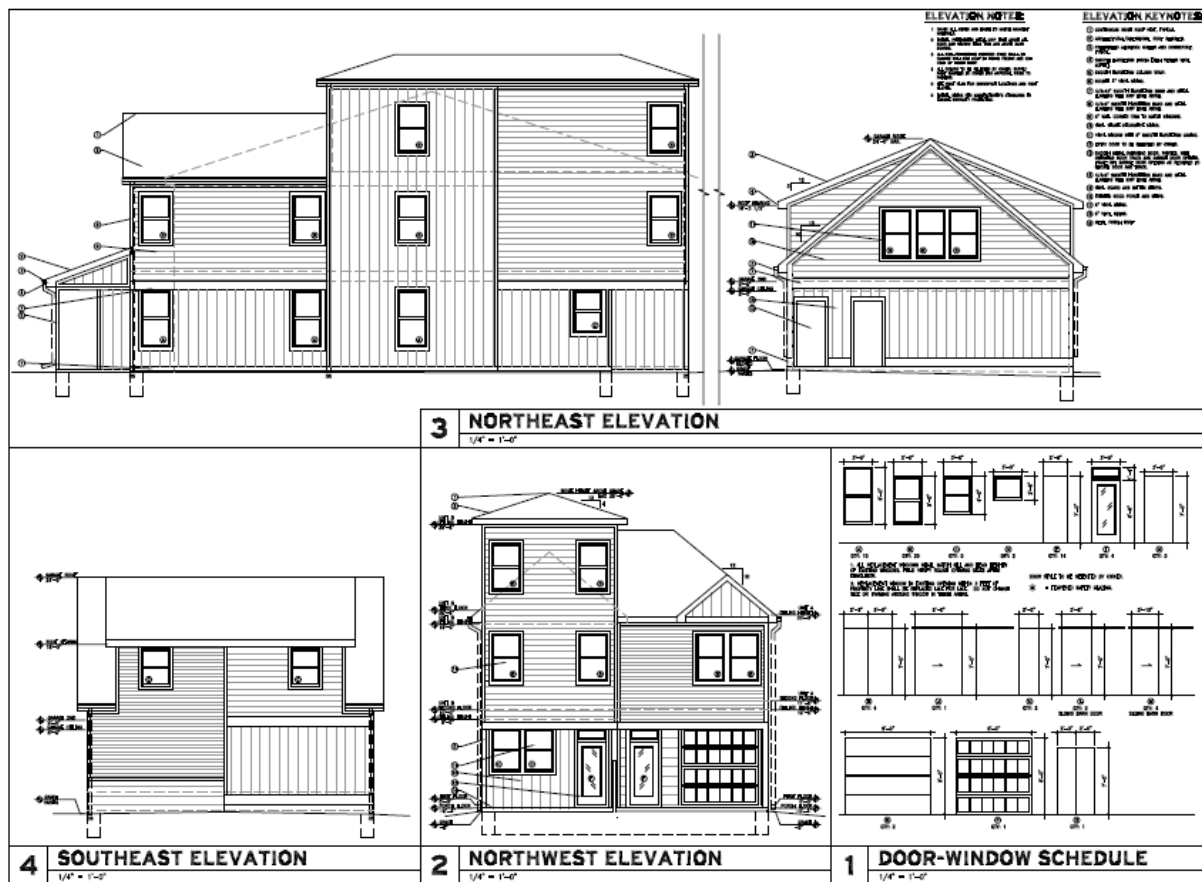
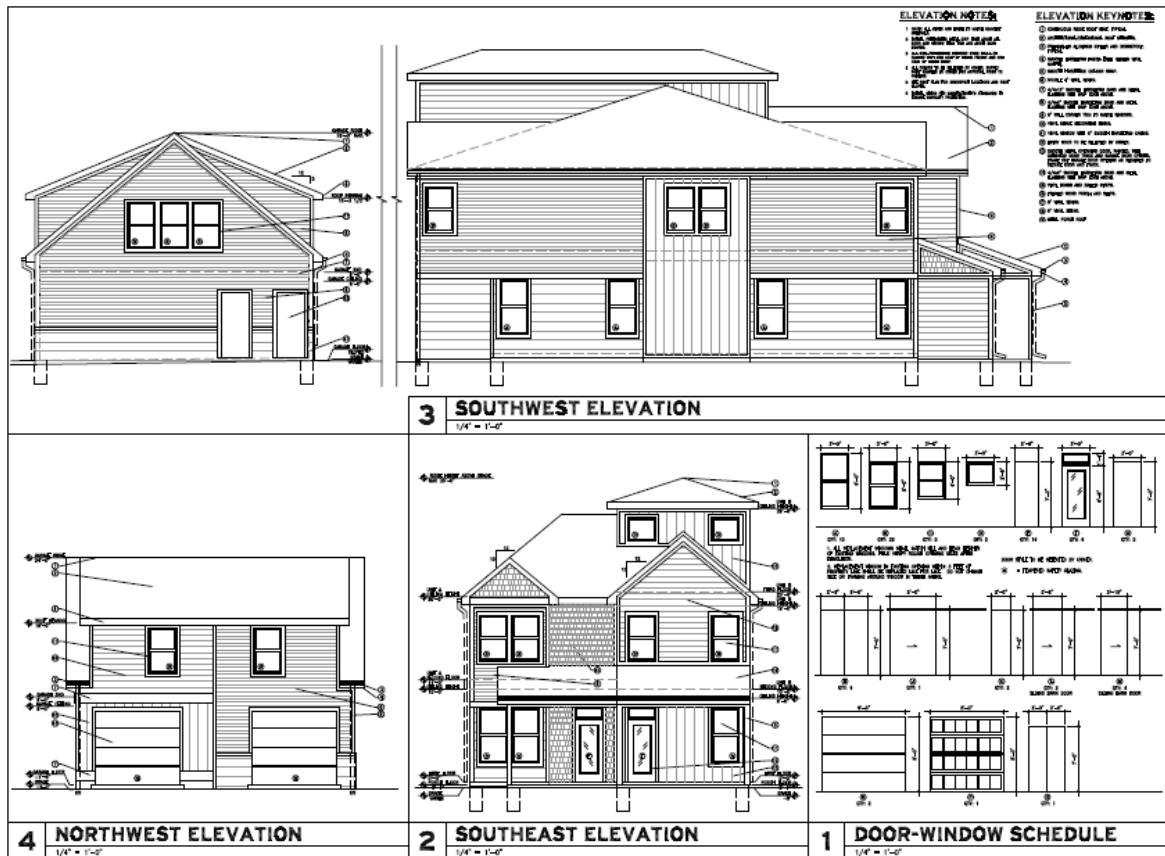
1/4" = 1'-0"



