METROPOLITAN BOARD OF ZONING APPEALS
DIVISION I

PUBLIC ASSEMBLY ROOM
2nd Floor City-County Building
1:00 PM

STAFF REPORTS FOR DECEMBER 2, 2014

These reports do not in any way commit the Board to approve or disapprove any petition filed before it.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING
CURRENT PLANNING SECTION

PETITION NO.	PETITION ADDRESS AND LOCATION	PAGE NO.
EXPEDITED PETITIONS:		
2014-AP1-002	5125 NORTH KEYSTONE AVENUE WASHINGTON TOWNSHIP, CD #3	3
2014-DV1-053	336 NORTH RILEY AVENUE CENTER TOWNSHIP, CD #21	11
2014-DV1-056	1203, 1211 AND 1225 ROOSEVELT AVENUE CENTER TOWNSHIP, CD #9	17
2014-UV1-033	1725 NORTH WALES AVENUE (4066 EAST 16th STREET) CENTER TOWNSHIP, CD #10	24
CONTINUED PETITIONS:		
2013-UV1-038***	202 WEST 38th STREET AND 3820 NORTH CAPITOL AVENUE WASHINGTON TOWNSHIP, CD# 8	35
2014-DV1-049	2650 BEACH AVENUE WASHINGTON TOWNSHIP, CD #3	49
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2014-DV1-052*	1001 NORTH RURAL STREET CENTER TOWNSHIP, CD# 10	79
2014-DV1-054	6302 NORTH DELAWARE STREET WASHINGTON TOWNSHIP, CD# 3	80
2014-DV1-055	8960 EAST 38th STREET LAWRENCE TOWNSHIP, CD# 12	88
2014-UV1-032	204 SOUTH EMERSON AVENUE CENTER TOWNSHIP, CD# 21	97

* Automatic Continuance
** Continuance Requested
*** Withdrawn or Dismissal

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-AP1-002**
Address:	**5125 North Keystone Avenue (approximate address)**
Location:	**Washington Township, Council District #3**
Zoning:	**C-7 (W-5)**
Petitioner:	**Advance Auto Parts, by Patrick Huyge**
Request:	**Waiver of the Refiling Rule to permit the refiling of a variance of development standards petition for a free-standing sign, subsequent to the denial of 2014-DV1-025 on August 5, 2014, and prior to the expiration of the twelve-month waiting period.**

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

DEVELOPENT HISTORY

◊ The subject site, zoned C-7, is currently improved with a commercial structure, surface parking lot and freestanding pole sign. A previous variance, 2014-DV1-025, requested a variance of development standards of the Sign Regulations to provide for the replacement of an existing 36-foot tall, 192-square foot freestanding sign, with a 34-foot tall, 108-square foot freestanding sign, with a two-foot front setback from Keystone Avenue, and within 56.42 feet of an existing freestanding sign to the south. That request was denied on August 5, 2014.

◊ The Board's Rules of Procedure prohibit the filing of another variance of use or variance of development standards petition concerning the same parcel within one year of the denial of the request

REQUEST

◊ The BZA's Rules of Procedure prohibit the granting of a new variance of use or variance of development standards unless the Board finds that there has occurred a substantial change in the particular circumstances which induced the denial of the prior petition (required whether or not it is heard before or after the twelve month waiting period). Therefore, it would be reasonable to apply that same standard for an early re-filing request. The site plan file-dated October 28, 2014 indicates the relocation of the free-standing sign behind the established setback, removing that portion of the variance request.

(Continued)

◊ The original variance petition, 2014-DV1-025, included two variance requests: a) a variance of development standards to provide for a free-standing sign with a two-foot front setback from Keystone Avenue and b) to provide for the sign within 56.42 feet of an existing freestanding sign to the south. The proposed change would eliminate one of the requested variances, specifically the request pertaining to the two-foot setback.

◊ Given the elimination of one of the variance requests, staff believes the proposed changes are substantial enough to warrant a waiver of the twelve-month refilling rule.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	C-7	Automobile parts store

SURROUNDING ZONING AND LAND USE

North -	C-7	Retail commercial
South -	C-7	Automobile repair
East -	SU-7	Non-profit office
West -	C-5	Automobile sales

CORRIDOR PLANNING AREA	The Keystone Avenue Corridor Plan recommends retail commercial use.
THOROUGHFARE PLAN	This section of North Keystone Avenue is classified on the Official Thoroughfare Plan as a primary arterial with a 100-foot existing and 140-foot proposed right-of-way.
SITE PLAN	File-dated October 28, 2014
FINDINGS OF FACT	File-dated October 28, 2014

ZONING HISTORY

2014-DV1-025; 5125 North Keystone Avenue (subject site), Variance of development standards of the Sign Regulations to provide for the replacement of an existing 36-foot tall, 192-square foot freestanding sign, with a 34-foot tall, 108-square foot freestanding sign, with a two-foot front setback from Keystone Avenue, and within 56.42 feet of an existing freestanding sign to the south, **denied.**

2009-DV3-051; 5102 North Keystone Avenue (west of site), Variance of development standards of the Sign Regulations to provide for the replacement of an existing sign with a 60-square foot electronic variable message sign, located approximately 380 feet from a protected district, **withdrawn.**

89-Z-229; 5050-5102 North Keystone Avenue and 5120-5130 Brouse Avenue (west of site), Rezoning 11 acres from the D-5 and C-7 districts to the C-5 district, **granted.**

(Continued)

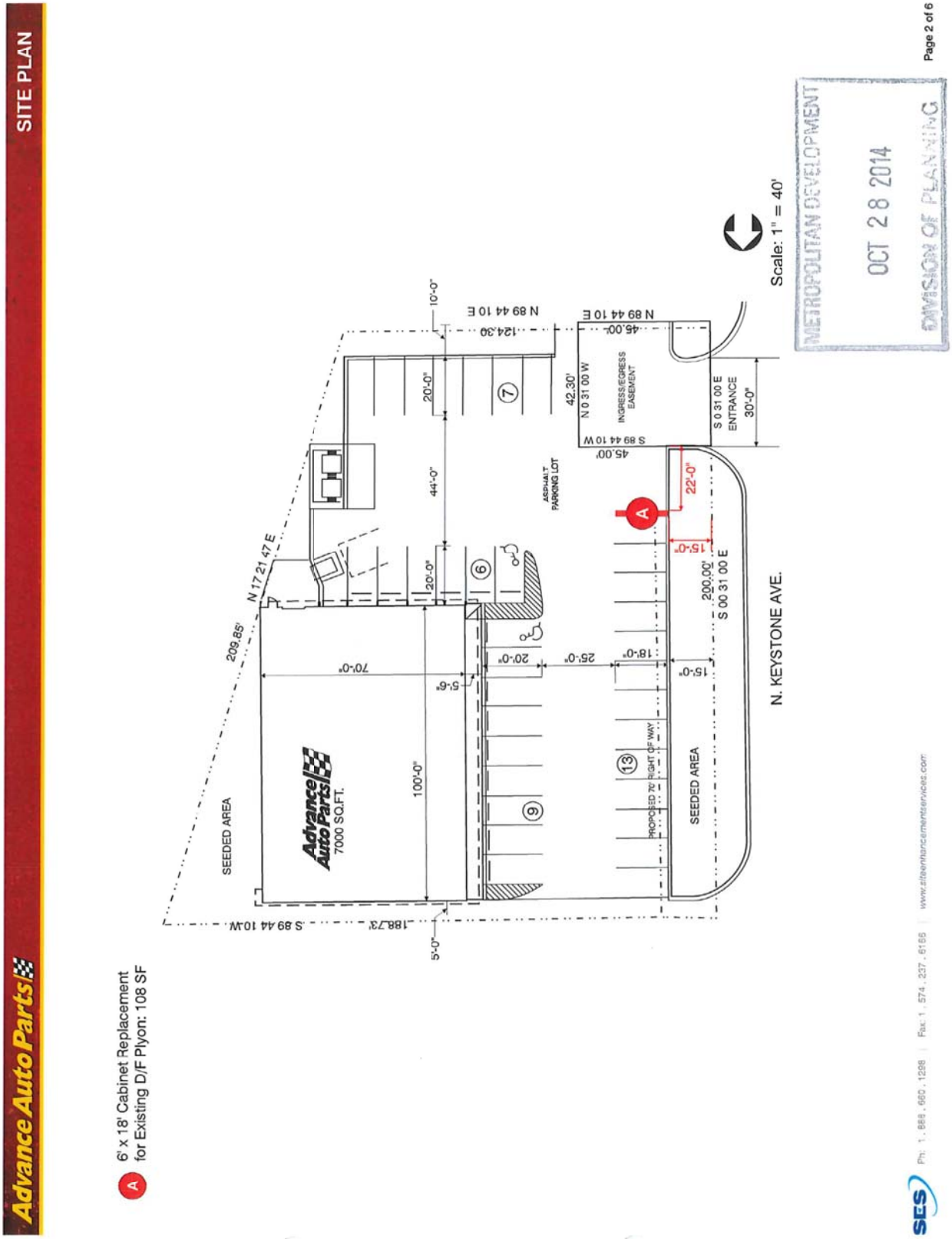
65-V-292; 5102 North Keystone Avenue (west of site), Variance of development standards of the Sign Regulations to provide for the erection of a pole sign with a 7.5-foot front setback, **granted.**

65-V-148; 5102 North Keystone Avenue (west of site), Variance of development standards of the Sign Regulations to provide for the erection of a pole sign with a zero-foot front setback, **denied.**

RU *******

2014-AP1-002; Location Map

2014-AP1-002; Site Plan



2014-AP1-002; Sign Elevation

Advance Auto Parts

PYLON SIGN COMPARISON

Existing Pylon

Existing cabinet square footage: 192 SF
Existing sign height: 36'-0" OAH

Proposed Reface

Proposed square footage: 108 SF
Proposed sign height: 34'-0" OAH

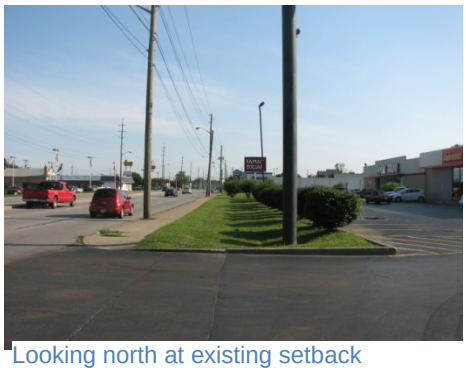
METROPOLITAN DEVELOPMENT
OCT 28 2014
DIVISION OF PLANNING

SES
Ph: 1.888.660.1208 | Fax: 1.574.237.6165 | www.altenhancementservices.com

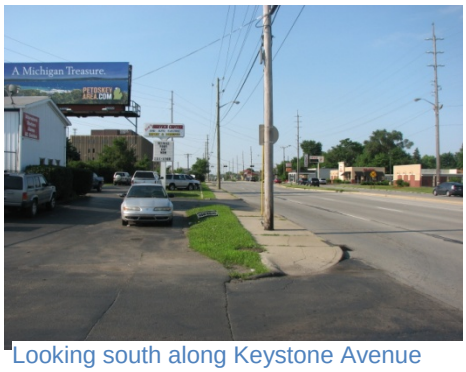
2014-DV1-025; Photographs (Subject Site)

Subject sign looking north along Keystone Avenue

Subject sign looking southwest along Keystone Avenue



Looking north at existing setback



Looking south along Keystone Avenue

2014-DV1-025; Photographs (Adjacent Properties)

Adjacent commercial sign located south of subject site

Adjacent commercial sign located north of subject site

Adjacent commercial west of site

Looking north along Keystone Avenue

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-053**
Address:	**336 North Riley Avenue (approximate address)**
Location:	**Center Township, Council District#21**
Zoning:	**D-5**
Petitioner:	**Larry J. Wharton**
Request:	**Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish the parking of a commercial food truck (not permitted).**

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan, file-dated October 22, 2014.

SUMMARY OF ISSUES

LAND USE

◊ The 0.15 acre subject site zoned D-5, is improved with a single-family dwelling and a garage, and is surrounded by similarly developed lots.

VARIANCE OF DEVELOPMENT STANDARDS

◊ The request would legally establish the parking of a commercial food truck on the lot. Traditionally, these requests have not been supported due to their impact on the visual aesthetics of the surrounding area.

◊ The site plan indicates the commercial food truck would be parked next to the garage to the rear of the dwelling, with access by an alley. By placing the truck at the rear, and not in the front of the dwelling the visual impact would be minimalized. Traditionally, alleys have been used for access by service vehicles.

◊ The variance would not grant the petitioner the right to operate the commercial food truck for on-site sales. A plan of operation indicates the truck is used off-site, primarily for lunch service and for dinner service, as needed.

◊ In Staff's opinion, because the commercial food truck would be parked in the rear, with access to the alley, there would be adequate separation from the adjoining dwellings.

◊ The proposed parking of a commercial food truck, as proposed, would represent a minor deviation from the Ordinance.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-5	Single-family dwelling

SURROUNDING ZONING AND LAND USE

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

NEIGHBORHOOD PLANNING AREA	The Comprehensive Plan recommends 5-8 residential units per acre.
THOROUGHFARE PLAN	Riley Avenue is not designated on the Official Thoroughfare Plan.
SITE PLAN	File-dated October 22, 2014
FINDINGS OF FACT	File-dated October 22, 2014

ZONING HISTORY

96-UV3-72; 320-322 North Bancroft Street (east of site), requested a variance of use and development standards of the Dwelling District Zoning Ordinance to legally establish a three-unit dwelling structure, with two of the three units having a floor area of 720 square feet, **granted.**

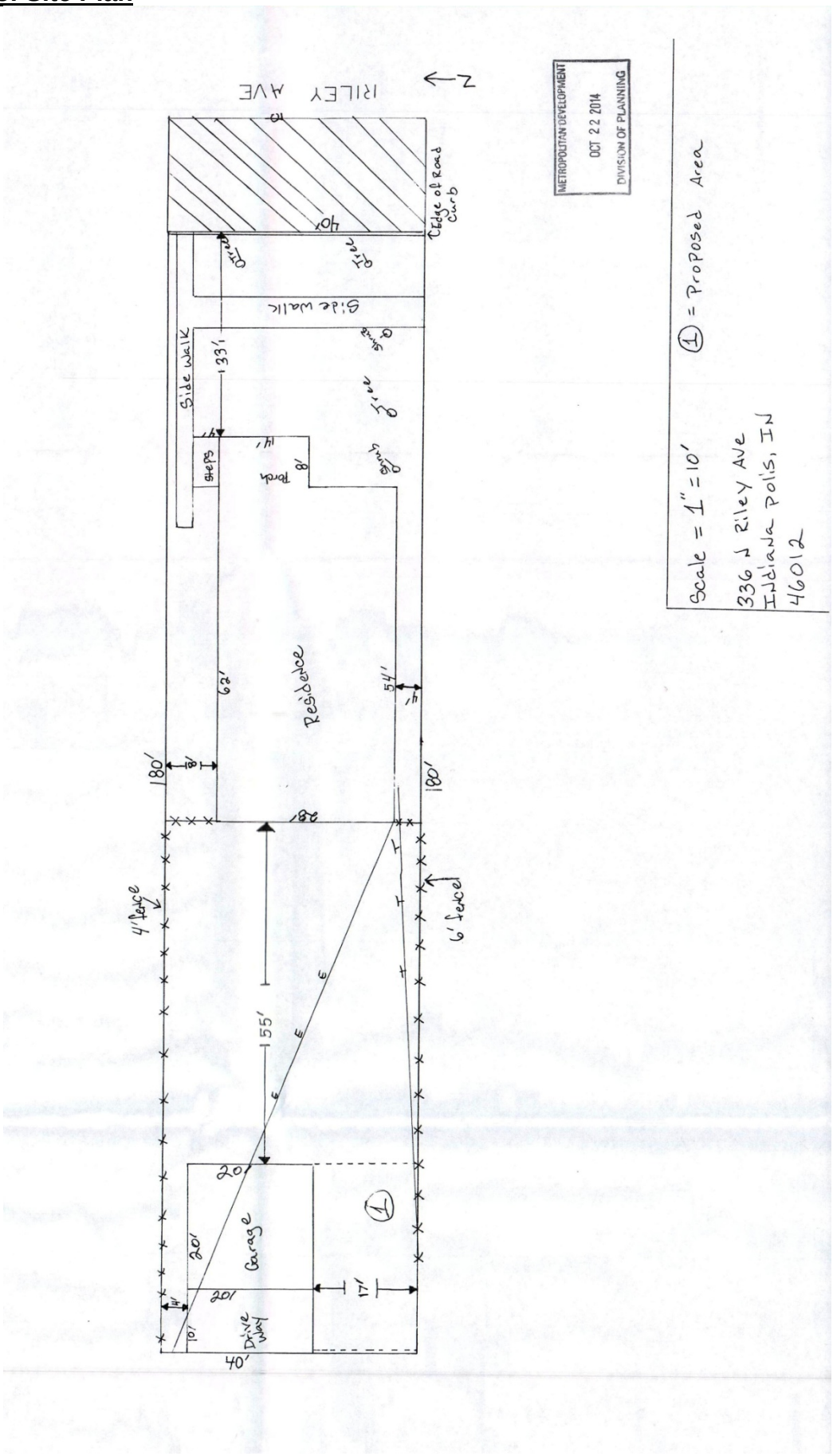
83-HOV-127; 406 North Riley Avenue (north of site), requested a variance of development standards of the Dwelling District Zoning Ordinance to allow the construction of a chimney at eight feet from the side property line, making the total aggregate side setback nine rather than 10 feet, **granted.**

RU *******

STAFF REPORT 2014-DV1-053 (Continued)

2014-DV1-053: Location Map

2014-DV1-053: Site Plan

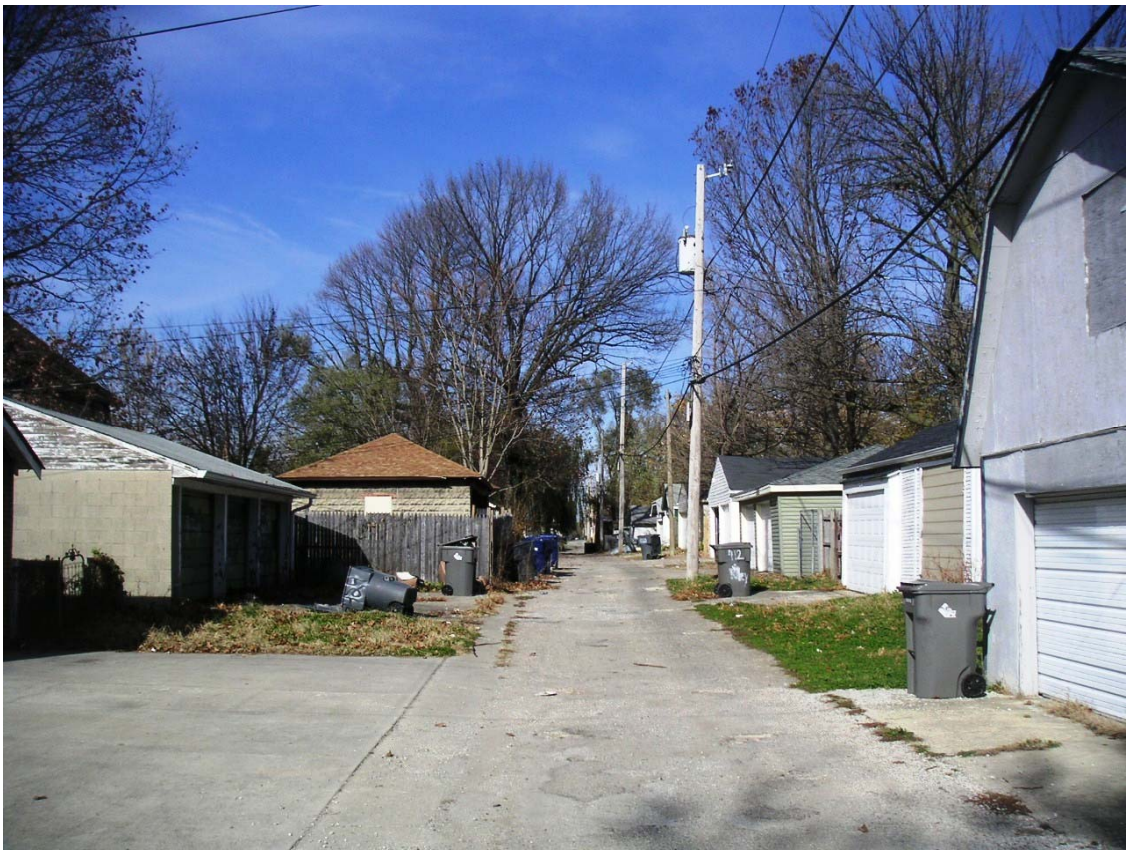


2014-DV1-053: Pictures

View of subject site looking west

View of parking area looking east

View of alley looking south



View of alley looking north

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-056**
Address:	**1203, 1211 and 1225 Roosevelt Avenue (approximate address)**
Location:	**Center Township, Council District #9**
Zoning:	**I-4U**
Petitioner:	**James Walter (Canal Investments, LLC), by James M. Peck**
Request:	**Variance of development standards of the Industrial Zoning Ordinance to provide for a 60 by 140-foot building addition, with an approximately eight-foot front setback from the private street, Roosevelt Avenue (20-foot front setback required).**

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan, file-dated October 28, 2014.

