

**METROPOLITAN BOARD OF ZONING APPEALS
DIVISION III**

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

STAFF REPORTS FOR AUGUST 19, 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-DV1-027	4802 CARROLLTON AVENUE WASHINGTON TOWNSHIP, COUNCIL DISTRICT 9	3
2014-DV2-016	370 MITTHOEFER ROAD WARREN TOWNSHIP, COUNCIL DISTRICT 21	9
2014-DV3-026	2325 SOUTH GERMAN CHURCH ROAD WARREN TOWNSHIP, COUNCIL DISTRICT 21	19
2014-DV3-027	6081 EAST 82 nd STREET LAWRENCE TOWNSHIP, COUNCIL DISTRICT 5	27
2014-DV3-028	1003 EAST BRADBURY AVENUE CENTER TOWNSHIP, COUNCIL DISTRICT 15	35
2014-DV3-029	3845 FISHER ROAD FRANKLIN TOWNSHIP, COUNCIL DISTRICT 25	41
2014-DV3-030	4020 NORTH SHERMAN DRIVE WASHINGTON TOWNSHIP, COUNCIL DISTRICT 4	48
2014-UV3-015	6202 MORENCI TRAIL PIKE TOWNSHIP, COUNCIL DISTRICT 1	56
2014-UV3-017	7070 LANTERN ROAD LAWRENCE TOWNSHIP, COUNCIL DISTRICT 12	62
TRANSFERRED PETITIONS:		
2014-DV2-023	1049 EAST 54 th STREET WASHINGTON TOWNSHIP, COUNCIL DISTRICT 3	69
2014-UV2-004	1718 WEST 15 th STREET CENTER TOWNSHIP, COUNCIL DISTRICT 15	78

CONTINUED PETITIONS:

2014-DV3-018	2304 MADISON AVENUE CENTER TOWNSHIP, COUNCIL DISTRICT 19	86
2014-UV3-004	5421 CALDER WAY (OFF-SITE) LAWRENCE TOWNSHIP, COUNCIL DISTRICT 11	93

NEW PETITIONS:

2014-UV3-014	6635 EAST 30 th STREET WARREN TOWNSHIP, COUNCIL DISTRICT 17	107
2014-UV3-016	8438 CRAWFORDSVILLE ROAD WAYNE TOWNSHIP, COUNCIL DISTRICT 6	117

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- *** Withdrawn or Dismissal

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-DV1-027
Address: 4802 Carrollton Avenue (*Approximate Address*)
Location: Washington Township, Council District #9
Zoning: 0.09 acre, D-5
Petitioner: Donald Schlegel, by Nancy A. Long
Request: Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 772-square foot addition to an existing dwelling, creating an open space ratio of 51% (minimum 65% open space required).

ADDENDUM FOR AUGUST 19, 2014

This petition was continued and transferred from the August 5, 2014 Board I hearing to allow time for the petitioner to meet with a Registered Neighborhood Organization.

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan, file-dated June 17, 2014.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site, zoned D-5, is improved with a single-family dwelling. This petition would permit the construction of a 772-square foot building addition, including a single-car garage.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Sanborn Maps, dating as early as 1915, indicate a single-family dwelling and detached accessory structure on the subject site. The original detached structure was approximately 320 square feet and likely served as a detached garage, similar to adjacent properties. The original accessory structure was removed prior to 1986 aerial images, though the concrete driveway remained.
- ◇ The proposed addition, including a single-car garage, would create an open space ratio of 51%, or a reduction of approximately 20% from the Ordinance requirement. While Staff would generally consider a 20% reduction more than a minor deviation, Staff would note that the subject site is approximately 20% smaller than the minimum lot size required within the D-5 district and approximately 32% smaller than adjacent lots.
- ◇ If the subject site met the required minimum lot size of 5,000 square feet, the proposed addition would result in an open space ratio of 62%, which Staff would consider a minor deviation. In Staff's opinion, the proposed addition would not negatively impact adjacent properties and would not be out of character with the neighborhood.

(Continued)

STAFF REPORT 2014-DV1-027 (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 Meridian Kessler neighborhood plan recommends medium-density residential of six to fifteen units per acre.

THOROUGHFARE PLAN

Neither Carrollton Avenue nor 48th Street are classified on the Official Thoroughfare Plan.

