



Board of Zoning Appeals Division I (November 14, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, November 14, 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-AP1-001 | 1511, 1531, 1539 and 1555 Deloss Street

Center Township, Council District #17, Zoned I-2
Cameron Perisutti

Appeal of the Administrator's Decision determining that the existing facility and associated accessory uses are legally established non-conforming uses.

****Automatic continuance to be acknowledged.**

2. 2023-DV1-048 | 1305 South Biltmore Avenue

Wayne Township, Council District #22, Zoned D-3
Virinia Morfin

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a masonry fence with a height varying between 32 inches and 6.2 feet tall, with 6.5-foot tall columns within the front yards of Biltmore Avenue and Chelsea Road (maximum height of 3.5 feet permitted, fence posts may only be one-foot taller than maximum permitted height of the fence), encroaching within the clear sight triangle and encroaching in the right-of-way of Biltmore Avenue and Chelsea Road (encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

****Continuance requested by staff.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2023-DV1-020 (Amended) | 4505, 4506, 4509, 4510, 4605, 4609, 4613, 4617, 4621, 4622 and 4625 West Caven Street

Wayne Township, Council District #22, Zoned D-5
Project 65 LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with front-loaded garages in excess of 30% of the façade at the building line (garages limited to 30% of the width of the front façade when located 0-12 feet behind front

building line) and allow for a three-foot corner side yard setback at 4622 West Caven Street (eight-foot corner side setback required), 16-foot front setbacks at 4505, 4605, 4613, and 4621 Caven Street, 17-foot front setback at 4510 Caven Street (20 to 50-foot front setback required for neighborhood yard frontages), and a six-foot corner side yard setback at 4625 Caven Street (eight-foot corner side setback required).

4. 2023-UV1-022 | 5330 West Morris Street

Wayne Township, Council District #22, Zoned C-3 / SU-9 (TOD)
Adriano Montas, by Jorge Oscar Gonzales

Variance of use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

5. 2023-UV1-019 | 2994 North Arlington Avenue

Warren Township, Council District #13, Zoned C-3
Roys Towing LLC, by David E. Dearing

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile sales and repair business, per the plan of operation (not permitted), and a six-foot tall chain link fence and security gates within the front yard of Arlington Avenue and 30th Street (maximum height of 3.5-feet permitted, chain link fencing not permitted in front yards) and encroaching within the driveway and intersection clear sight triangles along Arlington and 30th Street (encroachment of clear sight triangles not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

6. 2023-DV1-054 | 530 West 44th Street

Washington Township, Council District #7, Zoned D-5
James Hall

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required).

7. 2023-UV1-021 | 7040 Rockville Road

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

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

8. 2023-UV1-023 | 7217 Woodland Drive

Pike Township, Council District #1, Zoned C-4
Enterprise Leasing Company of Indianapolis, LLC, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a car and truck rental facility with associated outdoor storage (not permitted).

9. 2023-UV1-024 | 3348 North Sherman Drive

Center Township, Council District #17, Zoned D-5
Vivian L. Randolph

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a commercial garden, food processing center and eating establishment (not permitted), with the primary building having a front setback of 135 feet from Sherman Drive (maximum 50-foot setback permitted).

10. 2023-UV1-025 | 11150 Maze Road

Franklin Township, Council District #25, Zoned D-A
Michael T. and Nicole M. Cole, by Raymond A. Basile

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use (not permitted).

Additional Business:

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

STAFF REPORT

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

Case Number: 2023-AP1-001
Address: 1511, 1531, 1539 and 1555 Deloss Street (approximate address)
Location: Center Township, Council District #17
Zoning: I-2
Petitioner: Cameron Perisutti
Request: Appeal of the Administrator's Decision determining that the existing facility and associated accessory uses are legally established non-conforming uses.

A remonstrator has filed an automatic continuance, continuing this petition to the December 5, 2023, hearing of Division I. A Staff Report will be published prior to this hearing in accordance with the Rules of Procedure.

EDH

STAFF REPORT

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

Case Number: 2023-DV1-048
Address: 1305 South Biltmore Avenue (approximate address)
Location: Wayne Township, Council District #22
Zoning: D-3
Petitioner: Virinia Morfin
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a masonry fence with a height varying between 32 inches and 6.2 feet tall, with 6.5-foot tall columns within the front yards of Biltmore Avenue and Chelsea Road (maximum height of 3.5 feet permitted, fence posts may only be one-foot taller than maximum permitted height of the fence), encroaching within the clear sight triangle and encroaching in the right-of-way of Biltmore Avenue and Chelsea Road (encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

November 14, 2023

The petitioner requested a continuance from the October 3, 2023 hearing to the November 14, 2023 hearing to amend the site plan. No new information has been received, so staff is requesting a continuance to the December 5, 2023 for an amended site plan.

October 3, 2023

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-3 Compact Single-Family residential

SURROUNDING ZONING AND LAND USE

North D-5 Single-Family residential
South D-3 Single-Family residential
East D-3 Single-Family residential
West D-3 Single-Family residential

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development

(Continued)

STAFF REPORT 2023-DV1-048 (Continued)

- ◇ The subject site is a corner lot containing approximately 14,600 square feet and developed with a single-family dwelling and an accessory structure. The site is within McConnal and Clark's Chelsea Heights Subdivision, located southeast of the interchange at Interstate-465 and Washington Street, just south of the Transit Oriented Development Overlay for the IndyGo Blue Line.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a masonry fence in the front yards of Biltmore Avenue and Chelsea Road with a height varying between 32 inches and 6.2 feet tall where a maximum of 3.5 feet is permitted; with 6.5-foot-tall columns where fence posts may only be one-foot taller than maximum permitted height of the fence; and encroaching within the clear sight triangle and encroaching in the right-of-way of Biltmore Avenue and Chelsea Road where encroachment is not permitted.
- ◇ This site is a corner lot in the Compact Context Area, so the front yard would be Biltmore Avenue. The maximum height of a fence in a front yard is 3.5 feet. Posts in a front yard may be up to 4.5 feet per the provision in Section 744-510.C.3. Staff would recommend that the existing fence and posts could be modified to meet the maximum permitted heights and would not support the request for increased height.
- ◇ Chelsea Road is a considered a side yard and may have six-foot fence. Staff would suggest that the fence can be lowered from 6.2 feet to meet this requirement and would not support this request.
- ◇ The fence is currently encroaching in the right-of-way of Biltmore Avenue and Chelsea Road. The property line on the northeast portion of the site is curved, but the fence meets in a corner that is outside the property line. Staff would not support any encroachment into the right-of-way. The fence should be moved to be entirely within the property lines.
- ◇ The fence is currently encroaching approximately 28 feet into the clear sight triangle of Biltmore Avenue and Chelsea Road. Fences over 2.5 feet tall are prohibited in the clear sight triangle. This provision is intended for the safety of motorists and pedestrians so that oncoming traffic can be seen when approaching an intersection. The existing fence could be shortened to 2.5 feet to be outside the clear sight triangle, or the fence could be moved outside the clear sight triangle and be permitted the maximum height for residential fences.
- ◇ All the requests in this variance could be resolved by modifying the height or location of the fence—therefore staff is recommending denial of the request.

GENERAL INFORMATION**THOROUGHFARE PLAN**

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

(Continued)

STAFF REPORT 2023-DV1-048 (Continued)

SITE PLAN

File-dated August 9, 2023

FINDINGS OF FACT

File-dated August 9, 2023

ZONING HISTORY—SITE

None

ZONING HISTORY – VICINITY

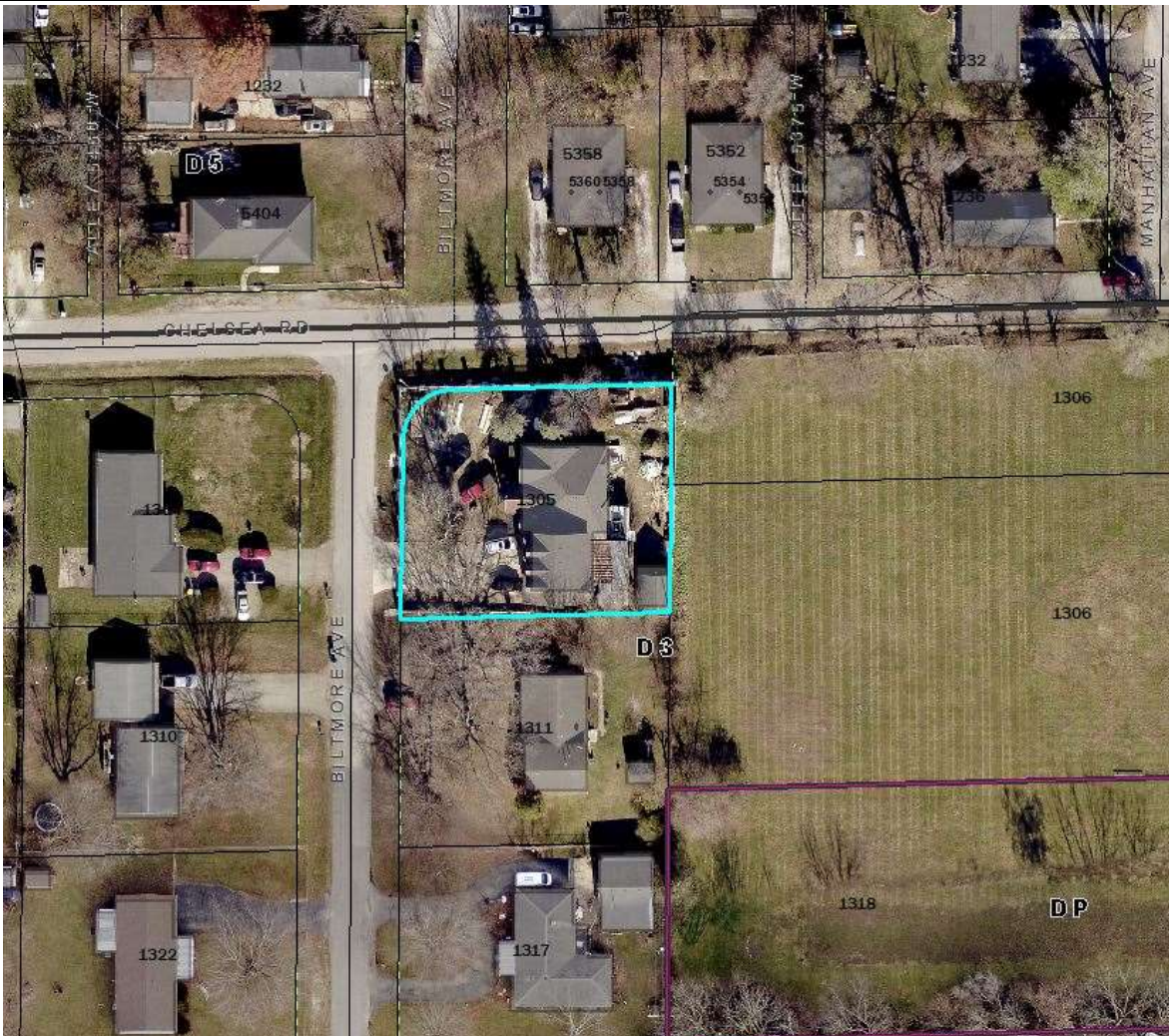
2020-ZON-083, 1318 South Lynhurst Drive, rezoning of 1.65 acres from the D-3 district to the D-P district to provide for 18, 312-square-foot single-family dwellings at a density of 11 units per acre, **approved**.

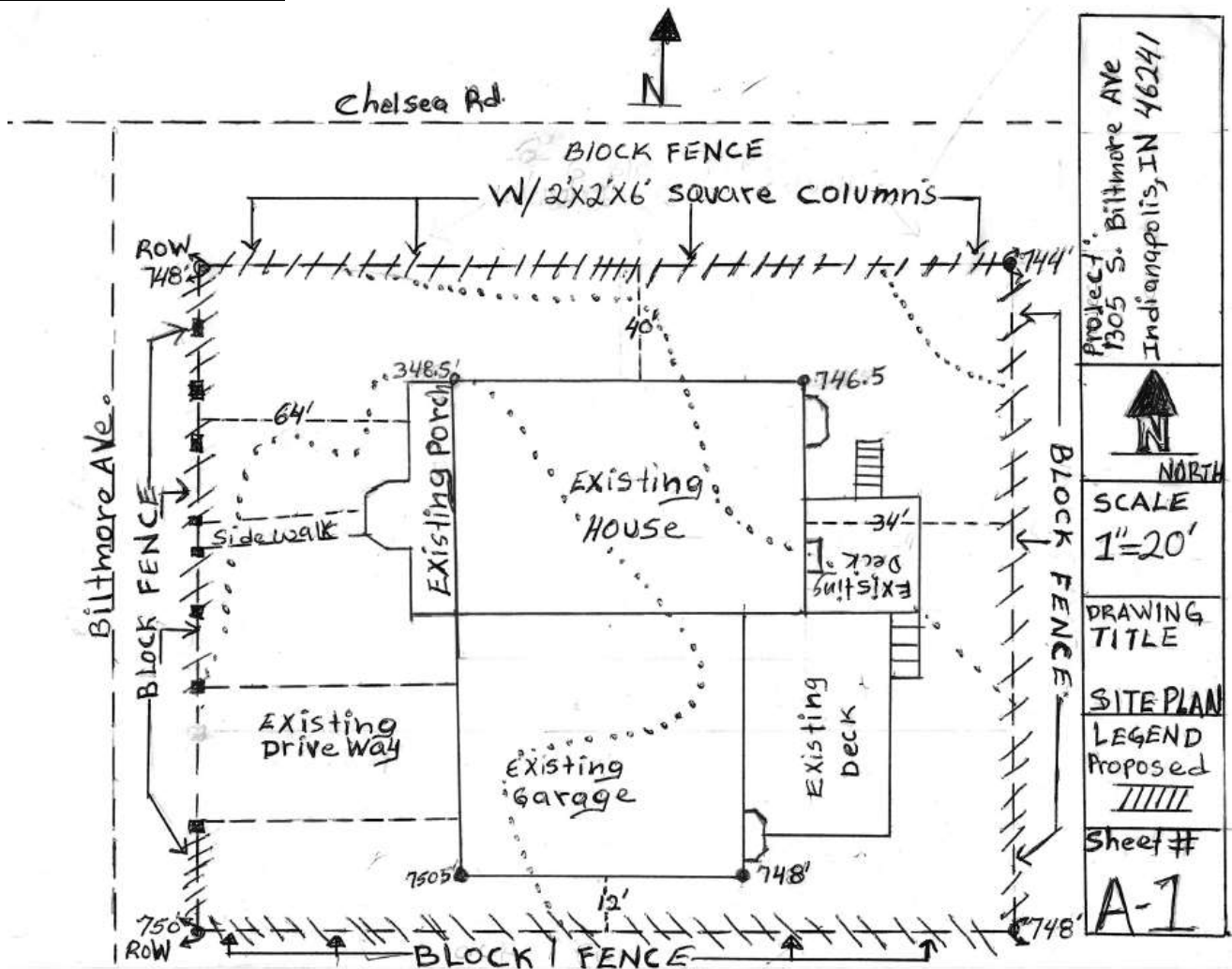
2009-UV1-033, 1318 South Lynhurst Drive, variance to provide for a homeless drop-in center for young adults, **approved**.

91-V3-98, 1229 South Biltmore Avenue, variance to permit construction of an attached garage with a zero-foot side yard setback and a six-foot aggregate setback, **approved**.

AR

2023-DV1-048; Aerial Map





2023-DV1-048; Staff Exhibit—Clear Site Triangle



2023-DV1-048; 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:

The view of the road is not obstructed due to the fence. Both sides of the road are still visible at the stop sign by the fence, oncoming traffic is still visible.

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 not interfering with the area adjacent to the property, it can still be used without any disturbance.

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

It would cause monetary difficulties to to property owner due to expenses, if approval was not granted.



Subject site front and side yard fence viewed from Biltmore Avenue, looking north



View of fence in the front yard, looking east



View of fence in the front yard, looking east



View of fence in the right-of-way and clear sight triangle at the intersection of Biltmore Avenue and Chelsea Road, looking east



View of fence in the right-of-way and clear sight triangle at the intersection of Biltmore Avenue and Chelsea Road, looking south



View of fence along Chelsea Road, looking east



View of fence along Chelsea Road, looking south



View of fence along Chelsea Road, looking southwest

STAFF REPORT

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

Case Number: 2023-DV1-020 (Amended)
Address: 4505, 4506, 4509, 4510, 4605, 4609, 4613, 4617, 4621, 4622 and 4625 West Caven Street (approximate addresses)
Location: Wayne Township, Council District #22
Zoning: D-5
Petitioner: Project 65 LLC, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with front-loaded garages in excess of 30% of the façade at the building line (garages limited to 30% of the width of the front façade when located 0-12 feet behind front building line) and allow for a three-foot corner side yard setback at 4622 West Caven Street (eight-foot corner side setback required), 16-foot front setbacks at 4505, 4605, 4613, and 4621 Caven Street, 17-foot front setback at 4510 Caven Street (20 to 50-foot front setback required for neighborhood yard frontages), and a six-foot corner side yard setback at 4625 Caven Street (eight-foot corner side setback required).

