



# Board of Zoning Appeals Division I (May 14, 2024) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, May 14, 2024

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

### Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

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

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

- 2. 2024-DV1-016 | 10410 East Southport Road** Franklin Township, Council District #25, Zoned D-A (FW) (FF)  
Gregory & Lisa Blatz, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a barn within the front yard, with a 10-foot west side yard setback (not permitted, 15-foot side yard setback required).

- 3. 2024-UV1-003 | 4716 Ferguson Road**  
Franklin Township, Council District #20, Zoned D-A  
Melissa Bullock, by Daniel Russello

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the on-site storage of two commercial vehicles within an enclosed structure.

- 4. 2024-UV1-005 | 8215 and 8305 West Morris Street** Wayne Township, Council District #17, Zoned D-3 / I-3  
Signal Rock Properties LLC, by Blair Carmosino

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign (not permitted).

#### PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

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

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

- 6. 2024-DV2-011 | 4233, 4235 and 4237 Evanston Avenue**  
Washington Township, Council District #8, Zoned D-5 (W-1)K&D Epic Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25 rear yard setback (maximum 19.9-foot front setback permitted, 20-foot rear setback required).

- 7. 2024-DV3-001 | 6027 Castlebar Circle** Lawrence Township, Council District #3, Zoned D-2  
Audrey Dressel, by Russell Brown

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

- 8. 2024-UV2-003 (Amended) | 1402 Shelby Street** Center Township, Council District #18, Zoned MU-1 (TOD)  
Carnivore Properties LLC, by Theodore Lane Skeeters II

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a marketing business, including graphic design and print services (not permitted) with zero parking spaces (13 parking spaces required).

#### **PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

- 9. 2024-DV1-006 (Amended) | 5565 Bertha Street**  
Wayne Township, CD #17, Zoned D-4  
Juan Carlos Lopez Cortes and Silvia Canchola Medina

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

#### **PETITIONS FOR PUBLIC HEARING (New Petitions):**

- 10. 2024-DV1-012 | 909 North Pershing Avenue**  
Wayne Township, Council District #12, Zoned D-8  
Indianapolis Neighborhood Housing Partnership, by Jeff Hasser

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a zero-foot north side yard setback and a patio and walkway with zero-foot south side yard setback (three-foot side yard setbacks required).

\*\* Petitioner to withdraw

- 11. 2024-DV1-013 | 1801 East 86th Street** Washington Township, Council District #2, Zoned SU-2 (TOD)  
MSD of Washington Township School Building Corporation, by Andrew Horton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two wall signs on elevations that do not face a street (required).

- 12. 2024-DV1-014 | 2120 English Avenue**  
Center Township, Council District #18, Zoned I-3  
Jenny Smalling

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.13-foot tall chain-link perimeter (solid screening required) fence, including barbed wire (prohibited), encroaching within the clear sight triangle of the intersection of English and Hamilton Avenues (not permitted).

**\*\* Staff to request a continuance to the June 4, 2024 hearing**

**13. 2024-DV1-015 | 951 Tecumseh Street**

Center Township, Council District #13, Zoned D-5 / MU-1  
Alysse Popov, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a carriage house in front of the established building line of the primary building (not permitted) and a 14.5-foot rear yard setback (20 feet required).

**14. 2024-UV1-006 | 2052, 2060, 2064 and 2102 South Meridian Street**

Center Township, Council District #18, Zoned C-7  
Summit Indianapolis LLC, by Kevin G. Buchheit

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a substance abuse treatment facility within 200 feet of a protected district (500-foot separation required).

**\*\* A registered neighborhood organization has filed a timely automatic continuance, continuing this petition to the June 4, 2024 hearing of Division I**

**15. 2024-UV1-007 | 5075 West 38th Street**

Wayne Township, CD #5, Zoned C-5  
Arnid LLC, by David Bayt

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage for vehicles awaiting repair that is equivalent to 231.52 percent of the gross floor area of the primary building (limited to 25 percent).

**\*\* Staff to request a continuance to the June 4, 2024 hearing of Division I to allow for additional review of the request**

## Additional Business:

16. Settlement Offer re: 49D06-UV1-009

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



**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-DV1-008  
**Property Address:** 545 South East Street  
**Location:** Center Township, Council District #18  
**Petitioner:** AOI Properties LLC, by Paul Reynolds  
**Current Zoning:** CBD-2 (RC) (TOD)

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.59-foot-tall fence within the front yard of East Street (maximum 3.5-foot-tall fence permitted)

**Current Land Use:** Commercial / residential

**Staff**

**Recommendations:** Approval

**Staff Reviewer:** Jeffrey York, Principal Planner I

**PETITION HISTORY**

This petition was originally scheduled for hearing on April 2, 2024. It was Automatically continued, by request of a neighborhood organization to the May 14, 2024, hearing. As of this writing, no new information has been submitted to the file.

**STAFF RECOMMENDATION**

Staff recommends **approval**.

**PETITION OVERVIEW**

- This petition seeks to replace a fence, along the East Street frontage of this mixed-use structure. The fence was recently removed. It was constructed of brick, CMU block, and glass block. The former fence did not include a gate. The proposed fence would include a gate, constructed of the same material as the fence. From the East Street frontage, the fence would continue along the north property line for 18 feet. The existing fence east of the terminus of the new fence would remain from that point to the alley.
- The site is located at the northeast corner of East Street and Merrill Street. It is surrounded by mostly residential uses to the north, south and east. A church is also located to the south. A long-standing industrial use is located to the west, across East Street.
- The former fence was approximately the same height of the proposed fence. This fence had to be removed recently due to safety concerns as it was in disrepair.



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

- This request would not negatively affect the adjacent property values. Therefore, Staff recommends approval of the request.
- The petitioner submitted plans for review for the proposed fence and other minor work to be completed on the site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	CBD-2 (RC) (TOD)	
<b>Existing Land Use</b>	Office and single-family dwelling unit	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	CBD-2 (RC) (TOD)	Single-family dwelling
South:	SU-1 (RC) (TOD)	Surface parking for a church
East:	D-8 (RC)	Single- and two-family dwellings
West:	I-3 (RC)	Industrial
<b>Thoroughfare Plan</b>		
East Street	Primary arterial	78-foot right-of-way existing and proposed
Merrill Street	Local Street	48-foot right-of-way existing and proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Regional Center. Design of new construction would require the submittal and approval of a Regional Center Approval petition	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 23, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	January 23, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	January 23, 2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Center Township Land Use Plan



- Regional Center Urban Design Guidelines

### Pattern Book / Land Use Plan

- The Center Township Land Use Plan recommends Traditional Neighborhood development for this site.
- 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.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
  - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Detached Housing**
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The property falls within the Red Line Transit-Oriented Development Strategic Plan (2021). The closest station within a ¼ mile southwest at the intersection of Merrill Street and Virginia Avenue.
- This station is classified as a District Center Typology that would promote a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and structured parking only with active first floor.



**Neighborhood / Area Specific Plan**

- The site is within the Neighborhood Residential typology of the Regional Center Urban Design Guidelines.

**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

**2023-UV1-008;** requested a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in the residential component of a Live/Work unit being the dominant use, **granted.**

**2023-REG-035;** Regional Center Approval to provide for building additions to an existing structure, **approved.**

### ZONING HISTORY – VICINITY

None





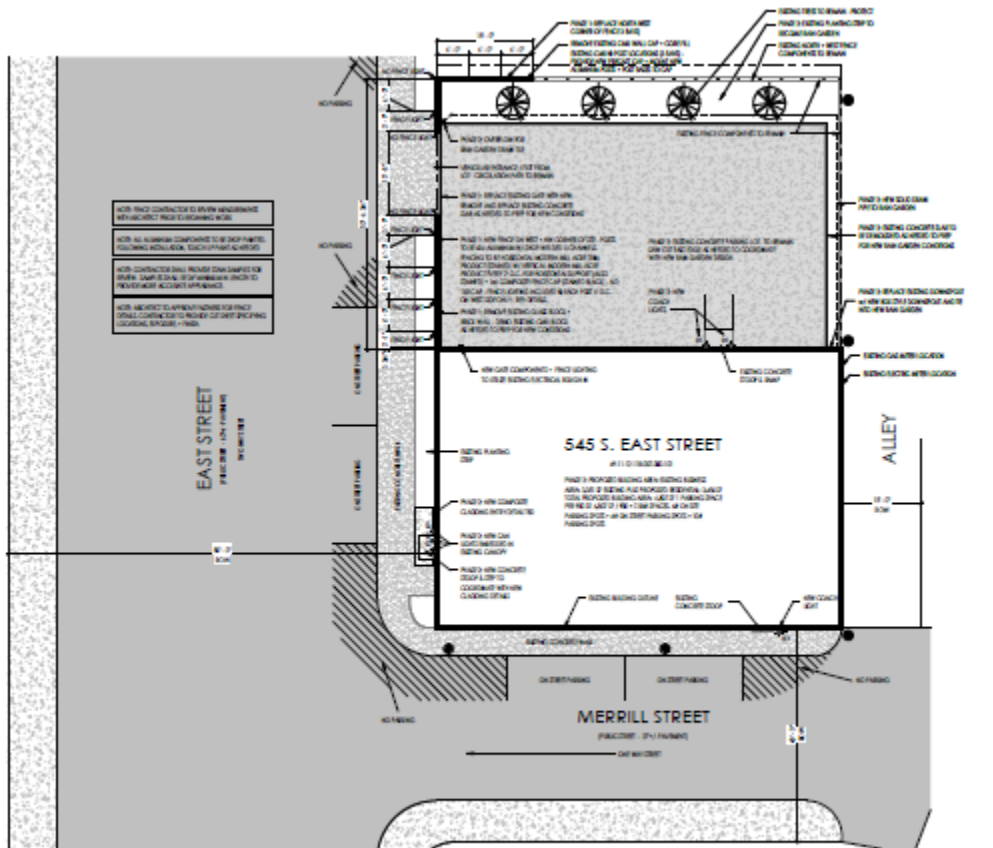
EXHIBITS

2024-DV1-008 Map and Aerial





2024-DV1-008; Site plan



NOTE: PAVED CONTRACTOR TO BE OPEN HANDMADE REINFORCED PAVED SIDEWALK WORK.  
 NOTE: ALL NUMBERED COMPONENTS TO BE SHOP FABRICATED, INCLUDING REINFORCING, EXCEPT WHERE SHOWN OTHERWISE.  
 NOTE: CONTRACTOR SHALL VERIFY DIMENSIONS FOR GRADE, SURFACE ELEVATION, ETC. PRIOR TO COMMENCEMENT OF WORK.  
 NOTE: ALL WORK SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO COMMENCEMENT OF WORK.

**LEGAL DESCRIPTION:**  
411-01880-010

**SITE CALCULATIONS:**

DESCRIPTION	VALUE
TOTAL AREA	1,234 SQ FT
PAVED AREA	876 SQ FT
CONCRETE AREA	456 SQ FT
ASPHALT AREA	123 SQ FT
GRAVEL AREA	98 SQ FT
LANDSCAPING AREA	67 SQ FT
OTHER	34 SQ FT
<b>TOTAL</b>	<b>1,234 SQ FT</b>

**SETBACK REQUIREMENTS:**

FRONT SETBACK	10 FT
REAR SETBACK	10 FT
SIDE SETBACK	5 FT
MINIMUM SETBACK	5 FT

**DRAINAGE INFORMATION:**

EXISTING DRAINAGE	SEE EXISTING RECORDS
PROPOSED DRAINAGE	SEE PROPOSED RECORDS
TOTAL DRAINAGE	SEE PROPOSED RECORDS

**DESIGN DEVELOPMENT DOCUMENTS:**  
THESE DOCUMENTS ARE WORKING DOCUMENTS FOR DEVELOPING THE DESIGN. THESE DOCUMENTS SHALL NOT BE USED FOR CONSTRUCTION.

Site Plan  
1/1/24





Department of Metropolitan Development  
Division of Planning  
Current Planning

2024-DV1-008; Findings of Fact

Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The new fence is replacing the old fence. There is no change beyond aesthetics.  
The current fence (glass block) is a safety concern as it is leaning towards the sidewalk.

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 new fence will replace the existing fence which is in disrepair. The value may increase.

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

The owner desires to maintain the privacy and security provided by the existing fence. It's also desired that the replaced section align with the adjacent existing fence which will remain (along north and east property boundaries)

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2024-DV1-008; Photos



View of site with former fence – photo from May 2023



Photo of a section of the former fence showing disrepair – photo taken in May 2023



Existing conditions





**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-DV1-016  
**Address:** 10410 East Southport Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** D-A (FW) (FF)  
**Petitioner:** Gregory & Lisa Blatz, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a barn within the front yard, with a 10-foot west side yard setback (not permitted, 15-foot side yard setback required).

