



Board of Zoning Appeals  
Board of Zoning Appeals Division III  
(October 15, 2024)  
Meeting Agenda

**Meeting Details**

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

**Date:** Tuesday, October 15, 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

2024-UV1-009 (Amended) | 1307 South High School Road

Wayne Township, Council District #17, zoned C-4 (TOD)  
Sohum Hotels Indy West LLC, by Russell Brown

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 122-unit hotel (not permitted), with one primary entry (four required), and 111 parking spaces (122 parking spaces required), and a chain link fence within the front yard of Washington Street (not permitted).

\*\*Petitioner to withdraw

**PETITIONS REQUESTING TO BE CONTINUED:**

**Petitions for Public Hearing**

**PETITIONS TO BE EXPEDITED:**

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

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

1. **2024-DV3-023 | 11700, 11850 East 38th Street, and 4002 North Carroll Road**

Lawrence Township, Council District #15, zoned D-5 (FF)  
Laibe & Russell Investments LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings with front loaded garages comprising up to 65% of the front façade (maximum 45%) for a future 138 lot subdivision.

2. **2024-DV3-024 | 10220 East Washington Street**

Warren Township, Council District #20, zoned C-4 (TOD)  
Indy WS40 LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a drive through in a front yard without an exclusive bypass aisle (stacking spaces disallowed within front yard, bypass aisle required) and within 100 feet of a transit stop (prohibited within 600 feet unless located

behind building) and the construction of freestanding buildings with front yard setbacks of up to 60 feet (maximum 10-feet permitted), a front building line of 18.5 percent (80 percent required), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).

**3. 2024-DV3-026 | 7140 and 7142 East Washington Street**

Warren Township, Council District #14, zoned C-4 (TOD)  
Fieldstone Financial LLC and 7142 East Washington LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

**4. 2024-UV3-008 (Amended) | 2649 Fisher Road**

Warren Township, Council District #20, zoned D-A  
German Mendez Sanchez and Ana Laura Miranda Dominguez, by Josh Smith

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an accessory structure resulting in it being located forward of the primary building and a five-foot south side yard setback (accessory structures may not be located in front of primary building, 15-foot side yard setback required).

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

**5. 2024-DV3-027 | 9621 East 96th Street**

Lawrence Township, Council District #4, zoned D-A  
Chris Shuptar

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

**6. 2024-DV3-028 | 3810 & 3814 East Southport Road**

Perry Township, Council District #24, zoned C-3 (FW) (FF)  
Indiana Group Investment Inc., by David E. Dearing

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building addition, encroaching within the stream protection corridor of Little Buck Creek (not permitted, 100-foot separation from top of bank required).

**7. 2024-UV3-014 | 454 East Stop 11 Road**

Perry Township, Council District #23, zoned SU-2  
Perry Township Multischool Building Corporation of 1996, by Lisa Rains

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign with digital display (prohibited), located zero-feet from a protected district (600-foot separation required), and a zero-foot front yard setback, encroaching within the right-of-way of Stop 11 Road (five-foot setback required, encroachment within right-of-way not permitted).

**8. 2024-UV3-015 | 1311 and 1315 Standish Avenue**

Perry Township, Council District #23, zoned D-8 (TOD)  
Maninder Walia, by Thomas L. Potts Schmidt

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an 18-unit apartment building (not permitted) without exclusive alley access (required) and a parking lot with a zero-foot rear yard setback (10 feet required) and deficient open space (1,350 square feet required) and landscaping (required) with a floor area ratio of 0.833 (maximum .60 permitted) and a livability space ratio of 0.32 (.66 required).

**\*\* Petitioner to request continuance to the November 18, 2024 hearing of Division III**

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\*\*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**

**October 15, 2024**

**Case Number:** 2024-UV1-009 (Amended)  
**Address:** 1307 South High School Road (approximate address)  
**Location:** Wayne Township, Council District #17  
**Zoning:** C-4 (TOD)  
**Petitioner:** Sohum Hotels Indy West LLC, by Russell Brown  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 122-unit hotel (not permitted), with one primary entry (four required), and 111 parking spaces (122 parking spaces required), and a chain link fence within the front yard of Washington Street (not permitted).

**Current Land Use:** Vacant parking lot.

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

**PETITION HISTORY**

This petition was previously automatically continued at the request of the petitioner, from the July 2, 2024, hearing, to the August 6, 2024, hearing, and continued for cause at the request of the petitioner from the August 6, 2024, hearing, to the September 3, 2024, hearing. At the September 3, 2024, hearing, the petitioner continued and transferred this petition to the September 17, 2024, BZA3 Board. A registered neighborhood organization automatically continued this petition from the September 17, 2024, hearing, to the October 15, 2024, hearing.

The petitioner **has submitted a request to withdraw this petition** at the October 15, 2024, hearing. The withdrawal will require the Board’s acknowledgment.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- ◇ The request would provide for the construction of a 122-unit hotel, with one primary entry, and 111 parking spaces, and a chain link fence within the front yard of Washington Street.
- ◇ The proposed use is permitted in the existing C-4 district, but this site is also located in the Transit Oriented Development secondary or overlay district (TOD), which limits the scale of the proposed use. The TOD does allow for lodging uses up to 100 guest rooms in the C-4 district. Lodging uses that are larger than 100 units are not permitted within the C-4 district in the TOD, thus a variance of use is required to allow for the proposed use based on the hotel size.

- ◇ Hotels are limited in size within the TOD as larger uses tend to have a higher volume of automobile traffic, instead of customers that access the existing transit infrastructure.
- ◇ Although this site is still designated as in the TOD. The proposed Blue Line route has been amended in that it will now access the airport via Holt Road and the I-70 Interstate, instead of this portion of West Washington Street. The TOD layer has not been amended to reflect this recent change, so the variance of use is still required.
- ◇ Staff also feels that the due to its proximity to the airport, the proposed hotel use would not be a large traffic generator in that some customers may arrive at the site from the airport via shuttle, taxi or even the existing regular bus line. In addition, it would be occupying an out lot location for a commercial retail site that has remained under-developed, reducing a portion of its large empty parking lot. In Staff's opinion, this request would be a minor deviation and consistent with the adjacent commercial properties.
- ◇ In addition, the petition is requesting a reduced amount of parking spaces from the required 120, to 111 spaces. This reduction will also encourage the reduction of onsite vehicular traffic due to the reduced amount of parking spaces. Again, encouraging users to access available shuttle, taxi or the existing regular bus line if arriving from the airport. In Staff's opinion, this request would be a minor deviation.
- ◇ The request for one primary entry, where four entries are required is due to the site location being adjacent to an Indiana Department of Transportation (INDOT) interstate exit right of way for the I-465 Interstate that does not allow for any curb cuts or entrances along this portion of West Washington Street. The site does have a primary easement that allows for access to South High School Road through the adjacent commercial retail parking lot. Two additional access entries to South High School are also available via the adjacent parking lot.
- ◇ Staff feels that this limitation by INDOT is a practical difficulty in that any use on this site would be limited in the number of primary entry's due to the INDOT requirement. Therefore, in Staff's opinion, this request would be a minor deviation.
- ◇ The request for a chain link fence in the front yard, is another requirement imposed by INDOT to limit any pedestrian traffic from accessing the adjacent I-465 interchange. As it is on the joint property line placed there by INDOT, any removal would need to be with INDOT's permission. In Staff's opinion, this request would be a minor deviation.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Parking lot	
<b>Comprehensive Plan Overlay</b>	Community Commercial Blue Line TOD	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-4	Commercial shopping center
South:	C-S	Motel

	East: C-4	I-465 Interstate interchange
	West: C-4	Automotive repair and Commercial Bank
<b>Thoroughfare Plan</b>		
South High School Road	Primary Collector	100-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan - Amended</b>	August 13, 2024	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact - Original</b>	May 27, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

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

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- Modified Uses
  - Small-Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
  - Large-Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
  - Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, and Other Places of Assembly - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
  - Small-Scale Parks - Bollards or other vehicular barriers should be present.

**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**

**2019-DV1-028; 12159 South High School Road (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 13-foot front setback and zero-foot side setback for a freestanding sign within approximately 80 feet and 100 feet of existing freestanding signs, **granted**.

**2014-DV3-048; 1225 South High School Road (north of site)**, requested a variance of development standards of the Sign Regulations to increase the height of an existing 32-foot tall, 144-square foot freestanding sign to 40 feet, within approximately 80 feet and 195 feet of existing freestanding signs, **granted**.

**2008-DV2-063; 1220 South High School Road (northwest of site)**, requests a variance of development standards of the Sign Regulations to legally establish a 6.083-foot tall, 33.33-square foot pylon sign, containing a 24-square foot electronic variable message sign component being 72 percent of the total sign area, within approximately 155 feet of a protected district, **granted**.

**2008-DV2-064; 1155 South High School Road (north of site)**, requests a variance of development standards of the Sign Regulations to legally establish a 6.083-foot tall, 33.33-square foot pylon sign, containing a 24-square foot electronic variable message sign component being 72 percent of the total sign area, within approximately 60 feet of a protected district, **granted**.

**95-V1-110; 6240 West Washington Street (west of site)**, requests a variance of development standards of the Sign Regulations to provide for the installment of illuminated awnings signs, exceeding the front, side, and rear façade restrictions, and illumination within 600 feet of a protected district, **granted**.

**86-V1-78; 1259 South High School Road (west of site)**, requests a variance of development standards of the Sign Regulations relative to the number of integrated center signs to allow for the replacement of an existing sign with a new sign in the same location at equal or less total square footage, **granted**.

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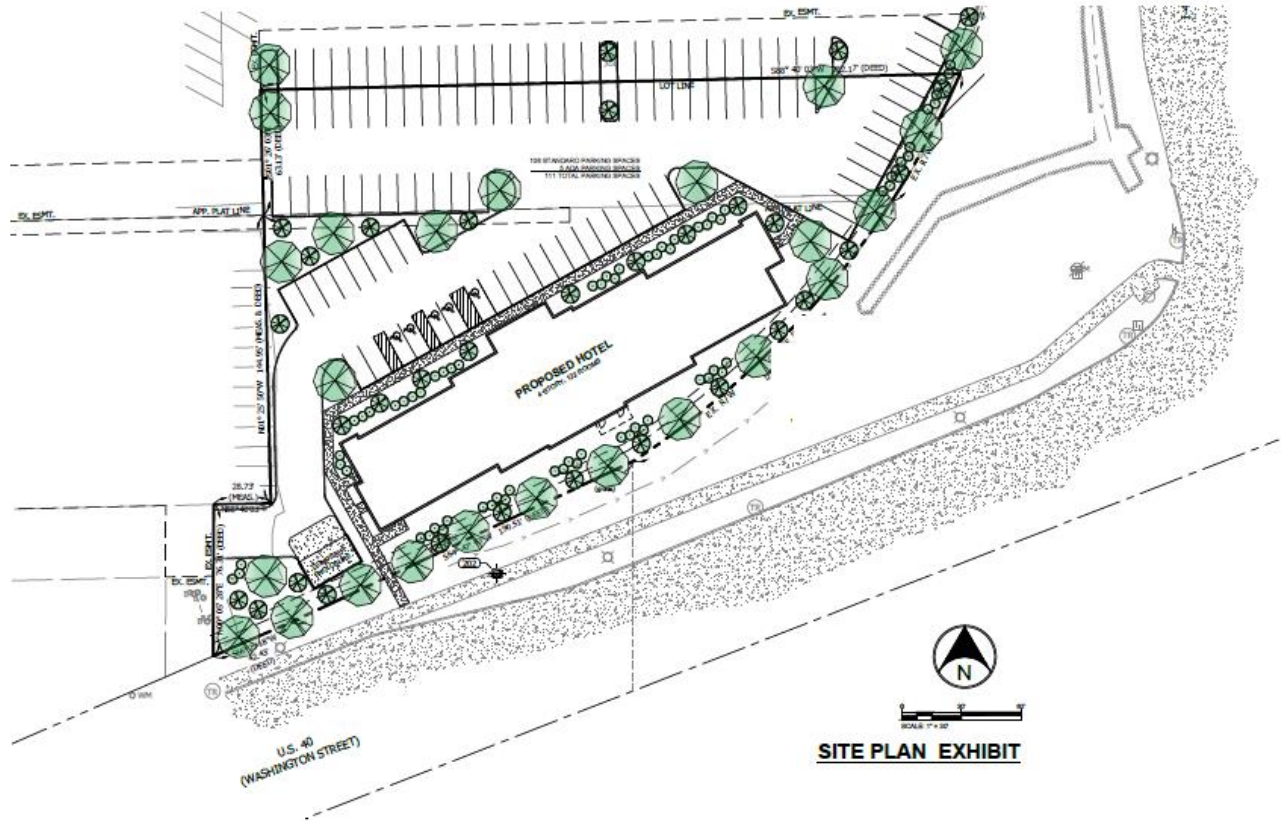
**EXHIBITS**

Location Map





**Site Plan – Amended 8-13-2024**



**SITE PLAN EXHIBIT**

**Photographs**



Subject site West Washington Street frontage, looking east.



Subject site, looking south towards West Washington Street.



Subject site, proposed parking lot area, looking east



Subject site primary entry from South High School Road via an easement through the adjacent commercial retail parking lot, looking west.



Adjacent commercial retail intergaged center, looking north.



Adjacent commercial retail, looking west.



Adjacent commercial motel, pre-dating the TOD, looking south.



Adjacent I-465 interstate interchange, looking east.



**BOARD OF ZONING APPEALS DIVISION III** **October 15, 2024**

**Case Number:** 2024DV3023

**Property Address:** 11700, 11850 East 38<sup>th</sup> Street and 4002 North Carroll Road (*approximate addresses*)

**Location:** Lawrence Township, Council District #15

**Petitioner:** Laibe & Russell Investments LLC, by Mark and Kim Crouch

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

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings with front loaded garages comprising up to 65% of the front façade (maximum 45%) for a future 138-lot subdivision.

