



Board of Zoning Appeals BZA Division II (February 14, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, February 14, 2023 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-DV2-047 | 2304 and 2302 West 60th Street

Washington Township, CD #8, Zoned D-2
Cesar Felix Garay, by In and Out Unlimited LLC

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an 18.75-foot-tall pole barn taller and larger than the primary building (accessory buildings not permitted to be taller or larger in square footage than primary structure).

**Automatic Continuance to the March 14th, 2023 Hearing

2. 2023-DV2-001 | 801 Shelby Street

Center Township, CD #17, Zoned C-5 / D-5 (TOD)
RCA Properties LLC, by Paul J. Lambie

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

**Automatic Continuance to the March 14th, 2023 Hearing.

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2022-UV2-027 (Amended) | 3445 Washington Boulevard

Center Township, CD #9, Zoned D-3
Caitlin M Hannon & Chuck W Brewer, by David Kingen & Emily Duncan

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development (not permitted), including:

- a) A 3,580-square foot dwelling unit on the first and second floor; and
- b) 6,410 square feet of office and
- c) An 1,810-square foot dwelling unit in the basement with
- d) nine off-street parking spaces and four street parking spaces (23 parking spaces required).

Expedited

- 4. 2022-UV2-029 | 1645 East Minnesota Street**
Center Township, CD #21, Zoned C-3
Fatima Lamas

Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing single-family dwelling and residential accessory structure (not permitted) with a seven-foot rear setback (eight feet required)

Expedited

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

- 5. 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 (Continued Petitions):

- 6. 2022-DV2-048 | 3815 River Crossing Parkway**
Washington Township, CD #3, Zoned C-S (FF)
ASAP Permits, by Brent Bennett

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second skyline sign on the northern elevation (one skyline sign permitted per elevation).

- 7. 2022-UV2-030 | 2307 Dr. Martin Luther King Jr Street**
Center Township, CD #11, Zoned C-1
Flanner House Inc., by Brent Lyle

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family dwelling (not permitted) with a 1.5-foot front setback along 23rd Street (10-foot front setback required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-DV2-047
Address: 2304 and 2302 West 60th Street (approximate address)
Location: Washington Township, Council District #8
Zoning: D-2
Petitioner: Cesar Felix Garay, by In and Out Unlimited LLC
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an 18.75-foot-tall pole barn taller and larger than the primary building (accessory buildings not permitted to be taller or larger in square footage than primary structure).

This petition was continued from the **January 10, 2023 hearing to the February 14, 2023 hearing** to allow to allow the petitioner additional time to provide new information for review and potentially amend the request if needed.

A timely automatic continuance request was submitted by a registered neighborhood organization, **continuing this matter from the February 14, 2023 hearing to the March 14, 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-DV2-001
Address: 801 Shelby Street (approximate address)
Location: Center Township, Council District #17
Zoning: C-5 / D-5 (TOD)
Petitioner: RCA Properties LLC, by Paul J. Lambie
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

A timely automatic continuance request was submitted by a registered neighborhood organization, **continuing this matter from the February 14, 2023 hearing to the March 14, 2023 hearing.** This would require the Board’s acknowledgement.

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STAFF REPORT

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

Case Number: 2022-UV2-027 (Amended)
Address: 3445 Washington Boulevard (approximate address)
Location: Center Township, Council District #9
Zoning: D-3
Petitioner: Caitlin M Hannon & Chuck W Brewer, by David Kingen & Emily Duncan
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development (not permitted), including:
a) A 3,580-square foot dwelling unit on the first and second floor; and
b) 6,410 square feet of office and
c) An 1,810-square foot dwelling unit in the basement with
d) nine off-street parking spaces and four street parking spaces (23 parking spaces required)

RECOMMENDATIONS

Staff **recommends approval** of this request as amended subject to the January 2, 2023 file-dated plan of operation and the three commitments submitted by the petitioner as follows:

- 1. No addition to or expansion of the building will be permitted.
- 2. The primary structure shall be preserved and any minor modifications to the exterior of the building shall be residential in appearance.
- 3. Bike parking shall be installed on site.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-3 Compact Residential

SURROUNDING ZONING AND LAND USE

North D-3 Residential (Single-family dwelling)
South SU-1 Religious Use
East SU-1 Religious Use
West D-3 Residential (Single-family dwelling)

NEIGHBORHOOD PLAN

The Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommends office commercial development.

(Continued)

STAFF REPORT 2022-UV2-027 (Continued)

- ◇ The 0.64-acre subject site is improved with a single-family dwelling that was previously converted for commercial use. A previous variance, 90-UV1-16, permitted the construction of an addition to the dwelling for the expansion of a film production studio.
- ◇ The site is surrounded to the north and west by single-family dwellings and to the south and east by a religious use.

VARIANCE OF USE

- ◇ The initial request included a warehouse space on the first floor, a single contractor operating a live workspace in the basement, and a non-illuminated ground sign. After multiple discussions with staff regarding the concerns with the proposal, the petitioner amended the request and removed these items from the proposal.
- ◇ The grant of the amended request would permit two dwelling units in Unit A and Unit C and an office in Unit B with deficient parking.
- ◇ The D-3 The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan.
- ◇ Many of the structures on Washington Boulevard in this area have been converted to office-type uses from large single-family dwellings. Providing for an office use at this location would not be out of character with the surrounding area.
- ◇ Additionally, the proposal would not substantially interfere with the Comprehensive Plan since it is recommended for office commercial development.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Per Table 744-402-1, an office for business, professional, or government use would require one parking space per 350 square feet where a medical or dental office would require one parking space per 300 square feet. Since the request does not differentiate between which type of office use would be proposed, staff used the more intense parking requirement to assure that the variance would apply if the more intense parking requirement would be needed.
- ◇ As proposed, the 6,410 square foot office would require 21 parking spaces and the two dwelling units would require two additional spaces. The total required parking on site would be 23 spaces where 13 spaces would be proposed. Nine parking spaces would be off-street parking spaces with four being street parking.

(Continued)

STAFF REPORT 2022-UV2-027 (Continued)

- ◇ In Staff's opinion, there are site limitations with providing the total required parking spaces on site.
- ◇ Furthermore, the site falls within ½ mile from the nearest Red Line Transit Station and Purple Line Transit Station, which would allow for a 10% parking reduction. The fact that this site would be served by two bus rapid transit lines gives staff assurance that the reduced parking variance is supportable.

GENERAL INFORMATION

THOROUGHFARE PLAN	Washington Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a street classification, with a 100-foot existing right-of-way and a 78-foot proposed right-of-way.
OVERLAY	This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Red Line.
OVERLAY	This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Purple Line.
SITE PLAN	File-dated November 10, 2022.
AMENDED SITE PLAN	File-dated January 5, 2023.
FLOOR PLANS	File-dated November 10, 2022.
UPDATED FLOOR PLANS	File-dated January 5, 2023.
PLAN OF OPERATION	File-dated November 10, 2022.
AMENDED PLAN OF OPERATION	File-dated January 5, 2023.
PETITIONER COMMITMENTS	File-dated January 5, 2023.
FINDINGS OF FACT	File-dated November 10, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

(Continued)

STAFF REPORT 2022-UV2-027 (Continued)**PREVIOUS CASES**

2008-DV2-048; 3445 Washington Boulevard (subject site), Variance of Development Standards of the Sign Regulations to provide for a four-foot tall, 26.7-square-foot ground sign (not permitted), for an existing business permitted by petition 90-UV1-016, **granted**.

90-UV1-16; 3445 Washington Boulevard (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to permit the construction of an addition to a film production studio, **granted**.

85-Z-219; 3601 Washington Boulevard (subject site), Rezoning of approximately 46 acres from the D-3 district to correct a mapping error, **approved**.

ZONING HISTORY – VICINITY

2017-DV3-037; 3434 North Washington Boulevard (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence within the front yard (maximum 42-inch-tall fence permitted within the front yard.), **granted**.

2010-DV1-053; 418 East 34th Street (south of site), Variance of development standards of Sign Regulations to provide for a 20-foot tall, 148.2-square foot free-standing sign mounted on the rear of an existing scoreboard, with a 3.83-foot setback from East 34th Street, with a 25-foot separation from the D-5 district to the south and being the third sign along the 581.87-foot 34th Street frontage, **granted**.

2009-DV1-008; 418 East 34th Street (southeast of site), Variance of development standards of the Sign Regulations to: a) legally establish two, six-foot tall, 38.5-square foot pylon signs, and b) provide for a 7.67-foot tall, 40.31-square foot pylon sign, within 128.51 feet of another freestanding sign to the west along East 34th Street and within 99.62 feet of another freestanding sign to the north along Central Avenue, being the second sign along 581.87 feet of street frontage on East 34th Street, **granted**.

2009-UV3-015; 3536 Washington Boulevard (northwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for office uses (not permitted), **granted**.

2008-LNU-005; 3545 Washington Boulevard (north of site), Certificate of Legal Non-Conforming Use for a commercial office use, **granted**.

2008-LNU-001; 3558 Washington Boulevard (northwest of site), Certificate of Legal Non-Conforming Use for an eight (8) dwelling unit residential structure, **granted**.

2006-UV3-027; 3447 Washington Boulevard (north of site), Variance of use of the Dwelling Zoning Ordinance to Ordinance to provide for general office uses in an existing single-family dwelling, **granted**.

2004-DV2-001; 3554 Central Avenue (northeast of site), Variance of the Development Standards of the Dwelling District Ordinance to legally establish a 6.83-foot tall rear yard fence and a 9.67-foot tall side yard fence, with eight-foot and ten-foot posts respectively (maximum six-foot tall fence permitted), **dismissed**.

(Continued)

STAFF REPORT 2022-UV2-027 (Continued)

99-NC-42; 3505 Washington Boulevard (north of site), Certificate of Legal Nonconforming Use to establish an office building, **denied**.

97-HOV-66; 210 East 34th Street (southwest of site), Variance of development standards of the Sign Regulations to provide for the placement of a double-faced illuminated ground sign, being 6.5 by 3 feet and 4 feet in height, for an existing religious use, **granted**.

95-HOV-51; 3550 Washington Boulevard (northwest of site), Variance of development standards of the Dwelling District Zoning Ordinance to permit the construction of an emergency exit door and stairway from the basement of a legally established office being less than one foot from the side lot line (minimum six feet required), **granted**.

93-UV1-47; 3530 Washington Boulevard (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a non-profit children's theater, **withdrawn**.

90-V3-72; 3521 North Washington Boulevard (north of site), Variance of use of the Dwelling District Zoning Ordinance to permit the construction of a single story office building and associated parking area, **withdrawn**.

90-UV3-36; 3521 Washington Boulevard (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the construction of an office building with parking located within the rear transitional yard and five feet from property line (20 feet required), **denied**.

87-UV1-137; 3558 North Central Avenue (northeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for professional offices including an oral surgeon, **granted with conditions**.

86-UV1-25; 131 East 36th Street (northwest of site), Variance of use of the Dwelling District Zoning Ordinance for the construction of a detached garage in a multi-family zoning district, **granted**.