**Current Land Use:** Single-family dwelling

**Staff Recommendation:** Staff recommends approval of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the construction of a barn within the front yard, with a 10-foot west side yard setback, in the D-A district.
- ◇ The subject site is adjacent to residential developed properties in the D-A District to the east and west. There is undeveloped land in the D-S District to the south, and a solar farm in the D-A District to the south. In Staff’s opinion, the request would be consistent with surrounding residential properties.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the location of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ The proposed garage location would be located approximately 1,150 feet north of Southport Road, behind the established front building lines of the primary dwellings on adjacent parcels to the east and west, further limiting any negative impacts to adjacent properties. The subject site has a practical difficulty in locating the garage to the rear of the primary dwelling due to the location of a septic field and high-power transmission line easement in that area.



- ◇ This request would permit the barn to have a 10-foot west side yard setback. Side setbacks are required to maintain adequate space between buildings on adjoining properties. This adequate space not only provides the appearance of “openness”, but also creates appropriate space for purposes of public safety. Furthermore, these required setbacks mitigate any adverse effect that might result from the use of the accessory buildings.
- ◇ In this case, however, the reduced setback would be an acceptable deviation from the Ordinance because the proposed 10-foot setback would provide sufficient room for maintenance and separation. In addition, adjacent neighbors to the east and west do not have any structures near the proposed reduced setback. Therefore, the reduced setback would not have any negative impact on the neighbors to the east and west.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-S	Undeveloped
	South: D-A	Solar Farm
	East: D-A	Single-Family dwelling
	West: D-A	Single-Family dwelling

<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	60-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 28, 2024	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	March 28, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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



### Pattern Book / Land Use Plan

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

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

**2014-DV1-043; 10262 East Southport Road (west of site);** Requesting a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 832-square foot attached garage addition, with a 10.7-foot side setback and a 1,440-square foot horse barn, creating an accessory building area of 3,001 square feet or 232.4% of the main floor area of the primary dwelling and accessory use area of 3,961.3 square feet or 306.7% of the total floor area of the primary dwelling, and to legally establish a shed with a 3.8-foot west side setback, **granted**.

**2013-UV2-016, 10220 East Southport Road (west of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a temporary excavation contracting business, with the storage, repair, restoration and maintenance of excavating equipment, to provide for a 2,000-square foot addition to an existing 2,640-square foot pole barn and to provide for a 3,500-square foot pole barn, creating an accessory building area and accessory use area of 8,140 square feet and 9,076 square feet, respectively, **granted**.



**2012-UV3-019, 10321 East Southport Road (south of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a photovoltaic renewable project/Solar Farm with a 6.5-foot tall perimeter fence topped with one-foot of security wire, **granted.**

**2006-UV1-034A, 10232 East Southport Road (west of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 360-square foot addition to a single-family dwelling with a west side setback of 8.31 feet (minimum 30-foot side setback required), and to provide for a 336-square foot garage addition with a 3.51-foot west side setback (minimum 30-foot side setback required), resulting in an accessory use area of 13,171.5 square feet of 431.14 percent of the total living area of the primary dwelling (maximum 3,054 square feet of 99.99 percent of the total living area of the primary dwelling permitted, **denied.**

**2006-UV1-034B, 10232 East Southport Road (west of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 26.5-foot tall, 7,200-square foot detached accessory building (maximum 12.5-foot height permitted, height of primary structure), resulting in an accessory building area of 8.400 square feet or 274.96 percent of the main floor area of the primary dwelling (maximum 2,201.25 square feet or 75 percent of the main floor area of the primary dwelling permitted), and to provide for the storage of one tractor low boy, a bull dozer, two back hoes, and a truck with a one-ton load capacity and three flat-bed truck associated with a construction business within the proposed 7,200-square foot detached accessory building, **denied.**

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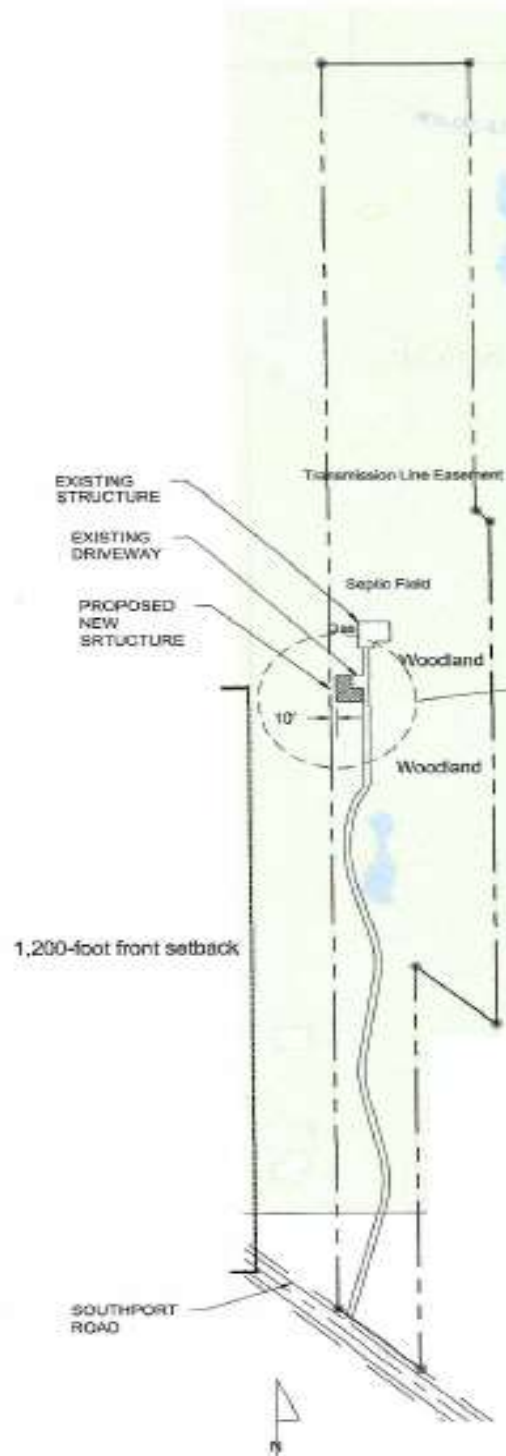
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**EXHIBITS**

**Location Map**



Site Plan





**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The new accessory building will be constructed to match the architectural of the rural developed community and will meet the building code requirements. The site has access to a public street and is served with adequate utilities.

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 new accessory structure is over 1200 feet from the nearest public road will be close to the single family residence.

The area is developed with single family homes that have multiple outbuildings.

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

The rear yard of the existing residence is encumbered by the septic field and electrical transmission line easement. To the west side of the residence is a propane gas supply tank and to the east is an existing woodland area of heritage trees.

**Photographs**



Photo of the Subject Property from Southport Road, looking north.



Photo of the existing single-family dwelling, and proposed garage location, looking north.





Photo of septic field and high-power transmission line easement to the rear of the existign single-family dwelling, looking north.



Photo of proposed garage area, looking at Southport Road, approximately 1,150 feet to the south.



**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-UV1-003  
**Address:** 4716 Ferguson Road (approximate address)  
**Location:** Franklin Township, Council District #20  
**Zoning:** D-A  
**Petitioner:** Melissa Bullock, by Daniel Russello  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the on-site storage of two commercial vehicles within an enclosed structure.

**Current Land Use:** Single Family Dwelling

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition, subject to the following commitment:

The variance grant shall be subject to the amended plan of operation, file dated April 29, 2024.

**PETITION OVERVIEW**

- ◇ The request would provide for the on-site storage of two commercial vehicles within an enclosed structure.
- ◇ The subject site is adjacent to residential developed properties in the D-A and D-S Districts.
- ◇ 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.
- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use, with the number of vehicles and equipment limited by the plan of operation, would be similar to agricultural operations that are permitted in the D-A District. Therefore, the impact would not be an increase.
- ◇ The petitioner has submitted an updated plan of operation file-dated April 29, 2024, and staff is recommending approval subject to that plan of operation as a commitment. The commitment limits the amount of equipment and use to what is proposed in the plan of operation.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single Family Dwellings	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-A	Single-family dwelling
	South: D-A	Single-family dwelling
	East: D-S	Single-family dwelling
	West: D-A	Single-family dwelling
<b>Thoroughfare Plan</b>		
Ferguson Road	Local Street	70-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 21, 2024	
<b>Elevations</b>	N/A	
<b>Commitments</b>	Pending	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 21, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends rural or estate neighborhood development.

**Pattern Book / Land Use Plan**

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

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.



**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.

**ZONING HISTORY**

**2003-DV3-001; 4541 Ferguson Road (northeast of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 2,000 square foot pole barn resulting in 2,192 square feet of accessory building area or 166.57 percent of the main floor area, **granted**.

**96-UV2-11; 4502 South Ferguson Road (north of site)**, requested a variance of use to provide for the manufacturing of cotton candy within an attached garage, **granted**.

**92-Z-55; 4837 Ferguson Road (south of site)**, requested the rezoning of 14.04 acres, being in the D-A district, to the D-S classification to provide for residential development, **approved**.

RU

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**EXHIBITS**

Location Map



Site Plan





**Plan of Operation - file dated April 29, 2024.**

**Variance of Use and Development Standard - Plan of Operation**

**4716 Ferguson Road Indianapolis, IN 46239**

- **WORKFORCE**
  - No employees will be hired for this enterprise.
  - Only the owner of the semi-trucks will be driving them, one at a time from the covered structure to loading bays offsite.
  - There will be a limit of two semi-trucks parked within the structure at any time. The structure will be built to only house two semi-trucks, without trailers.
- **CLIENTS AND CUSTOMERS**
  - Petitioner's only clients are the shipping companies which provide the trailers offsite, where the semi-trucks will transport the trailers from. No clients or other companies will be on site.
- **Processes Conducted on Site**
  - Only storage of the two semi-trucks owned by the Petitioner in an enclosed barn/garage.
  - They will be parked there and out of sight from the general public if not driven out for work.
  - No semi-trailers will be parked or stored on site.
- **Materials Used**
  - The two semi-trucks are the only asset being held in the barn.
- **Shipping and Receiving**
  - No shipping or receiving activities will be conducted related to Petitioner's storage of the semi-trucks at the location.
- **Waste**
  - The semi-trucks (one at any given time) will be started and driven off the property. This will produce some exhaust in the area prior to exiting the property.
- **Setback from side and rear lines**
  - South line setback will be 20' with a line of pine trees in between the barn and the adjacent property.
  - West line setback will be 30'.
  - North line setback will be 35'.



**Findings of Fact**

Petition Number 2024-UV1-003

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division One  
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**

It should not effect any surrounding homeowners as no commercial operation will occur outside of parking the subject trucks at the petitioner's residence within an enclosed building. The trucks are already being stored at owner's expense at an offsite location. The trucks are owned by the Petitioner such that he is not conducting any business at the location. The grant will not increase traffic at this location nor will the health and safety of the community at large be affected.

**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 value of the subject property will increase with a new pole barn garage for the trucks which will help the surrounding property values. The trucks will be out of site in the enclosed building while on the property until being used off site. Many of the surrounding properties have large barn garages already.

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

The petitioner has to pay storage fees and he is a small business. He has extra drive time from his home to the storage facility to get the trucks and then has to go to where he picks up the trailers with the trucks. This extra step costs him time and money. The property's use if this variance is granted will not change. It will still be residential albeit with a pole barn on the property and the owner using the trucks for his business offsite. No commerce will occur on the property.

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

The strict application of the zoning ordinance speaks to commercial vehicles generally for commercial use. In this instance, the Petitioner's semi-trucks are no different than a large duel cab diesel engine truck which a farmer may use in the field or to haul cattle which is normally permitted in the current DA zone. The current zoning regulation as applied to petitioner is hindering his freedom of commerce. If he were simply a farmer he could have large combines, cultivators or plows on the property.

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

The grant is very narrowly tailored to the specific property and what petitioner does for a living and no commercial activities will take place on the subject property. This way, the grant will allow for a similar use congruent with the storage of farm equipment or other large machinery which would be allowable in this zone otherwise for agricultural purposes.

**DECISION**



Photographs



Subject site single family dwelling, looking west



Subject site proposed garage location at back of lot, looking west



Adjacent single family dwelling to the south, looking west



Adjacent single family dwelling to the north, looking west.



**BOARD OF ZONING APPEALS DIVISION I**

May 14, 2024

**Case Number:** 2024-UV1-005  
**Address:** 8215 and 8305 West Morris Street (approximate address)  
**Location:** Wayne Township, Council District #17  
**Zoning:** D-3 / I-3  
**Petitioner:** Signal Rock Properties LLC, by Blair Carmosino  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign (not permitted).

**Current Land Use:** Driveway and Mini-warehouse facility.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign.
- ◇ The primary use of the site, a mini-warehouse facility is located in an I-3 District. The driveway to the facility, is located in a D-3 District, and the sign would be located on this portion of the site, next to the driveway on the West Morris Street frontage.
- ◇ The Comprehensive Plan recommends Suburban Neighborhood for the driveway, and Office / Industrial Mixed-use for the remainder of the site. There is an adjacent D-3 District, but it does not have access to the driveway / approach road, and it is not likely to ever be developed for or needed for residential uses.
- ◇ In Staff’s opinion, the request would be consistent with the adjacent industrial properties.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-3 / I-3	
<b>Existing Land Use</b>	Mini-warehouse facility	
<b>Comprehensive Plan</b>	Suburban Neighborhood and Office / Industrial Mixed-use	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: I-4	Undeveloped
	South: I-3	Undeveloped
	East: D-3 / I-3	Undeveloped
	West: D-3	Single-family dwellings
<b>Thoroughfare Plan</b>		
Morris Street	Primary Collector	40-foot existing right-of-way and 80-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 12, 2024	
<b>Elevations</b>	March 12, 2024	
<b>Commitments</b>	n/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	March 12, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood and Office / Industrial Mixed-uses.