SUMMARY OF ISSUES

LAND USE

◊ The subject site is zoned I-4-U and is currently improved with a factory warehouse and parking lot. South of the subject site is a multi-use factory warehouse in the C-S Zoning District, separated by a railroad track and Massachusetts Avenue. West of the subject site is a vacant parking lot in the I-4-U Zoning District. North of the subject site is a shipping company and a tow yard in the I-4-U Zoning District. East of the subject site is a contractor warehouse within the I-4-U Zoning District. The Comprehensive Plan recommends Heavy Industrial use for the site.

◊ This request would provide for an 8,400-square foot building addition, with an approximately eight-foot front setback along Roosevelt Avenue, related to a vehicle salvage and storage yard approved by 2011-SE1-001 and 2007-LNU-015.

VARIANCE OF DEVELOPMENT STANDARDS

◊ The Industrial Zoning Ordinance, specifically the I-4-U District, was developed to promote heavy industrial uses within areas more characterized by urban development. Uses within the I-4-U District range from processing to manufacturing with significant outdoor operations.

◊ The site is located in a heavy industrial area. The building addition would not be out of context with or detrimental to the community or the surrounding area.

◊ The proposed building site is currently buffered from the uses to the south by a railroad track and Massachusetts Avenue, at a lower grade elevation, which enhances separation between the adjoining uses.

(Continued)

◊ The eight-foot front yard setback would be consistent with the current structure and would have minimal impact because of its consistency with adjacent structures. The proposed setback would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance. Roosevelt Avenue terminates approximately 600 feet west of the proposed addition, and is not a through-street.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	I-4-U	Metal building fabricator

SURROUNDING ZONING AND LAND USE

North -	I-4-U	Shipping company / Tow yard
South -	C-S	Railroad / Multi-use factory warehouse
East -	I-4-U	Contractor warehouse
West -	I-4-U	Vacant parking lot

COMPREHENSIVE LAND USE PLAN	The Highland Brookside Housing Improvement and Neighborhood Plan recommends Heavy Industrial uses for the site.
THOROUGHFARE PLAN	Roosevelt Avenue is not designated in the Official Thoroughfare Plan.
SITE PLAN	File-dated October 28, 2014
FINDINGS OF FACT	File-dated October 28, 2014

ZONING HISTORY

96-HOV-45; 1201, 1211, and 1225 Roosevelt Avenue (subject site), requests a variance of development standards of the Industrial Ordinance to provide for an armored car facility with zero feet of public street frontage (minimum 55 feet along a public street required) and a zero foot side yard setback along the north and south property line (minimum 20 feet required), **granted.**

98-SE1-3; 1102 Roosevelt Avenue (north of site), requests a Special Exception of the Industrial Zoning Ordinance to allow for the utilization of 36,000 square feet of a 151,945 square foot building as a commercial office, **granted.**

92-Z-138; 1125 Brookside Avenue (south of site), requests a rezoning of 16.7 acres from I-4-U, PK-1, C-2 and D-8 to C-S and a variance of development standards to permit the use of existing buildings without the required front yard, side yard, rear yard, transitional yard and parking requirements, **granted.**

98-HOV-97; 1125 Brookside Avenue (south of site), requests a variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory/warehouse within the required front yard, without the required maneuvering area, and with a 100 feet wide drive, **granted.**

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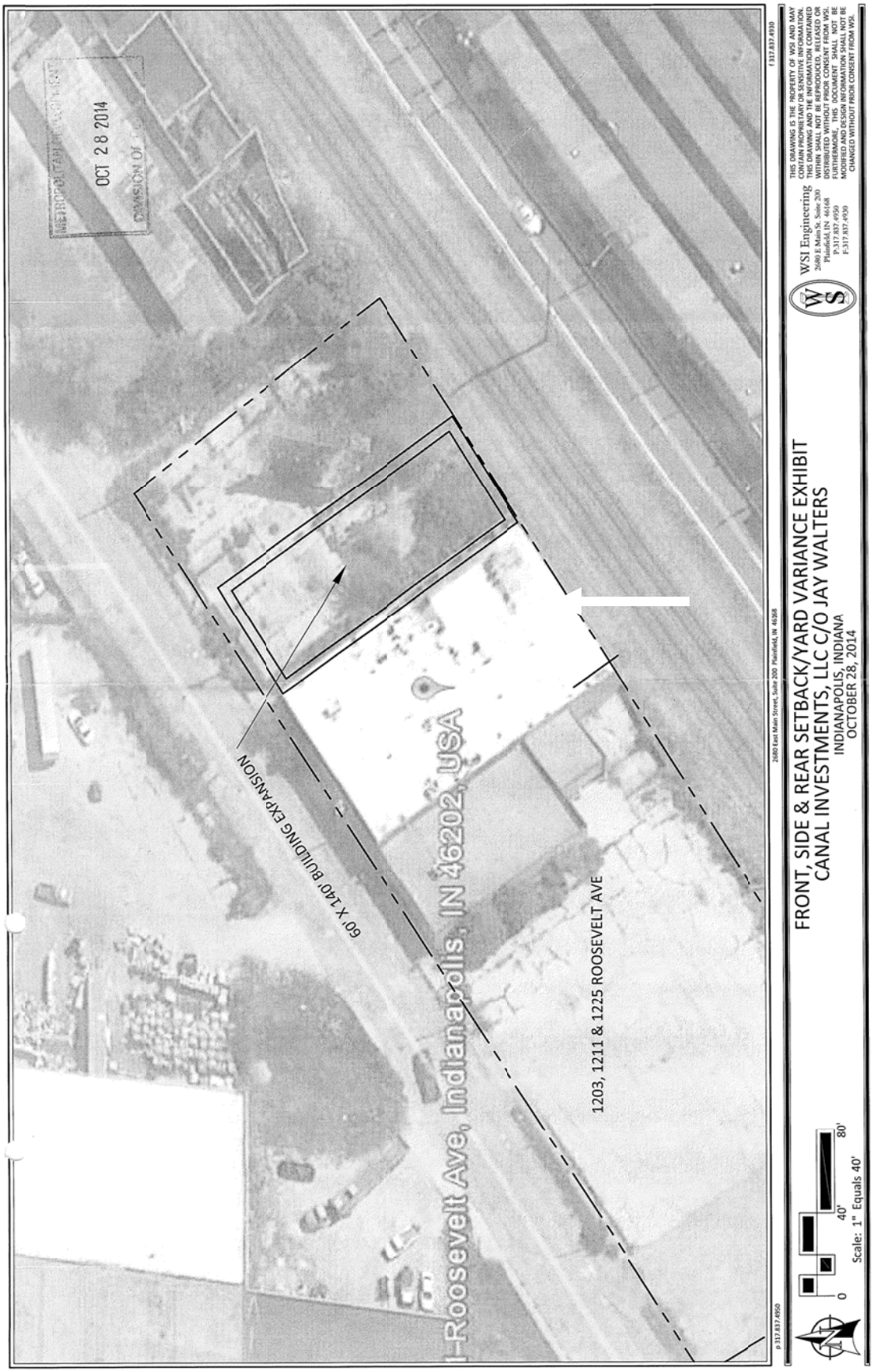
STAFF REPORT 2014-DV1-056 (Continued)

2014-DV1-056; Location Map

2014-DV1-056; Site Plan



2014-DV1-056; Photographs

Subject site looking east

Subject site expansion area looking south

Adjacent vacant parking lot to the west

Adjacent warehouse to the east

Adjacent shipping company to the north

Adjacent railroad to the south, looking west

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-UV1-033**
Address:	**1725 North Wales Avenue (4066 East 16th Street) (approximate address)**
Location:	**Center Township, Council District #10**
Zoning:	**I-3-U**
Petitioner:	**United Rentals Inc., by Joseph D. Calderon**
Request:	**Variance of use and development standards of the Industrial Zoning Ordinance to provide for an approximately 3,376-square foot expansion to a 6,000-square foot equipment rental/sales facility (not permitted), with 103,950 square feet of outdoor storage and display (maximum 4,688 square feet of outdoor display / storage permitted), with a 32-foot east side transitional yard (40-foot side transitional yard required), and with the outdoor display / storage exceeding the height of the screening fence (not permitted).**

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan file dated October 28, 2014, and the following commitment:

> A landscape plan shall be submitted for Administrator's Approval, within 30 days of this grant. At a minimum, said landscape plan shall provide for the continuous evergreen screening of the outside storage along the eastern and southern fence line and meet the minimum landscaping standards required by the Industrial Zoning Ordinance, and all improvements shall be completed within one year.

SUMMARY OF ISSUES

LAND USE

◊ The subject site is zoned I-3-U and is currently improved with a warehouse and a fenced outdoor storage area. The subject site is surrounded to the north and west by industrial buildings within the I-3-U Zoning District. East of the subject site includes commercial uses within the C-7 District and single-family dwellings within the D-5 District. South of the subject site includes single-family dwellings within the C-1 District. The Comprehensive Plan recommends light industrial use for the site.

◊ This request would provide for an equipment rental/sales facility with 2.39 acres of outdoor storage of equipment and materials, with a 32-foot east-side transitional yard, and with the outdoor storage / display exceeding the height of the screening fence.

(Continued)

VARIANCE OF USE

◊ This request would provide for an equipment rental and sales facility, a C-ID use, in an I-3-U district. This request would not be consistent with the Comprehensive Plan, which recommends light industrial uses.

◊ This request would be similar to the request that was approved in 2005. The use portion of this request would provide for retail sales and rental of the equipment as well as wholesaling and business rentals. This use would be typically permitted in the C-ID district for heavy and construction equipment and the C-5 district for tools and light equipment. The development standards portion of this request would provide for an additional 20,250 square feet of outdoor display area, for a total of 103,950 square feet of outdoor display area.

◊ This use includes contractor or industrial equipment, tools, machinery and other supplies, so it would be permitted in the C-7 district. The wholesale portion of the business would be permitted in any industrial district or the C-I-D district.

VARIANCE OF DEVELOPMENT STANDARDS

◊ The site has been in operation with outdoor storage since 2000, and is located adjacent to other warehouse operations that would partially screen the outdoor yard. In Staff's opinion, the additional outdoor storage and display area would not negatively impact surrounding properties.

◊ The 32-foot east side transitional yard would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance and screening. The 32-foot east side transitional yard would be a minor deviation from the Ordinance.

◊ The outdoor storage area would be screened from the commercial and single-family dwellings to the east and the single-family dwellings to the south by an existing tree line and additional new mounding and landscaping. Additional mounding and evergreen landscaping would be installed along the expansion area of the eastern fence line and the southern fence line to further screen the expansion of the storage area and help mitigate any potential negative impact.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	I-3-U	Warehouse

SURROUNDING ZONING AND LAND USE

North -	I-3-U	Warehouse
South -	C-1	Single-family dwellings
East -	C-7/D-5	Vacant Storefront / Gas station / Single-family dwellings
West -	I-3-U	Warehouse

COMPREHENSIVE LAND USE PLAN — The Comprehensive Plan recommends Light Industrial uses for the site.

(Continued)

THOROUGHFARE PLAN	North Wales Avenue is not indicated on the Official Thoroughfare Plan. This portion of East 16th Street is indicated as a primary arterial on the Official Thoroughfare Plan, with a 75-foot existing and proposed right-of-way.
SITE PLAN	File-dated October 28, 2014
FINDINGS OF FACT	File-dated October 28, 2014, and November 3, 2014

ZONING HISTORY

2010-UV2-013; 1725 Wales Avenue (subject site), requests a variance of use of the Industrial Zoning Ordinance to provide for a satellite police office (not permitted), with the electronic servicing of vehicles and the storage of confiscated goods, **granted.**

2005-UV1-004; 1725 Wales Avenue (subject site), requests a variance of use and development standards of the Industrial Zoning Ordinance to provide for an equipment rental/sales facility, with 83,700 square feet of outdoor storage, **granted.**

2000-DV1-033; 4058 East 16th Street (subject site), requests a variance of development standards of the Industrial Zoning Ordinance, to provide for a generator and chiller distribution company, with 83,700 square feet of outdoor storage or 543.5 percent of the total floor area**, granted.**

99-V3-19; 3956 Culligan Avenue (subject site), requests a variance of development standards of the Industrial Zoning Ordinance to provide for 19,000 square feet of outdoor storage of scaffolding to be stacked at a height not greater than four feet, **granted.**

2011-DV1-014; 4116 and 4132 East 16th Street (southeast of site), requests a variance of development standards of the Commercial Zoning Ordinance to provide for a convenience store / gasoline station within an existing building, with a canopy with a 45.81-foot front setback from the centerline of 16th Street and with fuel pumps within 50 feet of the centerline of 16th Street, a drive aisle with a 10-foot north side setback and zero-foot side setback, and to legally establish the existing building with a 17.19-foot front setback along Gladstone Avenue, **granted.**

2005-HOV-036; 3907 East 16th Street (southwest of site), requests a variance of use of the Commercial Zoning Ordinance to legally establish an existing single-family dwelling, **granted.**

2003-DV2-003; 1624 Gladstone Avenue (north of site), requests a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide a five-foot tall fence located within the required front yard on Gladstone Avenue, and a carport with a one-foot side yard setback, in D-5, **granted.**

94-UV1-143; 3974 East 16th Street (west of site), requests a variance of use of the Industrial Zoning Ordinance to provide for a church use, in one tenant bay of an existing industrial park, **granted.**

87-HOV-10; 1901 North Sherman Drive (northwest of site), requests a variance of development standards of the Industrial Zoning Ordinance to provide for a building located within the required setback and with parking in the required front yard, **granted.**

(Continued)

STAFF REPORT 2014-UV1-033 (Continued)

85-HSE-1; 1761 Sherman Drive (northwest of site), requests a special exception to provide for the development of an industrial park on private street, **granted.**

84-HOV-144; 1761 North Sherman Drive (northwest of site), requests a variance of development standards to provide for parking in the required front yard, **granted.**

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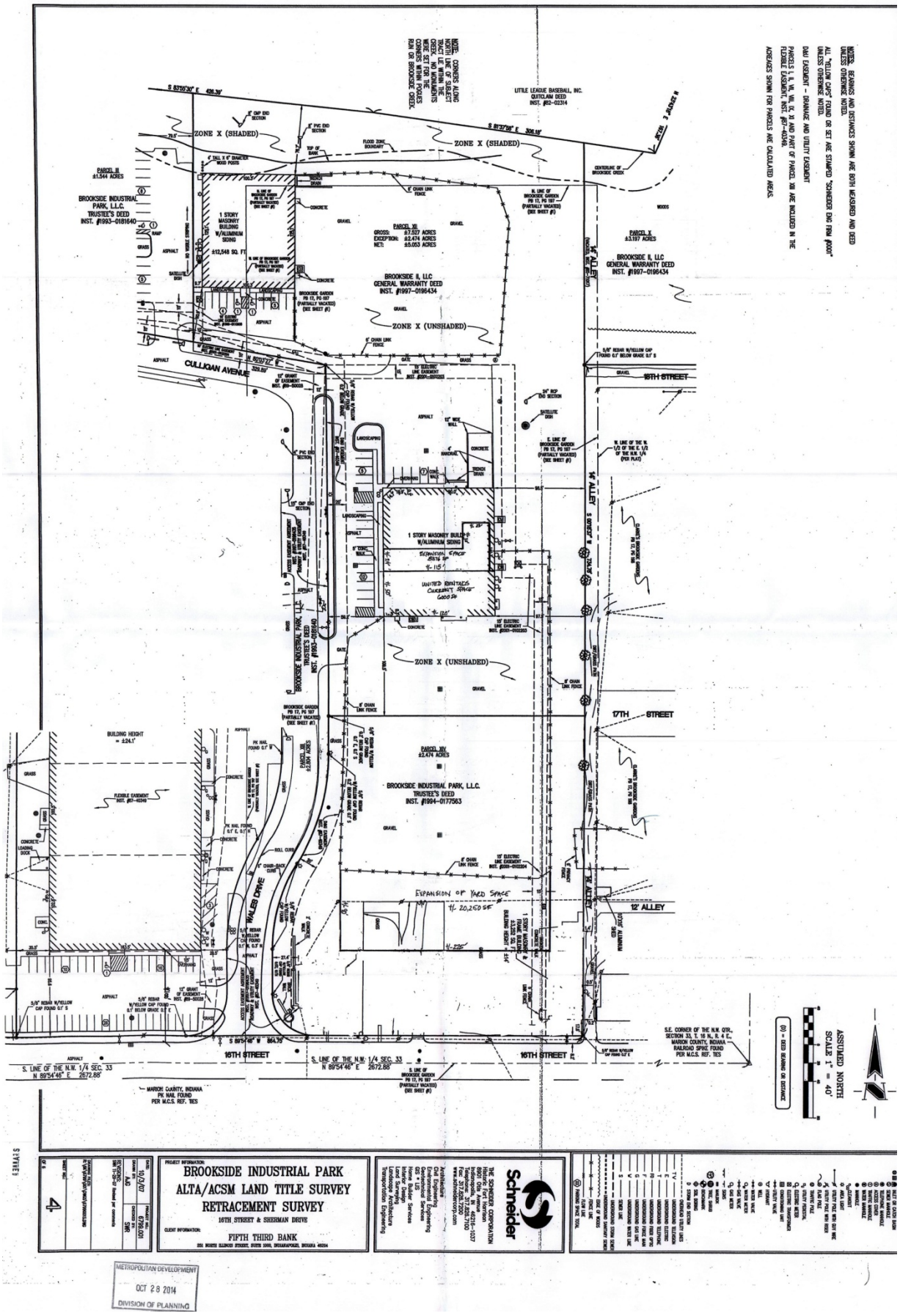
STAFF REPORT 2014-UV1-033 (Continued)

2014-UV1-033; Location Map

2014-UV1-033; Site Plan



2014-UV1-033; Photographs (Subject Site)

Subject site looking northeast

Existing outdoor storage yard looking north

Existing storage yard screening looking north

Existing screening along the eastern edge of the outdoor storage looking southeast

Adjacent warehouse to the west

Adjacent warehouse to the north

Adjacent commercial to the east

Adjacent single-family dwellings to the east of existing screening

Adjacent single-family dwellings to the south of expansion area.