**Current Land Use:** Undeveloped

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

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

**PETITION HISTORY**

This petition was continued from the September 17<sup>th</sup> hearing to the October 15<sup>th</sup> hearing by applicant request to allow for time to discuss the proposal with neighborhood groups and the city-county councilor.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- The subject site is currently undeveloped and is surrounded by single-family homes within residential subdivisions to the north, south, and west (Hancock County lies to the east). It was rezoned to the D-5 designation in 2022 to allow for development of additional single-family homes and was replatted for 138 lots in 2023. The site is partially within the floodway fringe and is located near a park to the north as well as Mount Comfort Airport to the east within Hancock County.
- Amendments to the zoning ordinance were introduced in November 2021 to promote walkable neighborhoods that had an impact on allowable development within D-5 zoning districts. These new rules would limit the width of front-loaded garages along neighborhood yard frontages to 30% of the width of the full front façade (or to 45% if the garage were recessed more than 12 feet behind the front of the property).



Department of Metropolitan Development  
Division of Planning  
Current Planning

- Although the rezoning to D-5 was formally approved in 2022 after these rules had gone into effect, the initial rezoning process for this property began in September 2021 under a voided petition that was seeking a D-P zoning designation. Under the three-year vested rights state statute, older ordinance rules could be utilized for development of site where the petition process had begun prior to new rules being implemented as long as permits were fully issued within three years of the time of the rule change. Rather than modify plans to meet current D-5 standards or attempt to have permits for the 138 homes issued by November 2024, the developer has chosen to pursue a variance to allow for development with non-compliant garage widths without utilization of the vested interest clause.
- The exhibits provided by the applicant show a sample of what front building elevations might look like for homes within the proposed subdivision if the variance is granted. The detail of the plat also shows approximate placement of proposed houses on individual lots, but staff was unable to confirm full compliance with other new Walkable Neighborhood standards from Tables 742.103.03 and 744-701-2 at this level of detail. The only variance requested relates to the width of the front-loaded garages.
- D-5 zoning is intended for medium and large-lot housing formats, primarily for detached houses. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas. The property also falls within the area contemplated by the 38<sup>th</sup> Street Corridor Plan which recommends it for 'Airport Related Mixed Uses': this term is not defined in the 38<sup>th</sup> Street or within the Comprehensive Plan, but staff would note that surrounding properties and the D-5 zoning district seem to be a close fit for the Suburban Neighborhood typology which does contemplate placement of single-family homes such as what is proposed.
- The findings submitted by the applicant for this petition indicate that their site-specific hardship results from a lack of alleys onto which garages could front and that if the petition is denied, they would be unable to have front-loaded garages for the houses within this subdivision. Staff disagrees on both fronts: the choice of this zoning classification as well as the specific layout of the lots were chosen by the developer during the rezoning and platting process, which would mean that any lack of alleys would be a self-imposed hardship and that any restrictions on placement of front-loaded garages would be based on the zoning classification they selected.
- Rules within Table 744-701-2 of the ordinance would not disallow front garages entirely: although they would be limited to only 45% of the width of the front façade and would need to be recessed at least 12 feet from the front building boundary. It is unclear to staff why lots with widths that appear to range from 35-40 feet would be unable to facilitate this type of design to fulfill parking minimums for the district (1 parking space per dwelling unit). If the property owner feels that they would be fully unable to construct homes that would meet current D-5 requirements, the option would also exist to pursue a rezoning or replatting that would allow for front-loaded garages with their desired width (example might include a D-4 zoning with the cluster subdivision option). Ultimately, staff feels that development promoting walkability and pedestrian-friendly front yards should be a design priority even within Metro areas, and that any hardships in meeting this standard are self-imposed. Staff recommends denial of the variance request.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Airport Related Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-P / D-3 / D-A	North: Residential
	South: D-7 / D-4	South: Residential / Undeveloped
	East: Hancock County	East: Residential
	West: D-P	West: Residential
<b>Thoroughfare Plan</b>		
38 <sup>th</sup> Street	Primary Arterial	x-foot existing ROW and 90-foot proposed ROW
Carroll Road	Primary Collector	x-foot existing ROW and 106-foot proposed ROW
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	07/18/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	09/03/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	07/18/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- East 38<sup>th</sup> Street Corridor Plan (2012)

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.





**Neighborhood / Area Specific Plan**

- The East 38<sup>th</sup> Street Corridor Plan recommends this property for Airport Related Mixed Use development and falls within Critical Area 35. Neither this plan nor the Marion County Land Use Plan Pattern Book provide specific definitions or guidance for this typology/critical area, but staff notes that the surrounding area is developed residentially and recommended for Suburban Neighborhood uses (predominantly single-family housing with some multifamily development, neighborhood-serving businesses and natural features interspersed).

**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

**2022ZON030**, Fees paid in 2021-ZON-117. Rezoning of 46.2 acres from the D-A and D-3 (FF) Districts to the D-5 (FF) District, **approved**.

**2021ZON117**, Rezoning of 46.2 acres from the D-A and D-3 (FF) Districts to the D-P (FF) District, **withdrawn**.

**2008ZON049**, Rezoning of 20 acres from the D-3 (FF) District to the D-6II (FF) District, **denied**.

**2001ZON150**, Rezoning of 20.6 acres from the D-A District to the D-3 District, **approved**.

**2000ZON058**, Rezoning of 20.05 acres from the D-A District to the D-6II District, **denied**.

### ZONING HISTORY – VICINITY

**2022ZON107 ; 11517 E 38<sup>th</sup> Street (south of site)**, Rezoning of 54.46 acres from the D-A (FF) district to the D-7 (FF) district to provide for 204 multi-family dwellings, **approved**.

**2014UV1020 ; 3960 Carroll Road (east of site)**, Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish two single-family dwelling units on one lot (one single-family dwelling permitted), with the second dwelling being 765 square feet (minimum 1,200 square feet required), with a 7.5-foot south side setback (minimum 30-foot side yard setback required), **approved**.

**2006APP050 ; 4310 N Carroll Road (north of site)**, Modification of Site Plan and Development Statement, related to 2004-ZON-080 (2004-DP-004), to provide for the removal of eight alleys from the proposed development and to amend the Third Sentence of Paragraph Five on Page Two of the development statement to remove the words “characterized by alley access to garages, reduced front yard setbacks and front porches”, **approved**.

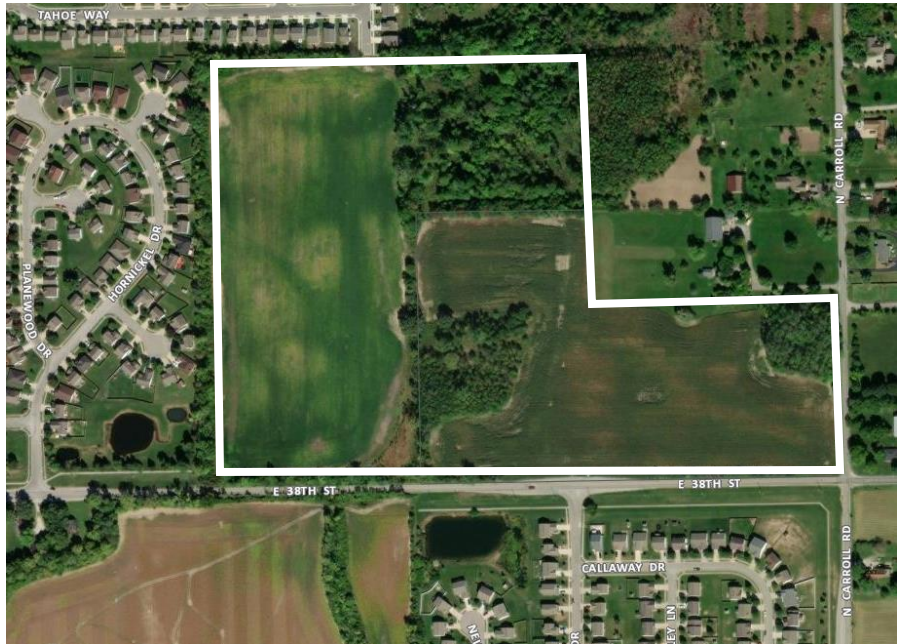
**2004ZON070 ; 11717 E 42<sup>nd</sup> Street (north of site)**, rezoning of 193 acres from the D-A District to the D-P District, **approved**.

**98-HOV-11 ; 11500 E 38<sup>th</sup> Street (west of site)**, development of single family dwellings with a minimum floor area for buildings higher than one story of 570 square feet (660 square feet required), **approved**.

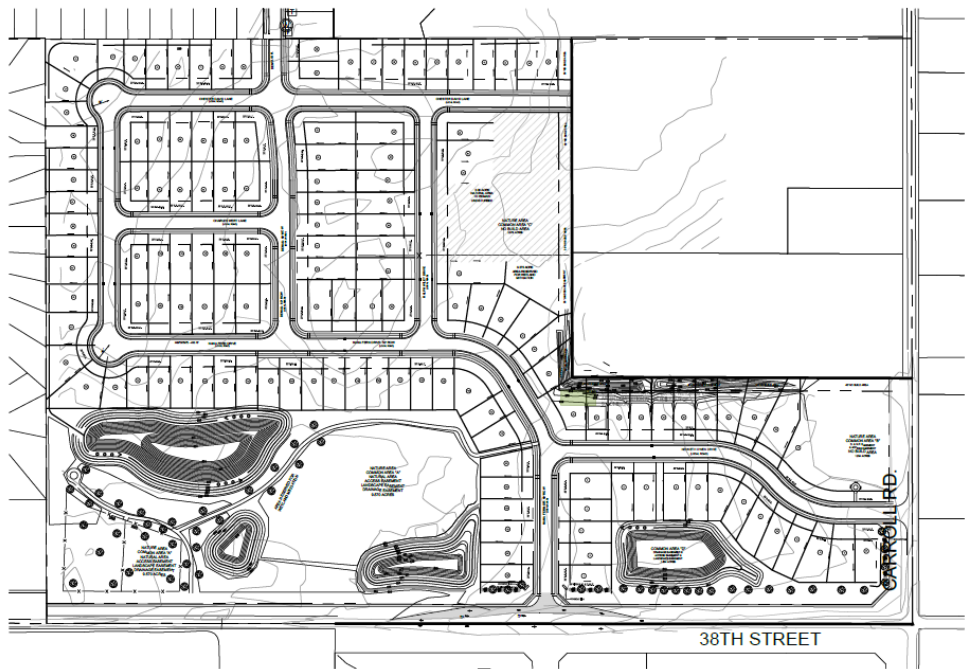
**94-HOV-21 ; 11401 E 38<sup>th</sup> Street (southwest of site)**, variance of development standards of the Sign Regulations Zoning Ordinance to provide for two 72 square foot entry wall ground signs for a residential subdivision (maximum 1 entrance sign permitted) with a zero foot setback from a corner cut right-of-way line at the intersection of Barberry Drive and 38<sup>th</sup> Street (minimum 15 foot setback required), **approved**.

**EXHIBITS**

**2024DV2026 ; Aerial Map**



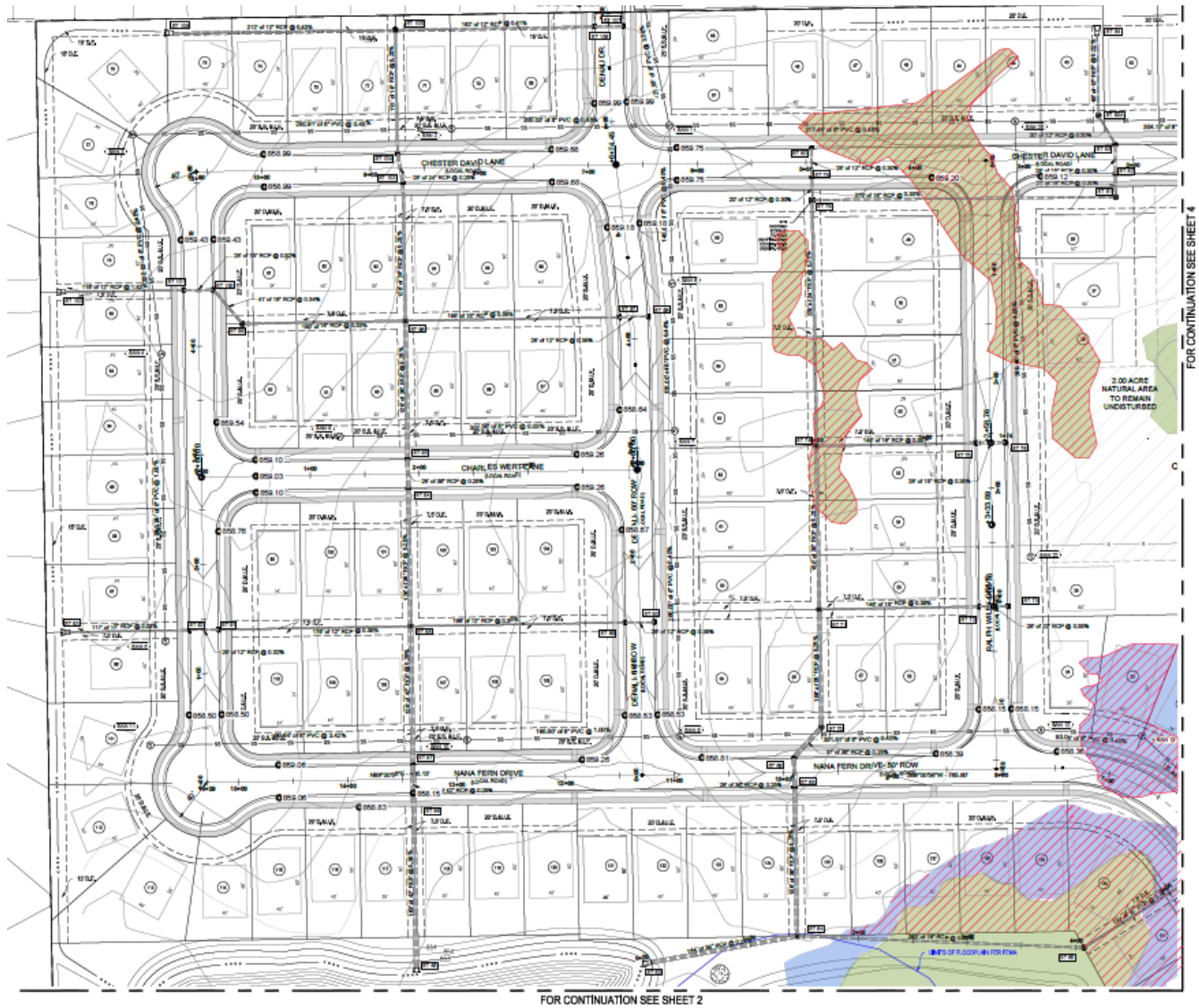
**2024DV2026 ; Proposed Site Layout (Full)**





Department of Metropolitan Development  
Division of Planning  
Current Planning

**2024DV2026 ; Proposed Site Layout (Detail from Center of Development)**



**2024DV2026 ; Sample Elevations**





Department of Metropolitan Development  
 Division of Planning  
 Current Planning

**2024DV2026 ; Findings of Fact**

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

the grant will allow for the construction of a new front load attached garages for private residential use in a planned development.