**Pattern Book / Land Use Plan**

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



- The Marion County Land Use Plan Pattern Book also recommends the Office/Industrial Mixed-Use (Business Park) typology which is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.

**ZONING HISTORY**

**2015-ZON-077; 8305 West Morris Street (north)**, requested the rezoning of 1/.07 acres from the I-3-S district to the D-3 district to legally establish residential uses, **approved**.

**2008-ZON-816; 2008-VAR-816/2008-VAR-816A, 8100 West Morris Street (east of site)**, requested the rezoning of 35.52 acres from the I-3-S (FF) District and SU-38 (FF) District to the I-4-S classification to provide for heavy industrial uses; a special exception to provide for automobile salvage; and a special exception to provide for retail sales of automobile parts related to the auto-salvage and wholesale operations on site, **denied**.

**98-UV1-38; 8305 West Morris (east and north of site)**, requested a variance of use to provide for an automobile sales lot with outside operation of 8,400 square feet, **granted**.

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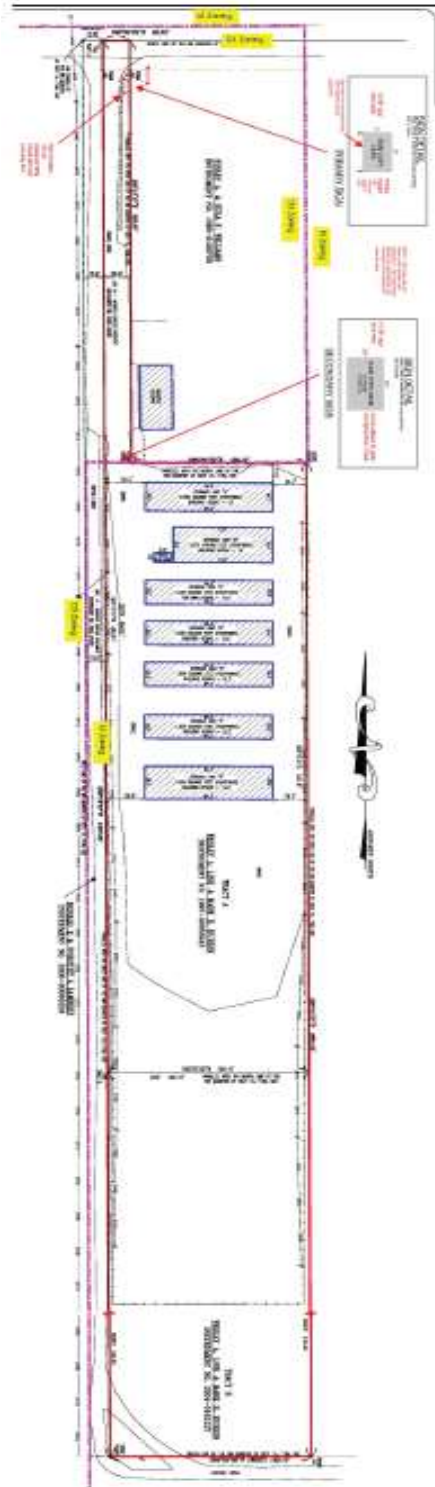
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**EXHIBITS**

Location Map



Site Plan



Sign Elevation.







**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

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

The variance sought is due to the property having two zoning classes, D3 and I3. Signage is permitting in both districts, however, the primary use falls in the I3 zoned portion of the site, while the sign will be located in the D3 zoned portion of the property. The signs property will adhere to D3 Standards and maximum height of proposed sign is shorter than what is allowed by D3 standards. There, this sign proposal will not be injurious to the public health, safety, moral and general welfare of the community and will mimic signs allowed under a D3 zoning.

**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**

Adjacent areas will not be affected in any substantially adverse manner since the sign will meet or be well within code requirements for same sign that would otherwise be allowed in a D3 district. This petition only seeks a variance to allow a sign for a primary use that is on the same property but not associated with a residential use as required by the zoning of the property where the sign will be located.

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

The need for the variance arises from the unique condition of the property having two zoning classifications. D3 and I3, with the primary use being located on the I3 portion of the property.

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

Strict application of the terms of the zoning ordinance would essentially eliminate the possibility of having a sign for a business that is located on the this dual zoned property.

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

The grant would not interfere substantially with the comprehensive plans when considering that a sign, similar to what is proposed in the petition is allowed under a D3 zoning classification. It is solely the fact that the primary use for the sign is located at the rear of the property in the I3 zoned portion of the property.



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 Development Standard variance sought is due to the property having two zoning class, D3 and I3. Signage is permitted in both districts however primary use falls in the I3 zoned portion of the site, while the sign is located on the D3 zoned portion.  
The signs proposed will adhere to D3 standards and maximum height of proposed signs is shorter than what is allowed by D3 code to blend and match other signs in the area.  
Therefore, this sign proposal will not be injurious to the public health, safety, morals and general welfare of the community because it will mimic a sign allowed under the D3 zone and was scaled down to match other existing signs in the area.

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:

Adjacent areas will not be affected in any substantially adverse manner since the sign will meet or be well within code requirements for same sign that would otherwise be allowed in D3 district.  
This petition only seeks variance to allow a sign for a primary use that is not associated with a residential use.

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

Strict application of the terms of zoning ordinance would essentially eliminate the possibility of having a sign for business. The unique dual zonings spanning the property creates this situation.

**Photographs**



Subject site driveway from Morris Street, looking south



Subject site mini-warehouse storage facility, looking south



Proposed sign location, looking east



Adjacent single family dwellings to the west, looking south.



## BOARD OF ZONING APPEALS DIVISION I

May 14, 2024

**Case Number:** 2024DV1009

**Property Address:** 7436 W Henry Street (approximate address)

**Location:** Wayne Township, Council District #17

**Petitioner:** Charles & Claire Powell, by Ryan Freeman

**Current Zoning:** D-5

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

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Senior Planner

## PETITION HISTORY

This petition was heard at the April 2, 2024 hearing and received an indecisive 2-1 vote. It was therefore continued to the May 14, 2024 hearing of the Division I board.

## STAFF RECOMMENDATION

Staff recommends **denial** of this request.

## PETITION OVERVIEW

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



Department of Metropolitan Development  
Division of Planning  
Current Planning

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



**GENERAL INFORMATION**

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

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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



**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

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

**Indy Moves**

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

- Not Applicable to the Site.





## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

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

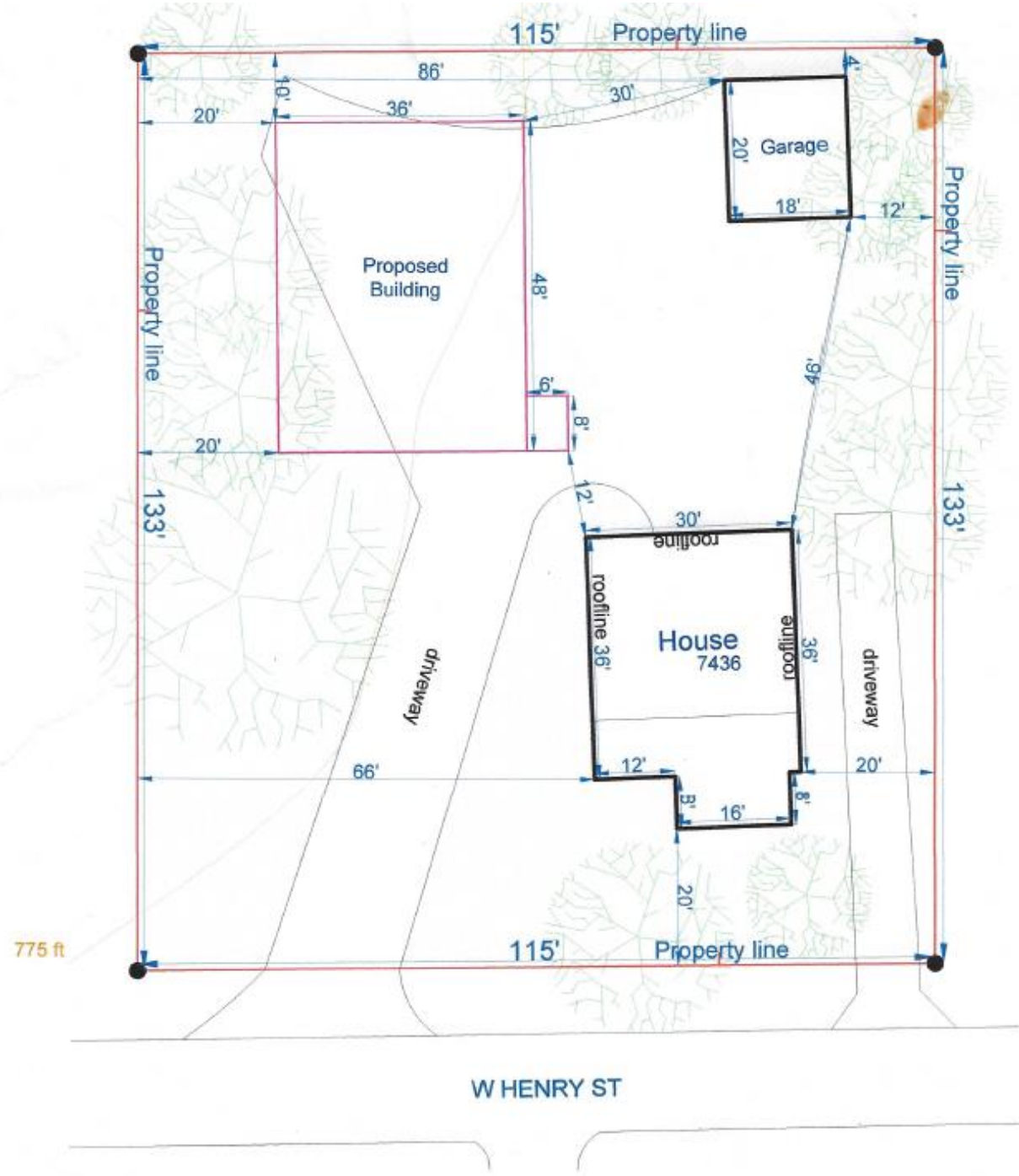
**EXHIBITS**

2024DV1009 ; Aerial Map

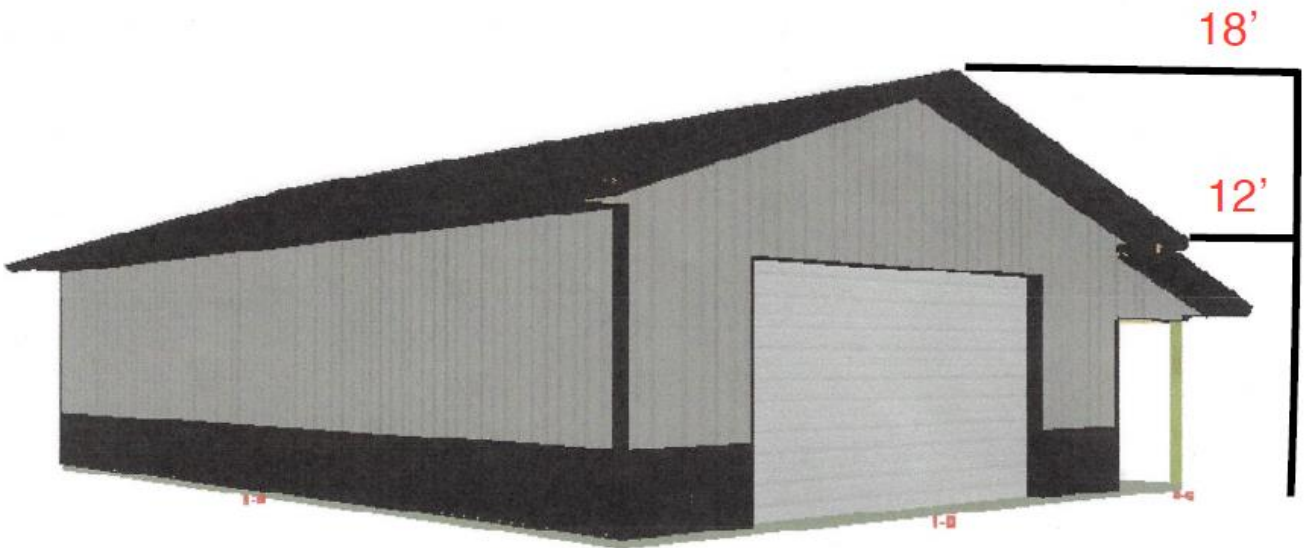
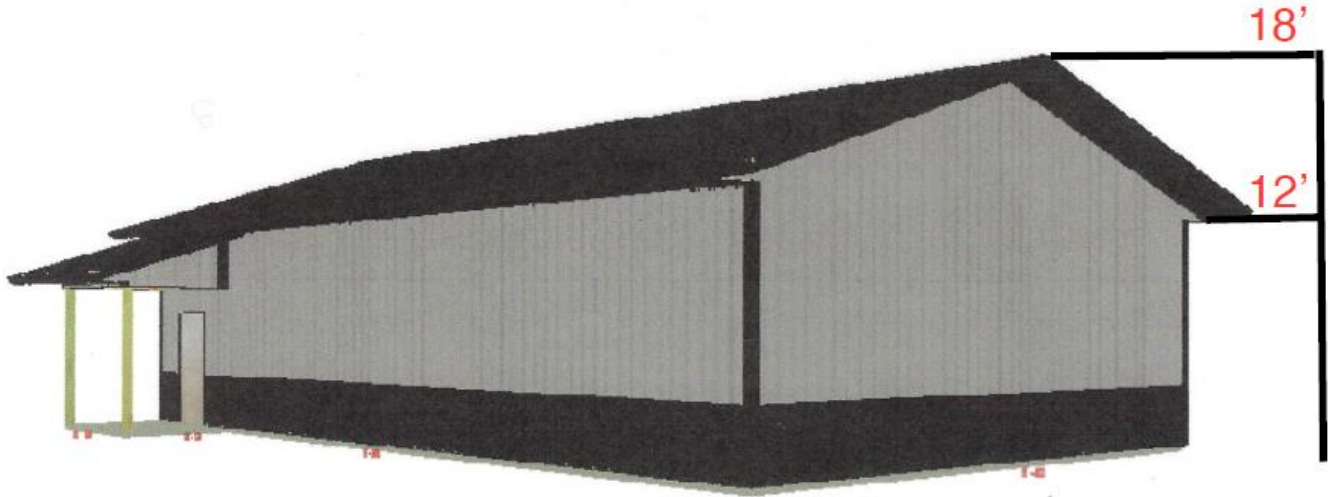