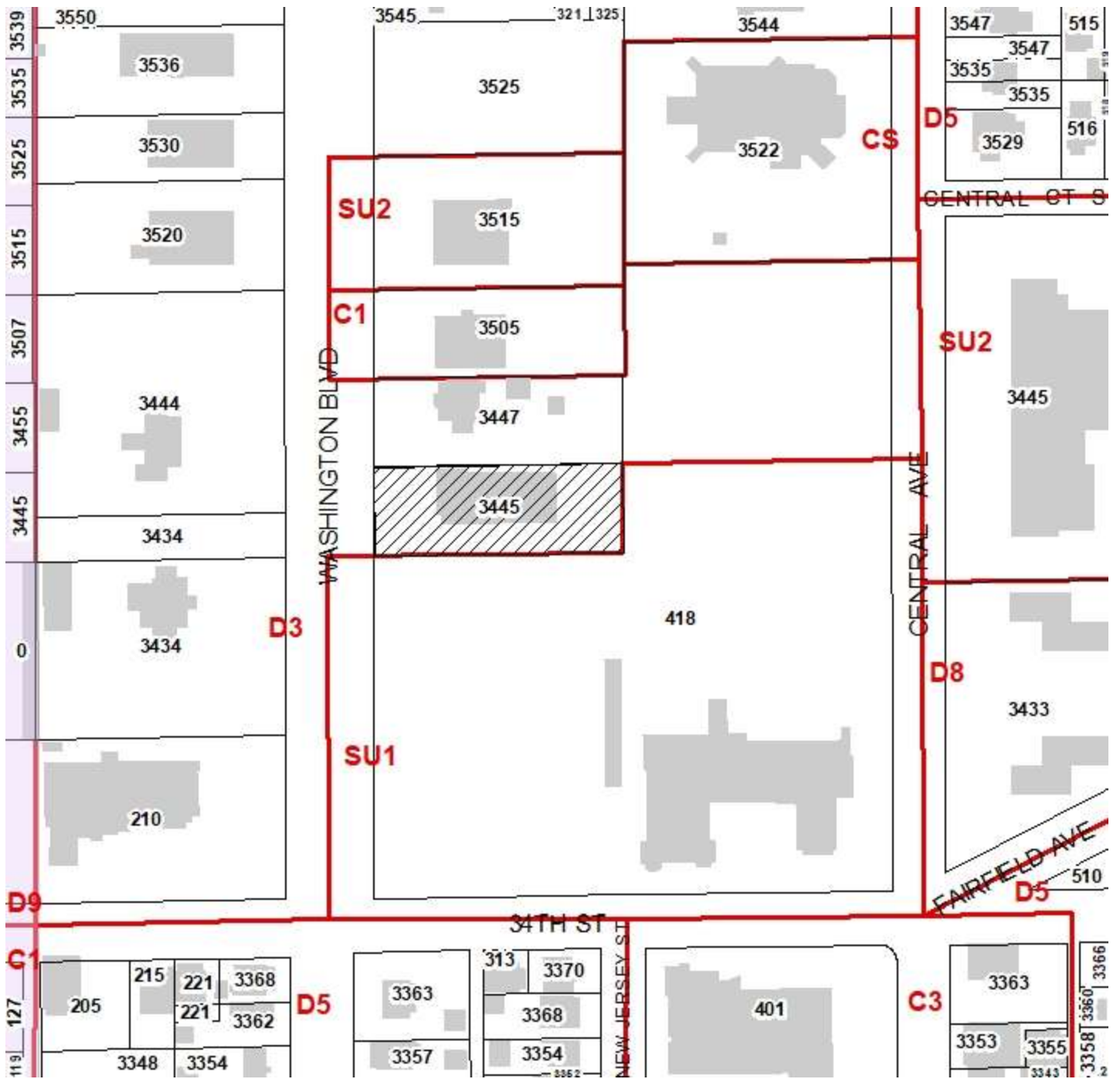
85-UV2-96; 3530 Washington Boulevard (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building as a church, **granted**.

84-UV2-30; 3532 & 3538 Washington Boulevard (northwest of site), Variance of use of the Dwelling District Zoning Ordinance to provide for the erection of a commercial building to be used as an audio production studio, **granted**.

78-UV2-87; 3444 Washington Boulevard (west of site), Variance of use and development standards to permit general office uses in an existing building, previously granted for International Fraternity Headquarters, with sign, **granted**.

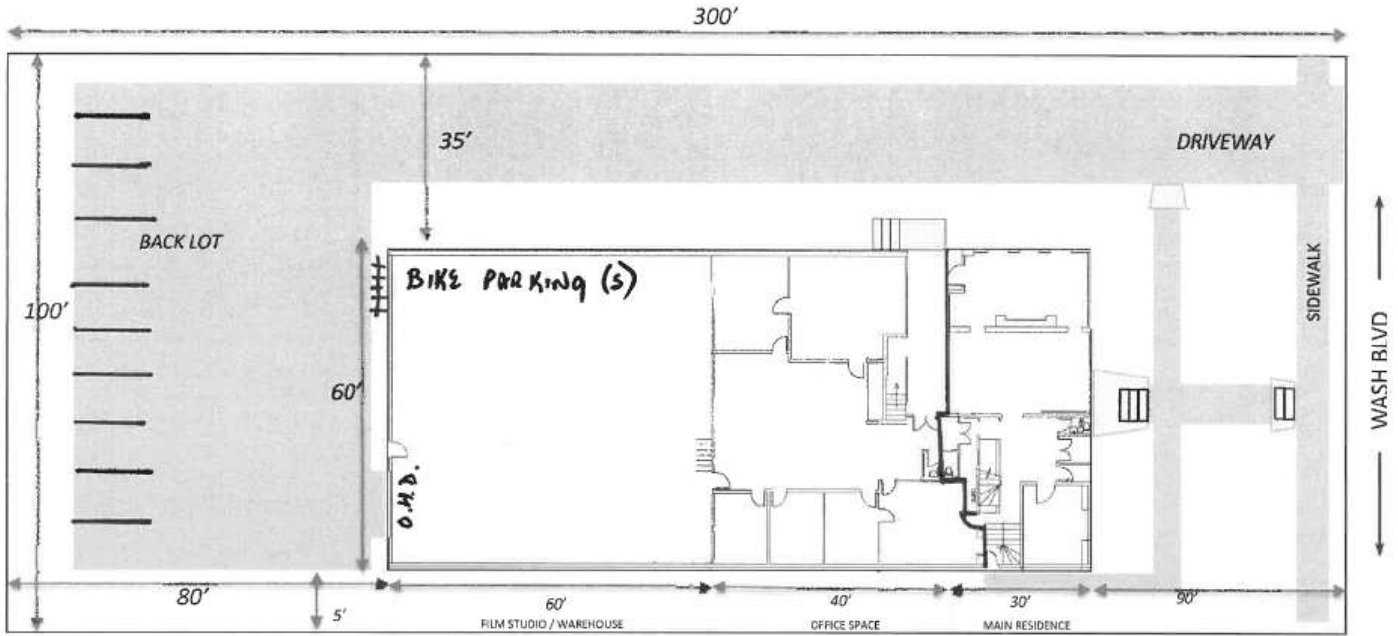
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2022-UV2-027; Location Map

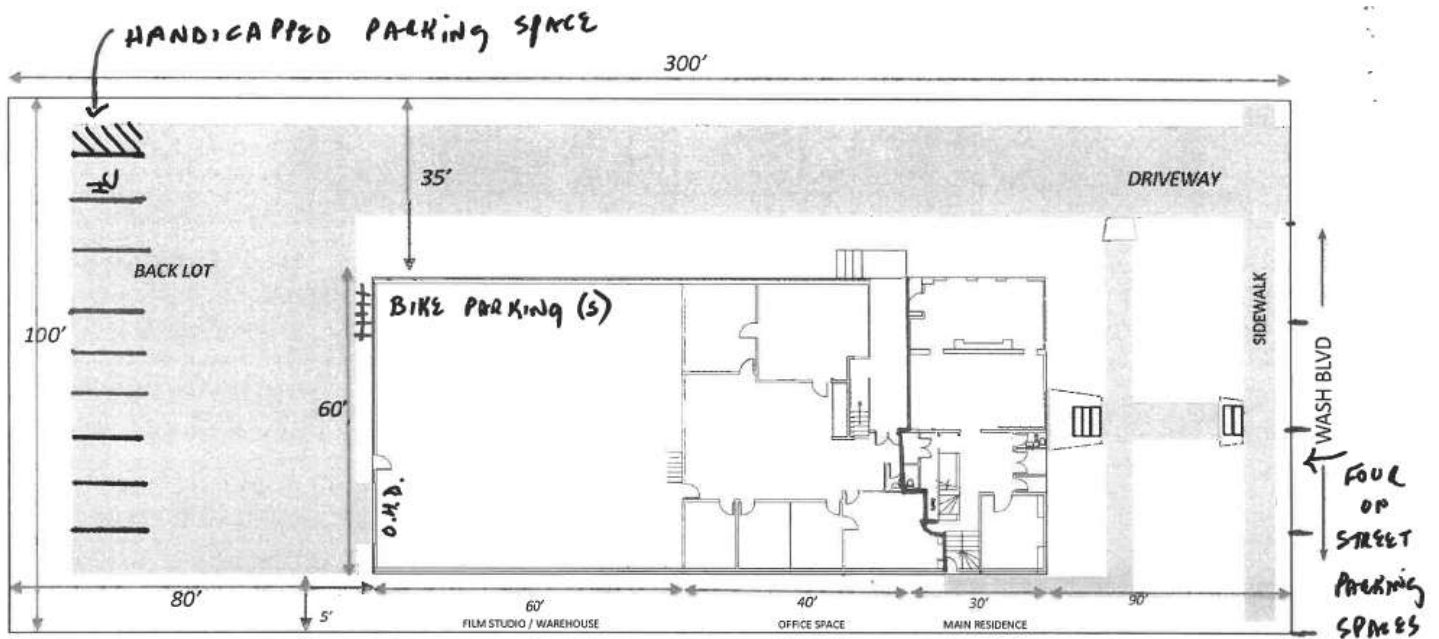




2022-UV2-027; Site Plan



2022-UV2-027; Amended Site Plan



3445 WASHINGTON BLVD
LOT OVERVIEW
PARKING PLANS

NORTH ↓
12/31/22

2022-UV2-027; Plan of Operation**3445 Washington Boulevard****Plan of Operation**

Organization:	Charles Brewer
Address:	3445 Washington Boulevard
Use:	A. Single family residential B. Office with Warehouse space C. Office for contractor
Employees:	B. Not more than 5 persons C. Self-employed person (1)
Parking:	A. Four (4) parking spaces B. Five (5) parking spaces C. One (1) parking space
Hours of Operation:	B. 7:00 am - 6:00 pm Monday thru Friday C. 6:00 am – 7:00 pm Monday thru Saturday
Trash:	No commercial dumpsters on the site
Sign:	Four-foot x Six-foot (4'x6') non illuminated ground sign in the front yard, at least twenty feet from the west property line; with no more than two non-residential tenants identified
Security / Safety:	Easy emergency exit routes Video camera surveillance Secured gate that will require a personal code to enter the secured parking area Secured door that will require a personal code to enter the Building

2022-UV2-027; Amended Plan of Operation**3445 Washington Boulevard****Plan of Operation**

Organization: Charles Brewer

Address: 3445 Washington Boulevard

Use: A. Single family dwelling unit
B. Office use
C. Single family dwelling unit

Employees: B. Not more than 5 persons

Parking: A. Four (4) parking spaces
B. Five (5) parking spaces (including one handicapped parking space).
C. One (1) parking space
D. Four (4) on street parking spaces

Hours of Operation: B. 7:00 am - 6:00 pm Monday thru Friday

Trash: No commercial dumpsters needed and thus none on the site

Sign: No free-standing sign

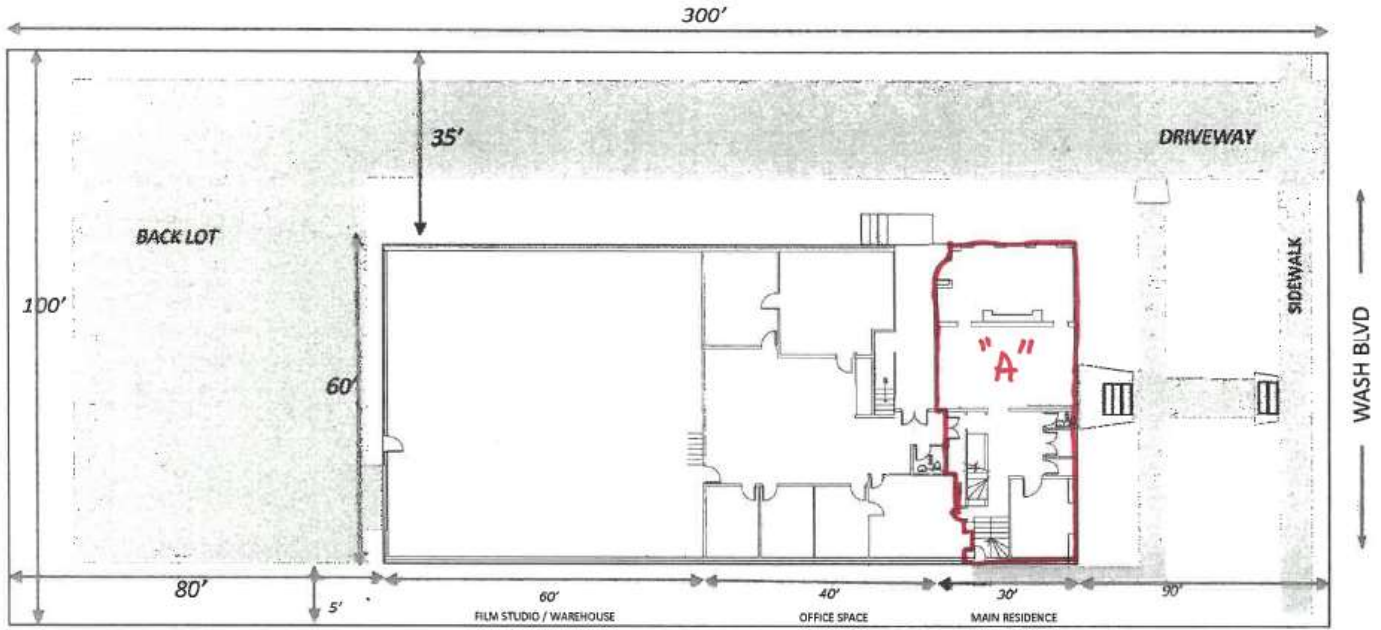
Safety: Easy emergency exit routes for lower level (see photos)
Video camera surveillance
Secured gate that will require a personal code to enter the secured parking area
Secured door that will require a personal code to enter the Building

