



## Board of Zoning Appeals Division I (February 7, 2023) Meeting Agenda

### Meeting Details

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

**Date:** Tuesday, February 07, 2023

**Time:** 1:00 PM

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

### Business:

#### Adoption of Meeting Minutes

#### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-DV1-047 | 409 East Morris Street  
Center Township, CD #16, Zoned D-5  
Build Indy LLC, by John Cross

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 39-foot wide lot, a zero-foot western side yard setback (40 foot lot width required) and provide for a three-story addition (not permitted) resulting in a 4.2-foot eastern side yard setback and a 19.4-foot rear setback and a walking path with a one-foot eastern side setback (five-foot side setbacks, 20-foot rear setback required).

#### Continuance request by Petitioner, to the March 7, 2023 hearing of Division I.

2. 2022-DV1-062 (Amended) 1012 Olive Street  
Center Township, CD #17, Zoned D-5 (TOD)  
Kristen Fern

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with a zero-foot north side yard setback and a three-foot rear yard setback (three-foot side yard setback and 20-foot rear setback required) providing access from Olive Street (exclusive vehicle access from improved alley required).

#### **Automatic Continuance to the March 7th Division I Hearing**

3. 2022-UV1-027 (Amended) 300 East Fall Creek Parkway North Drive  
Center Township, CD #9, Zoned C-1  
Larry Eakle

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a storage garage with a zero-foot setback from 28th Street (10-foot setback required), and to legally establish an existing garage with a zero-foot setback from 28th Street.

#### **Withdrawn**

4. 2022-SE1-002 | 9140 East McGregor Road  
Franklin Township, CD #25, Zoned D-A  
Shalom Christian Church, by Jonathan L Albright Jr.

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses and a modification of development standards to allow for the construction of a religious use facility, parking lot and related accessory structures with a 22-foot western side yard and rear yard (minimum 30-foot side yard setback, 75-foot rear yard setback required).

#### **Automatic Continuance to the March 7th Division I Hearing**

5. 2022-DV1-063 | 114 East 49th Street (4901 North Pennsylvania Street Parcel Address)  
Washington Township, CD #7, Zoned C-3 (MSPC)  
Patachou, Inc., by Jonathan W. Hughes

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the enlargement of an outdoor sidewalk cafe area from 777 square feet to 1,142 square feet (not permitted), with a permanent awning.

#### **Automatically Continued to March 7th**

### **Petitions for Public Hearing**

#### **PETITIONS TO BE EXPEDITED:**

6. 2023-UV1-001 | 1344 South Belmont Avenue  
Wayne Township, CD #16, Zoned C-3  
Kewin Martinez, by Sarah Walters

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a triplex within an existing building.

7. 2023-UV1-002 | 1090 West 23rd Street  
Center Township, CD #11, Zoned I-3 (W-5)  
BB's Home Away From Home, by Joseph Lese

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a daycare facility as a primary use (not permitted).

8. 2023-UV1-003 | 2962 North Delaware Street  
Center Township, CD #9, Zoned D-5 (TOD)  
Jeffrey & Michelle Shukhman, by Jeffrey S. Jacob, Esq.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow for a triplex within an existing building (not permitted) and legally establish its zero-foot northern corner side yard setback (eight-foot corner side yard setback required) and zero-foot south side yard setback (five-foot side yard setback required).

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

9. 2022-UV1-038 | 4010 West 86th Street (Indecisive)  
Pike Township, CD #1, Zoned C-1 (FF)  
UHS of Delaware, Inc., d/b/a Valle Vista Health System, by Joseph D. Calderon  
Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a methadone clinic, including counseling, and education, within 160 feet of a dwelling district (500 feet of separation required).

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

10. 2022-DV1-057 | 4001 North Park Avenue  
Washington Township, CD #7, Zoned D-5 (TOD)  
Brandi Waddy

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for street

access to an existing detached garage (access from an improved alley required) and legally establish the existing 0.60-foot north side setback and 4-foot east rear setback (five-foot side and rear setbacks required).

11. 2022-UV1-035 (Amended) 6234 East Hanna Avenue  
Franklin Township, CD #18, Zoned I-3  
Exotic Metal Treatment, by Brian E. Moench

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation a metal treatment facility (not permitted) and a building addition with a 38-foot front transitional yard along Hanna Avenue, an expanded parking area with a 25-foot transitional yard along Hanna Avenue (150-foot transitional yard required) and an expanded parking area with a 12-foot front yard setback from the proposed right-of-way of Churchman By-Pass (60-foot front setback from proposed right-of-way required), deficient landscaping and a waiver of sidewalk installation requirements along Churchman By-Pass (installation of sidewalks required).

12. 2022-UV1-044 | 5702 North College Avenue  
Washington Township, CD #2, Zoned D-3 (TOD)  
Tim Schluge

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an accounting firm (not permitted).

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

13. 2023-DV1-002 | 902, 916, 918 and 922 North Capitol Avenue  
Center Township, CD #11, Zoned CBD-2 (RC) (TOD)  
Capitol Street Properties LLC, 916 North Capitol Avenue LLC, MTP South Parking Propco LLC and MPT - 922 N Capitol Ave LLC, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 243,000 square foot mixed-use building with one 24-foot by 28.5-foot loading space (two loading spaces with dimensions of 30-foot by 12-foot and 55-feet by 12-feet required).

#### **Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](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.

## STAFF REPORT

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

**Case Number:** 2022-DV1-047  
**Address:** 409 East Morris Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-5  
**Petitioner:** Build Indy LLC, by John Cross  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 39-foot-wide lot, a zero-foot western side yard setback (40-foot lot width required) and provide for a three-story addition (not permitted) resulting in a 4.2-foot eastern side yard setback and a 19.4-foot rear setback and a walking path with a one-foot eastern side setback (five-foot side setbacks, 20-foot rear setback required).

#### **ADDENDUM FOR FEBRUARY 7, 2023**

This petition was continued from the January 3, 2023 hearing to the February 7, 2023 hearing of Division I, in order for amended plans to be submitted by the petitioner. These plans were submitted on January 3, 2023, and are provided further below in this report. These plans reduced the height of the addition from three stories to 2.5-stories. This amendment will need to be acknowledged by the Board. Given this change, Staff **recommends approval** of the request, as amended.

#### **ADDENDUM FOR JANUARY 3, 2023**

This petition was continued from the December 6, 2022, hearing to the January 3, 2023 hearing of Division I in order for an amended site plan to be submitted for review. As of publication, Staff has not received such a plan. Therefore, Staff continues to **recommend denial** of the request.

#### **ADDENDUM FOR DECEMBER 6, 2022**

Staff was informed by the petitioner that this petition would be amended. However, no new information has been added to the file.

Staff **continues to recommend denial** of these requests.

#### **ADDENDUM FOR NOVEMBER 1, 2022**

This petition was continued from the November 1, 2022, hearing of Division I, to the December 6, 2022, hearing of Division I, due to lack of quorum.

#### **ADDENDUM FOR OCTOBER 4, 2022**

This petition was continued from the October 4, 2022, hearing of Division I to the November 1, 2022, hearing of Division I, at the request of the petitioner. No new information has been added to the file.

(Continued)



**STAFF REPORT 2022-DV1-047 (Continued)****October 4, 2022****RECOMMENDATIONS**

Staff **recommends denial** of this request.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE****EXISTING ZONING AND LAND USE**

D-5	Compact	Single-family dwelling
-----	---------	------------------------

**SURROUNDING ZONING AND LAND USE**

North	C-3	Eating Establishment
South	D-5	Single-family dwelling
East	D-5	Vacant lot
West	D-5	Single-family dwelling

**LAND USE PLAN**

The Marion County Land Use Plan (2019) recommends Traditional Neighborhood development.

- ◇ The subject site is 0.10 acre (4,356 square feet) located in the J H Vajen's Subdivision in the Near Southside neighborhood. The subject site currently has an existing dwelling. The surrounding neighborhood consists of single-family dwellings to the west, east and south and to the north is a commercial eating establishment.
- ◇ The subject site is zoned D-5 (Dwelling District Five). The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would legally establish a 39-foot-wide lot, a zero-foot western side yard setback and provide for a three-story addition resulting in a 4.2-foot eastern side yard setback and a 19.4-foot rear setback and a walking path with a one-foot eastern side setback. Under Table 742.103.03, the subject site would be categorized as a *Detached House – Small Lot*. The Detached House – Small Lot category requires a lot width of 40 feet and a lot area of 5,000 square feet. The existing lot has a lot width of 39 feet and a lot area of 4,356 square feet, which is slightly deficient for the D-5 district.

(Continued)

## **STAFF REPORT 2022-DV1-047 (Continued)**

- ◇ Additionally, under the Detached House – Small Lot category, the required side yard setback would be five feet. The required rear setback would be 20 feet. The proposed rear setback would be 19.4 feet. The existing western setback is zero feet, and the proposed eastern side yard setback would be 4.2 feet, with a walking path with a one-foot setback. Table 744-204-1 states for minor residential features (walking path) that is less than 18 inches above grade level, should be no closer than 2 feet to any side lot line. The proposed walking path would be one foot from the eastern side lot line.

Staff is opposed to the requests, where the proposed setbacks are a slight deviation from the Ordinance requirements, displaying a lack of practical difficulty (not meeting Finding #3). The required setbacks for the eastern side setback and rear yard could be met if the site plan were reconfigured by making the addition marginally smaller. Staff is not opposed to legally establishing the existing western zero-foot setback.

- ◇ Table 742.103.03 limits the height of structures to a maximum of 35 feet and 2 ½ stories. The proposed addition would be three stories. The Infill Housing Guidelines stipulates recommendations for building height, including:
  1. Consider the shortest and tallest buildings on the block when planning height,
  2. Avoid significant jumps in height, and
  3. When adding to an existing House, minimize significant increases in height.

These Aesthetic Considerations listed in the Infill Housing Guidelines recommend using the neighborhood context and street types to guide appropriate massing. Local streets, like Morris Street, are appropriate for smaller massing, which would not support the variance for a third story addition. The surrounding neighborhood consists of dwellings that range from two to 2 ½ stories, with pitched roofs.

- ◇ The Comprehensive Plan recommendation for the subject site is *Traditional Neighborhood* development. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.
- ◇ Staff is not supportive of these requests, where they are a self-imposed practical difficulty.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

Morris Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a street local street, with a 84-foot existing right-of-way and a 48-foot proposed right-of-way.

(Continued)

SITE PLAN	File-dated August 19, 2022.
ELEVATIONS	File-dated August 19, 2022.
FINDINGS OF FACT	File-dated August 19, 2022.

**ZONING HISTORY – SITE**

EXISTING VIOLATIONS: None.  
PREVIOUS CASES: None.

**ZONING HISTORY – VICINITY**

**2019-DV2-009; 421 East Morris Street**, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling with a 10-foot front setback, two-foot side setbacks and a two-foot separation from a primary dwelling, creating 51% open space, **approved**.

**2018-HOV-088; 422 East Sanders Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with six feet between primary dwellings, a 17-foot front setback and an open space of 58%, **granted**.

**2018-HOV-089; 423 East Morris Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 53%, **granted**.

**2017-DV3-025; 429 East Morris Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a four-unit dwelling into two units, on a 3,141-square foot lot with 30 feet of frontage, and to provide for a one-foot west side setback for the accessory garage and to legally establish a three-foot front setback required; clear sight triangle of the abutting street and alley, and to provide for an open space of 29%, **granted**.

**2017-HOV-021; 346 Sanders Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 49%; **granted**.

**2016-DV3-027; 325 Sanders Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with six feet between primary building, and with a 12-foot front setback; **granted**.

(Continued)

**STAFF REPORT 2022-DV1-047 (Continued)**

**2011-CZN-828 / 2011-CVR-828; 436 Sanders Street**, requested the rezoning of 0.1 acre from the C-5 District to the D-8 classification to provide for multi-family uses and a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a four-unit multifamily building with a 2.7-foot west side yard, with a zero-foot setback along East Street, with a three-foot encroachment into the right-of-way of Sanders Street, with zero parking spaces, and being within the clear sight triangles of East and Sanders Street; **granted and approved**.

**2002-UV1-032; 403 East Morris Street**, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a two-unit dwelling; **granted**.

**96-Z-113; 382 East Morris Street, 1104 South East Street**, requested the rezoning of 2.148 acres from D-5 and D-8 to C-3 to provide for a restaurant, gasoline station, check cashing and video store; **approved**.

GLH

\*\*\*\*\*



(Continued)



## MORRIS RENOVATION

409 EAST MORRIS ST  
INDIANAPOLIS, IN 46225



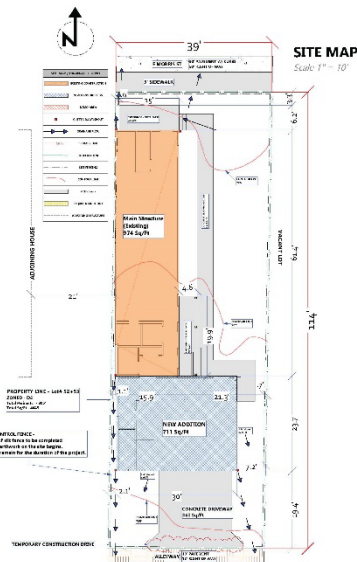
### SQUARE FOOTAGE TABLE

## STRUCTURAL FOOTPRINT

[illegible]

**TOTAL SITE SQUARE FOOTAGE**

**40% (90% Open Space) / Locating 20% (5-8% Open Space)**



**NOTES** - PROPERTY IS PREDOMINATELY LEVEL ( ±1')

**DRAINAGE NOTES**

Property is predominately level W/  $\pm 1'$  elevation change throughout the property  
New structure will be back-filled to create positive drainage  
Entirety of site to be graded to promote positive drainage as shown  
Temporary construction drive to be established in the South of property (See drainage map)  
Concrete wash-out basin to be provided onsite during all flatwork / foundation installation

### LAYOUT NOTES

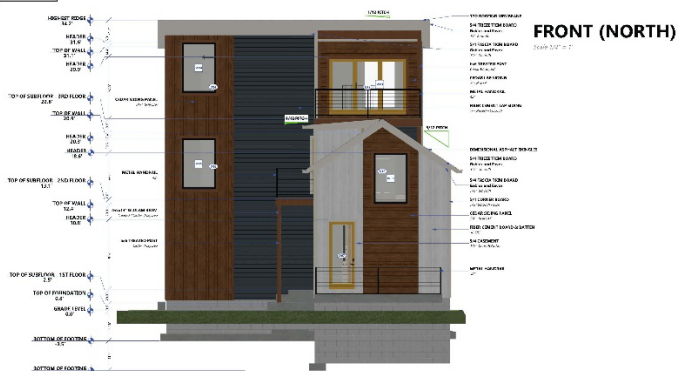
All exterior dimensions are to 7/16" OSB sheathing to Property Line / Setback Line  
 All interior dimensions are to wall framing  
 All opening dimensions are to rough opening or center line  
 All exterior / interior walls are framed using 2x4 or 2x6 dimensional Lumber at 16" OC unless otherwise noted

(Continued)



## 2022-DV1-047; Elevations

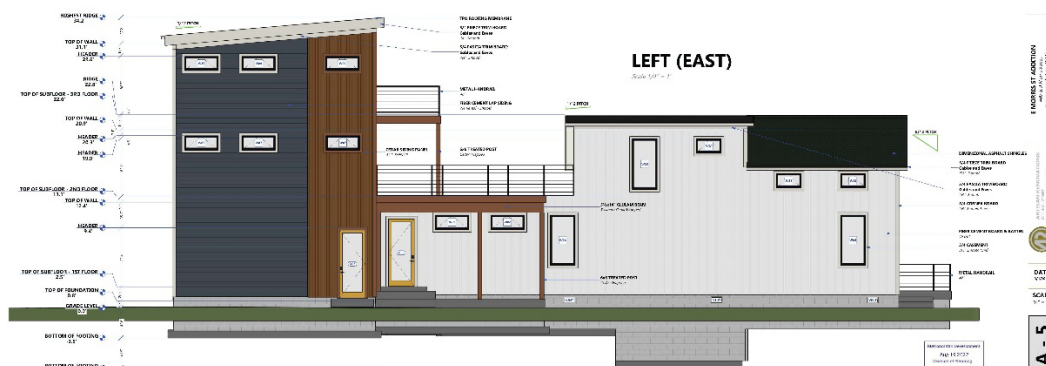
**A - 5** ELEVATIONS A



BENCH CHARTER									
MEMBER NAME	DET	AGE	HEIGHT	WEIGHT	HAIR	COLORED	TEETH	SCARS	REMARKS
001	001	25	5'10"	175	BROWN	BROWN	WHITE	NO	NO
002	002	28	5'8"	160	BROWN	BROWN	WHITE	NO	NO
003	003	30	5'12"	180	BROWN	BROWN	WHITE	NO	NO
004	004	22	5'6"	150	BROWN	BROWN	WHITE	NO	NO
005	005	27	5'9"	165	BROWN	BROWN	WHITE	NO	NO
006	006	29	5'11"	170	BROWN	BROWN	WHITE	NO	NO
007	007	26	5'7"	155	BROWN	BROWN	WHITE	NO	NO
008	008	31	5'13"	185	BROWN	BROWN	WHITE	NO	NO
009	009	24	5'5"	145	BROWN	BROWN	WHITE	NO	NO
010	010	23	5'4"	140	BROWN	BROWN	WHITE	NO	NO
011	011	25	5'6"	150	BROWN	BROWN	WHITE	NO	NO
012	012	27	5'8"	160	BROWN	BROWN	WHITE	NO	NO
013	013	29	5'10"	170	BROWN	BROWN	WHITE	NO	NO
014	014	31	5'12"	180	BROWN	BROWN	WHITE	NO	NO
015	015	26	5'7"	155	BROWN	BROWN	WHITE	NO	NO
016	016	28	5'9"	165	BROWN	BROWN	WHITE	NO	NO
017	017	30	5'11"	175	BROWN	BROWN	WHITE	NO	NO
018	018	24	5'5"	145	BROWN	BROWN	WHITE	NO	NO
019	019	23	5'4"	140	BROWN	BROWN	WHITE	NO	NO
020	020	25	5'6"	150	BROWN	BROWN	WHITE	NO	NO
021	021	27	5'8"	160	BROWN	BROWN	WHITE	NO	NO
022	022	29	5'10"	170	BROWN	BROWN	WHITE	NO	NO
023	023	31	5'12"	180	BROWN	BROWN	WHITE	NO	NO
024	024	26	5'7"	155	BROWN	BROWN	WHITE	NO	NO
025	025	28	5'9"	165	BROWN	BROWN	WHITE	NO	NO
026	026	30	5'11"	175	BROWN	BROWN	WHITE	NO	NO
027	027	24	5'5"	145	BROWN	BROWN	WHITE	NO	NO
028	028	23	5'4"	140	BROWN	BROWN	WHITE	NO	NO
029	029	25	5'6"	150	BROWN	BROWN	WHITE	NO	NO
030	030	27	5'8"	160	BROWN	BROWN	WHITE	NO	NO
031	031	29	5'10"	170	BROWN	BROWN	WHITE	NO	NO
032	032	31	5'12"	180	BROWN	BROWN	WHITE	NO	NO
033	033	26	5'7"	155	BROWN	BROWN	WHITE	NO	NO
034	034	28	5'9"	165	BROWN	BROWN	WHITE	NO	NO
035	035	30	5'11"	175	BROWN	BROWN	WHITE	NO	NO
036	036	24	5'5"	145	BROWN	BROWN	WHITE	NO	NO
037	037	23	5'4"	140	BROWN	BROWN	WHITE	NO	NO
038	038	25	5'6"	150	BROWN	BROWN	WHITE	NO	NO
039	039	27	5'8"	160	BROWN	BROWN	WHITE	NO	NO
040	040	29	5'10"	170	BROWN	BROWN	WHITE	NO	NO
041	041	31	5'12"	180	BROWN	BROWN	WHITE	NO	NO
042	042	26	5'7"	155	BROWN	BROWN	WHITE	NO	NO
043	043	28	5'9"	165	BROWN	BROWN	WHITE	NO	NO
044	044	30	5'11"	175	BROWN	BROWN	WHITE	NO	NO
045	045	24	5'5"	145	BROWN	BROWN	WHITE	NO	NO
046	046	23	5'4"	140	BROWN	BROWN	WHITE	NO	NO

[illegible]

ELEVATIONS A



**MORRIS ST ADDITION**  
only in 1875, 1876 & 1877.

DAT  
VUE

SCAR  
7.0 =



5

A

**A - 6** ELEVATIONS B

**BACK (SOUTH)**

[illegible][illegible]

MOORE'S ST ADDITION

3

8



(Continued)

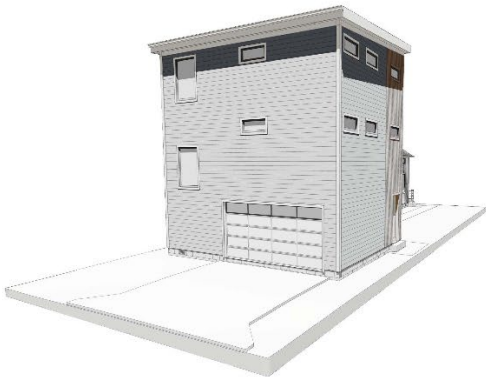
A - 7 PERSPECTIVES



FRONT / RIGHT  
Scale: 1/8" = 1'-0"



FRONT / LEFT  
Scale: 1/8" = 1'-0"



BACK / LEFT  
Scale: 1/8" = 1'-0"



BACK / RIGHT  
Scale: 1/8" = 1'-0"

2022-DV1-047; Elevations  
AUG 18 2022  
Sheet of Printing

PERSPECTIVES

DESIGNED BY ALUMINUM  
FARMWORKS, LLC & SONS

ARTIST/ARCHITECT/ENGINEER  
ALUMINUM FARMWORKS, LLC & SONS



DATE  
08/18/2022

SCALE  
1/8" = 1'-0"

A - 7

2022-DV1-047; Elevations  
AUG 18 2022  
Sheet of Printing

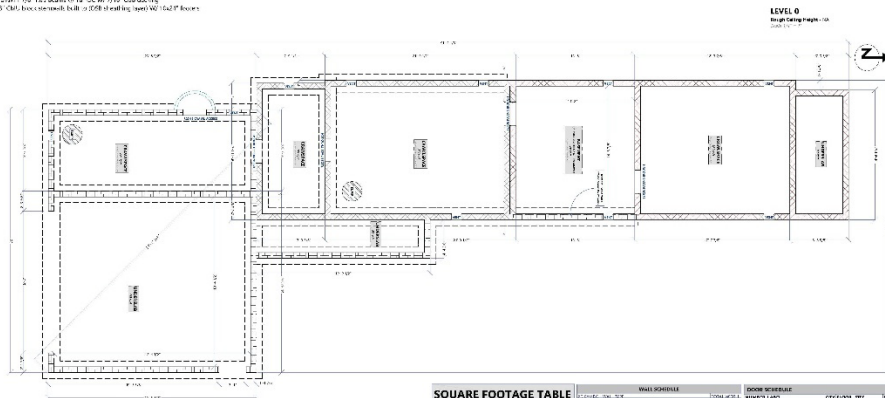
(Continued)