**2024DV1009 ; Site Plan**



2024DV1009 ; Elevations





**2024DV1009 ; Findings of Fact**

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

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

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

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

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

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

**2024DV1009 ; Photographs**



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

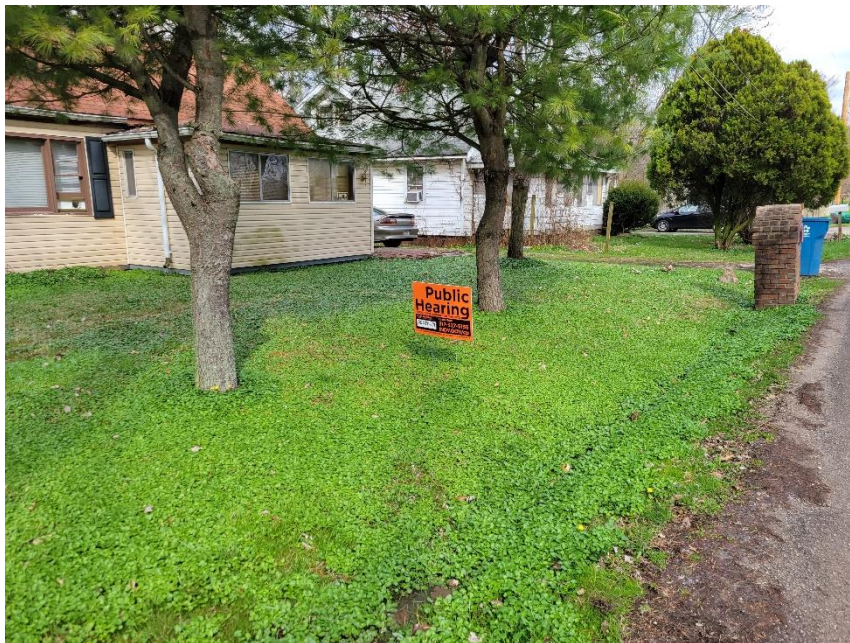


Photo 2: View of Primary Structure + Neighbor to East from Henry Street

**2024DV1009 ; Photographs (continued)**



Photo 3: Neighboring Property to South



Photo 4: Henry Street Looking West



**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-DV2-011

**Property Address:** 4233, 4235 and 4237 Evanston Avenue (approximate address)

**Location:** Washington Township, Council District #8

**Petitioner:** K&D Epic Holdings LLC, by David Gilman

**Current Zoning:** D-5 (W-1)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25 rear yard setback (maximum 19.9-foot front setback permitted, 20-foot rear setback required).

**Current Land Use:** Vacant

**Staff Recommendations:** Staff has no recommendation for this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- **ADDENDUM FOR MAY 14, 2024 BZA DIVISION I HEARING**
- This petition was continued and transferred from the April 2, 2024 BZA Division I hearing to the May 14, 2024 BZA Division I hearing to allow for revision of the site plan.
- The petition is to be continued with new notice to the June 4, 2024 BZA Division I hearing to add needed variances to the request.

**STAFF RECOMMENDATION**

- Staff has no recommendation for this petition.





**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024DV3001A & 2024DV3001B

**Property Address:** 6027 Castlebar Circle (approximate address)

**Location:** Lawrence Township, Council District #3

**Petitioner:** Audrey Dressel, by Russell Brown

**Current Zoning:** D-2

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

**B:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 88-foot wide parking area within the front yard of Castlebar Circle (maximum 30-foot wide parking area permitted).

**Current Land Use:** Residential

**Staff**

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This petition was heard at the April 2, 2024 hearing where it was split into two requests by the board. Both portions of the variance received indecisive 2-1 votes, and the petition was automatically continued to the May 14, 2024 hearing of Division I.

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

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

**STAFF RECOMMENDATION**

Staff recommends **denial** of both requests.

## PETITION OVERVIEW

- This site currently contains a residential property on a corner lot along with an existing 6-foot fence within the front yard to the west fronting Cricklewood Drive. The front-yard fence had a compliant height of 3.5 feet before being recently replaced. There are also two curb cuts along the north side of the property that share a driveway access to Castlebar Circle and create a driveway with a width of approximately 88 feet. This existing ‘half-moon’ driveway layout has existed for decades but was recently repaved from blacktop to concrete (without a change in configuration) around the same time of installation of the 6-foot-tall fence.
- The enforcement action VIO23-008065 was opened for this property in November 2023 which cited the fence height exceeding 42 inches in the front yard and the parking area in a front yard exceeding 30 feet in width. The grant of this petition would legalize both of those recent site improvements.
- Parking area is defined within the Indianapolis Zoning Ordinance as being “an area of paving other than an open exhibition or display area, not inclusive of interior access drives, and driveways intended for the temporary storage of automotive vehicles includes parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space”. Both staff and the inspector who wrote the violation feel that the existing half-moon driveway would be included under this definition.
- The site is currently zoned D-2 to allow for low-density suburban development with ample yards, trees, and passive open spaces. It is also within the Suburban Neighborhood living typology of the Comprehensive Plan Pattern Book which is predominantly made up of single-family housing along curvilinear streets and supported by a variety of neighborhood-servicing amenities.
- The Infill Housing Guidelines indicate that within the front yards of residential areas, fences should be ornamental in nature and that privacy fences should not be installed. Additionally, the guidelines indicate that see-through fencing is more appropriate for these areas than fences that lack opacity or visibility.
- The Indianapolis Zoning Ordinance prescribes height limitations for fences to maintain visibility, orderly development and the appearance of open space while also allowing for reasonable privacy. This variance would seek to retroactively legalize a 6-foot fence in an area that previously had a fence 3.5 feet tall and is slightly uphill from the grade of the street which gives the appearance of the fence being even taller.
- The recently installed 6-foot fence is almost double the required ordinance standard of 3.5 feet. Additionally, adjacent properties on both standard and corner lots don’t have fences of any kind in the front yard; the Devonshire V Civic Association described the fence as being “totally out of place” within the neighborhood context. Since this fence runs counter to ordinance rules and Infill Housing Guidelines, doesn’t relate to any practical difficulty at the site, and is out of character with existing development patterns in the area, staff would recommend denial of the fence variance.



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

- The zoning ordinance also places limitations on parking between the fronts of buildings and street rights-of-way to allow for attractive front yards and avoid the appearance of vast impervious spaces filled with cars between roadways and residential or commercial properties. This variance would seek to legalize the ‘half-moon’ parking layout within the northern yard that has existed previously but was recently repaved without changes to the site configuration. The ordinance has historically disallowed additional paving within front yards beyond what was sufficient for reasonable parking access. Staff does not wish to create a precedent of legalizing overly wide driveways within residential areas and feels that residential front yards should be predominantly reserved for landscaping. Staff would recommend denial of the variance for the 88-foot-wide parking area.

**GENERAL INFORMATION**

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



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

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

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

- Not Applicable to the Site



## ZONING HISTORY

### ZONING HISTORY – SITE

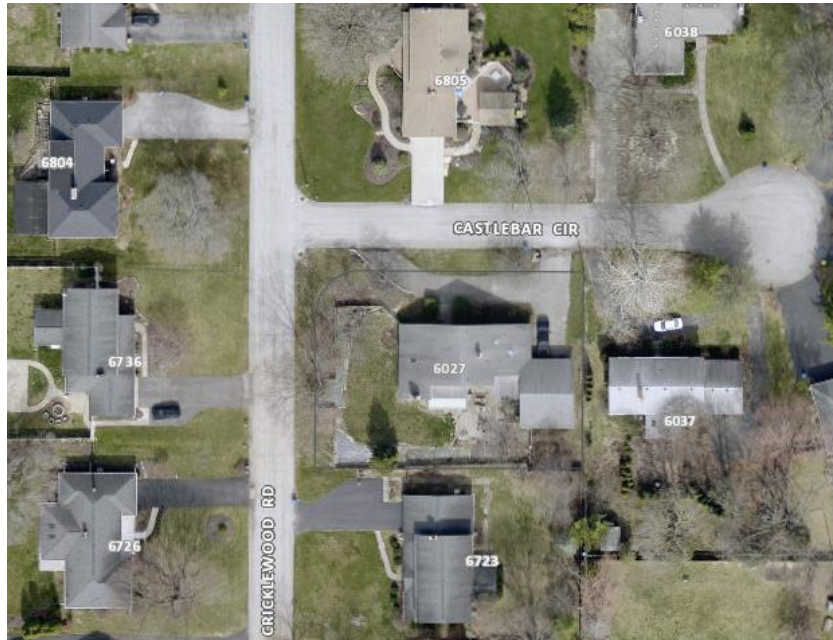
N/A

### ZONING HISTORY – VICINITY

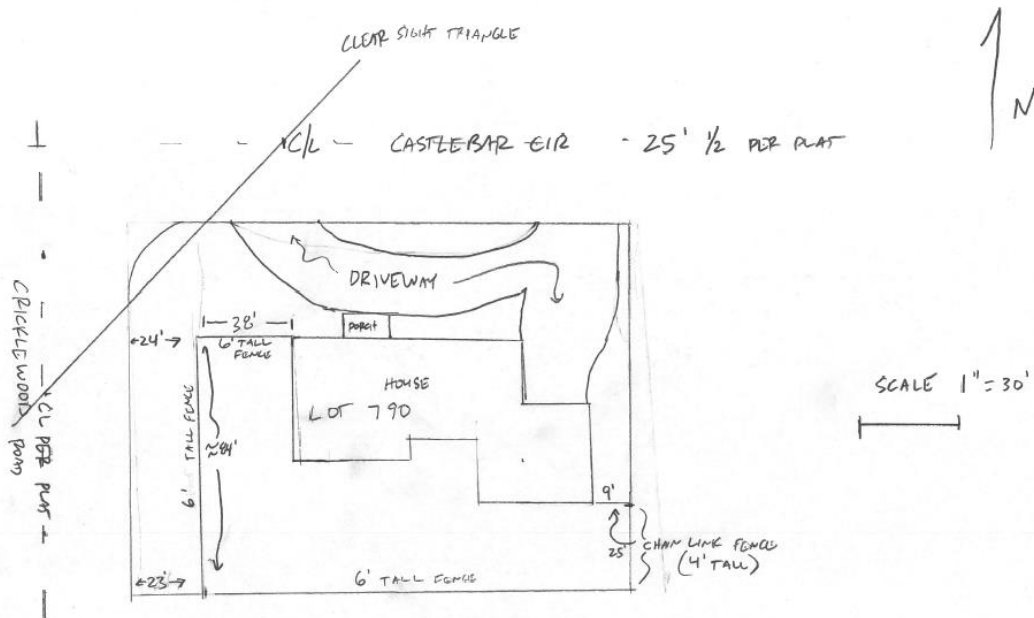
N/A

**EXHIBITS**

**2024DV3001 ; Aerial Map**



**2024DV3001 ; Site Plan**





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### **2024DV3001 ; Findings of Fact (Fence)**

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

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

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

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

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

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

### **2024DV3001 ; Findings of Fact (Parking)**

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

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

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

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

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

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

**2024DV3001 ; Pictures**



Photo 1: Fence from Front Yard (West)



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



**2024DV3001 ; Pictures (continued)**



Photo 3: Fence from Southwest



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

**2024DV3001 ; Pictures (continued)**



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



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



**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-UV2-003 (Amended)

**Property Address:** 1402 Shelby Street (approximate address)

**Location:** Center Township, Council District #18

**Petitioner:** Carnivore Properties LLC, by Theodore Lane Skeeters II

**Current Zoning:** MU-1 (TOD)

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a marketing business, including graphic design and print services (not permitted) with zero parking spaces (13 parking spaces required).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR MAY 14, 2024 BZA DIVISION I HEARING**

- This petition was continued and transferred from the April 9, 2024 Division II hearing to the May 14, 2024 BZA Division I hearing per the petitioner’s request.