2022-UV2-027; Petitioner Commitments

ATTACHMENT “D”:

Petitioner commits to the following:

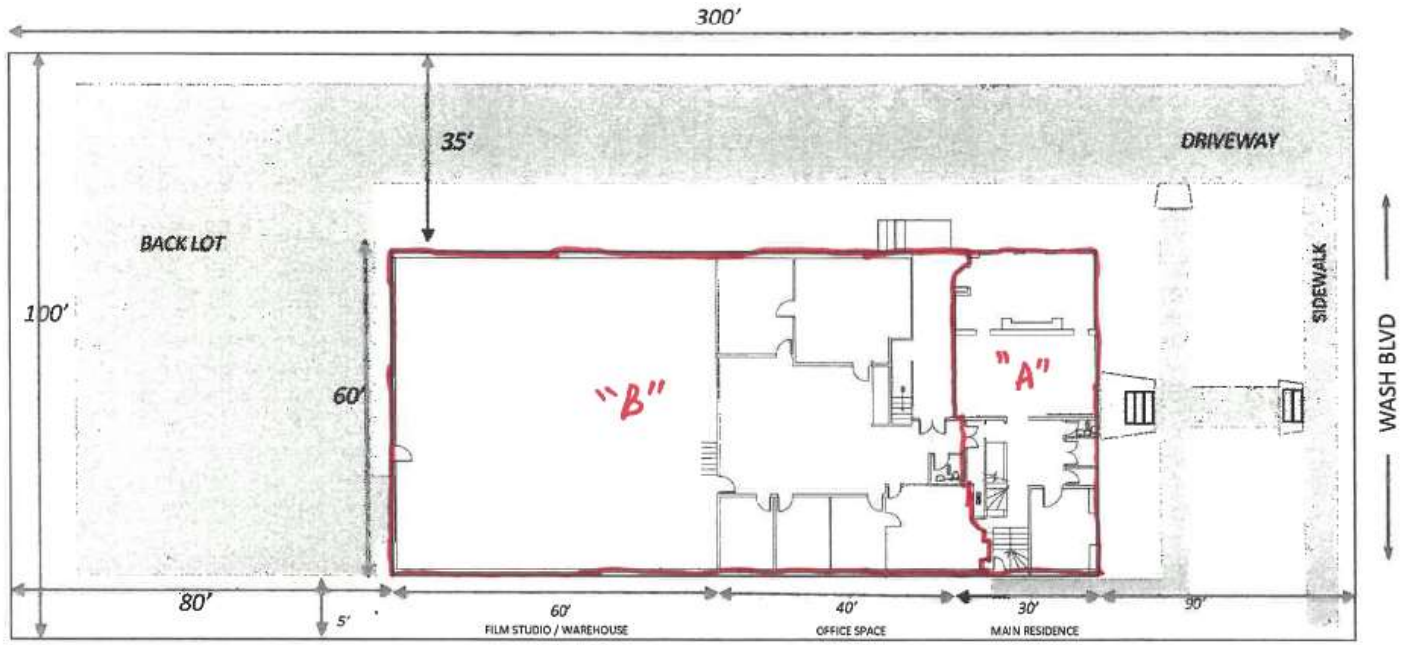
1. No addition to or expansion of the building will be permitted
2. The primary structure shall be preserved and any minor modifications to the exterior of the building shall be residential in appearance.
3. Bike parking shall be installed on the site.



3445 WASHINGTON BLVD
LOT OVERVIEW

Upper level

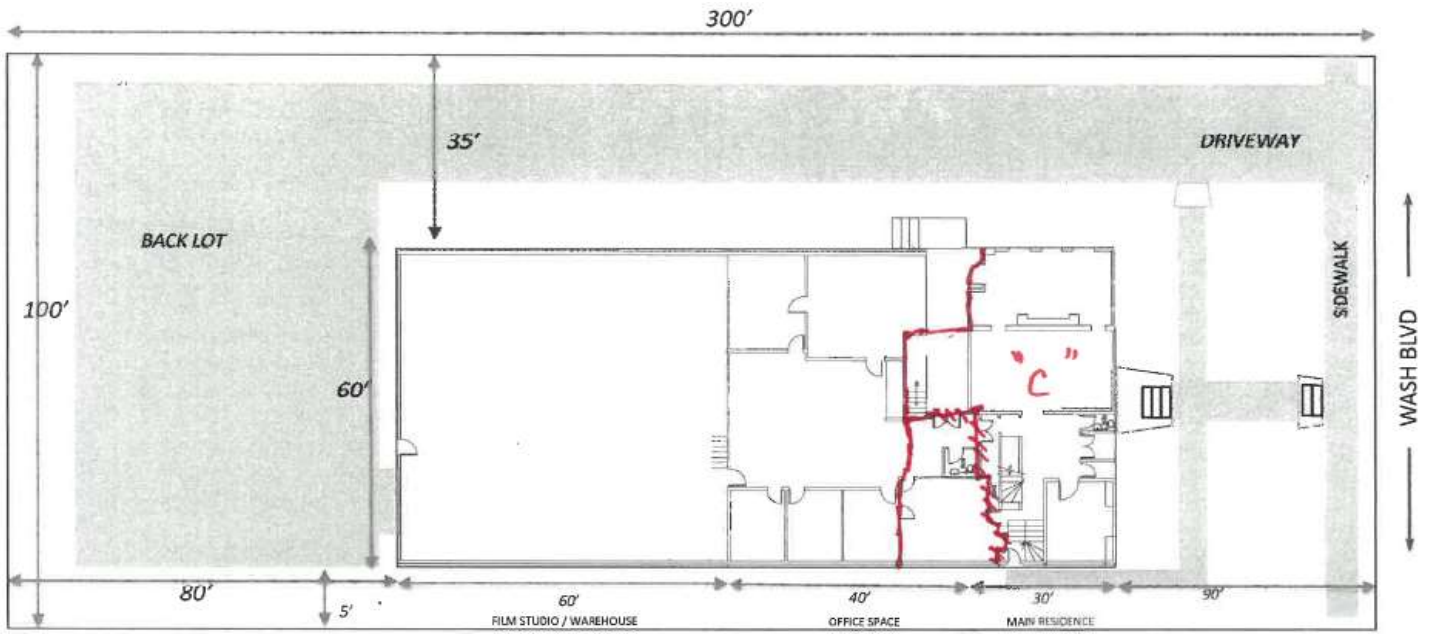
NORTH ↓
12/31/22



3445 WASHINGTON BLVD
LOT OVERVIEW
main level

NORTH ↓
12/31/22

2022-UV2-027; Floor Plans (Continued)

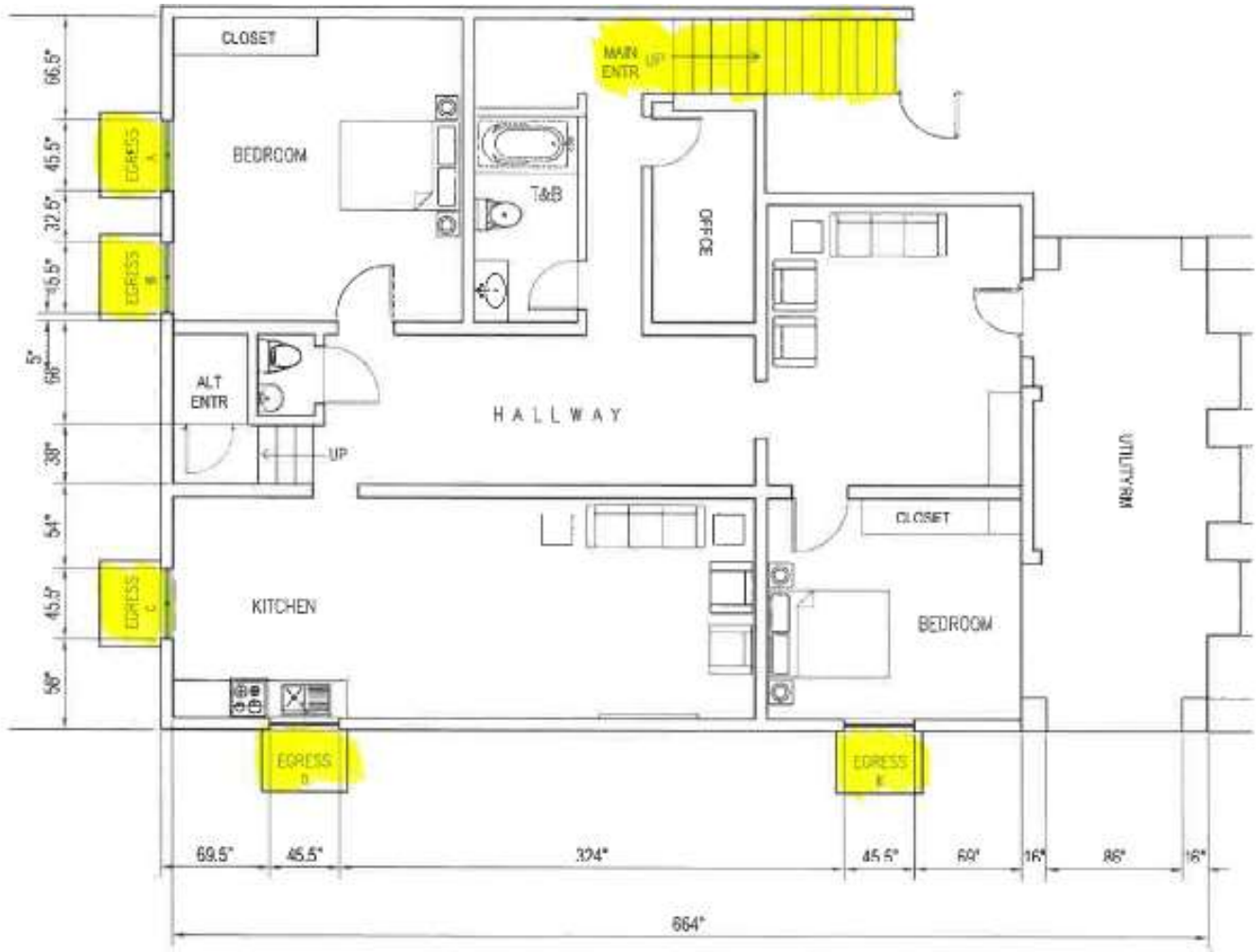


3445 WASHINGTON BLVD
LOT OVERVIEW

Lower Level

NORTH ↓

12/31/22



 **BASEMENT PLAN**



Egress A



Egress B



Egress C



Egress D



Egress E



Photo of the Subject Property: 3445 Washington Boulevard



Photo of the Subject Property: 3445 Washington Boulevard



Photo of the south setback and driveway.



Photo of the rear parking area.



Photo of the football field south of the site.



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



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



Photo of the C-1 and SU-2 districts north of the site.

STAFF REPORT

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

Case Number: 2022-UV2-029
Address: 1645 East Minnesota Street (approximate address)
Location: Center Township, Council District #21
Zoning: C-3
Petitioner: Fatima Lamas
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing single-family dwelling and residential accessory structure (not permitted) with a seven-foot rear setback (eight feet required).

This petition was continued from the **January 10, 2023, hearing to the February 14, 2023, hearing** to allow the petitioner additional time to provide new information for review, potentially amend the request if needed, and to provide proper notice.

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 (Single-family dwelling)

SURROUNDING ZONING AND LAND USE

North C-3 Commercial
South D-5 Residential (Single-family dwellings)
East C-3 Religious Use
West C-3 Residential (Single-family dwelling)

COMPREHENSIVE PLAN The Comprehensive Plan recommends traditional neighborhood development.