1 DOOR

1/4" = 1'-0"

Proposed elevations - amended



Proposed elevations - original



Subject site with neighboring structures – 2022-UV3-022



Subject site with neighboring structures



Views of neighboring structures - 2022-UV3-022



Views of neighboring structures



Views of duplex across the street - 2022-UV3-022



Views of duplex across the street
2022-UV3-022

BOARD OF ZONING APPEALS DIVISION II

May 16, 2023

Case Number: 2023-DV2-003

Property Address: 231 Wellington Road (approximate address)
Town of Meridian Hill

Location: Washington Township, Council District #2

Petitioner: John & Erin Young, by Brian J. Tuohy

Current Zoning: D-2

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required).

Current Land Use: Residential (Single-family dwelling)

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 16, 2023

This petition was continued for cause from the April 11, 2023 to the May 16, 2023 hearing at the request of the petitioner.

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

April 11, 2023

This petition was scheduled to be heard March 14, 2023, by the Board of Zoning Appeals Division II.

The petition was automatically continued from the March 14, 2023 hearing to the April 11, 2023 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff is recommending approval of the request.

PETITION OVERVIEW

The 0.40-acre subject site is located within the Town of Meridian Hills and is developed with a single-family dwelling and detached garage. The site is surrounded by similarly developed single-family residential dwellings with associated accessory structures.

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

The grant of the request would permit deficient side and rear yard setbacks for a new detached garage.