This petition was continued from the October 3, 2023 hearing to the November 14, 2023 hearing at the request of the petitioner.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwellings)
South	D-5	Residential (Single-family dwellings)
East	I-3	Industrial
West	D-5	Residential (Single-family dwellings)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

(Continued)

STAFF REPORT 2023-DV1-020 (Continued)

- ◇ The subject sites are comprised of 11 undeveloped lots, zoned D-5, that are surrounded by single-family dwellings, zoned D-5.
- ◇ The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The Comprehensive plan recommends traditional neighborhood development. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow the construction of single-family dwellings on each lot with front-loaded garages in excess of 30% of the façade at the building line and allow for a three-foot corner side yard setback at 4622 West Caven Street, 16-foot front setbacks at 4505, 4605, 4613, and 4621 Caven Street, 17-foot front setback at 4510 Caven Street, and a six-foot corner side yard setback at 4625 Caven Street.
- ◇ Table 744-701-2: Private Frontage Design Standards for the Neighborhood Yard Frontage requires a front building line range of 20 to 50 feet and front-loaded garages are limited to 30% of the width of the front façade when located zero to 12 feet behind front building line.
- ◇ The proposed front-loaded garages, although exceeding the garage width limitations of the Ordinance, are due to the practical difficulty that exists with accessing the lots from the alley at the rear of the sites. There are two alleys with right-of-way dedication that exist, but they are undeveloped which none of the existing lots along them use to access their garages. Instead, most of the existing sites have parking on driveways or front-loaded garages that gain access at the front yard along Caven Street. Therefore, staff is supportive of the variance.
- ◇ Staff determined that the three-foot corner side yard setback at 4622 West Caven Street and six-foot corner side yard setback at 4625 Caven Street could be supportable due to the excessive right-of-way that already exists along Denison Street. This allowance would still ensure that the proposed single-family dwellings would be outside of the clear sight triangle, which staff was more concerned about.

(Continued)

STAFF REPORT 2023-DV1-020 (Continued)

- ◇ The proposed 16-foot front setbacks at 4505, 4605, 4613, and 4621 Caven Street in addition to the 17-foot front setback at 4510 Caven Street would be minimal reductions of the front yard setback where a majority of the existing homes on Caven Street have front setbacks far closer to the street.
- ◇ In staff's opinion, the grant of the request would not be injurious to the community and would not affect the adjacent properties in an adverse manner because the development pattern in the neighborhood would be maintained.

GENERAL INFORMATION

THOROUGHFARE PLAN

Caven Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

THOROUGHFARE PLAN

Denison Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 35-foot existing half right-of-way and a 24-foot proposed half right-of-way.

SITE PLANS

File-dated April 6, 2023.

AMENDED SITE PLANS

File-dated October 19, 2023.

HOUSE TYPE ELEVATIONS

File-dated October 19, 2023.

FINDINGS OF FACT

File-dated October 19, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2001-DV3-008; 4618 West Caven Street (between subject sites), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 240 square foot addition to a single-family dwelling, with a 12-foot front setback along Caven Street (minimum 25-foot front setback required), **withdrawn**.

(Continued)

STAFF REPORT 2023-DV1-020 (Continued)

2000-HOV-021; 4602 West Naomi Street (south of site), Variance of development standard of the Dwelling Districts Zoning Ordinance to provide for the construction of a 640-square foot addition to a single-family dwelling, expanding 16 feet along a legally nonconforming 14.5-foot front setback or 72.7 percent of the linear frontage of the original dwelling (maximum 11-foot expansion along a legally nonconforming 1.5-foot front setback or 50 percent of the linear frontage of the original dwelling permitted), **granted**.

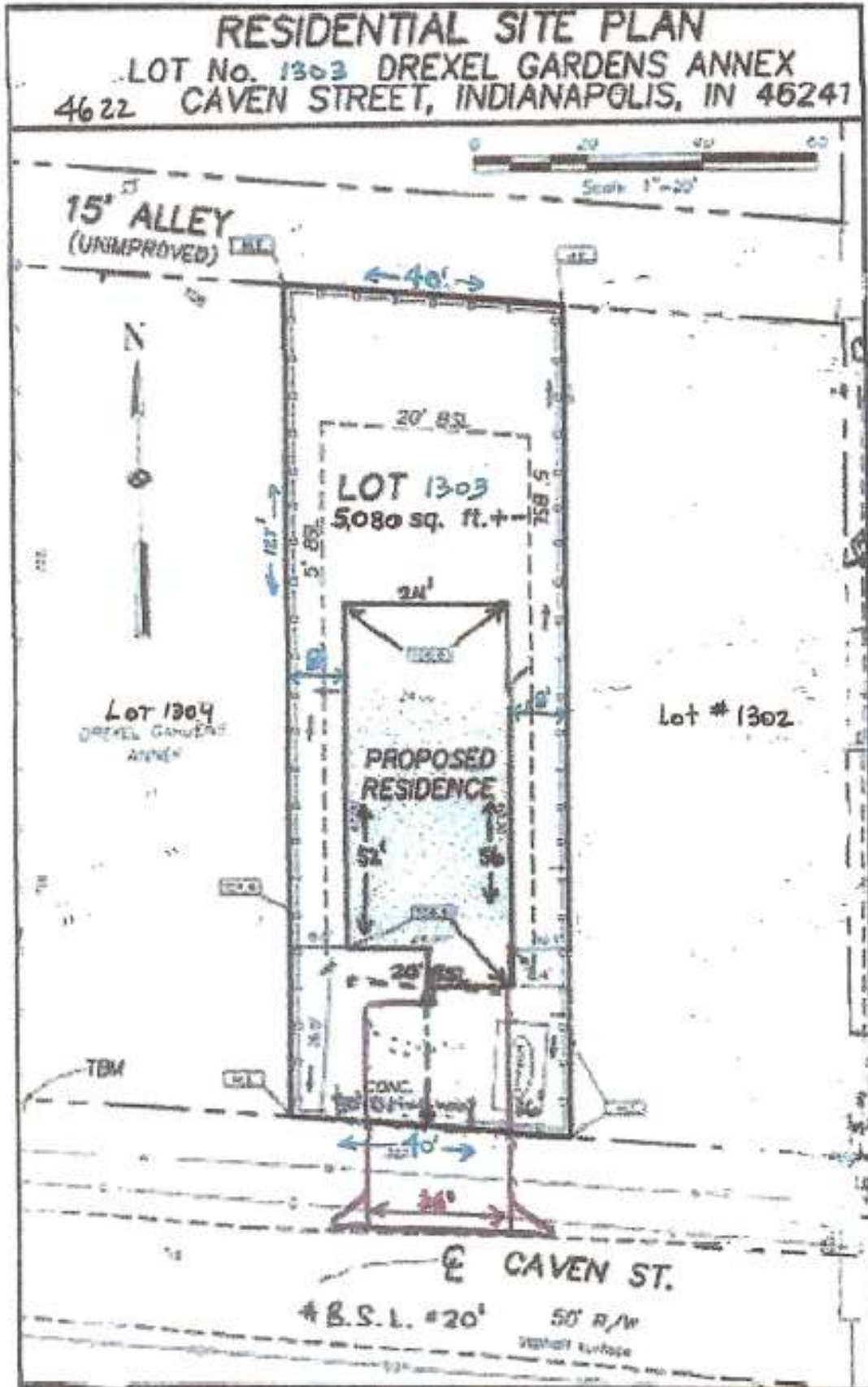
99-SE1-1; 4612 West Melrose Avenue (south of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for a manufactured home, **granted**.

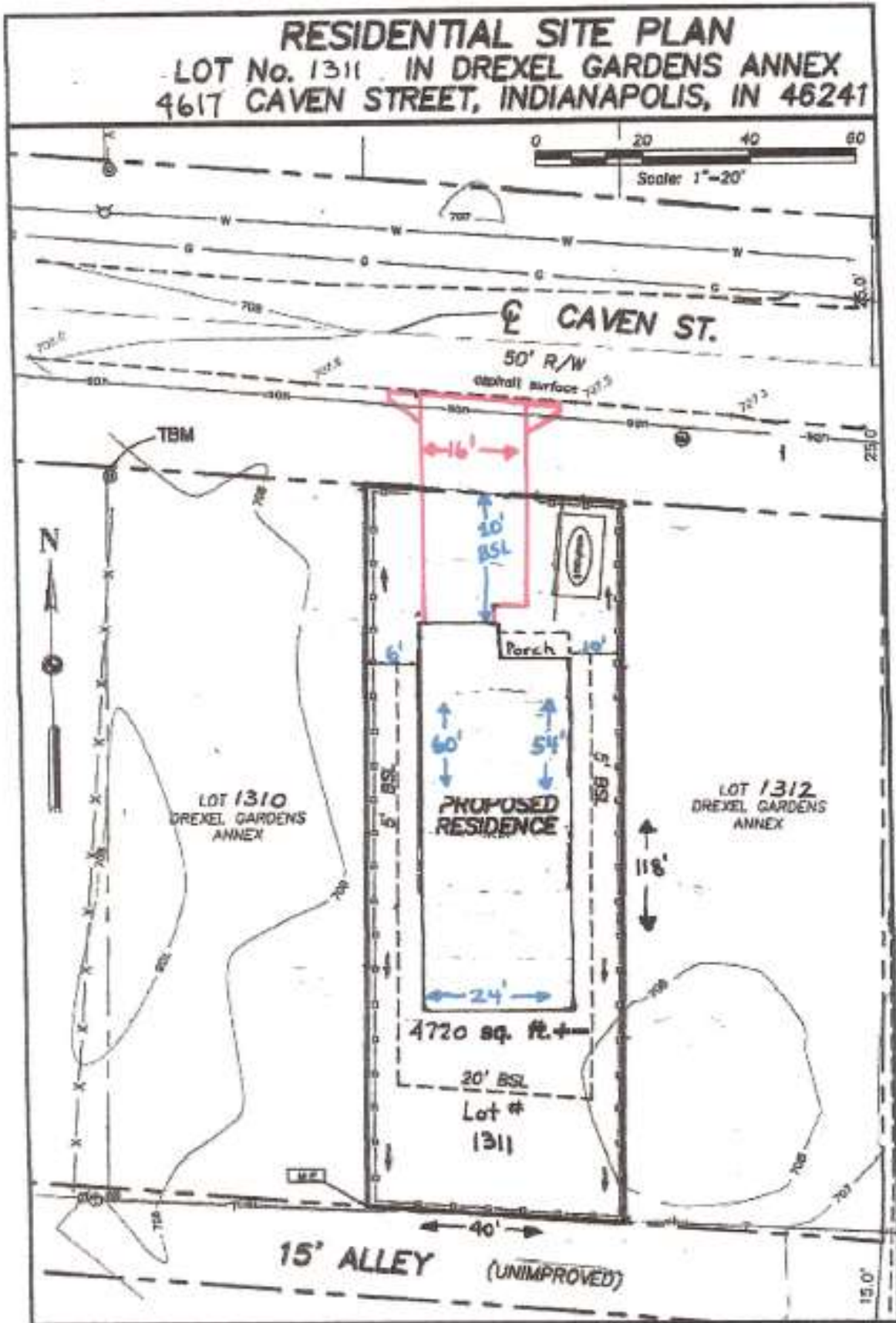
98-SE3-4; 4602 West Caven Street (between subject sites), Special Exception of the Dwelling Districts Zoning Ordinance to provide for one manufactured home on four lots, **granted**.

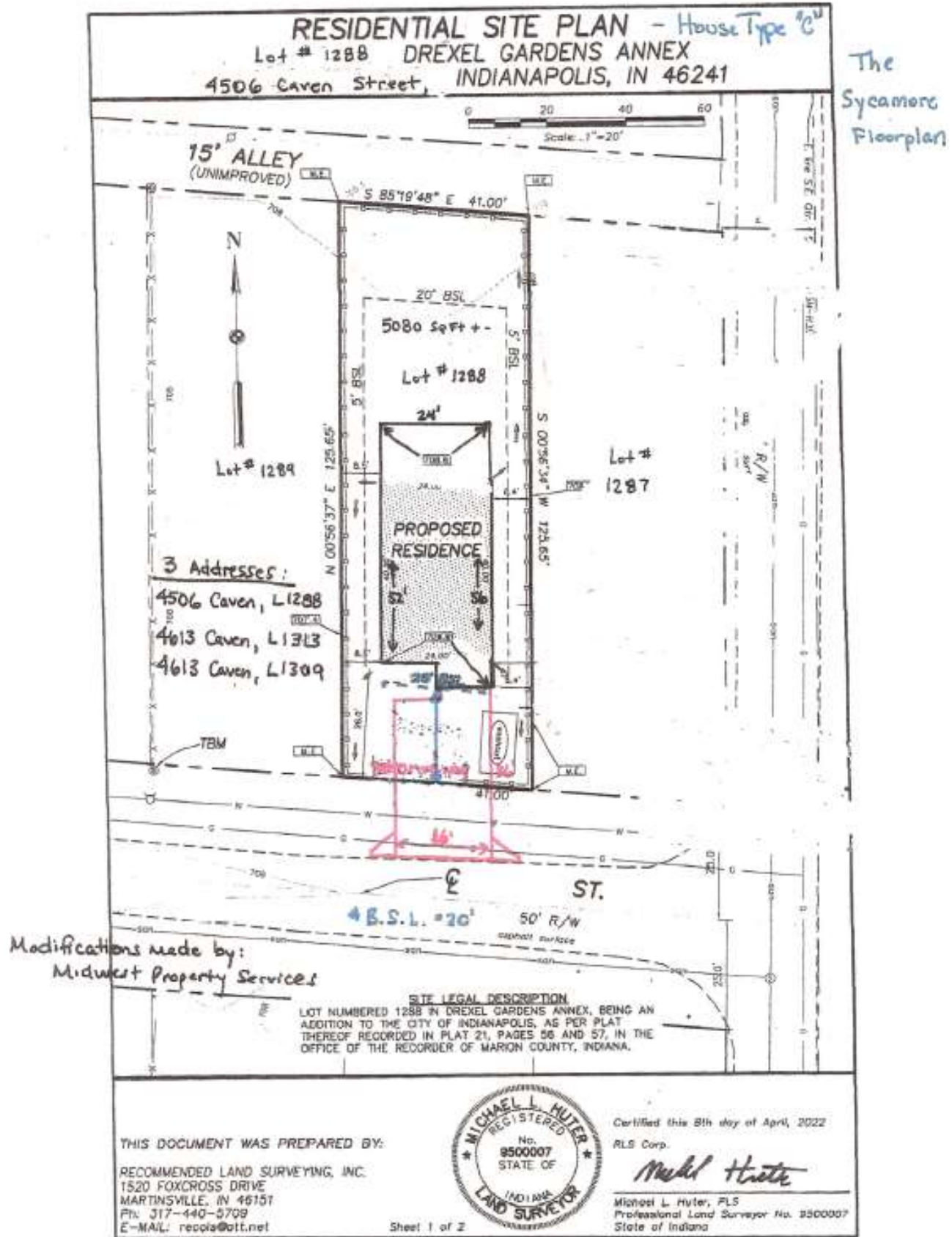
88-SE2-12; 4521 West Beecher Street (southeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for a manufactured single-family residence, **granted**.