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

Case Number:	**2013-UV1-038**
Address:	**202 West 38th Street and 3820 North Capitol Avenue (Approximate address)**
Location:	**Washington Township, Council District # 8**
Petitioner:	**Hagur Inc. and Bhagwant Kaur**
Request:	**Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,380-square foot storage addition (not permitted) for a tire sales and repair shop, with a one-foot north side transitional yard (20-foot transitional yard required).**

ADDENDUM FOR DECEMBER 2, 2014

This petition was continued from the May 8, 2014 hearing to the December 2, 2014 hearing, by agreement of the petitioner and remonstrators, in order for violations to be corrected and business operations to be conducted violation-free for a six-month period. Subsequently, on November 20, 2014, the petitioner's representative has **withdrawn** this variance petition.

ADDENDUM FOR MAY 8, 2014

The petitioner's representative requested a continuance from the April 1, 2014 hearing to the May 8, 2014 hearing in order to finalize building elevations and to continue meeting with a neighborhood organization. Elevation plans file-dated March 31, 2014 were submitted to the file that are acceptable to staff.

Therefore, staff recommends approval of this request subject to the site plan file-dated October 24, 2013, the elevation plans file-dated March 31, 2014 and the following commitments:

1. No worn, damaged, or defective tire that is not a repairable tire shall be stored, as defined by the Commercial Zoning Ordinance, at this site.
2. The 1,380-square foot, rear storage addition shall be reconstructed within 90 days of the grant of this variance, after obtaining the proper improvement location and building permits from the Department of Code Enforcement.

ADDENDUM FOR APRIL 1, 2014

The petitioner's representative requested a continuance from the February 4, 2014 hearing to the April 1, 2014 hearing in order to finalize building elevations and to continue meeting with a neighborhood organization.

ADDENDUM FOR FEBUARY 4, 2014

This petition was continued from the January 7, 2014 hearing to the February 4, 2014 hearing because the hearing was not held due to the closure of offices within the City-County Building.

(Continued)

STAFF REPORT 2013-UV1-038 (Continued)

January 7, 2014

This site was originally the subject of a rezoning petition, which was withdrawn on August 15, 2013. The Hearing Examiner approved a transfer of the fees to this variance of use petition. The petitioner's representative requested a continuance from the December 3, 2013 hearing to the January 7, 2014 hearing in order to finalize building elevations and to continue meeting with a neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of the variance petition, subject to the site plan file-dated October 24, 2013 and the following commitments:

1. An amended site / landscape plan, indicating quantity, species and planting size of the proposed dense shrubs shall be submitted for Administrator's Approval, within 30 days of the grant of this variance, with implementation of the approved landscape plan by June 1, 2014.
2. No worn, damaged, or defective tire that is not a repairable tire shall be stored, as defined by the Commercial Zoning Ordinance, at this site.
3. The 1,380-square foot, rear storage addition shall be reconstructed within 90 days of the grant of this variance, after obtaining the proper improvement location and building permits from the Department of Code Enforcement.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This proposal would legally establish a storage addition (VIO12-003238) to an existing tire shop (202 West 38th Street), with a one-foot north side transitional setback instead of the 20-foot transitional setback required. This proposal also would include the D-5 zoned, undeveloped lot to the north at 3820 North Capitol Avenue. This proposal would, in addition to providing a fence along the north property line of the C-3 zoned lot, provide for dense landscaping within the northern half of the D-5 zoned lot to screen the existing addition.

◊ The surrounding development to the north and west is single-family, zoned D-5; to the east is single-family, zoned C-3, and commercial, zoned C-4; and to the south and southeast is commercial development, zoned D-5 and C-4, respectively.

(Continued)

LANDSCAPE PLAN

◊ A final landscape plan, indicating quantity, species and planting size of the proposed dense shrubs should be submitted for Administrator's Approval, within 30 days of the grant of this variance, with implementation of the approved landscape plan by June 1, 2014.

TIRE STORAGE

◊ The storage area should only be used for the storage of tire inventory; it should not be used for the storage of tires not intended for retail sale.

BUILDING CODE ISSUES

◊ This 1,380-square foot rear addition, by any reasonable measure, has not been constructed in a quality manner and likely violates minimum building standards. If this variance would be granted, this addition should be reconstructed, consistent with the footprint shown on the plans, after obtaining the proper improvement location and building permits.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE C-3 and D-5, Tire Shop and undeveloped lot

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family residential
South -	C-4 and D-5	Convenience store / gasoline station
East -	C-4 and C-3	Commercial and single-family residential
West -	D-5	Single-family residential

NEIGHBORHOOD LAND USE PLAN The Butler-Tarkington Neighborhood Plan recommends single-family development and the 38th Street Corridor Plan recommends low-density residential development (single-family and two-family) and the D-5 District.

THOROUGHFARE PLAN The Official Thoroughfare Plan indicates that Capitol Avenue is a secondary arterial with a 60-foot right-of-way existing and a 60-foot right-of-way proposed.

ZONING HISTORY

2013-ZON-038; 3820 North Capitol Avenue, requests a rezoning of 0.12 acre from the D-5 district to the C-3 classification to provide for commercial uses, **withdrawn.**

(Continued)

87-UV2-26; 3820 North Capitol Avenue, variance of use to provide for office use within an existing dwelling with paved off-street parking in the rear yard, in D-5, **granted.**

95-V1-128; 3807 Graceland Avenue, variance of development standards to legally establish an excessive accessory building ratio, a deficient side yard setback, and a deficient lot open space ratio, in D-5, **granted.**

2007-ZON-804 / 2007-VAR-804; 202 West 38th Street, requests rezoning of 0.35 acre from the D-5 District, to the C-3 classification, to provide for neighborhood commercial uses and a variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for tire sales and repair, in the existing 1,500 square foot building, and a proposed 348-square foot building addition, a trash container, with a 13.67-foot north side setback, within the required twenty-foot north side transitional yard, four parking spaces, with a 13.67-foot north side setback, within the required twenty-foot north side transitional yard, three parking spaces with three-foot setbacks from the proposed right-of-way of North Capitol Avenue, and five parking spaces, with three-foot west side setbacks, within the required ten-foot west side transitional yard**, approved.**

75-UV2-74; 202 West 38th Street, variance of use and development standards to convert a portion of an existing gas station for convenience food sales in D-5, **granted.**

89-UV3-96; 148 West 38th Street, variance of use and development standards to provide for a drive-through restaurant within 100 feet of a protected district, with a freestanding sign with a deficient setback, in C-4, **denied.**

85-UV1-34; 201 West 38th Street, variance of use and development standards to provide for construction of a gas station/convenience store with deficient transitional yards and deficient sign setbacks, in C-4 and D-5, **granted.**

2003-ZON-069; 3816 North Kenwood Avenue, requests a rezoning of 0.2 acre from D-5 to C-3, to provide for a commercial parking lot, **denied.**

2003-HOV-022; 3802 and 3816 North Kenwood Avenue, requests a variance of use and development standards of the Commercial Zoning Ordinance and Dwelling Districts Zoning Ordinance to legally establish a carry-out restaurant located zero feet from a protected district and to provide for an eight-space parking lot, with a six-foot north side setback and a trash container and enclosure, **denied.**

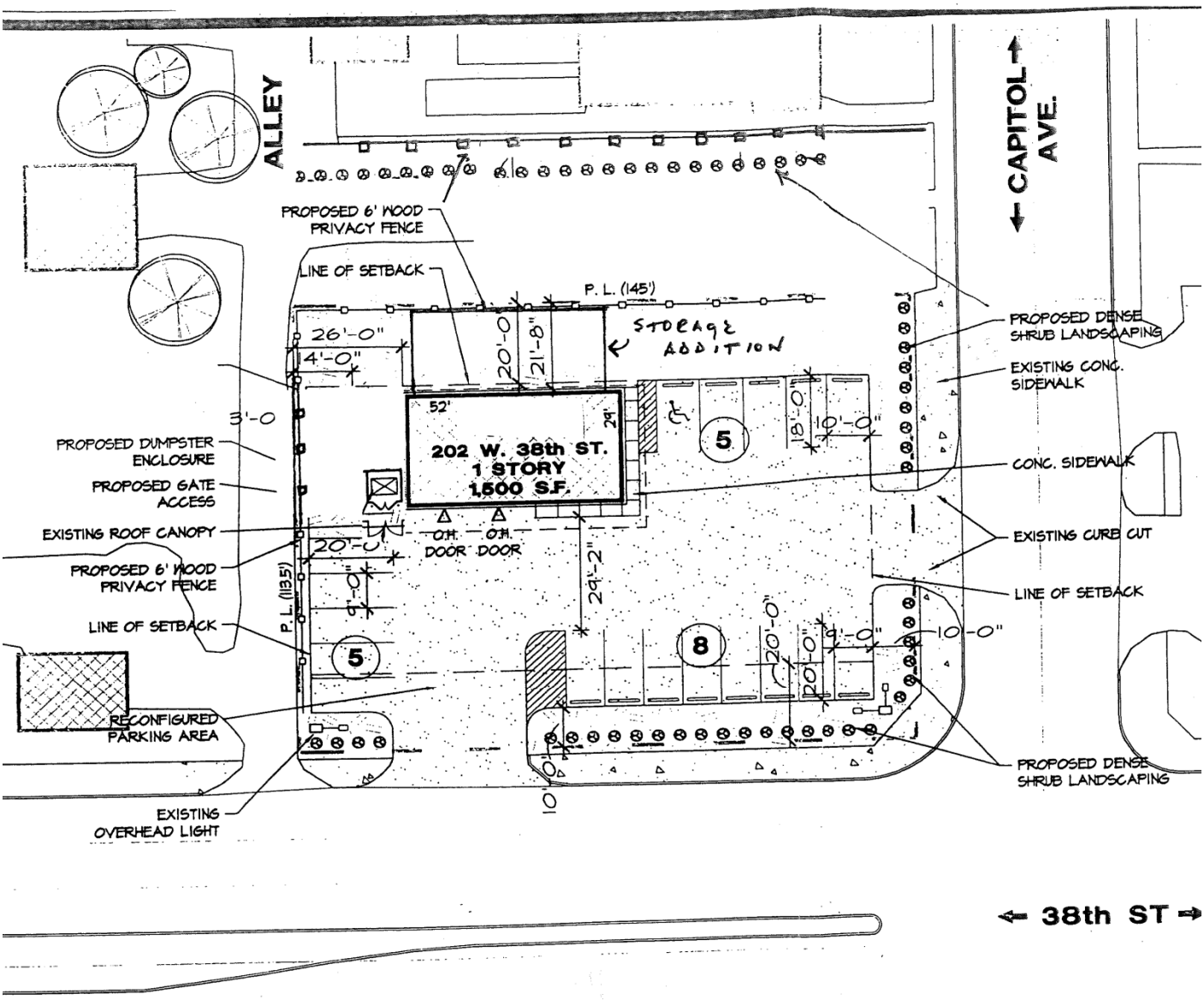
LWC *******

Photograph One – Site

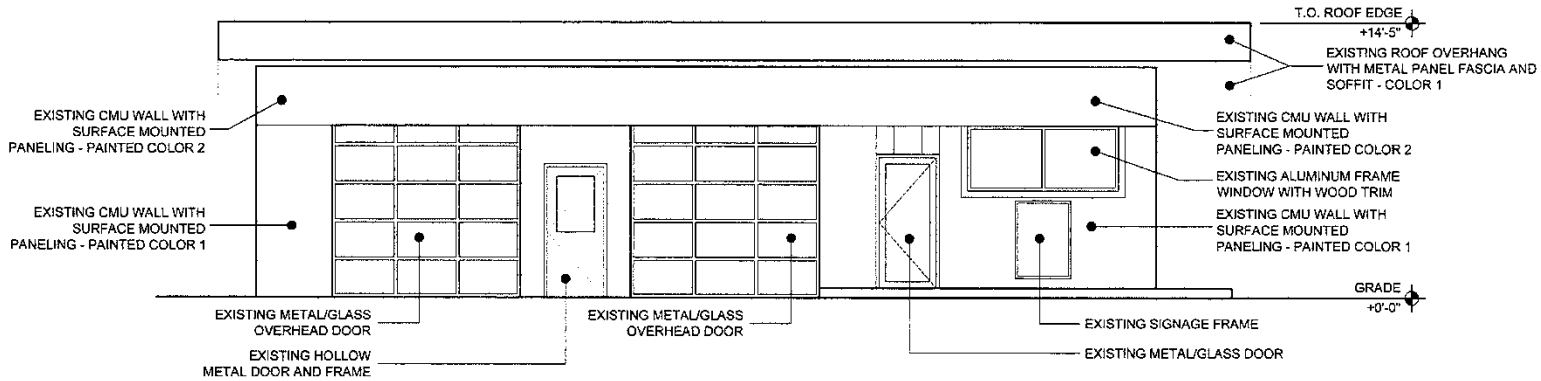
Photograph Two – Site from alley.

Photograph Three – Site and 202 W. 38th St. with addition on rear

Photograph Four – 202 W. 38th St, with addition to the rear


ALLEY
CAPITOL AVE.
PROPOSED 6' WOOD PRIVACY FENCE
LINE OF SETBACK
P. L. (145')
STORAGE ADDITION
26'-0"
4'-0"
20'-0
21'-8"
52'
24'
202 W. 38th ST.
1 STORY
1,500 S.F.
3'-0
PROPOSED DUMPSTER ENCLOSURE
PROPOSED GATE ACCESS
EXISTING ROOF CANOPY
PROPOSED 6' WOOD PRIVACY FENCE
LINE OF SETBACK
P. L. (113.5')
20'-0"
9'-0"
O.H. DOOR
O.H. DOOR
24'-2"
5
5
8
18'-0"
10'-0"
20'-0"
20'-0"
9'-0"
10'-0"
RECONFIGURED PARKING AREA
EXISTING OVERHEAD LIGHT
PROPOSED DENSE SHRUB LANDSCAPING
EXISTING CONC. SIDEWALK
CONC. SIDEWALK
EXISTING CURB CUT
LINE OF SETBACK
PROPOSED DENSE SHRUB LANDSCAPING
38th ST

202 WEST 38TH STREET
MARCH 28, 2014



202 WEST 38TH STREET

SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

0' 2.5' 5' 10'

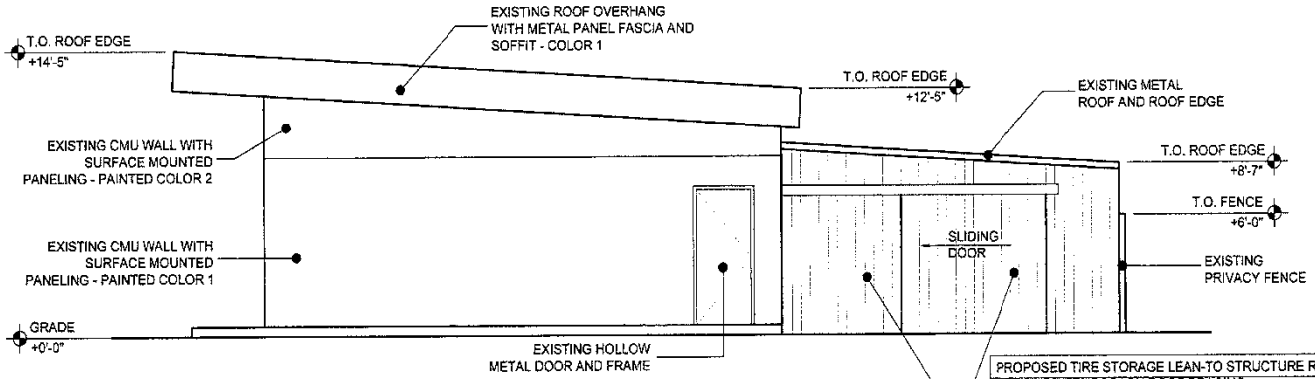
RECEIVED
MAR 31 2014
METROPOLITAN DEVELOPMENT

SITE ARCHITECTURE
architecture + landscape architecture

#2

2013- UV1- 038

202 WEST 38TH STREET
MARCH 28, 2014



202 WEST 38TH STREET

EAST ELEVATION

SCALE: 3/16" = 1'-0"

0' 2.5' 5' 10'

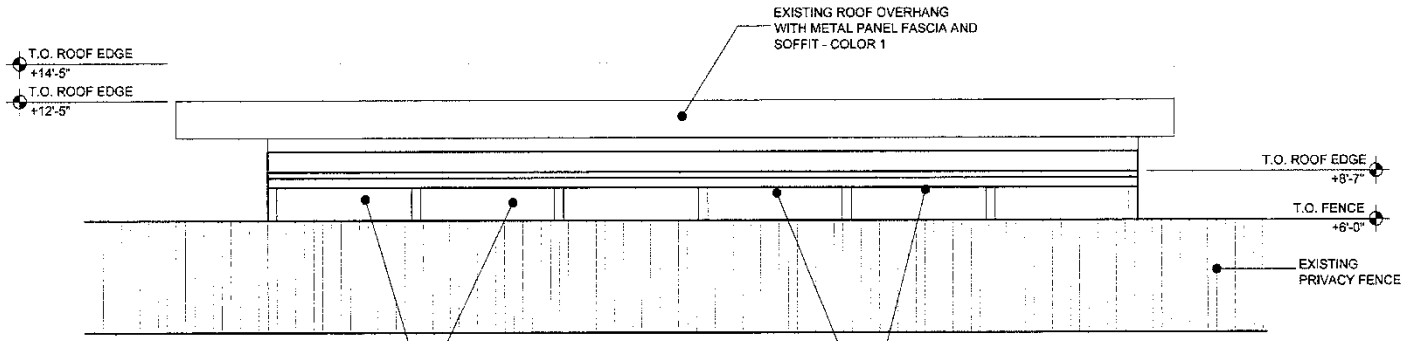
PROPOSED TIRE STORAGE LEAN-TO STRUCTURE RENOVATION SCOPE:
- -PROVIDE TEMPORARY ROOF BRACING
- -REMOVE EXISTING WOOD COLUMNS
- -INSTALL FOUNDATIONS AT WOOD COLUMN LOCATIONS
- -REINSTALL WOOD COLUMNS - PROVIDE ANCHORS TO SECURE TO FOUNDATION
- -PROVIDE STRUCTURAL CLIPS/ATTACHMENT AT COLUMN/0BEAM CONNECTION
- -PROVIDE SUPPLEMENTAL FRAMING/STRUCTURAL ATTACHMENT AT CONNECTION BETWEEN LEAN-TO ROOF JOISTS AND EXISTING CMU WALL
- -REMOVE EXISTING PLYWOOD/WOOD SIDING ON EAST AND WEST ENDS
- -INSTALL NEW PLYWOOD SHEATHING, BUILDING WRAP, AND FIBER CEMENT BOARD LAP SIDING
- - PAINT SIDING COLOR 1 TO MATCH EXISTING BUILDING

