



Board of Zoning Appeals Board of Zoning Appeals Division I (April 2, 2024) Meeting Agenda

Meeting Details

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

Date: Tuesday, April 02, 2024

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2024-DV1-008 | 545 South East Street**
Center Township, CD # 18, Zoned CBD-2 (RC) (TOD)
AOI Properties LLC, by Paul Reynolds

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.59-foot-tall fence within the front yard of East Street (maximum 3.5-foot tall fence permitted).

**** Automatic Continuance filed by a Registered Neighborhood Organization, to the May 14, 2025 hearing of Division I**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. Special Requests**
- 3. 2024-UV1-002 | 1125 Worcester Avenue**
Center Township, CD #19, Zoned I-2
Juan Perez Gonzalez, by Arnoldo Gonzales Vasquez

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling and for the construction of a residential building addition (not permitted) resulting in a zero-foot south side yard setback (10-foot side setback required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

- 4. 2024-DV3-001 | 6027 Castlebar Circle**
Lawrence Township, CD #3, Zoned D-2
Audrey Dressel, by Russell Brown

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yard of Circlewood Road (maximum 3.5-foot tall fence permitted)

and an 88-foot wide parking area within the front yard of Castlebar Circle (maximum 30-foot wide parking area permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 5. 2024-DV1-005 | 1639 Lafayette Road**
Wayne Township, CD # 12, Zoned I-3 (FW)
Gardner Glass Products, by Nick Lee

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of gravel parking and storage areas, within 23 feet of a protected district and partially encroaching into right-of-way (hard surfaced parking area, 40-foot transitional yards required, encroachment into right-of-way disallowed).

**** Petitioner to withdraw**

- 6. 2024-DV1-006 (Amended) | 5565 Bertha Street**
Wayne Township, CD #17, Zoned D-4
Juan Carlos Lopez Cortes and Silvia Canchola Medina

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached garage within an electrical utility easement (not permitted), with a 4.5-foot rear yard setback and a two-foot east side yard setback (five-foot side and rear yard setbacks required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 7. 2024-DV1-009 | 7436 West Henry Street**
Wayne Township, CD #17, Zoned D-5
Charles & Claire Powell, by Ryan Freeman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,728 square foot pole barn, being larger than the primary building (not permitted).

- 8. 2024-DV1-010 | 5435 East Thompson Road**
Franklin Township, CD #24, Zoned C-4
GOC REALCO LLC, by Sean Ireland

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a fourth primary freestanding sign along Thompson Road (maximum two permitted) with a front setback of 1 foot (5 feet required) and a separation of 40 and 245 feet from other primary freestanding signs (300-foot separation required).

- 9. 2024-DV1-011 | 105 East Morris Street**
Center Township, CD #18, Zoned D-5
Southeast Neighborhood Development Inc., by Kelli Mirgeaux

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit multi-unit house on a 4,196 square-foot lot (5,000 required) with a five-foot corner side yard setback (eight-feet required) an eight-foot front yard setback from Talbott Street (minimum 10 feet required), a three-foot rear yard setback (10 feet required), an open space of 39 percent (40 percent required), zero parking spaces (four required) and encroaching within the clear sight triangle of the intersection of Morris and Talbott Streets (not permitted).

Additional Business:

- 10. Adoption of Meeting Minutes**

**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 **April 2, 2024**

Case Number: 2024-DV1-008
Property Address: 545 South East Street (approximate address)
Location: Center Township, Council District #18
Petitioner: AOI Properties LLC, by Paul Reynolds
Current Zoning: CBD-2 (RC) (TOD)
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.59-foot-tall fence within the front yard of East Street (maximum 3.5-foot-tall fence permitted).
Current Land Use: Commercial / residential
Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

An **automatic continuance** was filed by a registered neighborhood organization, continuing this petition from the April 2, 2024, hearing, to the **May 14, 2024**, hearing. This request would require acknowledgement by the Board. A staff report will be available prior to that hearing.



BOARD OF ZONING APPEALS DIVISION III

April 2, 2024

Case Number: 2024-UV1-002
Address: 1125 Worcester Avenue (approximate address)
Location: Center Township, Council District #19
Zoning: I-2
Petitioner: Juan Perez Gonzalez, by Arnolito Gonzales Vasquez
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling and for the construction of a residential building addition (not permitted) resulting in a zero-foot south side yard setback (10-foot side setback required).

Current Land Use: Single-family dwelling

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 request would legally establish a single-family dwelling and provide for the construction of a residential building addition resulting in a zero-foot south side yard setback, in the I-2 district.
- ◇ This request would legally establish a single-family dwelling in the I-2 Industrial District. The records of the Assessor’s Office indicate that the single-family dwelling was constructed in 1954 and appears to have been continuously used as a single-family dwelling since.
- ◇ The subject site is surrounded by residential developed properties and is D-3 and D-4 Districts. In Staff’s opinion, the request would be consistent with surrounding residential properties.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks and building separation, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.



- ◇ However, because the proposed south side setback would roughly match the setbacks of the existing dwelling, and the adjacent dwelling to the south would have a 10-foot separation, Staff believes that the reduced south side setback would have no impact on the streetscape or the surrounding property owners.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: I-2	North: Single-Family dwelling
	South: I-2	South: Single-Family dwelling
	East: I-2	East: Single-Family dwellings
	West: I-2	West: Single-Family dwelling

Thoroughfare Plan		
South Worcester Avenue	Local Street	50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	February 14, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 14, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends suburban neighborhood uses for the site.



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends 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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

87-UV3-55; 4718 Orange Street (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for an addition to a single-family dwelling, **granted**.

89-UV3-45; 1105 Worcester Avenue (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for an addition to a single-family dwelling with a reduced side setback, **granted**.

93-UV3-1; 4726 Orange Street (west of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an addition to a single-family dwelling, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

96-HOV-114; 4718 East Morris Street (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the renovation of an existing single-family dwelling, **granted**.

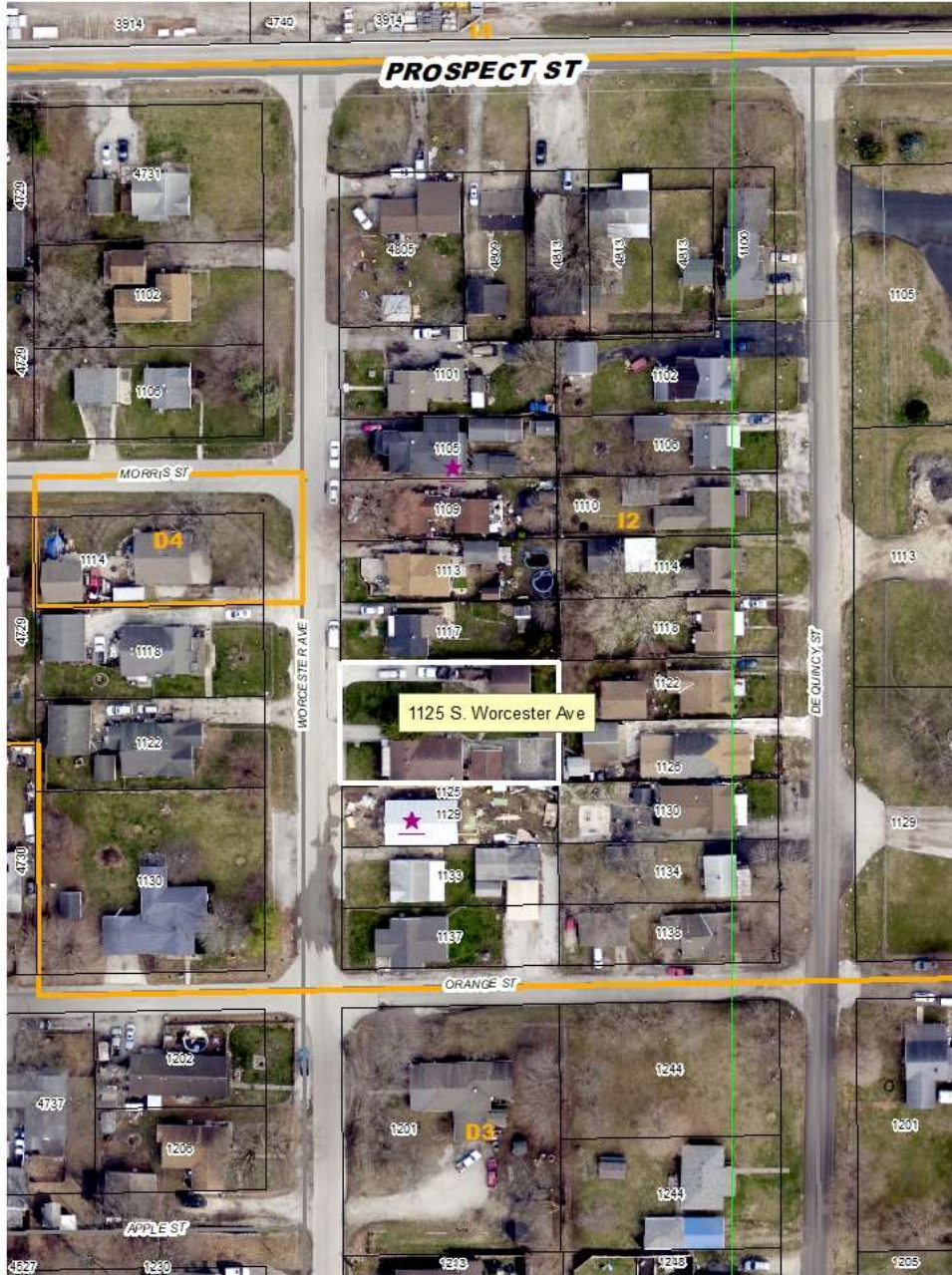
97-Z-48; 4702-4730 East Orange Street (west of site), requested rezoning of 2.73 acres from the I-2-U District to the D-3 classification to conform zoning to the existing seven single-family dwellings, **approved**.