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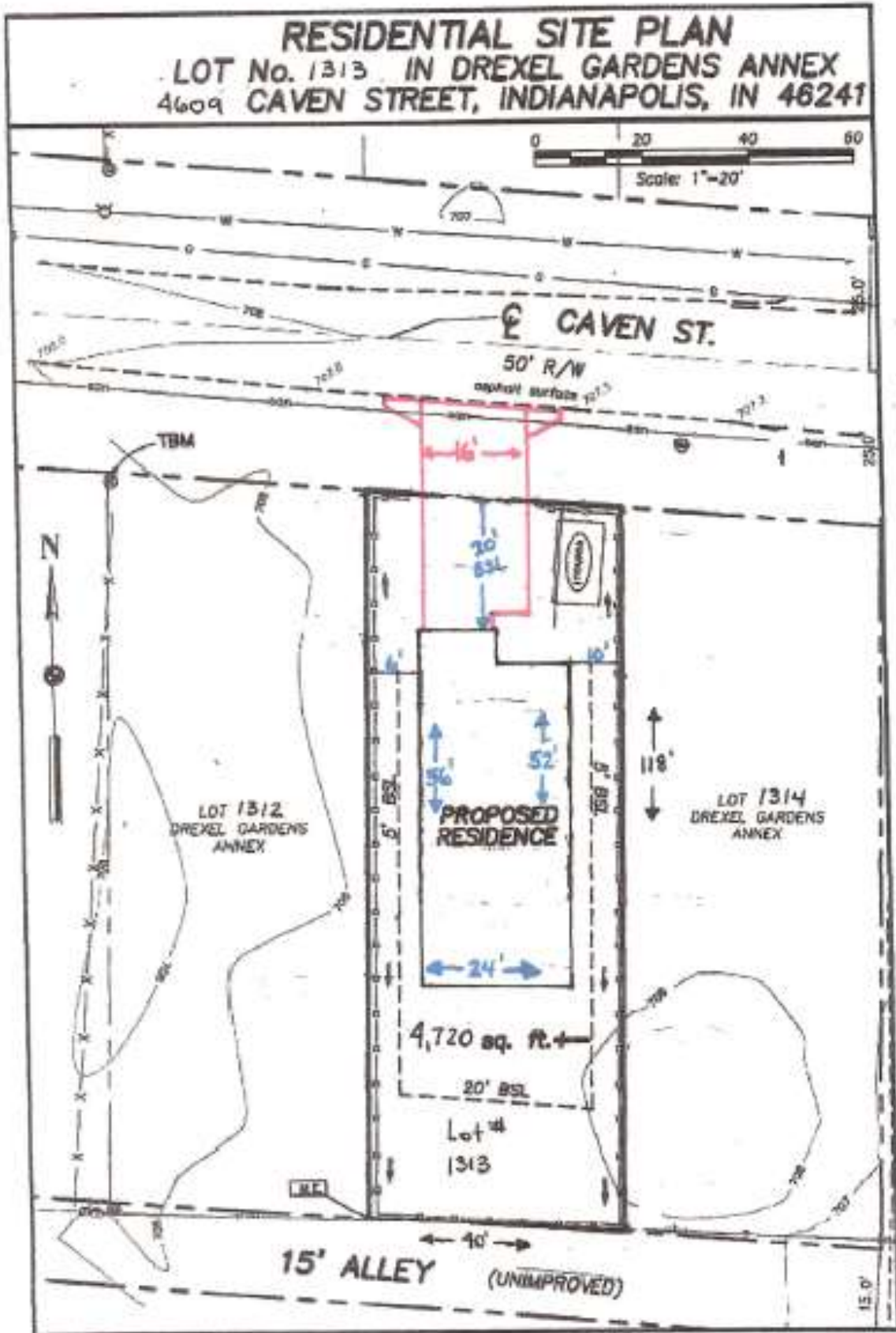


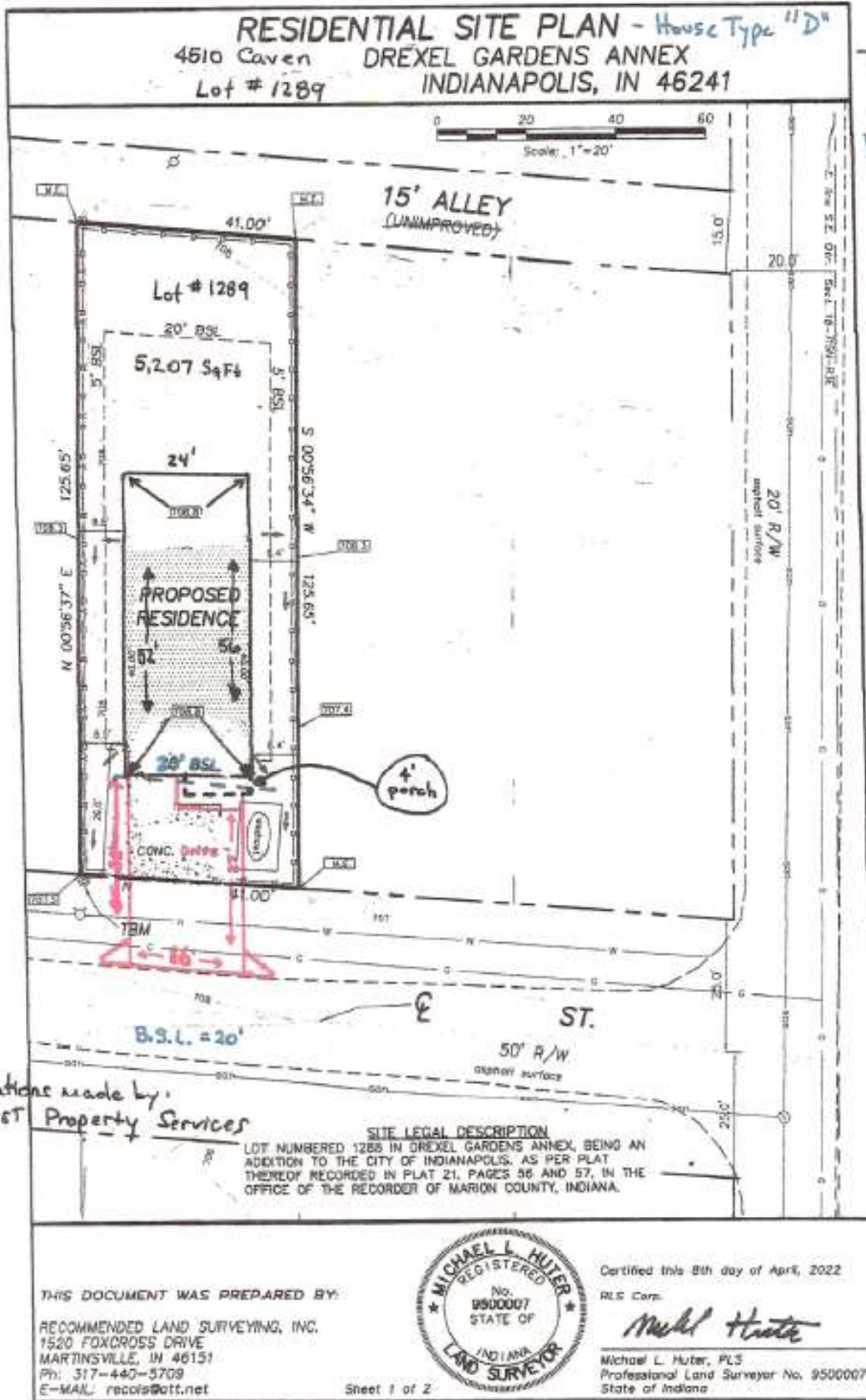




The Sycamore Floorplan

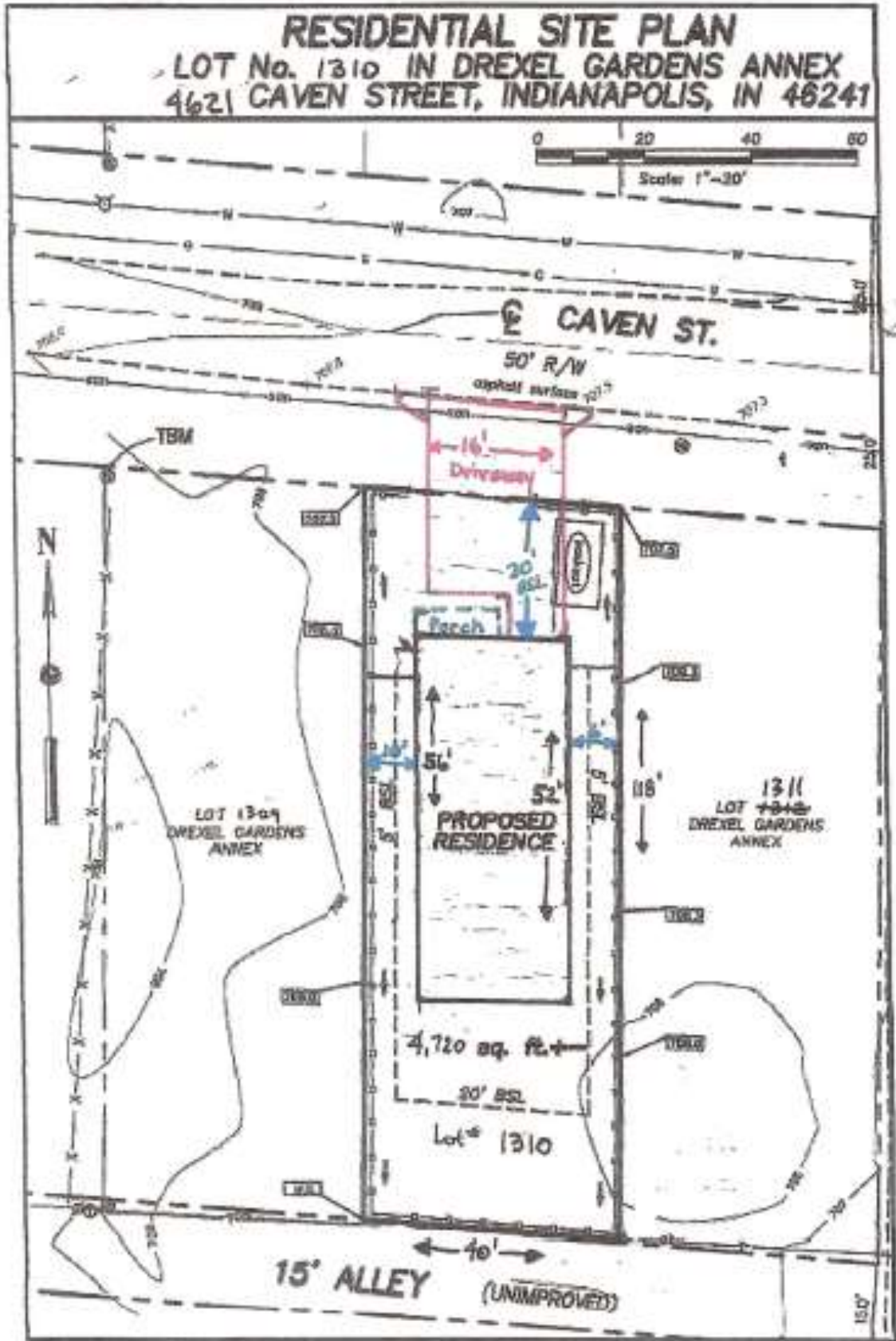
Modifications made by:
 Midwest Property Services

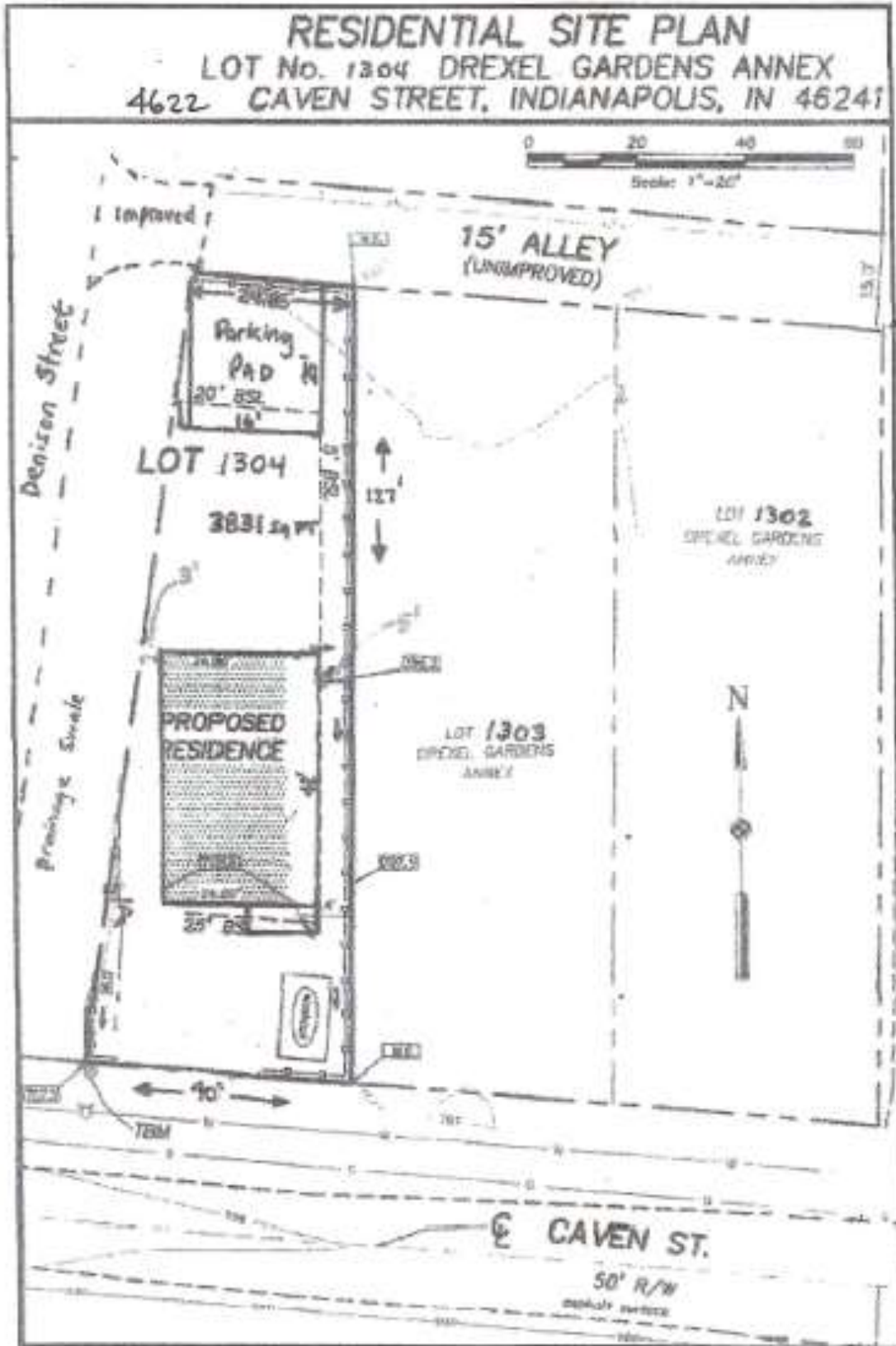




The Alder Floorplan

Modifications made by: Midwest Property Services





address TBD - this is parcel # 1304

House Type "A" – The Chestnut

Petitioner requests variance from the following "Walkable Development" standards:

1. Allow front loaded garages in excess of 30% of front building façade.



House Type "B" – The Aspen

Petitioner requests variance from the following "Walkable Development" standards:

1. Allow front loaded garages in excess of 30% of front building façade.
2. Allow OH door placement closer to street than entry door.



House Type "C" – The Sycamore

Petitioner requests variance from the following "Walkable Development" standards:

1. Allow front loaded garages in excess of 30% of front building façade.
2. Allow OH door placement closer to street than entry door.



House Type "D" – The Alder

Petitioner requests variance from the following "Walkable Development" standards:

1. Allow front loaded garages in excess of 30% of front building façade.



House Type "E" – The Sequoia

Petitioner requests:

1. *to allow 1 residential structure with a side yard of 3 feet at 4622 Caven (Lot 1304)*





Photo of the Subject Property: **4506 West Caven Street**



Photo of the Subject Property: **4510 West Caven Street**



Photo of the single-family dwelling east of 4506 West Caven Street.



Photo of the single-family dwelling east of 4505 West Caven Street.



Photo of the Subject Property: **4505 West Caven Street**



Photo of the Subject Property: **4509 West Caven Street**



Photo of the Subject Property: **4622 West Caven Street**



Photo of the Subject Property: **4622 West Caven Street**



Photo of the single-family dwellings east of 4622 West Caven Street.



Photo of the Subject Property: **4625 West Caven Street**



Photo of the Subject Property: **4621 West Caven Street**



Photo of the Subject Property: **4617 West Caven Street**



Photo of the Subject Property: **4613 West Caven Street**



Photo of the Subject Property: **4609 West Caven Street**



Photo of the Subject Property: **4605 West Caven Street (undeveloped site)** and adjacent dwelling.



Undeveloped alley south of subject sites 4605 through 4625 Caven Street.



Undeveloped alley south of subject sites 4505 and 4509 Caven Street.



Undeveloped alley north of 4506 and 4510 Caven Street.



Undeveloped alley north of 4622 Caven Street.



BOARD OF ZONING APPEALS DIVISION I

November 14, 2023

Case Number: 2023-UV1-022

Property Address: 5330 West Morris Street (approximate address)

Location: Wayne Township, Council District #22

Petitioner: Adriano Montas, Jorge Oscar Gonzales

Current Zoning: C-3/SU-9 (TOD)

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage.

Current Land Use: Residential/Commercial

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

Recommended Motion: **Motion to approve petition 2023UV1022**

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- This petition would allow for primary and accessory single-family uses and structures, including the construction of a detached garage.
- The site is zoned C-3 and contains a primary structure on site that has existed since approximately 1930 and is used for residential purposes. Therefore, the site has legally non-conforming status with regards to the residential structure, and this variance request will officially bring that structure into compliance. Likewise, the proposed construction of a detached garage in the rear of the property is also in need of a variance since minor residential structures are not permitted in commercial districts, with this request bringing that structure into compliance as well. The site being zoned C-3, meaning detached garages are not permitted, despite being used a residence represents a practical difficulty on the owner. Likewise, given that the site is legally non-conforming with regards to residential uses, Staff is not opposed to the variance request for the construction of a detached garage.



GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Residential/Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: SU-9	North: Government Grounds
	South: D-5	South: Single-Family Residential
	East: C-3	East: Single-Family Residential
	West: SU-9	West: Government Grounds
Thoroughfare Plan		
West Morris Street	Primary Arterial Existing ROW: 56 feet Proposed ROW: 56 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	9/8/23	
Site Plan (Amended)	N/A	
Elevations	9/8/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	9/8/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the request



Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site

Indy Moves

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

- Not Applicable to the Site



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

83-Z-131; 5401 and 5405 W Washington Street (north of site), requests rezoning of 2 acres being in a C-5 district to the SU-9 classification to provide for a fire station and Township governmental offices, **approved**.

84-Z-199; 1149 South Lynhurst Drive (east of site), requests rezoning of 0.99 acres, being in the D-3 district, to the C-3 classification to provide for the removal of existing improvements and the construction of a service station and convenience food market, **approved**.

84-UV2-84; 1130 South Lynhurst Drive (east of site), variance of use of the Commercial Zoning Ordinance to provide for the erection of a 26 x 40 foot garage to be used for storage of supplies and equipment for an existing automobile repair service, **approved**.