## 2022-DV1-047; Floor Plans

**A - 1** LEVEL 0

## LAYOUT NOTES

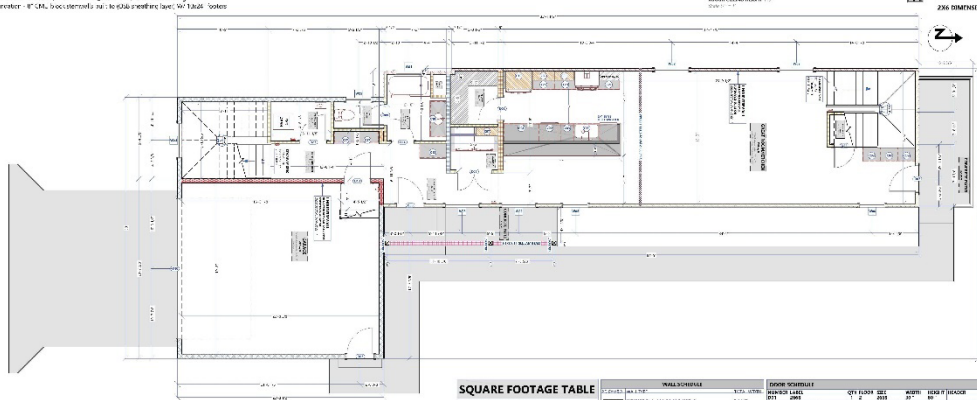
[illegible]

**LEVEL 0**  
Single Ceiling Height = 100'

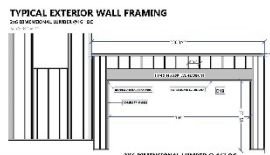
[illegible]

## A - 2 LEVEL 1

## LAYOUT NOTES

[illegible]

**LEVEL 1**  
 MONITORING AND MAINTENANCE



### TYPICAL EXTERIOR WALL FRAMING

SQUARE FOOTAGE TABLE		WALL SCHEDULE		DOOR SCHEDULE		WINDOW SCHEDULE		FLOOR FINISHES		ROOFING		CEILING FINISHES		MECHANICAL	
ITEM	DESCRIPTION	QTY	UNIT	ITEM	DESCRIPTION	QTY	UNIT	ITEM	DESCRIPTION	ITEM	DESCRIPTION	ITEM	DESCRIPTION	ITEM	DESCRIPTION
1	1" X 4" X 8" STUDS	100	LF	1	1" X 4" X 8" STUDS	100	LF	1	1" X 4" X 8" STUDS	1	1" X 4" X 8" STUDS	1	1" X 4" X 8" STUDS	1	1" X 4" X 8" STUDS
2	2" X 4" X 8" STUDS	100	LF	2	2" X 4" X 8" STUDS	100	LF	2	2" X 4" X 8" STUDS	2	2" X 4" X 8" STUDS	2	2" X 4" X 8" STUDS	2	2" X 4" X 8" STUDS
3	3" X 4" X 8" STUDS	100	LF	3	3" X 4" X 8" STUDS	100	LF	3	3" X 4" X 8" STUDS	3	3" X 4" X 8" STUDS	3	3" X 4" X 8" STUDS	3	3" X 4" X 8" STUDS
4	4" X 4" X 8" STUDS	100	LF	4	4" X 4" X 8" STUDS	100	LF	4	4" X 4" X 8" STUDS	4	4" X 4" X 8" STUDS	4	4" X 4" X 8" STUDS	4	4" X 4" X 8" STUDS
5	5" X 4" X 8" STUDS	100	LF	5	5" X 4" X 8" STUDS	100	LF	5	5" X 4" X 8" STUDS	5	5" X 4" X 8" STUDS	5	5" X 4" X 8" STUDS	5	5" X 4" X 8" STUDS
6	6" X 4" X 8" STUDS	100	LF	6	6" X 4" X 8" STUDS	100	LF	6	6" X 4" X 8" STUDS	6	6" X 4" X 8" STUDS	6	6" X 4" X 8" STUDS	6	6" X 4" X 8" STUDS
7	7" X 4" X 8" STUDS	100	LF	7	7" X 4" X 8" STUDS	100	LF	7	7" X 4" X 8" STUDS	7	7" X 4" X 8" STUDS	7	7" X 4" X 8" STUDS	7	7" X 4" X 8" STUDS
8	8" X 4" X 8" STUDS	100	LF	8	8" X 4" X 8" STUDS	100	LF	8	8" X 4" X 8" STUDS	8	8" X 4" X 8" STUDS	8	8" X 4" X 8" STUDS	8	8" X 4" X 8" STUDS
9	9" X 4" X 8" STUDS	100	LF	9	9" X 4" X 8" STUDS	100	LF	9	9" X 4" X 8" STUDS	9	9" X 4" X 8" STUDS	9	9" X 4" X 8" STUDS	9	9" X 4" X 8" STUDS
10	10" X 4" X 8" STUDS	100	LF	10	10" X 4" X 8" STUDS	100	LF	10	10" X 4" X 8" STUDS	10	10" X 4" X 8" STUDS	10	10" X 4" X 8" STUDS	10	10" X 4" X 8" STUDS
11	11" X 4" X 8" STUDS	100	LF	11	11" X 4" X 8" STUDS	100	LF	11	11" X 4" X 8" STUDS	11	11" X 4" X 8" STUDS	11	11" X 4" X 8" STUDS	11	11" X 4" X 8" STUDS
12	12" X 4" X 8" STUDS	100	LF	12	12" X 4" X 8" STUDS	100	LF	12	12" X 4" X 8" STUDS	12	12" X 4" X 8" STUDS	12	12" X 4" X 8" STUDS	12	12" X 4" X 8" STUDS
13	13" X 4" X 8" STUDS	100	LF	13	13" X 4" X 8" STUDS	100	LF	13	13" X 4" X 8" STUDS	13	13" X 4" X 8" STUDS	13	13" X 4" X 8" STUDS	13	13" X 4" X 8" STUDS
14	14" X 4" X 8" STUDS	100	LF	14	14" X 4" X 8" STUDS	100	LF	14	14" X 4" X 8" STUDS	14	14" X 4" X 8" STUDS	14	14" X 4" X 8" STUDS	14	14" X 4" X 8" STUDS
15	15" X 4" X 8" STUDS	100	LF	15	15" X 4" X 8" STUDS	100	LF	15	15" X 4" X 8" STUDS	15	15" X 4" X 8" STUDS	15	15" X 4" X 8" STUDS	15	15" X 4" X 8" STUDS
16	16" X 4" X 8" STUDS	100	LF	16	16" X 4" X 8" STUDS	100	LF	16	16" X 4" X 8" STUDS	16	16" X 4" X 8" STUDS	16	16" X 4" X 8" STUDS	16	16" X 4" X 8" STUDS
17	17" X 4" X 8" STUDS	100	LF	17	17" X 4" X 8" STUDS	100	LF	17	17" X 4" X 8" STUDS	17	17" X 4" X 8" STUDS	17	17" X 4" X 8" STUDS	17	17" X 4" X 8" STUDS
18	18" X 4" X 8" STUDS	100	LF	18	18" X 4" X 8" STUDS	100	LF	18	18" X 4" X 8" STUDS	18	18" X 4" X 8" STUDS	18	18" X 4" X 8" STUDS	18	18" X 4" X 8" STUDS
19	19" X 4" X 8" STUDS	100	LF	19	19" X 4" X 8" STUDS	100	LF	19	19" X 4" X 8" STUDS	19	19" X 4" X 8" STUDS	19	19" X 4" X 8" STUDS	19	19" X 4" X 8" STUDS
20	20" X 4" X 8" STUDS	100	LF	20	20" X 4" X 8" STUDS	100	LF	20	20" X 4" X 8" STUDS	20	20" X 4" X 8" STUDS	20	20" X 4" X 8" STUDS	20	20" X 4" X 8" STUDS
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE				TOTAL DOOR SQUARE FOOTAGE				TOTAL WINDOW SQUARE FOOTAGE				TOTAL FLOOR FINISHES SQUARE FOOTAGE			
TOTAL SITE SQUARE FOOTAGE															

(Continued)

## 2022-DV1-047; Floor Plans

## A - 3 LEVEL 2

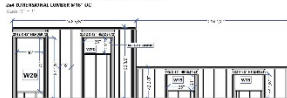
## LAYOUT NOTES

[illegible]

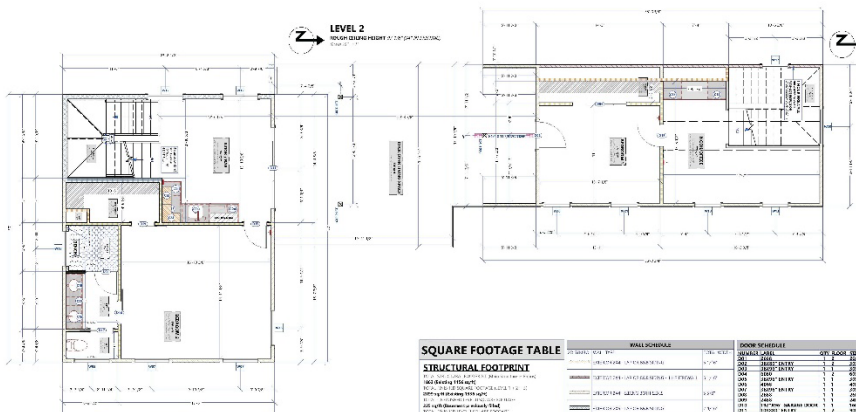
**LEVEL 2**  
**W/ AS - BUILT REFERENCE**



### TYPICAL EXTERIOR WALL FRAMING



**LEVEL 2**  
DESIGN CHAIRS HEIGHT: 42" / 106.7 CM (SEATING)



**SQUARE FOOTAGE TABLE**

## STRUCTURAL FOOTPRINT

[illegible]

## TOTAL SITE SQUARE FOOTAGE

**4th, 18th, 24th, 30th, 36th, 42nd, 48th, 54th, 60th, 66th, 72nd, 78th, 84th, 90th, 96th, 102nd, 108th, 114th, 120th, 126th, 132th, 138th, 144th, 150th, 156th, 162th, 168th, 174th, 180th, 186th, 192th, 198th, 204th, 210th, 216th, 222th, 228th, 234th, 240th, 246th, 252th, 258th, 264th, 270th, 276th, 282th, 288th, 294th, 300th, 306th, 312th, 318th, 324th, 330th, 336th, 342th, 348th, 354th, 360th, 366th, 372th, 378th, 384th, 390th, 396th, 402th, 408th, 414th, 420th, 426th, 432th, 438th, 444th, 450th, 456th, 462th, 468th, 474th, 480th, 486th, 492th, 498th, 504th, 510th, 516th, 522th, 528th, 534th, 540th, 546th, 552th, 558th, 564th, 570th, 576th, 582th, 588th, 594th, 600th, 606th, 612th, 618th, 624th, 630th, 636th, 642th, 648th, 654th, 660th, 666th, 672th, 678th, 684th, 690th, 696th, 702th, 708th, 714th, 720th, 726th, 732th, 738th, 744th, 750th, 756th, 762th, 768th, 774th, 780th, 786th, 792th, 798th, 804th, 810th, 816th, 822th, 828th, 834th, 840th, 846th, 852th, 858th, 864th, 870th, 876th, 882th, 888th, 894th, 900th, 906th, 912th, 918th, 924th, 930th, 936th, 942th, 948th, 954th, 960th, 966th, 972th, 978th, 984th, 990th, 996th, 1000th**

WALL DCHEDULE

[illegible]

## A - 4 LEVEL 3

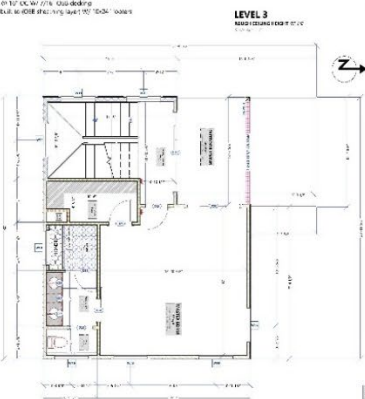
### LAYOUT NOTES

[illegible]

### TYPICAL EXTERIOR WALL FRAMING



**LEVEL 3**  
MANUFACTURING PLANT, ST. LOUIS



### SQUARE FOOTAGE TABLE

## STRUCTURAL FOOTPRINT

[illegible]

## TOTAL SITE SQUARE FOOTAGE

[illegible]

WALL SCHEDULE		
WALL LOCATION	WALL TYPE	WALL THICKNESS

[illegible]

(Continued)

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 lot width variance is necessary to remodel the existing structure and construct a new rear addition on the deficiently sized lot. The variance for west side yard will legally establish the existing 0' side yard setback. The other variances are minimal deviations and would not be inconsistent with the area given the small-lot size.

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 lot width variance is necessary to remodel the existing structure and construct a new rear addition on the deficiently sized lot. The variance for west side yard will legally establish the existing 0' side yard setback. The other variances are minimal deviations and would not be inconsistent with the area given the small-lot size.

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

variance to legally establish the 0' west side yard setback and front setback are necessary to remodel the existing structures and remaining variances are necessary given the practical difficulty presented by the small size of the lot.

**DECISION**

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

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

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

FOF-Variance DevStd

Metropolitan Development  
Aug 19 2022  
Division of Planning

01/12/06 T2

(Continued)





Photo of subject site: 409 East Morris Street



Photo looking west on Morris Street and surrounding neighborhood.

(Continued)





Photo looking east on Morris Street.



Photo looking north of subject site, with eating establishment.  
(Continued)





Photo looking west on Morris Street.



Photo looking east on Morris Street.

(Continued)





Photo of rear yard and east lot line.

## STAFF REPORT

Item 2.

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

**Case Number:** 2022-DV1-062 (Amended)  
**Address:** 1012 Olive Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5 (TOD)  
**Petitioner:** Kristen Fern  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with a zero-foot north side yard setback and a three-foot rear yard setback (three-foot side yard setback and 20-foot rear setback required) providing access from Olive Street (exclusive vehicle access from improved alley required).

This petition was previously automatically continued at the request of the petitioner, from the January 3, 2022, hearing to the February 7, 2023, hearing.

A registered neighborhood organization has filed a timely automatic continuance, **continuing this petition from the February 7, 2023, hearing, to the March 7, 2023, hearing.** This would require the Board's acknowledgement.

**January 3, 2023**

### **RECOMMENDATIONS**

Staff **recommends denial** of this petition.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-5	Single-family dwelling
-----	------------------------

##### **SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwelling
South -	C-3	Commercial development
East -	D-5	Single-family dwelling
West -	D-5	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood uses for the site.
--------------------	---

(Continued)



**DEVELOPMENT STANDARDS**

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to side and rear setbacks are intended to provide a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- ◇ Staff believes the proposed driveway with a zero-foot north side yard setback and a three-foot rear yard setback would not provide sufficient area for accessibility and maintenance and would negatively impact the adjoining properties to the north and to the west.
- ◇ No practical difficulty exists for the property, since the proposed driveway can be relocated to an area on site that meets the required Ordinance setbacks. Any practical difficulty related to the proposed driveway setbacks would be self-imposed, by the proposed location.
- ◇ This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance. The “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”
- ◇ The Department of Business and Neighborhood Services has determined that the abutting alley to the south of the property is an “improved” alley, and therefore access from Olive Avenue for an accessory parking area / driveway would not be allowed, per the Ordinance.
- ◇ The property has an existing curb cut from the alley at the southeast corner of the lot. The proposed driveway does not utilize this existing curb cut, and instead creates a new curb cut along Olive Street, reducing sidewalk access and on-street parking.
- ◇ Aerial photos indicate the property has a history of providing alley access and a driveway from the alley to a garage as recent as 2012.
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ No practical difficulty exists for the property, since the site has previously established alley access and could continue to do so, either with the existing alley access, or a new alley access, by right. Any practical difficulty related to the proposed curb cut access from Olive Street would be self-imposed, by the proposed design.

(Continued)

**GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of Olive Street is designated as a local street on the Official Thoroughfare Plan, with an existing and proposed 60-foot right-of-way.
SITE PLAN	File-dated, November 29, 2022
FINDINGS OF FACT	File-dated, November 29, 2022

**ZONING HISTORY**

**2020-DV2-040; 933 Olive Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to a single-family dwelling with seven feet between buildings, a 17-foot rear setback and 52% open space, **granted**.

**2018-HOV-006; 1134 Woodlawn Avenue (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 49%, and to legally establish an existing dwelling with a 1.33-foot west side setback, a 15-foot front setback and less than 10 feet between primary dwellings, **granted**.

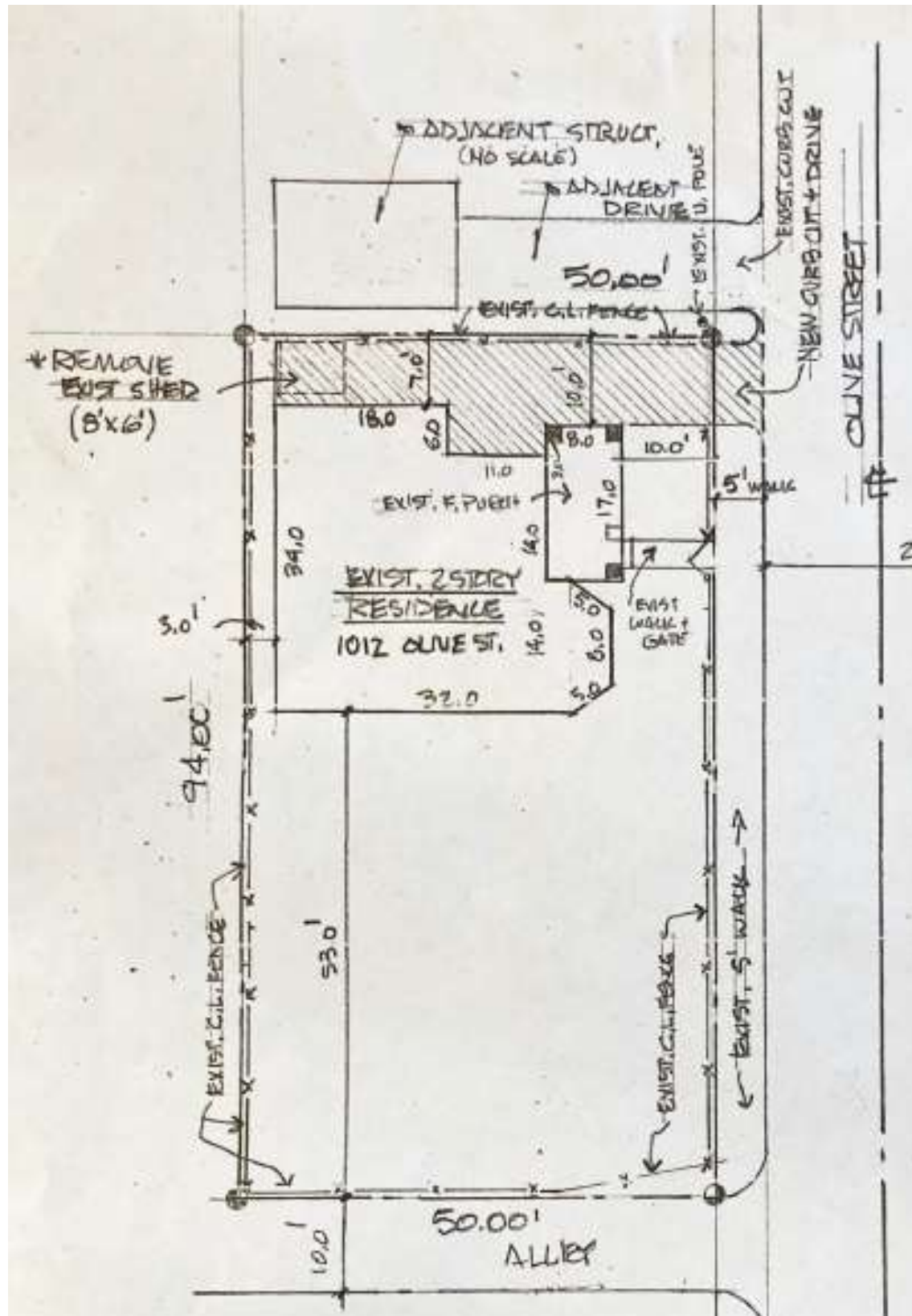
**2018-HOV-085; 1113 Woodlawn Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with 4.4 feet and 5.6 feet between dwellings, **granted**.

RU

\*\*\*\*\*

**2018-DV2-003; Location Map**









Picture 1: Subject site, looking northwest.



Picture 2: Subject site proposed driveway and curb cut location, looking west.



Picture 3: Subject site south side yard, looking west.



Picture 4: Subject site location of existing parking area with alley access, and former garage that was removed sometime after 2012, looking north.





Picture 5: Subject site location of existing curb cut from the alley, for previous driveway and garage, that was removed sometime after 2012, looking northwest.



Picture 6: Adjacent property to the east, with garage alley access, looking north.



Picture 7: Adjacent property to the north without alley access, looking northwest.



Picture 8: Adjacent commercial property to the south of subject site, looking southwest.



## STAFF REPORT

Item 3.

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

**Case Number:** 2022-UV1-027 (Amended)  
**Address:** 300 East Fall Creek Parkway North Drive (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** C-1  
**Petitioner:** Larry Eakle  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a storage garage with a zero-foot setback from 28<sup>th</sup> Street (10-foot setback require), and to legally establish an existing garage with a zero-foot setback from 28<sup>th</sup> Street.

#### **ADDENDUM FOR FEBRUARY 7, 2023**

This petition was previously continued from the October 4, 2022, hearing, to the December 6, 2022 hearing, and from the December 6, 2022 hearing to the February 7, 2023 hearing, both at the request of the petitioner to allow time to propose a relocation of the proposed storage garage and amend the request.

The petition was amended to reflect a new location at 300 East Fall Creek Parkway, but the new notices were never mailed by the petitioner. Therefore, the staff report has not been updated to reflect the amended request.

The petitioner has since **requested the petition be withdrawn**, so that it may be refiled at a later date. The withdrawal will need to be acknowledged by the Board.

#### **ADDENDUM FOR DECEMBER 6, 2022**

The petitioner has requested this petition **be continued to the February 7, 2023, hearing**, to allow additional time to propose a relocation of the proposed storage garage and amend the request. Staff has no objection to this request.

#### **October 4, 2022**

#### **ADDENDUM FOR DECEMBER 6, 2022**

This petition was continued from the October 4, 2022, hearing, to the December 6, 2022 hearing, at the request of the petitioner to allow time to propose a relocation of the proposed storage garage and amend the request.

The petitioner has requested this petition **be continued to the February 7, 2023, hearing**, to allow additional time to propose a relocation of the proposed storage garage and amend the request. Staff has no objection to this request.

(Continued)

## **STAFF REPORT 2022-UV1-027 (Continued)**

**October 4, 2022**

This petition was automatically continued by a registered neighborhood organization from the September 6, 2022, hearing, to the October 4, 2022, hearing.

### **RECOMMENDATIONS**

Staff **recommends denial** of this petition.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

C-1	Office parking lot
-----	--------------------

##### **SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwelling
South -	C-1	Office parking lot
East -	D-5	Single-family dwelling
West -	C-1	Office parking lot

<b>COMPREHENSIVE PLAN</b>	The Comprehensive Plan recommends office commercial uses for the site.
---------------------------	--

With an overlay for Red Line transit-oriented development.

#### **VARIANCE OF USE**

- ◇ The Comprehensive Plan recommends Office Commercial uses for the site. The proposed use is not permitted in the C-1 District. The request for the storage garage as a primary use would be similar to what is allowed in the C-7 District.
- ◇ The C-7 district is designed to provide for specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares where the gradual and reasonable transition from lesser commercial uses exist. Due to the intensity of the uses, the location of this district adjacent to protected districts should be avoided.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the proximity to adjacent single-family dwellings without adequate separation, this site would be over-developed and inappropriately expand uses towards an established residential district. The proposed use would not be consistent with the recommendations of the Comprehensive Plan and would be detrimental to the use and value of the surrounding residential uses.