RECEIVED
MAR 31 2014
METROPOLITAN DEVELOPMENT

SITE ARCHITECTURE
architecture + landscape architecture

#3

202 WEST 38TH STREET
MARCH 28, 2014



202 WEST 38TH STREET
NORTH ELEVATION
SCALE: 3/16" = 1'-0"

0' 2.5' 5' 10'

PROPOSED TIRE STORAGE LEAN-TO STRUCTURE RENOVATION SCOPE:
- -PROVIDE TEMPORARY ROOF BRACING
- -REMOVE EXISTING WOOD COLUMNS
- -INSTALL FOUNDATIONS AT WOOD COLUMN LOCATIONS
- -REINSTALL WOOD COLUMNS - PROVIDE ANCHORS TO SECURE TO FOUNDATION
- -PROVIDE STRUCTURAL CLIPS/ATTACHMENT AT COLUMN/BEAM CONNECTION
- -PROVIDE SUPPLEMENTAL FRAMING/STRUCTURAL ATTACHMENT AT CONNECTION BETWEEN LEAN-TO ROOF JOISTS AND EXISTING CMU WALL
- -REMOVE EXISTING PLYWOOD/WOOD SIDING ON EAST AND WEST ENDS
- -INSTALL NEW PLYWOOD SHEATHING, BUILDING WRAP, AND FIBER CEMENT BOARD LAP SIDING
- - PAINT SIDING COLOR 1 TO MATCH EXISTING BUILDING

SITE ARCHITECTURE
architecture + landscape architecture

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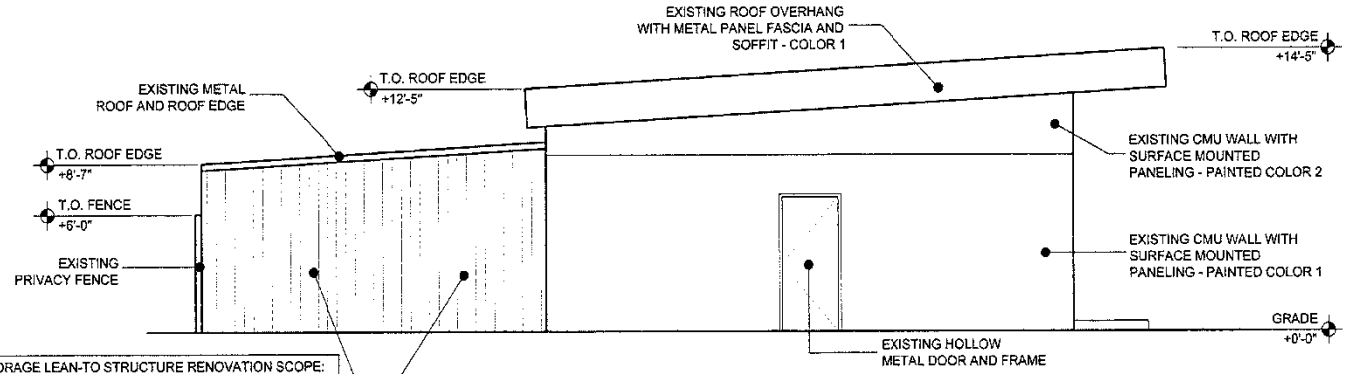
METROPOLITAN DEVELOPMENT

#4

202 WEST 38TH STREET
MARCH 28, 2014



PROPOSED TIRE STORAGE LEAN-TO STRUCTURE RENOVATION SCOPE:
- PROVIDE TEMPORARY ROOF BRACING
- REMOVE EXISTING WOOD COLUMNS
- INSTALL FOUNDATIONS AT WOOD COLUMN LOCATIONS
- REINSTALL WOOD COLUMNS - PROVIDE ANCHORS TO SECURE TO FOUNDATION
- PROVIDE STRUCTURAL CLIPS/ATTACHMENT AT COLUMN/0BEAM CONNECTION
- PROVIDE SUPPLEMENTAL FRAMING/STRUCTURAL ATTACHMENT AT CONNECTION BETWEEN LEAN-TO ROOF JOISTS AND EXISTING CMU WALL
- REMOVE EXISTING PLYWOOD/WOOD SIDING ON EAST AND WEST ENDS
- INSTALL NEW PLYWOOD SHEATHING, BUILDING WRAP, AND FIBER CEMENT BOARD LAP SIDING
- PAINT SIDING COLOR 1 TO MATCH EXISTING BUILDING

202 WEST 38TH STREET
WEST ELEVATION
SCALE: 3/16" = 1'-0"
0' 2.5' 5' 10'

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MAR 31 2014
METROPOLITAN DEVELOPMENT

#5

SITE ARCHITECTURE
architecture + landscape architecture

2013-UV1-038

39TH ST
38TH ST
ALLEY 275 W
ALLEY 225 W
CAPITOL AVE
GRACELAND AVE
ALLEY 175 W
KENWOOD AVE
ALLEY 125 W
3820 N. Capitol Ave.
202 W. 38th St.
D5
C3
C4
CS
D8
SU1
Legend
CCGIS.PARCELSSTATEPIN
Zoning
Buildings
CCGIS.ZIPCODES
Centerline
0 50 100 200 300 400
Feet
N

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-049 (Amended)**
Address:	**2650 Beach Avenue (*Approximate Address*)**
Location:	**Washington Township, Council District #3**
Zoning:	**0.29 acre, D-4 (FF)**
Petitioner:	**Ross Williams, by Russell L. Brown and Bart Herriman**
Request:	**Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for accessory use area of 2,613 square feet or 184.4% of the total floor area of the primary dwelling (maximum 99.9% of the total floor area of the primary dwelling or 1,415 square feet permitted).**

ADDENDUM FOR DECEMBER 2, 2014

After a full hearing of this petition, the Board continued it from the November 6, 2014 hearing to the December 2, 2014 hearing, at the request of the petitioner. Subsequently, on November 14, 2014, amended elevations and floor plans were submitted to the file. According to the plans, the dwelling area would be 1,417 square feet and the garage floor area would be 2,613 square feet for an accessory use area equal to 184.4% of the floor area of the living area.

The elevations provide for additional windows on the front elevation, relocating the twin, double-hung windows from the first floor to the second floor of the gable end (south end) of the front elevation, adding a third window to the upper floor near the stairwell landing. The elevation also substitutes two double-hung windows on both sides of the first floor of the gable end, for the relocated double-hung windows. This gable end was reduced in depth from 15 feet to five feet, reducing the footprint of the structure by more than 300 square feet.

The floor plans for the second floor have been amended to provide for an additional bedroom and bathroom at the north end of the building. However, despite these amendments, Staff continues to **recommend denial** of the request for the reasons outlined in the report below.

November 6, 2014

RECOMMENDATIONS

Staff **recommends denial** of this petition as proposed.

SUMMARY OF ISSUES

LAND USE

◊ The subject site, zoned D-4, is improved with a single-family dwelling, attached carport and detached accessory structure. The proposal would allow the petitioner to obtain permits to demolish the current structure and construct a large garage, with living space above.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

◊ Development standards of the Dwelling Districts Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.

◊ The subject site provides unique challenges related to the adjacent White River and associated flood plain. To meet building code requirements, the minimum finished floor elevation, on the subject site, for any livable area is approximately 733 feet. The existing ground elevation is 725 feet, approximately eight feet lower than required for a dwelling. Staff would note that it is common for commercial and residential uses to provide parking on the first level of the structure in similar situations.

The proposed 4,000-square foot structure would provide approximately 3,100 square feet of accessory use area, within the attached garage and approximately 900 square feet of livable area on the second floor. In Staff's opinion, the substantial difference in living area and storage area, resulting in 333% accessory use area, indicates that the primary use of the site is for storage, not residential uses as intended by the Ordinance. Additionally, the petition indicates the proposed garage would be for the personal storage of motorsports equipment, related to the property owner east of the subject site.

◊ Although the exterior architectural design and required finished floor elevation would generally be consistent with modern dwellings in the area, in Staff's opinion, the substantial deviation from the Ordinance related to accessory use area and the intent to use the subject site primarily as storage would be inconsistent with development on adjacent properties and the Comprehensive Plan recommendation of low-density residential development. Staff would suggest that the proposed garage be scaled down substantially to reduce the accessory use area. Staff would note that denial of this petition would not prevent the petitioner from constructing a single-family dwelling, which would conform with the Zoning Ordinance, on the subject site.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-4	Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-4	Undeveloped
South -	D-4	Single-family dwelling
East -	D-4	Single-family dwelling
West -	D-4	Single-family dwelling

(Continued)

COMPREHENSIVE LAND USE PLAN	Recommends low-density residential of 0-1.75 dwelling units per acre.
THOROUGHFARE PLAN	Neither Beach Avenue nor White River Drive are classified on the Official Thoroughfare Plan.
SITE PLAN	File-dated September 15, 2014
FINDINGS OF FACT	File-dated September 15, 2014

ZONING HISTORY

2009-HOV-005, 7825 White River Drive, (east of site); Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for two existing additions, totaling 501.3 square feet of living space, to be raised to the flood protection grade and provided with flood venting equal to one-square inch of net open area for every square foot of enclosed area, **granted.**

2008-DV2-017, 7825 White River Drive, (east of site); Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for the construction of a substantial addition to a 376-square foot living space addition, at a finished-floor elevation of 728.96 feet, **denied.**

2007-DV2-006; 2433 East 80th Street (northwest of site), variance of development standards to provide for the construction of a single-family dwelling with an attached non-inhabitable accessory structure, with a base floor elevation of 724.33 feet, with one-square inch of flood venting per one square foot of enclosed building area, **granted.**

2005-HOV-034; 2429 and 2433 East 80th Street (formerly 2519 and 2533 East 80th Street) (northwest of site), variance of development standards to provide for the construction of two single-family dwellings with a reduction of required flood venting, **granted.**

2005-HOV-019; 2505 East 80th Street (northwest of site), variance of development standards to provide for the construction of a single-family dwelling with a reduction of required flood venting, and with deficient side yard setbacks, **granted.**

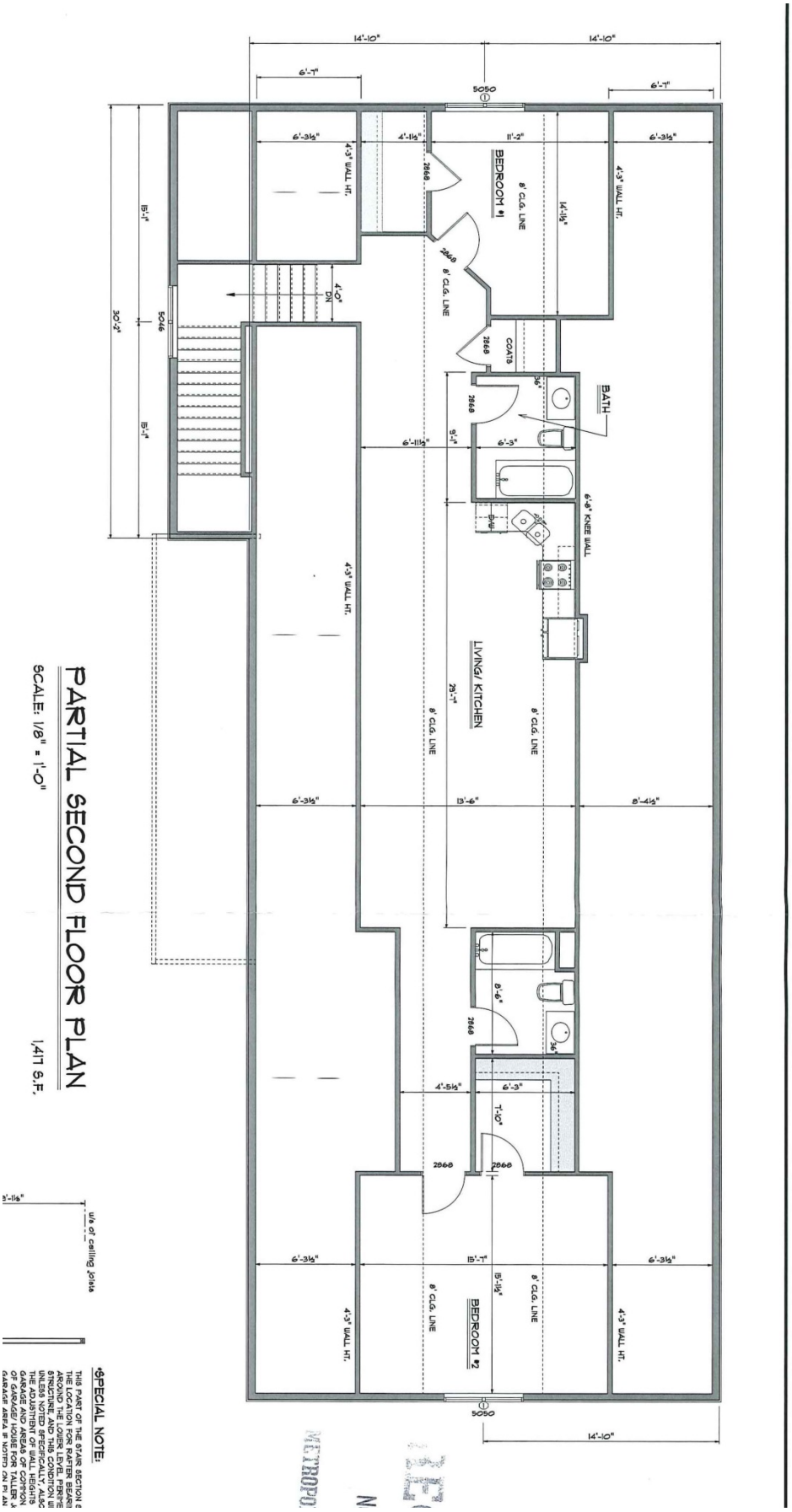
2004-HOV-044; 2421 East 80th Street (northwest of site), variance of development standards to provide for the construction of a single-family dwelling with a reduction of required flood venting, **granted.**

2004-HOV-045; 2417 East 80th Street (northwest of site), variance of development standards to provide for the construction of a single-family dwelling with a reduction of required flood venting, **granted.**

JAS *******

2014-DV1-049; Location Map

Amended Floor Plans and Elevations – File-dated November 14, 2014



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NOV 14 2014
METROPOLITAN DEVELOPMENT

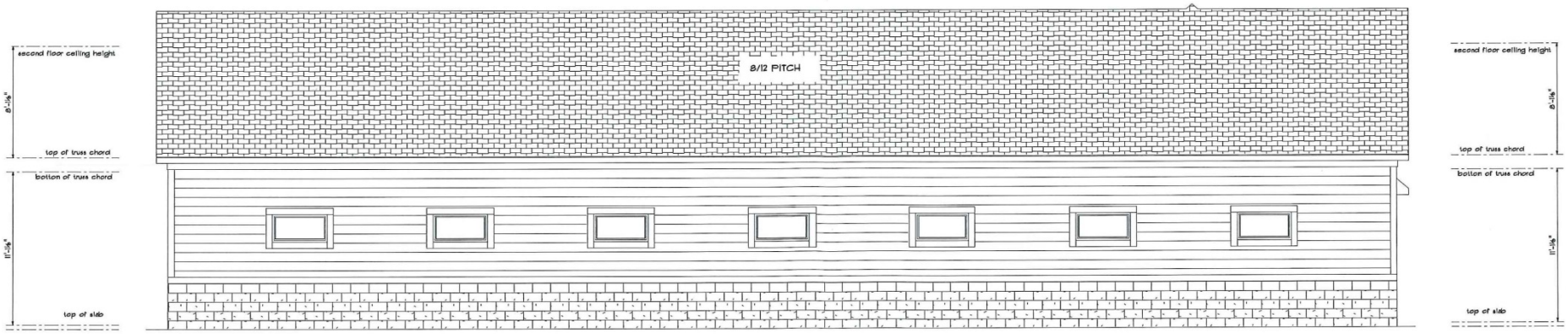
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

FRONT ELEVATION
SCALE: 1/8" = 1'-0"

LEFT ELEVATION

SCALE: 1/8" = 1'-0"

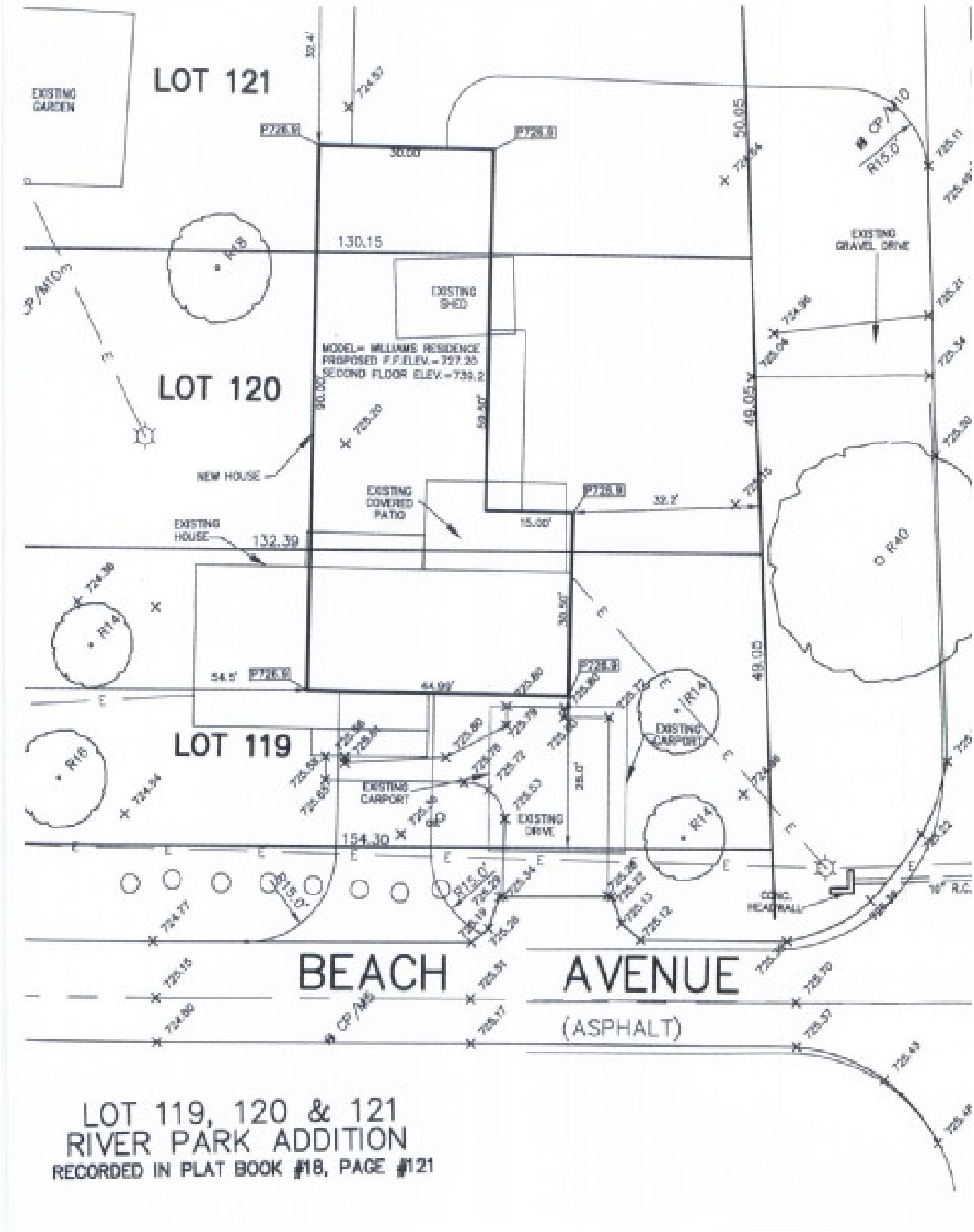
RECEIVED
NOV 14 2014
METROPOLITAN DEVELOPMENT