SITE PLAN

File-dated June 17, 2014

FINDINGS OF FACT

File-dated June 17, 2014

ZONING HISTORY

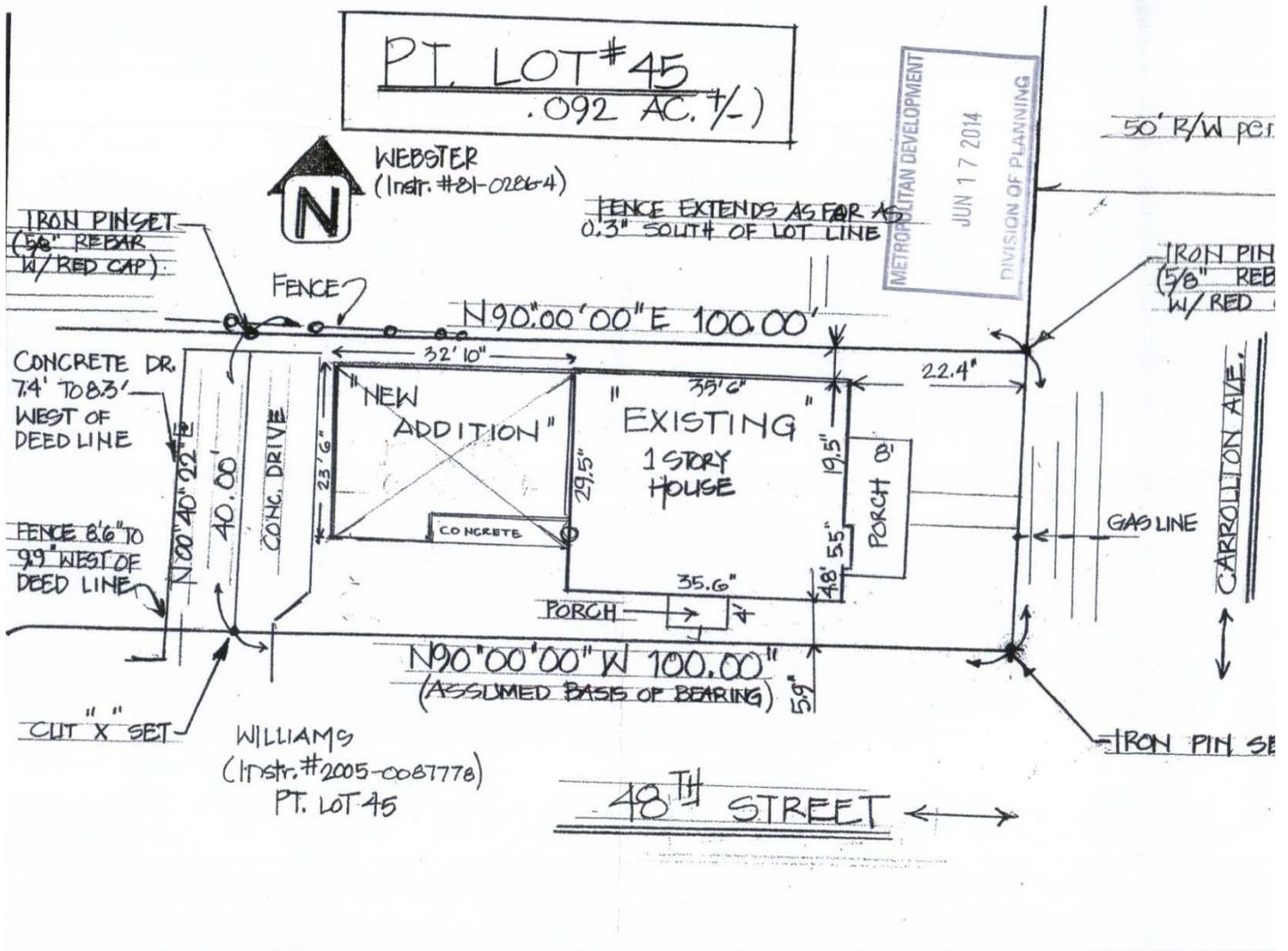
None.