(Continued)

## **STAFF REPORT 2022-UV1-027 (Continued)**

- ◇ There are no other C-7 uses located in the area, and, contrary to this request, this site should act as a buffer, to the protected districts to the north and east. An expansion of this magnitude would not be appropriate for this site.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship for the property, since the site is zoned C-1 and could be used by any number of uses permitted, by right, in the C-1 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for a storage garage.
- ◇ Staff does recognize the need for accessory maintenance uses, and therefore, has recommended the relocation of the proposed storage garage to the west in the adjacent parking lot. This proposed location would be adjacent to a service alley and would have a greater separation from any affected residential uses, thereby minimizing its impact. At the time of publishing, the petitioner has not agreed to this request from Staff.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request if granted, would also provide for a six-foot fence in the front yards of New Jersey Street and 28th Street.
- ◇ The Consolidated Zoning and Subdivision Zoning Ordinance restricts the height of fences in front yards throughout the County. The Ordinance limits fence height to 3.5 feet in height in front yards. The restriction on fence height is intended to preserve sight lines for vehicles and pedestrians. Fences taller than 3.5 feet in the front yard tend to be industrial in nature and create a compound aesthetic within residential neighborhoods.
- ◇ When improperly tall fences are erected adjacent to the public right-of-way, that area becomes a less desirable place for pedestrians to travel. The propagation of excessively sized fences, therefore, can have a detrimental impact on a given street or neighborhood by discouraging neighbors from walking in areas encumbered with such fences. The fence location is on a slight rise for the roadway, compounding this effect.
- ◇ In staff's opinion, the fence should be replaced with a zoning complaint fence or reduced in height to 3.5 feet to be zoning compliant, as other nearby properties are able to be complaint with.
- ◇ Failure to consult the Ordinance before installation, and/or the cost of replacing the fence are self-imposed difficulties, and not practical difficulties imposed by the Ordinance.
- ◇ As such, staff does not believe a practical difficulty has been demonstrated that necessitates a six-foot tall fence in the front yard and recommends denial of this request.

(Continued)

## **STAFF REPORT 2022-UV1-027 (Continued)**

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	<p>This portion of North New Jersey Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.</p> <p>This portion of East 28<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 35-foot existing right-of-way and a 48-foot proposed right-of-way.</p>
SITE PLAN	File-dated July 21, 2022
FINDINGS OF FACT	File-dated July 21, 2022

### **ZONING HISTORY**

**2022-UV2-003; 2802 Central Avenue (east of site)**, requested a variance of use to provide for a dog grooming business, **granted**.

**2020-DV1-069; 412 East 28<sup>th</sup> Street (east of site)**, requested a variance of use and development standards to provide for a single-family dwelling with an attached garage with a 10-foot front setback, eight-foot rear setback, 47% open space and with a slight encroachment within the clear sight triangle, **granted**.

**2019-ZON-019; 2916 Central Avenue (north of site)**, requested the rezoning of 0.12 acre from C-1 District to the D-5 classification, **approval**.

**2019-ZON-023; 420 and 422 East 28<sup>th</sup> Street (west of site)**, requested the rezoning of 0.08 acre from the C-1 district to the D-8 classification, **approved**.

**2015-ZON-097; 315 East 28<sup>th</sup> Street (west of site)**, requested the rezoning of 0.08 acre from the C-1 district to the D-8 classification, **approved**.

**2015-CZN-838 / 2015-CVR-838 / 2015-CVC-838; 501 Fall Creek Parkway North Drive (east of site)**, requested the rezoning of 0.79 acre from the C-1 and C-4 districts to the C-3C district to provide for commercial and residential development, **approved**; a variance of .one mixed-use building and one apartment building, with ten-foot front setbacks along Central Avenue; two apartment buildings, with twenty-foot front setbacks along Central Avenue; a parking lot with a six-foot front setback along Central Avenue; a parking lot with ten-foot front transitional setbacks from 29th Street and Ruckle Street; with a dumpster located in front of the established front setback line along Ruckle Avenue; with 160 parking spaces; with a building height of 59 feet for the mixed-use building and one apartment building and a building height of 50 feet for two apartment buildings; and to provide for a zero-foot east side transitional yard, **granted**; and to provide for the vacation of 28th Street, from Central Avenue, to Ruckle Street, with a waiver of the assessment of benefits: the vacation of part of the north-south alley, east of Central Avenue and west of Ruckle Street, with a waiver of the assessment of benefits; and a vacation of part of the north-south alley, east of Central Avenue and west of Ruckle Street, with a waiver of the assessment of benefits, **granted**.

(Continued)

**STAFF REPORT 2022-UV1-027 (Continued)**

**2014-ZON-054; 510 East Fall Creek Parkway, North Drive; 2819, 2821, 2825, 2829, 2837, 2841, 2845, 2917, 2925, 2927, 2931, 2935, 2941 Central Avenue and 2802, 2806, 2810, 2822, 2826, 2834, 2838 and 2844 Ruckle Street; 512 and 518 East 28<sup>th</sup> Street; 507 and 508 East 29<sup>th</sup> Street (east of site),** requested a rezoning of 4.95 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts, **approved.**

**2008-ZON-075; 2848 and 2852 North Central Avenue (north of site),** requested a rezoning of 0.2388 acre, from the C-1 District, to the D-8 classification to provide for one- and two-family dwellings, **approved.**

**2006-ZON-823/2006-VAR-823; 300 East Fall Creek Parkway North Drive (west of site),** requested the rezoning of 2.69 acres. From the PK-1 District, to the C-1 classification to provide for an off-street parking lot, **approved.** Requested a variance of use and development standards to provide for a tavern and a family restaurant use, with a 576-square foot outdoor seating area, **granted.**

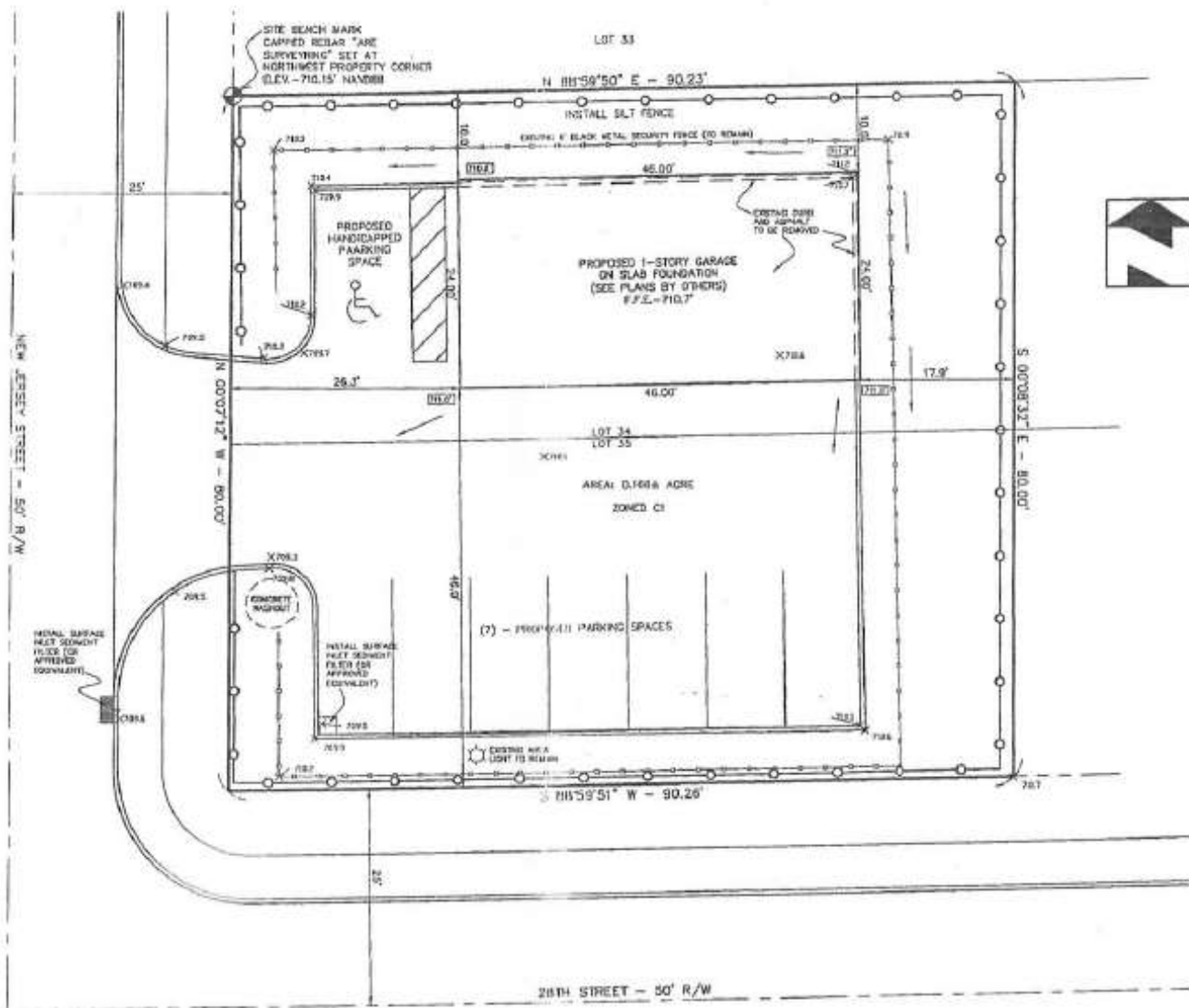
**94-Z-15 / 94-CV-2; 302 East Fall Creek Parkway North Drive (includes subject site),** requested the rezoning of 2.58 acres, being in the D-5 and D-7 Districts, to the C-1 classification to provide for office uses, and a variance of development standards of the Commercial Zoning Ordinance to permit the reduction of side and rear transitional yards to 10 feet, and the reduction of the front yard setback along East 28th Street to 6 feet, **approved.**

RU

\*\*\*\*\*

### 2022-UV1-027; Location Map









Subject site, looking east



Subject site, looking north





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



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



Adjacent parking lot to the west, where Staff proposes relocating the storage garage.



Adjacent parking lot to the south.



Adjacent office building to the southwest.

## STAFF REPORT

Item 4.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2022-SE1-002  
**Address:** 9140 East McGregor Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** D-A  
**Petitioner:** Shalom Christian Church, by Jonathan L Albright Jr.  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses and a modification of development standards to allow for the construction of a religious use facility, parking lot and related accessory structures with a 22-foot western side yard and rear yard (minimum 30-foot side yard setback, 75-foot rear yard setback required).

This petition was previously continued for cause at the request of the petitioner, from the December 6, 2022, hearing to the February 7, 2023, hearing.

A registered neighborhood organization has filed a timely automatic continuance, **continuing this petition from the February 7, 2023 hearing, to the March 7, 2023 hearing.** This would require the Board's acknowledgement.

RU

\*\*\*\*\*

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

**Case Number:** 2022-DV1-063  
**Address:** 114 East 49<sup>th</sup> Street (4901 North Pennsylvania Street Parcel Address)  
(approximate address)  
**Location:** Washington Township, Council District #7  
**Zoning:** C-3 (MSPC)  
**Petitioner:** Patachou, Inc., by Jonathan W. Hughes  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the enlargement of an outdoor sidewalk care area from 777 square feet to 1,142 square feet (not permitted), with a permanent awning.

This petition was automatically continued by a registered neighborhood organization from the January 3, 2023 hearing to the February 7, 2023 hearing.

A timely automatic continuance request was submitted by the petitioner **continuing this matter from the February 7, 2023 hearing to the March 7, 2023 hearing**. This would require the Board's acknowledgement.

MI

\*\*\*\*\*



## STAFF REPORT

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

**Case Number:** 2023-UV1-001  
**Address:** 1344 South Belmont Avenue (approximate address)  
**Location:** Wayne Township, Council District #16  
**Zoning:** C-3  
**Petitioner:** Kewin Martinez, by Sarah Walters  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a triplex within an existing building.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

C-3	Compact	Residential
-----	---------	-------------

##### SURROUNDING ZONING AND LAND USE

North	C-3	Undeveloped Lot
South	C-3	Residential (Fourplex)
East	C-1	Residential (One and Two-family dwellings)
West	D-5	Residential (One-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 5 to 8 units per acre development.
--------------------	--

- ◇ The 0.08-acre subject site is developed with a two-story residential dwelling. It was originally constructed in 1900 as noted in the Assessor's Property Card.
- ◇ The surrounding area consists of range of housing types with single-family, two-family, and a four-plex.

#### **VARIANCE OF USE**

- ◇ The grant of this petition would allow a triplex to be located within the C-3 commercial zoning district.

(Continued)

**STAFF REPORT 2023-UV1-001 (Continued)**

- ◇ The C-3 district is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size.
- ◇ Per Table 743-1: Use Table, a triplex is only permitted in the C-3 zoning district if the existing building were vacant for a period of five consecutive years and if it complied with any use-specific standards. However, documentation was not submitted to support this exception. Therefore, a variance of use was requested.
- ◇ As it exists, the property would have a density of 12.5 units per acre if a single-family were proposed, which is greater than the five to eight unit per acre recommended. For this reason, staff does not find that the total of three units would be concerning since a single unit wouldn't meet the five to eight units per acre development recommendation.
- ◇ However, Staff determined that the use of a triplex would not be out of character with the surrounding area since it would align with the residential development recommendation of the Comprehensive Plan and would continue to promote the wide range of housing types already present in the immediate area.
- ◇ The petitioner's findings of fact note that "the triplex has existed as is since the 1970s". Although staff was unable to find any records to support this statement staff found the request to be supportable since staff would have supported a proposal for a multi-family dwelling if the site had been zoned D-5.
- ◇ There is a fence on site that might exceed the height limitation of a privacy fence in the front yard, but that would need to be addressed through another variance request or reduced in height to 3.5 feet tall in order to be in compliance.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

South Belmont Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 47-foot existing right-of-way and a 56-foot proposed right-of-way.

**SITE PLAN**

File-dated December 8, 2022.

**FINDINGS OF FACT**

File-dated December 8, 2022.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None

**PREVIOUS CASES**

None

(Continued)

**STAFF REPORT 2023-UV1-001 (Continued)****ZONING HISTORY – VICINITY**

**2021-CZN-826 / 2021-CVR-826; 1329 South Belmont Avenue** (northeast of site), Rezoning of 0.10 acre from the C-1 district to the D-5 district and variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling (not permitted) with 52% open space and five feet between dwellings (60% open space and 10-foot separation required), **approved and granted.**

**2009-LNU-036; 1346 South Belmont Avenue** (south of site), Certificate of legal non-conforming use for a four-unit residential building, **approved.**

**2008-LNU-026; 1302 South Belmont** (north of site), Certificate of legal non-conforming use for a three-unit residential building, **approved.**

**2008-LNU-012; 1337 South Belmont Avenue** (northeast of site), Certificate of legal non-conforming use for a four-unit residential building, **approved**

**2007-UV1-028A; 1358 South Kappes Street** (southeast of site), Variance of Use of the Commercial Zoning Ordinance to legally establish a single-family dwelling (not permitted), **granted.**

**2007-UV1-028B; 1358 South Kappes Street** (southeast of site), Variance of Use and Development Standards of the Commercial Zoning Ordinance to legally establish a 624-square foot detached garage accessory to a single-family dwelling use (not permitted), with a four-foot south side setback (minimum ten-foot south side setback required), and a nine-foot rear setback (minimum ten-foot rear setback required), **granted.**

**2000-HOV-017; 1330 South Belmont Avenue** (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish an existing single-family dwelling (not permitted), with 36 feet of street frontage (minimum 50-feet of street frontage required), and with a 3.5-foot and six-foot side yard setback (minimum 10-foot side yard setback required) and to provide for the construction of a 24 by 40-foot attached garage, with a two-foot side yard setback (minimum 10-foot side transitional yard required), and creating an accessory use are of 1,185-square feet or ten percent of the total gross floor area of the primary building (maximum 195-square feet or ten percent of the total gross floor area of the primary building permitted), **granted.**

**2000-UV2-019; 1330 South Belmont Avenue** (north of site), Variance of use of the Commercial Zoning Ordinance to legally establish a single-family dwelling and construction of a 24 by 40-foot garage, **withdrawn.**

**95-V3-90; 1305 South Hiatt Street** (northeast of site), Variance of development standards to provide for an eight-foot-tall privacy fence along the south property line, **denied.**

**73-UV3-4; 1334-1338 South Belmont Avenue** (north of site), Variance of use to provide for an auto repair shop in an existing detached garage and a pole sign, **granted.**

MI

\*\*\*\*\*

**2023-UV1-001; Location Map**



**2023-UV1-001; Aerial Map**





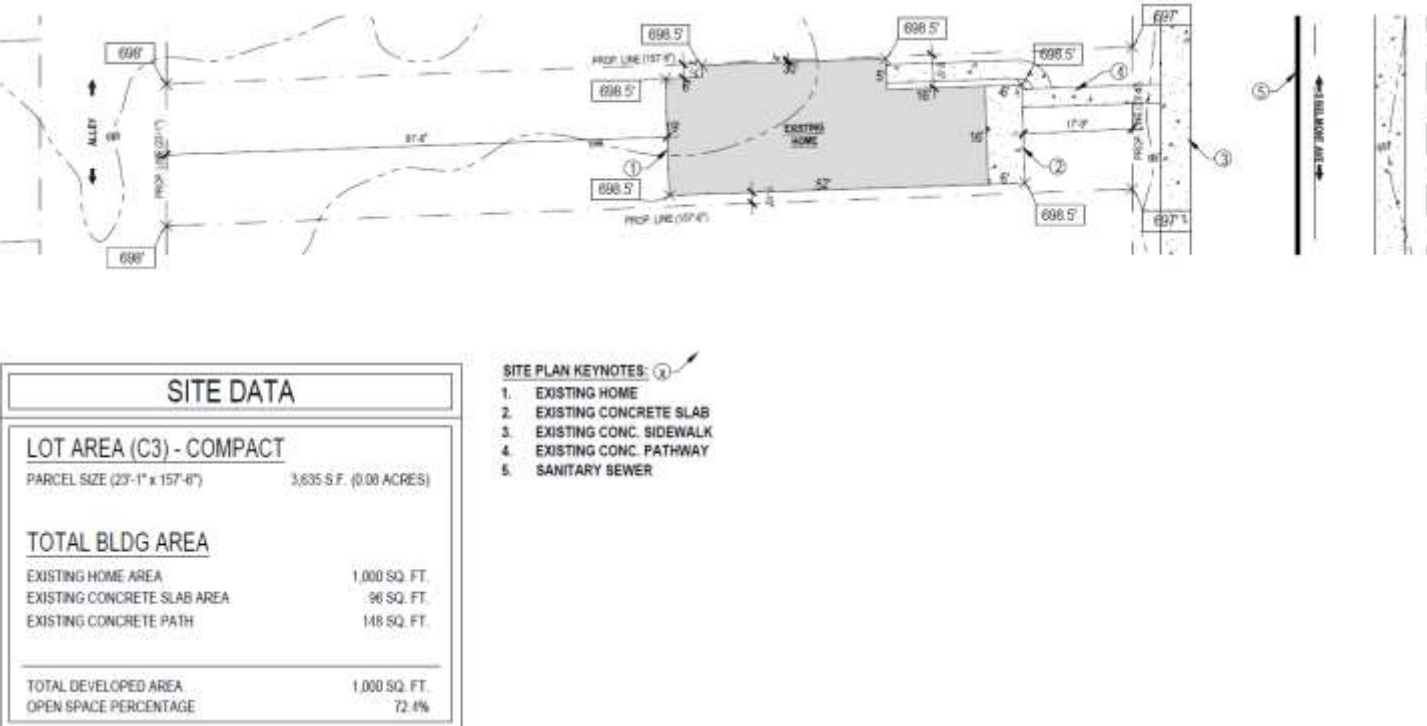
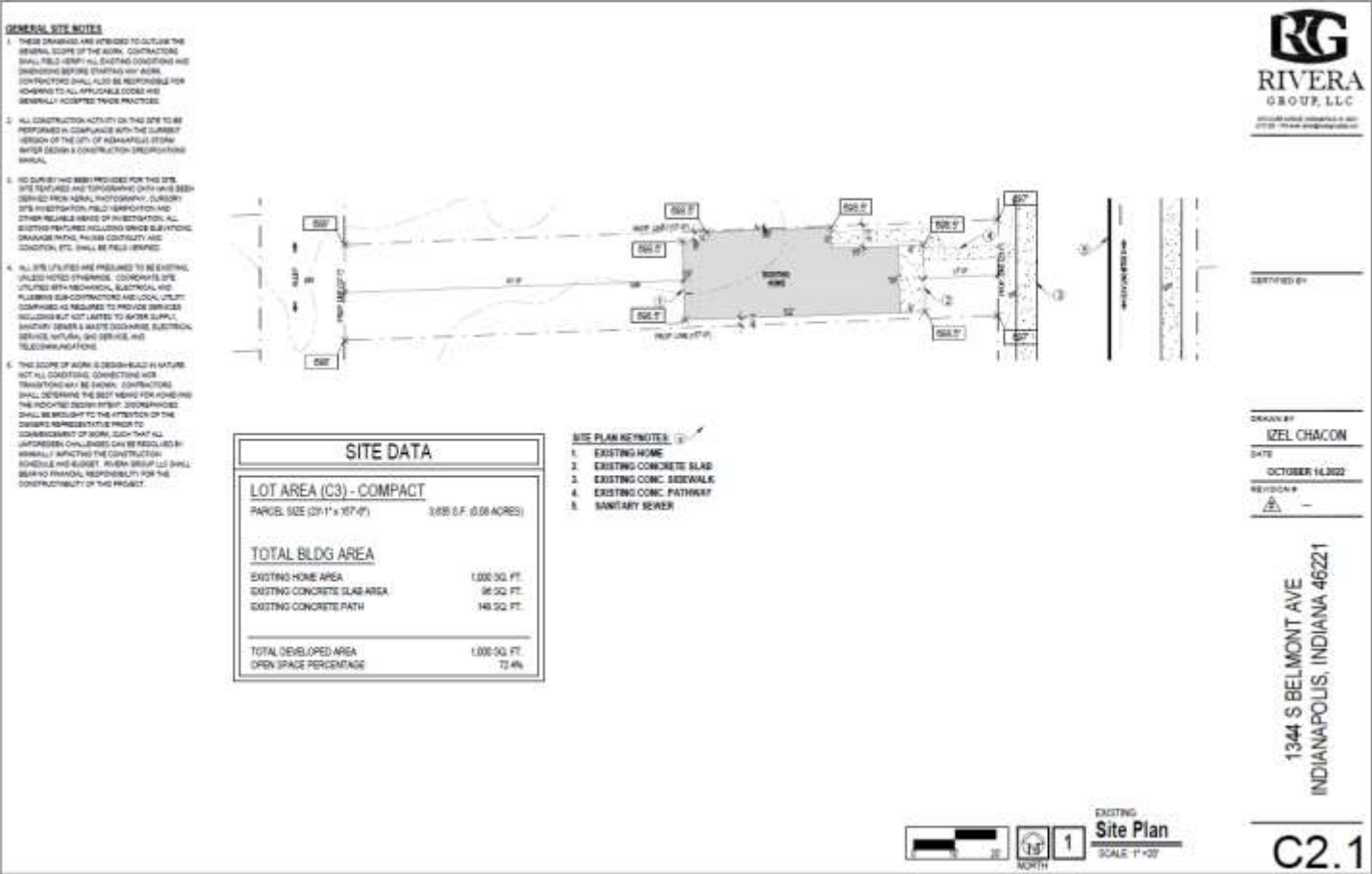






Photo of the Subject Property: 1344 South Belmont Avenue



Photo of the Subject Property: 1344 South Belmont Avenue





Photo of the fourplex and duplexes south of the subject site.