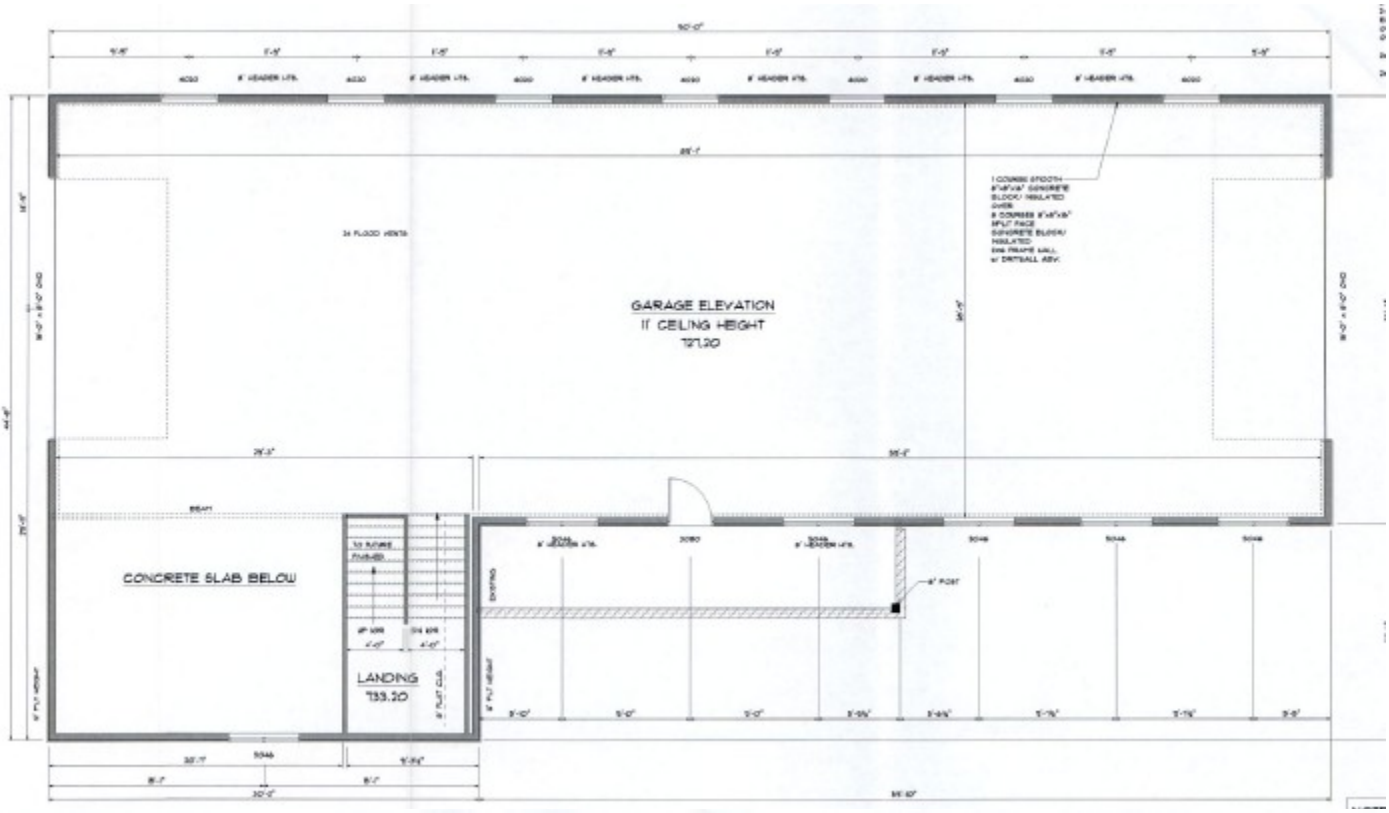
REAR ELEVATION

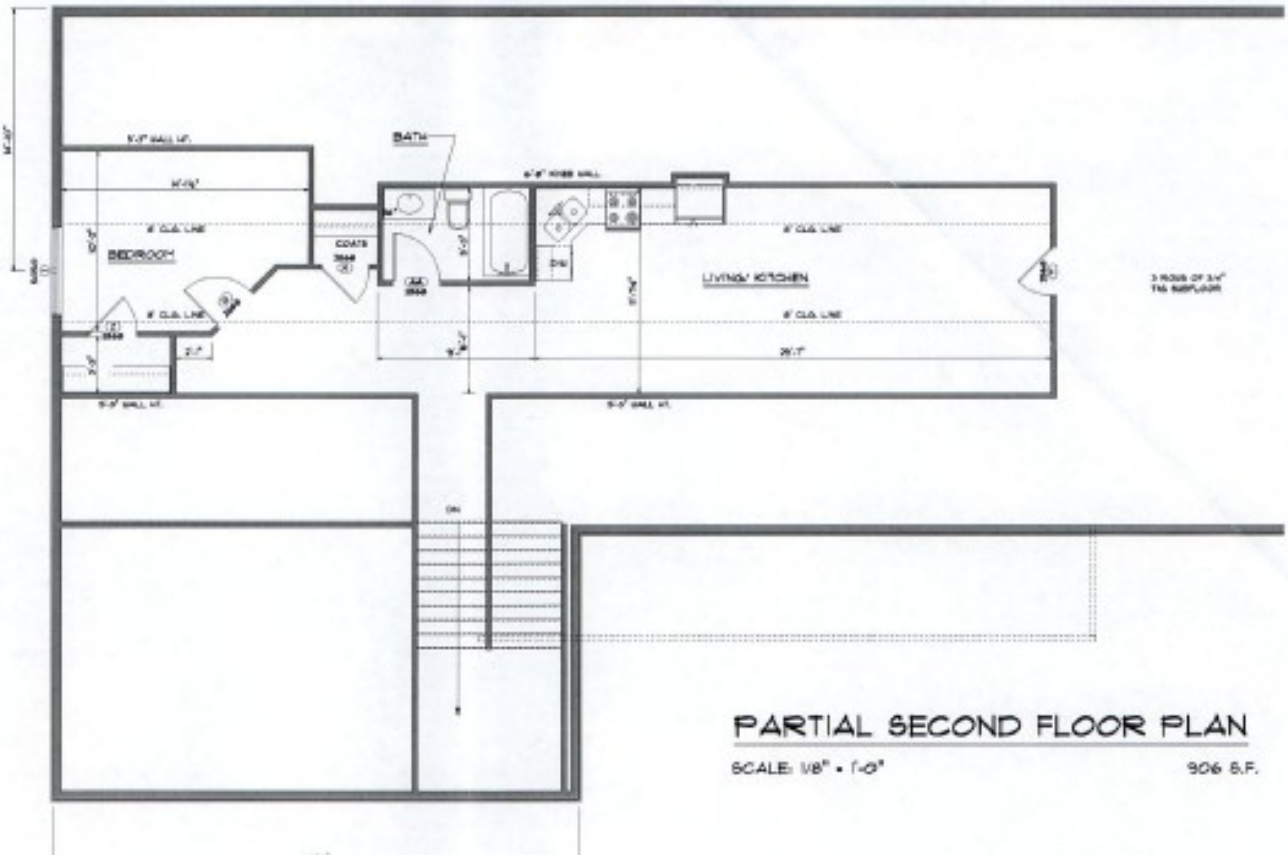
SCALE: 1/8" = 1'-0"

2014-DV1-049; Site Plan



2014-DV1-049; First and Second Floor Plan – September 14, 2014





2014-DV1-049; Photographs (Subject Site)

Subject site looking north from Beach Avenue towards existing dwelling

Subject site looking west from White River Drive

North portion of subject site

Rear of subject site looking southeast

2014-DV1-049; Photographs (Adjacent Properties)

Adjacent dwelling south of subject site

Primary residence of petitioner east fo subject site

Adjacent dwellings southeast of site

Adjacent dwelling west of site

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-UV1-028**
Address:	**5312 East Southern Avenue (approximate address)**
Location:	**Warren Township, Council District#25**
Zoning:	**D-A**
Petitioner:	**Thomas V. Hollifield**
Request:	**Variance of use of the Dwelling Districts Zoning Ordinance to legally establish two dwelling units (one dwelling unit permitted per lot).**

RECOMMENDATIONS

Staff **recommends denial** of this request.

Staff would **recommend approval**, if a floor plan would be submitted that could be reviewed by the Department of Code Enforcement to determine what, if any, measures should be taken to insure the safety of the residents. Any suggested modifications to the dwelling should be completed within 90 days from the date of the grant.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

◊ This 1.47-acre site, zoned D-A, is developed with a two-family dwelling, a storage shed, and above-ground swimming pool. Single-family dwellings are located to the south, east, and west of the site, with undeveloped land to the north.

DEVELOPMENT STANDARDS

◊ This request would legally establish the second dwelling unit on the second floor of the existing dwelling. According to the Assessor's Office, the primary dwelling unit was constructed in 1874, with some type of construction occurring in 1990. In 2000, a 192-square foot addition was constructed on the front of the house for in-law quarters.

◊ Access to the two-bedroom second dwelling unit is gained from the east side of the dwelling. The single access raises concerns about safety in emergency situations. The petitioner has indicated that there are two windows that would provide exits onto the porch roof. Staff understands, from a representative from the fire department, that one exit from the second level would be acceptable if each of the sleeping areas includes a window, with a minimum of 5.7 square feet for rescue purposes.

(Continued)

◊ It is unclear when the second dwelling unit was constructed. According to the current owner it existed at the time of purchase, in April 2012. Eliminating the second dwelling unit would be a hardship on the current owners. Additionally, the second dwelling unit would not adversely impact the use and value of the adjacent property owners. The concern, however, lies with providing adequate safety precautions to insure the safety of the residents living in that dwelling unit in the event of an emergency.

◊ Staff requested that a floor plan and elevations be provided for submittal to the Department of Code Enforcement for their review to evaluate emergency access. If any modifications would be necessary, those should be completed within a reasonable time frame.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-A	Multi-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-A	Undeveloped
South -	D-A	Single-family dwelling / undeveloped
East -	D-A	Single-family dwelling
West -	D-A	Single-family dwelling / undeveloped

COMPREHENSIVE PLAN (2007)	Recommends light industrial use for the subject site.
THOROUGHFARE PLAN	Southern Avenue is not designated in the Official Thoroughfare Plan.
SITE PLAN	File-dated, September 17, 2014
FINDINGS OF FACT	File-dated, September 17, 2014

ZONING HISTORY

SUBJECT SITE

None.

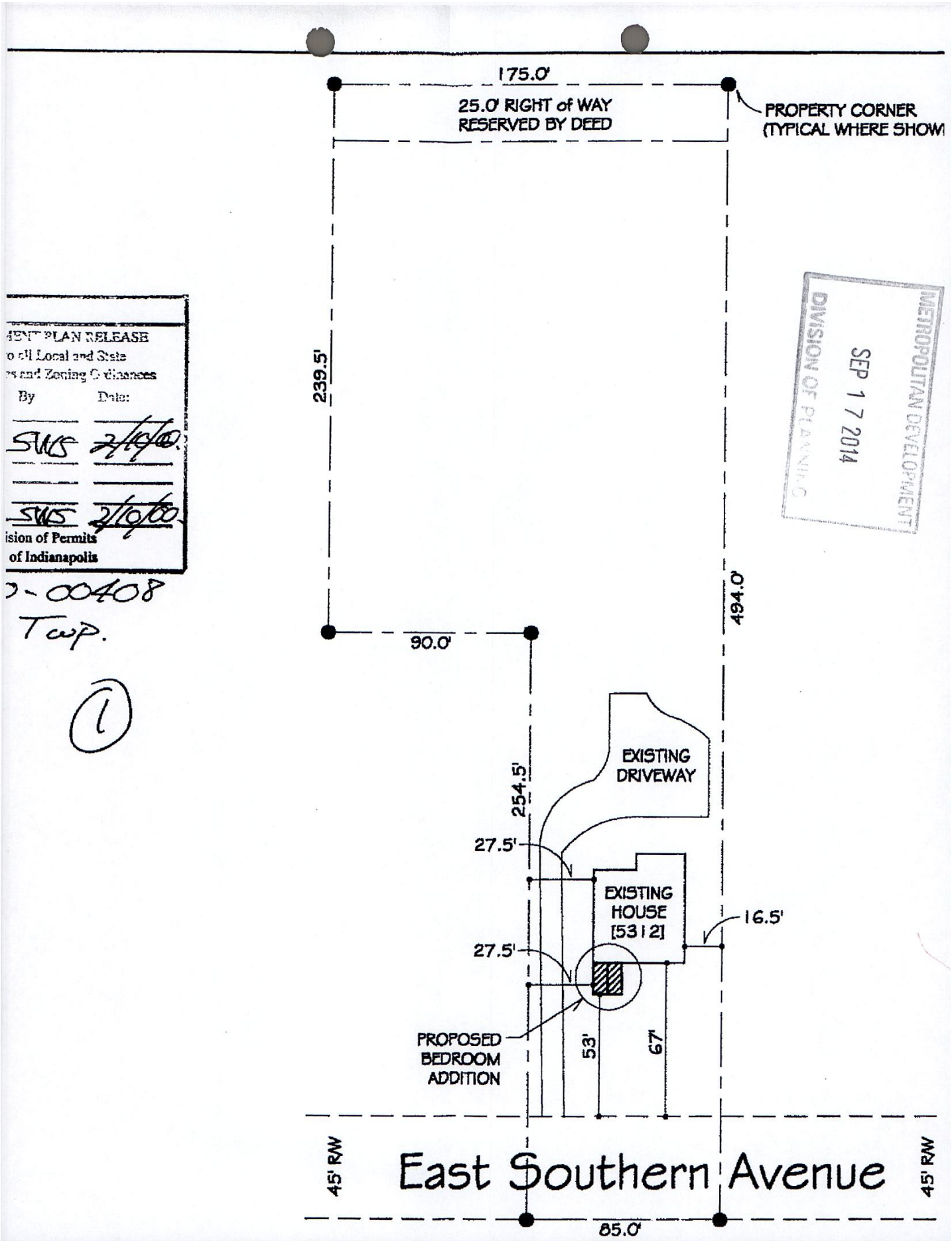
VICINITY

98-Z-33, 5430 Bierman Road (south of site); Requested rezoning of 1.962 acres from the D-A District to the D-1 classification to provide for the construction of a single-family residence, **approved.**

95-HOV-10, 5477 Bierman Road (south of site); Requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for single-family dwellings on three lots, with reduced lot widths, **granted.**

kb *******

5312 East Southern Avenue


175.0'
25.0' RIGHT of WAY
RESERVED BY DEED
PROPERTY CORNER
(TYPICAL WHERE SHOWN)
239.5'
494.0'
90.0'
EXISTING
DRIVEWAY
254.5'
27.5'
EXISTING
HOUSE
[5312]
16.5'
27.5'
PROPOSED
BEDROOM
ADDITION
53'
67'
45' R/W
East Southern Avenue
45' R/W
85.0'
MENT PLAN RELEASE
o all Local and State
s and Zoning Ordinances
By
Date:
SWS
2/10/00
SWS
2/10/00
ision of Permits
of Indianapolis
-00408
Twp.
1
METROPOLITAN DEVELOPMENT
SEP 17 2014
DIVISION OF PLANNING

View looking north at dwelling

View looking south at rear of house

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-UV1-029**
Address:	**1817-1819 North Rural Street (*Approximate Address*)**
Location:	**Center Township, Council District #10**
Zoning:	**0.29 acre, D-5**
Petitioner:	**Charles Waltman**
Request:	**Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a second dwelling unit (not permitted) in a 1,555.51-square foot detached garage, having accessory building and use area of 135% of the main and total floor area of the primary dwelling, and having zero-foot south side and east rear yards (minimum accessory building and accessory use area of 75% of the main floor area (864 square feet) and 99.9% of the total floor area (1,150 square feet) of the primary dwelling, respectively, permitted; minimum four-foot side yard, five-foot rear yard for accessory buildings and 20-foot rear yards for primary buildings, permitted).**

ADDENDUM FOR DECEMBER 2, 2014

This petition was continued from the November 6, 2014 hearing to the December 2, 2014 hearing at the request of the petitioner.

November 6, 2014

RECOMMENDATIONS

Staff **recommends denial** of the second dwelling unit.

Staff **recommends approval** of the requested increase in accessory building and use area, as well as the reduced side and rear yard setbacks, subject to the site plan, file-dated September 18, 2014, and the issuance of a building permit within 60 days of this approval and the following commitments:

1. The detached garage shall not be used for the storage or operations of any business.
2. All materials located within the rear yard shall be removed from the site or stored within the permitted accessory structure.

SUMMARY OF ISSUES

LAND USE

◊ The subject site, zoned D-5, is improved with a single-family dwelling and combination detached garage and accessory dwelling unit. This request would legally establish the use of the accessory structure as a dwelling unit, with increased accessory building and use area and a reduced side and rear yard setback. No additional structures are proposed with this petition.

(Continued)

VARIANCE OF USE

◊ Sanborn Insurance maps, dating as early as 1915, indicate a single-family dwelling on the southernmost lot, with a detached accessory structure on the lot to the north. Subsequent maps and aerial images indicate the removal of the accessory structure. A detached accessory building, similar in size and location to the modern structure, first appears in 1972 aerial images.

◊ According to information submitted with the petition, the accessory structure was constructed around 1966 and has previously been used as a dwelling. Through research of old directories, Sanborn Insurance Maps and aerial images, Staff was unable to find any record of a second dwelling on the subject site.

◊ The existing accessory structure is currently divided between the proposed dwelling unit and general storage. Staff has concerns related to accessory building and safety codes for the proposed accessory dwelling unit. While Staff is unsure when the accessory structure was converted for residential uses, there does not appear to be any permits, applied for or issued, related to such a conversion. Site visits and images show extensive amounts of construction materials on the subject site. Additionally, Staff has concerns with seemingly improper and potentially unsafe mechanical equipment and service connections that appear to be run from the primary dwelling, on the surface of the adjacent property, into the accessory dwelling. Should the Board grant this request, Staff would strongly encourage that the approval be conditioned upon the cessation of all work and the application and approval of all necessary permits and related inspections, including utility connections, for the accessory structure and dwelling unit.