- ◇ The 0.21-acre subject site is developed with a two-story single-family dwelling and accessory structure. It is subject to a zoning violation for the second-story addition and a rear addition, which is the reason for the variance request.

VARIANCE OF USE

- ◇ The grant of this petition would legally establish a single-family dwelling and accessory structure in the C-3 District.

(Continued)

STAFF REPORT 2022-UV2-029 (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.
- ◇ A 1956 Sanborn Map indicates that the subject property was developed as a one-story single-family residential dwelling. The continuation and improvement of the use would not be out of character with the surrounding neighborhood.
- ◇ The Comprehensive Plan recommends traditional neighborhood development for the site in question. This 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.
- ◇ Although a single-family dwelling is not a permitted use in this district, the proposed use would be consistent with the traditional neighborhood typology recommendation and would not interfere with the Comprehensive Plan.
- ◇ The need for the variance arises from the historical development and use of the property as a residential dwelling. Otherwise, the existing building could not continue to be used as such.
- ◇ The site photos show two additions to the house have been constructed. The property owner has confirmed that their request is only for the addition as indicated in the submitted site plan, building plans, and elevation.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would also allow for a deficient rear setback.
- ◇ Per Table 744-201-3, the C-3 district calls for an eight-foot rear setback in the Compact Context Area. The request would legalize the existing seven-foot rear setback for the existing accessory structure. Since this is an existing setback, Staff has no concern with supporting the request to legally establish it.

GENERAL INFORMATION

THOROUGHFARE PLAN

Minnesota Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 50-foot existing right-of-way and a 56-foot proposed right-of-way.

(Continued)

STAFF REPORT 2022-UV2-029 (Continued)

SITE PLAN	File-dated November 30, 2022.
ELEVATIONS	File-dated November 30, 2022.
FLOOR PLANS	File-dated November 30, 2022.
FINDINGS OF FACT	File-dated November 30, 2022.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

1. VIO19-005432; Indianapolis Building Standards and Procedures 2016: Section(s) 536-201; 536-609; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a structural permit prior to the construction of a second story addition to the back of the house and a new room addition with a new foundation and a covered porch right off the new addition on a one story one family dwelling (this has been changed to a two story on the old foundation).

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2020-DV1-048; 2275 Ringgold Avenue, 1001 East Bradbury Avenue; 2231 Ringgold Avenue; 1502 Palmer Street; 1352 Olive Street; 1606 South State Avenue; 1502 Linden Street; 1505 Orange Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall to 53.92-foot tall wood poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **withdrawn**.

96-V1-10; 1707 East Minnesota Street (east of site), Variance of development standards of the Commercial Zoning Ordinance to permit the continued operation for one year of a restaurant offering the carry-out of food and alcoholic beverages 40 feet from a residential district (minimum separation of 100 feet required) with six (6) off-street parking, **granted**.

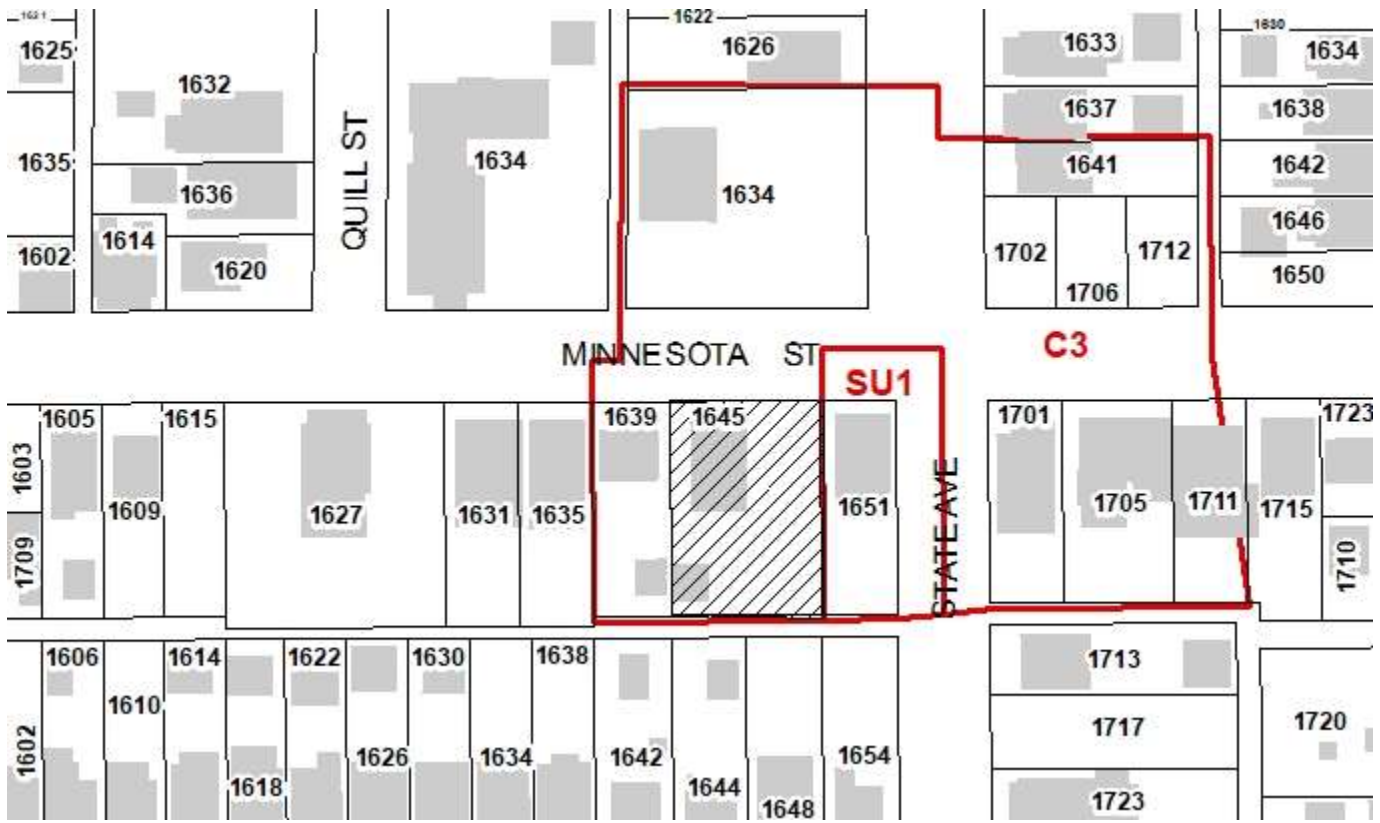
95-V1-14; 1605 East Iowa Street (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 364.76 square foot carport attached to an existing detached garage, with a 0.5-foot side yard setback (minimum four feet required) resulting in an aggregate side yard less than 10 feet (minimum 10 feet required), with accessory buildings totaling 76% of the main floor area of the primary building (accessory buildings on a lot not to exceed 75% of the main floor area of the primary building), **dismissed**.

80-V2-37; 1630 South State Avenue (north of site), Variance of development standards to permit the installation of gasoline pumps for sale of gasoline in conjunction with an existing Village Pantry, **granted**.

78-UV2-64; 1723 East Minnesota Street (east of site), Variance of use and development standards to permit erection of an addition to the west side of an existing building to be used for a print shop, with a pole sign, **granted**.

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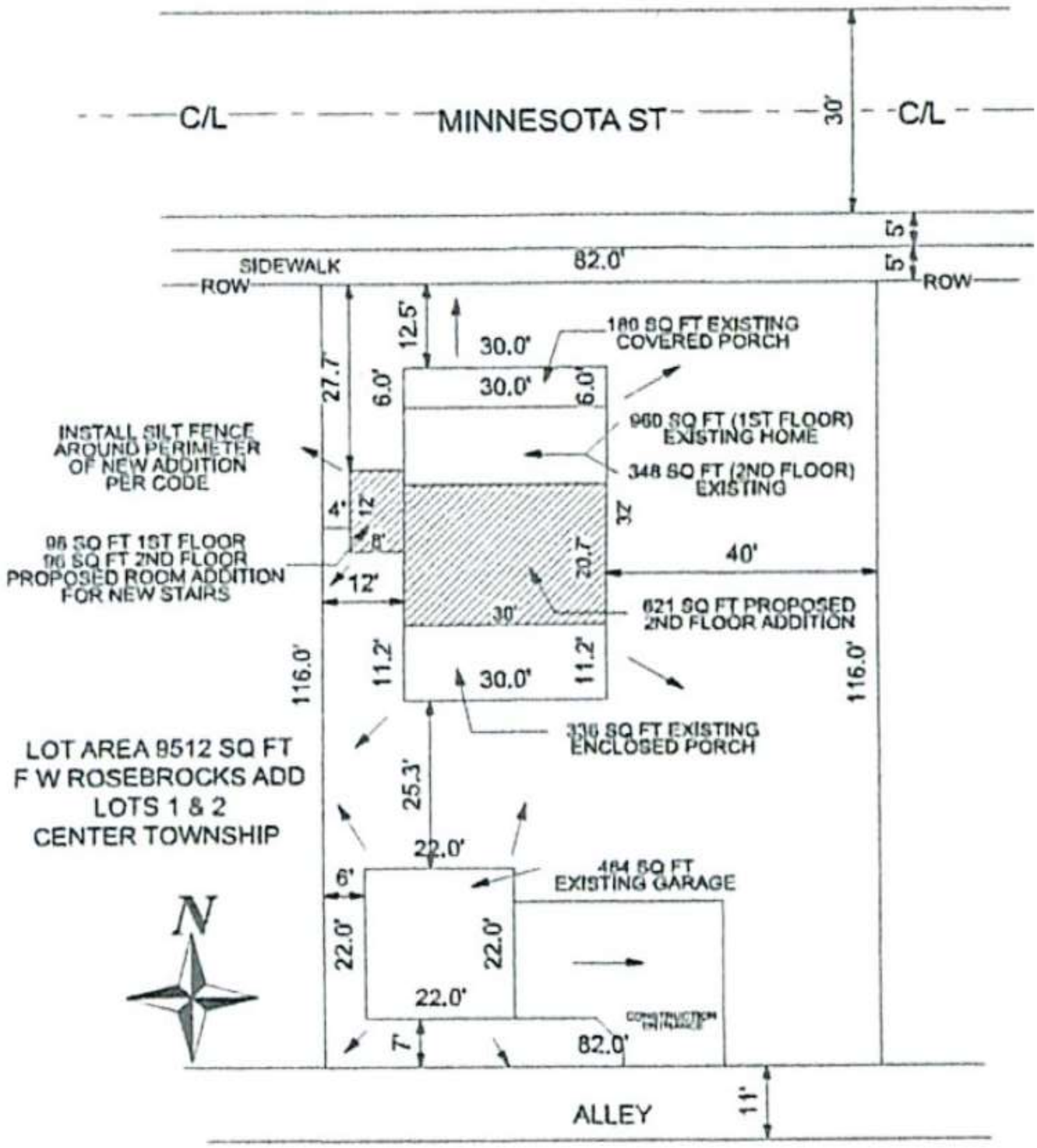
2022-UV2-029; Location Map