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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 attached garages will be consistent with development in the area and adjacent area.

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

the planned development will not have alleys resulting in a need to allow for larger front loading garages. Without variance approval, proposed front loading garages will not be built.

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**2024DV2026 ; Photographs**



Photo 1: Subject Site from North (Denali)



Photo 2: Adjacent Property to North

**2024DV2026 ; Photographs (continued)**



Photo 3: Subject Site from South (38<sup>th</sup>)



Photo 4: Adjacent Property to South



**2024DV2026 ; Photographs (continued)**



Photo 5: Subject Site from East (Carroll)



Photo 6: Adjacent Property to East (December 2021)



**BOARD OF ZONING APPEALS DIVISION III** **October 15, 2024**

**Case Number:** 2024DV3024  
**Property Address:** 10220 East Washington Street (approximate address)  
**Location:** Warren Township, Council District #20  
**Petitioner:** Indy WS40 LLC, by Joseph Calderon  
**Current Zoning:** C-4 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a drive through in a front yard without an exclusive bypass aisle (stacking spaces disallowed within front yard, bypass aisle required) and within 100 feet of a transit stop (prohibited within 600 feet unless located behind building) and the construction of freestanding buildings with front yard setbacks of up to 60 feet (maximum 10-feet permitted), a front building line of 18.5 percent (80 percent required), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).

**Current Land Use:** Vacant Commercial

**Staff**

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

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

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization to continue this petition from the September 17<sup>th</sup> hearing date to the October 15<sup>th</sup> hearing date.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- The subject property is currently improved with a vacant restaurant building (formerly Golden Corral) and is directly south of the Washington Square Mall. Adjacent businesses include a steakhouse to the east, a large retailer to the north, and a multitenant commercial building to the east. The site is directly to the north of a proposed Blue Line BRT stop that would be placed within Washington Street near the private access road to the west of the subject site as well as a proposed shelter for the existing Line 87. The property was replatted earlier this year to create two outlots for development of three businesses to be placed at 10220 and 10226 E Washington Street.



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

- In addition to that plat petition, two variances for businesses at this site have been sought and granted within the past two years. Both variances were related to TOD standards (applicable given the proximity to the proposed Blue Line stop). 2023DV3004 was granted to allow for placement of a bank, multitenant commercial structure, and medical clinic at the site with deficiencies related to (a) drive-thru access from a private road, (b) placement of surface parking and (c) placement and width of the front building lines. Additionally, 2024DV3013 was approved earlier this year to allow for the bank to have a deficient number of front entry features. Staff notes that approval of the 2023 variance was subject to a commitment that sidewalk be added along the western portion of the site prior to construction: this commitment would still be applicable regardless of the result of this variance request.
- Changes to the proposed tenant occupying the property furthest to the west would result in the need for another new variance, the third requested for this site within two years. The proposed clinic has been replaced by a proposed beverage chain serviced by a two-lane drive-through that would be predominantly placed within the front yard. Although the 2023 variance would still be applicable, this layout would require several new or amended variances: the proposed drive-through would be located within a front yard (stacking spaces disallowed within front yards) without required bypass aisle and would be within 100 feet of the proposed BRT station (600-foot separation required unless fully behind the building). Additionally, the front setback allowed would be expanded from 20 feet to 60 feet and the required front building line would be reduced from 46% to 18.5% (standards previously granted by 2023DV3004). Finally, the front façade of the building would not meet transparency requirements for TOD.
- This property is zoned C-4 to allow for the development of major business grouping and regional-size shopping centers to serve populations ranging from neighborhoods to major segments of the total metropolitan area, and the Comprehensive Plan recommends it to the Regional Commercial typology to allow for commercial and office uses to serve significant portions of the county with pedestrian connectivity. Additionally, the proximity of this site to both a proposed BRT station and bus shelter means that recommendations from the Blue Line TOD Strategic Plan would be highly relevant. This plan recommends the site for a mix of retail, entertainment, office, and residential uses with vehicle areas consolidated and placed behind buildings to allow for pedestrian orientation at the street level and to encourage transit ridership and associated economic growth.
- The findings of fact provided by the applicant indicate that: (a) the design wouldn't interfere with access to the proposed bus station; (b) the design would match nearby properties that also don't meet TOD standards; and (c) the lot shape wouldn't allow for compliant development. Staff disagrees with each of these assertions. First, the proposed design with a drive-through directly between the BRT stop location and the business would hinder both pedestrian access to the business and the larger development strategy that the Plan envisions. Second, redevelopment of any neighboring sites would also require TOD compliance (neighboring context is not a site-specific difficulty) and no adjacent properties appear to have two drive-through lanes in their front yard or an FBL that would only comprise 18.5 of the lot width. Third, both the original site plan submitted in 2023 and the current layout show buildings with both drive-through designs and FBL widths that are substantially closer to the intent of TOD design standards.



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- Although placement of stacking spaces within front yards is disallowed in all zoning contexts, TOD standards take the extra step of requiring placement of drive-throughs only within rear yards if the proposed spaces would be within 600 feet of a transit station to minimize the impact of car access on neighborhood streetscapes. This layout would ignore both of those standards and place two drive lanes without a full bypass aisle in the front yard as well as the western side yard: vehicle area would wrap around both likely frontages for pedestrian entry in a manner disallowed by standard ordinance and wholly inappropriate within 100 feet of a BRT station.
- The Blue Line TOD Strategic Plan envisions that buildings within the zoning layer would be constructed both close to front property lines and with front building line widths comprising much of the parcel width. These design standards are meant to facilitate walkable streetscapes with slow traffic speeds and well-connected sidewalks serving activated streetscapes and human-scale buildings. Grant of 2023DV3004 would allow this specific property to have a front setback 20 feet from the front property line and buildings with only half the width of the lot. However, grant of this variance would relax those standards further even though no observable practical difficulty exists that would prevent the property from being developed with a compliant layout. C-4 zoning allows a broad range of commercial uses and should allow for maximum flexibility in securing a user amenable to following TOD guidelines as closely as possible.
- The front façades of buildings within TOD also have applicable design standards governing transparency, the number of front entry features, and limitations on blank wall space. The proposed front façade of this building facing Washington Street would not meet the transparency requirement of 60% of the area between 3 and 8 feet from grade (plans show approximately 42% of this façade area comprised of glass). Given this deficiency as well as the fact that the front entry would be obscured by two lanes of drive-through traffic, staff does not feel that this deviation would meet or approximate the TOD vision for vibrant, pedestrian-friendly front entryways.
- To conclude, extensive research was conducted by the Indianapolis MPO to establish that (a) consumer preference for transit access and walkable mixed-use communities exists within several Indianapolis communities (transit-dependent households, seniors with limited mobility, millennials, etc.); and (b) based on analysis of nineteen separate variables (including employment density, proximity to retail, average income, rent, and home values, etc.), this node was determined to have high TOD potential. A failure to maintain TOD design standards, especially for property so close to a proposed station, would jeopardize that potential.
- Staff does not object to the proposed primary use but does not feel that the sale of beverages would intrinsically require placement of a building and drive-through lanes so incongruous with ordinance standards; if two front-yard drive through lanes would be required to sell beverages then staff feels this site would not be a good fit for the use. The proposed design would require six variances without any observable practical difficulty (several of them extreme) and would result in auto-centric development fully antithetical to relevant ordinance and comprehensive plan guidance for TOD areas. Staff recommends denial of all proposed variances.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	Enter Zoning and Secondary Districts	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Regional Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	C-4
	South:	C-4
	East:	C-4
	West:	C-4
<b>Thoroughfare Plan</b>		
Washington Street	Primary Arterial	124-foot existing right-of-way and 124-foot proposed right-of-way
<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>	07/16/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	07/16/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	10/04/2024	
<b>Findings of Fact</b>	07/16/2024	
<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**

- The Marion County Land Use Plan Pattern Book recommends this site to the Regional Commercial working typology which allows for commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Pedestrian connectivity should be emphasized, and outdoor display of merchandise should be limited for the use category.



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

- The Blue Line TOD Strategic Plan recommends this site for the Community Center typology which allows for a mix of retail, entertainment, office and residential uses with surface parking consolidated and placed behind buildings to allow for pedestrian orientation at the street while still supporting drive-to businesses.

**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

**2024DV3013**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required), **approved**.

**2023DV3004**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all building maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required), **approved**.

### ZONING HISTORY – VICINITY

**2022UV3031 ; 10435 E Washington Street (east of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres), with a 23.5-foot front building line, 4% of the building line (60% front building line required), **withdrawn**.

**2018UV2008 ; 10501 E Washington Street (east of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor with outdoor storage, **approved**.

**2011UV2018 ; 10009 E Washington Street (south of site)**, Variance of use to provide for a daycare center in a 4,200-square foot tenant space, **approved**.

**2010DV2005 ; 10002 E Washington Street (west of site)**, Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mitthoefer Road and Washington Street, with a five-foot setback from Washington Street (15-foot setback from existing right-of-way required, structures cannot be within the sight triangle), **denied**.