◊ In Staff's opinion, an accessory dwelling unit would be inconsistent with adjacent properties. The addition of a second dwelling on the subject site would equate to approximately 7.1 units per acre, exceeding the neighborhood plan recommendation of two to five units per acre.

VARIANCE OF DEVELOPMENT STANDARDS

◊ This request also seeks to legally establish increased accessory building and use area and a reduced side and rear yard setback. While Staff is generally hesitant to support large accessory structures for the potential conversions to residential and commercial structures, Staff would note that the existing accessory structure has been on the subject site, dating as early as 1972. In Staff's opinion, the proposed development standards variances would not negatively impact adjacent properties.

◊ As Staff noted above, there is currently construction material located in the rear yard. Staff does have concerns that the accessory structure would be used for a business and would recommend that the accessory structure not be used for storage or operations of a business and that all materials, currently stored within the rear yard, be located within a permitted structure. Staff would recommend that this be submitted as a commitment with any variance grant.

(Continued)

STAFF REPORT 2014-UV1-029 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-5	Single-family and accessory dwellings

SURROUNDING ZONING AND LAND USE

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

NEIGHBORHOOD PLANNING AREA	The Highland Brookside Neighborhood Plan recommends residential development of two to five units per acre on the subject site.
THOROUGHFARE PLAN	Rural Street is classified on the Official Thoroughfare Plan as a primary arterial, with a 60-foot existing and proposed right-of-way.
SITE PLAN	File-dated September 18, 2014
FINDINGS OF FACT	File-dated September 18, 2014

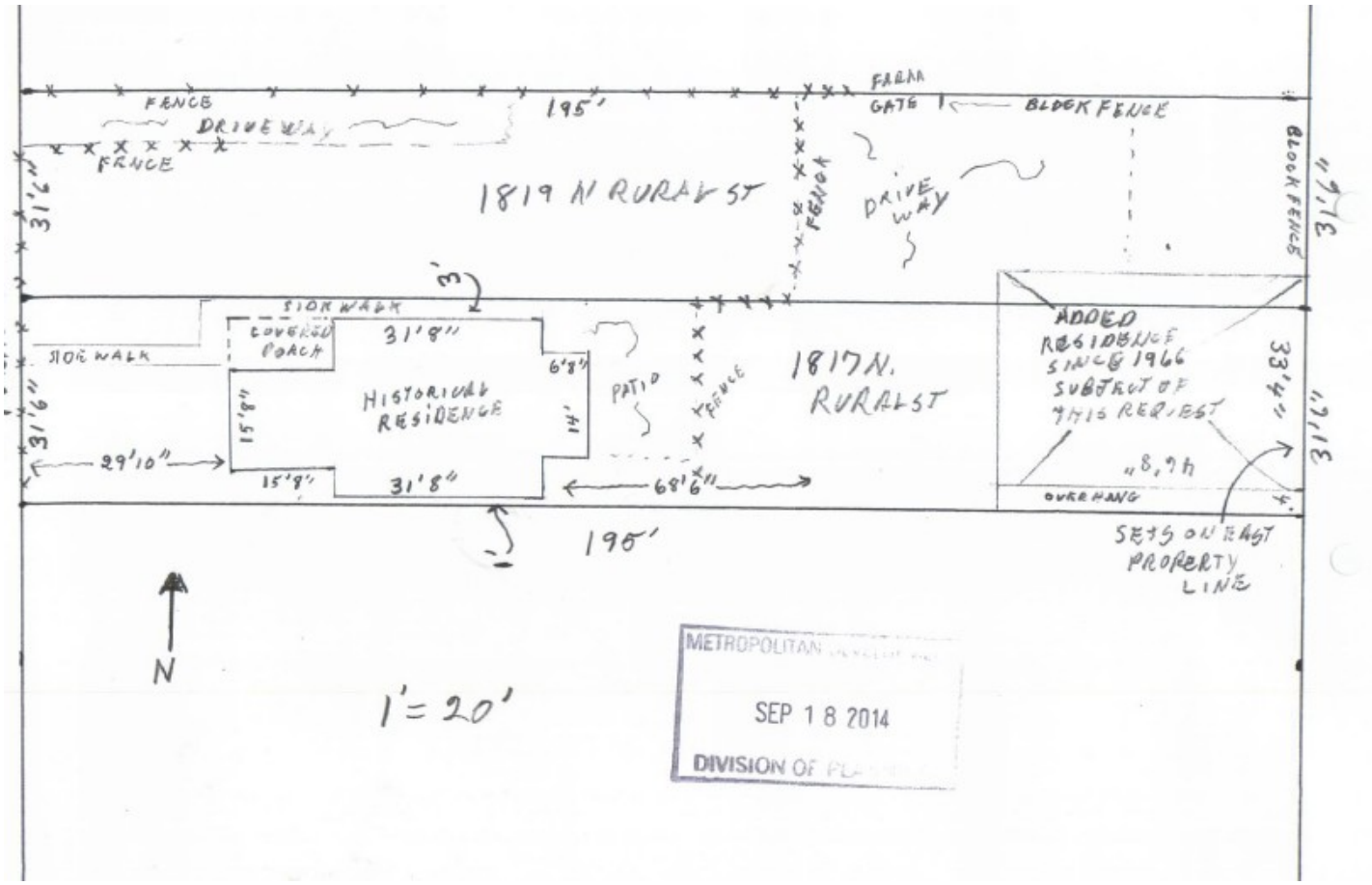
ZONING HISTORY

None.

JAS *******

2014-UV1-029; Location Map

2014-UV1-029; Site Plan



2014-UV1-029; Photographs (Subject Site)

Primary dwelling looking east from Rural Street

Accessory structure looking north from east alley

Looking southwest from alley

West side of accessory structure

2014-UV1-029; Photographs (Adjacent Properties)

Adjacent dwelling south of subject site and above ground duct work for accessory structure

Adjacent dwellings north of subject site

Alley north of accessory structure

Adjacent dwellings east of subject site

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-UV1-031 (Amended)**
Address:	**3120 Nowland Avenue (*Approximate Address*)**
Location:	**Center Township, Council District #10**
Zoning:	**0.07 acre, D-5**
Petitioner:	**Paramount School of Excellence, Inc., by Andrew Hart**
Request:	**Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 1,440-square foot hoop house, without a foundation, for Paramount school students and community members for the year round growing of produce and for educational purposes (not permitted), per plans filed, and to legally establish a six-foot tall fence in the front yard of Nowland Avenue (maximum 42-inch fence in the front yard permitted), being within the clear sight triangles of the west-abutting alley and the site's driveway (not permitted).**

This petition was continued from the November 6, 2014 hearing to the December 2, 2014 hearing in order to provide for amended notice to legally establish a six-foot tall fence in the front yard. The notice was sent out less than 23 days prior to the hearing, so a **waiver of notice** would have to be granted for this petition to be heard.

The fence, shown in the Photographs below, is partly within the clear sight triangle of the alley and site's driveway. The encroachment into the alley's clear sight triangle is a minor deviation, because the fence angles at the intersection to provide reasonable clear sight. The fence gate is located at the curb cut for this site. If the gate is used only for pedestrian access and not used for vehicle access, the clear sight triangle issue would not be impactful. However, although the clear sight triangle issues may have minimal impacts, the location of the fence in the front yard, while more aesthetically appropriate than an opaque fence, impacts the streetscape of Nowland Avenue.

Therefore, Staff **recommends denial** of the amended request.

RECOMMENDATIONS

Staff **recommends denial** of this petition as proposed.

SUMMARY OF ISSUES

LAND USE

◊ The subject site, zoned D-5, is currently improved with the metal frame supports for the proposed hoop house. This request would allow for the completion and use of the proposed hoop house.

(Continued)

VARIANCE OF USE

◊ The subject site was originally developed with a single-family dwelling and detached accessory structure. The detached accessory structure was removed prior to 1995 aerial images and the dwelling was removed prior to 2012 aerial images.

◊ The proposed hoop house would be used by the adjacent Paramount School of Excellence as a year round greenhouse for students and the community. While Staff is of the opinion that the proposed use would generally be a benefit to the school and adjacent community, the proposed structure would be substantially out of scale with the subject site, adjacent dwellings and the Nowland Avenue streetscape.

◊ Staff would note that the affiliated school is developed on approximately five acres of land, much of which could support the proposed hoop house with no negative impacts to adjacent dwellings.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-5	Multi-tenant office building/undeveloped lot

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings/parking lot
East -	D-5	Single-family dwellings
West -	SU-2	School

NEIGHBORHOOD PLANNING AREA	The Highland-Brookside Plan recommends low-density residential development of two to five units per acre.
THOROUGHFARE PLAN	This section of Nowland Avenue is not classified on the Official Thoroughfare Plan.
SITE PLAN	File-dated September 18, 2014
FINDINGS OF FACT	File-dated September 18, 2014

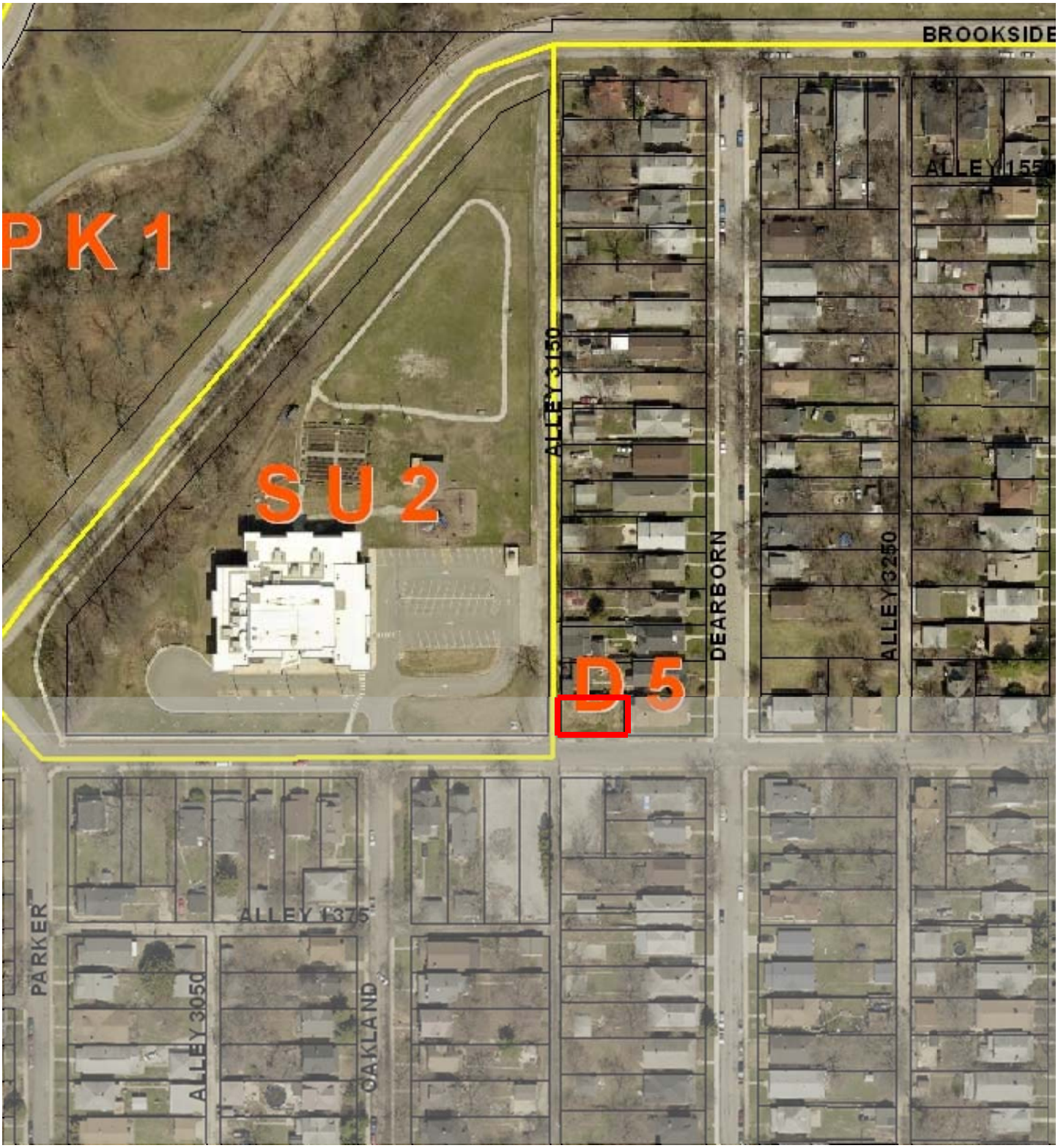
ZONING HISTORY

2009-ZON-064; 3020 Nowland Avenue (west of site); Rezoning of 5.36 acres from the D-5 district to the SU-2 district to provide for a school, **granted.**

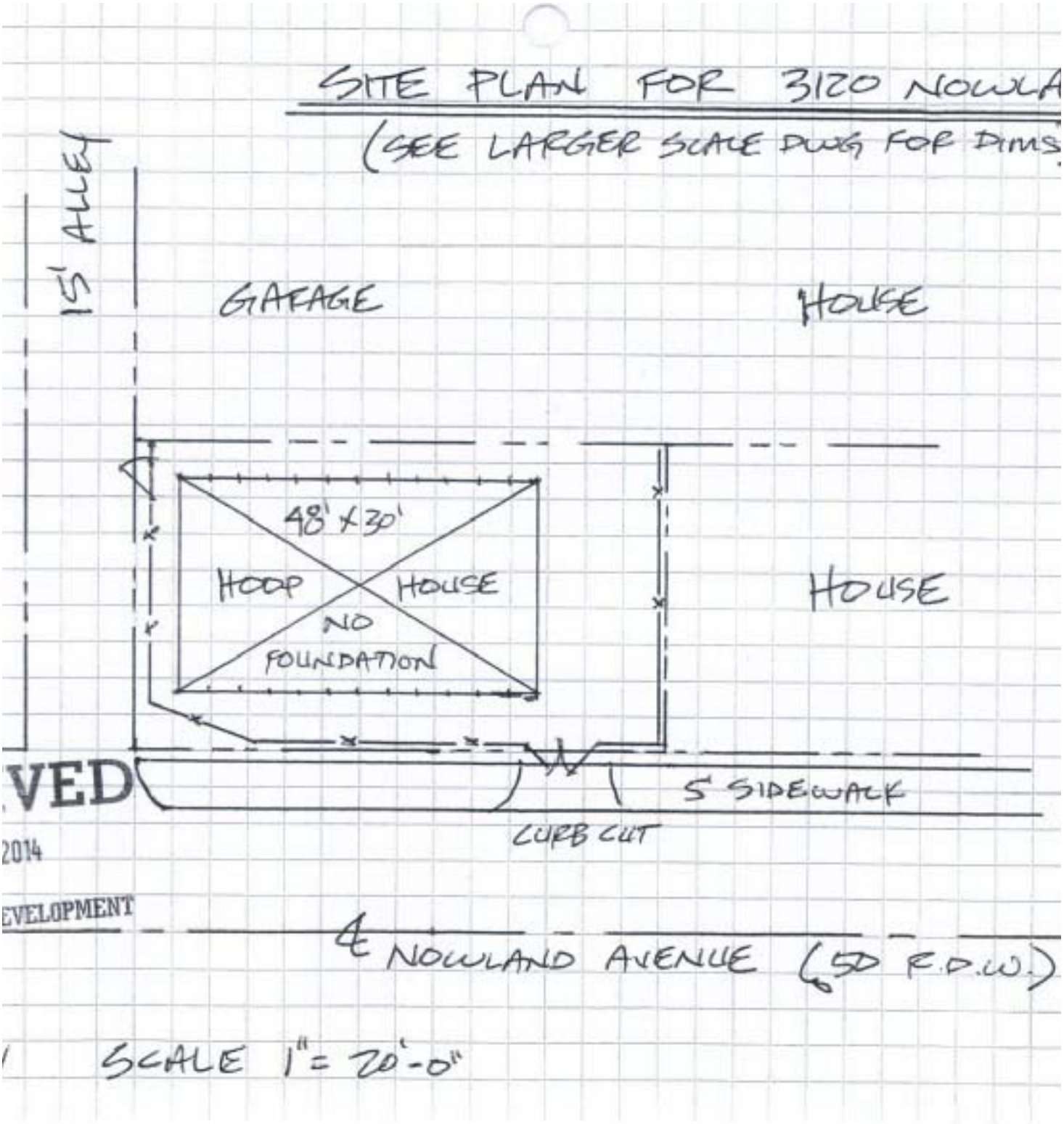
73-UV2-150; 3020 Nowland Avenue (west of site); Variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing fraternal lodge, **granted.**

54-V-184; 3020 Nowland Avenue (west of site); Variance of use of the Dwelling Districts Zoning Ordinance to provide for the erection of two signs announcing the proposed construction of a fraternal lodge, **granted.**

JAS *******


BROOKSIDE
PK1
SU2
D5
ALLEY 3150
DEARBORN
ALLEY 3250
ALLEY 1375
PARKER
ALLEY 3050
OAKLAND

2014-UV1-031; Site Plan



2014-UV1-031; Photographs (Subject Site)

Subject site looking north from Nowland Avenue

Subject site looking east from adjacent alley west of site

Looking west from Nowland Dearborn

Subject site looking east

2014-UV1-031; Photographs (Adjacent Properties)

Affiliated Paramount School west of subject site

Adjacent dwellings south of subject site

Adjacent dwellings east of subject site

Looking northeast at adjacent dwellings

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-051**
Address:	**420 Woodhill Drive (approximate address)**
Location:	**Perry Township, Council District#23**
Zoning:	**D-2**
Petitioner:	**Rubith Reveles, by David and Justin Kingen**
Request:	**Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an eight-foot tall opaque rear yard fence (maximum six-foot tall fence permitted).**

The petitioner has requested a continuance from the December 2, 2014, hearing to the January 6, 2014, hearing, without additional notice.

kb *****

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-052**
Address:	**1001 North Rural Street (approximate address)**
Location:	**Center Township, Council District#10**
Zoning:	**C-3**
Petitioner:	**Harshpreet Inc., by Bradley Gentry and Shane Schmidt**
Request:	**Variance of development standards of the Commercial Zoning Ordinance to provide for an 8.5 by 22-foot remediation trailer, with a 12-foot north side transitional setback (20-foot north side transitional setback required).**

Petition 2014-UV1-052 has been automatically continued from the December 2, 2014 hearing to the January 4, 2015 hearing at the request of a Registered Neighborhood Organization.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-054**
Address:	**6302 North Delaware Street (approximate address)**
Location:	**Washington Township, Council District#3**
Zoning:	**D-3 (FF)**
Petitioner:	**Thomas J. and Tracy E. Bassett**
Request:	**Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 9.67-foot tall deck fence (maximum six-foot tall fence permitted), a storage shed and deck, within a four-foot wide utility easement (not permitted), with a zero-foot west side setback, creating an eight-foot aggregate side setback (minimum six-foot setback and 16-foot aggregate side setback required).**

RECOMMENDATIONS

Staff **recommends denial** of this request. Staff, however, would **support** a reduced setback outside the four-foot easement for the storage shed.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

◊ This 0.287-acre site, zoned D-3, is developed with a single-family dwelling, attached deck, and storage shed. It is located within a neighborhood of and surrounded by single-family dwellings.