**STAFF RECOMMENDATION**

- Staff recommends denial of this petition

**PETITION OVERVIEW**

- This petition would provide for the operation of a marketing business, including graphic design and print services (not permitted) with zero parking spaces (13 parking spaces required).
- Staff is unopposed to the proposed uses for the subject site, being a marketing business with graphic design and print services. Given that the site is along both the Red Line TOD district and the protected two-way Shelby Street cycle track, that the subject site does not currently have off-street parking spaces, and that there is not sufficient area to add parking on site, Staff is unopposed to the request for reduced off-street parking spaces.
- However, Staff does wish this to be filed as a rezoning petition, to give the site a more appropriate zoning classification for the proposed use and the surrounding context. With the MU-1 zoning district



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prohibiting the vast majority of primary commercial uses, almost any proposed commercial use would require a variance. To eliminate the need for future issues and/or variances, Staff requests that the site be rezoned to a less restrictive zoning classification, preferably C-3.

- Staff communicated to the petitioner that Staff would be in support of a rezoning filing and a transfer of filing fees. The petitioner did not wish to refile as a rezoning, wishing to complete the process on a shorter timeline. Given that the petition is still filed as a use variance as opposed to a rezoning, Staff is opposed to the petition and continues to request that it be refiled as a rezoning petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	MU-1 (TOD)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: MU-2 (TOD)	North: Commercial
	South: MU-1 (TOD)	South: Residential
	East: MU-1 (TOD)	East: Commercial
	West: D-5 (TOD)	West: Single-family residential
<b>Thoroughfare Plan</b>		
Shelby Street	Primary Arterial	62 feet of right-of-way existing and 56 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/12/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/12/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan



- Indy Moves Transportation Integration Plan (2018)

#### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Village Mixed-Use typology for this site.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is approximately  $\frac{1}{4}$  mile from the Fountain Square TOD station, classified as a district center typology. The district center typology is characterized by a dense mixed-use hub, minimum of 3 stories at core with no front or side setbacks, a mix of housing types, and little to no surface parking lots at the core.
- Additionally, the subject site is approximately  $\frac{1}{4}$  mile from the Pleasant Run TOD station, classified as a walkable neighborhood typology. The walkable neighborhood typology is characterized by a mix of uses at station area surrounded by mostly residential, no front or side setbacks at the core, and a mix of housing types.

#### 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)

- The subject site is located along the Shelby Street two-way protected cycle track that connects to the Cultural Trail to the north, and to the Pleasant Run Greenway to the south.
- DPW has noted that a future project is in the design stage to improve the protection buffer of the two-way cycle track by removing underutilized on-street parking spaces.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2014UV1017;** Variance of use of the Commercial Zoning Ordinance to provide for the storage and distribution of frozen raw pet food (not permitted), **approved.**

**2009UV1019;** VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Commercial Zoning Ordinance to: legally establish a commercial carpet, flooring and tile retail use (not permitted), provide for all C-3 uses (not permitted) within the existing building, legally establish zero off-street parking spaces (minimum seventeen off-street parking spaces required), legally establish a 4,788-square foot building with a 43.3-foot front setback from the centerline of Shelby Street (minimum 70-foot front setback from centerline required), with a one-foot south side setback and a 3.4-foot north side setback (minimum ten-foot side setbacks required), and with a 2.4-foot rear setback (minimum ten-foot rear setback required), legally establish zero landscaping in the required front, side and rear yards (landscaping required), **withdrawn.**

### ZONING HISTORY – VICINITY

**2023ZON051; 1354 Shelby Street (north of site),** Rezoning of 0.30 acre from the MU-1 (TOD) district to the MU-2 (TOD) district to provide for retail commercial uses, **approved.**

**2021UV1014; 1336 Shelby Street (north of site),** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot by 20-foot shipping container for retail pop-up shops and an eight-foot by 40-foot shipping container for a retail store with a zero-foot north side setback (retail sales permitted only as an accessory use, 10-foot side yard setback required), resulting in four less parking spaces (six existing spaces; 10 parking spaces required), **approved.**

**2020ZON084; 1325 Shelby Street (north of site),** Rezoning of 0.08 acre from the MU-1 district to the MU-2 district, **approved.**

**2019CZN/CVR843; 1315 Shelby Street (north of site),** Rezoning of 0.30 acre from the MU-1 district to the MU-2 district. Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a yoga studio (not permitted) and to provide for four substandard parking spaces partially within the right-of-way of Orange Street (not permitted – 46 spaces required). **approved.**

**2018ZON034; 1035 Sanders Street (north of site),** Rezoning of 1.249 acres from the C-S district to the C-S classification to provide for up to 54 Multi-family residential units, Offices up to 5,000 square feet; Public exhibition and performance of art or live drama/music; Public instructional activities in the arts; Studio use for creation/production of the arts; and Retail uses up to 5,000 square feet, **approved.**

**2015DV2023; 1403 Barth Avenue (west of site),** Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 280-square foot detached garage, with a one-foot south side setback and a five-foot north side setback, resulting in a six-foot aggregate side setback (minimum four-



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foot side and ten-foot aggregate side setbacks required), and with an open space of 59.9% (65% required), **approved**.

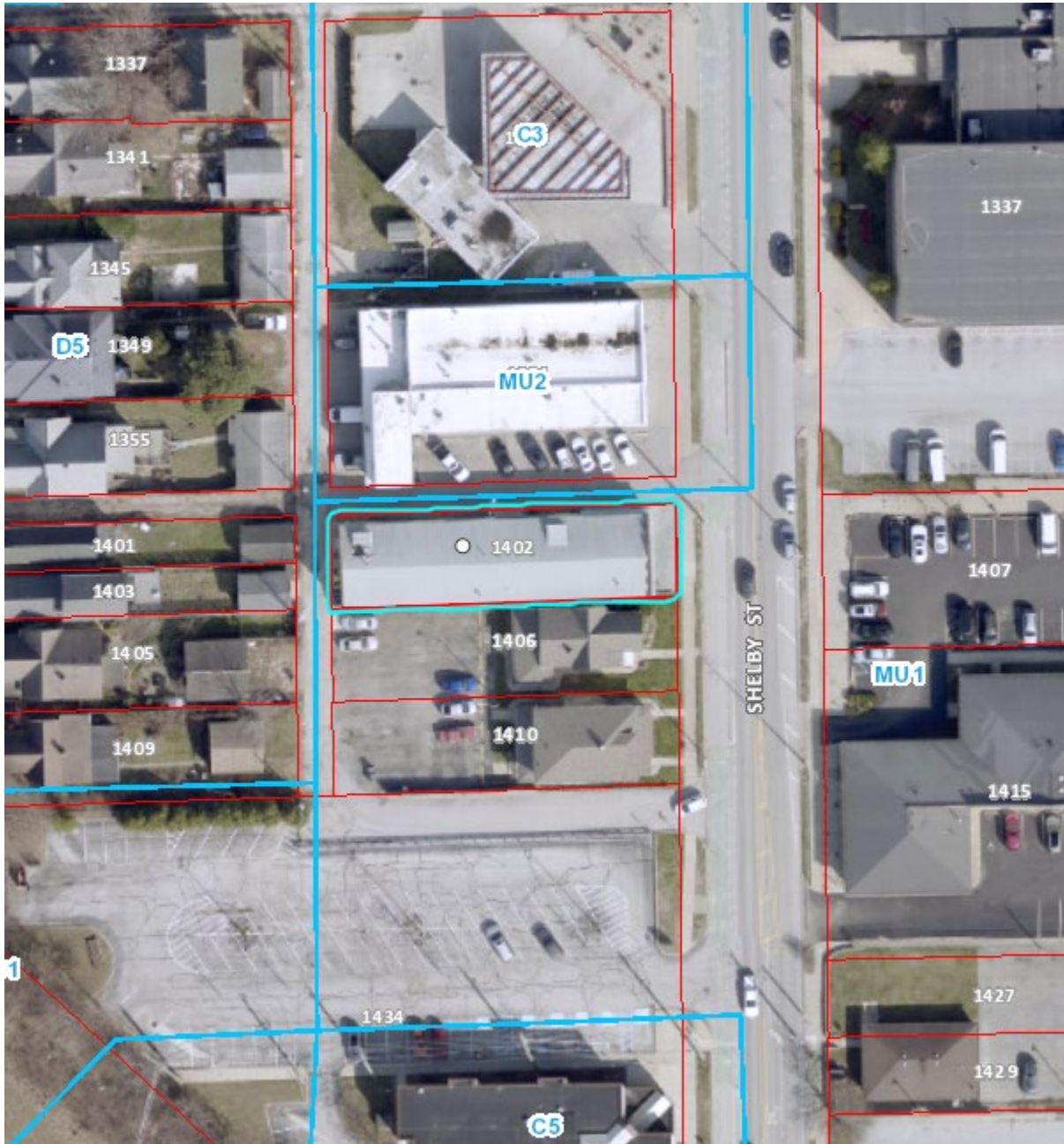
**2011CZN/CVR803; 1301 Barth Avenue (north of site)**, Rezoning of 0.58 acre from the D-5 and C-5 Districts to the C-S classification to provide for an 11,000-square foot brewery, with package liquor sales, a tasting room, brewery tours, special events and outdoor seating. Variance of development standards of the Commercial Zoning Ordinance: to provide for outdoor seating (not permitted), to provide for alcohol sales, within approximately 79 feet of the D-5 protected district to the south (100-foot separation from building required) and to provide for a trash container and enclosure with a 3.5-foot front setback from Barth Avenue, in front of the established front building line (trash enclosures not permitted within the required 10-foot front yard or in front of the established front building line). **approved**.

**97-Z-101; 1017-1027 East Morris Street (north of site)**, rezoning of 2.63 acres from the I-3-U and D-5 Districts to the C-3 classification to provide for commercial uses, **approved**.

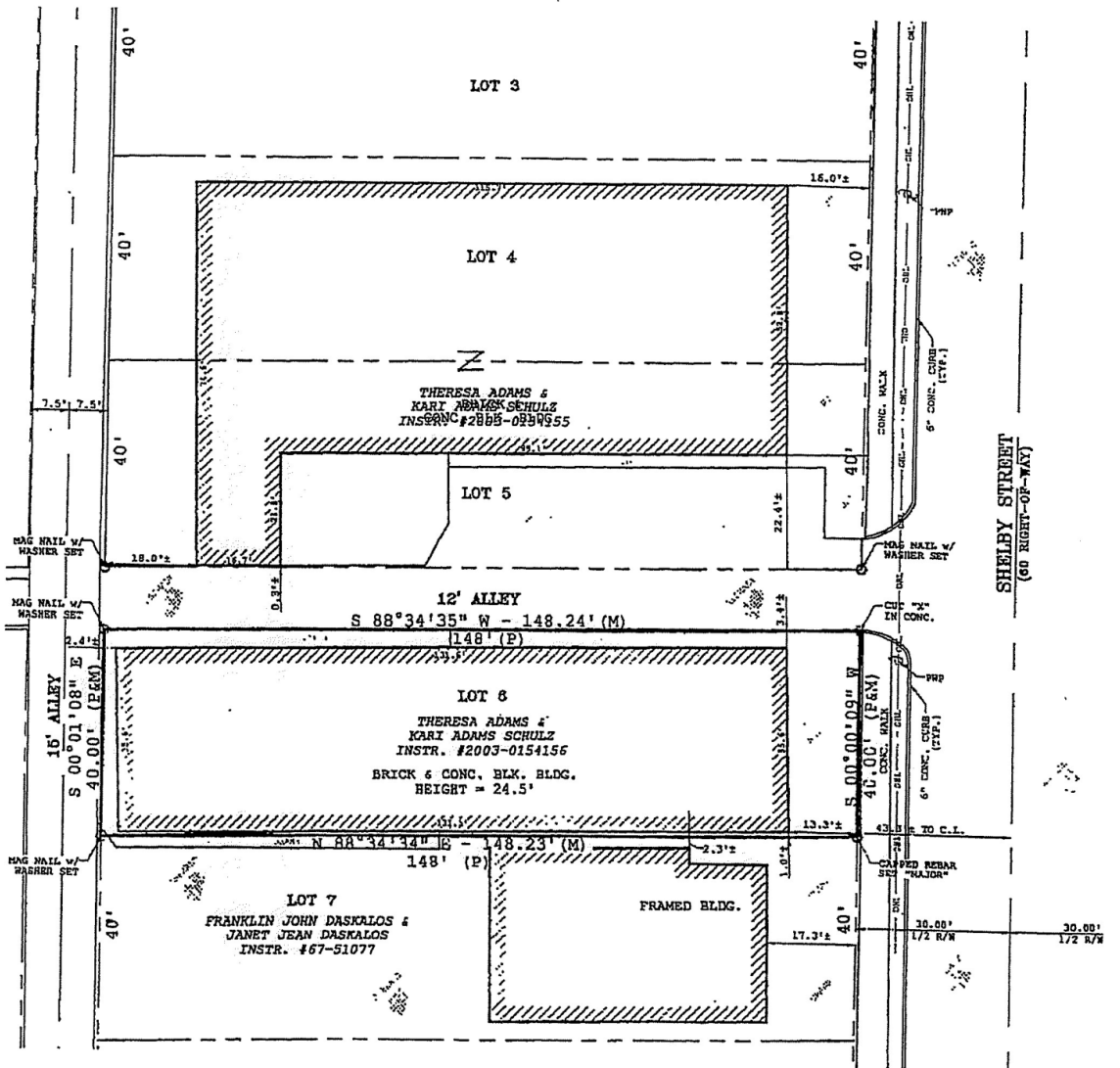
**96-Z-38/96-CV-16; 1425 Barth Avenue (south of site)**, rezoning from the D-5 district to the C-1 classification. Variance of development standards of the Commercial Zoning Ordinance to provide for a six foot wide transitional yard along the northern border property line (minimum 15 feet required), off-street parking spaces within the transitional yard (not permitted), and 9 by 18 parking spaces (parking spaces dimensions under 180 square feet not permitted), **approved**.