**EXHIBITS**

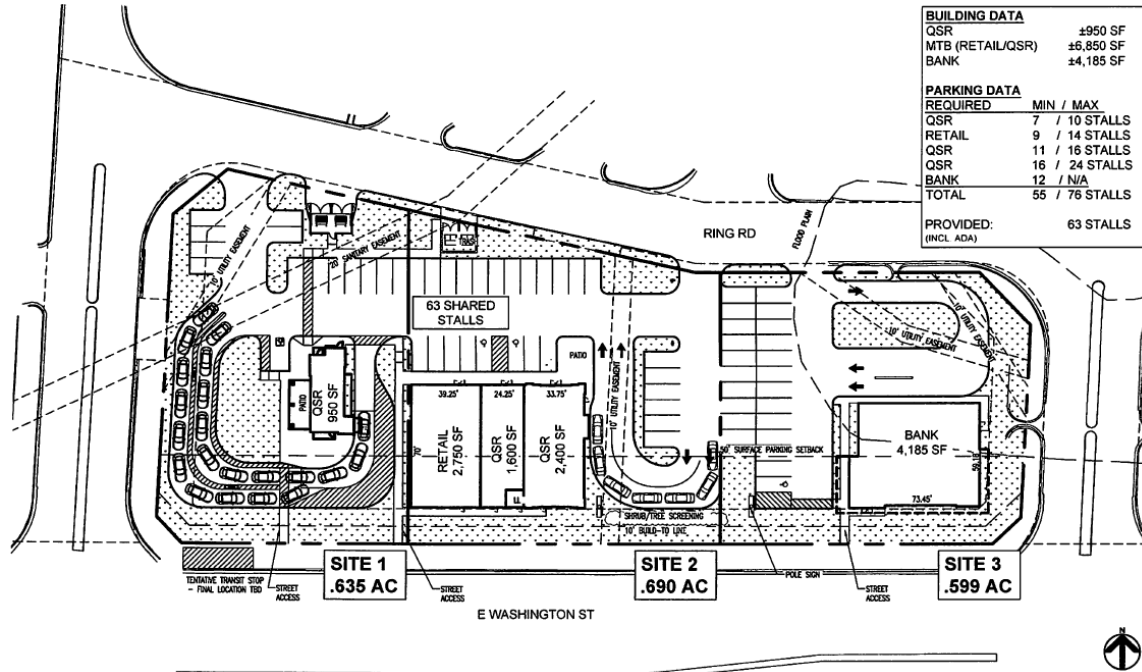
**2024DV3024 ; Aerial Map**



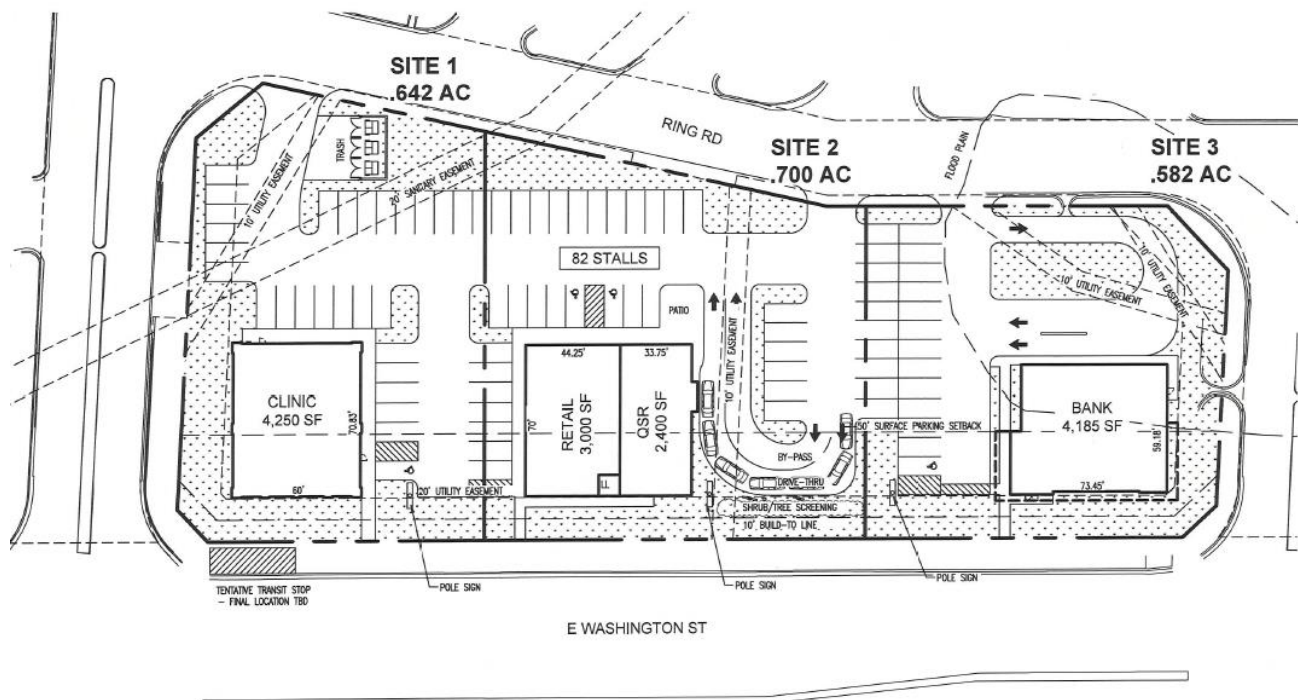
(Blue dot indicates approximate location of proposed BRT stop, additional bus shelter will be placed along N side of Washington adjacent to subject site)



**2024DV3024 ; Site Plan (Proposed)**



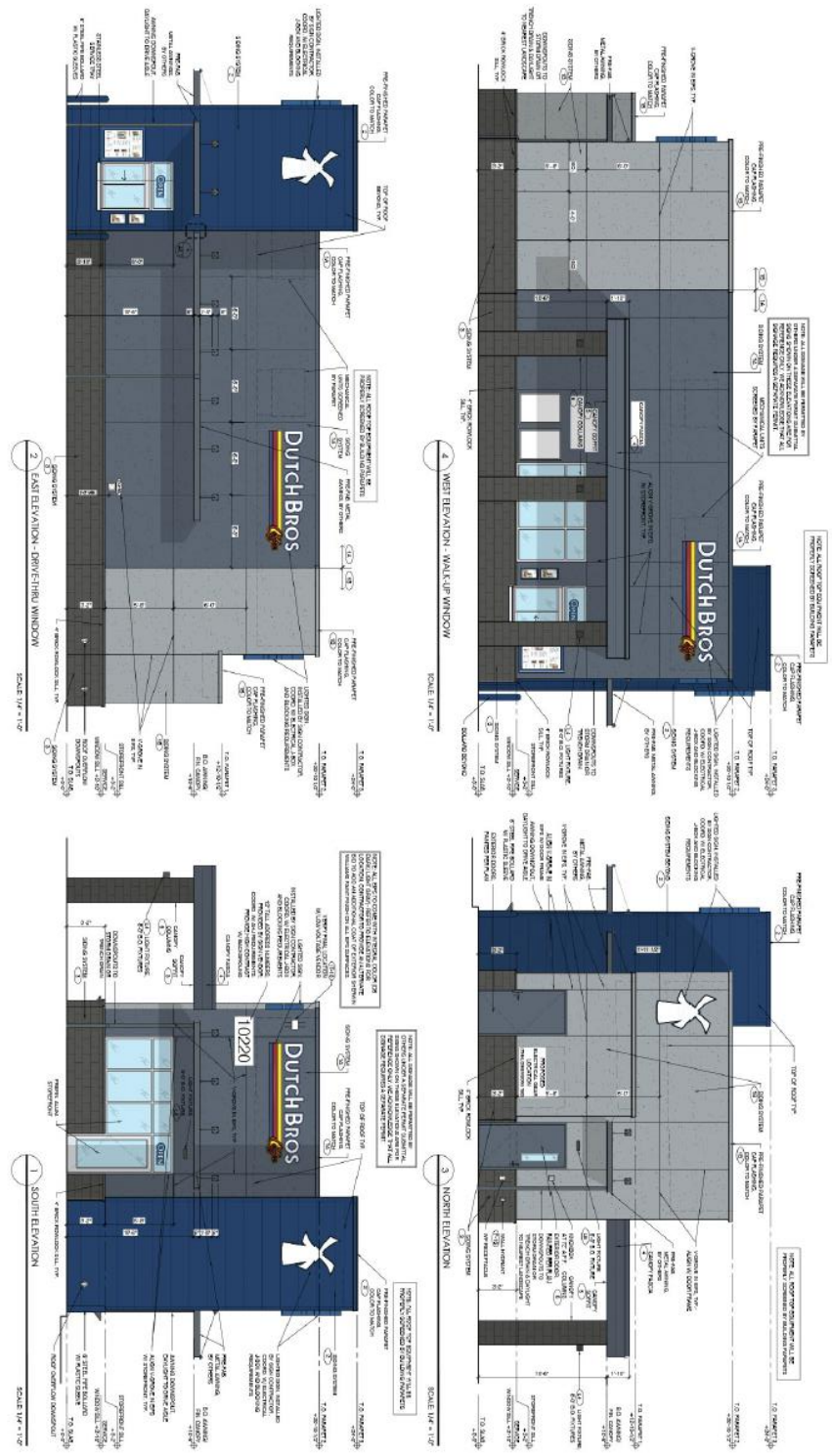
**2024DV3024 ; Site Plan (Previous Variances)**





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2024DV3024 ; Elevations







**2024DV3024 ; Findings of Fact**

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

the proposed building is part of a redevelopment that will replace a vacant building which is not only an eyesore, but which also does not meet the Transit Oriented Development Secondary District requirements. The proposed building will not interfere with any access to or from a proposed transit station.

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

**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 adjoining properties are all commercial outparcels and will be similar in character. None of the adjoining parcels meet the Transit Oriented Development Secondary District Standards, so relief from such requirements will not adversely impact adjoining properties.

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

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

the ordinance does not contemplate redevelopment of an existing site with historic improvements and setbacks, plus there is a 20 foot utility easement off of the front lot line that makes it impossible to comply with the front building line standard. There is no alley serving the development, just a ring road, so access to the drive through is close to what is contemplated by the Ordinance. The lot has much more width than depth, creating the need for the building width variance.

\_\_\_\_\_

**2024DV3024 ; Photographs**



Photo 1: Subject Site from Southwest



Photo 2: Subject Site from Southeast

**2024DV3024 ; Photographs (continued)**



Photo 3: Subject Site from West



Photo 4: Subject Site from Northwest

**2024DV3024 ; Photographs (continued)**



Photo 5: Subject Site from North



Photo 6: Ring Road from East (private road along northern portion of site)

**2024DV3024 ; Photographs (continued)**



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to North





**BOARD OF ZONING APPEALS DIVISION III**

**October 15, 2024**

**Case Number:** 2024-DV3-026

**Property Address:** 7140 and 7142 East Washington Street (approximate address)

**Location:** Warren Township, Council District #14

**Petitioner:** Fieldstone Financial LLC and 7142 East Washington LLC, by Joseph D. Calderon

**Current Zoning:** C-4 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

**Current Land Use:** Commercial

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

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

**PETITION HISTORY**

**ADDENDUM FOR OCTOBER 15, 2024 BZA DIVISION III HEARING**

- This petition was automatically continued by a registered neighborhood organization from the September 17, 2024 hearing to the October 15, 2024 hearing

**STAFF RECOMMENDATION**

- Staff **strongly recommends denial** of this petition

**PETITION OVERVIEW**

- This petition would provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).



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- The Transit Oriented Development (TOD) Secondary Zoning District prohibits fueling stations (either primary or accessory in nature) within 600 feet of a TOD transit station. Properties that are located more than 600 feet from a transit station are restricted to 8 fueling station pump islands. These regulations are in effort to limit scale of auto-related uses and the overall amount of vehicular traffic/activity within the TOD overlay, and particularly along the TOD route itself. The introduction of non-contributing auto-oriented uses—those uses that take away from the pedestrian walkability experience and create more potential conflicts between vehicular traffic and other modes of transportation—are detrimental to the neighborhoods adjacent to the TOD Overlay.
- Staff has significant concerns regarding the proposal for 16 pump island/service areas. Being twice the amount of service areas that are permitted, Staff sees this proposal as attracting an undesired increase in the amount of vehicular traffic directly along the Blue Line TOD route of East Washington Street. While fueling stations are allowed along Connector frontages, the increase in traffic, and the often-numerous curb cuts that they require, alter the pedestrian flow at crosswalks (marked or signalized), and can have a significant impact on public safety. Auto-related uses of this scale go directly against the intentions and goals of the TOD overlay district, being to “coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips”. The TOD overlay district language goes on to state that “Development patterns and site designs that prioritize automobile travel undermine these public and private investments”. Staff believes that the introduction of auto-related uses at this scale would not only have detrimental impacts on this specific area of the TOD, but also would significantly weaken the success of the broader TOD system as a whole, and would serve as an undesired precedent for future development within the TOD overlay district.
- In addition to the proposed scale of the auto-related use, the proposed site plan and elevations do not meet the private frontage design standards laid out in Table 744-702-3. The standards in question, being the requirement to provide at least 40% first story transparency, to provide front building line coverage of at least 60% of the lot width, and to limit any off-street parking to 40% of the lot width behind the front building line and to provide at least a 25-foot setback for those parking areas. These standards are in place to promote quality development, enhance the pedestrian experience, and to guide the design of development based on the surrounding context and type of frontage. As stated in the request language and shown in the site plan, the proposal is significantly deficient in all four of these standards. Staff believes the proposed site plan and elevations to be poor development, that does not enhance or promote pedestrian activity, and with little regard to the subject site’s frontage and context of being along the TOD corridor.
- Additionally, Staff would note that the subject site is also located within the Compact Context Area, which roughly follows the boundaries of the former city limits of Indianapolis. Sites within the Compact Context Area are intended to contain a more urban, small-scale, compact design, that promotes pedestrian activity. Staff finds the proposed larger-scale, auto-related use to be at odds with the intentions of properties within the Compact Context Area.



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- Further, Staff does not believe there to be any practical difficulty for needing the requested variances. The subject site contains sufficient lot frontage and does not contain any significant obstructions or natural difficulties that impact the manner in which it can be developed. Staff believes that the proposed site plan and elevations can be revised to be Ordinance-compliant, and strongly requests that the petitioner does so.
- To conclude, Staff finds this proposal to be adverse to the intentions of the TOD overlay, the private frontage design standards, and the Compact Context Area. Staff does not find the site plan/elevations to be promoting/enhancing pedestrian activity, nor to be quality development. Staff believes that more appropriate uses and proposals for this site are possible and that the standards set forth by the Zoning Ordinance and the TOD overlay district, when followed, provide for a higher-quality development than the one proposed. Finally, Staff does not find there to be any related practical difficulty for needing the requested variances. Therefore, Staff strongly recommends denial of this petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 (TOD)	
<b>Existing Land Use</b>	Parking lot	
<b>Comprehensive Plan</b>	Office/Industrial Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	C-4
	South:	C-5 / SU-9
	East:	C-4
	West:	C-4
<b>Thoroughfare Plan</b>		
East Washington Street	Primary Arterial	120 feet of right-of-way existing and 102 feet proposed
North Shortridge Road	Local Street	74 feet of right-of-way existing and 48 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>	8/21/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	8/21/24	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	8/21/24	
<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 (2020)
- Indy Moves

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Office/Industrial Mixed Use working typology for this site.

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

- The subject site is located approximately 1000 feet from the Sadlier Drive Blue Line transit station
- The Sadlier Drive transit station has been categorized as the community center typology, which is characterized as a dense, mixed-use neighborhood center with minimum 2 stories at the core with no front or side setbacks, and 0-10 foot setbacks at the periphery

**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 approximately 1100 feet from the Pennsy Trail



## ZONING HISTORY

### ZONING HISTORY – SITE

**83-HOV-44A**, variance of development standards of the Sign Regulations to allow for the relocation of an integrated-center pole sign containing 678.31 square feet, **approved**.

### ZONING HISTORY – VICINITY

**2016DV1044, 7101 E Washington Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an approximately 38-foot tall freestanding pylon sign, within 158 feet of an existing freestanding sign on the 372-foot frontage of East Washington Street (300-foot separation and 600 feet of frontage required for two signs), **approved**.

**2015UV3031, 7410 E Washington Street (east of site)**, Variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a carwash, with additional vending, change and storage structures and 16 vacuum stations (not permitted), with a five-foot north side transitional yard (20-foot transitional yard required), with said facilities being within 100 feet of a protected district (not permitted), **denied**.

**2014DV3024, 7 N Shortridge Road (east of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a fast-food restaurant, with carry-out and delivery services within approximately 10 feet of a D-3 zoned protected district (fast food restaurants and carryout food service not permitted within 100 feet of a protected district), **approved**.

**2013ZON026; 401 N Shadeland Avenue (north of site)**, Rezoning of 37 acres from the C-S District to the C-S classification to provide for a solar power generation in addition to the uses previously approved by 2010-ZON-063, **approved**.