2018-ZON-125; 114 South Worcester Avenue (north of site), requested the rezoning of 0.21 acre from the I-2 district to the D-4 classification, **approved**.

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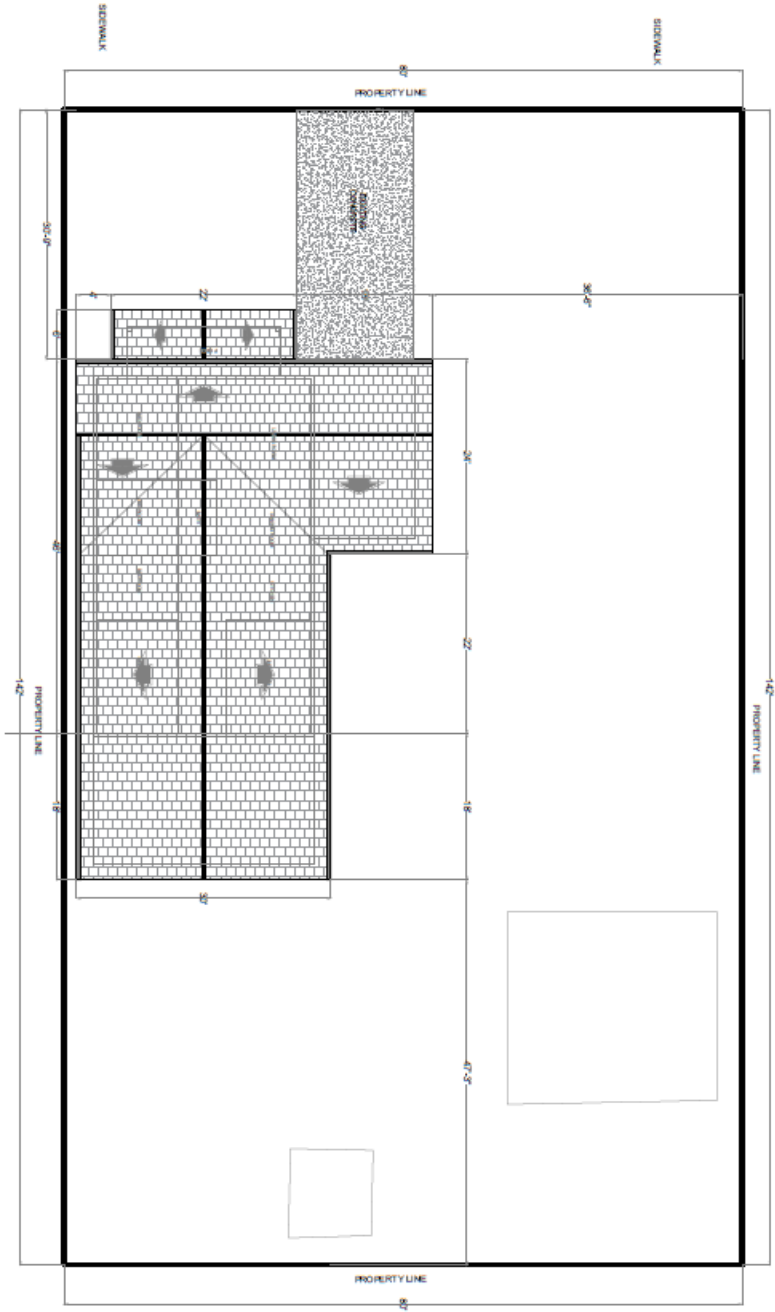
EXHIBITS

Location Map



Site Plan

WORCESTER AVE





Findings of Fact

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

Compliance with Zoning Regulations: The proposed addition construction complies with all local zoning regulations, including setback requirements and property line restrictions, ensuring that it does not encroach on neighboring properties or create safety hazards.

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

Structural Integrity: The garage will be designed and constructed in accordance with local building codes and engineering standards. All environmental considerations, such as storm-water management and erosion control will be addressed to prevent any adverse effects on the environment or local waterways.

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

Additional bedrooms to convert into a home office or workspace, allowing for a quiet and dedicated area for professional activities. Adding bedrooms can increase the overall square footage of the property, potentially increasing its market value. Additional bedrooms are often appealing to home-buyers.

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 petitioner or his family could not exercise their livelihood normally. Strict enforcement of the Zoning Ordinance would prevent the petitioner from safely and comfortably approaching his property

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

Adding two bedrooms supports homeownership by increasing property value and convenience. The proposed addition complies with existing zoning regulations, such as setbacks, height limits, and lot coverage. It may align with the community's land use goals as outlined in the comprehensive plan.

DECISION

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

Adopted this _____ day of _____, 20 _____

Photographs



Photo of the Subject Property existign single-family dwelling, looking east



Photo of the existing single-family dwelling zzero-foot south side setback, looking east.



Photo of proposed addition with matching zero-foot south side setback, looking west.



Photo of adjacent single-family dwelling to the south, with 10-foot side setback, looking east.



Photo of adjacent single-family dwelling to the north, looking east.



Photo of adjacent single-family dwelling to the west.



BOARD OF ZONING APPEALS DIVISION III **April 02, 2024**

Case Number: 2024DV3001

Property Address: 6027 Castlebar Circle (approximate address)

Location: Lawrence Township, Council District #3

Petitioner: Audrey Dressel, by Russell Brown

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yard of Circlewood Road (maximum 3.5-foot tall fence permitted) and an 88-foot wide parking area within the front yard of Castlebar Circle (maximum 30-foot wide parking area permitted).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued and transferred by the petitioner from the March 19, 2024 hearing of Division III to the Division I hearing on April 2, 2024 due to the likelihood of a three-person quorum resulting in an indecisive vote.

Due to a lack of quorum at the February 20, 2024 hearing, this petition was continued by the petitioner to the March 19, 2024 hearing of Division III.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

- This site currently contains a residential property on a corner lot along with an existing 6-foot fence within the front yard to the west fronting Cricklewood Drive. The front-yard fence had a compliant height of 3.5 feet before being recently replaced. There are also two curb cuts along the north side of the property that share a driveway access to Castlebar Circle and create a driveway with a width of approximately 88 feet. This existing 'half-moon' driveway layout has existed for decades but was recently repaved from blacktop to concrete around the same time of installation of the 6-foot-tall fence.



Department of Metropolitan Development
Division of Planning
Current Planning

- The enforcement action VIO23-008065 was opened for this property in November 2023 which cited the fence height exceeding 42 inches in the front yard and the parking area in a front yard exceeding 30 feet in width. The grant of this petition would legalize both of those recent site improvements.
- Parking area is defined within the Indianapolis Zoning Ordinance as being “an area of paving other than an open exhibition or display area, not inclusive of interior access drives, and driveways intended for the temporary storage of automotive vehicles includes parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space”. Both staff and the inspector who wrote the violation feel that the existing half-moon driveway would be included under this definition.
- The site is currently zoned D-2 to allow for low-density suburban development with ample yards, trees, and passive open spaces. It is also within the Suburban Neighborhood living typology of the Comprehensive Plan Pattern Book which is predominantly made up of single-family housing along curvilinear streets and supported by a variety of neighborhood-servicing amenities.
- The Infill Housing Guidelines indicate that within the front yards of residential areas, fences should be ornamental in nature and that privacy fences should not be installed. Additionally, the guidelines indicate that see-through fencing is more appropriate for these areas than fences that lack opacity or visibility.
- The Indianapolis Zoning Ordinance prescribes height limitations for fences to maintain visibility, orderly development and the appearance of open space while also allowing for reasonable privacy. This variance would seek to retroactively legalize a 6-foot fence in an area that previously had a fence 3.5 feet tall and is slightly uphill from the grade of the street which gives the appearance of the fence being even taller.
- The recently installed 6-foot fence is almost double the required ordinance standard of 3.5 feet. Additionally, adjacent properties on both standard and corner lots don't have fences of any kind in the front yard; the Devonshire V Civic Association described the fence as being “totally out of place” within the neighborhood context. Since this fence runs counter to ordinance rules and Infill Housing Guidelines, doesn't relate to any practical difficulty at the site, and is out of character with existing development patterns in the area, staff would recommend denial of the fence variance.
- The zoning ordinance also places limitations on parking between the fronts of buildings and street rights-of-way to allow for attractive front yards and avoid the appearance of vast impervious spaces filled with cars between roadways and residential or commercial properties. This variance would seek to legalize the ‘half-moon’ parking layout within the northern yard that has existed previously but was recently repaved. The ordinance has historically disallowed additional paving within front yards beyond what was sufficient for reasonable parking access. Staff does not wish to create a precedent of legalizing overly wide driveways within residential areas and feels that residential front yards should be predominantly reserved for landscaping. Staff would recommend denial of the variance for the 88-foot-wide parking area.



GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Suburban Neighborhood
	South:	South: Suburban Neighborhood
	East:	East: Suburban Neighborhood
	West:	West: Suburban Neighborhood
Thoroughfare Plan		
Castlebar Circle	Local Street	Existing ROW: 50' Prop ROW: 50'
Cricklewood Road	Local Street	Existing ROW: 50' Prop ROW: 50'
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/20/2023	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/20/2023	
Findings of Fact (Amended)	01/24/2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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



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 IHG indicate that fencing around dwellings should be carefully placed, and that see-through fencing is the safest. In the front, fences should be ornamental in style and privacy fences should not be installed.

Indy Moves

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

- Not Applicable to the Site



ZONING HISTORY

ZONING HISTORY – SITE

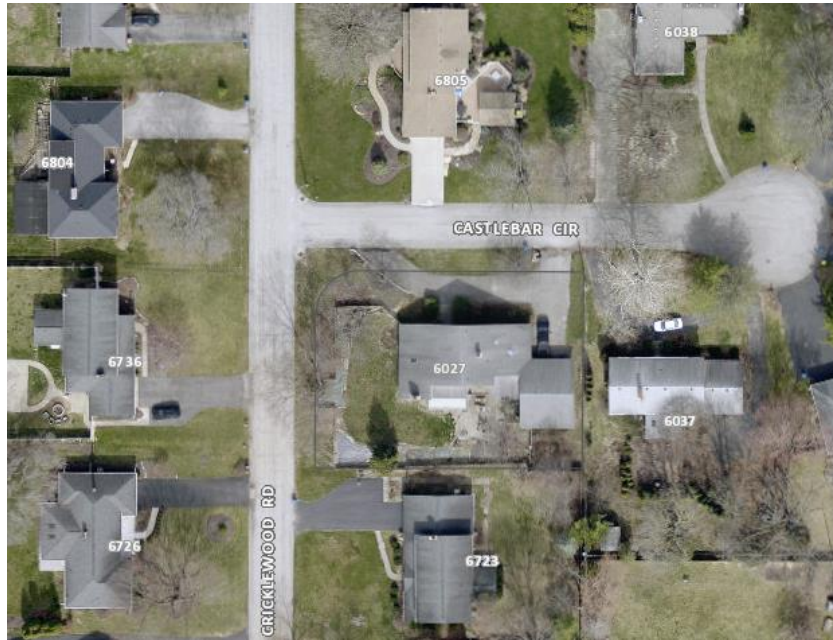
N/A

ZONING HISTORY – VICINITY

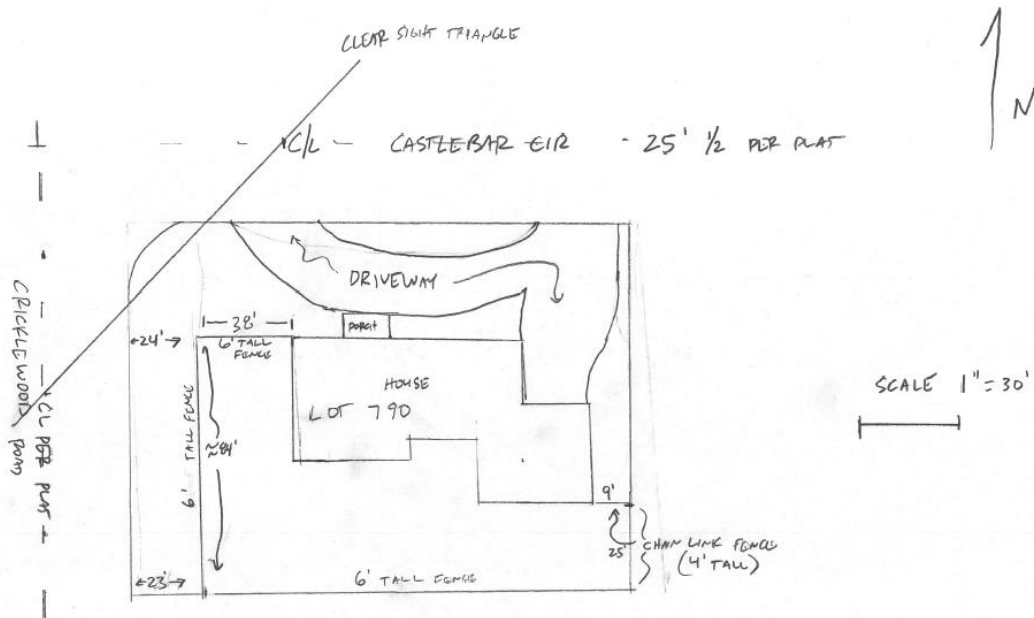
N/A

EXHIBITS

2024DV3001 ; Aerial Map



2024DV3001 ; Site Plan





2024DV3001 ; Findings of Fact (Fence)

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

The requested variance does not impact the public at large. The location of the fences are outside of any clear site triangle and are adequately setback from the edge of pavement to allow for drainage and safe passage by pedestrians. The fence height and construction type is desired by the petitioner to provide privacy in areas of the home which would normally be visible only as a side or rear yard, but are a front yard in this location by virtue of having two street frontages.

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 fence is of a high-quality design and construction. The fence location is similar to the historical location of previous fences present on the property (which were lower in height), but have been modified to allow for a large mature tree to be outside the fence. The fence provides privacy for the petitioner and shields back yard activities (like gardening, use by domestic animals) from view from the Cricklewood Road right of way, without blocking the clear site triangle.

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

The property's location on a corner lot with the largest portion of what would otherwise be a sideyard, located near Cricklewood Road, provides a large area which, if located NOT on a corner lot, would be able to be fenced as proposed. The area located near Cricklewood Road has been treated by Petitioner (and her parents who lived in the house before her) as their side yard and the home has features largely present in a side yard (windows into living area) in this area. The proposed variance would allow this high quality fence to be retained in its current location, providing privacy for the petitioner, without negatively impacting other property owners.

2024DV3001 ; Findings of Fact (Parking)

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

The requested variance does not impact the public at large. The driveway has traditionally be installed as half-moon circular drive, which was redone as part of renovations on the property. The location of the entry and exit from the half-moon drive do not negatively impact traffic flow on the small cul de sac upon which it fronts and does not impact the clear site triangle.

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

The property has approximately 150' feet of frontage on the cul de sac right of way and the layout of the driveway has been in place for a number of years. The layout allows for landscaping to be maintained and for easy in and out from the driveway, thus having no impact on adjacent property owners.

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

The property has been improved with the half-moon circular drive for a number of years. The half moon drive allows for ease of access to the front door and also allows for use of the attached garage. The existing conditions do not occupy more than 50% of the frontage of the property with direct access to the right of way, which appears to be in line with the requirements of the ordinance, but the two accesses required for a half-moon cannot be obtained within the restrictions of the ordinance.

2024DV3001 ; Pictures



Photo 1: Fence from Front Yard (West)



Photo 2: Previous Fence in Front Yard (taken September 2016)

2024DV3001 ; Pictures (continued)



Photo 3: Fence from Southwest



Photo 4: Fence and Property from Front Yard (North)

2024DV3001 ; Pictures (continued)



Photo 5: Existing Driveway/Parking Area in Front Yard (North)



Photo 6: Driveway/Parking Area in Front Yard (taken September 2007)



BOARD OF ZONING APPEALS DIVISION I **April 02, 2024**

Case Number: 2024DV1005
Property Address: 1639 Lafayette Road (approximate address)
Location: Wayne Township, Council District #12
Petitioner: Gardner Glass Products, by Nick Lee
Current Zoning: I-3 (FW)
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of gravel parking and storage areas, within 23 feet of a protected district and partially encroaching into right-of-way (hard surfaced parking area, 40-foot transitional yards required, encroachment into right-of-way disallowed).
Current Land Use: Industrial
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the March 5th, 2024 hearing to the April 2nd, 2024 hearing to allow for the petitioner and remonstrator to discuss the proposed site plan and modify the grant as needed. The scope of work was modified by the petitioner to the point where the requested variances would not be required, and this petition could be withdrawn by the board's acknowledgement.



BOARD OF ZONING APPEALS DIVISION I **April 2, 2024**

Case Number: 2024-DV-1006 (amended)

Property Address: 5565 Bertha Street (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Juan Carlos Lopez Cortes and Silvia Canchola Medina

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached garage within an electrical utility easement (not permitted), with a 4.5-foot rear yard setback and a two-foot east side yard setback (five-foot side and rear yard setbacks required).

Current Land Use: Residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR APRIL 2, 2024 BZA DIVISION I HEARING

- This petition was continued from the March 5, 2024 BZA Division I hearing to the April 2, 2024 BZA Division I hearing to allow Staff to amend the request.

STAFF RECOMMENDATION

- Staff recommends denial of this petition.