2022-UV2-029; Aerial Map







LOT AREA 9512 SQ FT
F W ROSEBROCKS ADD
LOTS 1 & 2
CENTER TOWNSHIP

INSTALL SILT FENCE
AROUND PERIMETER
OF NEW ADDITION
PER CODE

95 SQ FT 1ST FLOOR
96 SQ FT 2ND FLOOR
PROPOSED ROOM ADDITION
FOR NEW STAIRS

180 SQ FT EXISTING
COVERED PORCH

960 SQ FT (1ST FLOOR)
EXISTING HOME

348 SQ FT (2ND FLOOR)
EXISTING

621 SQ FT PROPOSED
2ND FLOOR ADDITION

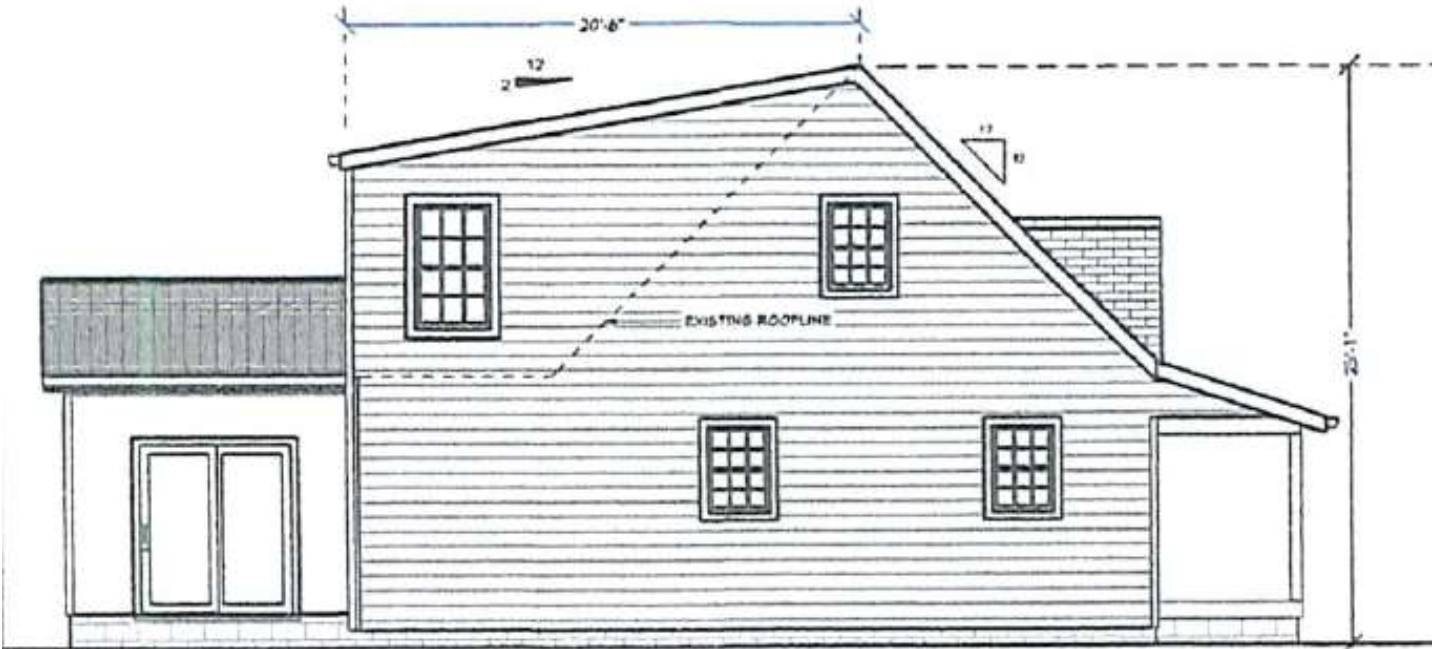
336 SQ FT EXISTING
ENCLOSED PORCH

484 SQ FT
EXISTING GARAGE

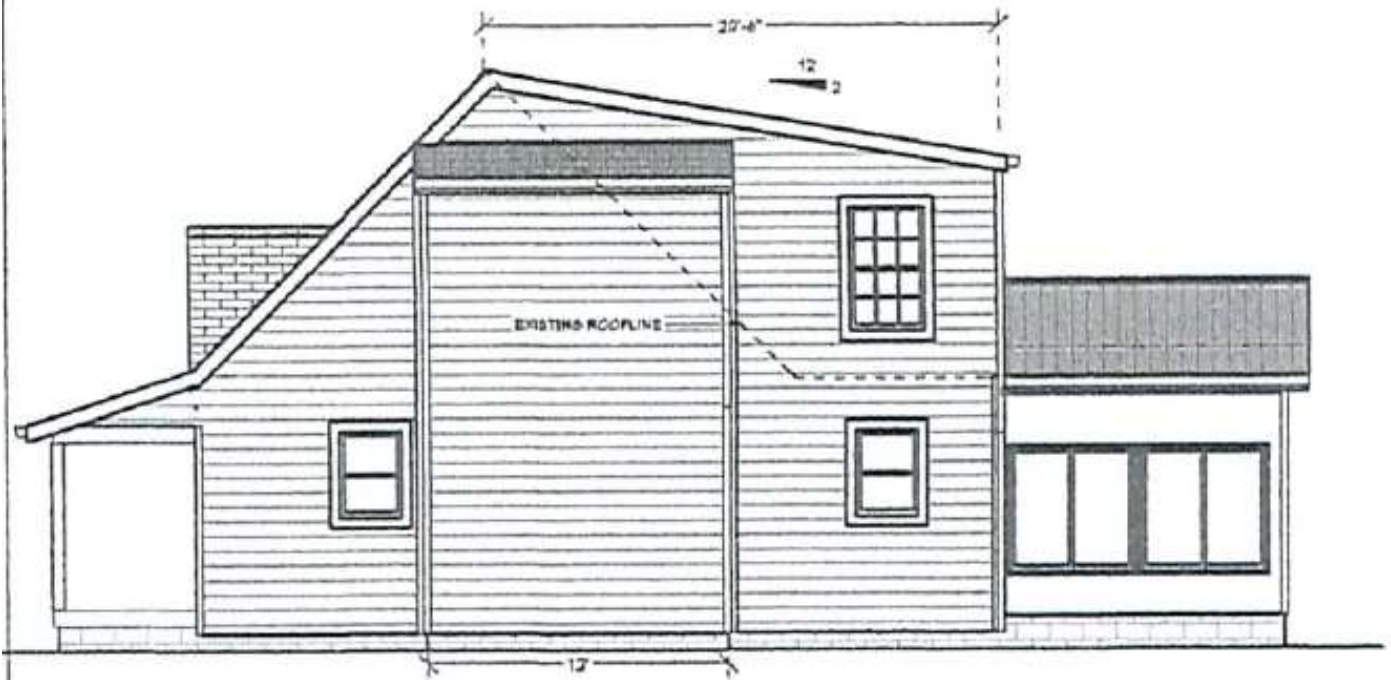
CONSTRUCTION
TRAILER

1645 E MINNESOTA ST
PLOT PLAN

SCALE 1"=20'



EAST ELEVATION
SCALE 3/16" = 1' - 0"

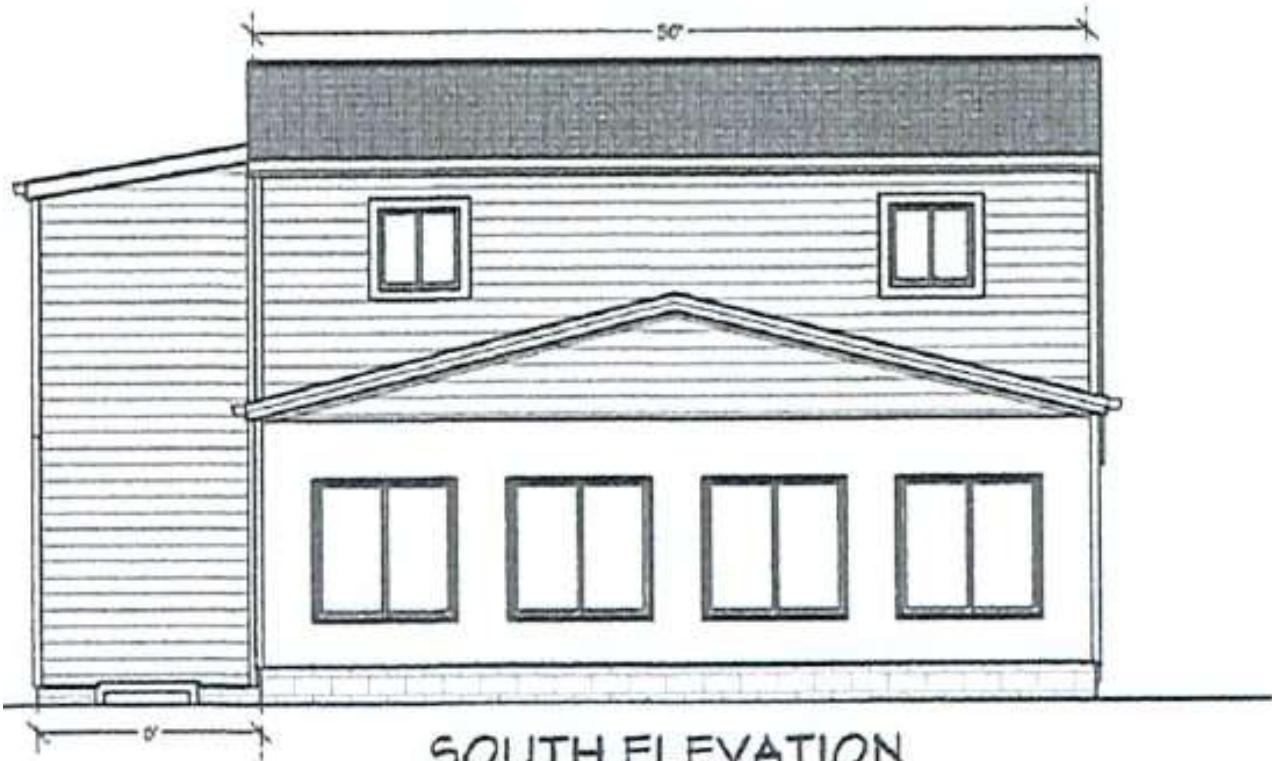


WEST ELEVATION
SCALE 3/16" = 1' - 0"



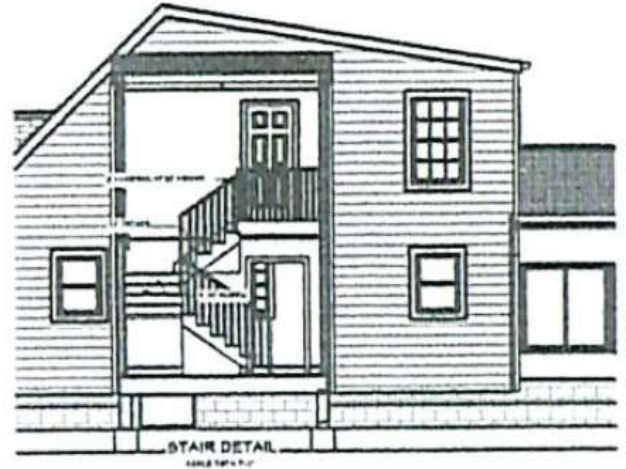
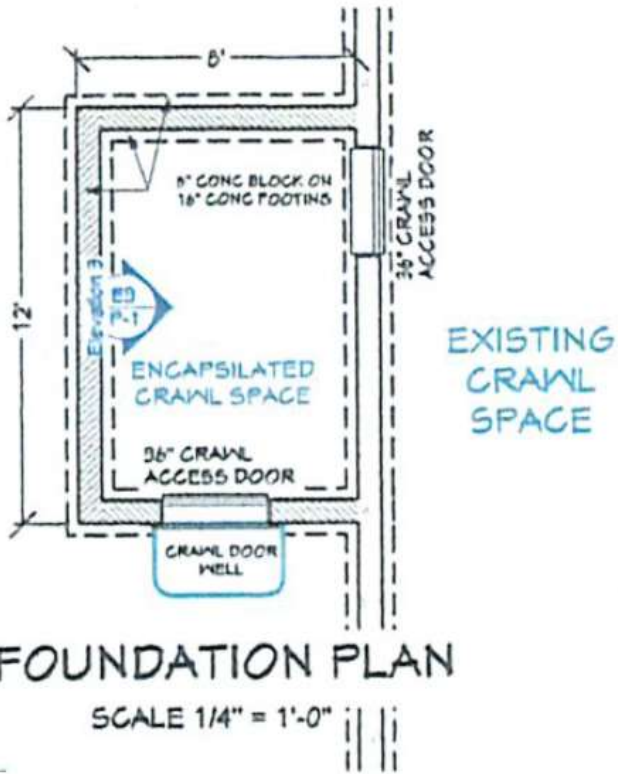
NORTH ELEVATION