**2010ZON063, 401 N Shadeland Avenue (north of site)**, Rezoning of approximately 36 acres from the C-4 District to the C-S classification to provide for a data processing center, C-4 uses, with certain use prohibitions, and public safety uses, including an impound lot, **approved**.

**2006ZON065; 41 N Shadeland Avenue (east of site)**, rezoning of .43 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses, **approved subject to commitments**.

**EXHIBITS**









**U63FB**  
Washington Street Side  
Access Drive

**MATERIALS:**

- 1 BRICK
- 2 COMPOSITE SIDING
- 3 EIFS OR STUCCO
- 4 ROOF: SLATE
- 5 TILE
- 6 METAL PANELS BRATE RED

**KEY PLAN**  
M.S. 304' x 142'

**GROSS SQUARE FOOTAGE - 4,372**  
Canopy side

**1. FRONT ELEVATION**  
81'-11" x 64'-8"  
MATERIAL CALCULATIONS:  
EIFS 24%  
BRICK 20%  
SLATE 22%  
TILE 20%  
METAL PANELS 14%  
TOTAL 100%

**2. REAR ELEVATION**  
76'-14" x 62'-6"  
MATERIAL CALCULATIONS:  
EIFS 24%  
BRICK 20%  
SLATE 22%  
TILE 20%  
METAL PANELS 14%  
TOTAL 100%

**3. LEFT ELEVATION**  
89'-2 1/2" x 64'-8"  
MATERIAL CALCULATIONS:  
EIFS 24%  
BRICK 20%  
SLATE 22%  
TILE 20%  
METAL PANELS 14%  
TOTAL 100%

**4. RIGHT ELEVATION**  
85'-6" x 64'-8"  
MATERIAL CALCULATIONS:  
EIFS 24%  
BRICK 20%  
SLATE 22%  
TILE 20%  
METAL PANELS 14%  
TOTAL 100%

**Wawa**  
N. SHORTRIDGE RD & HIGHWAY 40  
INDIANAPOLIS, IN

**HEA**

**MATERIALS:**

1a BRICK	3a EIFS OR STUCCO	PAINT: CEILING BRIGHT WHITE
1a BRICK	7b METAL: WHITE	9c METAL: WHITE
4a ROOF: TITANIUM		7b METAL: WHITE

1 FUEL CANOPY ELEVATION 1/4" = 1'-0"  
 2 FUEL CANOPY ELEVATION - LONG 1/4" = 1'-0"  
 3 FUEL CANOPY PERSPECTIVE  
 4 TRASH COMPOUND REAR ELEVATION 3/8" = 1'-0"  
 5 TRASH COMPOUND FRONT ELEVATION 3/8" = 1'-0"  
 6 TRASH COMPOUND SIDE ELEVATION 3/8" = 1'-0"  
 7 TRASH COMPOUND SIDE ELEVATION 3/8" = 1'-0"

**Wawa**

**STACKED 8 FUEL CANOPY & TRASH COMPOUND - LONG R**  
 N. SHORTRIDGE RD & HIGHWAY 40  
 INDIANAPOLIS, IN

**HFA**



Department of Metropolitan Development  
Division of Planning  
Current Planning

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

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the project allows for a development on an unused portion of a commercial parking lot which has safe ingress/egress, and which promotes  
for a building and other improvements which attempt to provide elements desired under the Transit Oriented Development.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

there is adequate vehicular circulation proposed by the development and the investment in redeveloping an unused portion of an existing  
parking lot will add value to existing adjoining uses, which are all commercial and suburban in nature.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

the ordinance requirements overly restrict single use commercial development which in this case is permitted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 III**

**October 15, 2024**

**Case Number:** 2024-UV3-008 (Amended)  
**Address:** 2649 Fisher Road (approximate address)  
**Location:** Warren Township, Council District #20  
**Zoning:** D-A  
**Petitioner:** German Mendez Sanchez and Ana Laura Miranda Dominguez, by Josh Smith  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an accessory structure resulting in it being located forward of the primary building and a five-foot south side yard setback (accessory structures may not be located in front of primary building, 15-foot side yard setback required).

**Current Land Use:** Single Family Dwelling and Event Center

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

**PETITION HISTORY**

This petition was previously automatically continued at the request of a registered neighborhood organization, from the July 16, 2024, hearing, to the August 20, 2024, hearing. The petitioner continued this petition for cause from the August 20, 2024, hearing to the September 17, 2024, hearing, and from the September 17, 2024, hearing to the October 15, 2024, hearing.

The petitioner **has submitted a request to withdraw the variance of use to provide for the operations of an event center** with a gravel and grass parking area. That withdrawal will need to be acknowledged by the Board.

**STAFF RECOMMENDATION**

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

The accessory structure shall not be used as an event center or for commercial purposes.

**PETITION OVERVIEW**

- ◇ 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.
- ◇ 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 accessory structure would be similar in size to the original agricultural barn located on site. It would extend approximately 90 feet in front of the established front building line of the primary dwelling onsite and would be located approximately 350 feet from Fisher Road.



- ◇ Due to the large size of the site, and the distance of the accessory structure from Fisher Road, the accessory structure location as proposed, would not have a negative impact on surrounding properties, as it would be similar to other agricultural structures in the area.
- ◇ To prevent future owners from using the accessory structure as an event space or for commercial purposes, Staff is requesting a commitment that would prohibit those uses in the structure.
- ◇ The requested south side setback reduction to five feet, where a 15-foot setback is required would extend for approximately 56 feet along the southern parcel line, with the remaining structure, and original barn having greater setbacks.
- ◇ Staff feels the proposed reduced five-foot south side setback for the Accessory structure would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance setbacks.
- ◇ Since the adjacent property is owned by the Marion County Fairgrounds, and used sporadically for event parking purposes, with no development planned near the reduced setback, Staff feels the request would represent a minor deviation from the Ordinance.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single Family Dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: SU-9	North: County Fairgrounds parking area
	South: SU-9	South: County Fairgrounds parking area
	East: SU-9	East: County Fairgrounds parking area
	West: SU-9	West: County Fairgrounds
<b>Thoroughfare Plan</b>		
Fisher Road	Primary Collector	80-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 19, 2024	
<b>Elevations</b>	N/A	
<b>Plan of Operation</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact - Updated</b>	October 4, 2024	



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood uses.

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.

**ZONING HISTORY**

**98-Z-206; 2801 South Fisher Road (north, east, and south of site),** requested the rezoning of 43.0 acres from the D-A district to the SU-9 classification, **granted.**

**95-HOV-73; 7300 Troy Avenue (southwest of site),** requested a variance of development standards to provide for the placement of a pylon sign, 17 feet wide and 13 feet in height, being located within 600 feet of a dwelling district, **granted.**

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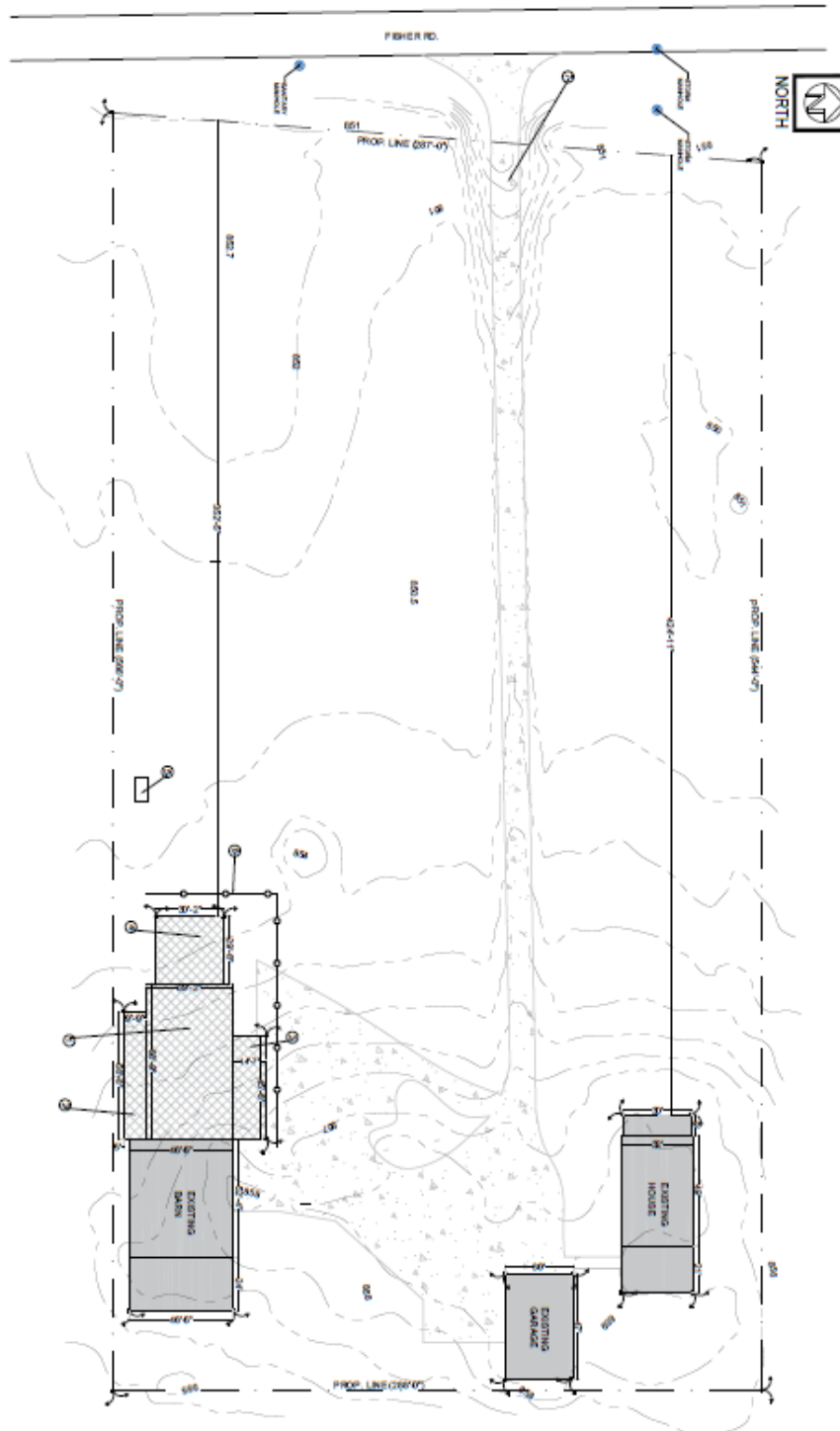
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**EXHIBITS**

Location Map



Site Plan





**Findings of Fact – Amended 10.4.2024**

Petition Number 2024-UV3-008

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS  
FINDINGS OF FACT  
SIDEYARD SETBACK AND LOCATION OF ACCESSORY STRUCTURE (REVISED)**

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

The front façade of the barn addition is in excess of 350' from the nearest right of way of Fisher Road. The side yard setback is consistent with the existing historical setbacks on the property which have been in place for more than 70 years according to aerials. The immediately adjacent properties are largely open space, utilized agriculturally or for parking for the nearby fairgrounds, so the reduced side yards do not impact the health, safety or welfare of immediately adjacent properties. The barn addition is agricultural in external appearance and upon granting of the variance can have all applicable permits and inspections applied for and completed.

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 reduced setback will not impair the use or development of the immediately adjacent properties, which are also relatively large in size and currently devoid of significant improvements. The barn addition's location in front of the residential structure is not readily noticeable from the right of way because of the significant setback from the right of way of both Fisher Road and I465 and the overall layout of the parcel with the barn being on the opposite side of the parcel from the residential structure.

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

The historic layout of the property necessitates the location of the barn addition. The existing barn location and home location have existed as is since at least the 1950's as have the internal drive configurations. A configuration of an addition other than what has been done would impair use of the existing drives or require removal of mature trees or blocking access to other legally established structures or making access in and out of the expansion less efficient. Preventing expansion in the ways proposed/constructed would effectively prohibit any additional expansion of structures on the property based on choices prior owners made decades ago.

**Photographs**



Subject site single family dwelling, looking north.



Subject site accessory structure, looking south





Subject site accessory structure with five foot south side setback, looking east



Subject site entrance driveway access from Fisher Road, looking east.



**BOARD OF ZONING APPEALS DIVISION III** **October 15<sup>th</sup>, 2024**

**Case Number:** 2024-DV3-027  
**Property Address:** 9621 E 96<sup>th</sup> Street  
**Location:** Lawrence Township, Council District #4  
**Petitioner:** Chris Shuptar  
**Current Zoning:** D-A  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 24-foot tall, detached garage, being taller than the primary building (not permitted).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **denial** of this petition.  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- This petition requests a variance to allow the construction of a proposed detached garage that will stand 24-30” tall and have a square footage 3,200 sqft (40ft W x 80ft L), which is taller than the primary structure. The City of Indianapolis Consolidated Zoning/Subdivision Ordinance does not permit this within Dwelling Districts.
- The primary structure on this D-A zoned property has a height of 23’ and 1,900 sqft. This new accessory structure would be placed between the existing barn and the primary building.
- The large size of the proposed garage is intended to be used for indoor storage of nine vehicles which the petitioner owns.
- Staff recommends denial of this case. The proposed accessory structure is almost twice the size of the primary structure. The scale and massing of the proposed structure is incongruous with the other structures on the lot. This issue is also self-imposed due to the ability to park the vehicles on the hard surface that is already existing on the property which would still be in accordance with the ordinance without the need of a variance.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	Hamilton County Zoning North: Unknown
	South:	D-S South: Rural or Estate Neighborhood
	East:	D-1 East: Rural or Estate Neighborhood
	West:	D-P West: Rural or Estate Neighborhood
<b>Thoroughfare Plan</b>		
96 <sup>th</sup> Street	Primary Arterial	81ft right-of-way existing and 119ft right-of-way 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>	8/21/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	08/21/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/21/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- City of Indianapolis Consolidated Zoning/Subdivision Ordinance
- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines.