Photo of the duplex and single-family dwelling east of the subject site.

## STAFF REPORT

Item 7.

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

**Case Number:** 2023-UV1-002  
**Address:** 1090 West 23<sup>rd</sup> Street (approximate address)  
**Location:** Center Township, Council District #11  
**Zoning:** I-3 (W-5)  
**Petitioner:** BB's Home Away From Home, by Joseph Lese  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a daycare facility as a primary use (not permitted).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

Compact	I-3	Vacant religious use structure
---------	-----	--------------------------------

##### SURROUNDING ZONING AND LAND USE

North -	I-3	Industrial uses
South -	I-3	Industrial uses
East -	I-3	Single-family dwellings / Commercial liquor store
West -	I-3	Industrial uses

**COMPREHENSIVE PLAN**      The Comprehensive Plan recommends Light Industrial uses.

#### **VARIANCE OF USE**

- ◇ The request would provide for the operation of a daycare facility as a primary use, in an existing religious use building previously granted by variance (2000-UV1-037).
- ◇ Although the proposed use is not consistent with the Comprehensive Plan's recommendation for light industrial uses, it would be adjacent to single-family dwellings to the east. Typically, daycare facilities would have less of an impact on the adjacent single-family residential development in regard to traffic and hours of operation, than light industrial uses as proposed by the Comprehensive plan. Therefore, the request would represent an acceptable deviation from the Plan.
- ◇ In Staff's opinion, the proposed use would not be out of character with surrounding uses and would have no negative impact on adjacent properties.

(Continued)

**GENERAL INFORMATION**

THOROUGHFARE PLAN

This portion of West 23<sup>rd</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 35-foot existing right-of-way and a 48-foot proposed right-of-way.

This portion of Burdsal Parkway is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 75-foot existing and proposed right-of-way.

SITE PLAN

File-dated December 14, 2022.

PLAN OF OPERATION

File-dated January 17, 0223.

FINDINGS OF FACT

File-dated December 14, 2022.

**ZONING HISTORY**

**2006-ZON-828; 1104 Burdsal Parkway and 2413, 2417, 2421, 2425, 2433, 2439, 2443 and 2447 Bond Street (north of site)**, requested the rezoning of 1.06 acres, from the D-5 (W-1) (W-5) and I-3-U (W-1) (W-5) Districts, to the SU-1 classification to provide for religious uses, **granted**.

**2000-UV1-037; 2200 Montcalm Street (subject site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for a church and community center, and for the construction of a 5,376-square foot building with a zero-foot setback from Montcalm Street, **granted**.

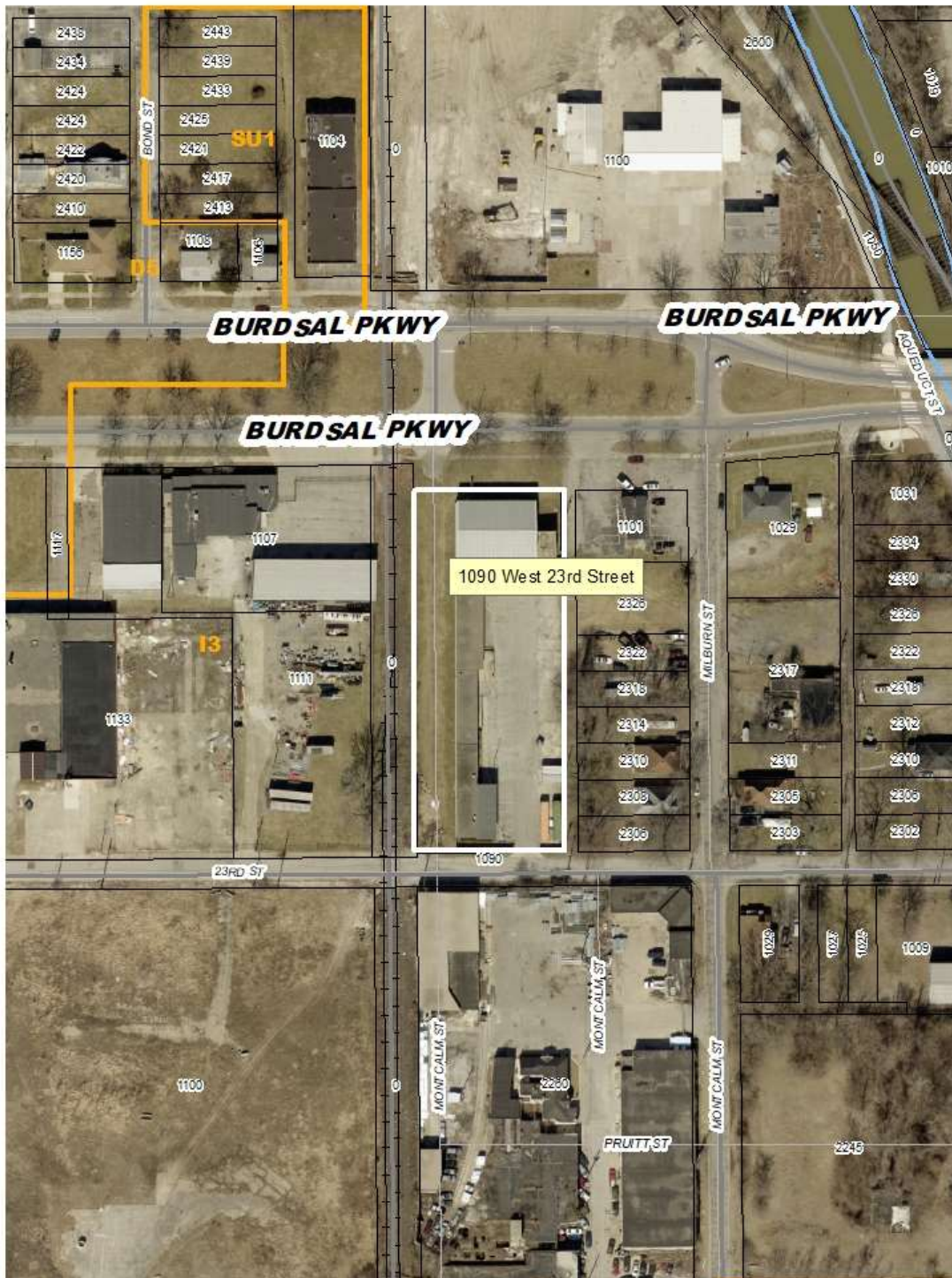
**99-UV1-45; 2337 North Milburn (west of site)**, requested a variance of use to legally establish an existing church, **granted**.

RU

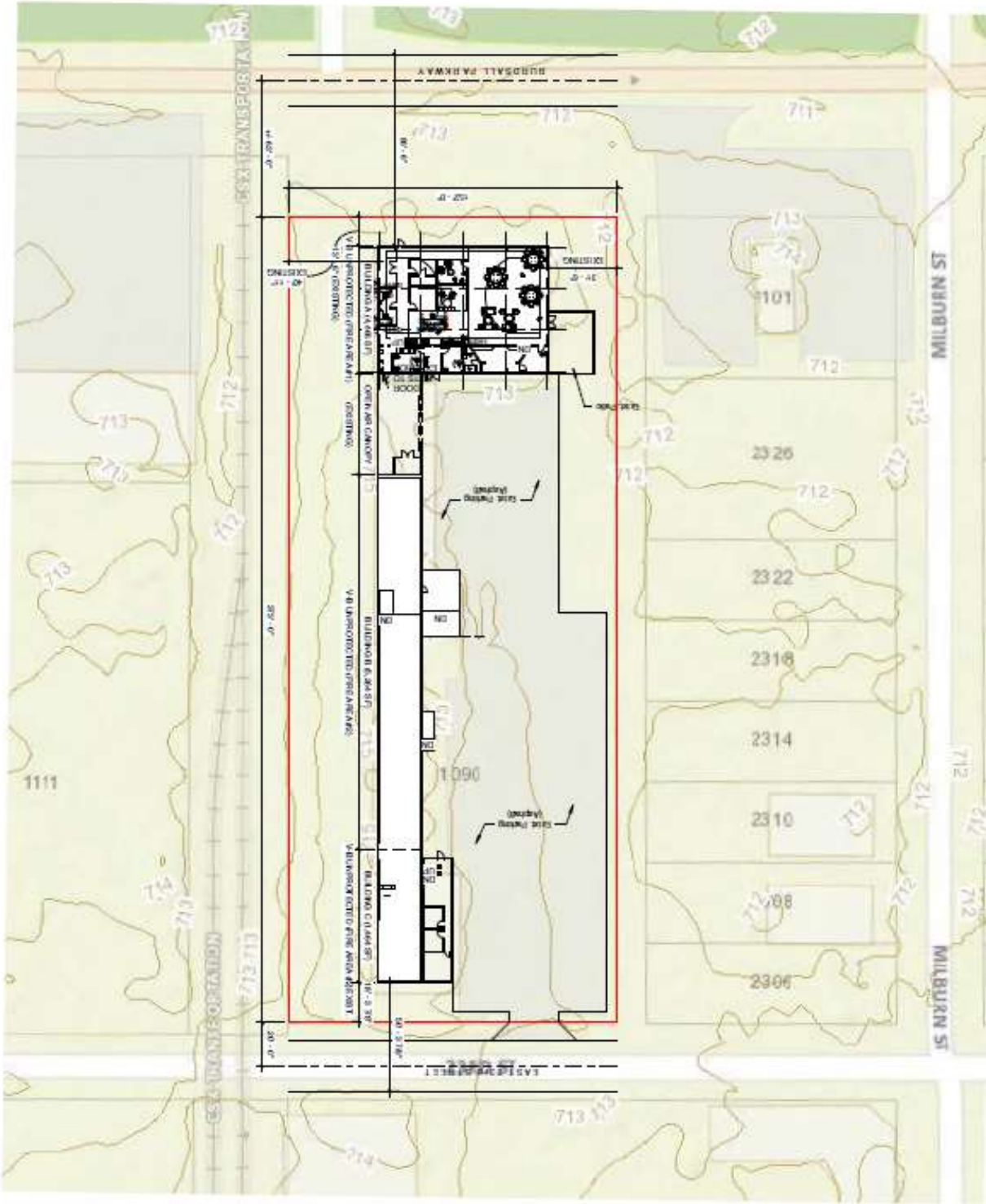
\*\*\*\*\*



**2023-UV1-002: Location Map**







BB's Adult Day Care – Plan of Operation

Workforce.

- There will be about 10 employees on site daily. Medicaid has a ratio of 1 to 7 so we will have at least one employee per 7 clients. Hours of operation are 8am-5pm. Employees are responsible for their own transportation to and from work. There is a parking lot available for use onsite. There is a security system and cameras 24/7.

Clients & Customers.

- clients are seniors, ages 55 and above. Clients will come to the site, Monday through Friday 8-5. We can hold 45 clients in the gymnasium area. We provide structured activities to seniors on a day to day basis in a safe environment. We provide breakfast, lunch, and snacks throughout the day. We assist with activities of daily living such as assistance with toileting, transferring, etc. there will be a reception at the front door at all time to greet clients and ensure they are signed in and accounted for at all times The parking lot will be closely monitored by the camera systems. Monitors will be located at the reception desk and also in the back office. There will be activities outside if weather permits such as gardening, painting outside, etc. if a client drives, they will park closest to the building.

Materials Used.

Material used: Cleaning supplies and Disinfectant These materials will be used to sanitize bathrooms and floors and common areas. All cleaning supplies, and disinfectants will be stored in a locked storage room.

Tables, chairs, gloves, briefs/adult diapers, arts & crafts.

No hazardous materials will be generated.

Shipping & Receiving:

Materials are brought to the facility in either the company or mid size cars of the office staff. Materials should be brought before or after business hours only. Stocking of materials should occur once a week. There should not be any shipping.

Waste:

Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees.

Four trash barrels with lids and bags on site. Trash will be removed at the end of the shift daily. We will have a recycling program - clean paper, cardboard, and plastics. we will have a recycling dumpster for the program.



Subject site looking northwest from West 23<sup>rd</sup> Street.



Subject site looking south from Burdsal Parkway





Adjacent industrial use to the west, looking north.



Adjacent single-family dwellings to the east, looking northwest.



## STAFF REPORT

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

**Case Number:** 2023-UV1-003  
**Address:** 2962 North Delaware Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** D-5 (TOD)  
**Petitioner:** Jeffrey & Michelle Shukhman, by Jeffrey S. Jacob, Esq.  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow for a triplex within an existing building (not permitted) and legally establish its zero-foot northern corner side yard setback (eight-foot corner side yard setback required) and zero-foot south side yard setback (five-foot side yard setback required).

### RECOMMENDATIONS

Staff recommends **approval** of the petition.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

Compact area	D-5	Triplex dwellings
--------------	-----	-------------------

##### SURROUNDING ZONING AND LAND USE

North -	D-5	Two-family dwellings
South -	D-5	Single-family dwelling
East -	C-3	Commercial restaurant
West -	D-5	Fourplex dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 8-15 residential units per acre for the subject site.
--------------------	---

### VARIANCE OF USE

- ◇ According to historic Sanborn aerial maps, the subject site was originally developed as a duplex in 1920. Aerial photos, indicate the duplex was converted into a triplex within the existing building with the addition of a third entrance, sometime prior to 1986.
- ◇ The Comprehensive Plan recommendation of 8-15 residential units per acre, is a legacy recommendation from a previous neighborhood plan, and is similar to the current Traditional Neighborhood recommendation.
- ◇ The Traditional Neighborhood plan recommendation allows for attached housing (triplexes included). It recommends the proposed housing to be located around neighborhood collector and arterial streets, which this portion of North Delaware Street is classified as.

(Continued)

## **STAFF REPORT 2023-UV1-003 (Continued)**

- ◇ The Comprehensive Plan also recommends that attached housing (not part of a complex), may be interspersed with single-family homes, but should not make up more than 25% of the primary residential structures on the block. In addition, the site layouts should be similar in site and building orientation as the surrounding single-family homes.
- ◇ The triplex within the existing building has three units, and similar site and building orientation as other single-family dwellings in the area, including a front porch, and covered porches over the entrances.
- ◇ For these reasons, the deviation from the Ordinance would be minor and supportable, in Staff's opinion.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would legally establish a zero-foot northern corner side yard setback, and a zero-foot south side yard setback as originally developed in 1920 with the existing building.
- ◇ The reduced setbacks have existed as-is on site since prior to April of 1969, and are considered legally non-conforming. There is no record of their deviation having a negative impact on any adjacent properties. Therefore, the requested deviation would be acceptable.

## **GENERAL INFORMATION**

### THOROUGHFARE PLAN

This portion of North Delaware Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 60-foot existing and proposed right-of-way.

This portion of East 30<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 56-foot existing right-of-way, and a 78-foot proposed right-of-way.

### SITE PLAN

File-dated January 12, 2023.

### FINDINGS OF FACT

File-dated December 22, 2022.

## **ZONING HISTORY**

**2022-DV2-016; 2932 North New Jersey Street (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family detached dwelling with a nine-foot front setback along New Jersey Street, a five-foot corner side setback along Trenton Street, with a five-foot rear setback, within the clear-sight triangle and with a front-loaded garage, **granted**.

(Continued)

**STAFF REPORT 2023-UV1-003 (Continued)**

**2021-DV2-055; 2958 Washington Boulevard (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with zero-foot north and south side setbacks and 35% open space, **granted**.

**2021-HOV-037; 2933 North Talbott Street (southwest of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 266-square-foot detached garage resulting in an open space of 58%, **granted**.

**2013-UV1-034; 203 East 30<sup>th</sup> Street (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a carryout restaurant, **granted**.

**2013-HOV-045; 2902 Washington Boulevard (south of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 816-square foot single-family dwelling, with 10 and 12-foot front setbacks, from 29th Street and Washington Boulevard, respectively, with the proposed front porch being within the clear-sight triangle of Washington Boulevard and 29th Street, and creating an open space of 53.9%, **granted**.

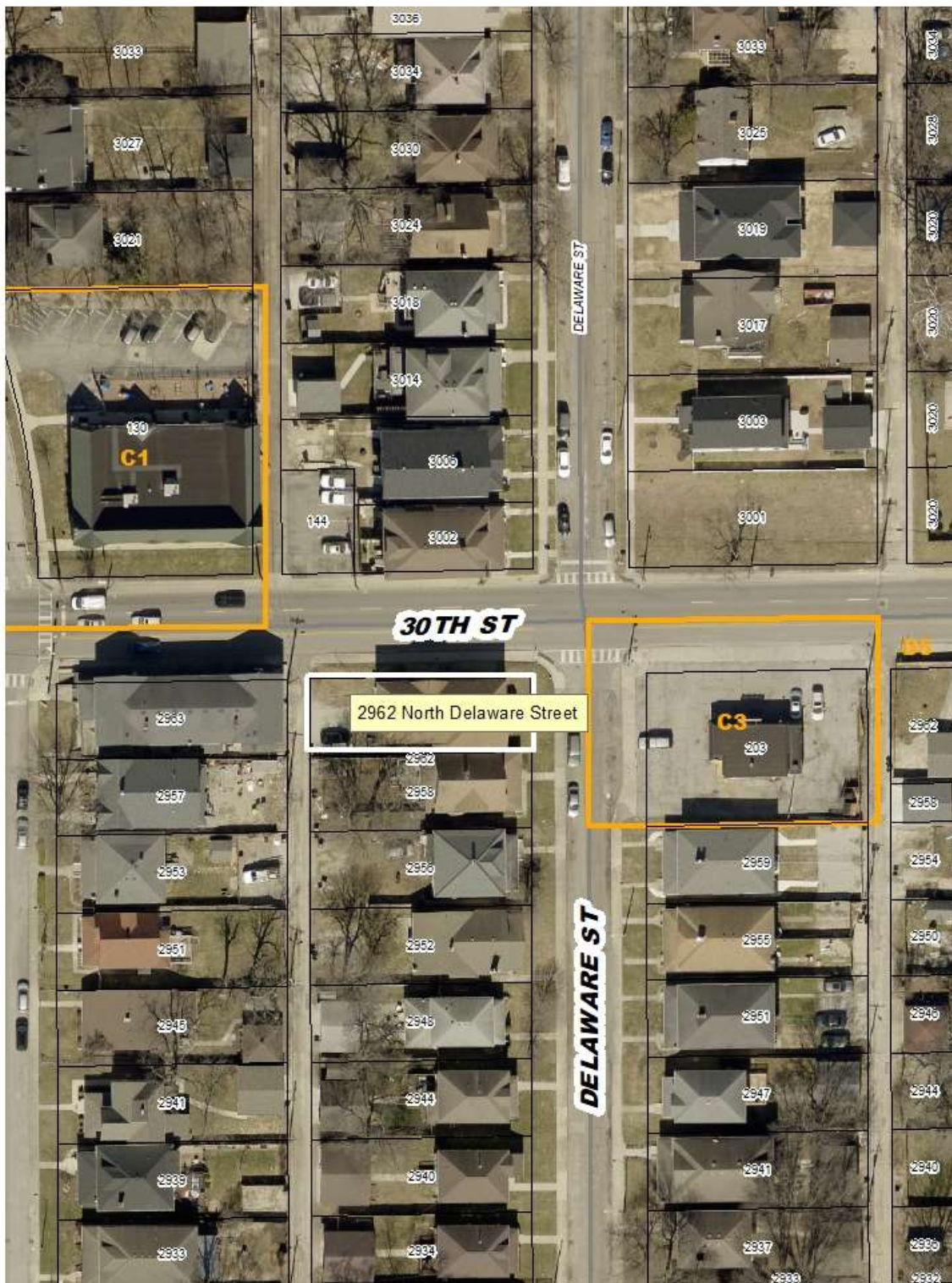
**2002-HOV-024; 2945 Washington Boulevard (east of site)**, requested a variance of development standards of the Dwelling Districts to legally establish a 12 by 24-foot detached garage located 0.5 feet from the south property line and one-foot from the rear property line, and to provide for the construction of an 18 by 24-foot addition to said garage along the rear property line, **granted**.

**75-V2-63, 3001 North Delaware Street, (north of site)**, requested a variance of development standards and flood plain requirements to permit the erection of an outside stairway and remodel the existing non-conforming twelve-unit apartment building, **granted**.

RU

\*\*\*\*\*

**2023-UV1-003: Location Map**









Subject site looking west from Delaware Street.



Subject site looking southwest from East 30<sup>th</sup> Street.



Adjacent single-family dwellings to the south, looking west.



Adjacent fourplex dwellings to the west, looking south.

## STAFF REPORT

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

**Case Number:** 2022-UV1-038  
**Address:** 4010 West 86<sup>th</sup> Street (approximate address)  
**Location:** Pike Township, Council District #1  
**Zoning:** C-1 (FF)  
**Petitioner:** UHS of Delaware, Inc., d/b/a Valle Vista Health System, by Joseph D. Calderon  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a methadone clinic, including counseling, and education, within 160 feet of a dwelling district (500 feet of separation required).

#### **ADDENDUM FOR FEBRUARY 7, 2023**

This petition was the subject of a 2-1 indecisive vote at the January 3, 2023, hearing. Should this petition result in another indecisive vote of Division I, this petition would be automatically transferred to the next regularly scheduled hearing of Division II, being February 14, 2023. No new information has been provided to Staff, therefore, Staff continues to **recommend approval** of the request.

#### **ADDENDUM FOR JANUARY 3, 2023**

This petition was continued from the December 6, 2022 hearing to the January 3, 2023 hearing of Division I, at the request of the petitioner. Staff has been made aware that interested parties intend to make a for-cause continuance request that would continue this petition two months, to the March 7, 2023, hearing. Staff continues to **recommend approval** of the request.

#### **ADDENDUM FOR DECEMBER 6, 2022**

The petitioner has requested a continuance from the December 6, 2022, hearing of Division I to the January 3, 2023, hearing of Division I. This would require a vote by the Board.

#### **ADDENDUM FOR NOVEMBER 1, 2022**

This petition was automatically continued by a registered neighborhood organization, continuing it from the November 1, 2022, hearing of Division I to the December 6, 2022, hearing of Division I.

#### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

(Continued)



**STAFF REPORT 2022-UV1-038 (Continued)****SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE****EXISTING ZONING AND LAND USE**

C-1	Metro	Commercial
-----	-------	------------

**SURROUNDING ZONING AND LAND USE**

North	C-S	Commercial
South	C-1	Commercial
East	C-1	Commercial
West	C-1	Commercial

**LAND USE PLAN**

The Marion County Land Use Plan recommends Office Commercial development.