**79-Z-56; 1504 Shelby Street (south of site)**, rezoning of 0.47 acres from the C-2 district to the C-5 district for commercial uses, **approved**.

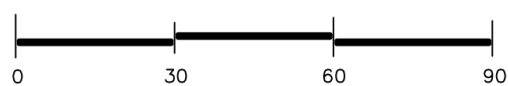
**EXHIBITS**







SCALE: 1" = 30'





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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 use will decrease the amount of commercial traffic compared to the existing use as a distribution center. There will be no impact on the neighboring properties or public with regard to health, safety or the enjoyment of their property. The production portion of the proposed use will create any unwanted noise or odors. By continuing the commercial use of this property the community will benefit by maintaining job opportunities and nearby businesses will benefit from the employees continued use.

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 does not require any changes to the exterior of the property with the exception of signage. Ownership has required that the original building facade be maintained with no changes. Shipping/receiving and employee traffic is expected to be lower than the current use. The community highly values it's existing history and culture and the proposed use of this property will not make any changes to that.

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

The property is zoned for residential/office use that would be difficult to accommodate considering the type of structure. The structure is an open floor plan industrial building with multiple dock doors and a storefront. The original use was as a flooring showroom and warehouse. There is also very limited parking available nearby which would make other uses difficult. The proposed use requires limited office space but the open floorplan is ideal for a showroom and the warehouse space will allow production use as well.

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 has operated with a variance since 2014 and the prior use also did not conform to the zoning standards. The use of this property in a commercial capacity similar to the proposed use has continued for at least 50 years. The structure as it is right now is not suitable for the zoned use without significant investment. Furthermore, changes that allow for zoned use may change the historic and unique character of this building in Fountain Square. Ownership and petitioner are committed to maintaining the character of the structure.

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

The petitioner's proposed use is categorized as Artisan Manufacturing and is allowed under the property's current zoning designation in circumstances when the building has been vacant for 5 years. The comprehensive plan designates the property as Village Mixed Use and the proposed use will meet the goal of strengthening the historic town center of Fountain Square by allowing use of the structure as it exists. Further the proposed use will offer services that the community does not currently have.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# MOTIFY PLAN OF OPERATION

DEFINE YOUR SPACE

## Roles

### Owner:

Primarily focused on client development and project management. Will spend a majority of time meeting with clients off site, overseeing installations, and managing contractors & vendors.

### Designer:

Works with owner to execute on the vision of the client. Develops multiple options and iterates upon client feedback. Works with production manager to ensure the end product meets expectations.

### Production Manager:

Oversees all in house production of deliverables. Manages materials and machines to ensure efficient and on time production before installation.

### Installer:

Handles all installations of non-skilled trade work (electrical, carpentry, painting, etc.) Including wall graphics, artwork, signage, dimensional installs and more.

*As work load grows we intend to expand each of these roles into departments with 2-3 person teams. In this space we would see the maximum number of full-time in-house employees being 10 with the addition of contract based installers.*

## Clients

We will work with a wide variety of clients and their spaces. Any space people gather is an opportunity to create experiences through great design. Some examples include but are not limited to:

- Offices
- Co-Working Spaces
- Retail
- Restaurants
- Worship Centers
- Gyms
- Schools
- Museums

## Process

### Design:

The process begins with an onsite client meeting to go over the space, discuss needs and goals, and determine project scope. Following the initial site visit, the owner and designer(s) will formulate a vision with various options and create 3D visualizations for the client to envision their new space. We will continue the iteration process until we've met clients' expectations.

### Project Management:

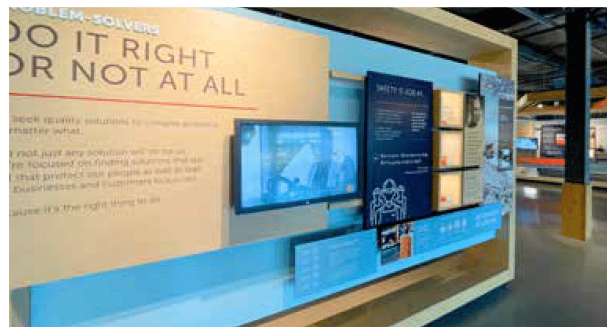
Once the final design is agreed upon, we will work with the client's team to manage the project. This could include necessary buildouts with their contractors or ours. We would work with vendors for the production of elements outside our capabilities and determine final installation timeline and project completion dates.

### Production:

For elements of the project that will be produced in house the Designer will work directly with the Production Manager to determine details of materials, installation, and any necessary electrical changes. Typically, in house production will include vinyl and textile printed graphics and dimensional panels/lettering. Allowing us full control over the parts of projects that catch the most attention.

### Installation:

Once all deliverable's have been completed, and necessary construction is complete, our installer(s) will start their process. We will complete the final design elements on site and verify contractor work is up to specs. All work done on site will follow OSHA guidelines for safety. Before client turnover we will complete a walkthrough and documentation process where we take detailed photos to verify work was done to spec and show the transformation.



## Equipment

### Latex Ink Roll-to-Roll Printer

Printing vinyl and textile graphics for walls and displays. Up to 60" wide. With this printing type there are no waste materials produced in use aside from scrap substrate.

### UV Flatbed Printer

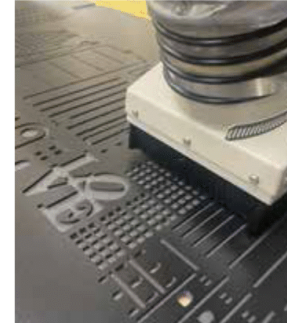
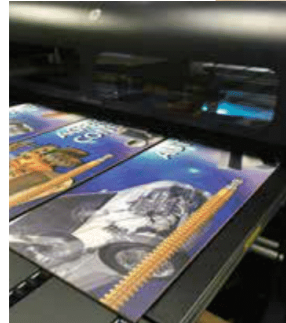
For printing directly to rigid substrates as large as 4'x8' such as plastic, wood and metal. Ink is UV cured with minimal waste.

### Vinyl Cutter

Used for cutting thin materials ink any shape. This could include custom logos or lettering, abstract wall coverings, frosted vinyl applications and more.

### Router

For cutting thick substrates up to 4'x8'x2" including wood and plastics. Used for creating custom dimensional displays and lettering.



## Local Impact

### Noise

Most of the equipment is very quiet, often being used in office/retail environments. The only exception being the vacuum table used by the router. This equipment will be housed in a separate room with insulation to shield the office space from the noise. We've used this same equipment in a multi-tenant office building with no complaints from neighbors and nothing audible on the exterior.

### Odors

There are no smells or fumes create in the printing/manufacturing processes we will use.

### Waste

The primary waste will be scrap material (mostly paper), which will be recycled when possible. Waste UV ink is combined with moisture absorber to remove solvents and can be disposed of normally once dry.

### Traffic

We expect weekly material deliveries during work hours along with shipments of deliverables from third parties a maximum of twice weekly. Clients will typically be seen on an appointment basis an average of once per day. We have one client parking spot on site with contracted parking across the street and adjacent street parking.

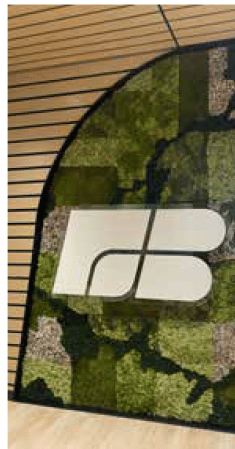
## Materials

### Rolled Media

- Vinyls
- Canvas
- Wallpapers

### Flat Media

- PVC
- Acrylic
- Composite Metal
- Plywood
- Laminates
- Polystyrene



## Community

Beyond the benefits of utilizing a long-standing building in Fountain square as-is, and providing ongoing employment, we look forward to being a part of the community and giving back in bigger ways as well. Fountain Square is a community based around the love of art, which is why we've chosen this area to call home. We want to benefit local artists by offering periodic open house days to invite them to make use of our equipment and tools. Going beyond that we will be giving back by donating work to locally owned small businesses that are loved by the community but in need of an update that may be out of reach. Our goal is to be a contributing member of the Fountain Square culture and community for years to come.









**BOARD OF ZONING APPEALS DIVISION I** **May 14, 2024**

**Case Number:** 2024-DV-1006 (amended)

**Property Address:** 5565 Bertha Street (approximate address)

**Location:** Wayne Township, Council District #17

**Petitioner:** Juan Carlos Lopez Cortes and Silvia Canchola Medina

**Current Zoning:** D-4

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

**Current Land Use:** Residential

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

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR MAY 14, 2024 BZA DIVISION I HEARING**

- This petition was continued from the March 5, 2024 BZA Division I hearing to the April 2, 2024 BZA Division I hearing to allow Staff to amend the request.
- The petition was continued a second time to the May 14, 2024 BZA Division I hearing due to an indecisive vote.

**STAFF RECOMMENDATION**

- Staff recommends denial of this petition.

**PETITION OVERVIEW**

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





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feet. Additionally, with the subject site being of sufficient sizing for D-4 zoning standards, Staff finds no practical difficulty for the petitioner to not meet the side and rear setback standards.

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

**GENERAL INFORMATION**

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



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- West Washington Street Corridor Plan (2012)

**Pattern Book / Land Use Plan**

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

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

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

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

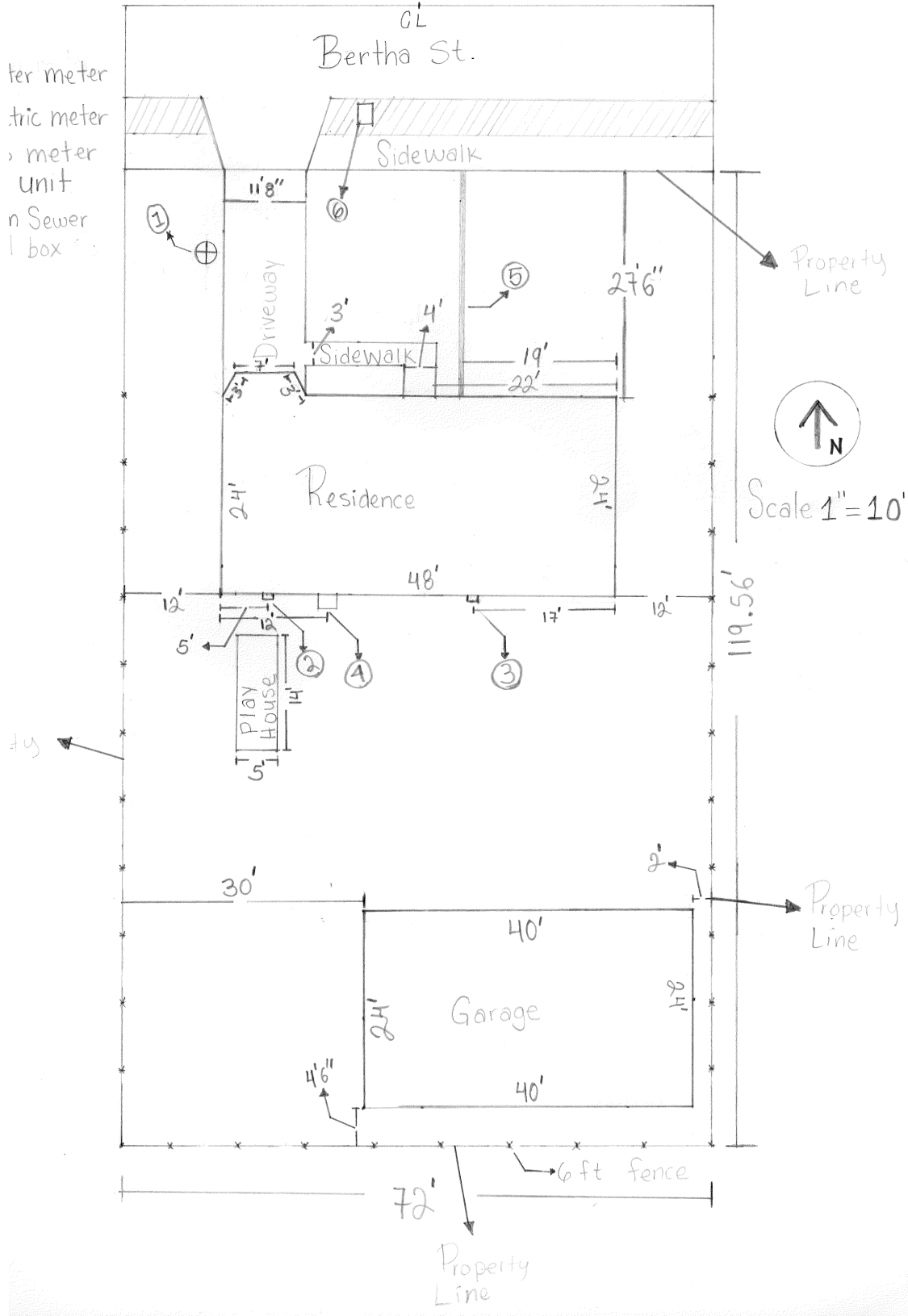
### ZONING HISTORY- VICINITY

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

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

**EXHIBITS**





Item 9.