**Pattern Book / Land Use Plan**

- City of Indianapolis Consolidated Zoning/Subdivision Ordinance
  - The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries,



Department of Metropolitan Development  
Division of Planning  
Current Planning

aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

- Within the Consolidated Zoning and Subdivision Ordinance an accessory use includes a subordinate structure, building or use that is customarily associated with and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building and use and is located on the same lot as the primary building, structure or use (pg 10)
- According to the Consolidate Zoning and Subdivision Ordinance Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:
  - The horizontal land area covered by the primary building and all accessory buildings, and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.
  - The horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.
  - The height of any accessory building or minor residential structure shall be less than the height of the primary building (pg 447). Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.”
- Pattern Book
  - The Rural or Estate Neighborhood typology 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. (pg 17)

**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**



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

- The Infill Housing Guild lines indicate that Accessory Structures scale, height, size and mass should relate to the primary building and should not overshadow it. (pg 28)

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – SURROUNDING AREA

- **2003-DV2-029: 9150 Mud Creek Road**
  - 42-inch brick fence with two brick posts located in required front yard. **AP.**
- **2005-DV1-046: 9808 Northwind Drive**
  - Provide for two subdivision identification signs located within the right-of-way of Northwind Drive (signs not permitted within the right-of-way), one being located on a 8.33-foot tall wall (structural barriers not permitted within the right-of-way; maximum 3.5-foot tall structural barrier permitted in front of the established building line of the primary dwelling on the lot), and the other being located on a 8.33-foot tall support structure (maximum four-foot tall sign permitted), and to provide for two subdivision identification signs located within the right-of-way of Southwind Drive (signs not permitted within the right-of-way), one being located on a 8.33-foot tall wall (structural barriers not permitted within the right-of-way; maximum 3.5-foot tall structural barrier permitted in front of the established building line of the primary dwelling on the lot), and the other being located on a 8.33-foot tall support structure (maximum four-foot tall sign permitted). **AP.**
- **2015-DV3-007: 9611 E 96<sup>th</sup> Street**
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 2,880-square foot, 22.6-foot tall pole barn (maximum 20-foot tall permitted), with an 864-square foot porch, with a 10-foot east side setback (15-foot side setback required), creating an accessory building area of 3,744 square feet or 257% of the main floor area of the primary dwelling and an accessory use area of 4,768 square feet or 173.4% of the total floor area of the primary dwelling (maximum 75% or 1,092 square feet of accessory building area and maximum 99.9% or 2,747 square feet of accessory use area permitted). **Approved.**
- **2016-DV3-021: 8909 Ginnylock Drive**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached garage, with a 3.5-foot side setback and to legally establish a shed, with a two-foot side setback, creating a 5.5-foot aggregate side yard (minimum seven-foot setback and 12-foot aggregate side setback required). **Withdrawn.**
- **2017-DV1-002: 9240 Mud Creek Road**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 43-foot-tall addition (maximum 24-foot tall permitted) to an existing pole barn, located in front of the established front building line of the primary dwelling (not permitted). **Approved.**
- **2017-HOV-080: 9431 Sargent Road**



Department of Metropolitan Development  
Division of Planning  
Current Planning

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with 15-foot and 24-foot side setbacks (minimum 30-foot side setback and 75-foot aggregate side setback, encroaching within the stream protection corridor of a Tributary of Mud Creek (50-foot stream protection corridor required)). **Approved.**

**EXHIBITS**

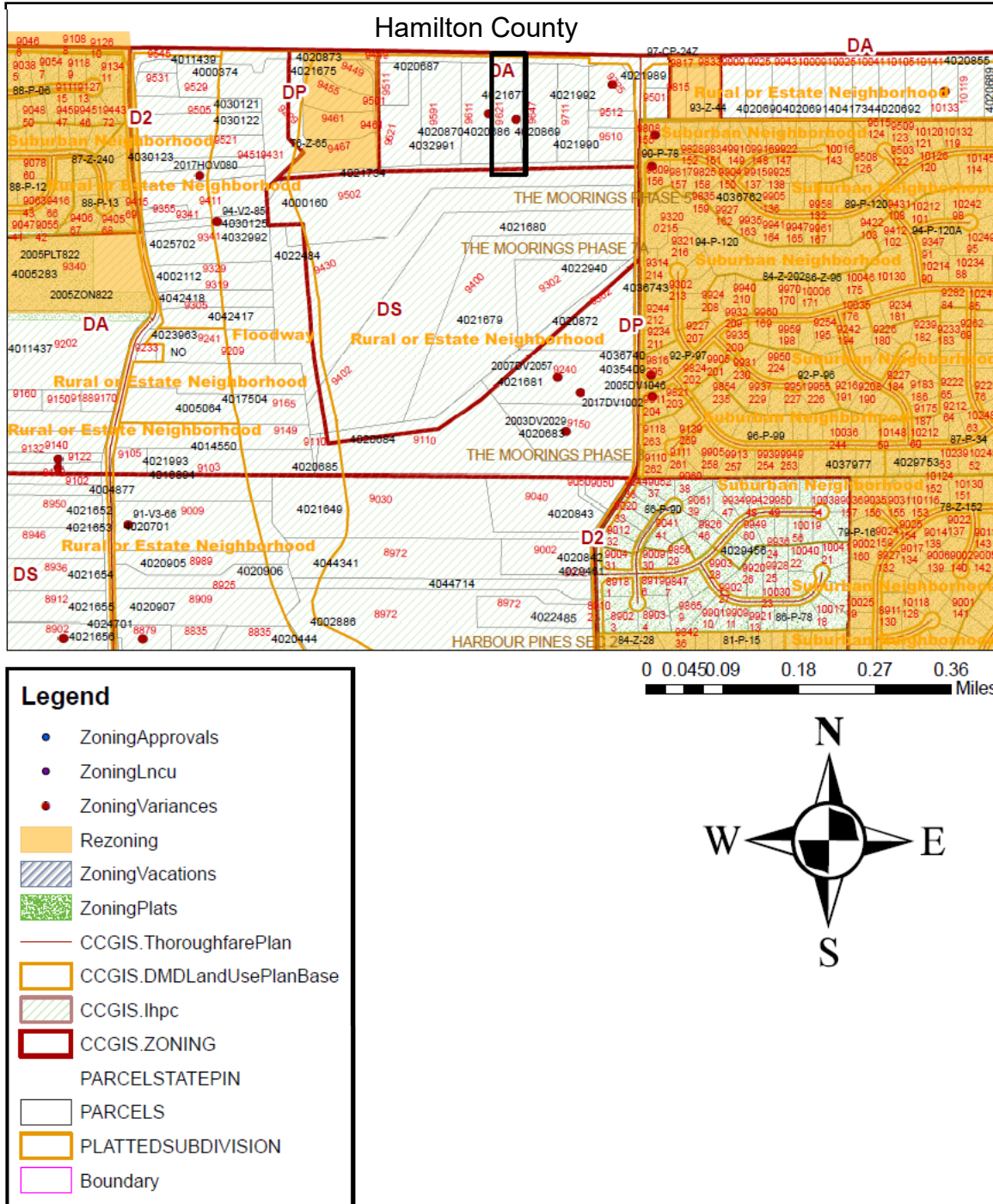


Exhibit 1: Area map around 9621 E 96th Street



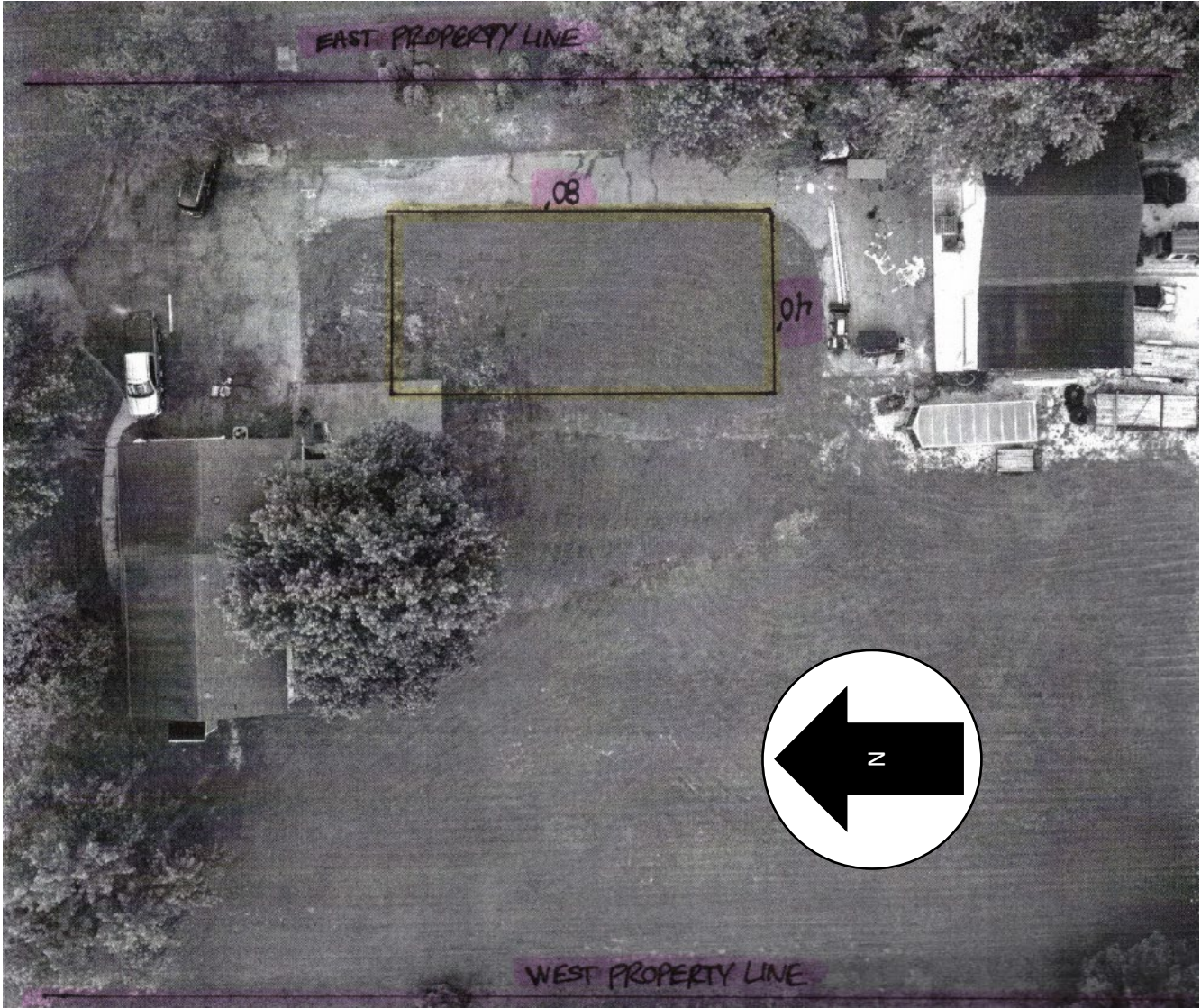


Exhibit 2: Site plan for the proposed barn at 9621 E 96<sup>th</sup> Street.

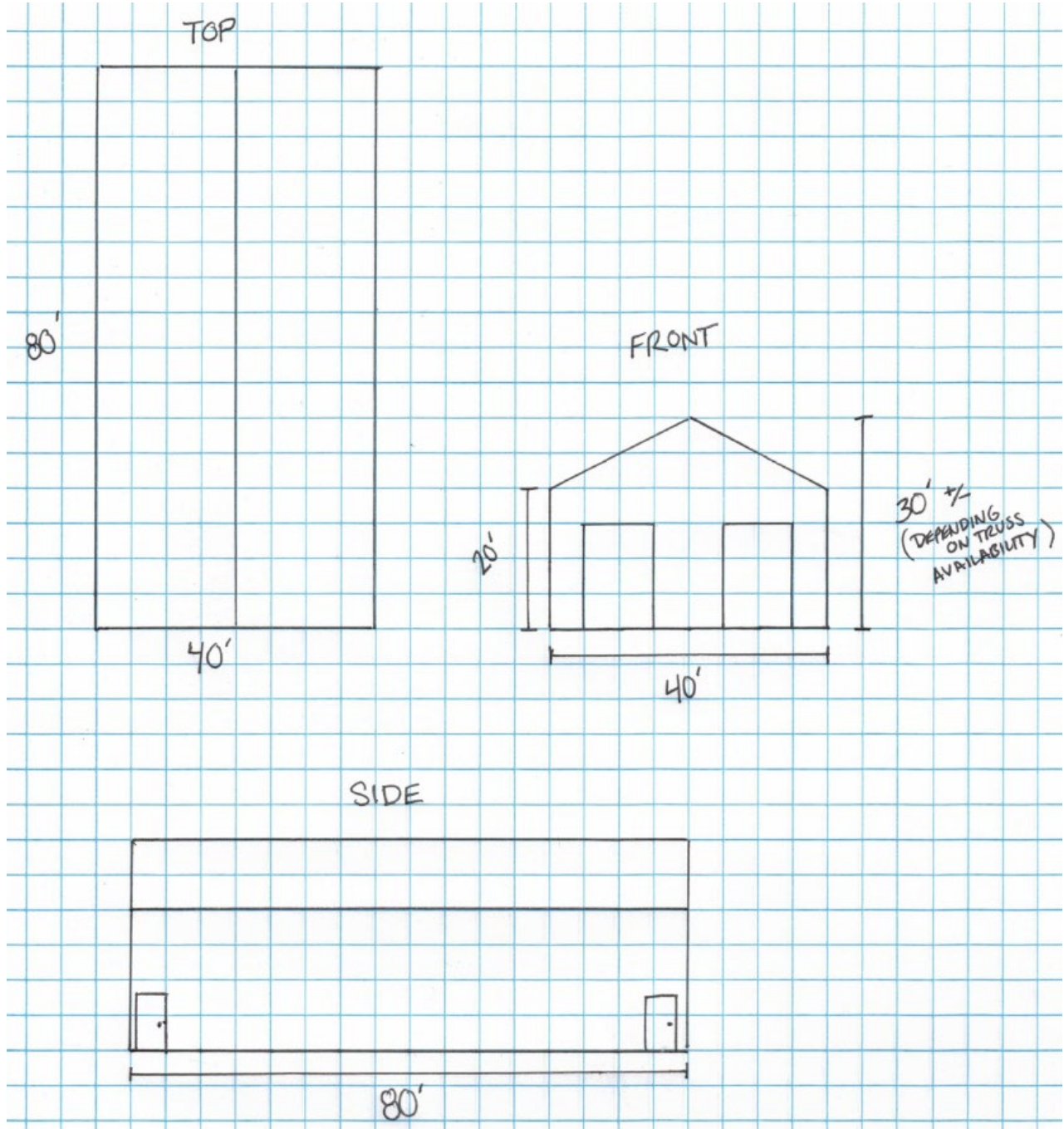


Exhibit 3: Drawn elevation of the proposed barn at 9621 E 96<sup>th</sup> Street.