91-V3-98; 1229 South Biltmore Avenue (south of site), variance of development standards of the Dwelling District Zoning Ordinance to permit the construction of an attached garage with a zero foot side yard setback and a six foot aggregate setback (4 foot side yard setback and a 10 foot aggregate required), **approved**.

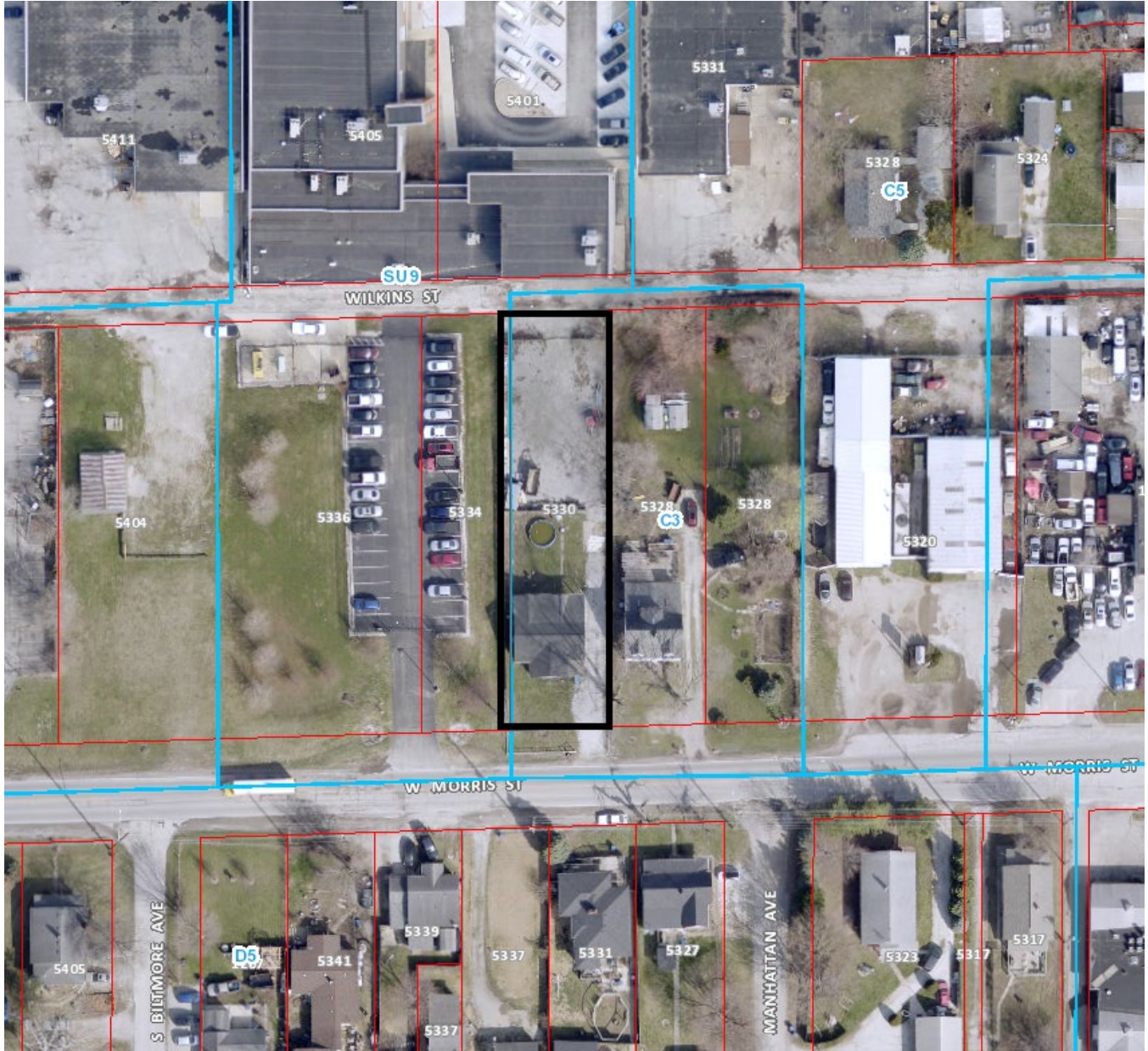
92-V2-93; 5331 West Washington Street (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an existing pole sign with a front setback of 6 feet from the right-of-way line of Washington Street (15 foot setback required) and a clear distance of 6 feet from the bottom edge of the sign to the grade (9 feet required), **approved**.

97-Z-60; 1205 South Lynhurst Drive (east of site), requests a rezoning of the adjacent one-third of an acre D3 property to the C4 District to allow for the redevelopment of the site with a new Speedway convenience store, **approved**.

2005SE1004; 5515 West Morris Street (west of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,144-square foot manufactured home, **approved**.

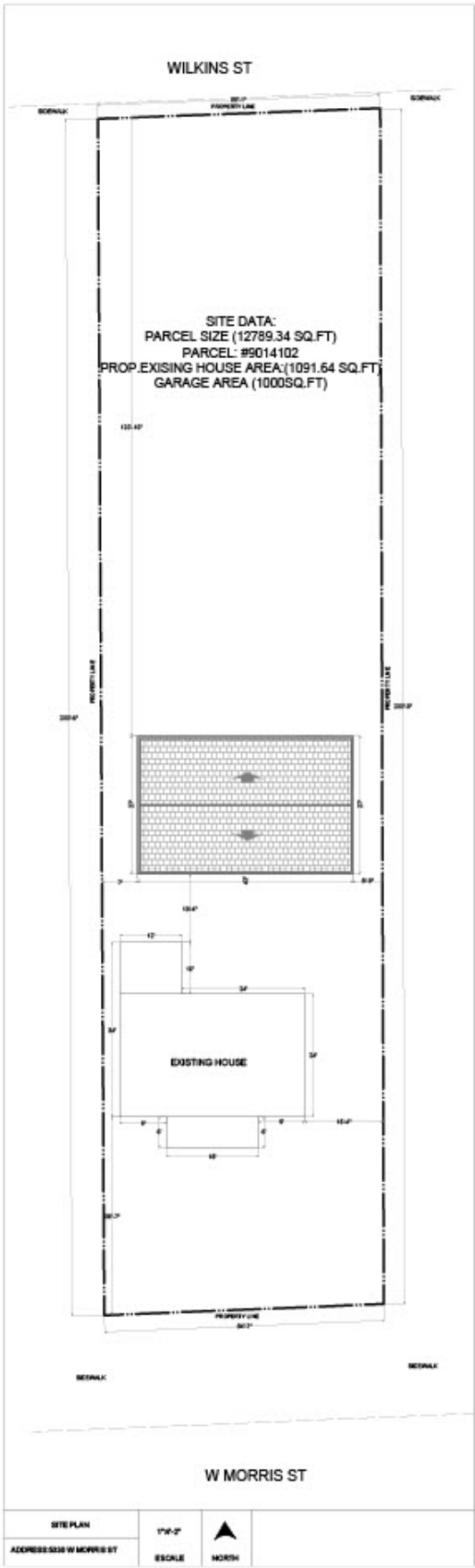
2011ZON086; 5334 and 5336 West Morris Street (west of site), rezoning of 0.90 acres, from the C-3 District, to the SU-9 classification to provide for a parking lot for the Wayne Township government center, **approved**.

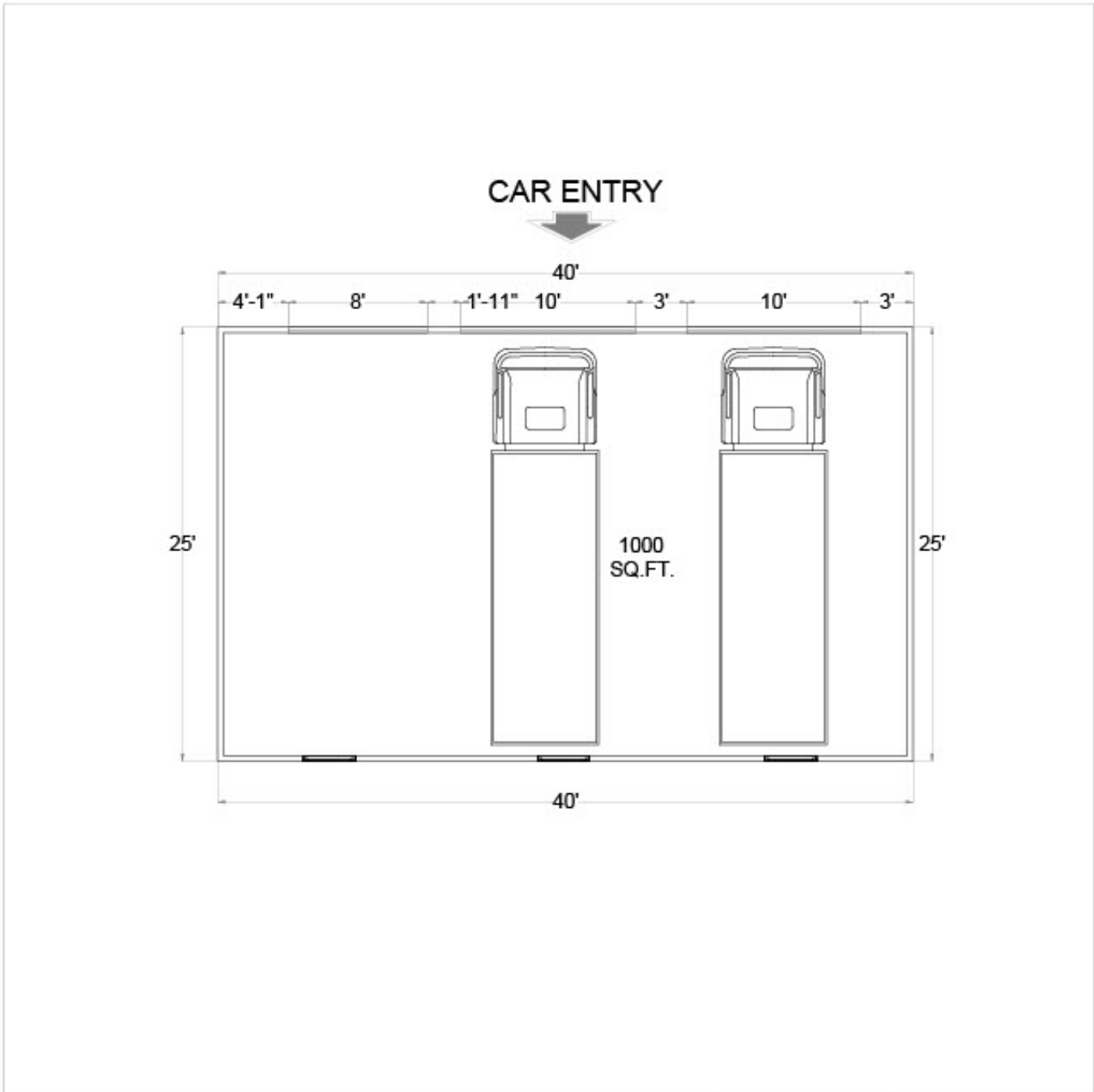
EXHIBITS



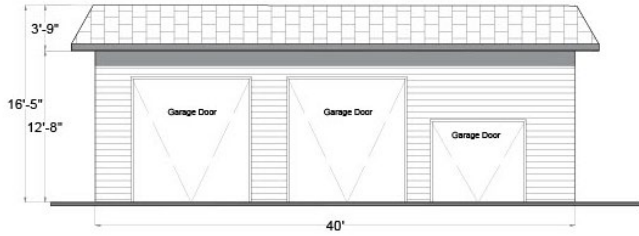


Department of Metropolitan Development
Division of Planning
Current Planning





SECTIONAL DETAIL	1"-4'2"		
ADDRESS: 5330 W MORRIS ST	ESCALE	NORTH	



NORTH ELEVATION FRONT VIEW



EAST ELEVATION

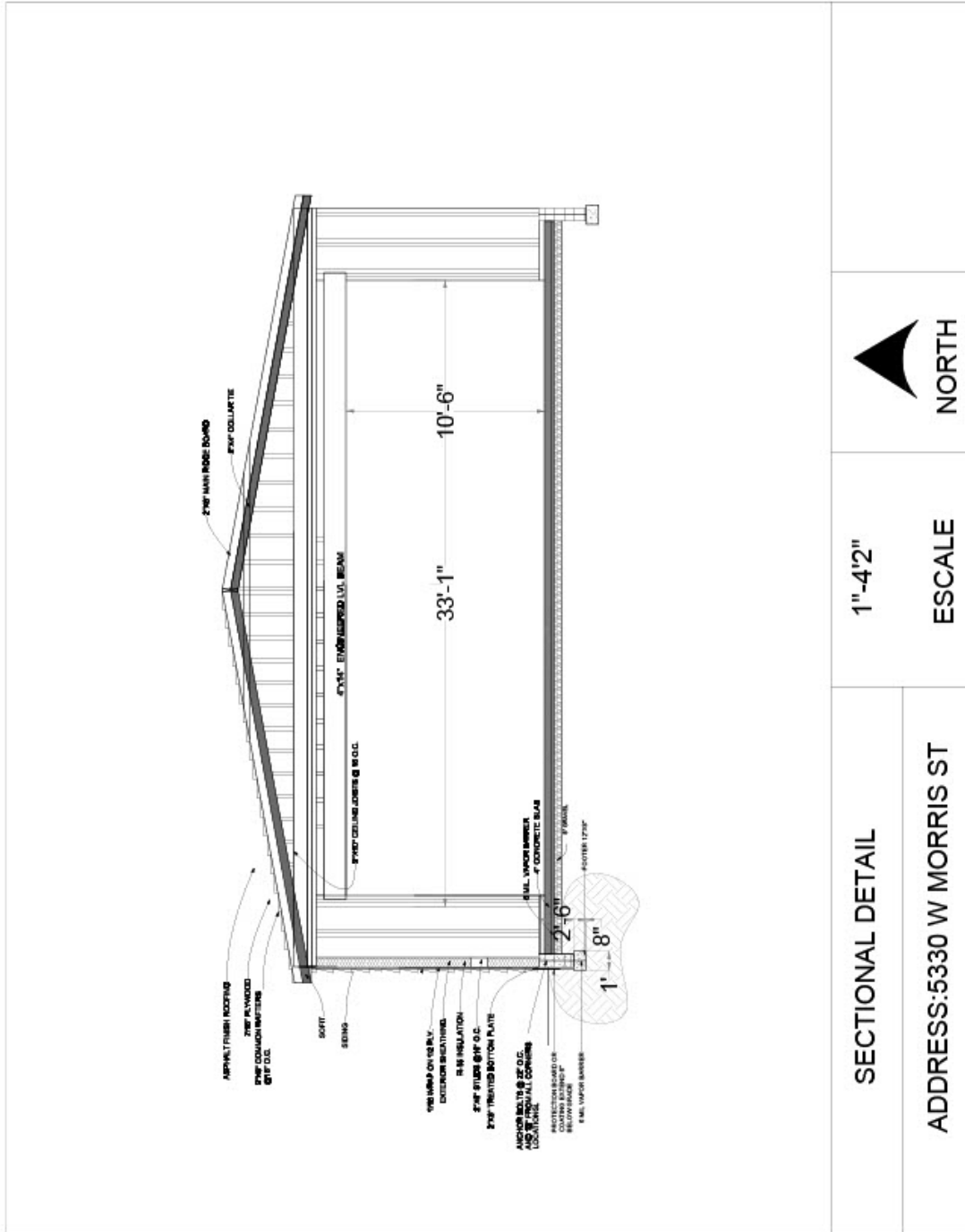


ELEVATION SOUTH, BACK VIEW



ELEVATION WEST

ELEVATIONS PLAN	1"-42"	ELEVATIONS PLAN	1"-42"
ADDRESS: 5330 W MORRIS ST	ESCALE	ADDRESS: 5330 W MORRIS ST	ESCALE













STAFF REPORT

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

Case Number: 2023-UV1-019
Address: 2994 North Arlington Avenue (approximate address)
Location: Warren Township, Council District #13
Zoning: C-3
Petitioner: Roys Towing LLC, by David E. Dearing
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile sales and repair business, per the plan of operation (not permitted), and a six-foot tall chain link fence and security gates within the front yard of Arlington Avenue and 30th Street (maximum height of 3.5-feet permitted, chain link fencing not permitted in front yards) and encroaching within the driveway and intersection clear sight triangles along Arlington and 30th Street (encroachment of clear sight triangles not permitted).

RECOMMENDATIONS

Staff **recommends denial** of the request, as proposed.

However, Staff **would recommend approval** of the request if the six-foot tall fence and gates were removed from the front yards of Arlington Avenue and 30th Street.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-3 Compact Automobile Repair and Sales

SURROUNDING ZONING AND LAND USE

North C-3 Automobile Repair
South C-4 Automobile Sales
East C-3 Liquor Store
West C-3 Professional Services / Offices

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Heavy Commercial development.

◇ This 0.30-acre lot, zoned C-3, is currently improved with an automobile garage and outdoor storage and parking area.

(Continued)

STAFF REPORT 2023-UV1-019 (Continued)

- ◇ To the north and south, within the C-3 and C-4 Districts, respectively, are automobile repair shops. To the east, within the C-3 District, is a liquor store. To the west, also within the C-3 District, is a multi-tenant building containing professional services and offices.
- ◇ The property was granted a variance in 1988 (88-V3-81) to allow for automobile sales.
- ◇ The site is currently subject to violation VIO-23-004546 by the Department of Business and Neighborhood Services, regarded non-permitted uses, unenclosed dumpsters and non-compliant fence and gate heights and locations.
- ◇ The C-3 District is the Neighborhood Commercial District of the Ordinance. It is intended to provide an extensive range of retail sales and personal and professional services for the immediate vicinity of a residential area.