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

Department of Metropolitan Development  
Division of Planning  
Current Planning

8/19/63  
VOL-32 Page-2-67  
**CLOVERLEAF FARMS**

Third Section

The map shows a grid of streets: Oliver Avenue at the bottom, Rinehart Avenue above it, Henry Street, Linda Lane, and Bertha Street at the top. Lots are numbered 90 through 130. The plan includes lot dimensions, street widths, and utility lines. A north arrow and a scale of 1" = 100' are provided.

**EXCERPTS: DESCRIPTION**

TO HAVE IN THE... a... (The text is extremely faint and mostly illegible due to the quality of the scan.)

APPROVED: \_\_\_\_\_  
DATE: \_\_\_\_\_

86



Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_











**BOARD OF ZONING APPEALS DIVISION I** **May 14, 2024**

**Case Number:** 2024-DV1-012  
**Property Address:** 909 North Pershing Avenue (approximate address)  
**Location:** Wayne Township, Council District #12  
**Petitioner:** Indianapolis Neighborhood Housing Partnership, by Jeff Hasser  
**Current Zoning:** D-8  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a zero-foot north side yard setback and a patio and walkway with zero-foot south side yard setback (three-foot side yard setbacks required).  
**Current Land Use:** Single-family residential  
**Staff Recommendations:** Staff has no recommendation for this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This petition is to be withdrawn by the petitioner.



**BOARD OF ZONING APPEALS DIVISION I** | **May 14, 2024**

**Case Number:** 2024-DV1-013

**Property Address:** 1801 East 86th Street (approximate address)

**Location:** Washington Township, Council District #2

**Petitioner:** MSD of Washington Township School Building Corporation, by Andrew Horton

**Current Zoning:** SU-2 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two wall signs on elevations that do not face a street (required).

**Current Land Use:** Educational (High School)

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

**Staff Reviewer:** Eddie Honea, Principal Planner II

**PETITION HISTORY**

- May 14, 2024 is the initial hearing of this request.

**STAFF RECOMMENDATION**

- Staff recommends approval of the request.

**PETITION OVERVIEW**

- The request would allow for the installation of two wall signs on wall planes that do not face a public street. The two signs would be back lit logos of a panther, the subject high school’s mascot.
- The subject site has been undergoing several site enhancements projects over the past decade, including building additions, landscaping improvements and athletic field improvements. The current phase of these improvements includes the installation of a new series of wall signs.
- Two of these signs are proposed to be installed on wall planes that do not face public streets. Signs regulations for all special use districts are subject to this requirement. The intent of this regulation is to prevent unnecessary sign proliferation and ensure that any lighted signage does not face residential or other sensitive uses that typically abut special use districts.



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Current Planning**

- Staff would note that the subject site is atypically large for a special use district, with the high school portion of the site being approximately 78.13 acres. A middle school, which is integrated with the overall site, is approximately 22.82, comprising an educational campus with an acreage 100.95.
- Staff would note that one sign faces a lodging facility that is within the MU-1 District, which permits illuminated wall signs that are not required to face public streets. The other sign, located along the southern wall plane of the primary building, would be located 1,580 feet from the nearest residential zoning district.
- Staff believes that these elements substantially alleviate any of Staff concerns, and that the grant of the request represents a minor deviation from the intent of the Ordinance. |

### GENERAL INFORMATION

<b>Existing Zoning</b>	SU-2 (TOD)	
<b>Existing Land Use</b>	Educational School	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3 / D-6II / D-1	North: Community commercial uses, multi-family, single-family dwellings
South:	D-A / D-P	South: Single-family residential
East:	D-P / MU-1	East: Lodging / Office Park
West:	SU-9, SU-38, C-3	West: Fire Station, Youth Community Facility, Various Community Commercial Uses
<b>Thoroughfare Plan</b>		
86 <sup>th</sup> Street	Primary Arterial	100-foot existing and proposed right-of-way
Westfield Boulevard	Secondary Arterial	70-foot existing and proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Transit Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 6, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	March 6, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	March 6, 2024	
<b>Findings of Fact (Amended)</b>	N/A	



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- [Marion County Land Use Plan Pattern Book ]

**Pattern Book / Land Use Plan**

- [Not Applicable to the Site. See Neighborhood/Area Specific Plan ]

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- [Not Applicable to the Site. ]

**Neighborhood / Area Specific Plan**

- [Not Applicable to the Site. ]

**Infill Housing Guidelines**

- [Not Applicable to the Site. ]

**Indy Moves**

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

- [Not Applicable to the Site. ]



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

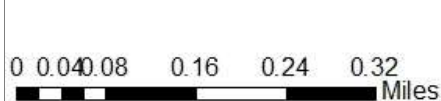
N/A



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**EXHIBITS**

Exhibit One: Location Area Map





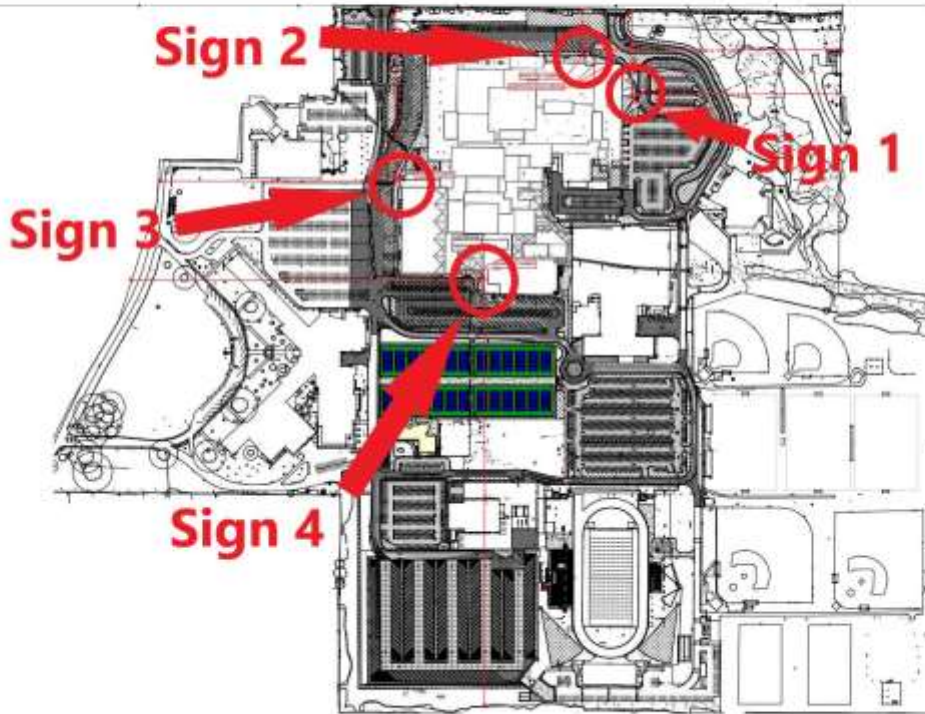


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Division of Planning  
Current Planning**

Exhibit Two: Plans

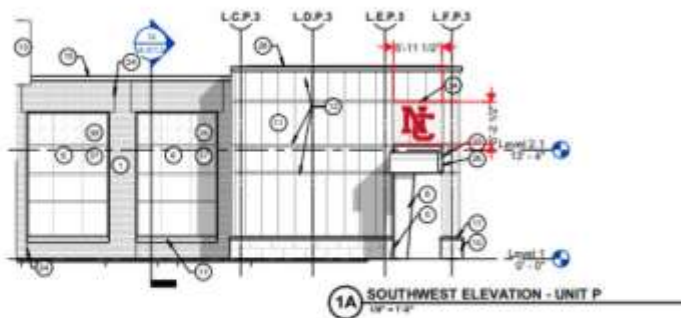
## 2024PTN041 - North Central High School Sign Details:

### Sign Type- Identification Map:



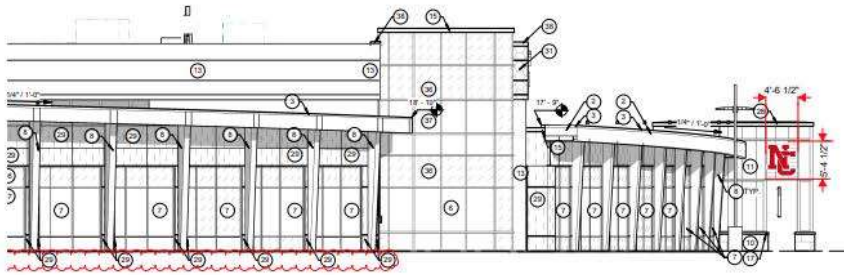
### SIGN #1: East Side-A-210.3 (1a)

*Translucent white, back lit, with vinyl graphic*



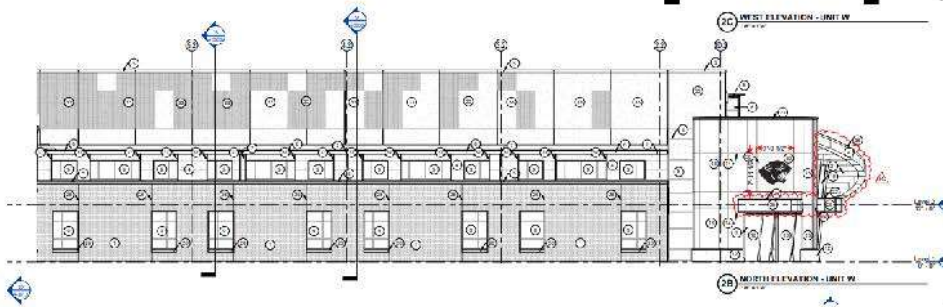
**SIGN #2: North side - A-210.3 (1b)**

*Translucent white, back lit, with vinyl graphic*



**SIGN #3: West Side- A-210.2 (2b)**

*Translucent white, back lit, with vinyl graphic*



**SIGN #4: South side- A-211.2 (1a)**

*Translucent white, back lit, with vinyl graphic*



Exhibit Three: Photographs



Photo One: General Area of Proposed Sign One



Photo Two: General Area of Proposed Sign Two |



**BOARD OF ZONING APPEALS DIVISION I** **May 14, 2024**

**Case Number:** 2024-DV1-014  
**Address:** 2120 English Avenue (approximate address)  
**Location:** Center Township, Council District #18  
**Zoning:** I-3  
**Petitioner:** Jenny Smalling  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.13-foot tall chain-link perimeter (solid screening required) fence, including barbed wire (prohibited), encroaching within the clear sight triangle of the intersection of English and Hamilton Avenues (not permitted).

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

The petitioner is working with Staff on amending the petition, possibly needing new notice.