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 proposed building will improve the value and aesthetic of properties in the immediate area.  
I have already spoken to all my neighbors and they have expressed excitement for the project.  
I have gone to great lengths to ensure that this project will not only improve my property by making it more functional storage, but it will also improve my neighbor's property by more effectively routing rain water south to where it naturally flows.

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:

Due to the location and type of property, this building will only increase values to the surrounding properties.  
The building proposed will be high quality construction and aesthetically pleasing as to not be an ear sore or even stand out beyond what is deemed to be reasonable.  
Furthermore, the current primary residence exterior will be renovated (siding and roof) to match the new construction.  
Lastly, the position of the building was carefully chosen to take advantage of large tree cover on the eastern property line.

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

Being a home that was built in the 1970's, square footage is not quite up to a modern standard for a parcel this size. Therefore, building anything larger than a small shed would require a special variance.  
I am a motorsport enthusiast and own 9 vehicles (most of them being off-road use only). Since most of them are for off-road sport only, they are not legally eligible for plates or insurance.  
That requires me to own various hauling trailers to transport these vehicles to their respective areas of recreational use.  
I am applying for the height variance merely because I need tall doors to fit trailers, my large (daily use) truck, and vehicles like RV's.  
The extra interior height will allow me to stack vehicles on top of each other for more efficient use of the storage space.  
It's less expensive to store vehicles vertically rather than constructing a larger footprint building.

Exhibit 4: The findings of fact, submitted by the petitioner.



Exhibit 5: The front of the primary structure at 9621 E 96<sup>th</sup> Street.



Exhibit 6: The back of the primary structure at 9621 E 96<sup>th</sup> Street.



Exhibit 7: The location between the back patio and the existing accessory structure where the proposed accessory building requested by the variance will sit looking east.



Exhibit 8: The location between the back patio and the existing accessory structure where the proposed accessory building requested by the variance will sit looking south.



Exhibit 9: The driveway at 9621 E 96<sup>th</sup> Street.



Exhibit 10: Closer picture of driveway leading to location where proposed accessory structure will sit.



Exhibit 11: Neighbor to the west of 9621 E 96<sup>th</sup> Street. Barn at this location is like the size of what the proposed accessory structure will be.



Exhibit 12: Neighbor to the west of 9621 E 96<sup>th</sup>s Street.





**BOARD OF ZONING APPEALS DIVISION III**

**October 15, 2024**

**Case Number:** 2024-DV3-028  
**Address:** 3810 & 3814 East Southport Road (approximate address)  
**Location:** Perry Township, Council District #24  
**Zoning:** C-3 (FW) (FF)  
**Petitioner:** Indiana Group Investment Inc., by David E. Dearing  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building addition, encroaching within the stream protection corridor of Little Buck Creek (not permitted, 100-foot separation from top of bank required).

**Current Land Use:** Vacant Trade School / Office building

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

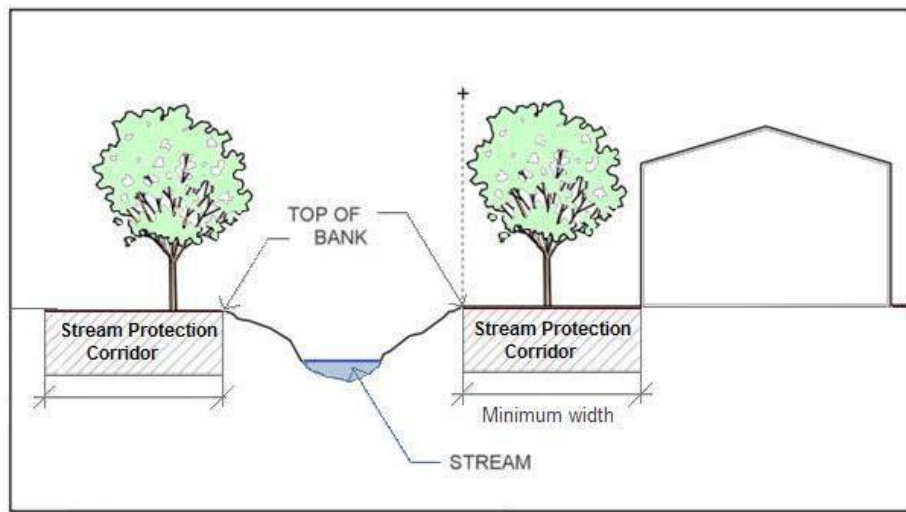
The petitioner has indicated in the findings of fact that the use would be for a banquet hall. The subject site is zoned C-3 which does not allow for a banquet hall, event center, or similar indoor entertainment uses which are permitted in the C-4 District. If a banquet hall or indoor entertainment is the proposed use, then this petition should be continued with new notice, so that the petition can be amended to allow for a variance of use to provide for the banquet hall. As it is improper to introduce a petition for a variance of development standards before the proposed use is approved. This is particularly egregious because of the wide variety of C-3 uses that would be allowed and would not require a large building addition that would encroach on a natural resource.

**PETITION OVERVIEW**

**STREAM PROTECTION CORRIDOR**

- ◇ This request would provide for new development or a building expansion within the stream protection corridor, where encroachment within the stream protection corridor is not permitted.
- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Little Buck Creek is present on the subject site and is considered a Category One Stream. Category One streams have a corridor width of 100 feet in the Metro context area.

- ◇ The Stream Protection Corridor is defined as: “A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”
- ◇ Stream is defined as: “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as: “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as: “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ A Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organisms such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.
- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ As a Category One Stream within the Metro Context Area, Little Buck Creek is required to have a 100-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



**Stream Protection Corridor**



- ◇ The existing building is considered legally non-conforming and can be redeveloped within the existing footprint only as it had been previously for the previous trade school. The proposed new building addition would increase the size of the existing building and expand it further into the Stream Protection Corridor.
- ◇ The request for the building addition to allow for additional planned seating for a banquet hall, and additional space to comply with ADA requirements, and risers for the sprinkler system, is a result of bad design and planning by the petitioner. There is no requirement for a minimum size of banquet hall, so the size can be compliant within the existing structure, if granted a variance of use. The ADA requirements and sprinkler systems can be designed to operate within the existing structure, as the previous use had done. The desire to not accommodate the Ordinance by compliant design is the choice of the petitioner and not imposed by the Ordinance.
- ◇ Because the site was never developed with a structure in this area, staff believes any practical difficulties would be self-imposed. Consequently, staff does not support this request to provide for the construction of a building addition, encroaching within the stream protection corridor.
- ◇ Staff feels the proposed building encroachment into the Stream Protection Corridor would be determinantal to the protection of the stream and its adjoining area, even if the area is already paved, as the building expansion, would prohibit space next to the existing underdeveloped vegetative target, and would allow for stream overflow when flood waters are present.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned C-3 and can be used by any number of uses permitted, by right, in the C-3 zoning classification. Including re-building the previous structure with the same footprint. Any practical difficulty is self-imposed by the desire to expand the structure on site into the Stream Protection Corridor for the operation of a banquet hall, and the petitioner not doing their due diligence on feasibility before buying this property.
- ◇ The subject site is similar to other nearby commercial properties, that are able to follow the zoning ordinance without the need for variances. Therefore, staff recommends this request be denied.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Former Trade School / Office building	
<b>Comprehensive Plan</b>	Office Commercial / Floodway	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3 / D-3	Undeveloped / Single-family dwellings
South:	PK-1 / D-P	Park / Vacant Commercial Building
East:	C-3	Commercial retail / office
West:	D-A	Single-family dwelling / Floodway
<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	92-foot existing right-of-way and a 102-foot proposed right-of-way.



<b>Context Area</b>	Metro
<b>Floodway / Floodway Fringe</b>	Floodway / 100-year Floodplain
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	September 24, 2024
<b>Elevations</b>	N/A
<b>Plan of Operation</b>	N/A
<b>Commitments</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	September 15, 2024

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Office Commercial uses.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends Office Commercial typology that provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

**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**

**98-2-129/98-DP-18; 3901 East Southport Road (south of site)**, requested the rezoning of 16.39 acres, being in the D-6I1, C-2 and C-6(FF)(FW) Districts, to the DP(FF)(FW) classification to provide for commercial uses and park uses, **approved**.

**98-Z-65/ 98-DP-11; 7210 South Sherman Drive (south of site)**, requested the rezoning of 28.41 acres, being in the D-A(FF)(FW) District, to the DP(FF)(FW) classification to provide for a mixed residential community of condominiums, **approved**.

**90-UV1-82; 6920 Gray Road (east of site)**, requested a variance of use to permit the construction of an entry vestibule for an existing building, **granted**.

**84-UV3-114; 3830 East Southport Road (east of site)**, requested a variance of sue to provide for a children’s day care center in an existing building, **granted**.

**84-Z-110; 4001 East Southport Road (south of site)**, requested the rezoning of 2.97 acres, being in the C-2 and C-4 Districts, to the C-6 classification to provide for a motel, **approved**.

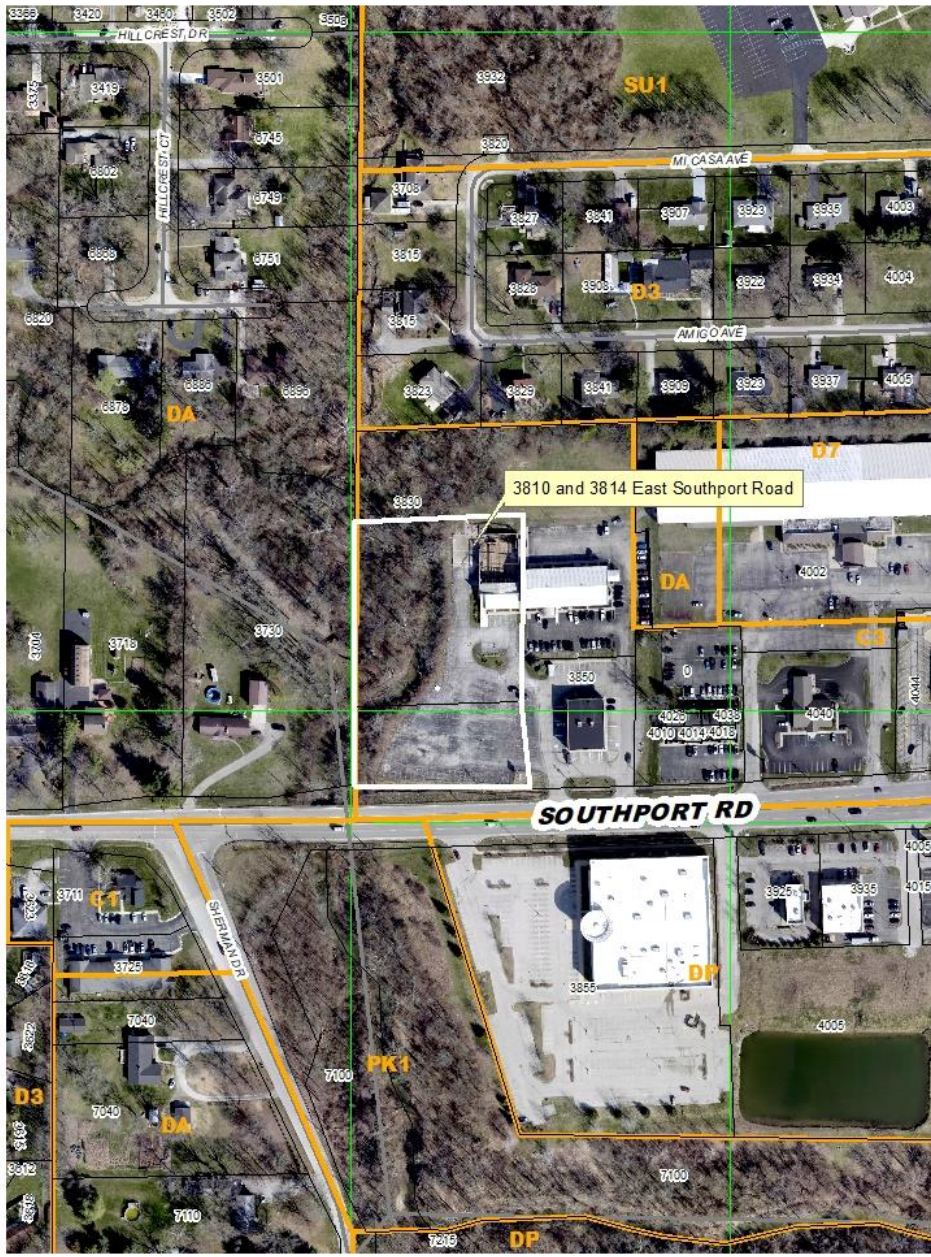
**83-Z-125; 3830 East Southport Road (east of site)**, requested the rezoning of 7.0 acres, being in the SU-2 District, to the C-3 classification, to provide for offices, a pharmacy, and retail sales, **approved**.