- ◇ The subject site is 1.29 acres, located in the Boulder Gate Terrace Subdivision in the College Park neighborhood. The subject site is located at the intersection of 86<sup>th</sup> Street and Guion Road. The subject site consists of a structure with several tenant spaces, used for low intensity commercial. The surrounding neighborhood is mostly commercial, with a residential zoning district located within 160 feet of the site. However, the residential district has variances that allow for commercial uses.
- ◇ The subject site is zoned C-1 (Office Buffer District). The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

**VARIANCE OF USE AND DEVELOPMENT STANDARDS**

- ◇ The request would provide for the operation of a methadone clinic, including counseling, and education, within 160 feet of a dwelling district. Table 743-1 states that Methadone Clinics or Treatment Facilities are only permitted by Special Exception in the C-4, C-5, C-7, and CBD-2 districts. Methadone Clinics or Treatment Facilities are not permitted in the C-1 district, and therefore, a variance of use is required (as opposed to a Special Exception).

(Continued)

**STAFF REPORT 2022-UV1-038 (Continued)**

- ◇ As per Table 743-301-1, Methadone Clinics or Treatment Facilities are required to have 500 feet of separation between the following uses:

1. Dwelling district
2. Historic preservation district
3. PK-1 Park district
4. University quarter district
5. SU-1 District (church)
6. SU-2 District (school)
7. SU-37 District (library)
8. SU-38 District (community center)
9. A lot or parcel containing an elementary, junior high, or high school

To the east of the subject site, is a protected district that is zoned D-2 (Dwelling District Two); only 160 feet from the subject site. Staff considered that the existing dwelling district has commercial use variances for office use and a beauty salon. In Staff's opinion, since commercial uses are permitted within the dwelling district, the proposed commercial use would not negatively impact the nearby protected district.

- ◇ The Comprehensive Plan recommendation for the subject site is Office Commercial. The **Office Commercial** typology 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.
- ◇ Table 743-1 states that Medical or Dental Offices, Centers, or Clinics are permitted within the C-1 district. Staff finds that the proposed use would be similar to what is currently permitted at the subject site. The Plan of Operation provided, stipulates that a Diversion Control Plan and Safety Plan would be designed to promote safety for patients, employees, and the surrounding community. This would include the use of security cameras, alarm systems, and security staff. The Hours of Operation would be 5:30 am to 2:00 pm (open on Holidays), seven days a week. Security staff would be on premises during Hours of Operation.
- ◇ Staff is not aware of any other Methadone Clinics or Treatment Facilities within 10 miles of the subject site. Staff is supportive of the request, where the proposed use would not be a significant deviation from the permitted C-1 uses and Comprehensive Plan recommendation, and when the adjacent protected district is being used for non-residential uses.

(Continued)

**GENERAL INFORMATION**

**THOROUGHFARE PLAN**

86<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 135-foot existing right-of-way and a 134-foot proposed right-of-way. Guion Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with an 88-foot existing right-of-way and a 50-foot proposed right-of-way.

**SITE PLAN**

File-dated September 27, 2022.

**PLAN OF OPERATION**

File-dated September 27, 2022.

**FINDINGS OF FACT**

File-dated September 27, 2022.

**ZONING HISTORY – SITE**

EXISTING VIOLATIONS: None.

PREVIOUS CASES:

**2004-UV3-010; 4010 West 86<sup>th</sup> Street (subject site)**, requested a Variance of use of the Commercial Zoning Ordinance to provide for a beauty salon in an existing commercial office complex, **approved**.

**ZONING HISTORY – VICINITY**

**2009-UV3-005; 3904 West 86<sup>th</sup> Street**, requested a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for an office and a five-foot tall, six-square foot sign with a two-foot front setback, **approved**.

**2006-ZON-090; 3906 West 86<sup>th</sup> Street (west of site)**, rezone from D-2 (FW)(FF) to C-1 (FW)(FF) to provide for office-buffer commercial uses, **approved**.

**96-UV2-90; 3902 West 86<sup>th</sup> Street (east of site)**, requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a beauty salon within a residential structure, with a 4 by 6-foot ground sign, being zero feet from the right-of-way, in D-2(FW)(FF), **granted**.

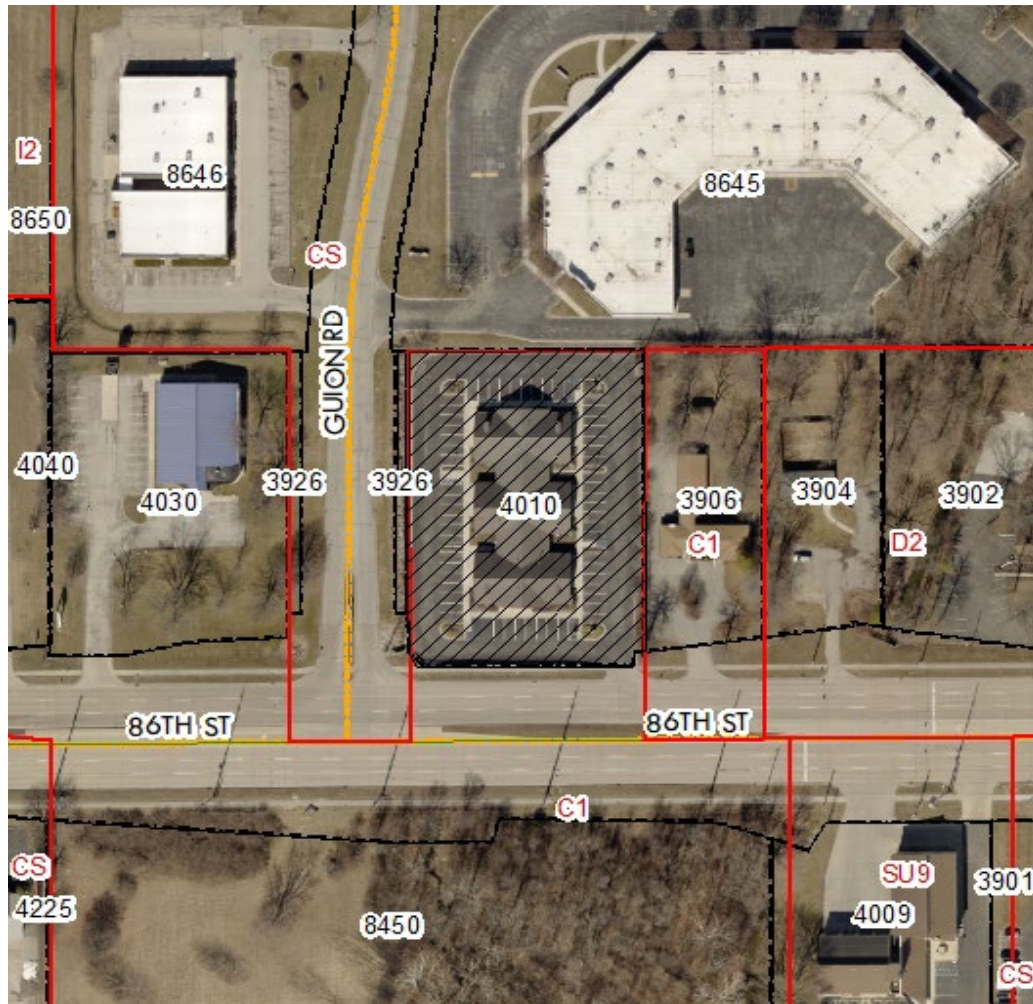
**85-HOV-82; 3901 West 86<sup>th</sup> Street (southeast of site)**, requests a Variance of Development Standards of the Commercial Zoning Ordinance to provide for a drive-through window and a driveway in the required front yard of a bank, in C-S, **granted**.

GLH

\*\*\*\*\*

(Continued)

**2022-UV1-038; Aerial Map**



(Continued)







Valle Vista Health System is part of a larger corporation, Universal Health Services (UHS), and has been providing quality addiction and behavioral health services that promote individual and community health, wellness, resiliency, and recovery since 1983 in central Indiana. Valle Vista provides inpatient and outpatient treatment to both adolescents and adults. In 2018, the organization expanded services by opening an Opioid Treatment Program in Johnson County.

Our agency's experience with this specialized service line includes the following:

1. Successful operation of a de novo clinic in the Indianapolis metropolitan area since 2018.
2. Successful annual surveys by the state and federal agencies with jurisdiction.
3. Consistent management and experienced medical, clinical, and administrative leadership, including:
  - a. Medical director with specialized training and experience in Addiction Medicine.
  - b. Clinic director with start-up experience and specialization in addiction care and healthcare administration.
  - c. Therapists, nurses, and support personnel with solid education, training, and experience in the field.
4. Robust operations support from one of the major healthcare systems in the USA.
5. Exceptional Clinical Outcomes
  - a. Treatment retention: 82.4% patients remained in treatment after 90 days
  - b. Engagement/Patient compliance with scheduled medication visits: 90%
  - c. Outcomes for patients who remained in treatment after 6 months:
    - i. 97% obtained or maintained stable housing
    - ii. 75% obtained or maintained gainful employment
    - iii. 92% remained uninvolved in new legal issues
    - iv. 91% remained in compliance with their current requirement with the judicial system
    - v. 100% remained in compliance with DCS requirements
    - vi. 86% were linked with medical care
    - vii. 99% reduced use of illegal drugs
    - viii. 74% improved their domestic relationships

#### Program Purpose and Overview

An Opioid Treatment Program is a comprehensive treatment program that incorporates the use of FDA-approved medications, in combination with counseling, to provide a "whole-patient" approach to the treatment of substance use disorders. This approach is called Medication-Assisted Treatment (MAT).

This treatment approach is associated with the following positive outcomes<sup>1</sup>:

- Improve patient survival
- Increase retention in treatment
- Reduce need for inpatient detoxification services
- Decrease illicit opiate use and other criminal activity among people with substance use disorders
- Increase patients' ability to gain and maintain employment
- Improve birth outcomes among women who have substance use disorders and are pregnant
- Contribute to lowering a person's risk of contracting HIV or Hepatitis C by reducing the potential for relapse

Opioid Treatment Programs in Indiana are highly regulated by several state and federal entities, including the Department of Mental Health and Addiction (DMHA), Drug Enforcement Agency (DEA), Board of Pharmacy, Substance Abuse and Mental Health Services Administration (SAMHSA), and The Joint Commission. Regulatory statutes and rules govern the facility's operations (See Appendix A).

#### Market Analysis

As part of the governor's mission to address the opioid epidemic in our state, the Department of Mental Health and Addiction granted Valle Vista Health System the opportunity to open an Opioid Treatment Program in Marion County.

Marion County statistics regarding opioid use and opioid-related deaths necessitate additional treatment centers in this county. The Indiana Department of Health provides annual statistics reflecting deaths caused by acute drug poisonings that involve any opioid as a contributing cause of death. In 2020, Marion County residents accounted for 510 of the state's 1,875 opioid-related deaths. That's nearly double the amount of Marion County opioid-related deaths in the prior year (293 opioid-related deaths).<sup>2</sup>

While Marion County does have two other Opioid Treatment Programs, the statistics reflect the county's need for additional treatment providers. The existing programs continue to experience an influx of patients, and alternate locations are needed to meet the need of people in the community. Many patients enrolled in treatment are employed individuals, and centrally located treatment centers are needed in order to reduce the amount of time people drive to obtain treatment.

#### Community Relations

The facility functions in accordance with its approved Community Relations Plan which details comprehensive community engagement efforts to ensure that our facility promotes a peaceful co-existence within the community, provides education/outreach on substance use disorder and medication-assisted treatment, and remains a positive resource within the community. Valle Vista Health System has a demonstrated history of commitment to the community and strong relationships with local and state regulatory entities, licensed hospitals, community mental health centers, law

<sup>1</sup> Substance Abuse and Mental Health Services Administration. (Last Updated 2022, July 25). *Medication-Assisted Treatment (MAT)*. Retrieved on September 18, 2022 from [Medication-Assisted Treatment \(MAT\) | SAMHSA](#).

<sup>2</sup> Indiana Department of Health, Division of Trauma and Injury Prevention; Vital Records. Retrieved September 18, 2022 from [https://gis.in.gov/apps/isdh/meta/stats\\_layers.htm](https://gis.in.gov/apps/isdh/meta/stats_layers.htm).

enforcement, and other local and state officials. Strong community partnerships are integral to demonstrating the effectiveness of treatment in meeting the behavioral health needs of the community. Valle Vista Health System is adept at collaborating with community members to ensure these objectives are met (See Appendix C).

Valle Vista Health System works diligently to ensure that our facility is not a disruption to neighbors or the community. The facility is strategic about positioning of the main entrance and works closely with city and county officials, including law enforcement, to mitigate potential impact from changes in foot and vehicle traffic. Our organization is transparent about our safety and security protocols and routinely integrates community feedback into operational processes to mitigate negative impact to the surrounding community.

#### **Workforce**

This facility employs clerical staff, security staff, medical staff (physician, nurse practitioner, registered nurses, licensed practical nurses), and clinical staff (licensed and credential counselors) who are on site daily to provide direct services. There is a Program Director to oversee operations who is on site five days per week, and an Executive Director who provides additional operational and clinical oversight both on and offsite. Upon opening, the facility will employ up to 10 staff (not all employees are present on site simultaneously), and the number of employees will increase based on the number of patients served. Employees arrive to the facility at 5:00AM and depart from the facility starting at 1:30PM. Employees will park in the facility's dedicated parking lot.

Unarmed security staff are on site 7 days a week during hours of operation. Video surveillance is utilized both inside and outside the facility to monitor all activities. A DEA-approved alarm system with 24-hour monitoring is also utilized both inside and outside the facility to maintain security of the premises during non-operational hours as well as to promote safety of patients and employees during business hours. Employees are not permitted to be in the building without at least one additional staff member present.

Administrative and supportive services (human resources, billing, information management) are provided by employees at our main campus location in Johnson County.

#### **Clients & Customers**

This facility provides services to persons, age 18 and above, who meet criteria for Opioid Use Disorder. Services are rendered regardless of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status. Individuals receiving services at the facility are voluntary. Individuals seeking treatment are either self-referred or referred by other service providers.

This facility is open 7 days a week, including holidays. The facility opens at 5:30AM to ensure that treatment is accessible to its employed patients. While the facility is open until 2:00PM to allow for completion of administrative tasks, patients are gone from the facility typically by 11:00AM. Patients arrive to the facility via their own vehicle, cab or other transportation service, or by foot. The parking lot is monitored by security cameras as well as an on-site security guard.



A portion of the patients who receive services present to the facility daily to receive medication. Patients are also required to meet with the physician and to participate in group and individual counseling services as detailed in their treatment plan. The length of time the patient spends at the facility varies based on the required services they have scheduled for that day. Patients who present for medication are at the facility for an average of 5-10 minutes. Patients participating in counseling services or other medical appointments may be at the facility for up to 60 minutes to complete their scheduled services.

The facility anticipates an average of 228 enrolled patients in the first year of operation. New patients enter the program on a weekly basis, but the total census served by the program at any one time varies based on the number of admissions and discharges that occur. It is anticipated that many patients who will receive services at this location will transfer from our existing facility, as this location will significantly reduce the amount of time they spend driving to a treatment provider.

#### Processes Conducted on Site

The scope of services provided to the patients (either by staff on-site or via referral to a local community resource) include the following:

- A. Medical Services-physical examinations, phlebotomy, medication administration, medication management, drug testing, referral to and consultation with other medical service providers to coordinate medical care
- B. Educational Services to address the following: relapse prevention, prevention, treatment, and transmission of communicable diseases, including but not limited to HIV/AIDS, Hepatitis A, B, and C, TB, and STDs; for pregnant women-prenatal care while receiving medication-assisted treatment; prevention of overdose; human trafficking
- C. Counseling Services-individual, group, and family counseling, substance abuse assessment, individualized treatment planning, case management, aftercare planning
- D. Referral Services-vocational rehabilitation, education, employment, housing, other medical services not provided by OTP (including pain management), prenatal care or other gender-specific services, and mental health services that require a higher level of care

Safety and security are of the highest consideration for this organization. The facility's policies and procedures are reviewed, approved, and monitored by the aforementioned regulatory agencies. Onsite inspections by the agencies with authority over operations are conducted prior to opening the facility and routinely thereafter. The safety and security protocols are also monitored by the organization's internal management and corporate staff and are routinely reviewed to ensure the highest level of safety and security are maintained by the facility. See Appendix B for additional information related to safety and security protocols.

Administrative functions performed offsite include those related to human resources, accounts payable, billing and finance, and information management.

(Continued)

**Materials Used**

Hazardous materials are not used in this facility's operations. The primary materials used at this facility are patient care supplies, including those used for phlebotomy services, and medication. Regarding phlebotomy supplies, licensed nursing staff are responsible for this function. Supply storage and collection procedures are in compliance with standard universal precautions.

Medication is stored and dispensed on site. The facility follows its extensive Diversion Control Plan which incorporates a multitude of policies and procedures to ensure safe and secure practices as it pertains to medication shipments, inventory control, storage, and administration (See Appendix B).

The Diversion Control Plan is reviewed and approved by all applicable state and federal regulatory agencies including Drug Enforcement Agency, Board of Pharmacy, Department of Mental Health and Addiction, Substance Abuse and Mental Health Services Association, and the Joint Commission. Onsite inspections by these agencies ensure consistent implementation of the Diversion Control Plan. The Diversion Control Plan also details the use of drug screening, the use of the state's Prescription Drug Monitoring Program, and pre-employment screening and background checks for employees to further ensure safety and security.

**Shipping & Receiving**

Patient care and office supplies are received via UPS. The frequency and time of day varies based on supply needs but may occur 1-2 times per month. The most frequently received material is medication. The medication is received 1-2 times per month via a wholesale drug distributor. The precise delivery time is unknown until the operations begin; however, delivery time is typically during the morning hours. The delivery vehicle is a van. Materials are received directly by nursing staff and escorted by security staff employed at the facility.

Lab Services present to the facility daily Monday-Friday to pick up specimens. The precise pick-up time is unknown until operations are initiated. The vehicle for pick-up is a regular size vehicle.

**Waste**

The waste generated by this operation primarily includes patient care supplies and biohazard waste. The medical, security, and housekeeping staff are responsible for handling all waste generated at the facility. Biohazard waste is secured properly according to OSHA standards and is picked up by a contracted biohazard waste company. Empty medication containers are disposed of by security staff into a locked dumpster stored on the property. A contracted information management services company handles confidential document shredding.

**Appendix B****Safety And Security**

Security of the patients, employees, facility, and overall community is a top priority for our organization. The facility's Diversion Control Plan and Safety and Security Plan are designed to promote safety and integrates state and federal guidelines in doing so. Maintaining a safe and secure environment requires a multi-faceted approach, with all employees playing a role in the implementation of security protocols. Below are excerpts from the comprehensive plans in place as part of the facility's standard operating procedures.

**Security of Environment**

The facility utilizes a DEA-approved security system, employs on site security staff, uses video surveillance, and closely monitors all vendors and guests to ensure security of the environment. All clinic employees are responsible for continuous monitoring of the facility and grounds for the purpose of identifying potential diversion activities or other safety concerns. All employees are responsible for reporting any concerns immediately to the Program Director for further investigation and follow-up.

Alarm System

The facility contracts with a DEA-approved security service company for installation and monitoring of the main alarm system for the facility, the medication room, and a subsystem and keypad for the safe where medication is stored.

Security Staff

On-site security staff are employed by the facility during patient care hours. Security staff is present at the facility at least 30 minutes before the facility is open and at least 30 minutes after medication is dispensed. Facility policy prohibits loitering in the parking lot and the grounds are routinely patrolled to ensure this policy is enforced.

Video Surveillance

Video cameras are used to record and document the environment including common areas throughout the facility, patient and staff entrances, and the parking lots. Video surveillance is also used to monitor areas where controlled substances are stored and dispensed. These recordings and their use will be done in accordance with state, federal, and HIPAA regulations. Signage indicates that the facility is monitored by video surveillance.

Guests and Vendors

All vendors and guests must sign the visitor confidentiality log when entering the facility. Only authorized guests are allowed beyond the facility's front reception area. Authorized guests are those individuals participating in a patient's scheduled therapeutic session. All vendors are accompanied by a facility employee.

**Security of Medication**Regulatory Compliance

The program requires a DEA Certificate of Registration to provide services. This registration is contingent upon a Controlled Substance Registration granted by the Board of Pharmacy. Registrations are renewed in accordance with state regulatory standards. Only authorized individuals with Power of Attorney are permitted to order and receive medication shipments. The facility uses an electronic Controlled Substance Operating System to order and receive medication. All records are maintained in accordance with regulatory standards and are subject to routine inspection by the DEA and Board of Pharmacy.

Purchasing and Receiving Medication

Only authorized individuals with Power of Attorney are permitted to order and receive medication shipments. All controlled substances are delivered directly to the facility where authorized nursing staff will be present to receive the order. Security staff accompanies nursing staff and the medication delivery to the medication room. All medications are secured immediately upon delivery.

Medication Storage and Inventory Control

Medication storage and inventory control are performed in accordance with state regulatory standards. Controlled substances are maintained in a DEA-approved narcotics safe, armed with an alarm. The room containing the safe is alarmed on a zone separate from the overall facility. Alarm features include panic alarms, contact alarms, and motion sensors, all of which are monitored offsite by a 24-hour monitoring company. Access to the medication room and safe is restricted to a limited number of authorized medical staff. Daily, monthly, and biennial inventory processes mitigate the risk of diversion.

(Continued)



**Appendix C**

**Community Relations**

**General Objectives**

- A. Solicit input from the community and use both solicited and unsolicited input from the community to determine the program's impact in the neighborhood
- B. Obtain input from patients to identify community concerns and consider both patient and community input when developing or revising its policies and procedures
- C. Establish a liaison(s) with community leaders to foster positive relations
- D. Include goals and procedures and identifies program staff who will function as community relations coordinators
- E. Address how the program serves as a community resource on substance use disorder and related health social issues, as well as how it promotes the benefit of MAT in preserving public health
- F. Document community relations efforts and community contacts
- G. Evaluate its community relations efforts over time and address any outstanding problems

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

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

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

the use will take place within a comprehensive medical clinic and will be wholly contained in an existing office building.

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 use will operate like a normal medical clinic and the adjacent uses are all self contained commercial uses.

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

the property is located on a primary thoroughfare with a commercial building that can be used as a medical clinic without dispensing methadone.

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

the dispensing of methadone is clinically prescribed and an accessory use of the proposed clinic.

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

the build out and overall use of the facility will be that of a medical clinic, which is contemplated as an office commercial use.

**DECISION**

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

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

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



Photo of subject site from access drive off of Guion Road.



Photo of access drive from Guion Road, not connected to subject site.

(Continued)





Photos of subject site, from adjacent access drive to the north.

(Continued)





Photo of surrounding commercial to the north of the subject site.



Photo of subject site (north / west lot lines).  
(Continued)





Photo of subject site from west lot line, showing tenant spaces.



Photo Guion Road and 86<sup>th</sup> Street intersection, with existing signage.  
(Continued)





Photo of subject site from the south lot line, with view of 86<sup>th</sup> Street.



Photo of the Subject Property: 4010 West 86<sup>th</sup> Street

## STAFF REPORT

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

**Case Number:** 2022-DV1-057  
**Address:** 4001 North Park Avenue (approximate address)  
**Location:** Washington Township, Council District #7  
**Zoning:** D-5 (TOD)  
**Petitioner:** Brandi Waddy  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for street access to an existing detached garage (access from an improved alley required) and legally establish the existing 0.60-foot north side setback and 4-foot east rear setback (five-foot side and rear setbacks required).

#### ADDENDUM FOR FEBRUARY 7, 2023

This petition was continued from the January 3, 2023 hearing to the February 7, 2023 hearing at the request of the petitioner.

#### ADDENDUM FOR JANUARY 3, 2023

This petition was continued from the December 6, 2022 hearing to the January 3, 2023 hearing at the request of the petitioner.