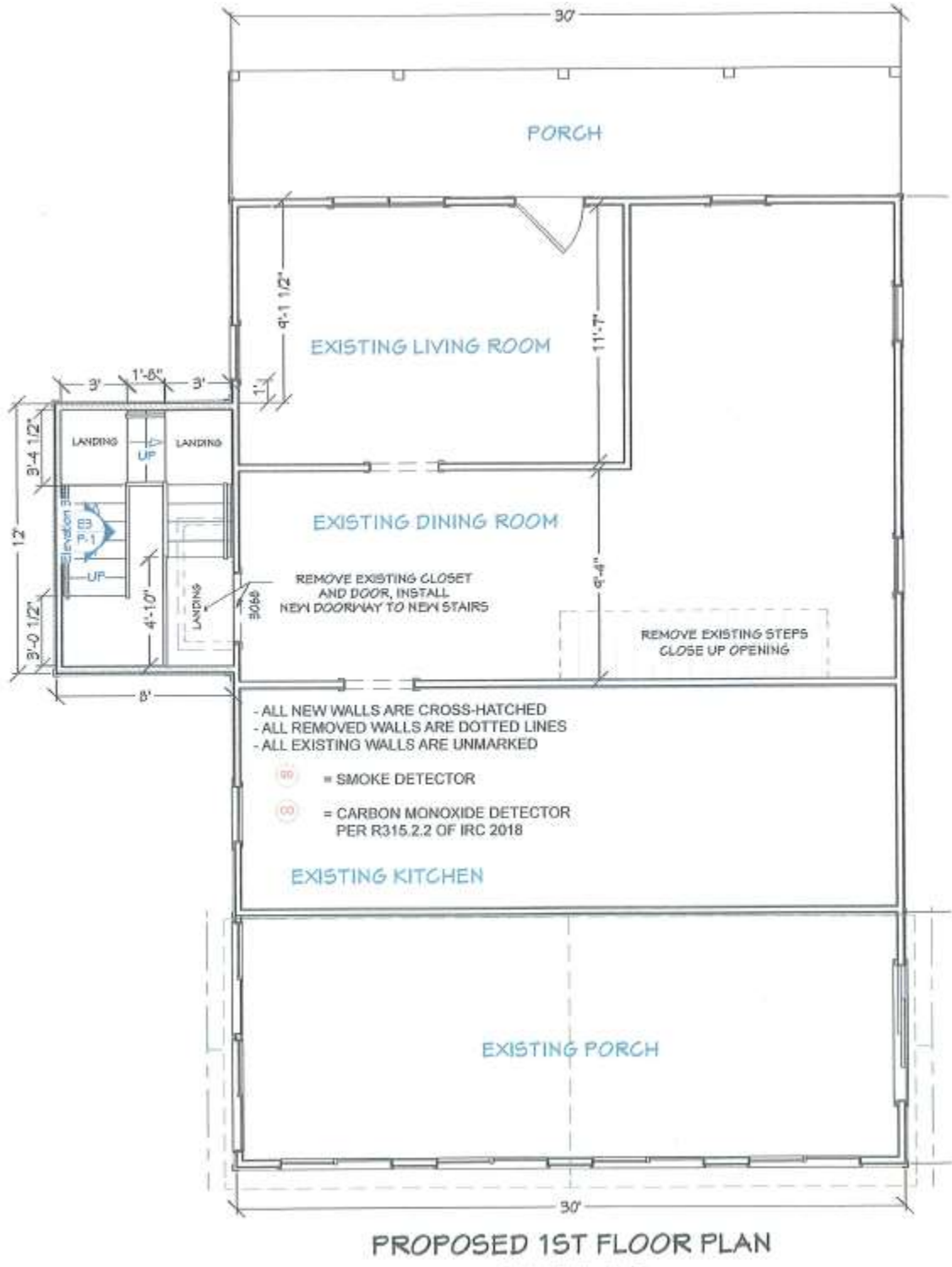
SCALE 3/16" = 1' - 0"



SOUTH ELEVATION

SCALE 3/16" = 1' - 0"





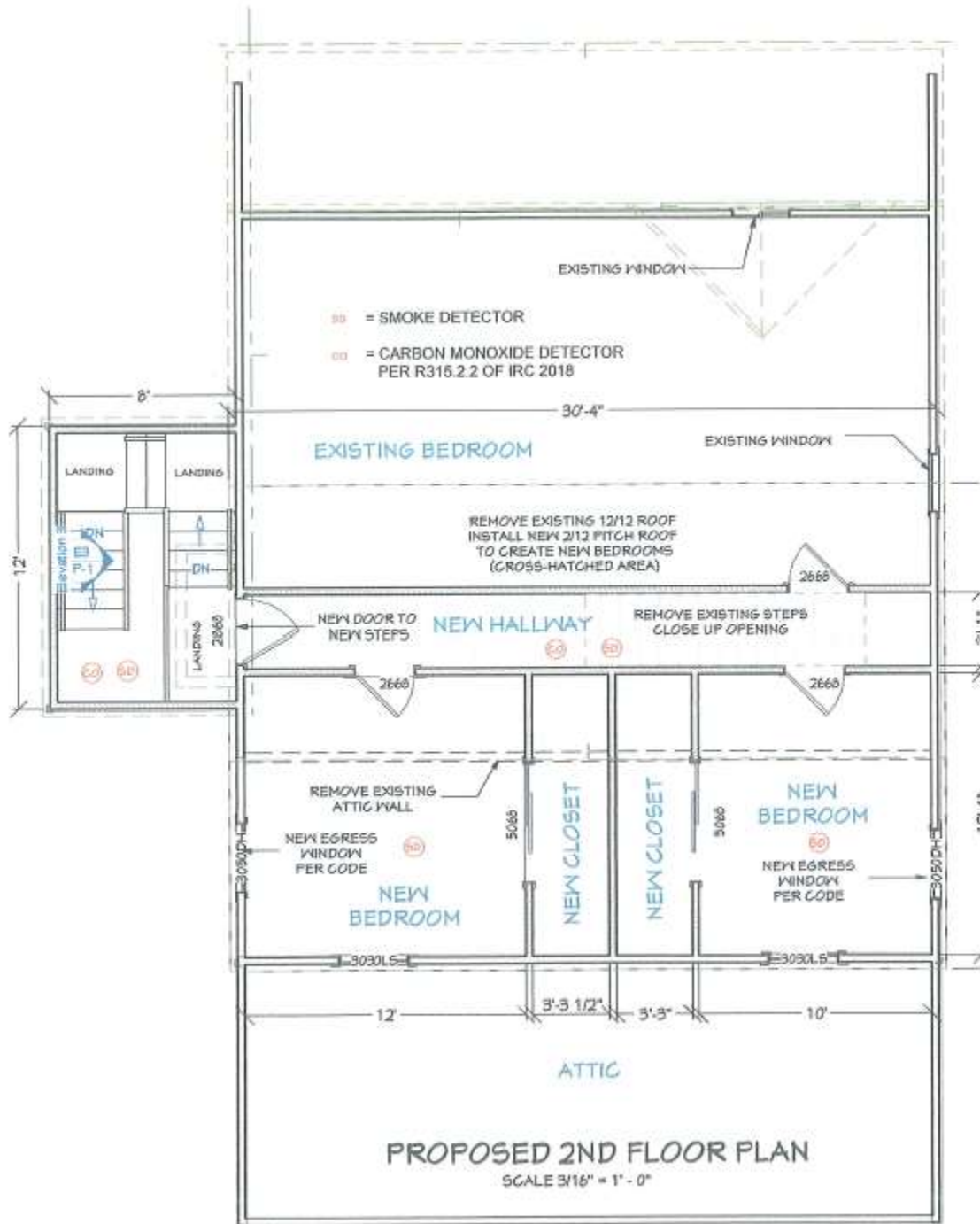




Photo of the Subject Property: 1645 East Minnesota Street



Photo of two rear additions to the house. The southernmost addition will be removed per the plans.



Photo of the existing fence and accessory structure.



Photo of the proposed location of the internal staircase.



Photo of an existing church east of the site.



Photo of a liquor store north of the site.

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).

ADDENDUM FOR FEBRUARY 14, 2023

Due to the lack of a quorum associated with a recusal, the petitioner requested that this petition be **continued and transferred from the February 7, 2023 hearing of Division I to the February 14, 2023 hearing of Division II.** The special request was approved unanimously by the Board.

February 7, 2023

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.

(Continued)

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

(Continued)

STAFF REPORT 2022-UV1-044 (Continued)

- ◇ 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.

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 th 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 58th 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



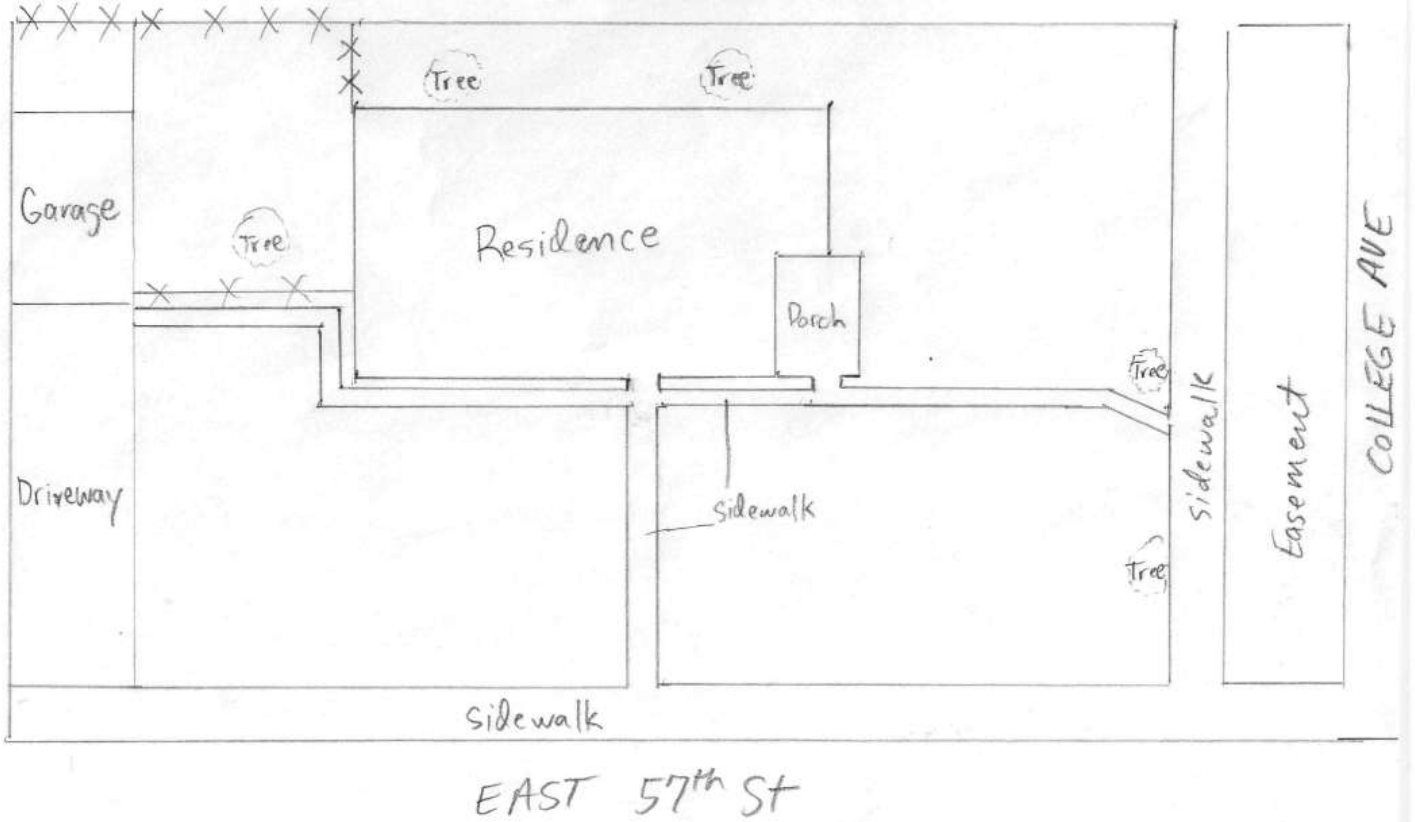
2022-UV1-044; Aerial Map



1" = 13'

XX = Fence

5702 N College Ave Site Plan



3901 W 86th 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 57th 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 3rd 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

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

Case Number: 2022-DV2-048
Address: 3815 River Crossing Parkway (approximate address)
Location: Washington Township, Council District #3
Zoning: C-S (FF)
Petitioner: ASAP Permits, by Brent Bennett
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second skyline sign on the northern elevation (one skyline sign permitted per elevation).

This petition was automatically continued from the January 10, 2023 hearing to the February 14, 2023 hearing at the request of the petitioner.

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

C-S Metro Commercial Office

SURROUNDING ZONING AND LAND USE

North C-S Interstate 465
South C-S Residential (Multi-family dwellings)
East C-S Commercial Office
West C-S Hotel

COMPREHENSIVE PLAN

The Comprehensive Plan recommends office commercial development.

- ◇ The subject site is located within an integrated center with offices, commercial uses, and multi-family dwellings that is bordered to the north by I-465.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow two skyline signs on the northern elevation.
- ◇ A Skyline Sign is defined as “a building sign, located in its entirety, on a building façade above 26 feet in height, measured from grade level”.