Properties within the Town of Meridian Hills are subject to Table 744-203-1 for setback standards. The site specially falls within the Class R-2 district, which requires a minimum side yard width of 12 feet and a minimum rear yard width that measures 15% of the depth of the lot, but no more than 30 feet.

As proposed, the east side setback would measure eight feet wide, and the rear yard setback would measure 25.08 feet.

The petitioner should provide a decision letter from the Town Council of the Town of Meridian Hills to determine their position on this request, but staff is recommending approval of the request since the proposed setbacks would have otherwise met the D-2 standards of the Ordinance if the standards of the Town of Meridian Hills did not apply.

Additionally, it is staff's understanding that the property owner wishes to preserve the root system of the existing trees on site so allowing for the eight-foot east side yard setback would allow for the location of the garage to be furthest away from the root system while still providing sufficient room to allow property maintenance.

In staff's opinion, the proposed setbacks would be minor deviations from the requirements of the Town of Meridian Hills and would not affect the use or value of the area adjacent to the property because the side setback would remain the same as the existing garage and would still provide a generous rear yard setback considering the typical rear yard setback for accessory structures is five feet throughout the remainder of the City.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential (Single-family dwelling)	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Single-family dwelling
South:	D-2	South: Single-family dwelling
East:	D-2	East: Single-family dwelling
West:	D-2	West: Single-family dwelling
Thoroughfare Plan		
Enter Street(s)	Wellington Road	Local Street
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	February 2, 2023	
Site Plan (Amended)	N/A	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	February 2, 2023
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

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

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

- Accessory buildings should be located behind the existing building unless there is a precedent otherwise.



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

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

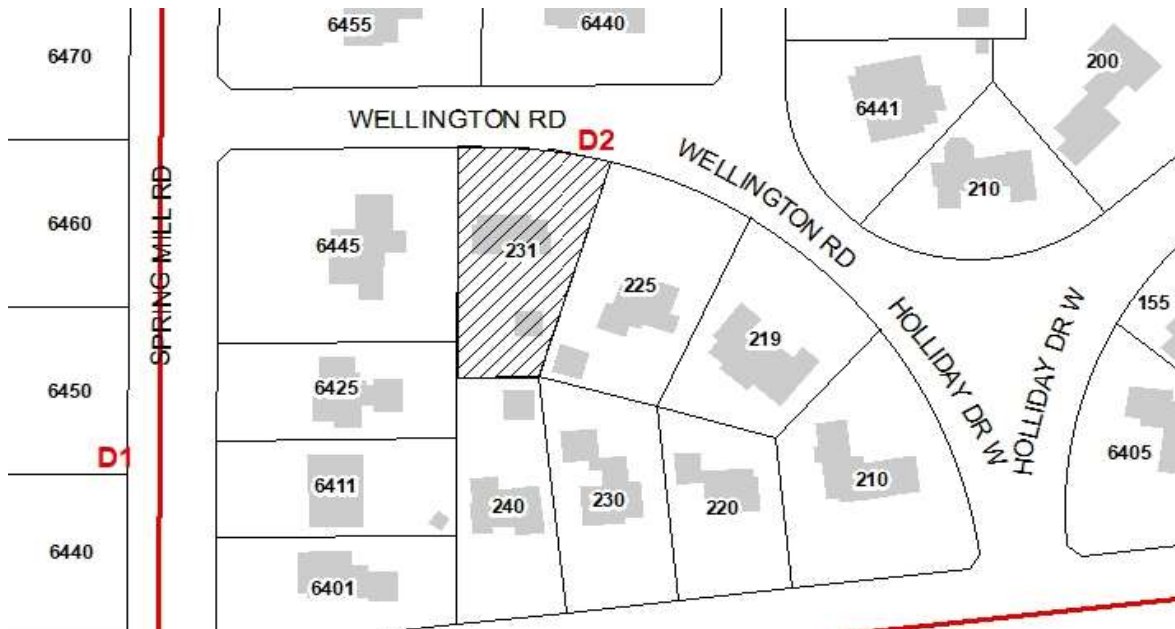
2010-HOV-001; 100 West 64th Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10.917-foot side setback (12-foot side setback required), **granted.**