DEVELOPMENT STANDARDS

◊ This request would legally establish a deck, with a six-foot tall fence on the deck surface, creating an approximately 9.67-foot tall deck fence, along a portion of the western property boundary. A privacy fence runs along the full length of the western property line to the west of the deck. This fence varies in height from four feet at the southern end to six feet, beginning at the south end of the deck and terminating at the northwest property corner. Installing a six-foot tall fence on top of a raised deck does not constitute a practical difficulty.

◊ This request would also legally establish a storage shed and the deck, within a four-foot wide utility easement, with a zero-foot west side setback. These accessory structures were constructed without the proper permits. Consequently, constructing the storage shed and deck within the platted easement would be a self-imposed difficulty.

(Continued)

◊ Admittedly, this corner lot places constraints on developing outdoor living space. A corner lot has two front yards and two side yards, and no back yard. The property configuration and the site layout present a practical difficulty related to setbacks. It would not be unreasonable to support reduced side yard setbacks outside of the four-foot easement along the western boundary. A zero-foot setback, within the platted easement, however, would not be acceptable.

FLOODWAY / FLOODWAY FRINGE

◊ The Flood Control Districts Zoning Ordinance is a guide for development in those areas identified as the Floodway District (FW) and Floodway Fringe (FF). The entire neighborhood, including this site, is located within the Floodway Fringe of White river. Development in this area, therefore, must meet certain requirements before any structure can be constructed.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-3 (FF)	Single-family dwelling

SURROUNDING ZONING AND LAND USE

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

NEIGHBORHOOD PLANNING AREA (2012)	The Envision Broad Ripple Plan recommends low density residential.
THOROUGHFARE PLAN	This portion of Delaware Street is not designated on the Official Thoroughfare Plan.
	This portion of 63rd Street is not designated on the Official Thoroughfare Plan.
SITE PLAN	File-dated, October 23, 2014
FINDINGS OF FACT	File-dated, October 23, 2014

ZONING HISTORY

SUBJECT SITE

None.

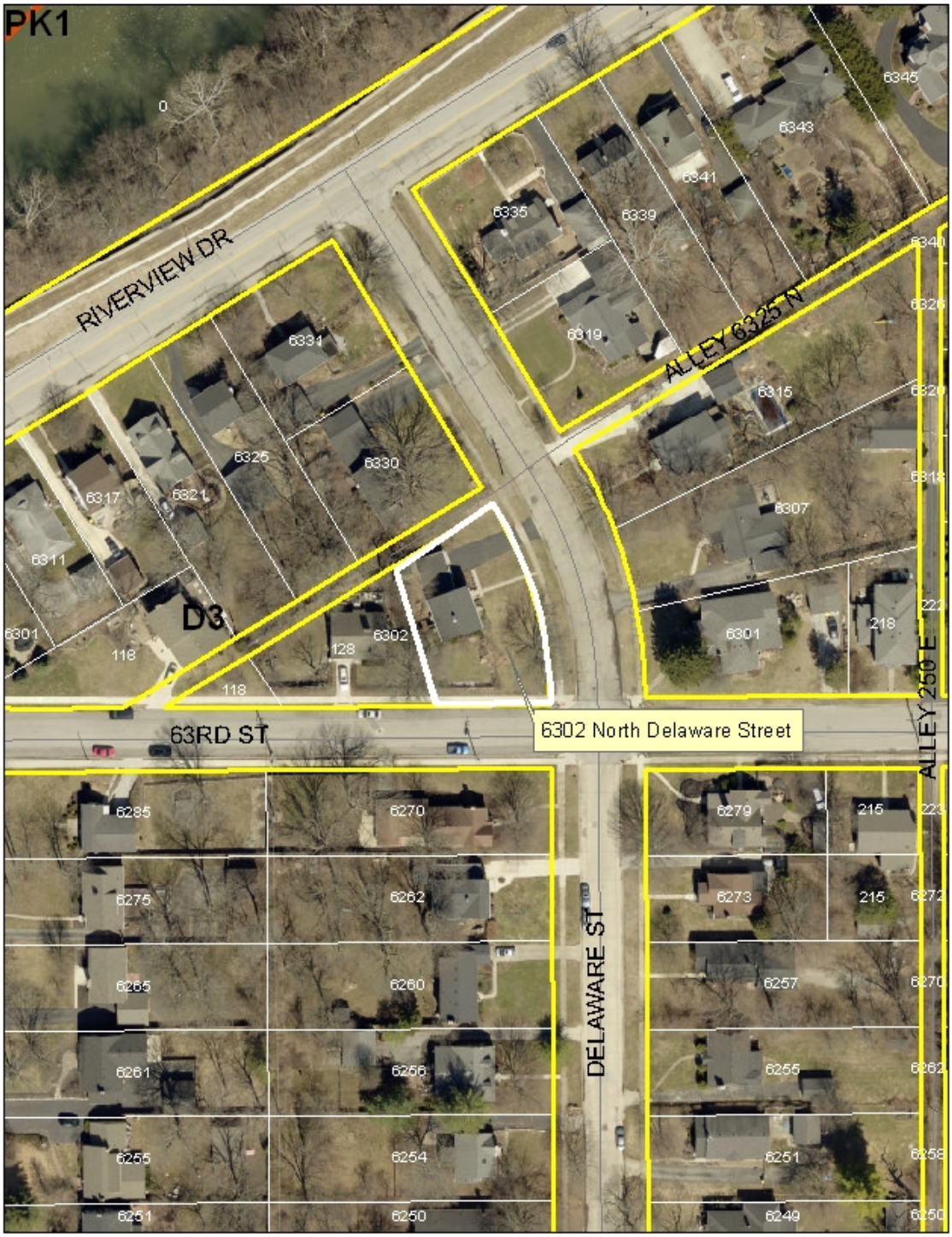
(Continued)

VICINITY

2010-DV3-037, 6319 North Delaware Street (north of site); Requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an attached garage with a reduced setback and legally establish the dwelling and attached deck with reduced setbacks, **granted.**

87-HOV-49, 6325 Riverview Drive (west of site); Requesting a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a garage addition without the required setback, with accessory space exceeding the area of the resident, **granted.**

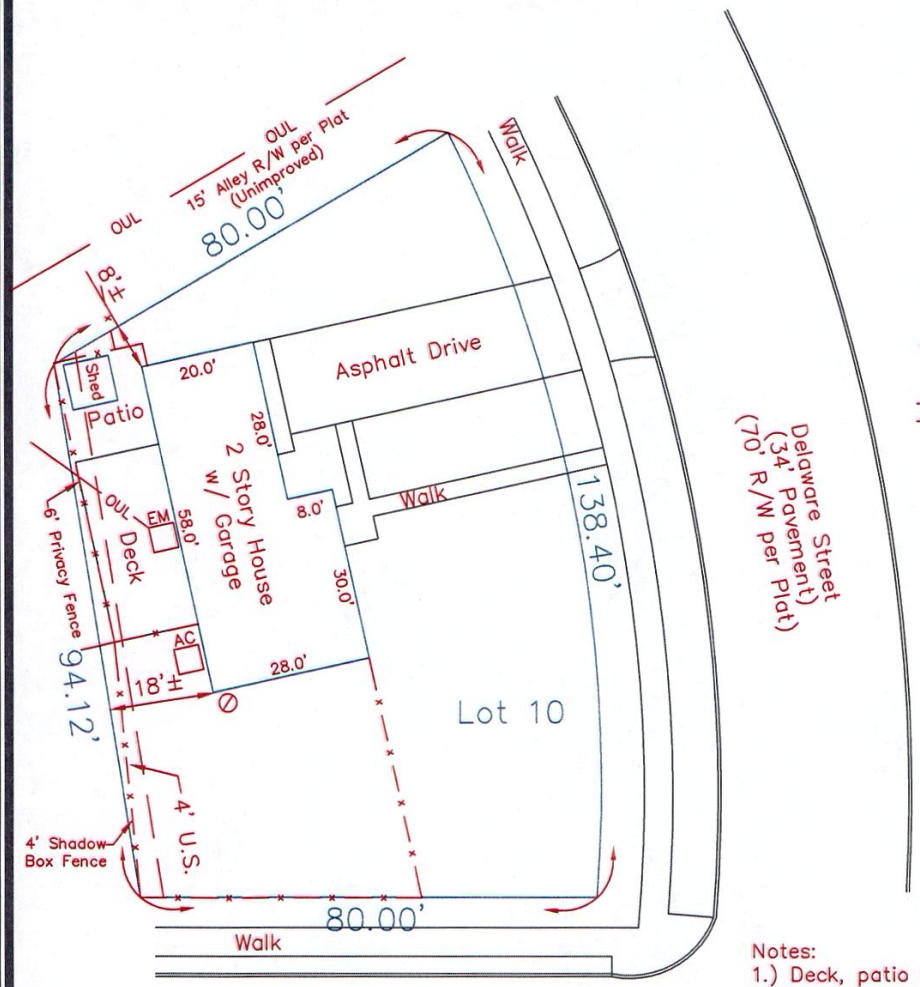
kb *******



6302 North Delaware Street

SITE PLAN

"THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT."



Scale: 1"=30'

Legend

U.S. R/W	Utility Strip Right-of-Way
x	Fence±
OUL	Overhead Utility Lines±
EM	Electric Meter
AC	Air Conditioner
	Gas Meter

Notes:
1.) Deck, patio and shed lie 1'–3'± into utility strip as shown.
2.) Improvement locations shown are approximate. An accurate boundary survey is required to determine exact locations.

63rd Street
(34' Pavement)
(50' R/W per Plat)

METROPOLITAN DEVELOPMENT
OCT 23 2014
DIVISION OF PLANNING

RICHARD A. O'BRIAN
REGISTERED
No. 8800177
STATE OF INDIANA
LAND SURVEYOR

PREPARED: October 17, 2014

Richard A. O'Brian

Richard A. O'Brian
Registered Land Surveyor,
Indiana #8800177
Job No.: 141017
Sheet 2 of 3

HSG
HAHN SURVEYING GROUP, INC.
Surveyors & Engineers
2850 E. 96th St., Indianapolis, IN 46240
PHONE: (317) 846-0840 or (317) 846-4119
FAX: (317) 846-4298 or (317) 582-0662

View of deck looking southwest

View of deck looking south

View of storage shed looking north

View looking west across North Delaware Street of the front of the dwelling

View looking north across East 63rd Street of the dwelling

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-DV1-055**
Address:	**8960 East 38th Street (approximate address)**
Location:	**Lawrence Township, Council District#12**
Zoning:	**C-4**
Petitioner:	**T-Mobile Central LLC, by Stephen E. Carr**
Request:	**Variance of development standards of the Wireless Communication Zoning Ordinance to provide for a wireless communications facility, with a 150-foot tall monopole tower, with a five-foot tall lightning rod (maximum height of 90 feet permitted when located within 500 feet of a protected district).**

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

◊ This 1.08-acre site, zoned C-4, is undeveloped. Multi-family dwellings abut the site to the west and to the north. A playground affiliated with a community center is located to the east and vacant commercial development adjacent to the south.

DEVELOPMENT STANDARDS

◊ This request would permit a 150-foot tall monopole tower within 500 feet of a protected district. The Wireless Communication Zoning Ordinance (WCZO) permits a monopole tower to be located in a C-4 District, with a maximum height of 90 feet when located within 500 feet of a protected district.

◊ The leased area would be 50 feet by 50 feet, surrounded by an eight-foot tall chain link fence, with a ten-foot wide landscape strip. A 12-foot wide paved access drive would be located within a 20-foot wide utility easement.

◊ The purpose of the Wireless Communications Zoning Ordinance (WCZO) is to provide comprehensive service while protecting the community from clutter and unaesthetic design. The WCZO also encourages the facilities to be as unobtrusive and invisible as reasonably possible by using designs and colors that are compatible with the adjacent land uses.

(Continued)

◊ Staff believes that the proximity of the tower to the residential uses to the west would be inappropriate because it would impact the adjacent property more than property owner upon which the tower would be located. The impact of this 150-foot tall tower, however, could be somewhat mitigated by relocating it approximately 285 feet to the east and tucking it in behind the commercial building fronting on East 38th Street and/or integrating within or camouflaging the tower in an appropriate manner. This would increase the distance of the tower from the multi-family development, and closer to the commercial development where its impact would be less intrusive.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	C-4	Undeveloped/playground

SURROUNDING ZONING AND LAND USE

North -	D-4	Multi-family dwellings
South -	C-4	Commercial (vacant)
East -	C-4	Commercial
West -	D-4	Multi-family dwellings

NEIGHBORHOOD PLANNING AREA (1996)	The Far Eastside Neighborhood Plan recommends neighborhood shopping center.
THOROUGHFARE PLAN	This portion of East 38th Street is designated in the Official Thoroughfare Plan as a primary arterial with an existing 120-foot right-of-way and a proposed 120-foot right-of-way.
SITE PLAN	File-dated, October 27, 2014
FINDINGS OF FACT	File-dated, October 27, 2014

ZONING HISTORY

SUBJECT SITE

None.

VICINITY

85-HOV-110, 8940 East 38th Street (west of site); Requested a variance of development standards of the Commercial zoning Ordinance to provide for the construction of a restaurant with a reduced west side transitional yard, **granted.**

76-UV3-118, 3819 Biscayne Road (west of site); Requested a variance of use and development standards to permit a beauty shop in an apartment, with a small sign and to erect a storage building in the in the rear, beauty shop **denied**/ building **granted.**

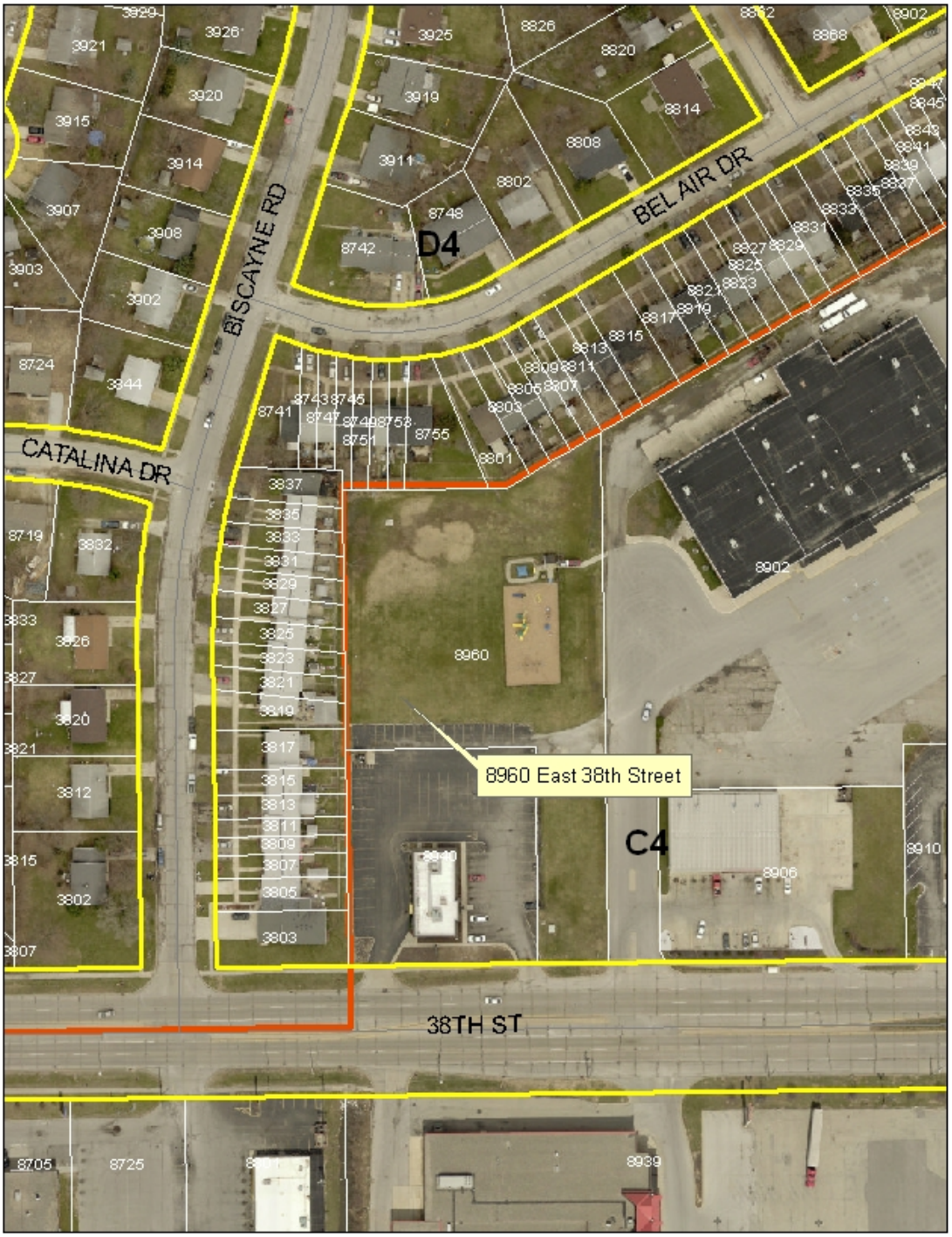
(Continued)

STAFF REPORT 2014-DV1-055 (Continued)

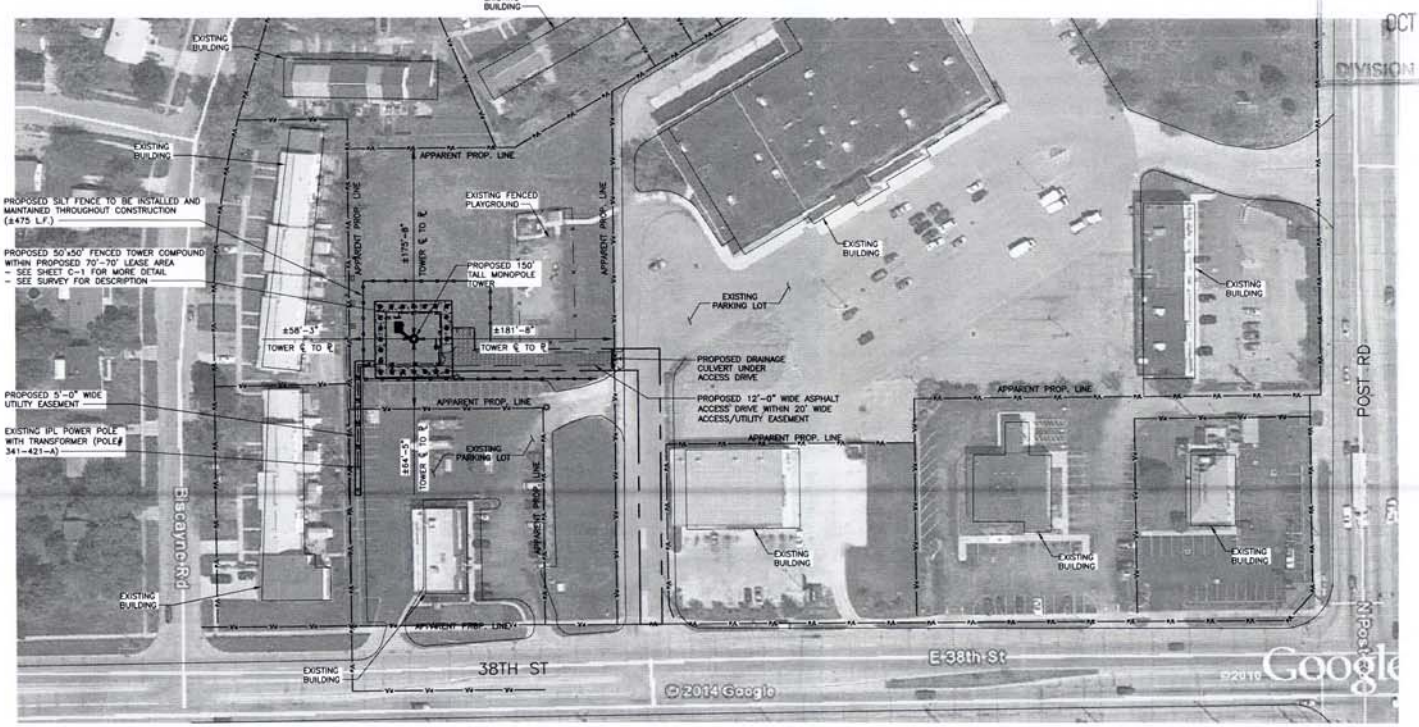
73-UV2-93, 8742-8748 Bel-Air Drive (north of site);' Requested a request for variance of use to permit continued use of two dwelling for real estate /construction offices for one year, **dismissed.**