Therefore, Staff is requesting that this petition be continued for cause, **continuing this petition from the May 14, 2024, hearing, to the June 4, 2024, hearing.**

**BOARD OF ZONING APPEALS DIVISION I** **May 14, 2024**

**Case Number:** 2024-DV1-015  
**Property Address:** 951 Tecumseh Street (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Alysse Popov, by Josh Smith  
**Current Zoning:** D-5 / MU-1  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a carriage house in front of the established building line of the primary building (not permitted) and a 14.5-foot rear yard setback (20 feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends approval of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff recommends approval of this petition

**PETITION OVERVIEW**

- This petition would provide for the location of a carriage house in front of the established building line of the primary building (not permitted) and a 14.5-foot rear yard setback (20 feet required).
- It has come to Staff’s attention that the request for the 14.5-foot rear yard setback is not necessary, as minor residential structures are permitted to be located up to 5 feet from the rear lot line, per Chapter 743, Article III, Section 6.A of the Zoning Ordinance. This variance was mistakenly included and can be removed from the request.
- The secondary structure in question was built after acquiring proper permits, when it was later realized that the proposal required a variance that had previously been unnoticed.
- The primary structure is located zero feet from the rear property line and the front building line is approximately 29 feet from the front property line. While this site configuration is ordinary for the surrounding block, this is abnormal development for most residential districts. Further, with this



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portion of Tecumseh Street being classified as terrace frontage, the maximum permitted front setback is 19.9 feet, the front setback of the primary structure would be legally non-conforming as it exceeds this amount. Given this, Staff does see there to be a degree of practical difficulty with regards to placing accessory structures behind the front building line. Additionally, the proposal calls for the secondary structure to sit approximately 22 feet from the front building line. This distance would not significantly deviate from the surrounding character in terms of the distance that structures sit from the front property line, as most front building lines on this portion of Tecumseh Street are between 20-25 feet.

- Further, the lot was platted in 1910 and has a lot area of approximately 3720 square feet, well under the standard D-5 amount of 5000 square feet. Staff sees this reduced lot size as another practical difficulty upon the owner with regards to placing structures. Staff would note that, despite this hardship, the proposal would still conform with required open space and setback requirements.
- Additionally, while almost all residences on Tecumseh Street contain front-loading garages, the proposed detached garage component of the structure will provide vehicular access from the alley, which is the recommended method when alley access is present, per the Infill Housing Guidelines.
- With the site containing reasonable practical difficulties, and the proposal conforming with the Infill Housing Guidelines when possible, and with the proposal resulting in minimal change in form and character to the area, Staff is supportive of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 / MU-1	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	MU-1 North: Single-family residential
	South:	D-5 South: Single-family residential
	East:	D-5 East: Single-family residential
	West:	D-5 West: Single-family residential
<b>Thoroughfare Plan</b>		
Tecumseh Street	Local Street	27 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	3/28/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	3/28/24	





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Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	4/11/24
Findings of Fact (Amended)	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional 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

- With regards to secondary structures, the Infill Housing Guidelines recommends:
  - Placing building behind primary building line
  - Access garages from alley when possible
  - Coordinate design and sizing of secondary structures with the primary structure
- The proposal does call for the secondary building to be in front of the building line, due to practical difficulties with regards to lot size and the existing location of the primary building. The proposal is in accordance with the remainder of the recommendations.



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Division of Planning  
Current Planning**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2021ZON006; 2022 E 10<sup>th</sup> Street (north of site)**, Rezoning of 0.294 acre from the MU-1 district to the D-5 district, **approved**.

**2018ZON087; 2018 E 10<sup>th</sup> Street (north of site)**, Rezoning of 0.15 acre from the MU-1 district to the D-5 classification, **approved**.

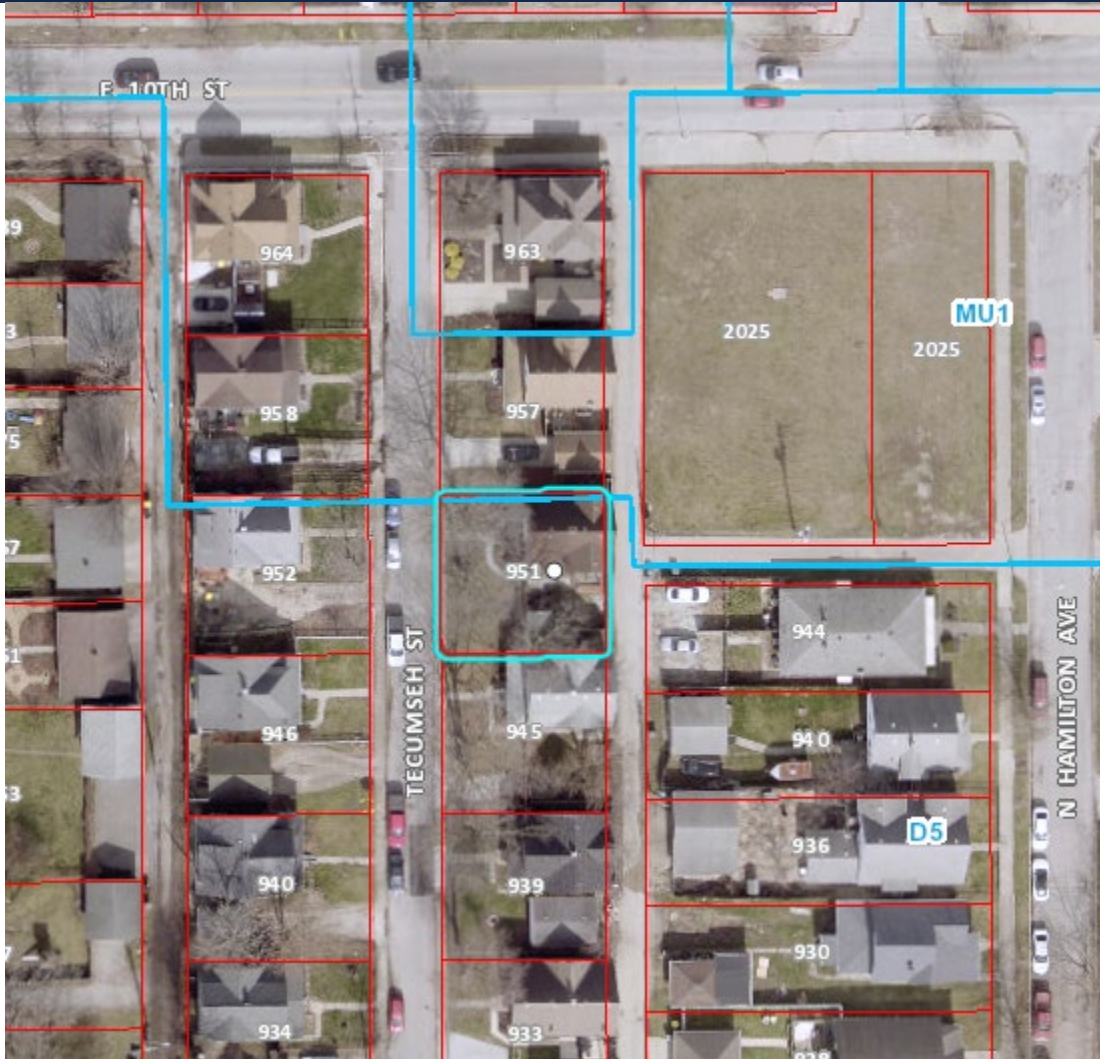
**2015UV2019; 2014 E 10<sup>th</sup> Street (north of site)**, Variance of use and development standards of the Commercial Zoning Ordinance to permit primary and accessory residential uses (not permitted), including the legal establishment of an existing dwelling unit and the construction of a 746-square foot detached garage, with a second floor dwelling unit, and with both structures having an approximately one-foot west side setback (10-foot side setback required), **approved**.

**2009UV1005; 2103 E 10<sup>th</sup> Street (east of site)**, VARIANCE OF USE of the Commercial Zoning Ordinance to provide for a gas station and convenience store (not permitted) utilizing an existing building and gas station canopy permitted by previous variance petitions, **approved**.

**2005ZON191; 2032 E 10<sup>th</sup> Street (north of site)**, rezoning of 0.15 acre from C-2 to C-3C to provide for a mixed-use redevelopment. Recorded instrument number 2006-0053708, **approved**.

**98-Z-235; 2122 E 10<sup>th</sup> Street (north of site)**, rezoning of 1.175 acres from the C-2 to C-3, to provide for a fast food restaurant, with drive-through service and a separate check-cashing facility, **approved**.

**EXHIBITS**



**GENERAL SITE NOTES**

- THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL CONCEPTS AND CONDITIONS. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND GENERAL TRADE PRACTICES.
- ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE CONDUCTED IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY OF INDIANAPOLIS STRIP WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL.
- NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. SITE DATA SHALL BE DERIVED FROM AERIAL PHOTOGRAPHY, CURSORY SITE INVESTIGATION, FIELD VERIFICATION AND OTHER REASONABLE MEANS OF INVESTIGATION. ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED. ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED.
- ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING, UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES TO THE PROPOSED DEVELOPMENT. SANITARY SEWER & WASTE DISCHARGE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
- THIS SCOPE OF WORK IS DESIGN-BUILD IN NATURE. NOT ALL CONDITIONS, CONNECTIONS NOR TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL DETERMINE THE EXISTING CONDITIONS AND CONDITIONS TO BE MAINTAINED. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK, SUCH THAT ALL UNRESOLVED CHALLENGES CAN BE RESOLVED BY THE CONTRACTOR. CONTRACTORS SHALL BE RESPONSIBLE AND BUDGET. RIVERA GROUP LLC SHALL BEAR NO FINANCIAL RESPONSIBILITY FOR THE CONSTRUCTION OF THIS PROJECT.

**SITE PLAN KEYNOTES:**

- EXISTING HOUSE (APPROX. 40' TALL)
- PROPOSED GARAGE F.F.E. - 750.5'
- PROPOSED DRIVEWAY
- FLOW ARROWS
- EXISTING SIDEWALK
- PROVIDE SILT FENCE FOR EROSION CONTROL
- PROVIDE CONCRETE WASHOUT FOR CONCRETE PAVING AND OTHER CONSTRUCTION
- ACCESS TO CONSTRUCTION SITE FROM ALLEY
- REMOVE SOIL AND DEBRIS FROM CONSTRUCTION SITE
- SANITARY SEWER

**PLANS RECEIVED AND APPLICATION APPROVED**

File-marked plans and specifications shall be available for inspection at all times. You must schedule an inspection as required, scheduling an inspection.

INDIANAPOLIS STRIP WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL 01/11/2024

INDIANAPOLIS STRIP WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL 01/11/2024

**PLANS RECEIVED AND APPLICATION APPROVED**

File-marked plans and specifications shall be available for inspection at all times. You must schedule an inspection as required, scheduling an inspection.

INDIANAPOLIS STRIP WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL 01/11/2024

INDIANAPOLIS STRIP WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL 01/11/2024

**SITE DATA**

LOT AREA (D5) - COMPACT	3,720 S.F. (0.08 ACRES)
TOTAL BLDG AREA	933 SQ. FT.
EXISTING HOME FOOTPRINT AREA	475 SQ. FT.
PROPOSED GARAGE FOOTPRINT AREA	1,408 SQ. FT.
TOTAL DEVELOPED AREA	62.16%
OPEN SPACE PERCENTAGE	

**Proposed Site Plan**  
SCALE: 1" = 20'

1 NORTH

**C2.1**

951 Tecumseh St,  
Indianapolis, IN 46201

DRAWN BY  
**Fausto Limon**

DATE  
**JANUARY 5, 2024**

AMENDMENT  
---

CERTIFIED BY



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number 2024-DV1-015

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 carriage house is being built in a consistent manner and design of the surrounding homes and other detached accessory buildings, creating no changes to the community.

Four horizontal lines for additional text.

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 surrounding properties are developed in a similar manner and size the proposed plans for this lot.

Four horizontal lines for additional text.

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

The existing lot was platted prior to 1910 and is less than 75% of the minimum lot area of the current D5 zoning standards. Meeting all of the currently required development standards with the existing lot dimensions and while maintaining the mature trees in the front yard will be impossible. The existing plans were previously approved for building permits and construction of the carriage house has begun; including the entire foundation and substantial completion of the framing. Moving the carriage house now due to the oversight during plan review would be a very expensive and material intensive burden.

Two horizontal lines for additional text.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

Four horizontal lines for signature and date.













**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-UV1-006  
**Address:** 2052, 2060, 2064 and 2102 South Meridian Street (approximate address)  
**Location:** Center Township, Council District #18  
**Zoning:** C-7  
**Petitioner:** Summit Indianapolis LLC, by Kevin G. Buchheit  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a substance abuse treatment facility within 200 feet of a protected district (500-foot separation required).

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

A registered neighborhood organization has filed an automatic continuance, **continuing this petition from the May 14, 2024, hearing, to the June 4, 2024, hearing.** This will require the Board’s acknowledgement.



**BOARD OF ZONING APPEALS DIVISION I** **May 14, 2024**

**Case Number:** 2024-UV1-007

**Property Address:** 5075 West 38<sup>th</sup> Street (approximate address)

**Location:** Wayne Township, Council District #5

**Petitioner:** Arnid LLC, by David Bayt

**Current Zoning:** C-5

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage for vehicles awaiting repair that is equivalent to 231.52 percent of the gross floor area of the primary building (limited to 25 percent).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff has no recommendation for this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- Staff is requesting a continuance to the June 4, 2024 BZA Division I hearing to allow for further review of the proposals of this petition.