PETITION OVERVIEW

- This petition would provide for the location of a detached garage within an electrical utility easement (not permitted), with a 4.5-foot rear yard setback and a two-foot east side yard setback (five-foot side and rear yard setbacks required).
- Construction of buildings within utility easements is not permitted. This is both to allow for easy access to those utilities if needed, and to ensure that there is no potential for structures to interfere with the utilities. With the drainage and utility easement being located parallel to the rear lot line at a distance of five feet from the rear lot line, the accessory structure encroaches into the easement by approximately .5 feet. Additionally, the subject site is of sufficient sizing for D-4 zoning standards, and no practical difficulty exists for the standards, including side and rear setbacks, not to be met.



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

- The structure in question was erected without the application and issuance of required permits. In these instances, Staff generally views any related practical difficulty to be self-imposed, and insufficient in obtaining a favorable Staff recommendation. Further, Staff has concerns that recommending approval of such requests may promote similar use of poor building practices.
- In addition, Staff would note that the structure is an open-air structure and can be more easily relocated than enclosed structures on a permanent foundation.
- Staff would note that any structure located within an easement may be removed by any party with rights to that easement. To avoid any such instance, Staff strongly requests that the plans be modified to relocate the structure wholly outside of the easement.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	5-8 residential units per acre	
Surrounding Context	Zoning	Surrounding Context
	North: D-4	North: Single-family residential
	South: D-4	South: Single-family residential
	East: D-4	East: Single-family residential
	West: D-4	West: Single-family residential
Thoroughfare Plan		
Bertha Street	Local Street	53-feet of right-of-way existing and 48-feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	1/19/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/19/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS



Comprehensive Plan

- West Washington Street Corridor Plan (2012)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The West Washington Street Corridor Plan recommends residential uses at 5-8 units per acre for this site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

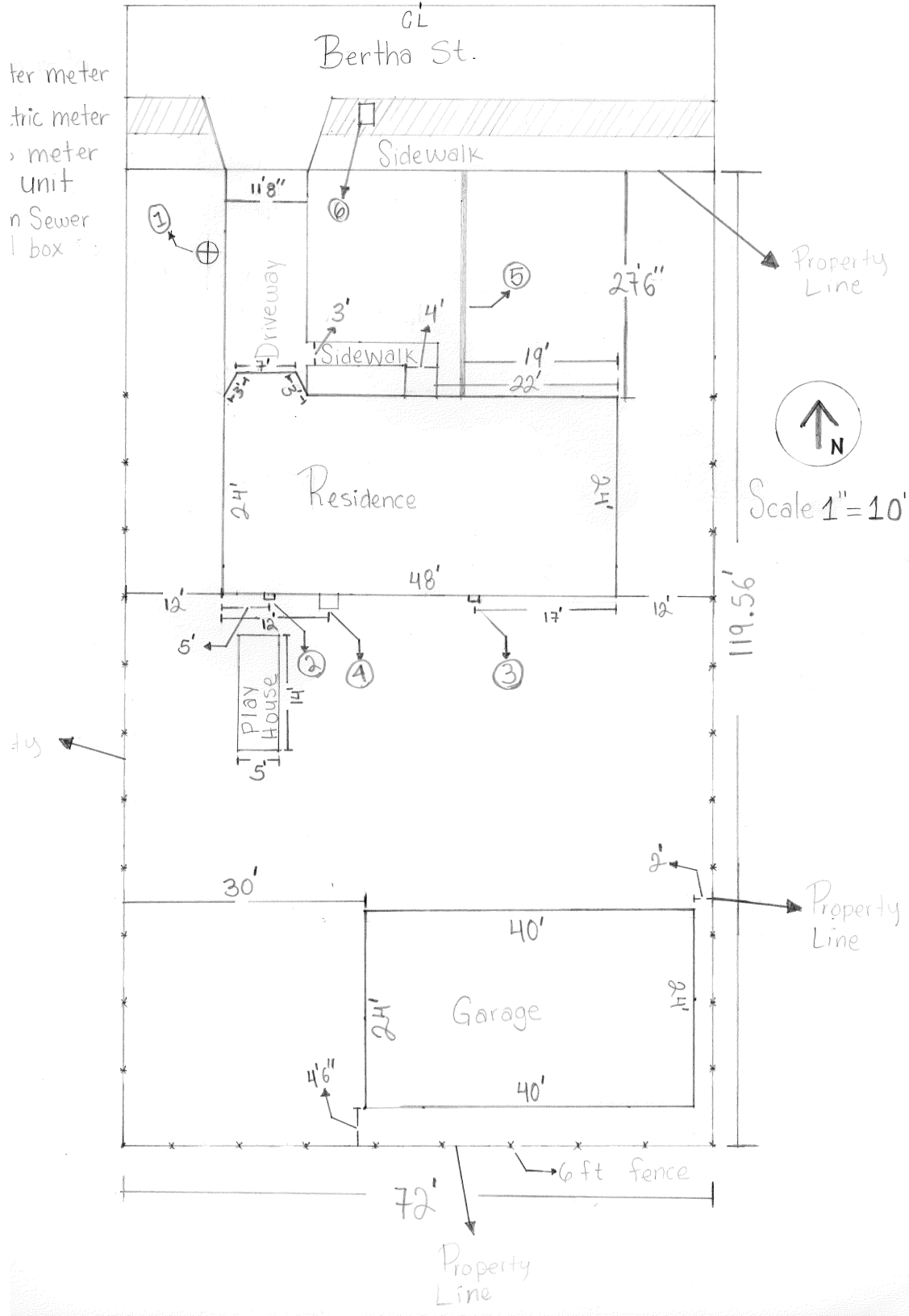
ZONING HISTORY- VICINITY

2020DV3047; 5682 W Ray Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **withdrawn**.

95-V2-22; 5564 Bertha Street (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a carport addition, with a 3-foot side yard setback (minimum 5 feet required) for an existing single-family residence, **approved**.

EXHIBITS





Item 6.



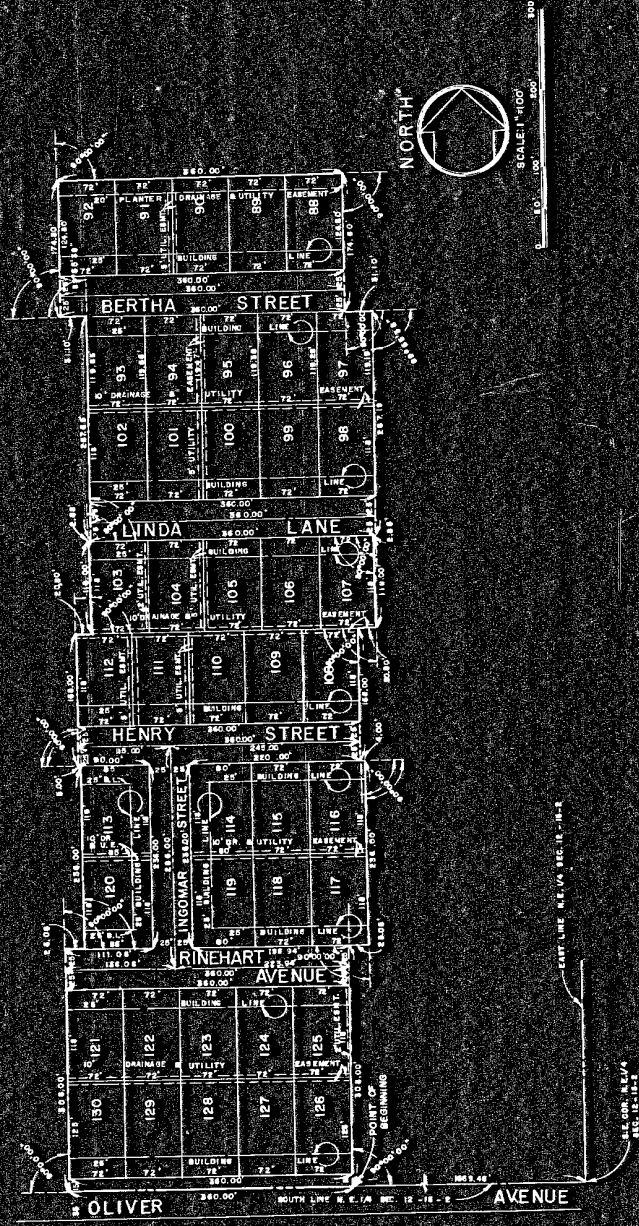
DMD NDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

8/19/63

VOL 32 Page 2-67
CLOVERLEAF FARMS

Third Section



The map shows a grid of lots in the Third Section of Cloverleaf Farms. Streets shown include Oliver Avenue (south line), Rinehart Avenue, Henry Street, Linda Lane, and Bertha Street. Lots are numbered from 90 to 124. A north arrow and a scale of 1 inch = 100 feet are provided. The plan includes lot numbers, street names, and various annotations regarding easements and dimensions.

EXCERPTS FROM THE RECORDS OF THE DEPARTMENT OF METROPOLITAN DEVELOPMENT, DIVISION OF PLANNING, DATED AUGUST 19, 1963.

TO: THE PUBLIC, a subdivision of the records of the Department of Metropolitan Development, Division of Planning, dated August 19, 1963.

RE: THE PUBLIC, a subdivision of the records of the Department of Metropolitan Development, Division of Planning, dated August 19, 1963.

The following information was obtained from the records of the Department of Metropolitan Development, Division of Planning, dated August 19, 1963.

The subdivision was created by the Department of Metropolitan Development, Division of Planning, dated August 19, 1963.