VARIANCE OF USE

- ◇ The request would allow for the operation of an automobile sales and repair operation, per the plan of operation, file-dated September 12, 2023.
- ◇ Under the proposed plan of operation, vehicles for sale would be displayed outside, and two commercial vehicles would also be stored outside. These commercial vehicles would be used for accessory roadside towing of vehicles that would be brought to the property for repair. These vehicles would not be able to tow vehicles for any other purpose, including impounding services.
- ◇ In addition, the house would be limited to 10AM-5PM Monday through Saturday, with only one additional employee. The site would be monitored by a 24-hour camera surveillance and alarm system.
- ◇ The request, regarding the use, would be compatible with the Plan's recommendation of Heavy Commercial. Therefore, Staff recommends approval of this portion of the request.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also allow for the continued location of a six-foot tall perimeter chain link fence and associated sliding gates, specifically within the front yards of Arlington Avenue and 30th Street.
- ◇ Fences, walls and other structural barriers are only permitted to be 42-inches tall within the front yard of the C-3 District. In no instances are these structures permitted to encroach within the clear sight triangles of intersecting right-of-way or driveways of properties. Staff believes that allowing these continued encroachments could represent visual impediments, particularly at the intersection, that could promote pedestrian-vehicular conflicts.

(Continued)

STAFF REPORT 2023-UV1-019 (Continued)

- ◇ In addition, fence enclosures of this height are typically associated with outdoor storage of materials or goods. While vehicles awaiting sale would be classified as outdoor display, which would be permitted along with any grant of the request for automobile sales, Staff has concerns that outdoor storage of vehicles awaiting repair would clutter the site within the fully enclosed area.
- ◇ Staff would note that while the site has a preexisting variance for automobile sales, over time, the non-permitted operation of automobile repair began, resulting in complaint to the Mayor's Action Center and the previously indicated violation. Aerial imagery and previous notations within the violation file indicate a lack of automobile striping and disorderly appearance. The site visit revealed that individual vehicle spaces have since been striped, but in order to reduce the likelihood of similarly disorganized outdoor operations, Staff recommends that the six-foot tall fence and gates be relocated out of the front yard to clearly delineate outdoor space for the storage of vehicles awaiting repair, and parking area for the employee and customers, as well as display for vehicles awaiting repair.
- ◇ Staff believes these development standards to be self-imposed and that such a long standing commercial site should be brought into conformity

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of Arlington Avenue is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing 40-foot right-of-way and proposed right-of-way of 90 feet.

This portion of 30th Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 90 feet.

SITE PLAN

File-dated August 21, 2023.

PLAN OF OPERATION

File-dated September 12, 2023

FINDINGS OF FACT

File-dated August 21, 2023.

ZONING HISTORY – SITE

88-UV3-81; 2994 North Arlington Avenue; requests variance of use to allow for continued automobile sales; **granted.**

(Continued)

STAFF REPORT 2023-UV1-019 (Continued)**ZONING HISTORY – VICINITY**

98-UV2-100; 2850 North Arlington Avenue; requests variance of use and development standards of the Commercial Zoning Ordinance to allow for a contractors office and storage area in an existing building; **granted.**

96-Z-40; 2801 North Arlington Avenue; requests rezoning of 1.876 acres, being in the C-3 District, to the I-2-S classification to provide for the wholesale and retail of industrial cleaning equipment and supplies business with an office, showroom, warehouse and distribution facility; **approved.**

91-UV1-4; 2719 North Arlington Avenue; requests variance of use of the Commercial and Industrial Zoning Ordinance to construct an addition to an existing warehouse; **granted.**

89-Z-231; 2815 North Arlington Avenue; requests rezoning of 3.75 acres from the C-3 District to the I-2-S classification to provide for book binding operation; **approved.**

86-UV2-117; 2504 North Arlington Avenue; requests variance of use to provide for office use; **denied.**

82-UV2-95; 2801 North Arlington Avenue; requests variance of use to provide for a church; **temporary approval for five years.**

79-Z-145; 2933 North Webster Avenue; requests rezoning of 0.6 acres, being in the SU-42 District, to the I-2-S District to provide for Industrial uses; **approved.**

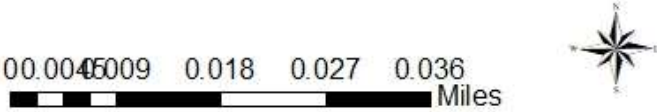
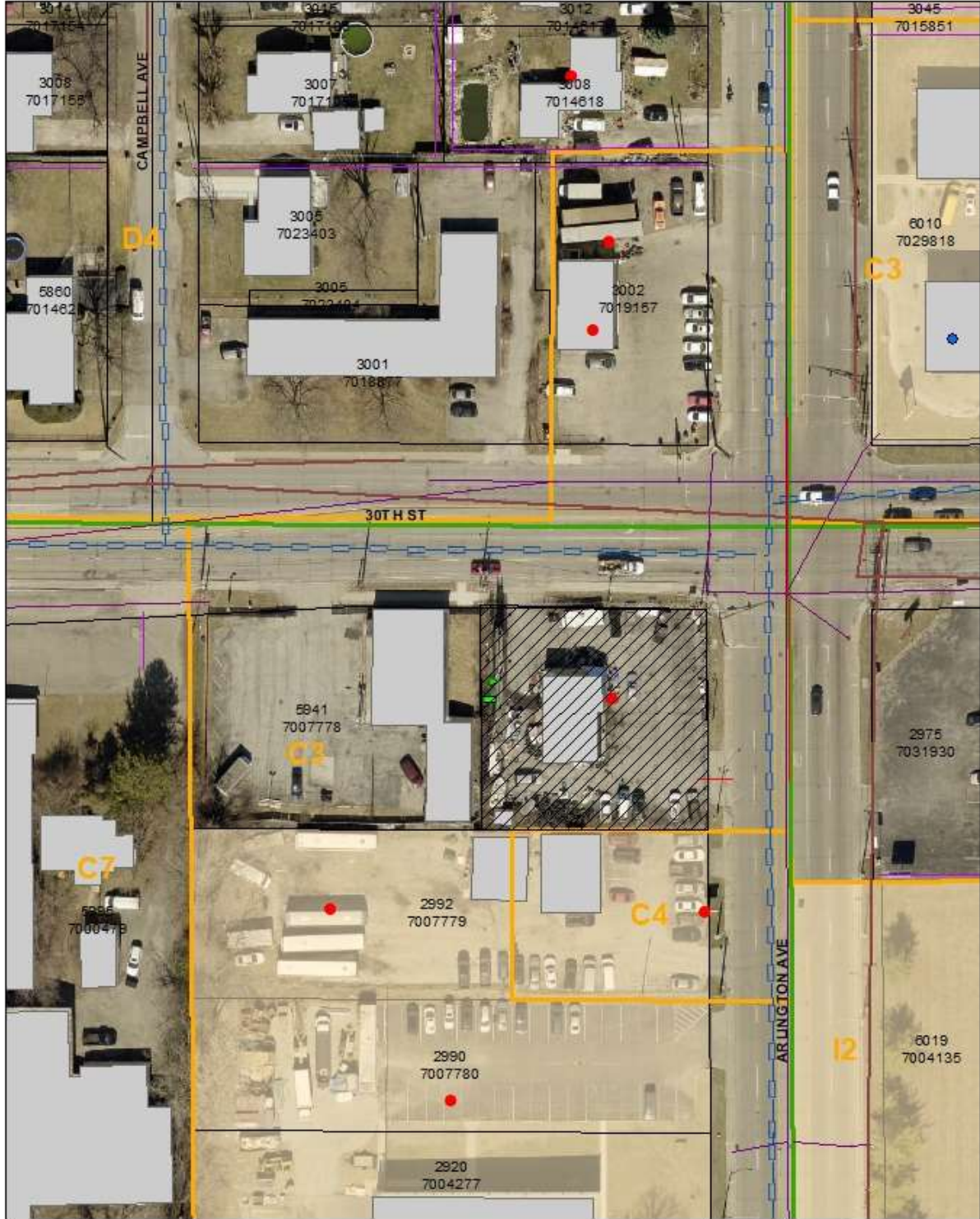
78-Z-110; 2801 North Arlington Avenue; requests rezoning of 4.29 acres, being in the C-1, C-3 and A-2 Districts, to the C-3 classification to provide for commercial development; **approved.**

68-V1-192; 3002 North Arlington Avenue; requests for variance of use to allow construction of office building to be attached to existing service station building with open air sales of automobiles and off-street parking; **granted.**

67-V1-30; 2992 North Arlington Avenue; requests variance of front setback requirements to permit re-location of a pole sign and two corner posted, necessitated by widening of Arlington Avenue; **granted.**

58-Z-34; Lots 4, 5 and 6 in Forrest Acres Subdivision; requests rezoning being in an R-3 District to a B-5 classification to permit the construction of a commercial building for cutting and retailing glass service business, located at northwest corner of 28th Street and Arlington Avenue; **approved.**

2023-UV1-019; Location Map



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

Auto sales and repairs do not have the capacity to affect public health, safety or morals. Auto sales and repairs promote the general welfare of the community by providing necessary services.

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

all activities will be confined to the property and all repairs will be conducted indoors. In addition, the activities of auto sales and repair will not deter persons from using the adjacent properties for their current uses (auto sales and repair, truck storage, and liquor purchases).

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

the existing improvements on the property were specifically designed for auto sales and repair, consistent with the expired variance and have been used as such for the past seventeen years.

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

it would prevent the Petitioner from carrying out uses identical both to those present on the property over the past seventeen years and those present on two adjacent properties.

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

the Plan calls for heavy commercial use of the property.

DECISION

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

Adopted this _____ day of _____, 20 ____

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
the tall fence does not have the capacity to affect the public health, morals, or general welfare. The fence will promote public safety by protecting vehicles from theft and vandalism.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
a tall fence would not detract from the appeal of the adjacent properties, given their uses (auto sales, auto mechanics, truck storage and liquor sales).

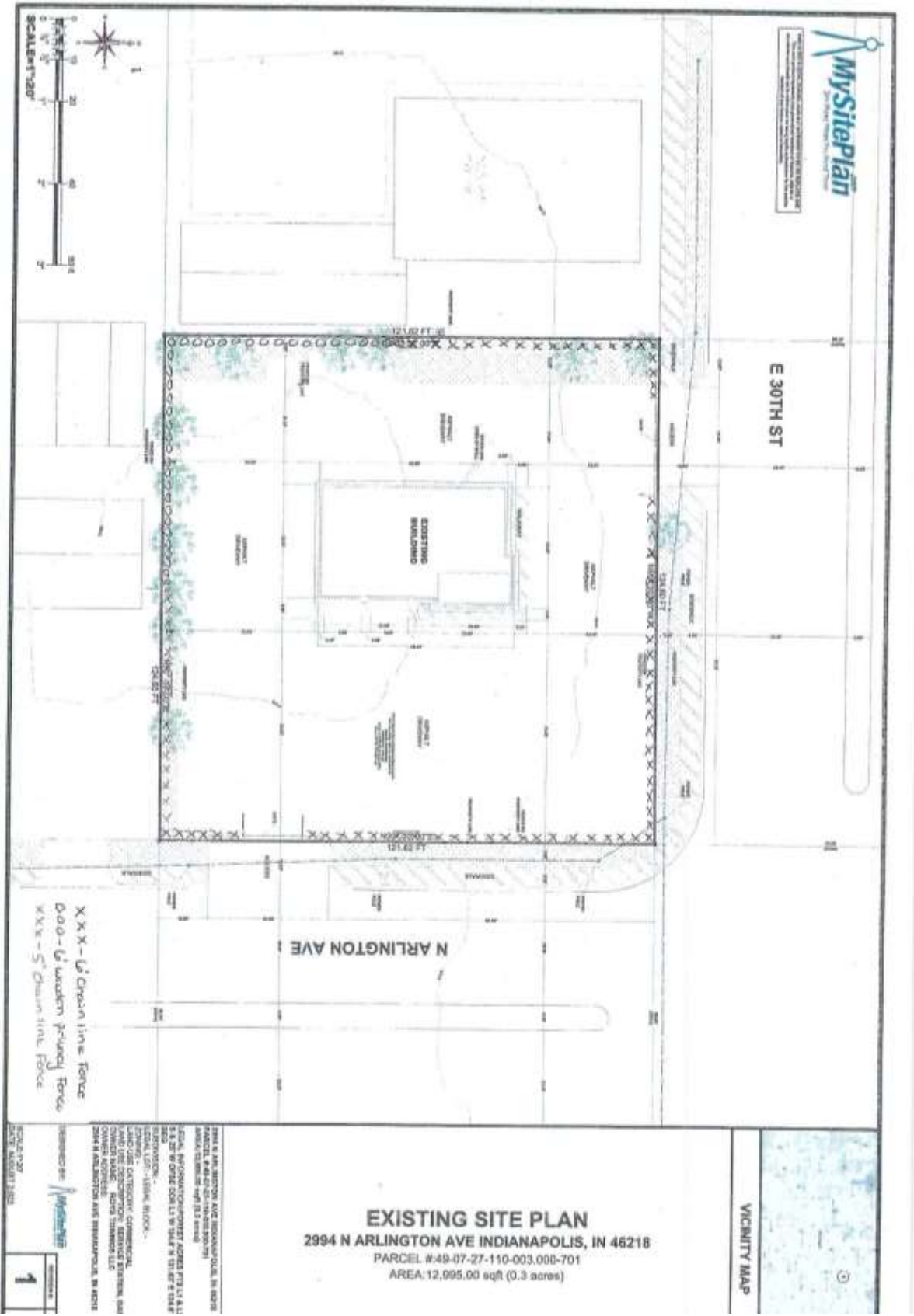
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
It will prevent Petitioner from protecting vehicles offered for sale or left for repairs.

DECISION

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

Adopted this _____ day of _____, 20 ____

2023-UV1-019; Site Plan – File-dated August 21, 2023



2023-UV1-019; Plan of Operation – File-dated September 12, 2023

Roy's Towing - Revised Plan of Operation

Facilities will consist of a building housing an office as well as space for performing repairs and storing vehicles awaiting repairs. Vehicles for sale will be displayed outside. Two commercial vehicles, used for roadside towing, will be stored outside – a tow truck and a flatbed truck. Towed vehicles will be brought to the property only if they are to be repaired.

Hours: 10 a.m. – 5:00 p.m. Monday - Saturday

Number of employees – 1

Employment will be onsite.

Security will be provided by 24-hour camera surveillance and an alarm system.



Photo One: Looking South Along Arlington Avenue



Photo Two: Looking North Along Arlington Avenue



Photo Three: Facing East Across 30th Street



Photo Four: Looking West Along 30th Street



Photo Five: Front Yard of 30th Street and Arlington Avenue



Photo Six: Side Yard of Subject Site

STAFF REPORT

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

Case Number: 2023-DV1-054
Address: 530 West 44th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5
Petitioner: James Hall
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required).

RECOMMENDATIONS

Staff recommends denial of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact D-5 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North D-5 University Office
South D-5 Single-family dwelling
East D-5 Single-family dwelling
West UQ-1 University building

COMPREHENSIVE PLAN The Comprehensive Plan recommends Institution-oriented mixed uses for the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Secondary dwelling units in the compact context are permitted above a garage when they are less than 720 square feet in size and meet other certain use-specific standards. The proposed secondary dwelling unit is approximately 754 square feet, larger than the permitted 720 square feet for a secondary dwelling unit.

(Continued)

- ◇ Staff believes that the proposed secondary dwelling unit could be reduced in size, and still provide for adequate parking, which would also allow the proposed structure to meet the required setbacks.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This proposed use would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the proposed structure could be designed in a way to meet the required setbacks and limited to the maximum size for the secondary dwelling unit without the need for variances.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of West 44th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

This portion of Sunset Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

SITE PLAN

File-dated September 21, 2023.

FINDINGS OF FACT

File-dated September 21, 2023.

ZONING HISTORY

2023-DV2-010; 526 Blue Ridge Road (north of site), requested a variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback without a primary entry on the front façade, **denied**.