2006-DV3-009; 6470 North Illinois Street (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 89.7-foot front setback from the center line (minimum 105.5-foot front setback from the center line required based on established front setback average for that side of the block), **granted.**

2012-HOV-044; 95 Wellington Road (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a rear yard setback of 17.45 feet (21-foot rear setback required in the R-1 district), **granted.**

EXHIBITS

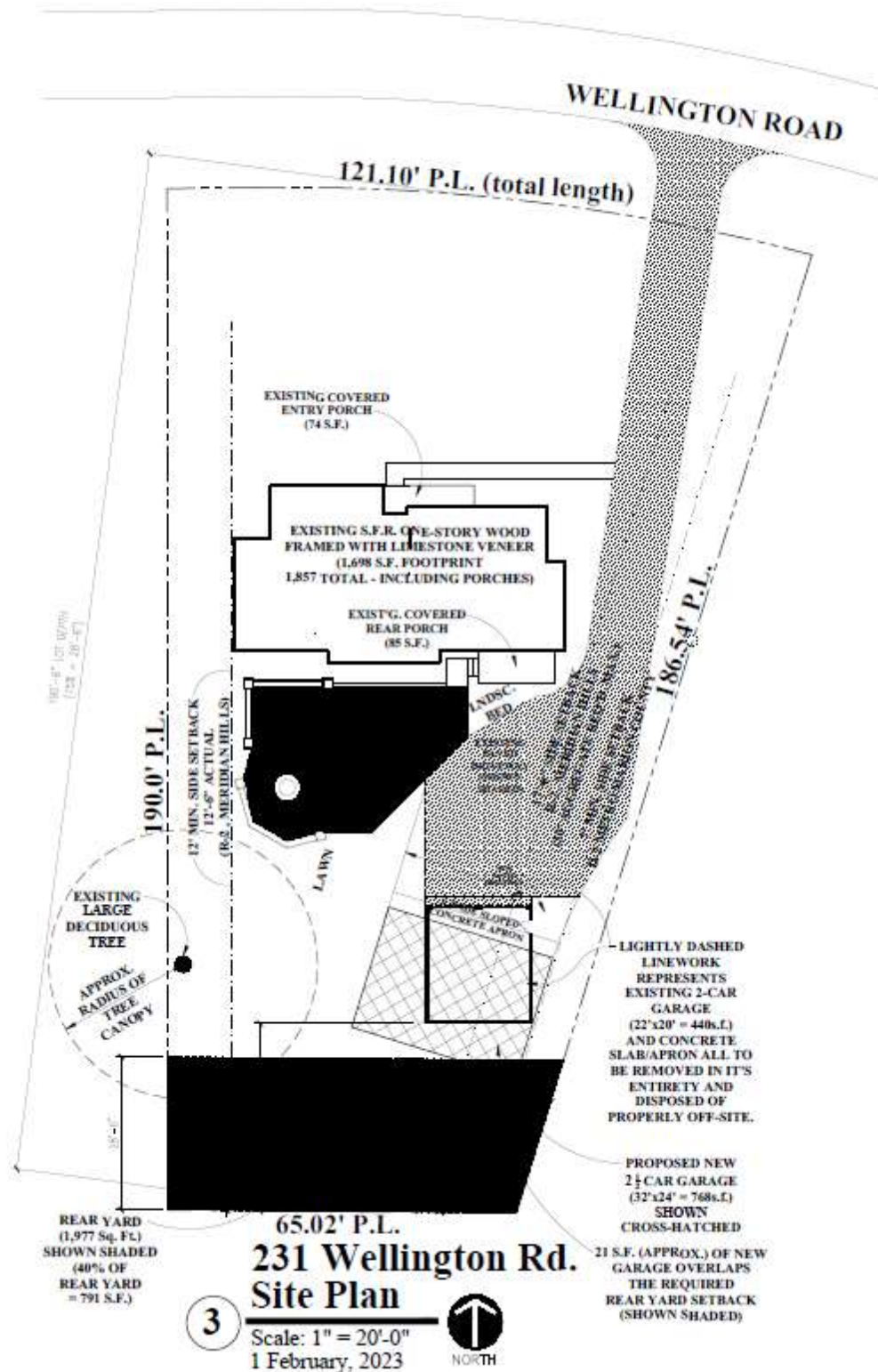
2023-DV2-003; Location Map



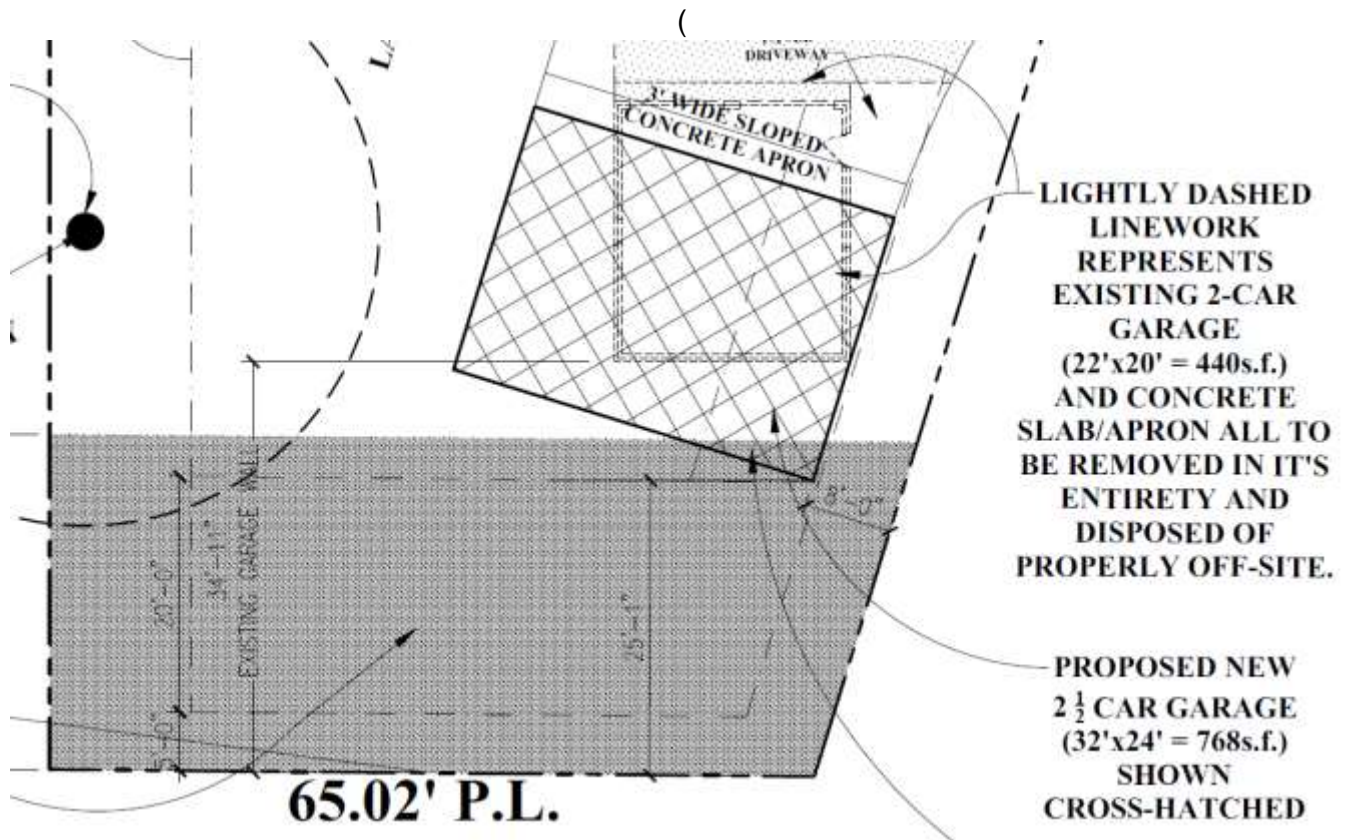
2023-DV2-003; Aerial Map



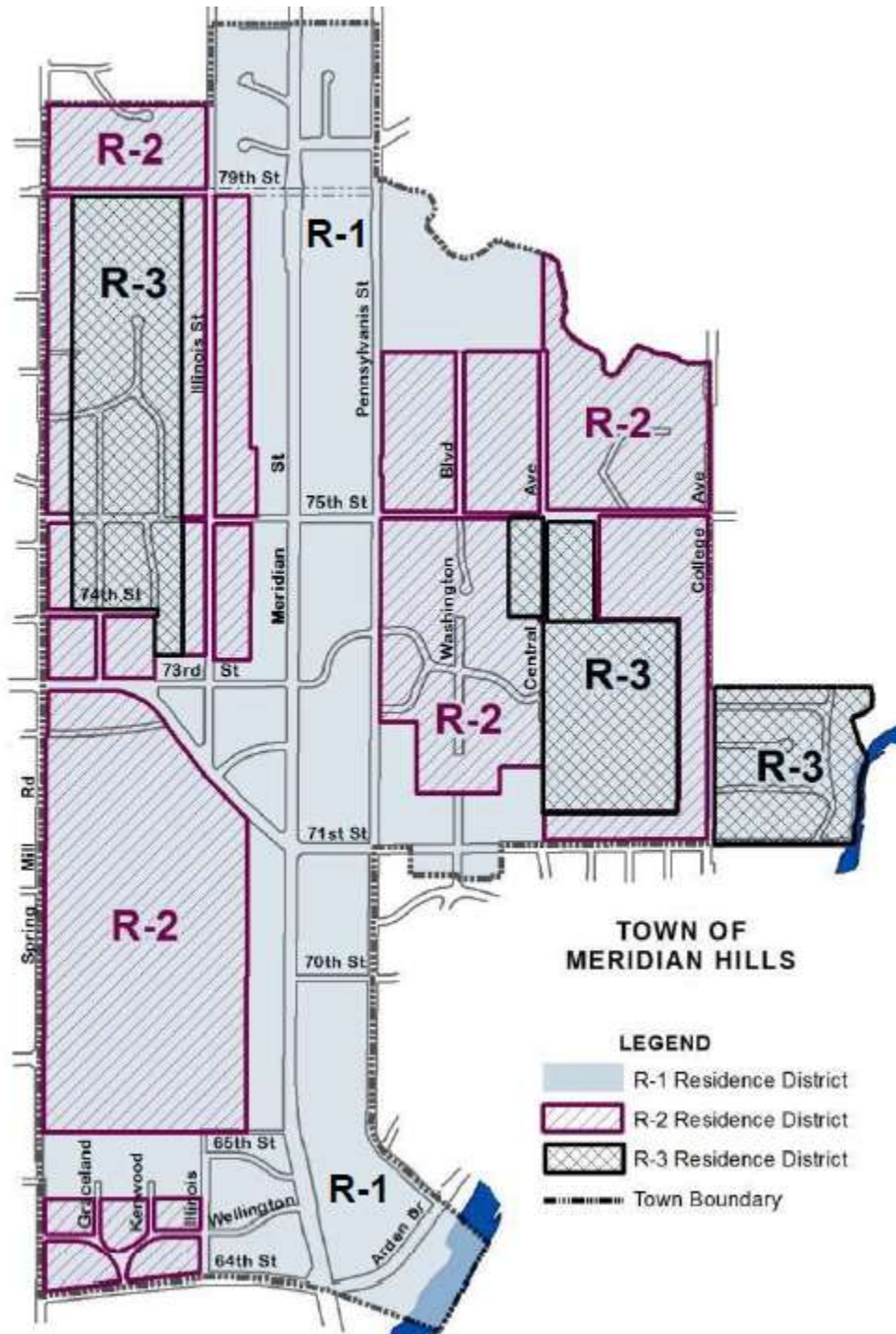
2023-DV2-003: Site Plan



2023-DV2-003: Site Plan - Close Up



2023-DV2-003: Meridian Hills Zoning Map



2023-DV2-003; Photographs



Photo of the Subject Property: 231 Wellington Road



Photo of the existing two-car garage to be demolished.



Photo of the existing tree with underground root system to be protected west of the garage.



Photo of the rear yard.

Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the existing eight-foot east side setback and neighboring detached garage to the east.



Photo of the detached garage at the southern property with a significantly reduced rear yard.