#### RECOMMENDATIONS

Staff **recommends approval** to legally establish the existing 0.60-foot north side setback and the four-foot east rear setback.

Staff **recommends denial** for street access to an existing detached garage.

#### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5	Compact	Residential (Single-family dwelling)
-----	---------	--------------------------------------

##### SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwelling)
South	D-5	Residential (Single-family dwellings)
East	D-5	Residential (Single-family dwelling)
West	D-5	Residential (Single-family dwelling)

(Continued)



**STAFF REPORT 2022-DV1-057 (Continued)****LAND USE PLAN**

The relevant plan (year) recommends traditional neighborhood development.

- ◇ The 0.15-acre site is improved with a single-family dwelling and detached garage. It is surrounded by similarly developed single-family dwellings and associated accessory structures.
- ◇ The traditional neighborhood land use plan recommendation is to provide for a full spectrum of housing types in compact and well-connected areas. Building form should promote social connectivity of neighborhood. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. This typology recommends a density range of 5 to 15 units per acre.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow for street access from 40<sup>th</sup> street where it is not permitted. Additionally, it would legally establish the existing setbacks of the detached garage.
- ◇ Property Card records of the Assessor's Office indicate that the garage was constructed in 1928. Subsequently, Staff has determined that it is appropriate to legally establish these long-standing setbacks for the existing structure. However, Staff would recommend denial of the remainder of the request.
- ◇ Section 744-301. A. of the Ordinance note that "...if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley." In addition, per Section 744-404. D.3.c. of the Ordinance "...no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line."
- ◇ The grant of the request would be injurious to the safety and general welfare of the community by increasing the number of new curb cuts across sidewalks, which would disrupt the pedestrian experience along the sidewalk and increase the probability of accidents. Instead, the curb and sidewalk could be repaired to meet the right-of-way standards and the driveway could be relocated along the eastern property boundary for alley access.
- ◇ The strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property because any existing concrete/cement block wall along the fence or eastern property boundary could be removed and paved to allow for a more accommodating parking area/drive from the alley without the need for a variance.
- ◇ Staff does not support variance requests to retroactively correct zoning violations created due to the lack of due diligence. Furthermore, the property owner did not file for a driveway permit prior to illegally constructing within the right-of-way.
- ◇ The denial of this variance would not prevent the current use or location of the existing garage, which could remain as is without the need for a variance.

(Continued)

**STAFF REPORT 2022-DV1-057 (Continued)****OTHER ISSUES**

- ◇ The Ordinance, specifically 744-503.H, states “no obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet and 8 feet above grade level of the adjoining right-of-way within a Clear Sight Triangular Area.” The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ Staff’s Exhibit 1 notes the clear sight triangle at the street and alley. The petitioner confirmed that they would ensure that the clear sight triangle would be visible by removing the portion of the fence located in this area. However, a revised site plan has not been provided to confirm that it will be removed.
- ◇ Additionally, there is some discrepancy whether the six-foot fence is within the right-of-way of 40<sup>th</sup> Street. A revised site plan noting the exact location of the fence was requested, but it has not been provided to staff.
- ◇ Therefore, these items would not be included with this variance unless the petitioner intends to provide an updated site plan and requests to continue this petition for an amendment.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	Park Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
THOROUGHFARE PLAN	40 <sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated October 27, 2022.
FINDINGS OF FACT	File-dated October 27, 2022.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

1. VIO22-006055; Failure to obtain a driveway permit.

**PREVIOUS CASES**

None.

(Continued)

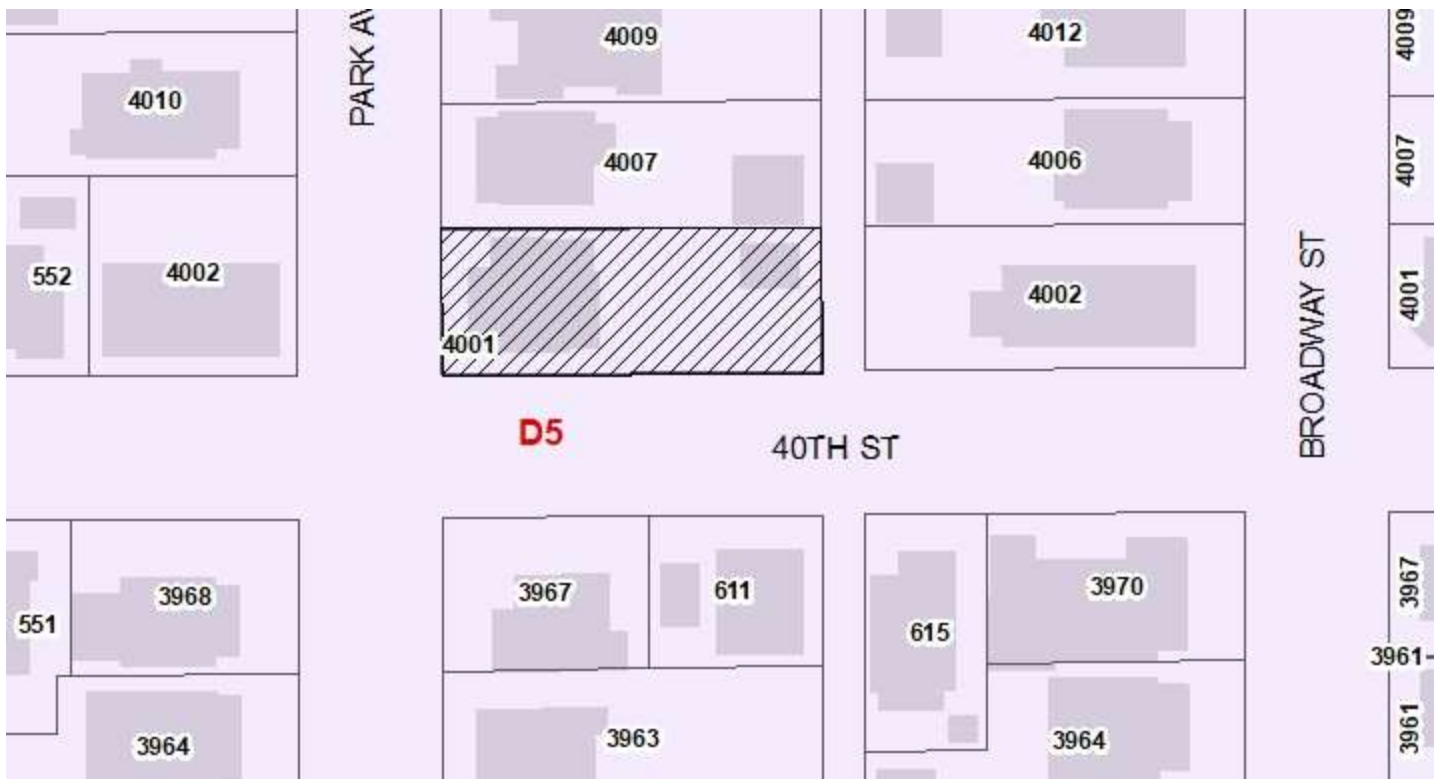
**STAFF REPORT 2022-DV1-057 (Continued)****ZONING HISTORY – VICINITY**

**95-HOV-1; 7521, 7539, and 7551 North Lasalle Street** (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of three single-family residences, with a private street to access each (minimum 40 feet of frontage on a public street required), **granted**.

MI

\*\*\*\*\*

## 2022-DV1-057; Location Map



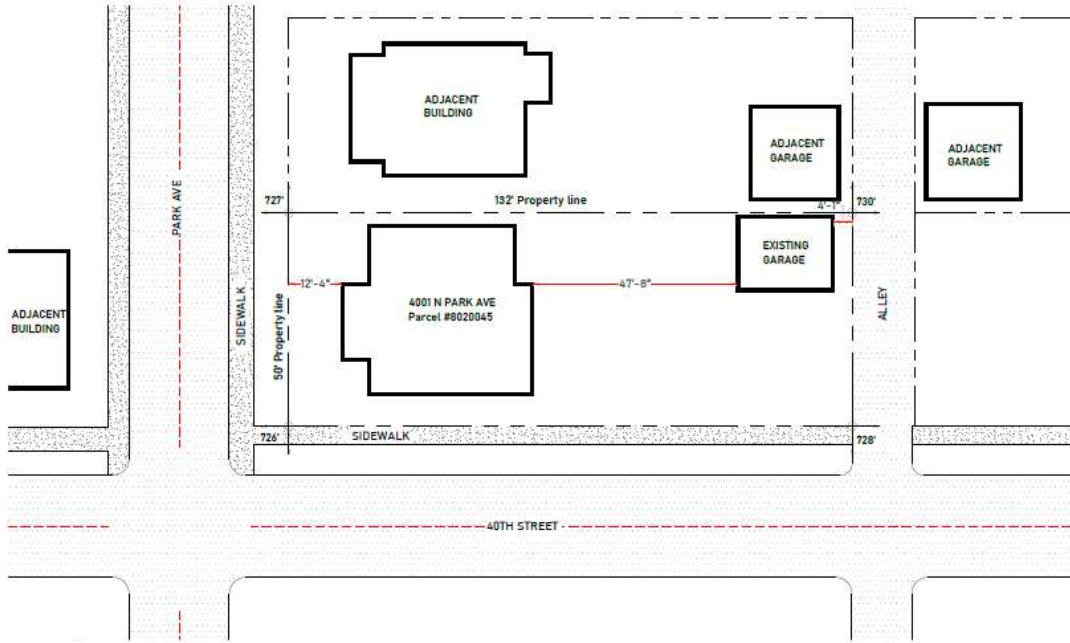
## 2022-DV1-057; Aerial Map





## 2022-DV1-057; Existing Site Plan

Item 10.



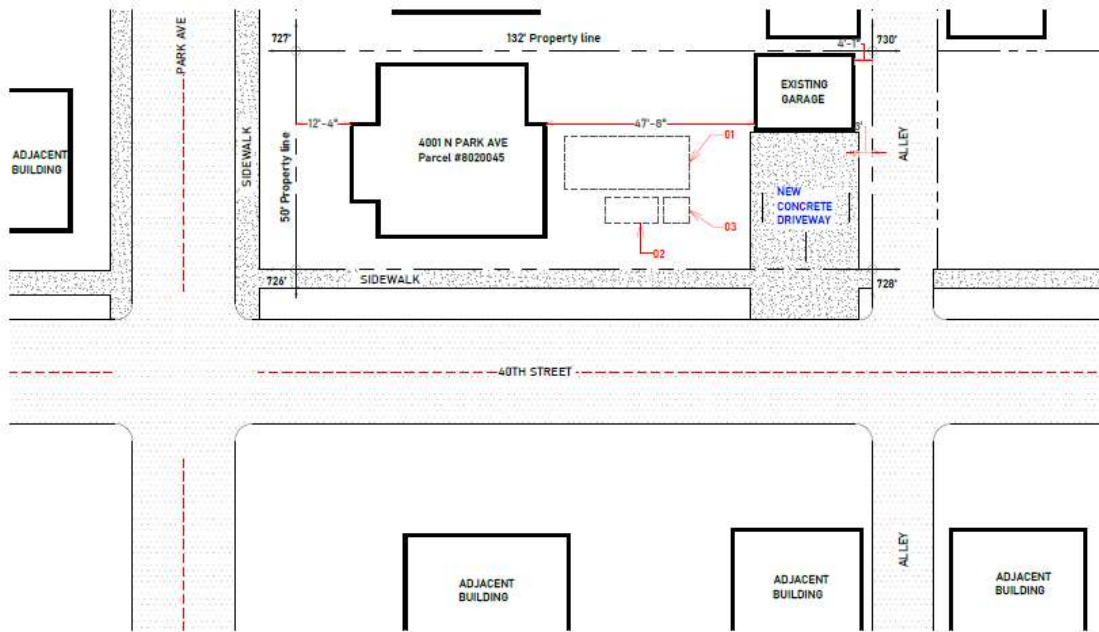
Contact:  
E: ardra@rudy.com  
P: 317-457-4472  
© 2022 RUDY BLUEPRINTS  
AND PERMITS

REVISION DATE:  
10/24/22

4001 N PARK AVE,  
INDIANAPOLIS, IN 46205

**GENERAL NOTES:**  
All construction to be done in accordance with these plans and the 2022 Indiana residential code (IRC) (IRC).  
Dimensions are to the face of framing, unless otherwise noted.  
Do not scale drawings, use given dimensions, consult designer/draftsman for any discrepancies.  
All products to be installed according to manufacturers specifications.  
Utility locations and routing are unknown, confirm location of water, sanitary sewer, electrical and gas utilities in field prior to commencement of work.

## 2022-DV1-057; Proposed Site Plan



Contact:  
E: ardra@rudy.com  
P: 317-457-4472  
© 2022 RUDY BLUEPRINTS  
AND PERMITS

REVISION DATE:  
10/24/22

4001 N PARK AVE,  
INDIANAPOLIS, IN 46205

**GENERAL NOTES:**  
All construction to be done in accordance with these plans and the 2022 Indiana residential code (IRC) (IRC).  
Dimensions are to the face of framing, unless otherwise noted.  
Do not scale drawings, use given dimensions, consult designer/draftsman for any discrepancies.  
All products to be installed according to manufacturers specifications.  
Utility locations and routing are unknown, confirm location of water, sanitary sewer, electrical and gas utilities in field prior to commencement of work.

### EXISTING DATA:

T AREA (D-S)  
RCEL: #8020045  
01 N PARK AVE  
Indianapolis, IN 46205  
rcei area: 6,600 SF (100'x43')  
Existing house area: 1616 SF  
Existing garage area: 409 SF  
w concrete driveway area: 788 SF

### KEYNOTES:

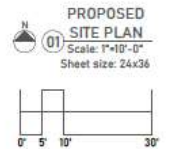
- 01 Equipment storage
- 02 Solid waste dumpster
- 03 Concrete / Paint washout

### LEGEND:

- Property line
- Building footprint
- Road centerline
- Fence line
- Sanitary sewer line
- Concrete
- Gravel
- Stormwater flow direction
- Railroad
- Contour line
- New construction
- To be removed
- Spot elevation
- Tree

### GENERAL EXISTING SITE NOTES:

- These drawings are intended to outline the general scope of work. Contractors shall field verify all existing conditions and dimensions before starting any work. Contractors shall also be responsible for adhering to applicable codes and generally accepted trade practices.
- No topographic survey has been provided. Drawings and features of the site were obtained based on field verified dimensions, cursory review, photography and other reliable means of inspection. As a result, all work must be field verified prior to start of construction. Conflicts between these plans and the field conditions shall be reported immediately to the owner and/or architect for verification and/or correction.
- Utility locations and routing are unknown. Confirm location of water, sanitary sewer, electrical and gas utilities in field with local utility companies as required prior to commencement of work.
- Provide all fencing around construction perimeter as required by local authority having jurisdiction.
- Heavy construction machinery must enter the property from the alley. No construction equipment is allowed to enter the site from the lot frontage.
- The architect/designer shall bear no financial responsibility for the constructability of this project.
- Coordinate stacking of building corners and benchmark elevations with surveyor as required to establish proper grades and finish floor elevations.



SHEET  
NUMBER

C102

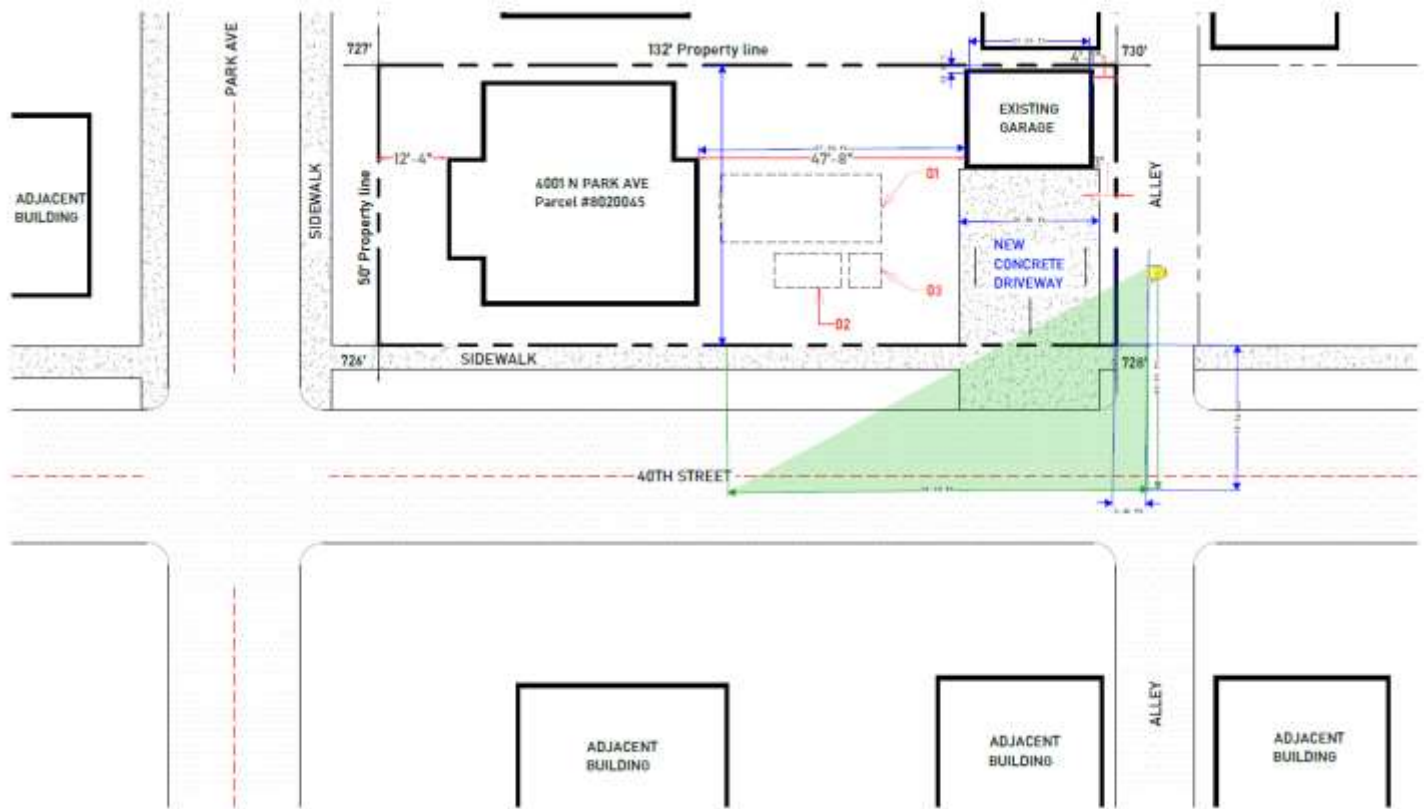






Photo of the Subject Property: 4001 North Park Avenue



Photo of the Subject Property: 4001 North Park Avenue





2011 Google Photo of the Subject Property.



2019 Google Photo of the Subject Property.



2022 Photo of the Subject Property.





2011 Photo of the Subject Property.



2022 Photo of the existing garage and alley.





Photo of the fence within the clear sight triangle.



Photo of the alley and other accessory structure that gain access from it.

## STAFF REPORT

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

**Case Number:** 2022-UV1-035 (Amended)  
**Address:** 6234 East Hanna Avenue (approximate address)  
**Location:** Franklin Township, Council District #18  
**Zoning:** I-3  
**Petitioner:** Exotic Metal Treatment, by Brian E. Moench  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation a metal treatment facility (not permitted) and a building addition with a 38-foot front transitional yard along Hanna Avenue, an expanded parking area with a 25-foot transitional yard along Hanna Avenue (150-foot transitional yard required) and an expanded parking area with a 12-foot front yard setback from the proposed right-of-way of Churchman By-Pass (60-foot front setback from proposed right-of-way required), deficient landscaping and a waiver of sidewalk installation requirements along Churchman By-Pass (installation of sidewalks required).

#### **ADDENDUM FOR FEBRUARY 7, 2023**

This petition was continued from the January 3, 2023 hearing, to the February 7, 2023 hearing of Division I of the Board of Zoning Appeals, at the request of the petitioner, in order to submit amended plans for review. On January 10, 2023, an amended plan was submitted, which is available further below in this report. This amended plan included a waiver of the sidewalk requirements along Churchman By-Pass, which Staff does not support. The amended site plan also shifted all new parking to the north side of the building, and providing landscaping along the southern lot line. However, Staff would note that Hanna Avenue requires the installation of 19 trees, and Churchman By-Pass requires nine trees. Thirteen trees are provided between the two frontages, leaving a deficiency of 15 trees. Given this lack of required trees, as well as the berm requested below, Staff continues to **recommend denial** of this request.

#### **ADDENDUM FOR JANUARY 3, 2023**

This petition was continued from the December 6, 2022 hearing to the January 3, 2023 hearing of Division I of the Board of Zoning Appeals. No new information has been provided, therefore, Staff continues to **recommend denial** of the request.

#### **ADDENDUM FOR DECEMBER 6, 2022**

The petitioner has requested that this petition be continued from the December 6, 2022, hearing of Division I to the January 3, 2022, hearing of Division I. This would require a vote by the Board.

(Continued)

**STAFF REPORT 2022-UV1-035 (Continued)****ADDENDUM FOR NOVEMBER 1, 2022**

This petition was continued from the November 1, 2022, hearing of Division I to the December 6, 2022, hearing of Division I, due to lack of quorum.

**RECOMMENDATIONS**

Staff **recommends denial** of this request.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE****EXISTING ZONING AND LAND USE**

I-3	Metro	Heavy Industrial
-----	-------	------------------

**SURROUNDING ZONING AND LAND USE**

North	Freeway / I-3	Interstate 465 / Industrial
South	D-4	Single-family dwellings
East	I-3	Industrial
West	Freeway / I-3	Interstate 465 / Industrial

**LAND USE PLAN**

The Marion County Land Use Plan (2019) recommends Light Industrial development.

- ◇ The subject site is 2.63 acre located in the Poplar Grove neighborhood in Franklin Township. The subject site has two frontages on Churchman Bypass and Hanna Avenue. Interstate 465 is located to the west of the subject site. The property consists of an industrial structure, used for heavy manufacturing. The surrounding neighborhood is mostly residential to the south and industrial uses to the north and west, across I-465.
- ◇ The subject site is zoned I-3 (Medium Industrial District). The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.

**VARIANCE OF USE AND DEVELOPMENT STANDARDS**

- ◇ The request would provide for the operation a metal treatment facility and a building addition with a 38-foot front transitional yard along Hanna Avenue, an expanded parking area with a 25-foot transitional yard along Hanna Avenue and an expanded parking area with a 12-foot front yard setback from the proposed right-of-way of Churchman By-Pass.