The subdivision consists of 35 lots, numbered consecutively from 90 to 124, with an area of approximately 1.5 acres.

The subdivision is bounded by Oliver Avenue to the south, Rinehart Avenue to the east, Henry Street to the north, and Linda Lane to the west.

The subdivision is subject to the following conditions:

- Lot 90: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 91: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 92: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 93: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 94: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 95: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 96: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 97: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 98: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 99: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 100: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 101: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 102: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 103: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 104: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 105: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 106: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 107: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 108: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 109: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 110: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 111: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 112: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 113: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 114: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 115: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 116: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 117: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 118: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 119: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 120: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 121: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 122: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 123: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.
- Lot 124: 300.00 sq. ft. 90 degrees 00 minutes 00 seconds right for a distance of 100.00 feet to the center of the street.

Approved: *John J. Beck*
Inspector, Department of Metropolitan Development, Division of Planning



32



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:

This is our first house we built the garage where the shed was built, we didn't know that we have to built 5 ft from the fence ,from the back of the fence is 4,6' ft and from the side is 2ft .I am only attempting to have a garage to store items on my property .I am not building a structure on my property that is injurious to the public health, Safety,morals or general welfare of the community.The garage structure will not be utilized for any other than for storage as we currently do not have a garage on our property.The garage will not be utilized for additional living or commercial space.

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 detached garage will not infringe on either of my neighbors' property lines .In addition,my neighbors will not be affected in a substantially adverse manner.The garage will not block any views in which they previously had and will not cause any nuisance that will interfere with the comfortable enjoyment of their life or property.

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

We currently do not have a garage space to store our vehicles (during winter season), lawn equipment, tools,bicycles and additional appliances (deep freezer/refrigerator). Our property currently only contains our house and driveway with no space to store the items previously mentioned.

DECISION

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

Adopted this _____ day of _____, 20 ____









BOARD OF ZONING APPEALS DIVISION I **April 02, 2024**

Case Number: 2024DV1009

Property Address: 7436 W Henry Street (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Charles & Claire Powell, by Ryan Freeman

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,728 square foot pole barn, being larger than the primary building (not permitted).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

- The subject site currently contains a single-family residence along with a rear detached structure with a smaller square footage than the primary building. It is surrounded by residential properties to the east and south and vacant properties zoned for residential use to the north and west. The parcel is approximately 250 feet to the east of rail tracks and approximately 500 feet to the north of a large distribution center.
- The resident at this site is seeking to construct a 1,728 square foot pole barn in the rear yard of the property to allow for parking and storage of personal vehicles. Permit applications were made in late 2023 but were placed on hold since the primary residence is only 1,208 square feet and the Indianapolis Zoning Ordinance disallows accessory structures with larger horizontal areas than primary structures within residential zoning. Approval of this variance request would allow for legalization of the proposed storage structure with a larger horizontal land area than the existing primary residence.



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

- This property is currently zoned D-5, which is a residential zoning designation that allows for walkable medium and large-lot housing formats predominantly for detached houses. However, the comprehensive plan designates this area as being within the Light Industrial working typology which does not recommend the current residential use.
- Additionally, this property is located within an environmentally sensitive overlay per the comprehensive plan. The pattern book doesn't provide any modifications for residential uses within Light Industrial areas. The parcel is partially within a 500-year floodplain and a stream protection corridor, but neither of those designations would impact development standards for the proposed location of the pole barn that is the subject of this variance request.
- The Infill Housing Guidelines indicate that accessory structures should be of a secondary nature on residential lots and should not overshadow primary residences in terms of scale, height, size, and mass. The proposed pole barn would be about 43% larger than the primary residence. The Indianapolis Zoning Ordinance reinforces the IHG language by requiring accessory structures to have a smaller horizontal area than primary structures within residential zoning districts. These regulations ensure harmonious development where primary residences remain the primary feature within residential contexts.
- The provided findings of fact indicate the structure would be utilized for the storage of personal vehicles but does not present any information or context on why these vehicles could not be stored within a building or buildings compliant with ordinance standards. Given the degree of non-conformity with ordinance regulations and comprehensive plan recommendations and the lack of practical difficulty to compliant development, staff would recommend denial of this request.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Light Industrial
	South:	South: Light Industrial
	East:	East: Light Industrial
	West:	West: Light Industrial
Thoroughfare Plan		
Henry Street	Local Street	50-foot right-of-way existing and 50-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	01/31/2024	
Site Plan (Amended)	N/A	
Elevations	03/06/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/31/2024	
Findings of Fact (Amended)	03/06/2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this area for the Light Industrial working typology to allow for industrial, production, distribution, and repair services within enclosed structures and unlikely to create emission of light, odor, noise, or vibrations. Residential land uses are not recommended for this typology.
- Much of the subject site is also within an Environmentally Sensitive overlay. These areas are intended for high quality woodlands, wetlands, or other natural resources that should be protected.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines for accessory structures indicate that they should be of a secondary nature and not overshadow primary buildings in terms of scale, height, size, and mass.

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

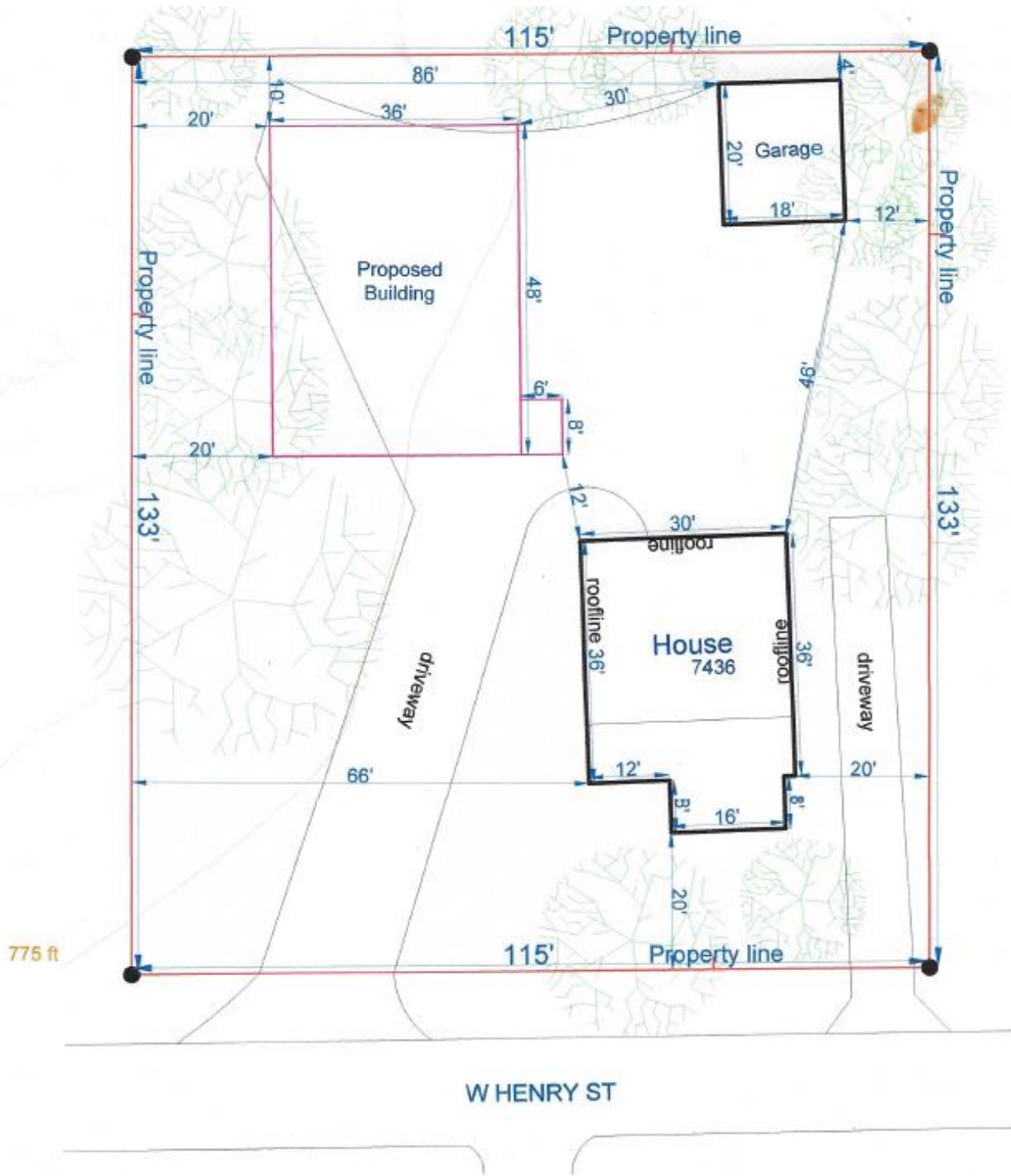
85-UV1-61 ; 7435 West Henry Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued use of a mobile home and for a permanent room addition to be built onto the mobile home, **denied**.