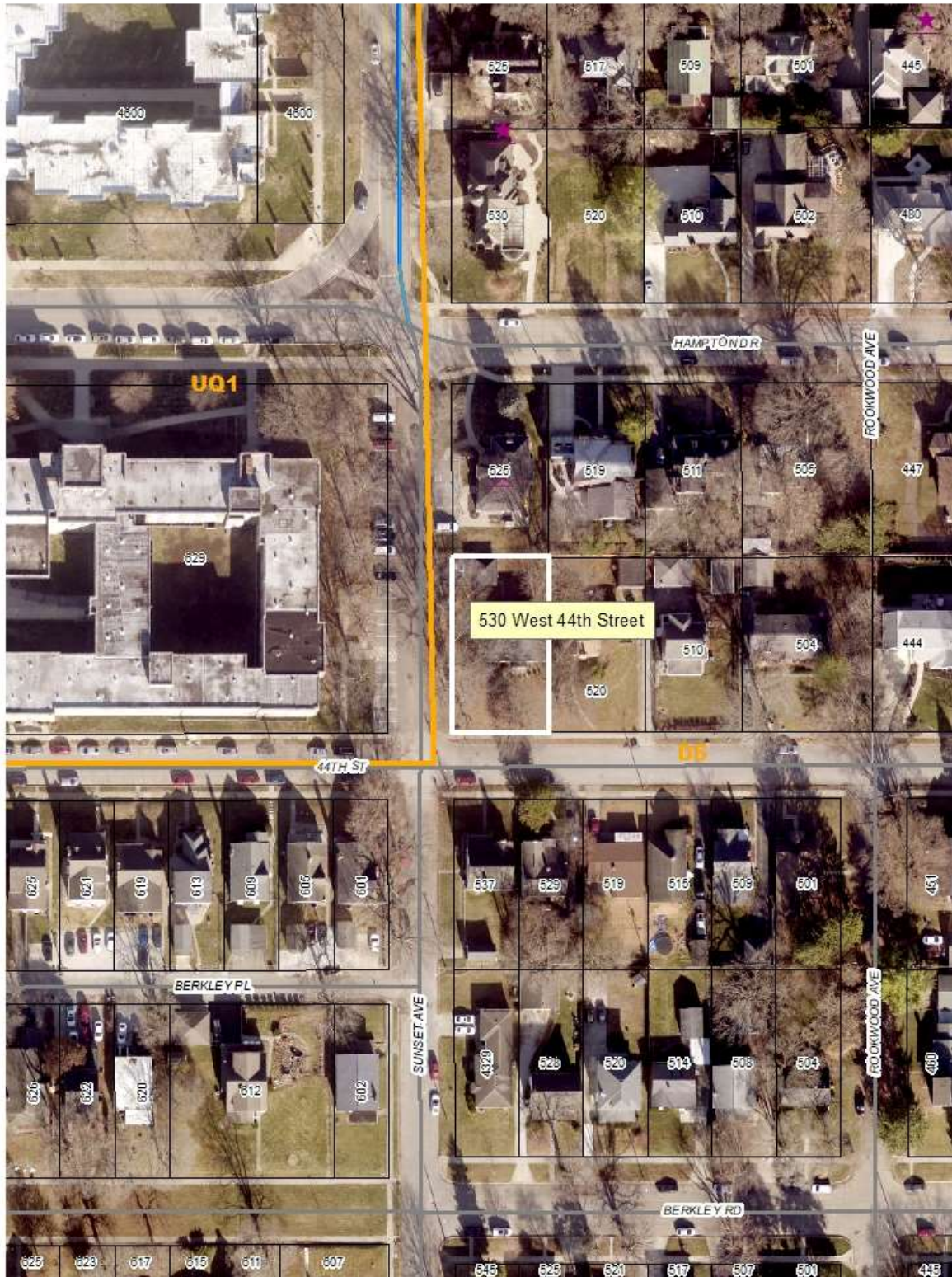
2016-DV3-035; 653 West 44th Street (west of site), requested a variance of use to provide for a single-family dwelling occupied by five unrelated persons, **denied**.

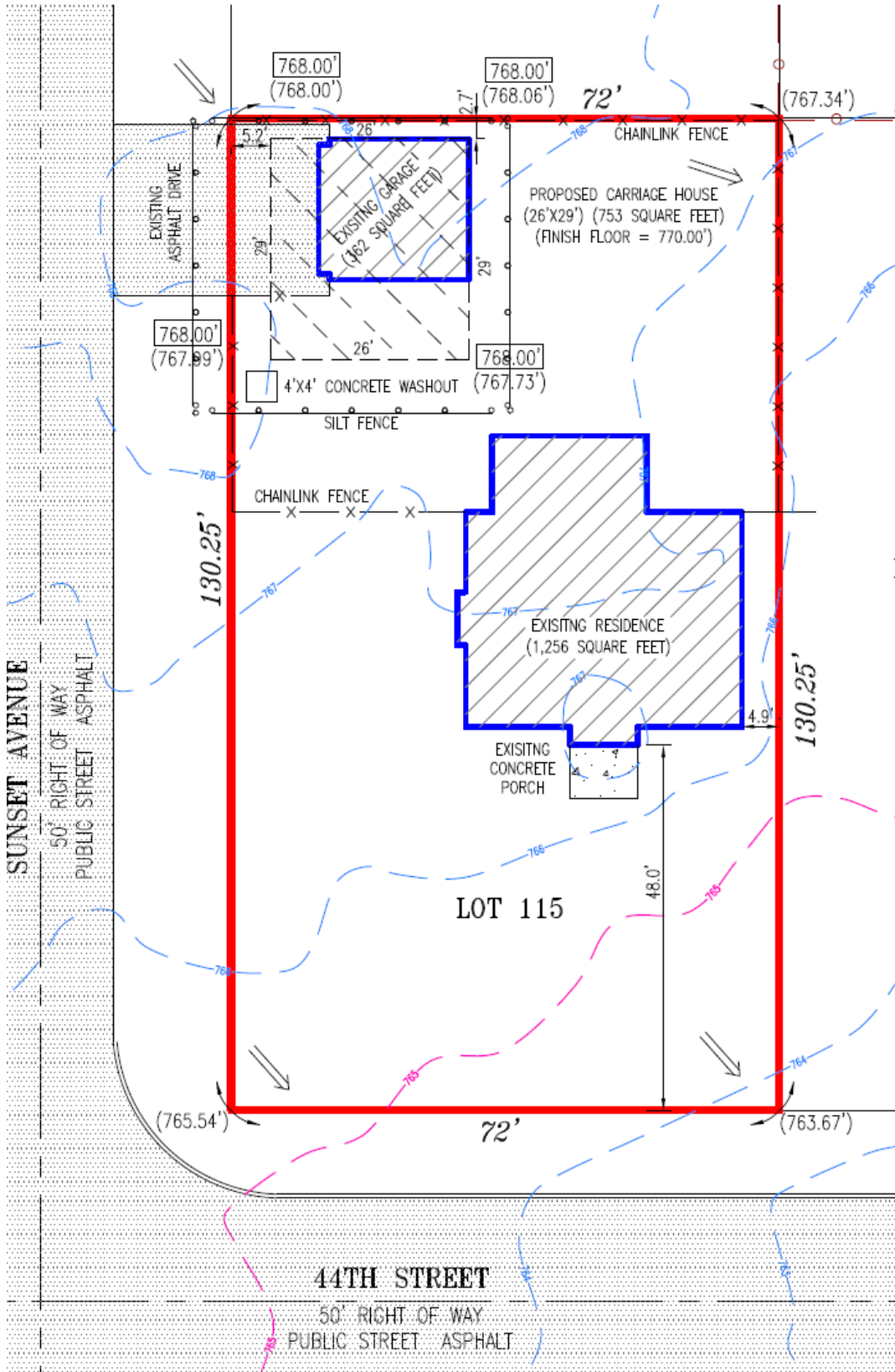
2006-UV2-040; 525 West Hampton Drive (north of site), requested a variance of use to provide for a university police station within an existing dwelling, **granted**.

2004-DV1-027; 313 Blue Ridge Road (east of site), requested a variance of development standards to legally establish a 1,429-square foot single-family dwelling with a 320-square foot attached deck with a one-foot west side yard setback, and to provide for a 48-square foot bay window addition resulting in a 21-foot front yard setback from the existing right-of-way of Blue Ridge Road, **granted subject to conditions**.

2001-UV1-026; 525 Berkley Road (south of site), requested a variance of use to provide for a single-family dwelling occupied by six unrelated persons, **denied**.

RU







Subject site, existing single-family dwelling, looking north.



Subject site, existing garage and location for the proposed new garage with a secondary dwelling unit, looking east.



Adjacent single-family dwelling to the south.



Adjacent single-family dwelling to the east, looking north.



Adjacent university office to the north, looking northeast.



Adjacent university building and parking to the west, looking northwest.



BOARD OF ZONING APPEALS DIVISION I

November 14, 2023

Case Number: 2023-UV1-021

Property Address: 7040 Rockville Road (approximate address)

Location: Wayne Township, Council District #15

Petitioner: Donald P. Quass, by David Gilman

Current Zoning: D-3

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

Current Land Use: Residential

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

Recommended Motion: Motion to approve petition 2023UV1021

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petition would provide for a secondary dwelling unit, without an owner living on the site (not permitted), with a zero-foot west side yard setback (six-foot side yard setback required).
- The secondary dwelling unit pertaining to this request is located along the west lot line of the site, with a zero-foot setback. This structure has been in existence since approximately 1946 and predates the setback standards currently in place for this site. Given the legally non-conforming nature of the location of the secondary dwelling unit, Staff is not opposed to the variance of development standards to allow for the zero-foot side yard setback for the secondary dwelling structure.



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

- The petition also requests a use variance to allow for the secondary dwelling unit to be used as such without the property owner living on site. While secondary dwelling units are legal in all dwelling districts, operating a secondary unit without the owner living on site is not a permitted use in the zoning ordinance and has never been permitted in any past zoning ordinances. Further, Staff does not see any practical difficulty or justifiable reason in which the owner is not able to comply with the regulations set forth by the Consolidated Zoning and Subdivision Ordinance. Finally, Staff finds that a recommendation of approval has the potential to set an undesired precedent of a use that is not permitted by the Ordinance. Therefore, Staff is opposed to and recommends denial of the use variance to allow for the secondary dwelling unit to be in operation without the property owner living on the site.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-4
	South:	D-5
	East:	D-3
	West:	D-3
Thoroughfare Plan		
Rockville Road	Primary Arterial Existing ROW: 140 feet Proposed ROW: 112 feet	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	9/8/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	9/8/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan



Department of Metropolitan Development
Division of Planning
Current Planning

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

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

Indy Moves

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

- Not Applicable to the Site



ZONING HISTORY

ZONING HISTORY - SITE

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

ZONING HISTORY – VICINITY

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

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

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

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

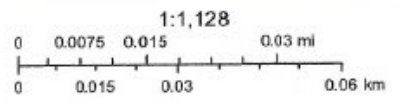
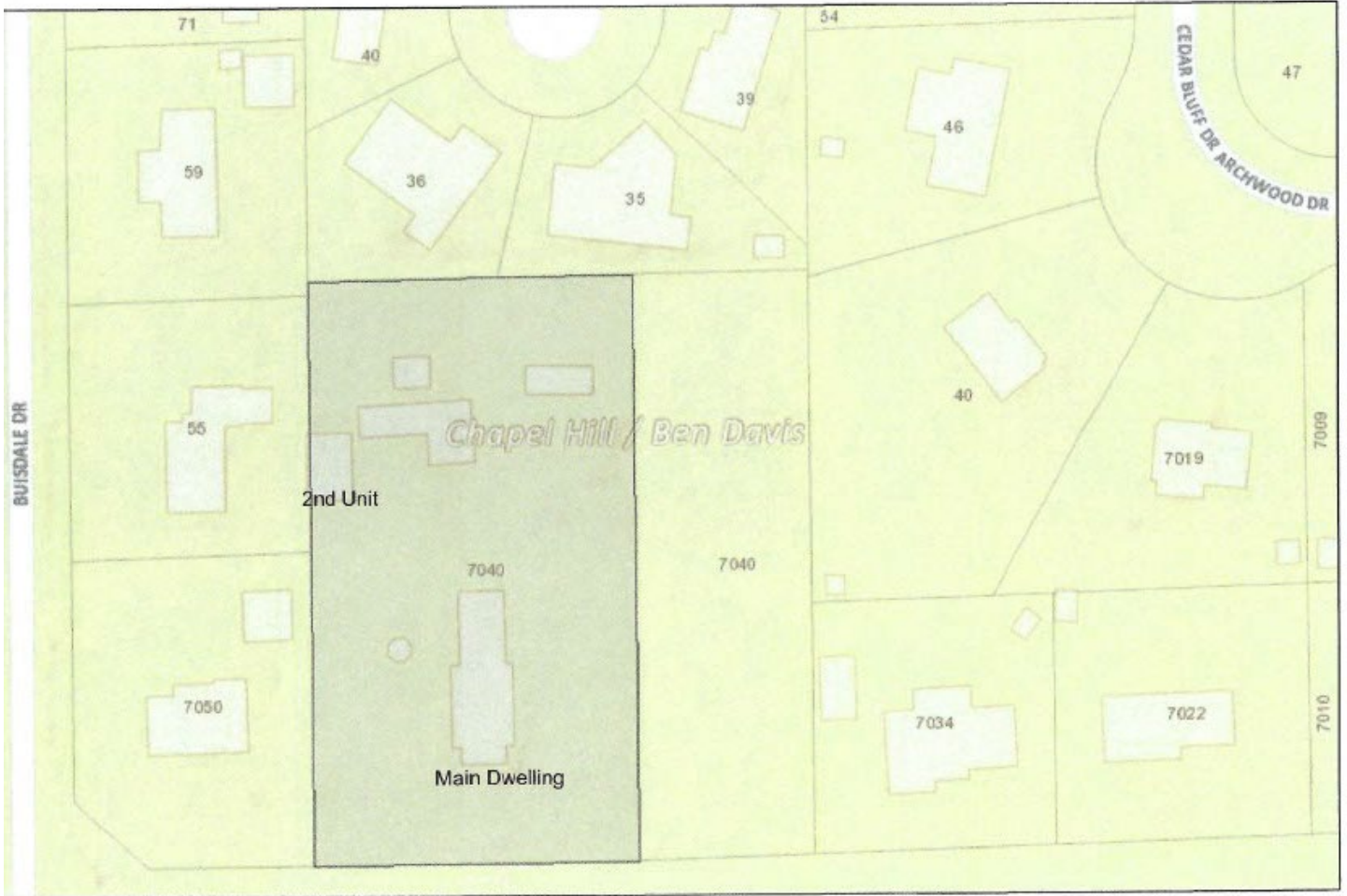
2002SE1001; 7035-7045 Rockville Road (south of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a church, **approved**.

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

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

EXHIBITS

7040 Location Map

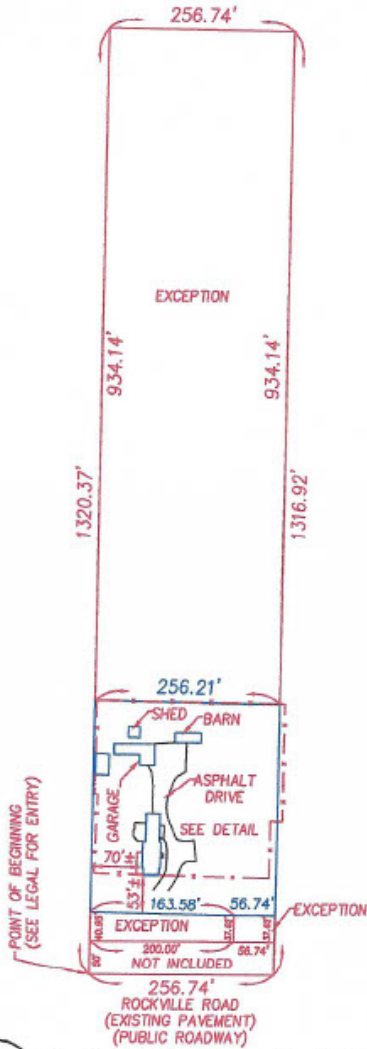


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



SURVEYOR LOCATION REPORT

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



SCALE: 1"=200'

LEGEND

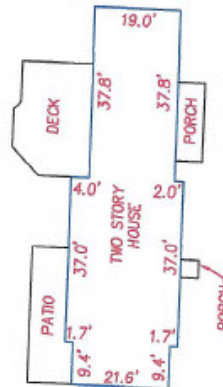
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NOTE: OBTAINING ACCURATE AND COMPLETE DATA ON OR NEAR THE PERIMETER OF LARGER TRACTS IS BEYOND THE SCOPE OF THE REPORT. THE LOCATION OF ANY IMPROVEMENTS AND FENCES SHOWN HAVE BEEN ESTIMATED. DUE TO THE SIZE OF THE TRACT AND INADEQUATE REFERENCE MONUMENTATION,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

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

HOUSE DETAIL

(NOT TO SCALE)



HAHN SURVEYING GROUP, INC.
 Land Surveyors
 8925 N. Meridian Street, Suite 120
 Indianapolis, IN 46260
 PHONE: (317) 846-0840 / (317) 846-4119
 EMAIL: orders@hahnsurveying.com
 www.hahnsurveying.com



CERTIFIED: 08/15/2023

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



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
The subject dwelling was established in 1946 according to the Assessor's Property Report. The rear yard setback and square footage of the dwelling were established prior to the development of the adjacent residences.

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

DECISION

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

Adopted this _____ day of _____, 20 ____











STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-UV1-023
Address: 7217 Woodland Drive (approximate address)
Location: Pike Township, Council District #1
Zoning: C-4
Petitioner: Enterprise Leasing Company of Indianapolis, LLC, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a car and truck rental facility with associated outdoor storage (not permitted).

RECOMMENDATIONS

Staff **recommends denial** of the request for the variance of use to provide for the operation of a car and truck rental facility with associated outdoor storage. The proposed use is more intense than those contemplated in the Marion County Land Use Plan for Community Commercial or Regional Commercial typologies but is clearly reserved for either Heavy Commercial or Heavy Industrial districts.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4 Metro Community-Regional Commercial (vacant restaurant)

SURROUNDING ZONING AND LAND USE

North C-S Child Daycare Center
South C-4 Automobile Fueling Station
East C-3 / I-2 Neighborhood commercial mix / light industrial
West C-4 Restaurant / vacant lot

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Community Commercial development.