(Continued)



**STAFF REPORT 2022-UV1-035 (Continued)**

- ◇ The proposed use for a metal treatment facility would be categorized as *Heavy Manufacturing*. Heavy Manufacturing is defined as creation or production of a non-edible item that includes some transformation by way of heating, chilling, adding a liquid, adding a coating, or chemical or biochemical reaction or alteration. This use may also involve packaging, repackaging, assembling, or mechanical reshaping. This definition includes the manufacturing of bicycles, motorcycles, and parts; boats; ceramic and clay products; computers and computer equipment; electric lighting and wiring equipment; cosmetics, perfumes; glass or glass products; leather tanning and curing; major household appliances; construction machinery and equipment; processing of forest products; detergents and soaps; and engines and turbines.
- ◇ Heavy Manufacturing is only permitted in the I-3 district by grant of Special Exception by the Board of Zoning Appeals and is permitted by right in the I-4 district. The proposed use would not be permitted by Special Exception since the existing structure and proposed additions result in deficient transitional yard requirements, and landscaping. All dimensional standards of the Ordinance must be met to apply for a Special Exception. Staff is not opposed to the use, however, would like the use to be buffered from the residential (protected district) south of the subject site.
- ◇ Table 744-201-6 stipulates that the required front transitional yard in the Metro Context Area is 150 feet. The transitional yard requirement applies to the south lot line on Hanna Avenue, which is considered a front yard. The proposed front transitional yard would be 38 feet, with an additional parking area being 25 feet from the south lot line. Staff is opposed to the request for decreased transitional yard, where there is no buffer between the existing residential to the south.
- ◇ Table 744-201-6 also states that the required front yard in the Metro Context Area is 60 feet from proposed right of way. The proposed front setback from Churchman Bypass is 12 feet from the proposed right of way. Staff is opposed to this request, where the proposed parking could be situated elsewhere on the subject site, thus, no practical difficulty.
- ◇ Lastly, the proposed additions and use would result in deficient landscaping. A landscape plan has not been provided, displaying the required landscaping, as per 744-500 (Landscaping and Screening). Staff is not supportive of deficient landscaping, where additional landscaping could be used to buffer the heavy industrial use from the residential to the south. Staff suggested that a berm be placed along Hanna Avenue and the required landscaping be accomplished along Churchman Bypass.
- ◇ 744-302.F states sidewalks shall be provided along the entire frontage of all abutting eligible public streets. Sidewalks are required to be placed along Churchman Bypass and Hanna Avenue. The existing site plan displays sidewalks located partially on Hanna Avenue. Sidewalks are required along both frontages, Churchman Bypass and Hanna Avenue. If sidewalks are not to be added, this petition should be continued for New Notice to be sent to all surrounding property owners to add the request.

(Continued)

**STAFF REPORT 2022-UV1-035 (Continued)**

◇ Staff recommends denial, based on lack of practical difficulty and hardship of these requests.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

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

Churchman By-Pass is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 100-foot existing right-of-way and a 90-foot proposed right-of-way.

I-465 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a freeway, with a 201-foot existing right-of-way.

**SITE PLAN  
PLAN OF OPERATION  
FINDINGS OF FACT**

File-dated August 29, 2022.  
File-dated November 29, 2022.  
File-dated November 21, 2022

**ZONING HISTORY – SITE**

EXISTING VIOLATIONS: None.  
PREVIOUS CASES: None.

**ZONING HISTORY – VICINITY**

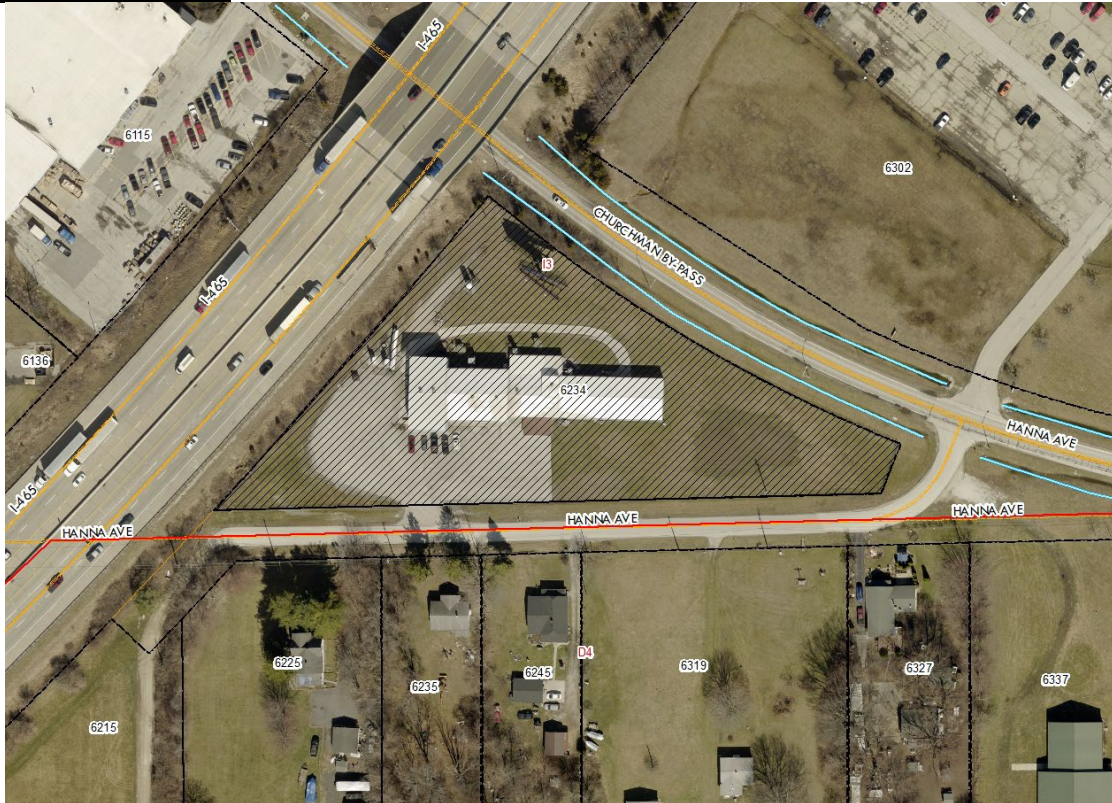
**2018-SE3-003; 6337 East Hanna Avenue**, requested a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a religious use in an existing building, with off-street parking, **approved**.

GLH

\*\*\*\*\*

(Continued)

**2022-UV1-035; Aerial Map**



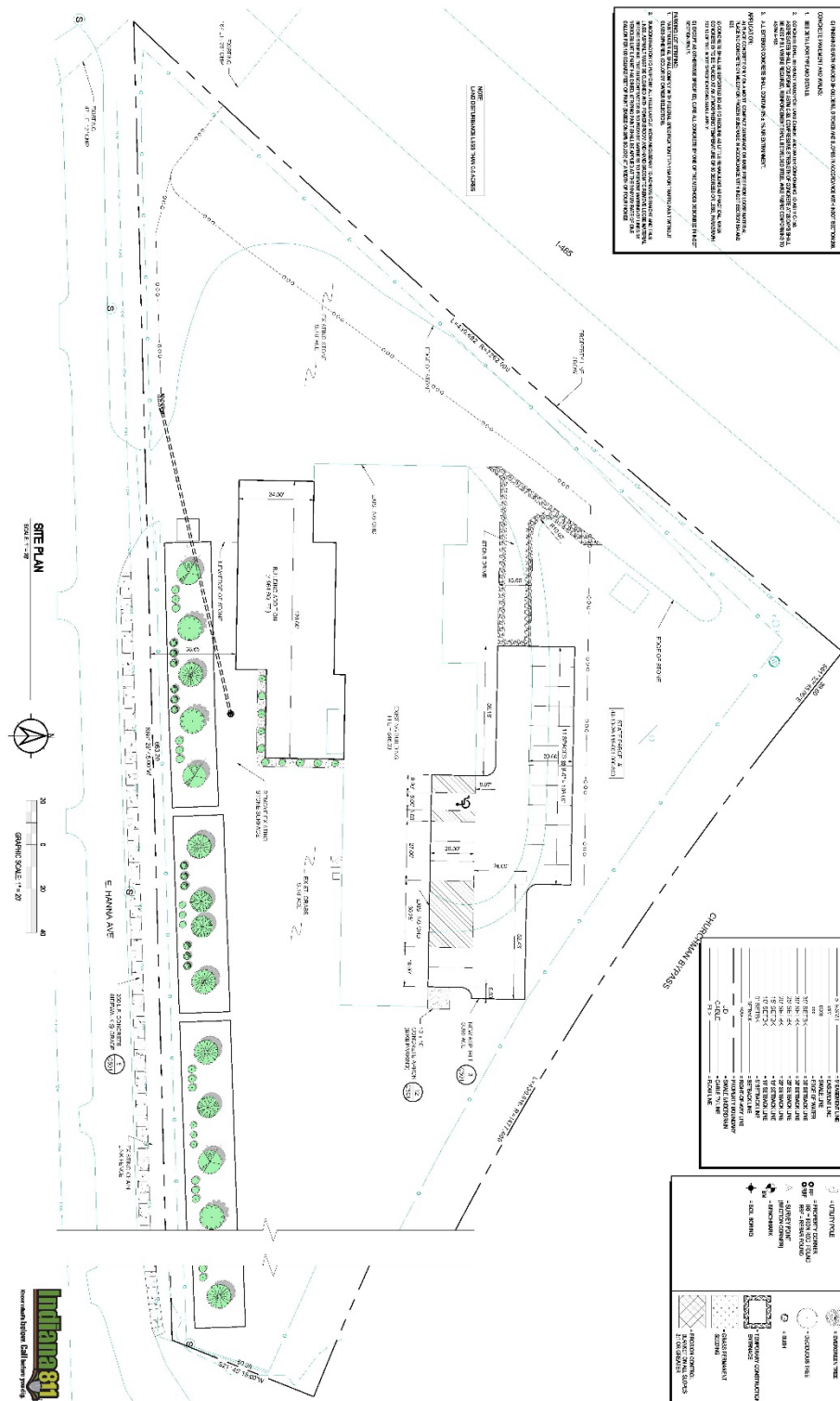
**2022-UV1-035; Aerial (1979)**



(Continued)



2/28/2021 - Radio Global Incident: (radioport)/0.0.0.0:20000\Current-Tab\1136667-Plot-M-Log\_1/10/2021-1136667-P8-SubTab-F8 (General-Incident-Dialog)

[illegible]

Part of this estimated volume of research, Dr. Tennyson's research team, Dr. Mary Kay R. Tennyson, and Dr. Robert D. Tennyson, are currently completing a book on the topic. Dr. Tennyson's research team is also completing a book on the topic of the impact of the 1994-1995 El Niño on the world's climate. Dr. Tennyson's research team is also completing a book on the topic of the impact of the 1994-1995 El Niño on the world's climate. Dr. Tennyson's research team is also completing a book on the topic of the impact of the 1994-1995 El Niño on the world's climate.

SITE ANALYSIS TABLE		11
CONDO		11
TOTAL PAGES:		241 (40%)
TOTAL PAGES REQUIRED		
PARKING RATIO		
STANDARD PARKING SPACES (PARK)	17	
HANDICAPPED SPACES	1	
TOTAL SPACES PROVIDED	18	
BUILDING SQUARE FOOTAGE:		
EXISTING HEALTH	10066 SQ. FT.	
PROPOSED ADDITION	4661 SQ. FT.	
TOTAL	14727 SQ. FT.	

[illegible]

The diagram illustrates a 7th grade science curriculum organized into a grid. The top row is labeled "7th GRADE SCIENCE" and "UNIT 1: SCIENCE & ENGINEERING". The first column is labeled "UNIT 1: SCIENCE & ENGINEERING" and "UNIT 2: LIFE SCIENCE". The second column is labeled "UNIT 2: LIFE SCIENCE" and "UNIT 3: EARTH & SPACE SCIENCE". The third column is labeled "UNIT 3: EARTH & SPACE SCIENCE" and "UNIT 4: PHYSICS & CHEMISTRY". The fourth column is labeled "UNIT 4: PHYSICS & CHEMISTRY" and "UNIT 5: SCIENCE & ENGINEERING".

The diagram includes various icons representing different scientific fields: a microscope for biology, a globe for earth science, a beaker for chemistry, and a rocket for physics. It also lists specific topics such as "CELLS", "ECOSYSTEMS", "CLIMATE", "ATMOSPHERE", "OCEANS", "LANDSCAPES", "PLANTS", "ANIMALS", "ROCKS", "MINERALS", "SOILS", "WATER", "AIR", "ENERGY", "MATTER", "FORCES", "MOTION", "ELECTRICITY", "MAGNETISM", "LIGHT", "SOUND", "HEAT", "TEMPERATURE", "PRESSURE", "DENSITY", "ACID-BASE", "OXIDATION-REDUCTION", "CELLS", "ECOSYSTEMS", "CLIMATE", "ATMOSPHERE", "OCEANS", "LANDSCAPES", "PLANTS", "ANIMALS", "ROCKS", "MINERALS", "SOILS", "WATER", "AIR", "ENERGY", "MATTER", "FORCES", "MOTION", "ELECTRICITY", "MAGNETISM", "LIGHT", "SOUND", "HEAT", "TEMPERATURE", "PRESSURE", "DENSITY", "ACID-BASE", "OXIDATION-REDUCTION".

Merrich  
Engineering  
10010 E. 10th Avenue, Suite 200  
Indianapolis, Indiana 46240  
(317) 542-7000 Fax

APPROVED BY: J. L. HARRIS, P.E.  
PROJECT MANAGER  
MERRICH ENGINEERING, P.C.  
10010 E. 10th Avenue, Suite 200  
Indianapolis, Indiana 46240  
(317) 542-7000 Fax

Exotic Metal Treatment  
6234 Hanna Ave.  
Indianapolis, Indiana 46203

SITE PLAN

REVISIONS	
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT
6	ISSUED FOR PERMIT
7	ISSUED FOR PERMIT
8	ISSUED FOR PERMIT
9	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT
11	ISSUED FOR PERMIT
12	ISSUED FOR PERMIT
13	ISSUED FOR PERMIT
14	ISSUED FOR PERMIT
15	ISSUED FOR PERMIT
16	ISSUED FOR PERMIT
17	ISSUED FOR PERMIT
18	ISSUED FOR PERMIT
19	ISSUED FOR PERMIT
20	ISSUED FOR PERMIT
21	ISSUED FOR PERMIT
22	ISSUED FOR PERMIT
23	ISSUED FOR PERMIT
24	ISSUED FOR PERMIT
25	ISSUED FOR PERMIT
26	ISSUED FOR PERMIT
27	ISSUED FOR PERMIT
28	ISSUED FOR PERMIT
29	ISSUED FOR PERMIT
30	ISSUED FOR PERMIT
31	ISSUED FOR PERMIT
32	ISSUED FOR PERMIT
33	ISSUED FOR PERMIT
34	ISSUED FOR PERMIT
35	ISSUED FOR PERMIT
36	ISSUED FOR PERMIT
37	ISSUED FOR PERMIT
38	ISSUED FOR PERMIT
39	ISSUED FOR PERMIT
40	ISSUED FOR PERMIT
41	ISSUED FOR PERMIT
42	ISSUED FOR PERMIT
43	ISSUED FOR PERMIT
44	ISSUED FOR PERMIT
45	ISSUED FOR PERMIT
46	ISSUED FOR PERMIT
47	ISSUED FOR PERMIT
48	ISSUED FOR PERMIT
49	ISSUED FOR PERMIT
50	ISSUED FOR PERMIT
51	ISSUED FOR PERMIT
52	ISSUED FOR PERMIT
53	ISSUED FOR PERMIT
54	ISSUED FOR PERMIT
55	ISSUED FOR PERMIT
56	ISSUED FOR PERMIT
57	ISSUED FOR PERMIT
58	ISSUED FOR PERMIT
59	ISSUED FOR PERMIT
60	ISSUED FOR PERMIT
61	ISSUED FOR PERMIT
62	ISSUED FOR PERMIT
63	ISSUED FOR PERMIT
64	ISSUED FOR PERMIT
65	ISSUED FOR PERMIT
66	ISSUED FOR PERMIT
67	ISSUED FOR PERMIT
68	ISSUED FOR PERMIT
69	ISSUED FOR PERMIT
70	ISSUED FOR PERMIT
71	ISSUED FOR PERMIT
72	ISSUED FOR PERMIT
73	ISSUED FOR PERMIT
74	ISSUED FOR PERMIT
75	ISSUED FOR PERMIT
76	ISSUED FOR PERMIT
77	ISSUED FOR PERMIT
78	ISSUED FOR PERMIT
79	ISSUED FOR PERMIT
80	ISSUED FOR PERMIT
81	ISSUED FOR PERMIT
82	ISSUED FOR PERMIT
83	ISSUED FOR PERMIT
84	ISSUED FOR PERMIT
85	ISSUED FOR PERMIT
86	ISSUED FOR PERMIT
87	ISSUED FOR PERMIT
88	ISSUED FOR PERMIT
89	ISSUED FOR PERMIT
90	ISSUED FOR PERMIT
91	ISSUED FOR PERMIT
92	ISSUED FOR PERMIT
93	ISSUED FOR PERMIT
94	ISSUED FOR PERMIT
95	ISSUED FOR PERMIT
96	ISSUED FOR PERMIT
97	ISSUED FOR PERMIT
98	ISSUED FOR PERMIT
99	ISSUED FOR PERMIT
100	ISSUED FOR PERMIT

DATE	2/20/00
BY	JLH
FOR	2/20/00
PROJECT NUMBER	2000
DATE	2/20/00
BY	JLH
FOR	2/20/00

C201





Petition Number: 2022-UV1-035



## **PLAN OF OPERATION**

Exotic Metal Treating, Inc.  
6234 East Hanna Avenue  
Indianapolis, IN 46203

Exotic Metal Treating, Inc (EMTI) is a heat treat service supplier established in 1973 in Beech Grove, IN. This location was quickly outgrown and the current location was purchased and permitted to build and operate the heat treating facility at its present location in 1978. In the year 2000, the facility applied for and was approved for an expansion of the heat treat business. EMTI is a specialized service provider providing heat treat services primarily for the aerospace and power generation industries as well as the US Department of Defense. Facility equipment includes five electrically heated vacuum furnaces and four natural gas fired pit furnaces. The services performed are to enhance the metallurgical and or engineering properties of the metal as required by the customer. Services provided include:

- Annealing
- Stress relieving
- Hardening and tempering of air hardening steels
- Solution heat treating
- Precipitation age heat treating
- Furnace brazing

**NOTE:** EMTI **does not perform any component manufacturing operations.** We do not form, bend, fabricate, weld, extrude, forge, cast, or machine any of the components received. Individual parts are received from the customer, placed into the furnace for the operation required and then returned to the customer for further manufacturing completion. The customer provides for shipping, dropping parts off then picking up when completed.

EMTI's Quality system is AS9100D third party accredited and maintains third party Heat Treat accreditation through PRI – Nadcap (formerly National Aerospace Defense Contractor Accreditation Program).

EMTI works as a sub-tier to prime contractors who flow down work through fabrication shops who in turn subcontract special process heat treating to EMTI as a prime approved special processor. A copy of our Prime Contractor Approval list is attached as Attachment 'A'. Please note that these approvals do not represent high volume work.

Page 1 of 4

(Continued)

Petition Number: 2022-UV1-035

Much of our work stems from US Department of Defense contracts to the prime contractors. During the onset of the Covid19 pandemic, EMTI was identified by the US DoD through the Department of Homeland Security - Cybersecurity & Infrastructure Security Agency as part of Essential Critical Infrastructure providing support services to the defense manufacturing industry. (Attachment 'B').

### **ISSUES IDENTIFIED IN THE PLAN OF OPERATION**

1. **WORK HOURS:** The facility works three shifts starting Monday 7:00AM and closing Saturday 7:00AM. There is occasional internal maintenance work performed on the weekends, but this is not standard operation. All work is performed onsite.
  - Total number of employees, including management, is 14 employees spread over the three shifts. Employees drive and park in the employee parking lot with a maximum of 10 cars in the lot at one time for minimum duration that occurs during first/second shift change. Two employees on first shift are undergoing apprentice training and will move to second or third shift upon training completion and certification.
  - All parking is within the facility and there is no on street parking.
  - The facility is surrounded by a perimeter wire fence with gate and has a monitored security alarm system. There is also an entrance alarm when persons enter the building and windows have security bars.
2. **CLIENTS and CUSTOMERS:** The nature of the business does not cater to walk-in off the street clientele. Our customers deliver parts to be processed to our loading door, are unloaded and they leave – there is no need for delivery parking. Shipments are received from customer via customer vehicle, FedEx or UPS, or by common carrier. Typical receiving/shipping hours are 8:00AM to 5:00PM although FedEx/UPS may run later in the afternoon.
  - On rare occasions, the facility may have an occasional visitor or auditor visit the facility, and use the employee parking area.
  - Due to stringent processing approval requirements by the prime contractors as noted in attachment 'A', our customer base is nationwide.
  - A customer list is provided in Attachment 'C'. Please note that the attached list may seem long, volume of work is not consistent nor high volume.
3. **PROCESSES CONDUCTED ON SITE:** As noted in paragraph 1, EMTI performs heat treat and furnace brazing operations only – no fabrication operations. Heat treat operations include:
  - Annealing
  - Stress relieving
  - Hardening and tempering of air hardening steels
  - Solution heat treating
  - Precipitation age heat treating
  - Furnace Brazing

Page 2 of 4

(Continued)



Petition Number: 2022-UV1-035

No oil quench or water quench operations are performed. There are no processes performed offsite. Processes performed are to prepare the material for further fabrication by the customer or to metallurgically enhance the material to meet design strength requirements. No other operations are performed and parts are return shipped in the same shape and form as received. The heat treatment entails heating the metal to a material specific temperature and time to obtain the desired metal metallurgical condition. Any alteration of part shape by the heat treat process creates an issue for the customer for further fabrication and is considered a nonconformance on our part.

Heat treatments are performed in a vacuum atmosphere in a vacuum furnace or a protective atmosphere utilizing a retort and pit furnace when the surface condition of the material must be preserved – no heat treat scale or alteration of metal surface chemistry is permitted. Depending upon material machine stock thickness, treatments may also be performed in an open air atmosphere as specified by the customer which results in a tight surface scale which is removed by the customer through subsequent machine operations.

No operations are performed outside although some equipment or customer parts may be temporarily placed outside as unloaded until room is made indoors for storage. **The main reason for building this addition is to provide more indoor storage for customer parts and EMTI equipment to alleviate the need for outside placement.**

Property security is provided by a perimeter fence and main access gate. The access gate is closed during second shift at approximately 7:00PM and reopened when first shift arrives. The large 16ft wide by 17ft tall front loading door has a security gate that covers the opening when door must be open during off-hour shifts. The main loading door and adjacent access door has a trip alarm warning of anyone entering the building. During closed business hours, the building is protected by a monitored security alarm system. A security camera system is in place but will be upgraded upon addition completion.

#### 4. MATERIALS USED:

- Retorts used in pit furnaces for containing a protective atmosphere are 309 stainless steel and are repaired when needed. At end of service life they are sold as scrap to J. Solotken & Company for recycling.
- Process shielding gases: Protective atmosphere gases are provided from cryogenic storage tanks for Argon, Nitrogen and Hydrogen where the gas is drawn from the tank and introduced into the retort displacing all oxygen from the retort. EMTI owns the tanks with installation and tank maintenance service provided by Air Products, our gas supplier, meeting safety code requirements. These tanks are equipped with telemetry and monitored by Air Products when refill is needed.
  - Argon and Nitrogen are stored in cryogenic tanks at subzero temperatures as a liquid and can pose a risk if liquid escapes. These tanks are equipped with redundant pressure relief systems to prevent over pressurization and to safely vent gas in case working pressures are exceeded. These tanks are protected by balusters.