EXHIBITS

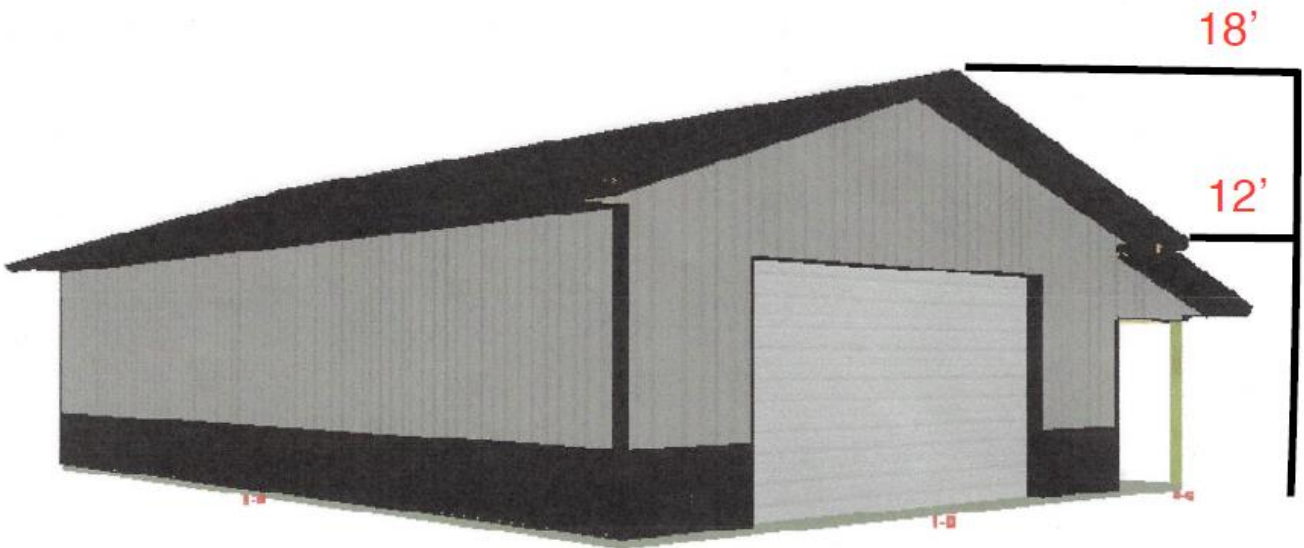
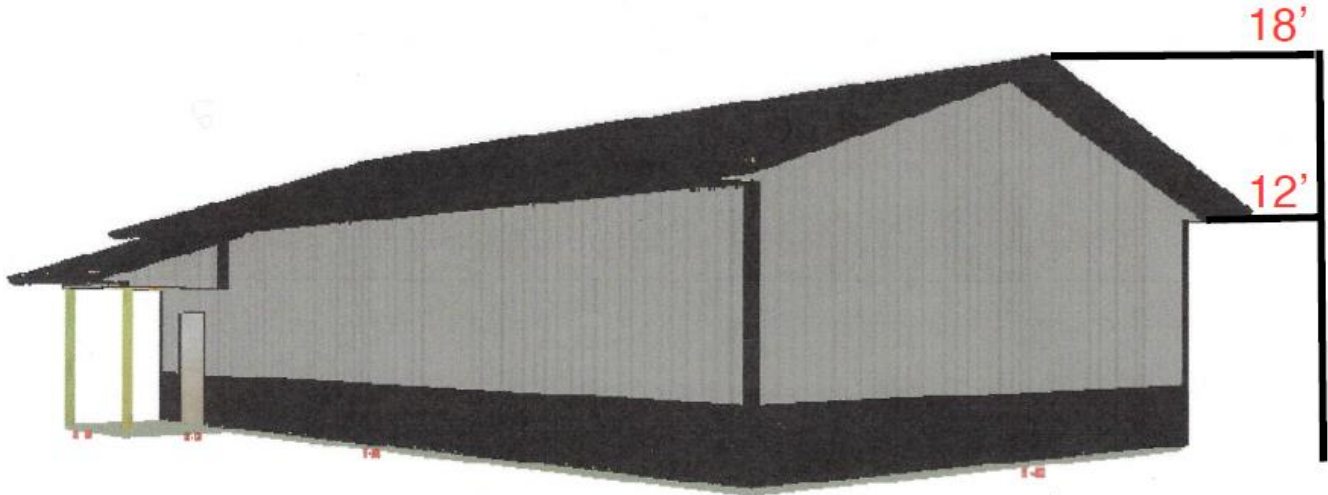
2024DV1009 ; Aerial Map



2024DV1009 ; Site Plan



2024DV1009 ; Elevations





2024DV1009 ; Findings of Fact

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

The Pole Barn being built will be used for personal use only.

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 pole barn will be used for personal use and storage on the lot.

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

Petitioner would like to use empty space on lot for extra parking storage for vehicles.

2024DV1009 ; Photographs



Photo 1: View of Subject Site from South on Henry Street

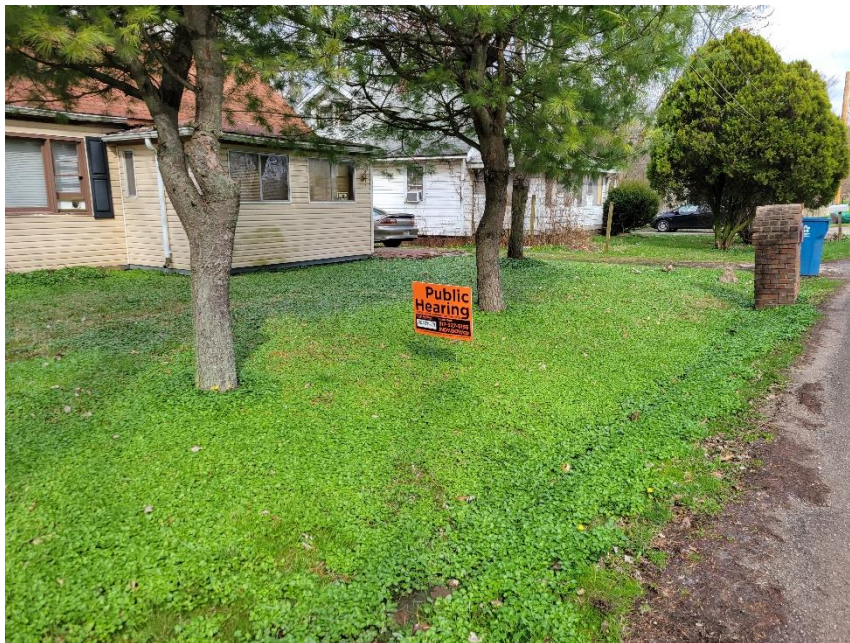


Photo 2: View of Primary Structure + Neighbor to East from Henry Street

2024DV1009 ; Photographs (continued)



Photo 3: Neighboring Property to South



Photo 4: Henry Street Looking West



BOARD OF ZONING APPEALS DIVISION II

April 02, 2024

Case Number: 2024DV1010

Property Address: 5435 East Thompson Road (approximate address)

Location: Franklin Township, Council District #24

Petitioner: GOC REALCO LLC, by Sean Ireland

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a fourth primary freestanding sign along Thompson Road (maximum two permitted) with a front setback of 1 foot (5 feet required) and a separation of 40 and 245 feet from other primary freestanding signs (300-foot separation required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **denial** of these requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of these requests.

PETITION OVERVIEW

- The subject site was replatted to allow for development of this outlet in 2020 and recently had building and zoning permits approved for the construction of a Dunkin’ Donuts which is currently being built. The site is part of the large multitenant East Thompson Shopping Center and is surrounded by commercial uses on each side (though there are some residential properties further to the east and south).
- An application for a sign permit was made at the site earlier this year. The subject site is part of an integrated center with sign requirements that are based on a shared frontage. Their section of the integrated center currently contains three other primary freestanding signs (two of which were approved by variance in 2015 and 2021).



Department of Metropolitan Development
Division of Planning
Current Planning

- Grant of this variance would allow for placement of a fourth primary freestanding sign along the shared frontage. It would also allow for placement of that sign within 40 and 245 feet of other signs when 300 feet of separation along shared frontages is required and would legalize a deficient 1-foot front setback for the sign when five feet is required.
- This property is zoned C-4 (Community-Regional District) to allow for major businesses and regional-size shopping centers. The Marion County Land Use Plan Pattern Book also recommends the site for Regional Commercial uses to allow for general commercial and office uses typically within large integrated centers or buildings. The Comprehensive Plan does make specific recommendations related to signage.
- Ordinance regulations limiting the placement of primary freestanding signage along shared frontages is designed to reduce visual clutter and potential distractions for motorists navigating busy multi-lane streets. Placement of large multitenant signs within integrated centers is a common solution to allow for promotion of multiple businesses, and the subject site contains a freestanding sign with an area of 300 square feet and multiple empty tenant panels that is on the same parcel and would be only 40 linear feet from the proposed location. Additionally, the C-4 zoning district allows for a unique flexibility of signage types and sizes to be legalized (including but not limited to wall signage). Given the wide variety of promotional opportunities that legally placed signage would provide, and ordinance rules specifically designed to prevent the sort of visual clutter toward which this sign would contribute, staff would recommend denial of the variance to legalize a fourth primary freestanding sign along the frontage within such close proximity to other ones.
- Front setback regulations for signage are placed within the zoning ordinance to allow for orderly development and to prevent signs from impeding the view or mobility of pedestrians and motorists. The provided findings of fact indicate that there are underground utilities on-site that may prevent them from installing the sign with a compliant setback, but it is unclear why the tenant would be unable to install proposed signage in an alternate location or with an alternate sign width that would allow for compliance with ordinance standards. The narrowness of the landscape strip placed between the vehicle area and front property line is a result of the design of the site and staff would consider this a self-imposed hardship instead of a site-specific practical difficulty. Staff would also recommend denial of the setback variance.



GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Community Commercial
	South:	South: Regional Commercial
	East:	East: Office Commercial
	West:	West: Regional Commercial
Thoroughfare Plan		
Thompson Road	Primary Arterial	105-foot right-of-way existing and 119-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/12/2024	
Site Plan (Amended)	N/A	
Elevations	03/07/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/12/2024	
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 designates this site for the Regional Commercial working typology to allow for general commercial and office uses (typically in large integrated centers or buildings) that serve a significant portion of the county rather than just the surrounding neighborhoods. The plan provides no specific guidance related to signage.

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

2022DV1019, variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 25-foot tall, 300-square foot pylon sign, located 220 feet from another pole sign, being the third sign along an integrated center frontage (maximum two signs per frontage permitted, minimum 300-foot separation required), **approved**.

ZONING HISTORY – VICINITY

2022DV1028 ; 5420 E Thompson Road (north of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through restaurant with 34 parking spaces (maximum 22 parking spaces permitted)., **approved**.

2021DV2015 ; 5330 E Thompson Road (northwest of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 20-foot tall pole sign within 190 feet of an existing freestanding sign (minimum 300-foot separation required) and being the third sign along the Thompson Road frontage (maximum two signs permitted), **denied**.

2015DV2001 ; 5407 E Thompson Road (west of site), Variance of development standards of the Sign Regulations to provide for a 35-foot tall, 93-square foot freestanding sign, within approximately 210 feet of an existing freestanding sign to the east and 250 feet of a freestanding sign to the west (300-foot separation required), **approved**.

2014CZN805 ; 5414 E Thompson Road (northwest of site), Rezoning of 29.05 acres from the C-S District to the C-4 classification to provide for an integrated commercial center, with a grocery store, fuel station and other commercial uses, **approved**.

2001ZON136 ; 5426 E Thompson Road (north of site), rezoning of 3.25 acres to C-4, **approved**.

96-V1-127 ; 5327 E Thompson Road (west of site), variance of development standards of the Commercial Zoning Ordinance to provide for the continued operation of a retail shopping center with: a) outdoor spaces and display totaling 5202 square feet (maximum 200 square feet permitted); b) to provide for paking space width of 9 feet (minimum 10 feet required when shopping carts are allowed outside); c) to provide for one off-street loading area (minimum 2 loading areas required) and d) interior access drives with less than the required truck turning radii and maneuverability area, **approved**.

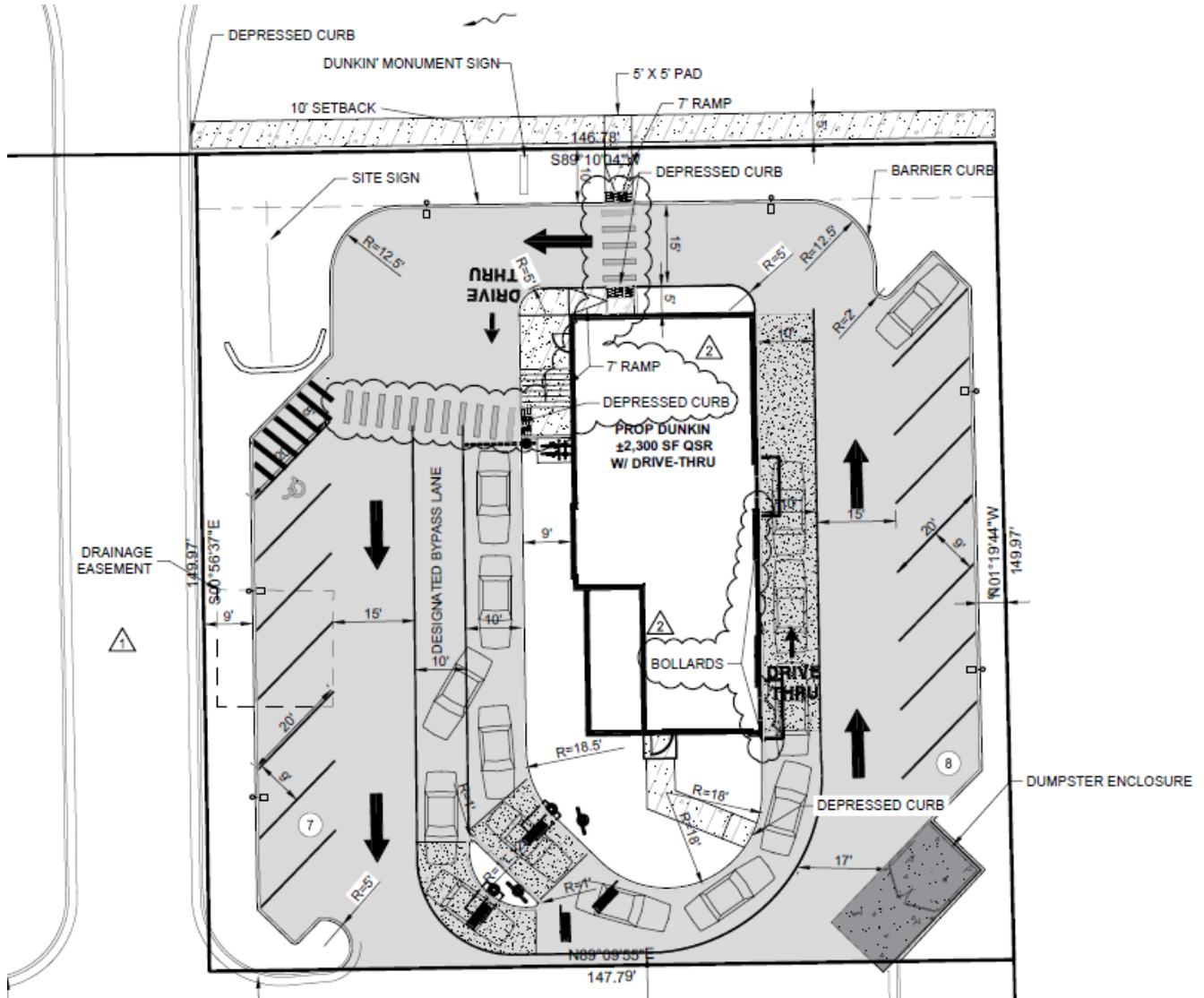
95-Z-65 ; 5361 E Thompson Road (east of site), rezoning of 4.97 acres to C-S, **approved**.

EXHIBITS

2024DV1010 ; Aerial Map



2024DV1010 ; Aerial Map



2024DV1010 ; Elevations



2024DV1010 ; Findings of Fact

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

the proposed signage aesthetic is consistent with other Dunkin' sites in Indianapolis and its placement would not pose an obstruction that would be considered injurious to or immoral to 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:

proposed site signage is consistent with other Dunkin' sites and is also consistent with the adjacent Taco Bell property having their own pylon signage advertising just the Taco Bell site.

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

the lot width would not otherwise allow a monument sign to be placed on the site (reference 744-906-1 C) and; the placement of the sign to conform with 744-906-1 F would result in existing underground utility conflicts on-site.

2024DV1010 ; Pictures



Photo 1: Existing Signage (3x) Along Thompson Integrated Center Frontage



Photo 2: Subject Site Viewed from Thompson to North

2024DV1010 ; Pictures (continued)



Photo 3: Multitenant Sign on Subject Site Property (taken May 2023)



Photo 4: Adjacent Property to the East



BOARD OF ZONING APPEALS DIVISION I

April 2, 2024

Case Number: 2024-DV1-011
Property Address: 105 E Morris Street (approximate address)
Location: Center Township, Council District
Petitioner: Southeast Neighborhood Development Inc., by Kelli Mirgeaux
Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit multi-unit house on a 4,196 square-foot lot (5,000 required) with a five-foot corner side yard setback (eight-feet required) an eight-foot front yard setback from Talbott Street (minimum 10 feet required), a three-foot rear yard setback (10 feet required), an open space of 39 percent (40 percent required), zero parking spaces (four required) and encroaching within the clear sight triangle of the intersection of Morris and Talbott Streets (not permitted).