(Continued)

STAFF REPORT 2022-DV2-048 (Continued)

- ◇ The proposed sign would measure 48.8 feet, which would make it the second skyline sign along the north elevation where only one is permitted per elevation.
- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include limits on the number of signs, lighting, size and setback limitations.
- ◇ The strict application of the Sign Regulations would not prohibit the use of the property for its intended office use or limit the site's ability to provide signage within the 26-foot building elevation from grade. Instead, the approval of more than the allotted number of signs would only create a precedent for other tenants to request the same allowance rendering the regulation futile.
- ◇ The maximum one skyline sign per elevation is designed to mitigate the proliferation of signage and the visual conflicts and negative aesthetics associated with multiple signs on a single building elevation. Increasing sign proliferation along the west building elevation inhibits the ability of motorists to properly read and react to sign messages in a safe and efficient manner.
- ◇ The petitioner noted that "multi-tenants require signage to promote their business" but fail to address that the site does have a freestanding monument sign where signage for the tenant already exists. Additionally, the office building located east of the parking garage only has one skyline sign per building façade even while having multiple tenants as well.
- ◇ For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION**THOROUGHFARE PLAN**

River Crossing Parkway is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 27-foot existing half right-of-way and a 25-foot proposed half right-of-way.

SITE PLAN

File-dated December 8, 2022.

ELEVATIONS

File-dated December 8, 2022.

FINDINGS OF FACT

F File-dated December 8, 2022.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

(Continued)

STAFF REPORT 2022-DV2-048 (Continued)**PREVIOUS CASES**

2020-ADM-143; 3815 River Crossing Parkway (subject site), Approval of landscaping and outdoor amenities.

2018-ADM-068; 3815 River Crossing Parkway (subject site), Approval of the Removal of "Horwath" from existing sign and recentering of the "Crowe" lettering.

2017-ADM-103; 3815 River Crossing Parkway (subject site), Approval of a new wall sign.

2012-ADM-237; 3815 River Crossing Parkway (subject site), Approval of signs associated with Crowe Horwath & The College Network (tenants) of 3815 River Crossing Parkway on the North (front) and West (side) elevations.

2012-ADM-053; 3815 River Crossing Parkway (subject site), Approval of a new wall sign.

93-Z-151; 8701 River Road (subject site), Rezoning of 85 acres, being in the D-A and SU-23 (GSB) District, to the C-S classification to provide for a mixed-use development to consist of an integrated retail commercial center, offices, a hotel, and a free-standing restaurant and 675 residential apartments, **approved**.

93-CV-14; 8701 River Road (subject site), Variance of development standards of the Commercial Zoning Ordinance to permit the development of residential apartment buildings with a setback of twenty feet from the existing right-of-way of River Road (minimum 70 feet from the centerline or ten feet from proposed right-of-way required), **granted**.

ZONING HISTORY – VICINITY

2014-CVR-802; 8711 and 8805 River Crossing Boulevard and 3520 Commerce Crossing (southwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for: a) up to a 30 percent reduction in the amount of parking (up to ten percent reduction permitted for parking lots with 400 spaces or more if public transportation is available), b) _____ and a maximum height of 65 feet at the setback line, with a three-foot height increase for everyone additional foot of setback to a maximum setback of 30 feet, with a maximum height beyond 30 feet of 150 feet at the Commerce Crossing site and unlimited at the River Crossing sites (maximum 35 feet height, with 3:1 height/setback ratio to a maximum setback of 30 feet; thereafter the height is unlimited), **granted**.

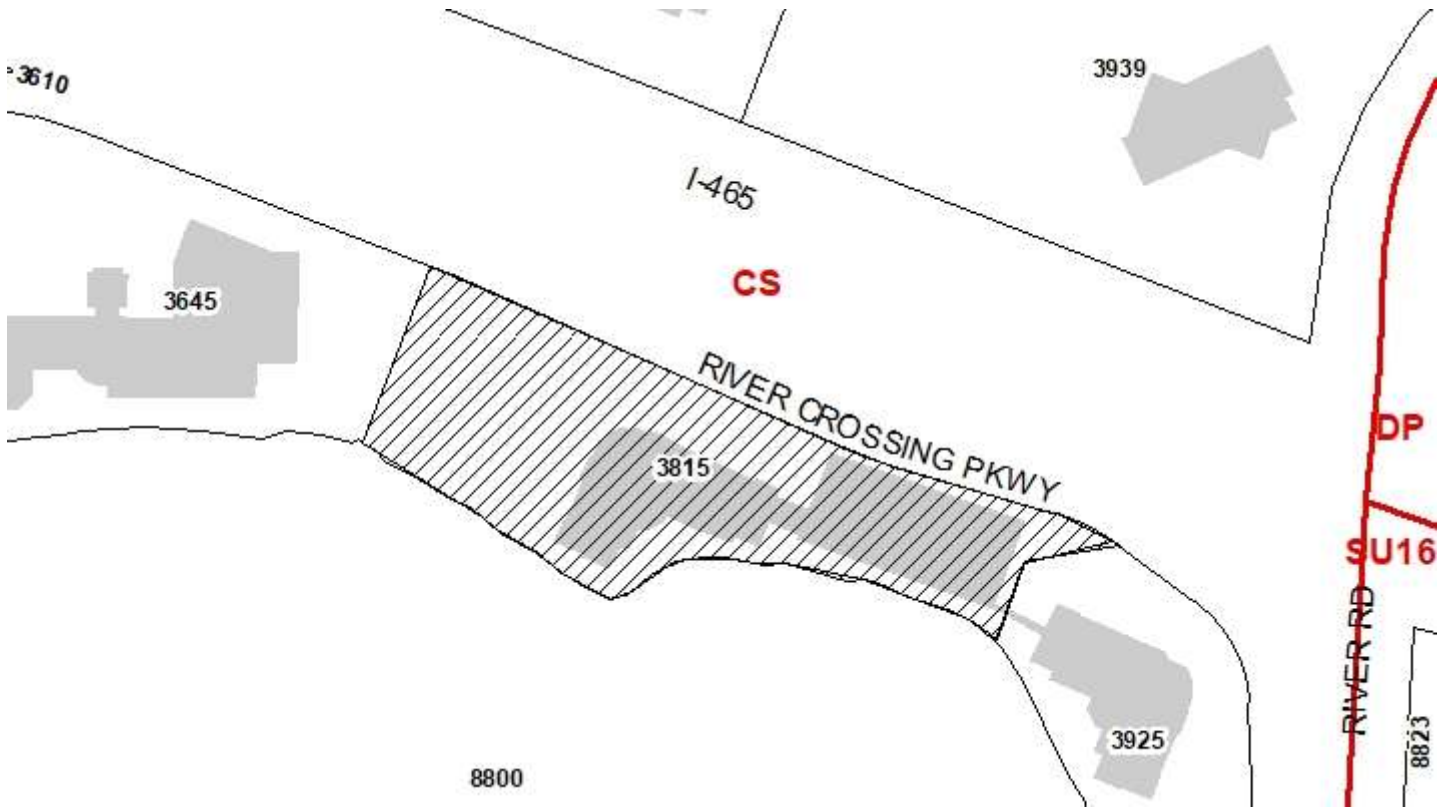
2004-HOV-052; 3520 Commerce Crossing (west of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a fourteen-story, 258-foot tall, 240,000-square foot office building, **granted**.

83-UV1-23; 8837 River Road (southeast of site), Variance of use of the Flood Control District's Zoning Ordinance and a variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **granted**.

83-UV1-22; 8835 River Road (southeast of site), Variance of Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **granted**.

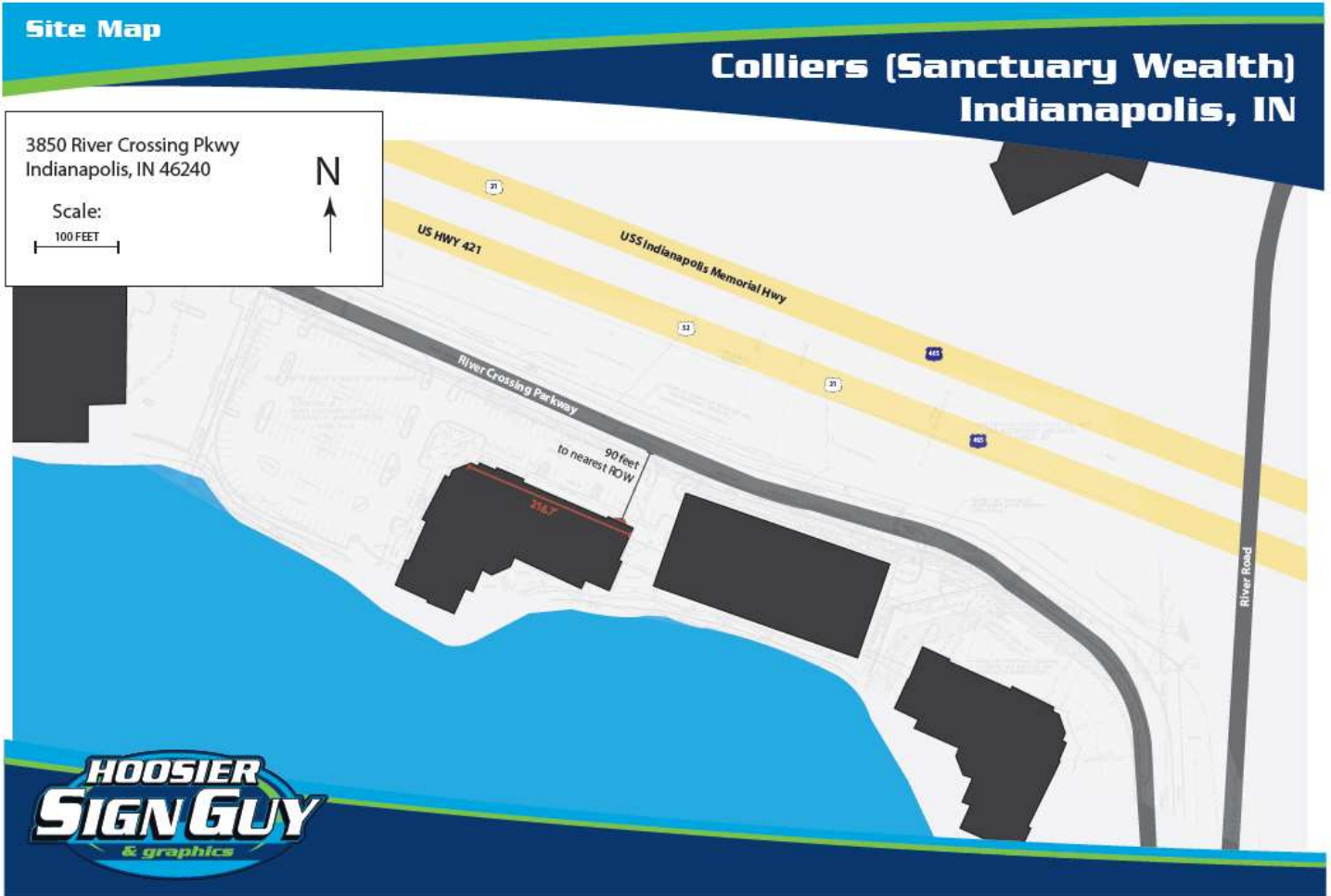
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2022-DV2-048; Location Map



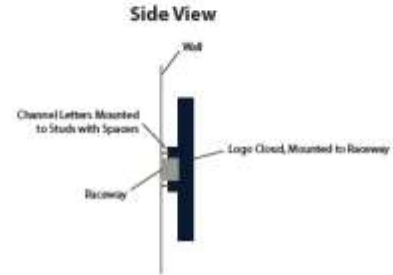
2022-DV2-048; Aerial Map





Artwork Approval Form Colliers (Sanctuary Wealth) Indianapolis, IN

Channel Letters/Cloud
Matching Trim Caps & Returns (Hex: #001930)
Front Lit Logo, Installed on Raceway
Reverse Lit Letters, Installed Directly to Facade
Overall: 44.5" tall x 165.25" wide



Artwork Approval Form Colliers (Sanctuary Wealth) Indianapolis, IN

Channel Letters/Cloud
Matching Trim Caps & Returns (Hex: #001930)
Front Lit Logo, Installed on Raceway
Reverse Lit Letters, Installed Directly to Facade
Overall: 44.5" tall x 165.25" wide





North façade of the subject property at 3815 River Crossing Parkway.