Page 3 of 4

(Continued)

Petition Number: 2022-UV1-035

- Hydrogen tank is located to the northwest corner of the property and is protected by a second perimeter fence as well as balusters. Installation and service is provided by Air Products meeting safety code requirements. In addition to the pressure relief safeties, gas flow from this tank can be remotely shut off from inside the building to isolate the tank. The installation has a clean safety record with no issues.
    - All process gas storage capacities fall below the minimum reporting requirements set by the Indiana Department of Environmental Management (IDEM).
  - Natural gas. The four pit furnaces are fueled by natural gas through forced air tangential burners and does not produce odors from combustion. Emissions from combustion during operations fall well below reporting requirements set by IDEM. These furnaces have safeties in place for natural gas over/under pressure as well as blower forced air pressure or loss of electric power. Natural gas flow is automatically shut off if set parameters are exceeded and must be manually reset.
5. SHIPPING AND RECEIVING. The customer handles all shipping for their parts – parts and materials are returned in the same manner as received. Local customers use their own vans or trucks for delivery. Shipments are also received from FedEx and UPS as well as via commercial carrier semi-truck/trailer. Typical delivery hours are from 8:00AM to 5:00PM Monday through Friday. Frequency of deliveries varies greatly. Shipments are received at the large loading door at building west end and are unloaded by hand, by forklift or by hoist. All loading/unloading is performed within the facility fenced property.
6. WASTE: The heat treat process does not produce waste as noted. No oil or water quench operations are performed negating any waste disposal for these operations. Metal furnace equipment is recycled through J. Solotken. Trash pickup is provided by Rays Trash service.

Page 4 of 4

(Continued)



Photos of subject site from east lot line.

(Continued)





Photo of industrial property to the northeast.



Photo of residential to the south lot line of Hanna Avenue.

(Continued)





Photos of residential south of subject site along Hanna Avenue.

(Continued)





Photo of east lot line, near Hanna Avenue and Churchman Bypass intersection.



Photo of west lot line, nearest I-465.

(Continued)





Photos of subject site from south lot line.

(Continued)





Photo of residential at south lot line.



Photo looking west on Hanna Avenue.

(Continued)





Photo looking west on Hanna Avenue.



Photo of the Subject Property: 6234 East Hanna Avenue

## STAFF REPORT

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

**Case Number:** 2022-UV1-044  
**Address:** 5702 North College Avenue (approximate address)  
**Location:** Washington Township, Council District #2  
**Zoning:** D-3 (TOD)  
**Petitioner:** Tim Schluge  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an accounting firm (not permitted).

This petition was automatically continued by the petitioner from the January 3, 2023 hearing to the February 7, 2023 hearing.

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-3	Compact	Residential (Single-family dwelling)
-----	---------	--------------------------------------

##### SURROUNDING ZONING AND LAND USE

North	D-3	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwelling)
East	D-4	Residential (Single-family dwelling)
West	D-3	Residential (Single-family dwelling)

MERIDIAN KESSLER NEIGHBORHOOD PLAN	The Meridian Kessler Neighborhood Plan (2016) recommends traditional neighborhood development.
---------------------------------------	--

- ◇ The 0.17-acre site is improved with a single-family dwelling and detached garage. It is surrounded by single-family dwellings in every direction.

#### VARIANCE OF USE

- ◇ The grant of the request would allow an accounting firm to be in the D-3 Dwelling District.
- ◇ Table 743-1: Use Table notes that a professional office is only permitted in commercial, mixed-use, and commercial business districts.

(Continued)



**STAFF REPORT 2022-UV1-044 (Continued)**

- ◇ The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park
- ◇ The subject site is located within a Residential Corridor Reserve overlay of the Comprehensive Plan which is “intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses.”
- ◇ Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology. In this case, the small scale-office use is removed to reserve the residential development in the area.
- ◇ Additionally, the Meridian Kessler Neighborhood Plan (2016) notes that residential uses along College Avenue should be protected by maintaining commercial uses at their present locations while encouraging Transit-oriented development at the commercial nodes.
- ◇ Staff determined that the home occupation allowance of the Ordinance could be used to have a home-based operation instead of seeking a separate single-family dwelling to conduct business in, which could resolve the petitioner’s concern with commuting to work.
- ◇ However, if the home occupation option is not possible for any reason, then staff does not find that there is a condition peculiar to the site in question that would prevent it from being sold and used for the intended residential use.
- ◇ The terms of the Zoning Ordinance do not constitute an unnecessary hardship for the property since it is developed residentially and could continue to be used as such.
- ◇ Lastly, the grant of the request would substantially interfere with the Comprehensive Plan recommendation for traditional neighborhood development that preserves the residential corridor. Instead, it would be counter to the recommendation and would be a wholly and inappropriate commercial encroachment into a residential area.
- ◇ In staff’s opinion, in addition to the home occupation provisions stated above, there are countless vacant commercial properties throughout the city in which the proposed use could be located that would be zoned appropriately and would align with the Comprehensive Plan.

(Continued)

**STAFF REPORT 2022-UV1-044 (Continued)****GENERAL INFORMATION**

THOROUGHFARE PLAN	College Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with an 89-foot existing right-of-way and a 78-foot proposed right-of-way.
THOROUGHFARE PLAN	57 <sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 51-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated November 22, 2022.
PLAN OF OPERATION	File-dated November 11, 2022.
FINDINGS OF FACT	File-dated November 11, 2022.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

**2021-PLT-013; 5676 North College Avenue** (south of site), Approval of a Subdivision Plat to be known as Aviator's College Avenue Addition, dividing 0.22 acre into two single-family attached lots, **granted**.

**2018-UV1-048; 5670 North College Avenue** (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling (only permitted on corner lots) with 65% open space on a 40-foot wide, 9,670-square foot lot (minimum 70% open space, 105-foot width, and 15,000 square foot lot required), **granted**.

**2014-DV1-020; 5755 Broadway Terrace** (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576-square foot detached garage, with a one-foot south side setback and a four-foot east rear setback (minimum six-foot side and five-foot rear setbacks required), **granted**.

**88-V3-3; 711 East 58<sup>th</sup> Street** (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to single-family residence with a one-foot rear setback (twenty feet required) and a two-foot side setback (five feet required), **granted**.

**84-UV2-69; 5514 North College Avenue** (southeast of site), Variance of use of no existing building as a children's day care center, **denied**.

MI

\*\*\*\*\*

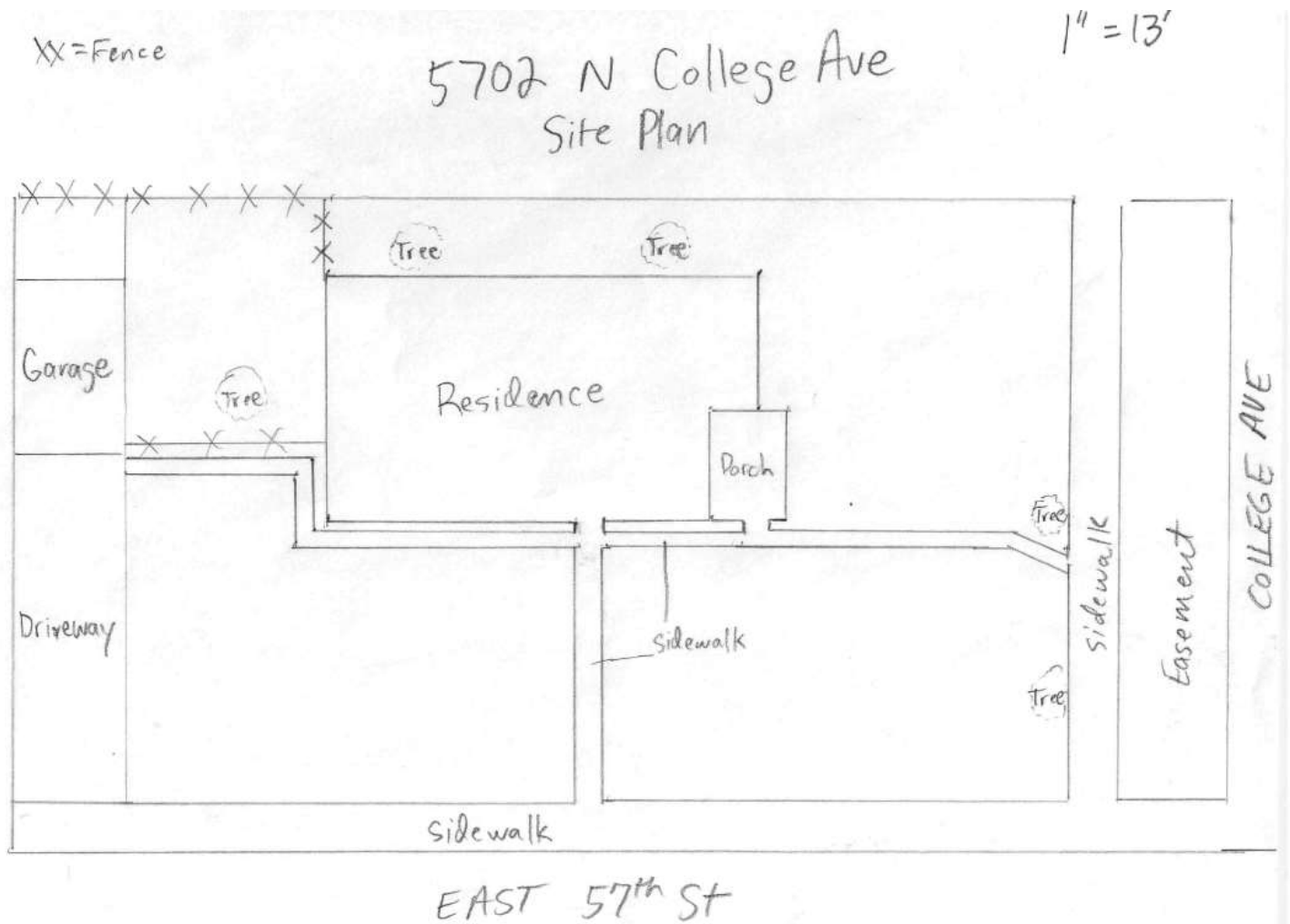
## 2022-UV1-044; Location Map



## 2022-UV1-044; Aerial Map







3901 W 86<sup>th</sup> St  
Suite 120  
Indianapolis, IN 46268



Phone: 317.616.1829  
Fax: 317.616.2458  
www.elevationcpa.com

Plan of Operation for Elevation CPA Group, LLC

- Workforce
  - Elevation has 2 employees, other than myself. 1 employee is remote, never on site. A second employee will work in the office every day with me, the owner. Her hours are 9am-4pm January 1 – April 15 and 9am-1pm from April 15 – December 31
  - The employee can park in the garage on the property, if needed.
  - I will have a security system in place on the property.
- Clients & Customers
  - My accounting firm has clients that are primarily small business owners. I rarely have clients come to the office outside of tax season.
  - During tax season, I can have up to 3 clients (business owners and non-business clients) drop off their information each day, staying no more than 15 minutes. Rarely are they in the office at the same time. This lasts for approximately 2 months, from February 1 – April 1. Some days I get no clients during tax season.
  - The plan for the clients is to park either in the driveway or on 57<sup>th</sup> St for the brief time they will be in the office.
  - Outside of tax season, I rarely have clients stop in the office. The firm will go weeks without any clients coming in the office.
  - Most documents are received electronically from clients. I am trying to move to mostly electronic submission of documents.
  - Elevation has approximately 80 business clients and approximately 60 non-business clients. Non-business clients are defined as individuals who have an annual tax return prepared.
- Processes Conducted on Site
  - Elevation CPA is a professional services firm
  - Tax return preparation for businesses and individuals
  - Bookkeeping for businesses
  - Payroll for businesses
  - General business advisory
  - The accounting firm will operate 100% inside the property with no yard sign. I would like to add a small company sign on the actual building structure so clients can easily locate the property.
- Materials Used
  - Computers and Printers
- Shipping & Receiving
  - Not applicable
- Waste
  - Trash will be disposed of in the typical way
  - Sensitive documents are shredded and picked up by a 3<sup>rd</sup> party

Respectfully,

*Tim Schluge*

Tim Schluge, CPA  
Owner  
Elevation CPA Group, LLC  
tim@elevationcpa.com  
317-250-8915 (cell)



Photo of the Subject Property: 5702 North College Avenue



Photo of the Subject Property: 5702 North College Avenue





Photo of the single-family dwelling west of the site.



Photo of the single-family dwelling south of the site.



Photo of the single-family dwelling north of the site.

## STAFF REPORT

Item 13.

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

**Case Number:** 2023-DV1-002  
**Address:** 902, 916, 918 and 922 North Capitol Avenue (*Approximate Addresses*)  
**Location:** Center Township, Council District #11  
**Petitioner:** Capitol Street Properties LLC, 916 North Capitol Avenue LLC, MTP South Parking Propco LLC and MPT - 922 N Capitol Ave LLC, by Joseph D. Calderon  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 243,000 square foot mixed-use building with one 24-foot by 28.5-foot loading space (two loading spaces with dimensions of 30-foot by 12-foot and 55-feet by 12-feet required).

### RECOMMENDATIONS

Staff **recommends approval** of the variance request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

CBD-2 (RC) Compact	Commercial buildings, with surface parking lots
--------------------	---

##### SURROUNDING ZONING AND LAND USE

North -	CBD-S (RC)	Mixed-use development (Stutz)
South -	CBD-2 (RC)	Office building
East -	CBD-2 (RC)	Two commercial buildings and surface parking lots
West -	I-3 (RC)	Commercial uses

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends the site for urban mixed-uses

#### **REGIONAL CENTER APPROVAL / VACATION PETITION**

- ◇ Along with this petition, a Regional Center Approval petition was filed for a proposed mixed-use developed, with approximately 270 dwelling units, 13,840 square feet of office and retail space, a parking garage with approximately 398 spaces, and resident amenities, including an outdoor courtyard. That petition, 2022-REG-077, received preliminary approval before the Regional Center Hearing Examiner on January 26, 2023. On February 15, 2023, the Metropolitan Development Commission will hear the Regional Center Approval petition.

(Continued)



- ◇ In December 2022, a vacation petition (2022-VAC-008) was approved by the Plat Committee to vacate an east-west alley within the proposed area to be developed.

**VARIANCES**

- ◇ This petition seeks to reduce the number of loading spaces and loading area, for a proposed mixed-use development. The Ordinance would require a minimum of two loading spaces and for the first loading space to be 30-foot by 12-foot in size and the second loading space to be a minimum of 55-foot by 12-foot in size. The request would provide for one loading space, at 24-foot by 28.5-foot in size.
- ◇ The proposed loading area would be accessed from a named alley, Roanoke Street, that runs parallel to the site's west property line. Approximately 34% of the ground floor of the development would be parking area, with the loading area within the parking garage.
- ◇ In review of the site and first floor plan, it would appear that at least one other area would be available within the parking garage for loading and unloading. The alley is well-used and limiting trucks loading and unloading in this alley would be safer for pedestrians and drivers using this alley. Additionally, most of the commercial uses that are proposed within this development is planned as offices, with about 4,300 square feet of space for retail. Offices typically require fewer supplies than retail uses. Therefore, this request would be an acceptable deviation of the Ordinance standards.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Capitol Avenue and 10 <sup>th</sup> Street are primary arterials, with 78-foot rights-of-way existing and proposed.
URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is located within the Urban-mixed use District typology.
TRANSIT-ORIENTED DEVELOPMENT	The site is located within a transit-oriented development area.
SITE PLAN	File-dated, December 19, 2022
FINDINGS OF FACT	File-dated, December 19, 2022

**ZONING HISTORY - SITE**

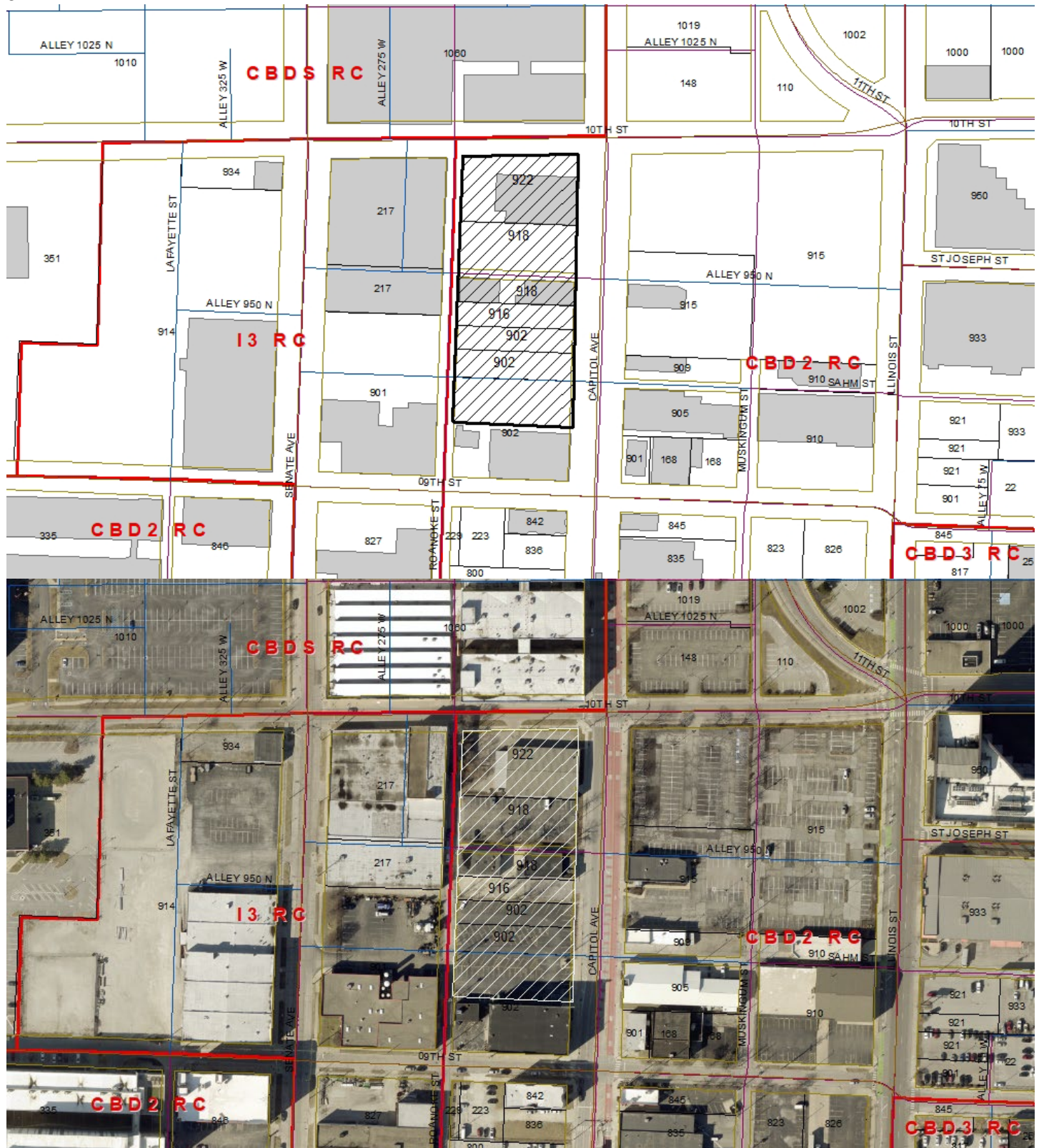
**2022-REG-077; 902, 916, 918 and 922 North Capitol Avenue**, requested Regional Center Approval to provide for the demolition of existing buildings and construction of a five-story, mixed-use development, with approximately 270 units, 13,840 square feet of office and retail space, a parking garage with approximately 398 spaces, and resident amenities, including an outdoor courtyard.

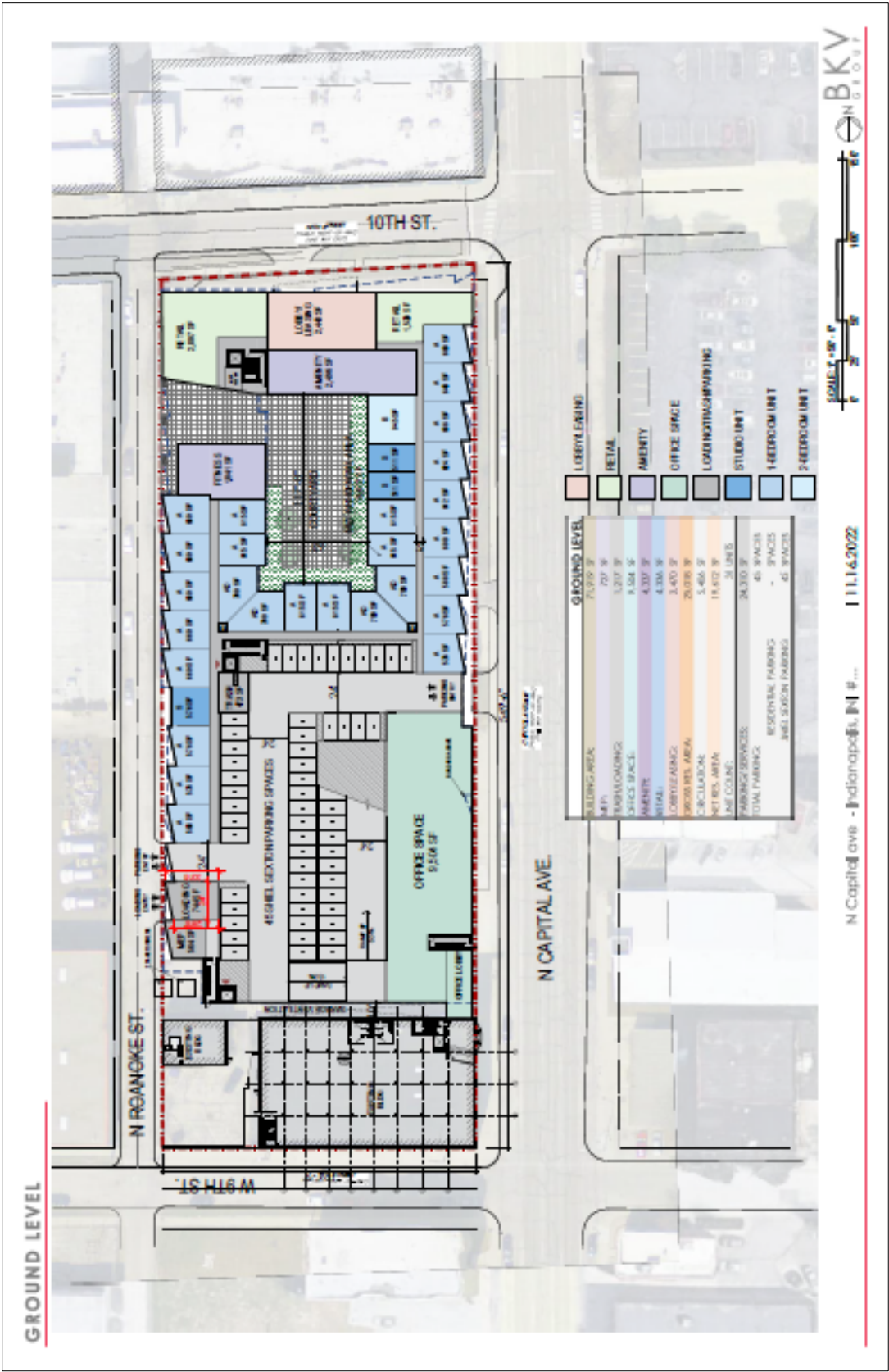
(Continued)

None.

JY

\*\*\*\*\*





Proposed site plan  
2023-DV1-002





View of Roanoke Street, looking north. Site is to the right.  
2023-DV1-002





View of site, to the right, and Capitol Avenue looking south  
2023-DV1-002





Existing buildings on the site (to be demolished) – 2023-DV1-002