- ◇ The 1.22-acre subject site consists of a single parcel developed approximately 1989 with a single commercial structure. The site has been used as a restaurant with an accessory drive-thru until recently vacated.

VARIANCE OF USE

- ◇ The grant of the request would provide for the operation of an auto and truck rental facility with associated outdoor storage. Light vehicle (passenger vehicles) rental is permitted in the C-5, C-7, and CBD-2 districts while heavy vehicle (greater than 14,000 GVWR) rental is permitted by right in C-7, I-3, and I-4 districts. The proposed use includes outdoor storage of heavy trucks and has been determined to be of the most intense commercial/industrial uses and is therefore reserved to the most intense commercial/industrial districts. Such uses are not suitable for the regional commercial district.
- ◇ The purpose of the C-4 district is to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, *certain permitted uses may have limited outdoor activities* [emphasis added], as specified.
- ◇ Guidance for the C-4 district is found in the Marion County Land Use Plan Pattern Book under the Regional Commercial typology. The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.
- ◇ Guidance for the C-5 and C-7 districts can be found in the Marion County Land Use Plan Pattern Book under the Heavy Commercial typology. This typology provides for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often *dominated by exterior operations, sales, and display of goods* [emphasis added]. Examples include vehicle sales and commercial lumber yards.
- ◇ Approval of the proposed use would be incongruent with the Comprehensive Plan.

VARIANCE OF USE FINDINGS OF FACT

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

the proposed use is less intense than many permitted uses and will not generate significant traffic.

- ◇ Staff has determined that the grant would be injurious to the general welfare of the community as this use has already been determined to be more intense than those permitted uses within the current zoning district. Traffic generation is not the sole determining factor for intensity of a use. Outdoor storage of vehicles is a related use which makes the proposal too intense for the C-4 district.

(Continued)

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
the proposed use will serve other non-retail uses in Park 100, and will not impede access to any adjoining property.

- ◇ The use and value of the area adjacent to the property included in the variance would be adversely affected by the use as it is bordered to the north by a child day care facility. A child day care facility as a primary use, as seen in this scenario, is reserved to less intense commercial and industrial districts creating a conflict of adjacent uses.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
the property has been developed and used for a particular use and it would be difficult to reuse the existing improvements for a permitted use. Furthermore, Park 100 has a wide variety of uses in the commercial and industrial realm.

- ◇ The property was developed and used as a restaurant for approximately 30 years. The existing zoning allows many uses for which this property could reasonably be adapted.

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 ordinance allows for more intense motor vehicle related uses in C-4 than the proposed use as an auto/truck rental facility.

- ◇ The ordinance does not allow for more intense automotive uses in the C-4 district. Those vehicle uses with such intense outdoor storage are reserved for heavy commercial and heavy industrial districts.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
the proposed use will be comparable in intensity to many commercial uses contemplated in the community commercial classification.

- ◇ The Comprehensive Plan has reserved uses with such outdoor storage of heavy vehicles to the heavy commercial typology.

GENERAL INFORMATION

THOROUGHFARE PLAN

Woodland Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 90-foot existing right-of-way and a 50-foot proposed right-of-way.

STAFF REPORT 2023-UV1-023 (Continued)

SITE PLAN File-dated October 9, 2023.
PLAN OF OPERATION File-dated October 9, 2023.
FINDINGS OF FACT File-dated October 9, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None

PREVIOUS CASES

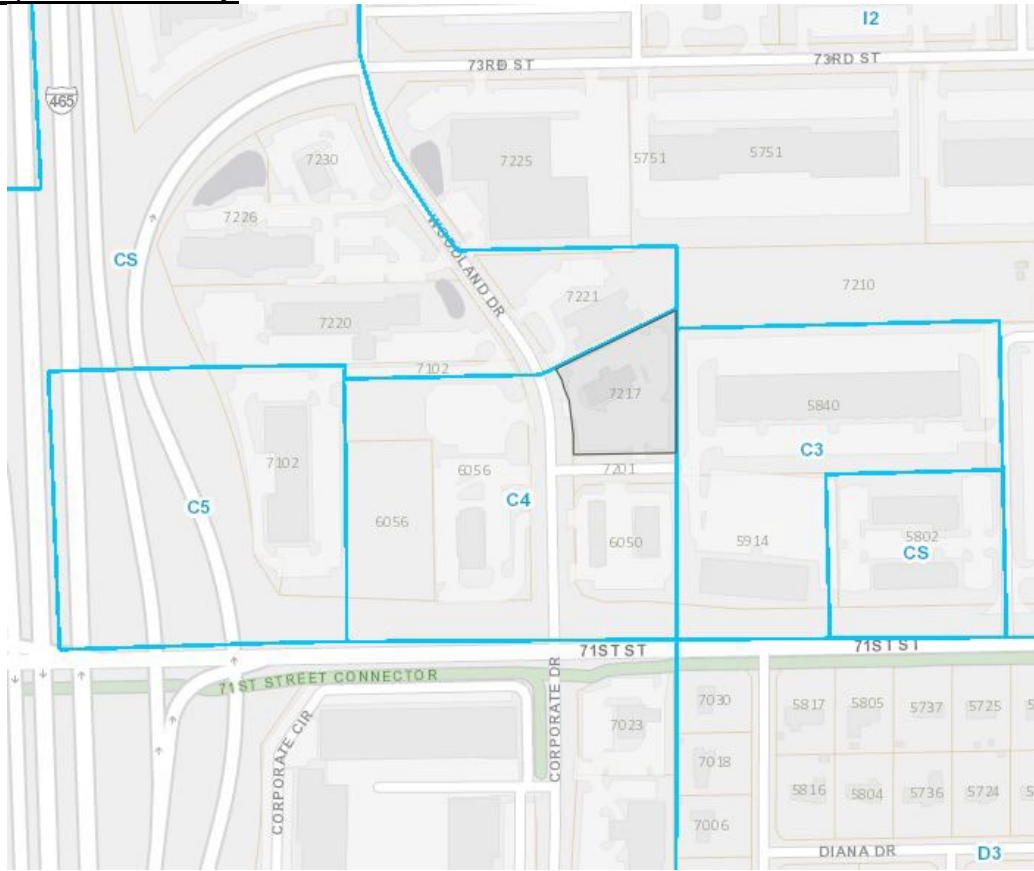
69-Z-317; West 71st (including subject site), Rezoning of 28.28 acres from the A-2 district to the C-4 district, **granted**.

ZONING HISTORY – VICINITY

2000-DV1-065; 6050 West 71st Street (south of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 4,220 square foot convenience store, with an interior access drive located within the required front yard of Woodland Drive (interior access drives not permitted with the required front yard), **granted**.

BB

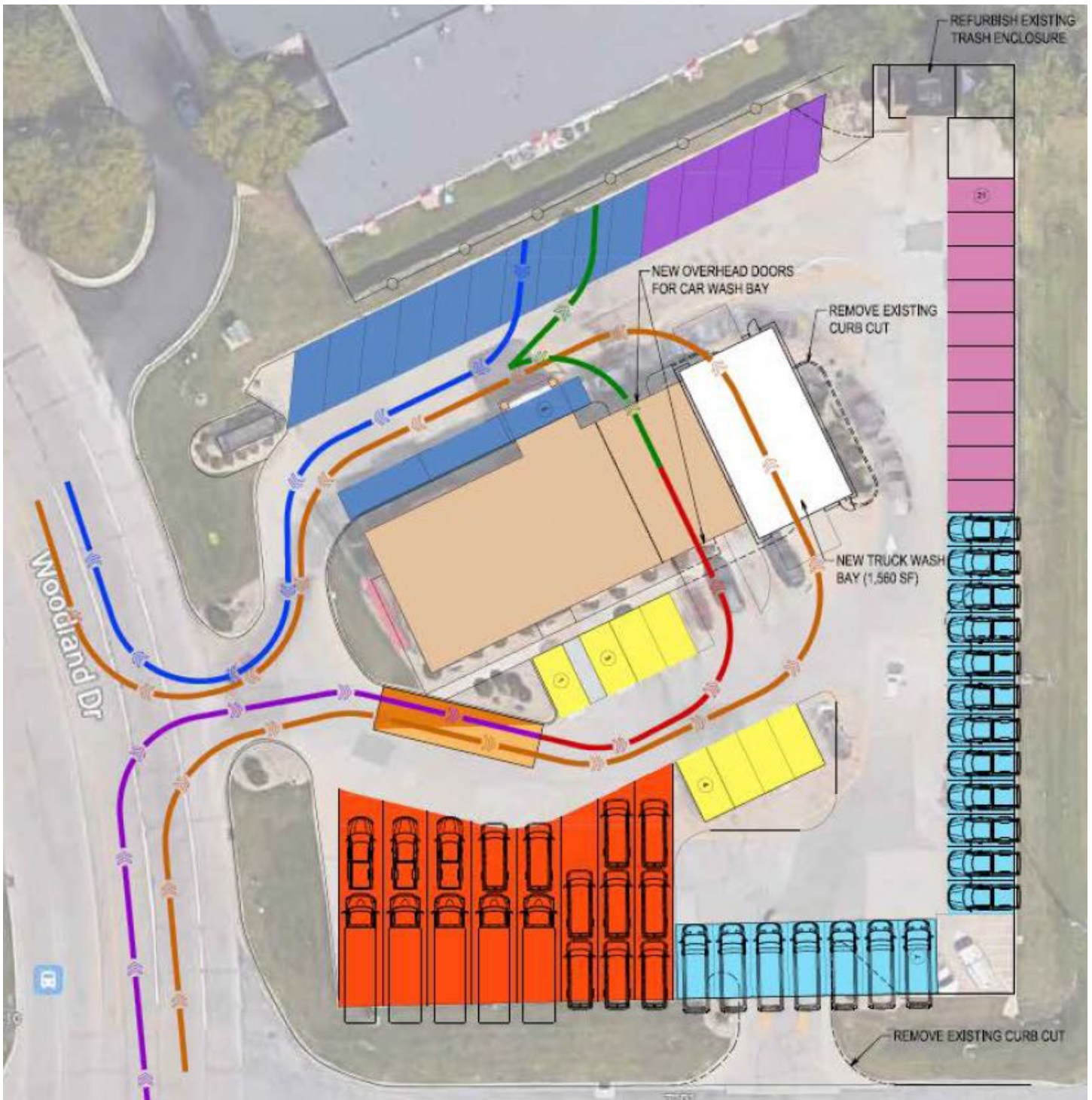
2023-UV1-023; Location Map



2023-UV1-023; Aerial Map



(Continued)



(Continued)



Photo of the Subject Property, view from north



Photo of the Subject Property, view from south

(Continued)



View of north neighbor site (child day care)



View south (Woodland Dr/71st St)

(Continued)



View west from site



Industrial site north of subject site

STAFF REPORT

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

Case Number: 2023-UV1-024
Address: 3348 North Sherman Drive (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Vivian L. Randolph
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a commercial garden, food processing center and eating establishment (not permitted), with the primary building having a front setback of 135 feet from Sherman Drive (maximum 50-foot setback permitted).

RECOMMENDATIONS

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

- 1. The grant shall be subject to the plan of operation, file-dated September 18, 2023.
- 2. Development of the site shall be in substantial compliance with the site plan, file dated September 18, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5 Compact Urban Garden

SURROUNDING ZONING AND LAND USE

North D-5 Single-family Dwelling
South D-5 Single-family Dwelling
East D-5 Single-family Dwelling
West D-5 Single-family Dwelling

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development.

- ◇ This 0.25-acre lot, zoned D-5, is currently improved with garden space and equipment and material storage structures.
- ◇ The site is surrounded, in all directions, with single-family dwellings within the D-5 District.

(Continued)

STAFF REPORT 2023-UV1-024 (Continued)

- ◇ The D-5 District is intended for medium and large-lot housing formats, primarily for detached houses. This District should be deployed for new walkable suburban neighborhoods or for infill situations in established urban areas.

VARIANCE OF USE

- ◇ The request would allow for the construction of a 20-foot by 40-foot building that would be used as a food processing center. This center would allow for crops grown on site, or locally sourced, to be processed and packaged for sales on site and off-site in commercial retail settings. The request represents an expansion of existing on-site operations, including an urban garden and limited on-site retail sales direct to consumers.
- ◇ According to the plan of operation, file-dated September 18, 2023, no more than four workers would be within the kitchen at any given site. In addition, most shipping and receiving would be done with the use of the property owners 17-foot refrigerated truck. Parking could be accomplished with the use of the alley to the rear of the property or with the use of on-street parking within the confines of the side lot lines.
- ◇ Processing and packaging of food and beverages are typically only permitted within the Industrial Districts. However, Staff would note that this is largely due to the assumption that such operations are intended to be conducted on an industrial scale, on a regional or nation-wide distribution level.
- ◇ The use, as proposed, is more in line with the Artisan Food and Beverage land use. While this use is permitted within most Commercial and Mixed-Use Districts, and therefore would continue to require a variance of use within the D-5 District, Staff would note that this type of use is contemplated by the Land Use Pattern Book.
- ◇ According to the Land Use Pattern Book, such operations, classified as Community Farms/Gardens, are promoted to be located on sites recommended for Traditional Neighborhood Development, so long as they are limited to no more than two acres per site. This recommendation contemplates the sales of products grown on site.
- ◇ In addition to being responsive to the Comprehensive Plan recommendation, Staff also believes that the request is responsive to the Livability Principles of the Zoning Ordinance itself. Specifically, Staff believes that the request promotes the following principles: Enhancing Economic Competitiveness; Supporting Existing Communities; and Valuing Communities and Neighborhoods.
- ◇ For this reason, Staff recommends approval of the request, subject to the plan of operation, file-dated September 18, 2023.

(Continued)

STAFF REPORT 2023-UV1-024 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would allow for the construction of the processing center to be located 135-feet from Sherman Drive. Primary structures within the type of lot typology must be located between 20 and 50 feet from the front lot line. This standard is intended to preserve existing residential streetscapes as they relate to front yard setbacks.
- ◇ While Staff is hesitant to recommend approval of such a deviation, Staff would note that this standard is intended to apply to primary residential buildings. By allowing the proposed building to be located towards the rear of the lot, this allows for the property to appear more open from the street. In addition, it ensures that any sound that may be emitted by the proposed structure and use would occur at the depth of the lot where a detached garage or general open area would be if the site were used residential. This would mitigate any audible impact the use may impose on adjacent properties.
- ◇ For these reasons, Staff recommends approval of the request, subject to substantial compliance with the site plan, file-dated September 18, 2023.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Sherman Drive is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed 60-foot right-of-way.
SITE PLAN	File-dated September 18, 2023.
PLAN OF OPERATION	File-dated September 18, 2023
FINDINGS OF FACT	File-dated September 18, 2023.

ZONING HISTORY – SITE

None.

(Continued)

STAFF REPORT 2023-UV1-024 (Continued)**ZONING HISTORY – VICINITY**

2022-UV3-025; 3335 North Sherman Drive; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a childcare facility; **granted.**

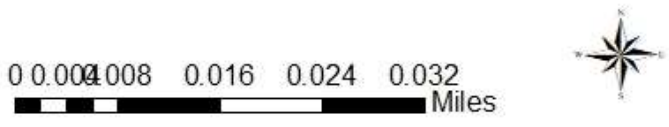
2019-HOV-052; 3366 North Denny Street; requests variance of development standards of the Consolidated Zoning and Subdivision Control Ordinance to provide for a single-family dwelling and a detached garage with a four-foot rear setback from an alley; **granted.**

2018-HOV-018; 3365 North Denny Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition to a single-family dwelling, with a nine-foot front setback; **granted.**

2017-DV1-070; 3394 North Denny Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 18-foot tall, detached garage, taller than the primary dwelling; **granted.**

EDH

2023-UV1-024; Location Map



Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

the proposed building will adhere to all building codes, and will be smaller than the homes located within the area and therefore not cause any major change to the area. The proposed building will not be used for a purpose that is outside of the use of any typical home kitchen and will enhance the overall appearance of the property.

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

the surrounding area and properties are similar in development and lot size and the proposed building will actually further enhance the urban farm operation (which has been zoned and used as such since the early 70s) and in fact, property values of adjacent properties will be positively affected due to this enhancement of the property. The proposed building will also be situated towards the back of the property near the alley way (which has been cleared) so access to the building will be preferable using the alley way.

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

the property is already zoned/used for the urban farm which already grows herbs, fruits, and vegetables, but these produce items must be taken off site for processing, cleaning and storing. The variance of use will allow Petitioner to have an onsite restroom, and a place to process, store, and clean the freshly harvested produce and will also expand benefit the property provides to the surrounding community.

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

The property desperately needs an onsite bathroom for farm workers and volunteers and the present zoning does not allow the petitioner to grow commercially, which in turn limits the value of the property to the surrounding community.

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

it lines up with the existing plan and enhances it.