Proposed location of the second skyline sign.



West façade of the subject property at 3815 River Crossing Parkway.

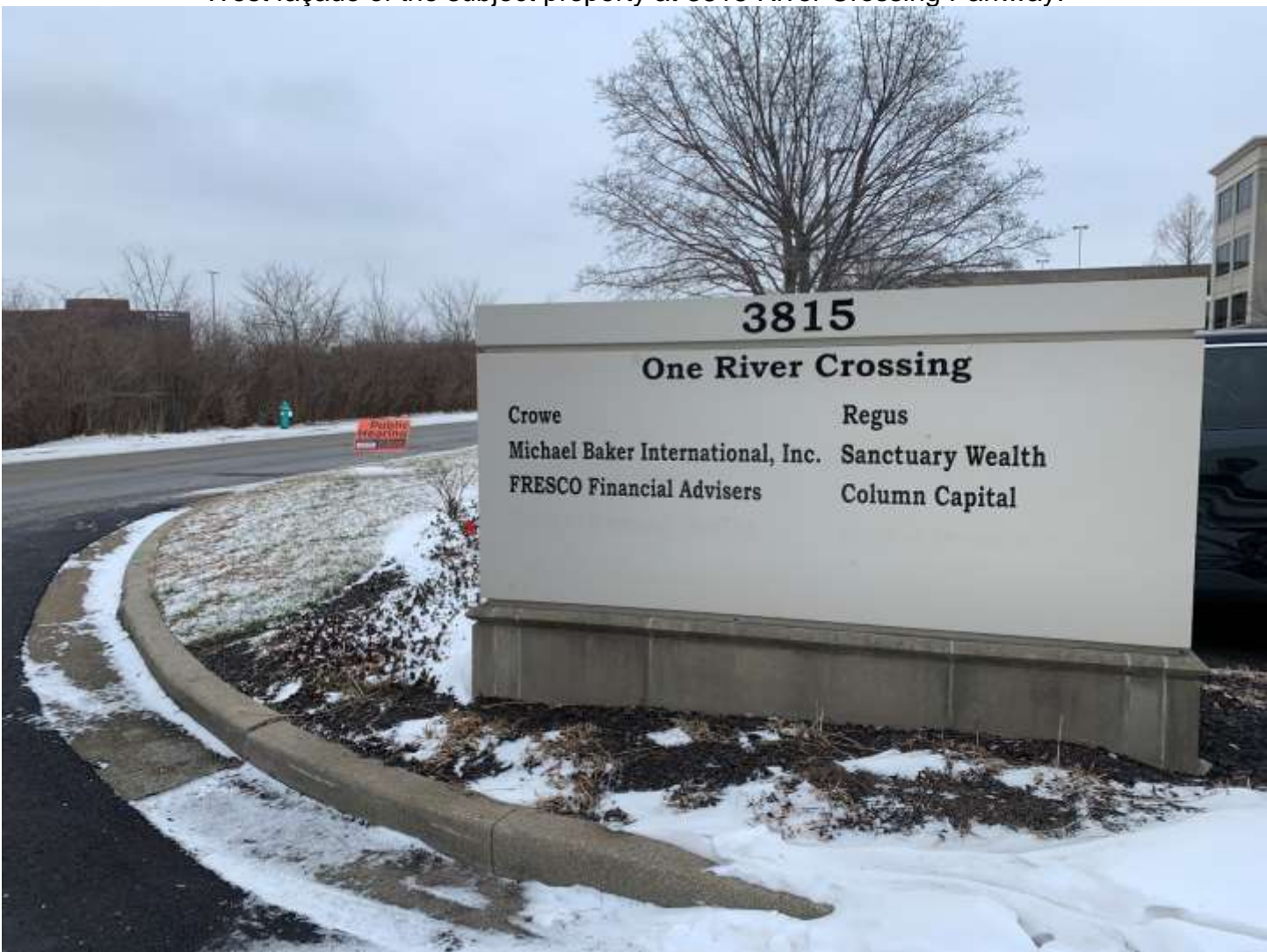


Photo of the existing freestanding sign looking east.



Photo of the existing freestanding sign looking west.



Photo of the south building facades.



Multi-tenant building to the east with one skyline sign on the north façade.



Multi-tenant building to the east with one skyline sign on the east façade.



Multi-tenant building with freestanding sign noting other tenants.



Photo of the interstate looking north across River Crossing Parkway.



Photo of the interstate looking northwest across River Crossing Parkway.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-UV2-030
Address: 2307 Dr. Martin Luther King Jr Street (approximate address)
Location: Center Township, Council District #11
Zoning: C-1
Petitioner: Flanner House Inc., by Brent Lyle
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family dwelling (not permitted) with a 1.5-foot front setback along 23rd Street (10-foot front setback required).

ADDENDUM FOR FEBRUARY 14, 2023

This petition was previously continued for cause at the request of the petitioner, from the January 10, 2023, hearing to the February 14, 2023, hearing.

January 10, 2023

RECOMMENDATIONS

Staff **recommends denial** of the Variance of Use request to provide for construction of a single-family dwelling.

Staff **recommends the petition be refiled as a rezoning petition**, as the existing C-1 zoning is a legacy zoning and outdated for the site.

Staff **recommends approval** of the Variance of Development Standards request for a 1.5-foot front setback along West 23rd Street.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact C-1 Undeveloped

SURROUNDING ZONING AND LAND USE

North C-1 Single-Family Dwelling
South C-1 Undeveloped
East D-8 Multi-Family and Single-Family Dwellings
West PK-1 Community Park

COMPREHENSIVE PLAN

The Comprehensive Plan recommends eight to fifteen residential units per acre development.

(Continued)

STAFF REPORT 2022-UV2-030 (Continued)**VARIANCE OF USE**

- ◇ While Sanborn Fire Insurance Maps, as early as 1915, indicate the presence of a single-family dwelling, similar to the proposed development, Staff would note that such construction would have predated the implementation of zoning in Marion County. Similarly, the subject site is located within a subdivision which was originally platted in 1891, which predates zoning ordinance requirements.
- ◇ However, since the proposed development is a change in use from the existing C-1 zoning, Staff has recommended this petition be withdrawn and refiled as a rezoning petition due to the existing zoning being a legacy zoning and outdated for the site.
- ◇ Staff believes that if the petitioner chooses to use this commercially zoned property in a residential manner, then they should be held to the same standards as their surrounding residentially zoned neighbors are held to. Staff thinks that the regulations for a single-family dwelling in a D-8 District, should be followed.
- ◇ At the time of printing, the petitioner has indicated their reluctance to file for a rezoning, and their intent to proceed with the petition as filed.
- ◇ Staff feels rezoning the property to either D-8 would be appropriate. Staff also acknowledges that additional variances may still be needed with that re-zoned district, however, any new variances would be for deficiencies that are less of a deviation than what is currently proposed.
- ◇ With the lack of a demonstrable hardship for filing a rezoning petition, Staff does recommend denial of this Variance of Use as requested.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Although the subject site is zoned C-1 for commercial office uses, the subject site, and adjacent properties were originally developed as single-family and two-family dwellings. Due to the proposed residential character of the development, Staff would be supportive of variances that would maintain the residential character of the area. Additionally, Staff would note that the request would provide for a structure that would support future residential use of the property to match this existing context.
- ◇ The proposed 1.5-foot front setback from West 23rd Street, would be similar to the setback of the existing original developed dwelling on site, and therefore would not have any negative impact on adjacent properties, in Staff's opinion.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Dr. M. L. King Jr. Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 40-foot existing and proposed half right-of-way.

This portion of West 23rd Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 25-foot existing and proposed half right-of-way.

SITE PLAN

File-dated December 7, 2022.

FINDINGS OF FACT

File-dated December 7, 2022.

ZONING HISTORY

2021-UV2-023; 2307 Dr. Martin Luther King Jr. Street (subject site), requested a variance of use and development standards to allow for the construction of a manufactured home with a three-foot front setback and two parking spaces, **granted**.

2019-ZON-012; 2319 Dr. Martin Luther King Jr. Street (north of site), requested the rezoning of 0.12 acre from the C-1 (W-5) District to the D-8 (W-5) classification, **approved**.

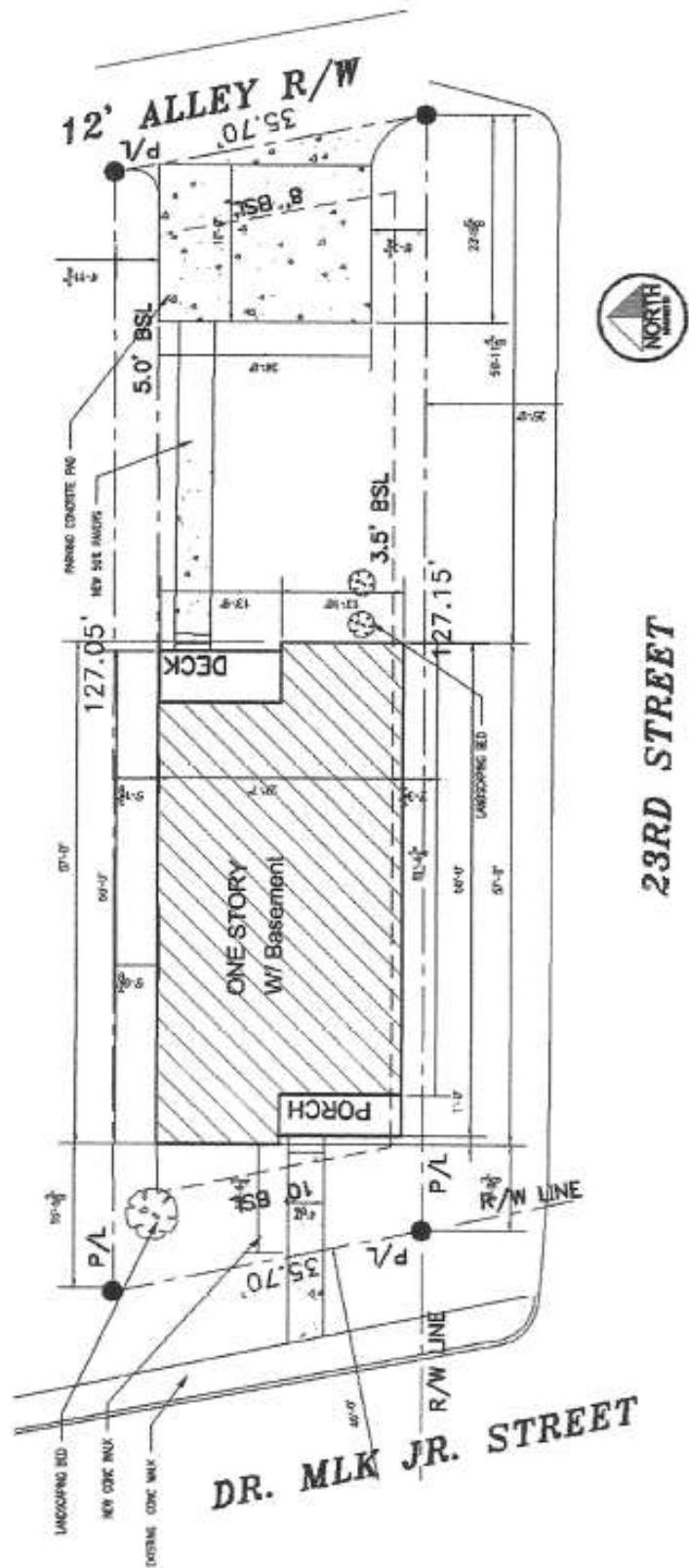
2007-ZON-139; 2201 Dr. Martin Luther King Jr. Street (south of site), requested the rezoning of 0.42 acre, from the C-1 (W-1) District, to the C-3C (W-1) classification to provide for corridor commercial uses, **approved**.

2003-ZON-071; 2335 Dr. Martin Luther King Jr. Street (north of site), requested the rezoning of 0.104 acre from C-1 (W-5) to C-3 (W-5), to provide for a beauty and barbershop, **denied**.

83-HOV-86; 2302 North Indianapolis Avenue (east of site), requested a variance of development standards to allow a room addition in the required four-foot side setback, **granted**.

RU







Subject site, looking east.



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



Adjacent undeveloped lot and single-family dwelling to the south of the subject site, looking southeast.



Adjacent multi-family and single-family dwellings to the east of the subject site, looking north from West 23rd Street.