73-V1-30, 3802 Biscayne Road (west of site); Requested a variance of development standards to provide for reduced setbacks, a parking lot, and pole sign, **denied.**

kb *******



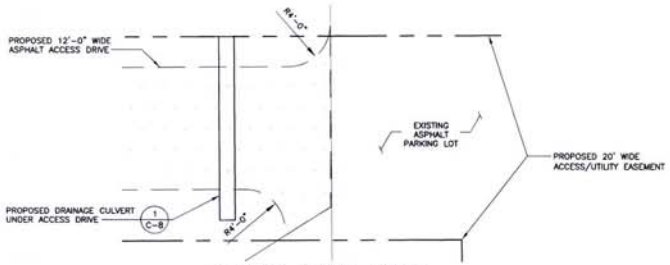
8960 East 38th Street



OVERALL SITE PLAN

SCALE: 1" = 100'-0"

NORTH



ACCESS DRIVE ENTRY

SCALE: 3/32" = 1'-0"

OCT 27 2014

DIVISION OF PLANNING

T-Mobile

T-MOBILE WIRELESS CORP.
6215 MORENCI TRAIL
INDIANAPOLIS, IN 46268
Office: 317-347-7071
Fax: 317-347-7019

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PBM Wireless Services
13714 Smokey Ridge Overlook
Carmel, IN 46033

GPD GROUP
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.
520 South Main Street
Akron, OH 44311
330.572.2100 Fax 330.572.2101
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DARRIN KOTECKI
REGISTERED
No. PE10404607
STATE OF INDIANA
PROFESSIONAL ENGINEER

Darrin Kotecki
10/06/14

REVISIONS		
NO.	DATE	DESCRIPTION
1	09/08/14	90% CONSTRUCTION DRAWINGS
2	10/06/14	100% FINAL CONSTRUCTION DRAWINGS

DRAWN BY: MRL
CHECKED BY: LJB
DRAWING DATE: 07/10/14
GPD JOB NO: 2014766.94

T-MOBILE SITE INFO

SITE NAME: 38TH & POST
SITE NUMBER: MW04607C

SITE ADDRESS

8902 EAST 38TH ST
INDIANAPOLIS, IN 46226
MARION COUNTY

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

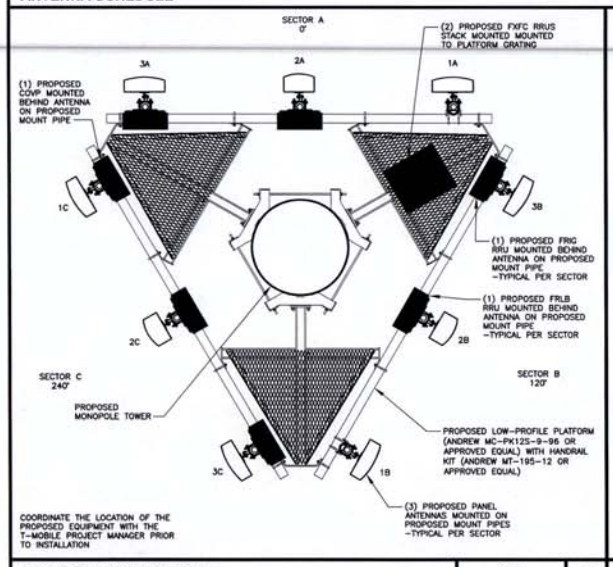
C-3

ANTENNA AND HYBRID CABLE SCHEDULE									
SECTOR	ANTENNA POSITION	ANTENNA MODEL	COAXIAL CABLE FEED LOCATION	MECH DOWN -TILT	ELEC DOWN -TILT	AZIMUTH	ANTENNA RAD CENTER	TMA MODEL #	ADDITIONAL EQUIPMENT
A	1A	CELLMAX CMA-8DHH/6521/0-6/TB05	BOTTOM	0°	2.5°	0°	150'	---	(2) FXFC RRUs (3) FRIG RRUs (3) FRLB RRUs (1) LARGE COVP (ASU9339TYP01)
A	2A	ANDREW LNX-6515DS-A1M	BOTTOM	0°	2.5°	0°	150'	---	
A	3A	CELLMAX CMA-8DHH/6521/0-6/TB05	BOTTOM	0°	2.5°	0°	150'	---	
B	1B	CELLMAX CMA-8DHH/6521/0-6/TB05	BOTTOM	0°	2.5°	120°	150'	---	
B	2B	ANDREW LNX-6515DS-A1M	BOTTOM	0°	2.5°	120°	150'	---	
B	3B	CELLMAX CMA-8DHH/6521/0-6/TB05	BOTTOM	0°	2.5°	120°	150'	---	
C	1C	CELLMAX CMA-8DHH/6521/0-6/TB05	BOTTOM	0°	2.5°	240°	150'	---	
C	2C	ANDREW LNX-6515DS-A1M	BOTTOM	0°	2.5°	240°	150'	---	
C	3C	CELLMAX CMA-8DHH/6521/0-6/TB05	BOTTOM	0°	2.5°	240°	150'	---	

NOTES:

1. CONTRACTOR SHALL VERIFY ANTENNA TYPE AND AZIMUTH WITH PROJECT MANAGER PRIOR TO CONSTRUCTION.
2. ALL ANTENNAS SHALL BE FURNISHED WITH DOWNTILT BRACKETS.
3. ANTENNA RAD CENTER HEIGHT IS IN REFERENCE TO ELEVATION 0.0'.
4. ALL TOP JUMPERS SHALL BE SECURED 3'-0" O.C. MAXIMUM.
5. ALL COAXIAL CABLES, ALL RET CABLES AND ALL OPEN SOCKETS SHALL BE WEATHERPROOFED.
6. THE CONTRACTOR SHALL SET THE ELECTRICAL DOWNTILTS PRIOR TO INSTALLATION

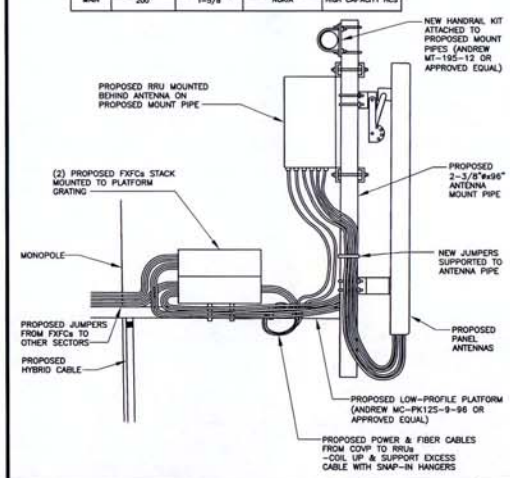
ANTENNA SCHEDULE N.T.S. 1



COORDINATE THE LOCATION OF THE PROPOSED EQUIPMENT WITH THE T-MOBILE PROJECT MANAGER PRIOR TO INSTALLATION

ANTENNA LOCATION PLAN N.T.S. 2

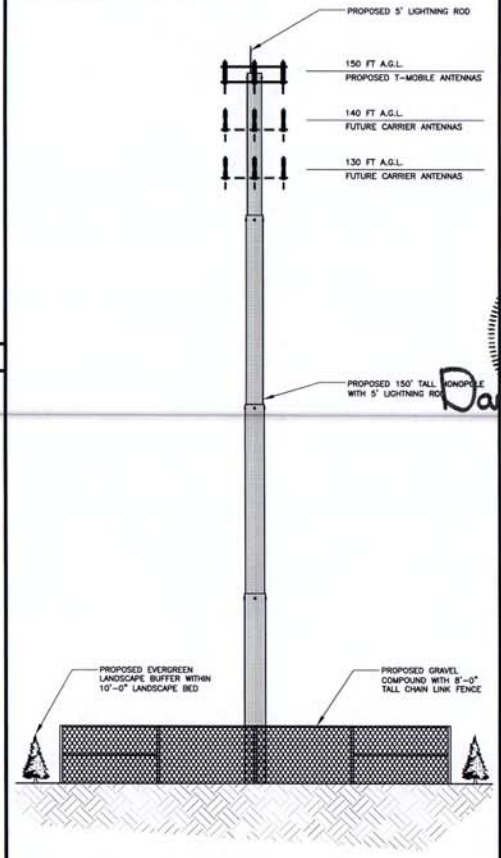
HYBRID CABLE SCHEDULE				
LOCATION	HYBRID CABLE LENGTH	HYBRID CABLE SIZE (INCHES)	HYBRID CABLE MANUFACTURER	HYBRID CABLE TYPE
MAIN	200'	1-5/8	NOKIA	HIGH CAPACITY HCS



ANTENNA MOUNTING DETAIL N.T.S. 3

METROPOLITAN DEVELOPMENT
OCT 27 2014
DIVISION OF PLANNING

TYPE	QUANTITY
NUMBER OF ANTENNAS	9
NUMBER OF TMAs	0
NUMBER OF DIPLEXERS	0
NUMBER OF COVPs	1
NUMBER OF RRUs	8
NUMBER OF COAX	0
NUMBER OF HYBRID CABLES	1
NUMBER OF LMU BUNDLE CABLES	1



TOWER ELEVATION SCALE: N.T.S. 4

T-Mobile
T-MOBILE WIRELESS CORP.
6215 MORENCI TRAIL
INDIANAPOLIS, IN 46268
Office: 317-347-7071
Fax: 317-347-7019

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DARRIN KOTECKI
REGISTERED
No. PE10404607
STATE OF INDIANA
PROFESSIONAL ENGINEER

Darrin Kotecki 10/06/14

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	09/08/14	90% CONSTRUCTION DRAWINGS	MRL
2	10/06/14	100% FINAL CONSTRUCTION DRAWINGS	DMB

DRAWN BY: MRL
CHECKED BY: LJB
DRAWING DATE: 07/10/14
GPD JOB NO: 2014766.94

T-MOBILE SITE INFO

SITE NAME: 38TH & POST
SITE NUMBER: MW04607C

SITE ADDRESS

8902 EAST 38TH ST
INDIANAPOLIS, IN 46226
MARION COUNTY

SHEET TITLE

TOWER ELEVATION & ANTENNA DETAILS

SHEET NUMBER

C-4

View site looking northwest at multi-family dwellings

View of site looking north at multi-family dwellings

View looking northwest at proposed location and multi-family dwellings

View looking north at playground adjacent to the site.

View from site looking east at commercial

View looking south from site at vacant commercial building

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2014-UV1-032**
Address:	**204 South Emerson Avenue (approximate address)**
Location:	**Center Township, Council District #21**
Zoning:	**D-5**
Petitioner:	**Jerome Lahlou**
Request:	**Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family dwelling into a two-family dwelling (only originally constructed two-family dwellings permitted), on a lot, with 40 feet of width and 5,600 square feet (minimum 90 feet of lot width and 9,000 square feet required), and with 63% open space (65% open space required).**

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated October 15, 2014, and the following commitment:

> A floor plan shall be submitted for Administrator's Approval prior to the application for an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

◊ This 0.14-acre site, zoned D-5, is developed with a two-story, single-family dwelling. Surrounding property is zoned D-5, with single-family dwellings and two-family dwellings to the south, east, and west. Adjacent property to the north is undeveloped.

VARIANCE OF USE

◊ This request would permit the conversion of the single-family dwelling into a two-family dwelling. The D-5 District permits two-family dwellings in "*a building designed originally for residential occupancy by two families living independently of each other*." Conversion of this single-family dwelling into a two- family dwelling would be consistent with the area comprised of both single-family and two-family dwellings. Staff, therefore, supports this request.

(Continued)

DEVELOPMENT STANDARDS

◊ The variance of development standards would permit a reduced lot width and lot size. The Dwelling Districts Zoning Ordinance requires a 90-foot lot width and 9,000 square feet. This parcel is 40 feet wide and 5,600 square feet. Because this area was developed prior to the adoption of the Ordinance, many of the parcels do not meet these requirements. The three lots on the east side of South Emerson Avenue (201, 207, and 211) are duplexes with an average width of 50 feet and an average lot area of 6,413 square feet. Staff believes the reduction in the lot width and size would not create an adverse impact on the area because it is similar to existing residential development. Additionally, an old rail road right-of-way (proposed for a new trail) and abutting alley mitigates intensity and density on this relatively small lot.

◊ The request would also permit a two percent reduction in the required open space. This reduction would be minimal and a minor deviation from the Ordinance. The impact on the use and value of adjacent properties would be minimal and, therefore, supportable by staff.

◊ Staff is concerned about the possibility of this conversion becoming more than two dwelling units, because of the configuration of the site plan and seven doors. Consequently, staff recommends approval, subject to a floor plan of both floors that depicts two dwelling units, with appropriate access for emergency situations and evacuations.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-5	Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-5	Undeveloped
South -	D-5	Single-family dwelling
East -	D-5	Two-family dwellings
West -	D-5	Single-family dwelling

COMPREHENSIVE PLAN (2007)	Recommends residential development at five to eight units per acre for the subject site.
THOROUGHFARE PLAN	The Official Thoroughfare Plan designates this portion of South Emerson Avenue as a primary arterial, with an existing and a proposed 68-foot right-of-way.
SITE PLAN	File-dated, October 15, 2014
FINDINGS OF FACT	File-dated, October 15, 2014 / October 28, 2014

ZONING HISTORY

SUBJECT SITE

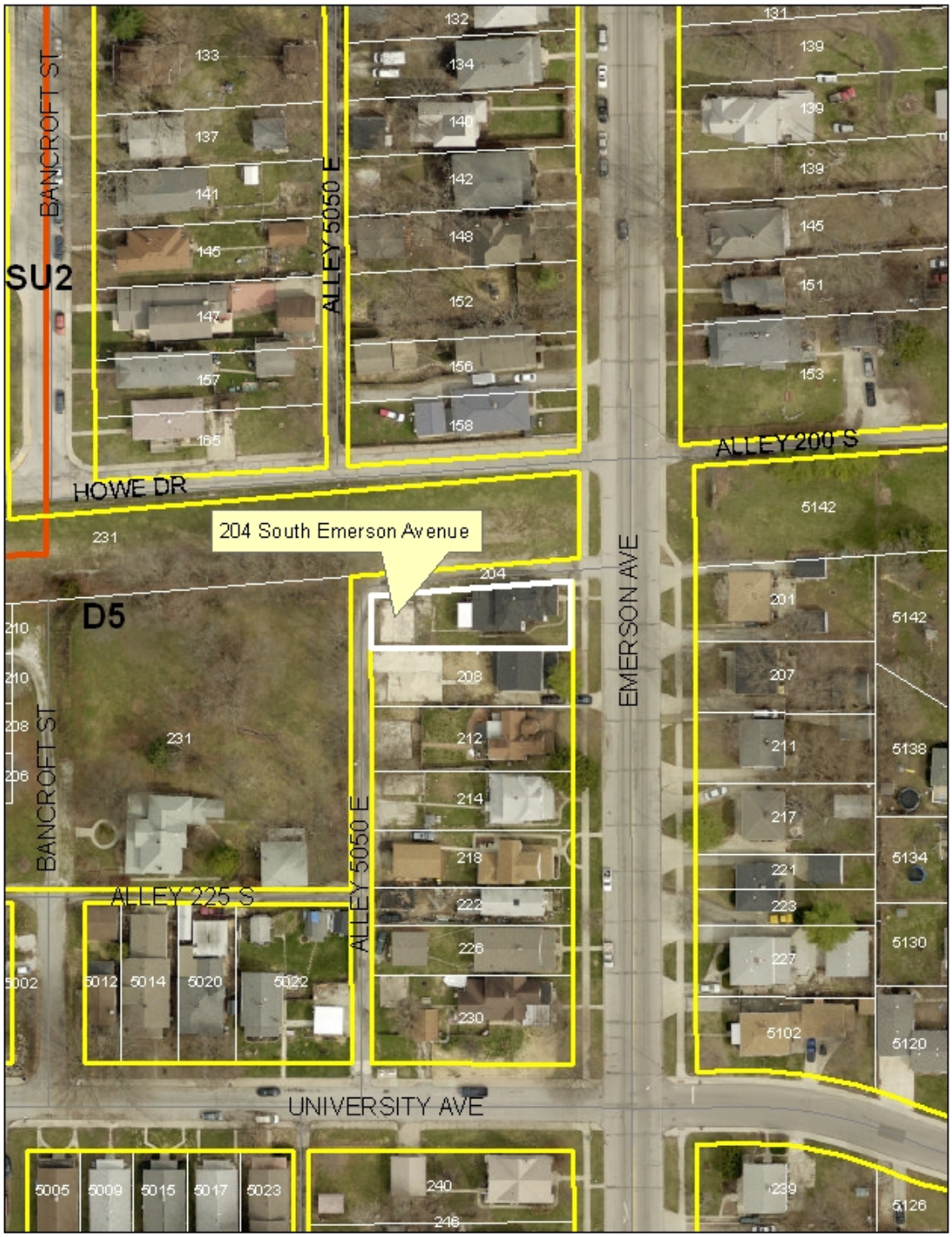
None.

(Continued)

VICINITY

97-HOV-37, 158 South Emerson Avenue (north of site); Requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a reduced front setback and located in the front yard, granted.

kb *******



204 South Emerson Avenue

North
S. Emerson Ave
Grass Area
Pavement
23'8"
S. Emerson Ave.
Grass Area
Pavement
40'
16'
grass area
East
Pavement
20'
covered Porch
Front Door
Pavement
30'
Small Covered Porch
Side Door
21'
6½'
2'
21'
140'
30'
Laundry Back Door
Back Door
10'
covered Porch
23½
Alley
Alley
Site Plan
204 S. Emerson AVE.
(1" = 10')
Scale: 10' to 1"
covered Porch
Pavement
Grass Area
Parking Pavement Garage.
East
23½
Garage Parking Pavement
25'
16'
37'
Alley
Alley
Site Plan
204 S. Emerson Ave.
DIVISION OF PLANNING
OCT 15 2014
METROPOLITAN DEVELOPMENT

View of dwelling looking northeast, across South Emerson Avenue

View of dwelling looking southwest

View of dwelling looking east from alley

View of dwelling (on the left) looking east from alley