DECISION

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

Adopted this _____ day of _____, 20 ____

2023-UV1-024; Site Plan – File-dated September 18, 2023

NEW ACCESSORY STRUCTURE

3348 SHERMAN DR
INDIANAPOLIS, INDIANA 46218

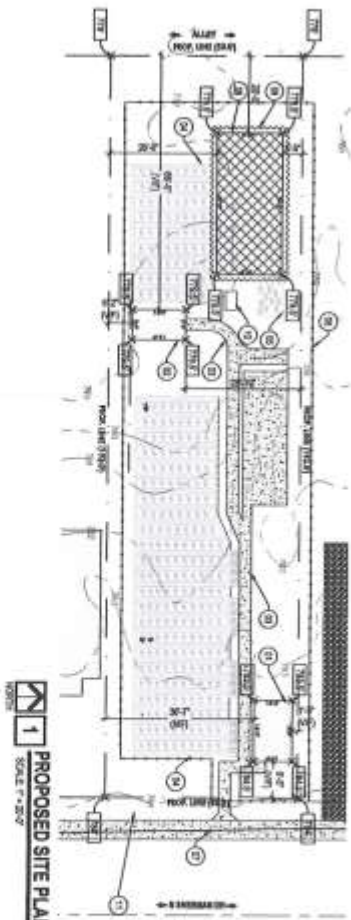
SITE PLAN NOTES

1. EXISTING STRUCTURE
2. EXISTING UTILITY SHED TO REMAIN
3. EXISTING CONCRETE MAT TO REMAIN
4. EXISTING CURBS
5. EXISTING CONCRETE FLOOR
6. EXISTING FENCE TO REMAIN
7. EXISTING EXTERIOR WALKING SURFACE
8. EXISTING EXTERIOR WALKING SURFACE
9. EXISTING EXTERIOR WALKING SURFACE
10. EXISTING EXTERIOR WALKING SURFACE
11. EXISTING EXTERIOR WALKING SURFACE

LEGAL DESCRIPTION

SITE CALCULATIONS

ITEM	DESCRIPTION	AREA (SQ FT)	PERCENTAGE
1	EXISTING STRUCTURE	1,200	100%
2	EXISTING UTILITY SHED TO REMAIN	1,200	100%
3	EXISTING CONCRETE MAT TO REMAIN	1,200	100%
4	EXISTING CURBS	1,200	100%
5	EXISTING CONCRETE FLOOR	1,200	100%
6	EXISTING FENCE TO REMAIN	1,200	100%
7	EXISTING EXTERIOR WALKING SURFACE	1,200	100%
8	EXISTING EXTERIOR WALKING SURFACE	1,200	100%
9	EXISTING EXTERIOR WALKING SURFACE	1,200	100%
10	EXISTING EXTERIOR WALKING SURFACE	1,200	100%
11	EXISTING EXTERIOR WALKING SURFACE	1,200	100%



PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"
DATE: JULY 13, 2023

SITE NOTES

1. EXISTING STRUCTURE TO REMAIN
2. EXISTING UTILITY SHED TO REMAIN
3. EXISTING CONCRETE MAT TO REMAIN
4. EXISTING CURBS
5. EXISTING CONCRETE FLOOR
6. EXISTING FENCE TO REMAIN
7. EXISTING EXTERIOR WALKING SURFACE
8. EXISTING EXTERIOR WALKING SURFACE
9. EXISTING EXTERIOR WALKING SURFACE
10. EXISTING EXTERIOR WALKING SURFACE
11. EXISTING EXTERIOR WALKING SURFACE



NEW GARDEN PROCESSING HOUSE
3348 N SHERMAN DR
INDIANAPOLIS, INDIANA 46218
CENTER TOWNSHIP - MARION COUNTY

C2

D-RAFTERS LLC
PERMIT PACKET-07/13/23
DATE: JULY 13, 2023

Plan Of Operation

**For Request for Variance of Use of Property
Located at 3348 N. Sherman Dr. Indianapolis, IN 46218**

Processes conducted on site and materials used:

The requested variance of use is for the purpose of erecting a small 20x40 building that will be used a a 'food processing center" wherein **fresh herbs, fruit, and vegetables** which are grown on the same lot, or sourced locally, will be **cleaned, cut, stored, freeze dried and/or dehydrated**, and then **packaged** to produce value-added, locally grown, urban farm products that will be sold commercially in retail settings. No hazardous materials will be used. Blenders, are sometimes used to pulverize dried herbs and vegetables as well as knives for cutting. Heat sealers are used for sealing packaging. Cardboard boxes, tape guns, scissors, box cutters and harvesting clippers will be used.

- The kitchen facility will also have a storage closet (for a small heating and cooling unit, and a water heater) and small bathroom, accessed via a short hallway.
- The kitchen itself will contain two 20-shelf dehydrators, and two freeze dryers, a triple stainless steel sink, hand washing sink, stainless steel storage shelving and stainless steel counter tops and tables as well as overhead racks for hanging/drying herbs.
- There will be a small attic area for storage of packing material and boxes.
- There will be smoke/fire detectors and a having fire hydrant and first aid box. Security cameras will be mounted outside of the business and lights.
- The building will have a window over the sink area overlooking the urban farm.

Clients and Customers:

- These value-added product will be sold to our neighborhood customers at the existing **onsite farm-stand and bodega, or delivered to local grocers and health food stores, restaurants, and shipped to customers from sales derived online via an established website. Onsite customers usually park in front of the urban farm and sales take place right at the farm stand or inside the bodega or at the service window, both located at the front of the property. Customers are also able to park at the back of the property in the alleyway if so desired.**

Waste:

- There will also be a small refrigeration unit and small freezer to store fresh fruits and vegetables, **and two onsite outdoor composting corals for recycling organic waste material, as well as typical city trash containers for weekly disposal. No hazardous waste will be handled or generated by our work. Larger hauling of boxes etc... will be handled on an as needed basis by our workers.**

Workforce

- There will be up to four workers in the kitchen at any given time, working on tasks that will range from cleaning, cutting and prepping freshly harvested, herbs, fruits, and vegetables, operating the freeze dryer and/dehydrators, weighing, and bagging or packaging products, and boxing and labeling orders for delivery or shipment. Daily inventory of materials and food will be conducted as well. Some workers will be family who have worked with the fair since its inception and other workers will be volunteers and young neighborhood-based students that we have trained in our youth training program. Bus lines are established along the

POA

Page 2

property and run daily. Worker can also park along the front sidewalk or in the back alley which is lighted at night.

Shipping and Receiving:

- Most orders will be shipped via our own delivery vehicle - a 17 ft. refrigerated truck, or local delivery pick up truck - or taken to other shipping facilities such as the USPS down the street or UPS. Deliveries will take place once or twice weekly during regular business hours. Supplies needed to run our operation will more than likely be received at our home office and brought over to the food processing center.



Photo One: Looking North Along Sherman Drive



Photo Two: Looking South Along Sherman Drive



Photo Three: Facing East Across Sherman Drive



Photo Four: Looking West Into Subject Site

STAFF REPORT

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

Case Number: 2023-UV1-025
Address: 11150 Maze Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Michael T. and Nicole M. Cole, by Raymond A. Basile
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use (not permitted).

RECOMMENDATIONS

Staff recommends denial of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-A Single-family dwelling, commercial contractor

SURROUNDING ZONING AND LAND USE

North - D-A Agricultural uses
South - D-A Single-family dwelling
East - D-A Single-family dwelling / Agricultural uses
West - D-A Single-family dwelling

COMPREHENSIVE PLAN

The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site and adjoining parcels.

VARIANCE OF USE

- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use would be permitted in the C-7, High Intensity Commercial Zoning District. The C-7 district is designed to provide for specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses such as major outdoor storage or display of sizeable merchandise and the outdoor parking and maintenance of trucks or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares where the gradual and reasonable transition from lesser commercial uses exist. Due to the intensity of the uses, the location of this district adjacent to protected districts should be avoided.

(Continued)

- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into an established residential rural neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-A and could be used by any number of uses permitted, by right, in the D-A zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Maze Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial, with a 30-foot existing right-of-way and an 80-foot proposed right-of-way.
SITE PLAN	File-dated September 29, 2023
PLAN OF OPERATION	File-dated September 29, 2023
FINDINGS OF FACT	File-dated September 29, 2023

ZONING HISTORY

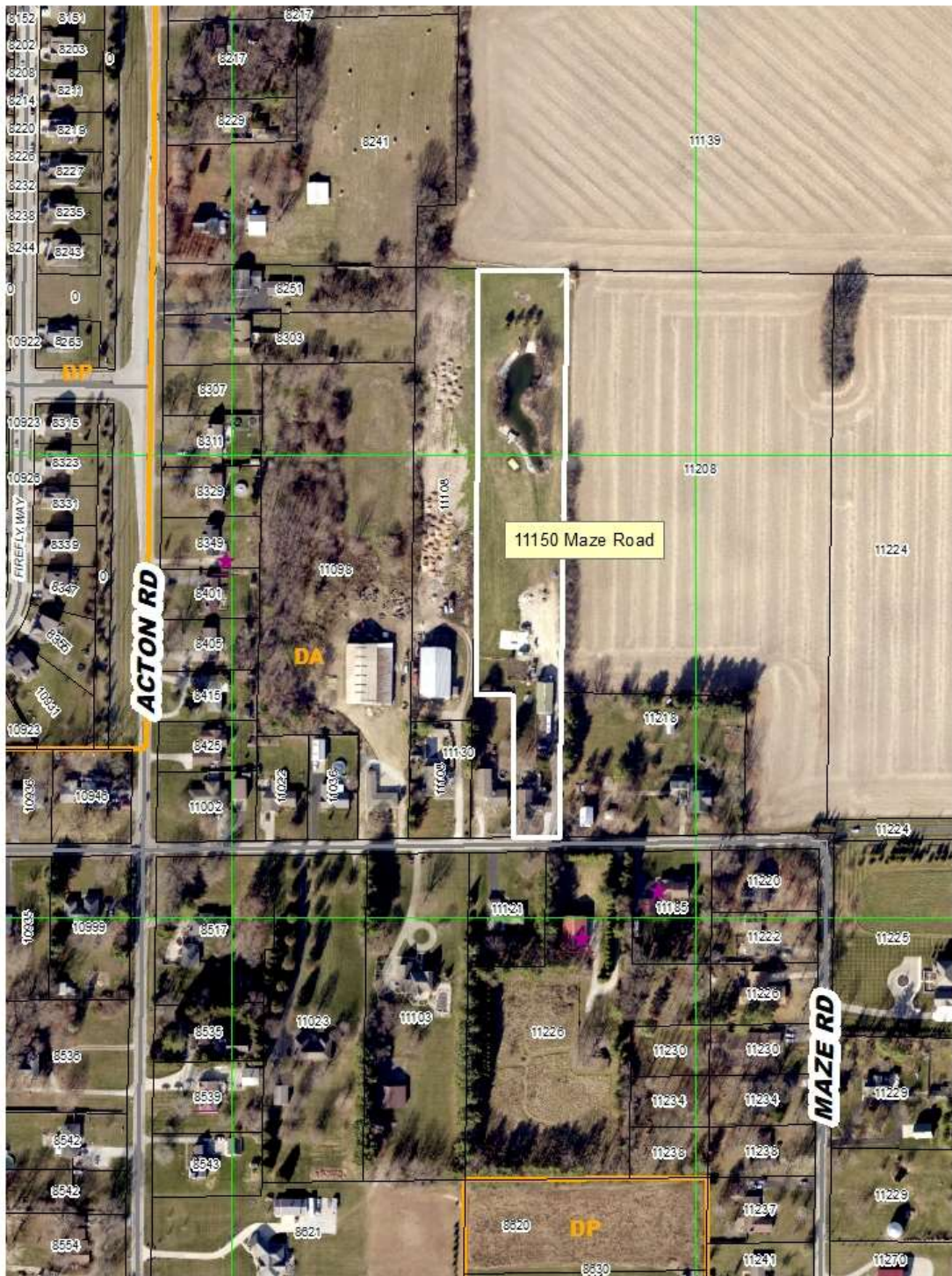
2023-DV1-029; 8349-8401 Acton Road (west of site) requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage with a four-foot south side yard setback, **granted**.

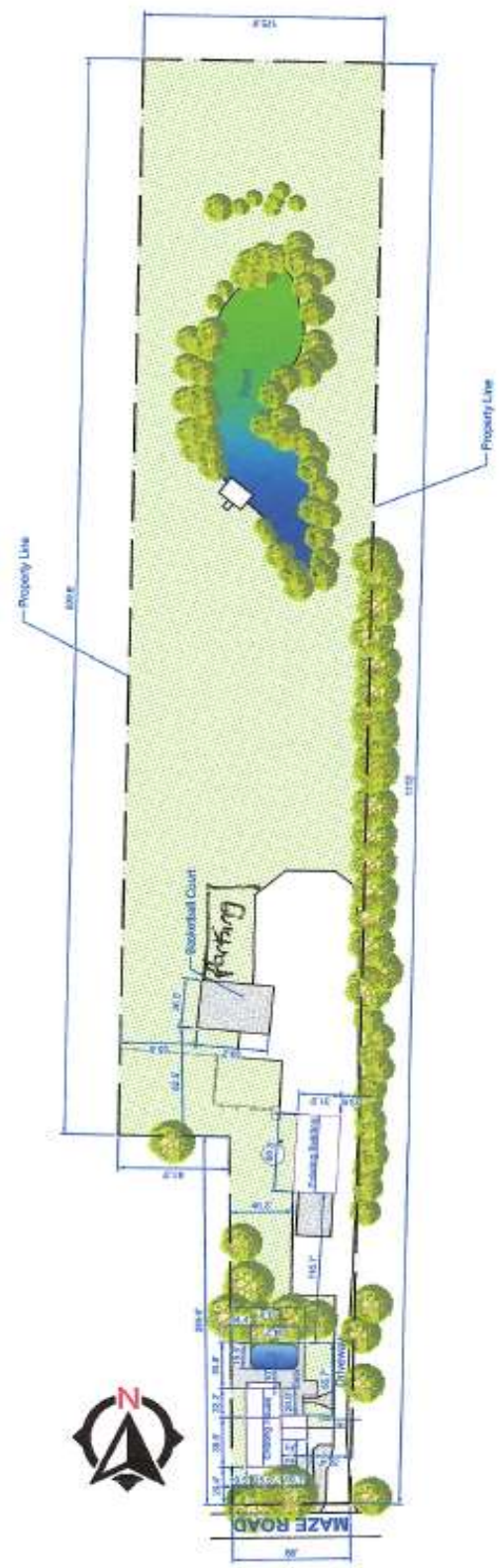
2012-DV2-025; 11185 Maze Road (south of site), requested a variance of development standards to provide for accessory use area of 3,419 square feet or 162.3% of the total floor area of the dwelling, **granted**.

2009-DV1-021;11224 and 11338 Maze Road (south of site), requested a variance of development standards to provide for Tract "A" to be divided into no more than three residential lots, with reduced street frontage and lot width and Tract "B" to be divided into two lots, with reduced lot width, **granted**.

RU *****

2023-UV1-025; Location Map





**DETAILED DESCRIPTION AND PLAN OF OPERATION
FOR PETITION FOR VARIANCE OF USE AT 11150 MAZE ROAD**

Petitioners, Michael and Nicole Cole, are residents of Indianapolis, residing at 11150 Maze Road (the "Property"). Petitioners wish to continue using the Property for the parking of commercial vehicles for their small business operation with NO other commercial or construction activity onsite with the exception of a small home office used only by the Coles.

Detailed Description

Petitioner seeks a use variance to modify Article I, Chapter 742, Section 03 and Chapter 743-Article I relating to the Dwelling Agricultural District (D-A) to permit the limited construction/commercial activity of parking of up to eleven (11) commercial vehicles on the Property.

Plan of Operation

The proposed plan of operation for 11150 Maze Road will include NO other commercial or construction operations on the Property and only the overnight and weekend parking of commercial vehicles for the small business. No employees will be present onsite with the exception of the Coles and their operation of a small home office within their residence.

Workforce: None, other than the Coles in their own home office.

Customers and Parking: There will be no customers onsite and all commercial parking will continue where located on the north/central portion of the property behind all of the nearby residences and not visible to traffic on Maze Road. The current vehicles and trailers being parked are the following, which is consistent with intended future use, subject to minor changes in the actual type of vehicles as new vehicles are purchased and older vehicles are disposed of, but in no event exceeding the maximum number of eleven (11) commercial vehicles or trailers:

Pickup Trucks

- 2003 Ford F350 Superduty flatbed
- 2005 Chevy Silverado 3500
- 2001 Chevy Silverado 3500
- 2011 Chevy Silverado 3500

Dump Trucks

- 2009 Chevy C5500 C5E042
- 2007 Freightliner M2 106 Medium Duty
- 2007 Freightliner M2 106 Medium Duty

Trailers

- 2018 PJT CC2 14' Utility
- 2021 16' Dump Trailer
- 2023 16' Dump Trailer
- 2020 14' Dump Trailer

Signs: No business signs of any nature will be located on the Property.

Proposed Facilities: The existing facilities will not be expanded and are depicted on the Site Plan submitted contemporaneously with this Plan of Operation.

Proposed Processes Conducted on Site: None.

Hours of Operation: None. Only employees retrieving the commercial vehicles Monday through Friday in the morning and dropping them off at the end of the day.

Periods of Non-Operation: Depending upon the weather, all operations and use of the vehicles stops between mid-December and late February or early March.

No Hazardous or Explosive Materials: No explosive or hazardous materials are stored on-site.

Shipping and Receiving: None.



Subject site existing dwelling, looking north.



Subject site parking area for drivers, and storage are for trucks, to the rear of dwelling looking northwest.



On-site fuel storage tank to the rear of existing barn, looking west.



Adjacent single-family dwelling to the east.



Adjacent single-family dwelling to the west, looking north.



Adjacent single-family dwelling to the south.