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

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the construction of a four-unit multi-unit house on a 4,196 square-foot lot (5,000 required) with a five-foot corner side yard setback (eight-feet required) an eight-foot front yard setback from Talbott Street (minimum 10 feet required), a three-foot rear yard setback (10 feet required), an open space of 39 percent (40 percent required), zero parking spaces (four required) and encroaching within the clear sight triangle of the intersection of Morris and Talbott Streets (not permitted).
- With regards to parking requirements, after further review, Staff has determined that the request currently reads incorrectly. Per Chapter 744. Article IV. Section 1.H. of the Consolidated Zoning and Subdivision Ordinance,



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

- “In the Compact Context area, on-street parking spaces, lawful at the time of permit issuance, located on the same side of the street and directly in front of the property containing the use or building being served (as determined by extensions of the property side or rear lot lines, as applicable, into the on-street parking lane) may be counted towards minimum off-street parking requirements”.
- With the subject site having 66 feet of frontage along South Talbott Street, three on-street parking spaces (20-feet in length) exist in front of the lot on the same side of South Talbott Street. Therefore, the request should state one off-street parking space required, as opposed to four.
- Further, this site is among the final lots on the block to be improved with housing, leaving this as one of the last possible additions in housing units this block would receive for the foreseeable future. Likewise, with both East Morris Street and the railroad acting as a significant barrier from the areas to the north and east, on-street parking on South Talbott Street is not feasible for those adjacent land uses. Additionally, with all surrounding residential properties containing their own off-street parking options, the demand for on-street parking at this site is low, meaning the four units of this proposal would have their parking needs sufficiently met with the on-street parking spaces along South Talbott Street. Lastly, the insufficient lot area leaves complications for providing off-street parking for this property. For these reasons, Staff finds the appeal to improve the property without off-street parking to be reasonable and sees the proposal for zero off-street spaces instead of the one required to be a minor request and is, therefore, not opposed.
- The D-5 zoning requires lots that are over 40 feet in width to be greater than or equal to 5000 square feet. However, Staff would note that the D-5 District would allow for the same number of units on a 35-foot-wide lot, so long as the lot area was at least 3,500 square feet. On such a lot, the open space requirement would only be 20%. Given that the proposed open space would nearly double the requirement of the Compact Lot typology and is just a one percent reduction of the Small Lot typology’s requirement, Staff believes this to be a reasonable deviation from the Ordinance.
- In addition, Staff would note that Sanborn Maps dating back to 1898 indicate that the subject site was improved with two single-family dwellings. According to aerial imagery, these were demolished between 2008 and 2009. Therefore, Staff believes the request to be comparable to the historic residential intensity of the site.
- Likewise, the current setback standards in place for this location have been designed for lots larger in nature than the subject site. Staff finds the variances requests for reduced front, side, and rear yard setbacks to be reasonable in nature, given the deficient lot area of the subject site. Further, the Infill Housing Guidelines element of the Comprehensive Plan recommends using the surrounding context when considering building spacing and setbacks. With many of the adjacent buildings containing minimal setbacks, the proposed development would be in line with the existing context.
- Clear Sight Triangle regulations are in place to provide for visibility for all users of the street at intersections of public rights-of-way as well as private drives, but are primarily geared towards visibility for motorists. With East Morris Street being a primary arterial and South Talbott Street being a local



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street, the clear sight triangle is measured, from the intersection of the centerlines, 120 feet west along East Morris Street, and 75 feet south along South Talbott Street. The proposal would encroach into the clear sight triangle to a minor degree, but not to where visibility is significantly impeded. Further, the two houses that were formerly on the subject site encroached into the clear sight triangle substantially more than the submitted proposal, meaning this proposal would allow for more visibility of the sight triangle than the previous structures on site did. Likewise, the proposal would allow for more visibility than several adjacent structures, as it would contain a deeper setback along East Morris Street than the residences directly to the west of the subject site. Lastly, with residential structures impeding into the clear sight triangle being a common occurrence in the surrounding context, this development would not be out of character with the neighborhood. For these reasons, Staff is not opposed to the request.

- Additionally, Staff would note that the Land Use Plan recommendation of the Traditional Neighborhood living typology calls for residential densities of 5-15 units per acre, but recommends a higher residential density if the development is located near a park, greenway, or frequent transit line. With the subject site being located within a quarter mile of Kelly Park, Hendricks Park, the SEND Triangle Greenspace, and two regular service transit corridors operating along South Meridian Street and South East Street, this is the type of location where the Land Use Plan seeks increased density, which the site plan achieves through the proposed four-unit structure on site.
- Finally, Staff would note that the request would serve to further the implementation of two of the Ordinance’s Livability Principles. One principle is to promote equitable, affordable housing options. In Staff’s position, promoting the development of denser housing, where appropriate, serves to address the current housing crisis through the introduction of additional units. The request would also enhance economic competitiveness by housing more individuals towards an employment center, being the Madison Avenue corridor, and the increased density would serve to help make the nearby non-residential oriented comprehensive plan recommendations more viable.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: I-4	North: Industrial
	South: D-5	South: Single-family residential
	East: C-3	East: Commercial
	West: D-5	West: Single-family residential
Thoroughfare Plan		
East Morris Street	Primary Arterial	66-feet of right-of-way existing and 78-feet proposed
Talbott Street	Local Street	53-feet of right-of-way existing and 48-feet proposed



Context Area	Compact
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	2/20/24
Site Plan (Amended)	N/A
Elevations	2/20/24
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	2/20/24
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines document recommends
 - Reinforcing spacing on the existing block



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Division of Planning
Current Planning**

- With regards to open space for undersized lots, look at surrounding context for appropriate housing sizes and potentially seek a variance for reduced open space
- Consider surrounding houses when determining building massing and height
- The proposal is in line with surrounding housing context and adheres to these recommendations

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024CVR811; 35 E Morris Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating area with a zero-foot south side yard transitional yard (minimum 15-foot required), a trash enclosure within the front yard along Union Street (not permitted), to establish a surface parking lot in front of the building along Morris Street (25-foot setback required and 40% maximum of lot width behind front building line), a barbeque pit with a five-foot front yard setback from Charles Street, located in front of the primary building (accessory structures not permitted within the front yard), **pending**.

2019UV3002; 324 W Morris Street (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 30-inch wide by 46-inch high banners as Public Signs, as provided for and amended by Petition 2018-APP-032, attached to utility poles within the right-of-way and within protected districts (not permitted) along Morris Street, Russell Avenue, Norwood Street and Meridian Street, **approved**.

2007ZON830; 1200 Madison Avenue (east of site), Rezoning of 4.55 acres, from the I-4-U District, to the C-3 classification to provide for neighborhood commercial uses. Recorded commitment number 2008-0074862. **approved**.

99-Z-25; 35 E Morris Street (west of site), rezoning of 0.286 acres from D-8 to C-5 to provide for a retail automobile sales lot, **withdrawn**.

EXHIBITS

Present Day Aerial



2008 Aerial





Department of Metropolitan Development
 Division of Planning
 Current Planning

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 9365 Counselors Row, Suite 116
 Indianapolis, IN 46240
 PH 317.657.2078
JPS CONSULTING ENGINEERS, LLC

BRIDGEMAN APARTMENTS
 105 E MORRIS ST.
 INDIANAPOLIS, IN

CONSTRUCTION DOCUMENTS

NUMBER	DATE	DESCRIPTION

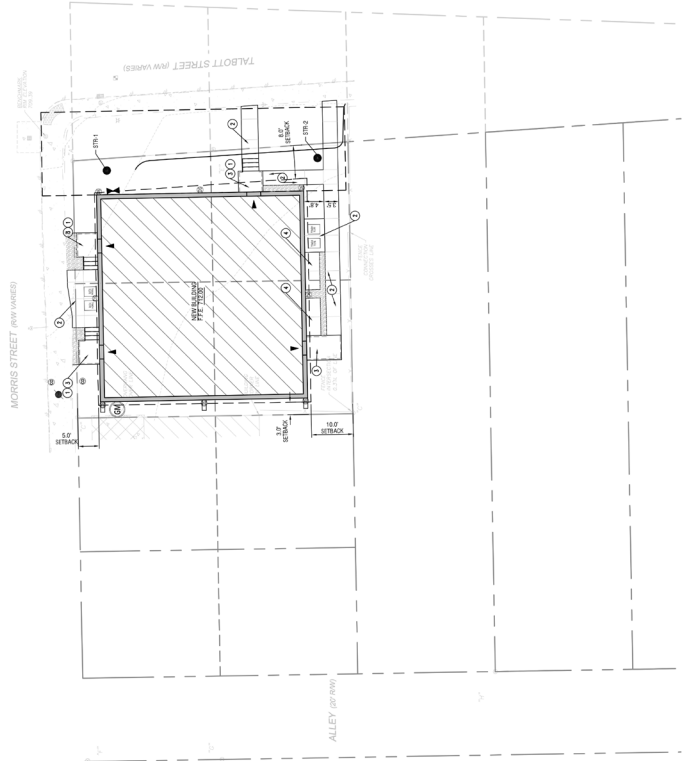
(Signature of Engineer)
 PROFESSIONAL ENGINEER
 STATE OF INDIANA
 LICENSE NO. 141000214
 EXPIRES 12/31/2024

IMPROVEMENT
 SITE PLAN

SCALE: 1" = 10'
 DATE: JAN. 10, 2024
 PROJECT: BRIDGEMAN APARTMENTS
 DRAWING: C400
 COORDS: A/S
 APPROVED: A/S

C400

- GENERAL NOTES**
- A. REFER TO IMPROVEMENT DETAILS FOR NOTE REFERENCES.
- PLAN NOTES**
1. ELUVATED EXTERIOR WALK WITH DOWN SLOPE AND RAMPWALK.
 2. CONCRETE WALK.
 3. CONCRETE EXPOS.
 4. EQUIPMENT SUPPORTING IF P. 3.1.



JPS Consulting Engineers - Civil Project/240239 Morris & Talbot Street - Apartment/Engineering/2024 January 8, 2024 - 4:54 PM/Revision