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**EXHIBITS**

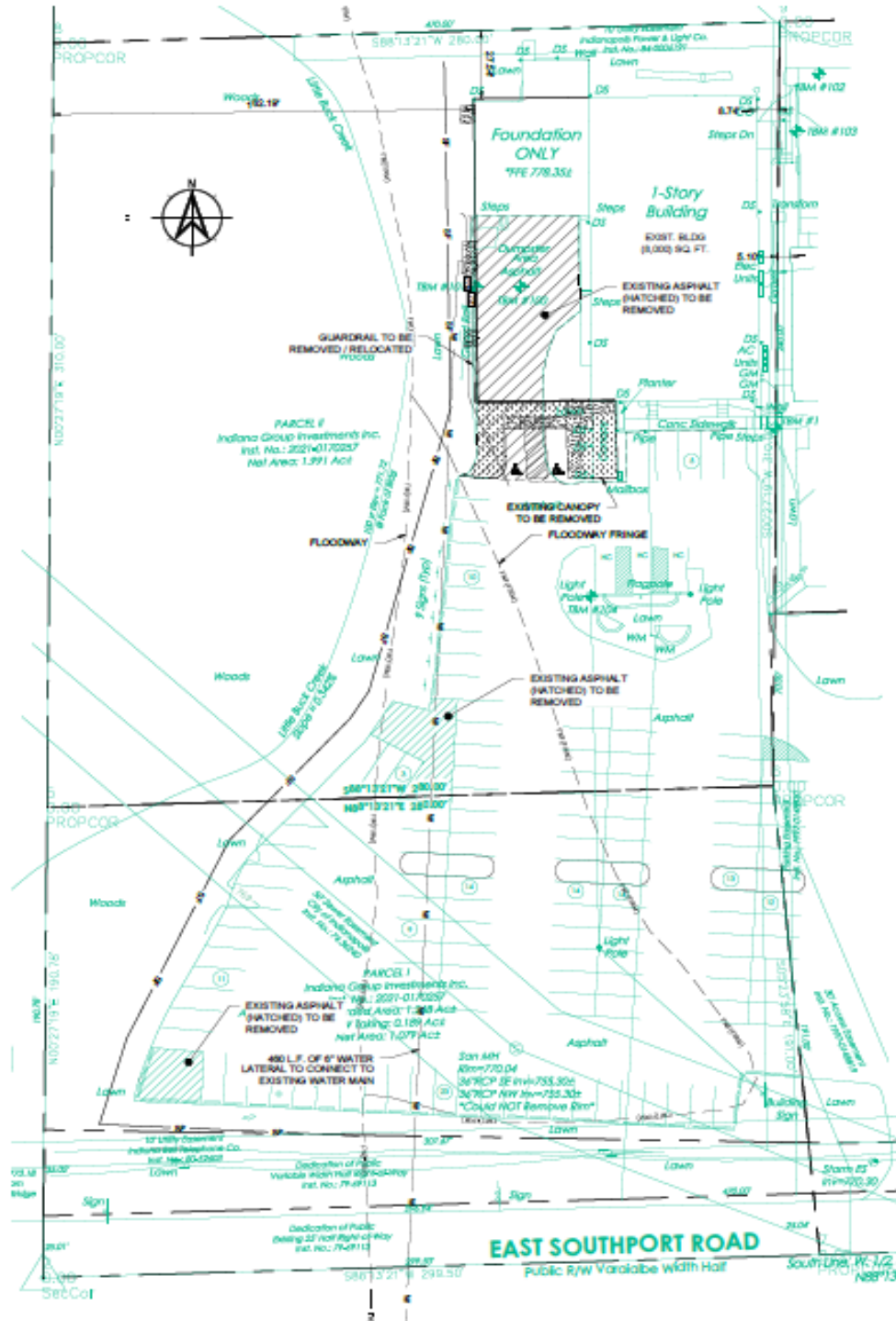
Location Map



Location Map close up



**Site Plan**







**Findings of Fact – Stream Protection Corridor**

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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:  
the grant will enable the property owner to repair, remodel and expand an existing, vacant, partially burned building on the site. No additional part of the Stream Protection Corridor will be developed because the building expansion will occur in an area that is already covered in concrete. The work will put the property to a productive use and increase the tax base, thus promoting the general welfare of the community.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:  
the repair, renovation and expansion of the vacant, partially burned building will enhance the property, which will increase the value of the adjacent property without affecting the use of the adjacent property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
inability to square off the building will create significant financial difficulties for the owner by eliminating approximately one-half of the planned seating for a banquet hall. In addition, the additional space is needed in order to comply with ADA requirements for restrooms and accessible entrances, and to house the risers for the sprinkler system.

**Photographs**



Subject site, looking north.



Subject site proposed expansion area, looking north



Subject site proposed new building expansion area, looking south



Subject site expansion area onto legally non-conforming foundation, looking north



Adjacent office building to the east, looking north



Adjacent vacant fitness center / proposed event center



**BOARD OF ZONING APPEALS DIVISION III** **October 15, 2024**

**Case Number:** 2024UV3014  
**Property Address:** 454 East Stop 11 Road (*approximate address*)  
**Location:** Perry Township, Council District #23  
**Petitioner:** Perry Township Multischool Building Corporation of 1996, by Lisa Rains  
**Current Zoning:** SU-2

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign with digital display (prohibited), located zero-feet from a protected district (600-foot separation required), and a zero-foot front yard setback, encroaching within the right-of-way of Stop 11 Road (five-foot setback required, encroachment within right-of-way not permitted).

**Current Land Use:** Special Use (Educational)

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

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- The subject site currently houses Douglas MacArthur Elementary School and is surrounded by a church to the southwest and single-family residential uses in all other directions. In the early 1990s, an externally illuminated monument sign utilizing changeable copy was installed near the Stop 11 Road intersection at the school’s southern boundary. The road to the west of the sign location was also expanded around this point in time. Staff was unable to locate the permit or variance by which the current sign was legalized in this location.
- The current sign is not located within the clear-sight triangle, and the furthest edge of the sign is approximately 30 feet from the property line, 52 feet from the closest street to the south, and 42 feet from the closest street to the west. City records don’t indicate that an encroachment license was issued for this signage in the past either (required for development within public ROW).

- Approval of this variance petition would allow for installation of a new sign in the same location as the currently existing sign (pending issuance of an encroachment license from the Department of Business and Neighborhood Services). It would also allow for the new sign to incorporate a digital display area that would comprise around 63% of the sign face area. Digital displays are prohibited within SU-2 zoning and are within 600 feet of protected districts.
- This property is zoned SU-2 which is a special use designation for schools and educational facilities. The Comprehensive Plan recommends it to the Traditional Neighborhood living typology which allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities. Neither the zoning district nor the plan recommendation contemplate placement of digital signage (typically only allowed in commercial or industrial areas with adequate separation from homes).
- The documentation provided by the applicant indicates that this sign wouldn't serve as an impediment to traffic, would be of reasonable size, and that the currently existing changeable copy sign is difficult to change in bad weather and offers a limited scope of information on school events. Staff would contend that placement of a digital sign about 12 times closer to residences than envisioned by typical ordinance standards could easily result in distractions for motorists at a busy intersection even if auto-dimming technology was implemented. Additionally, there are multiple alternate methods by which school events could be advertised without the need for a variance, and the size of the digital display area is also greater than what the ordinance contemplates (40% is the maximum allowed in commercial areas; special-use areas allow 0%).
- Placement of signage and other private encroachments within public rights-of-way is prohibited by ordinance to avoid the creation of visual obstructions or impediments for motorists or pedestrians as well as to allow for any potential future expansion of roadway. The area to the north of the current school sign is large and unobstructed; it is unclear why none of that space outside of the right-of-way could be utilized for placement of compliant signage.
- Additionally, the broader zoning context would not be appropriate for installation of a sign with digital display: a variance application for EVMS signage for the church to the west was denied in 2016, and public feedback sessions preceding the most recent amendments to the sign ordinance in 2018 saw proximity of digitally illuminated signs to residential areas as a frequently cited concern. Additionally, since SU-2 zoning is designed for a lower level of intensity to allow for integration into neighborhood contexts, a digital sign illuminated 24 hours a day would not be contextually appropriate for surroundings.
- There is no practical difficulty at this site requiring installation of signage with intense digital elements placed near homes with limited screening or landscape buffering, and placement of a sign within ROW as well as with digital display so close to homes runs directly counter to both ordinance guidance and recent public feedback related to sign regulations. Staff would recommend denial of these variance requests.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-2	
<b>Existing Land Use</b>	Special Use (Educational)	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-3 North: Residential
	South:	SU-1 South: Religious Use
	East:	D-2 East: Residential
	West:	D-A / SU-1 West: Residential/Religious Use
<b>Thoroughfare Plan</b>		
Meridian School Road / Stop 11 Road	Secondary Arterial	80-foot existing right-of-way and 90-foot proposed right-of-way
East Street / Stop 11 Road	Local Street	50-foot existing right-of-way and 118-foot proposed right-of-way
<b>Context Area</b>	Compact or Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	09/11/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	09/24/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	09/05/2024	
<b>Findings of Fact (Amended)</b>	09/26/2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood living typology to allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities where appropriate. Large-scale schools are a contemplated land use for this typology and should be in harmony with surrounding neighborhoods (parking, service and emergency vehicle areas should be screened from surrounding residential uses).



**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

**2020DV1052 & 2020DV1053 ; 331 Valley View Drive (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 at multiple approximate addresses, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **withdrawn**.

**2016DV3009 ; 445 E Stop 11 Road (west of site)**, Variance of development standards of the Sign Regulations to provide for a 17.46-square foot electronic variable message sign (not permitted), being 74.7% of the total sign area of a 5.833-foot tall, 23.4-square foot pylon sign within 45 feet of the nearest protected district (maximum 40% of sign area permitted, maximum four-foot tall ground sign permitted within 300 feet of a protected district), and with a six-foot front setback (15-foot front setback required), **denied**.

**2013HOV010 ; 445 E Stop 11 Road (west of site)**, Variance of development standards of the Sign Regulations to provide for a four-foot tall, approximately 40-square foot freestanding sign, with a 12.5-foot front setback (15-foot front setback required), **approved**.

**87-V3-62 ; 8006 S East Street (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage that results in accessory space exceeding the area of the primary space and for the subject building to be 22.4 feet tall, **approved**.

**EXHIBITS**

**2024UV3014 ; Aerial Map**



(note: current sign location marked by red rectangle. Proposed sign would utilize this approximate location and orientation)



**2024UV3014 ; Elevation**



Exterior Internally Lit EMC Cabinet

Option D

41" x 37" Brushed Aluminum Panel w/ Black Translucent Vinyl & 4c Digital Vinyl Logos (All Backlit)

4c Vinyl Graphics  
80" x 9.7"



Photo of Existing Sign Shown Below

Materials: Internally Lit Aluminum Cabinet w/ Day/Night Vinyl & 4c Digital Vinyl Graphics, 6' x 3' EMC  
Colors: Brushed Aluminum Cabinet, 4 Color Digital Graphics  
Typestyle: Logo Unknown, Tagline Franklin Gothic Heavy  
Mounting: TBD  
Quantity: 1 (Double Faced)



**2024UV3014 ; 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 monument sign is replacing an outdated sign that has been in place for more than 10 years. It will not block traffic views.

The digital display has an auto-dim feature that minimizes brightness during dark hours. The digital display can also be preprogrammed to turn off when necessary.

Petitioner intends to use the digital display to communicate important messages to the community regarding school activities.

**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 monument sign should increase value because a new, more modern and functional sign will better serve the community.

Other properties or businesses in the area, including Perry Meridian High School, have digital displays and have not seen any adverse effects to adjacent properties.

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

Manual changeable signs are outdated and difficult to use. School schedules have become increasingly complex which requires several items to be displayed in a single day. A school serves the entire community and is unique in that way.

**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**

Outdated manual changeable message signs are physically difficult to update for school staff, especially in bad weather and simply do not attract attention the way modern digital displays do. Given the size restraints, manual changeable message signs are also limited to the amount of information that can be displayed at any one time.

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

It's only effect is to increase the effectiveness of communications between the school and the surrounding community.

**2024UV3014 ; Photographs**



Photo 1: Current Sign Face



Photo 2: Sign Viewed from Northeast + Existing Intersection

**2024UV3014 ; Photographs (continued)**



Photo 3: Sign Viewed from North + Adjacent Properties to South



Photo 4: Adjacent Property to West

**2024UV3014 ; Photographs (continued)**



Photo 5: Subject School Viewed from South



Photo 6: Adjacent Property to East





**BOARD OF ZONING APPEALS DIVISION III** **October 15, 2024**

**Case Number:** 2024UV3015 (Amended)

**Property Address:** 1311 and 1315 Standish Avenue (*approximate addresses*)

**Location:** Perry Township, Council District #23

**Petitioner:** Maninder Walia, by Thomas L. Pottschmidt

**Current Zoning:** D-8 (TOD)

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 12-unit apartment building without exclusive alley access (required) and a parking lot with a zero-foot rear yard setback (10 feet required) and deficient landscaping (frontage and transitional landscaping required) with a livability space ratio of 0.40 (.66 required).

**Current Land Use:** Undeveloped

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

**PETITION HISTORY**

The petitioner will request that this petition be continued to the November 18, 2024 hearing date of Division III to allow for additional time to amend plans and discuss with staff. A full staff report will be made available in advance of that hearing date.