JAS

2014-DV1-027; Location Map



2014-DV1-027; Site Plan



2014-DV1-027; Photographs (Subject Site)



Subject site looking northwest from the intersection of Carrollton and 48th



Area of proposed addition on west side of structure



Existing concrete drive looking north

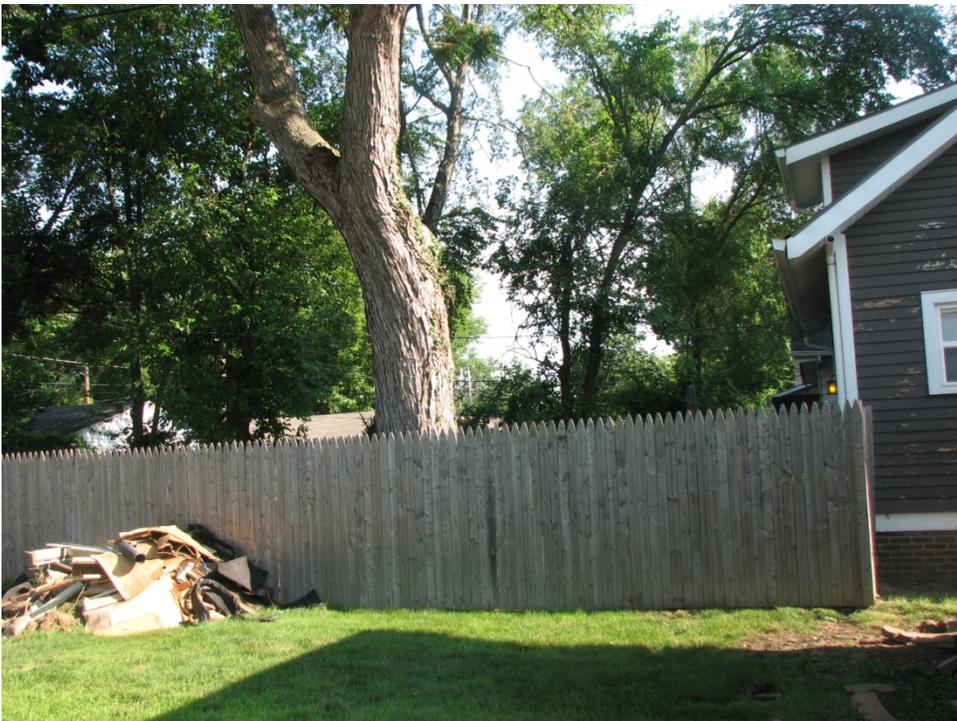


West (rear) of subject dwelling

2014-DV1-027; Photographs (Adjacent Properties)



Adjacent dwelling west of subject site



Adjacent dwelling north of subject site



Adjacent dwelling south of subject site



Adjacent dwellings east of subject site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-DV2-016
Address: 370 South Mitthoefer Road (approximate address)
Location: Warren Township, Council District #21
Zoning: I-3-S
Petitioner: American Acquisitions Corporation, by David and Justin Kingen
Request: Variance of development standards of the Industrial Zoning Ordinance to provide for 24,000 square feet of outdoor storage area or 800% of the building size (maximum 3,000 square feet of outdoor storage area or 50% of the building's gross floor area permitted), and to provide for an outdoor storage area within 500 feet of protected district, without screening (storage must be within enclosed buildings or contained by a fence and screened).

The petition was continued from the July 8, 2014, hearing to the August 12, 2014. Staff requested another continuance from the August 12, 2014, and a transfer to the August 19, 2014, hearing of Board III, for the purpose of resolving concerns with the site plan.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the amended site plan, file-dated August 11, 2014.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This five-acre site, zoned I-3-S, is undeveloped. High quality woodlands occupy approximately 70% of the western portion of the site. Industrial use is located to the north and west, with office commercial to the south. Undeveloped land lies to the east and is zoned D-A.
- ◇ The proposed use would be a business that specializes in landscaping, grading, seeding, irrigation, and soil erosion control services.

DEVELOPMENT STANDARDS

- ◇ The amended site plan, file-dated August 11, 2014, indicates that a 19,389-square foot detention pond would be located to the front of the parcel, with a proposed 6,000-square foot building, including a 576-square-foot office. The remainder of the site would include storage of non-plant material (straw/mulch), temporary storage of live plant material awaiting installation, paved area for maneuvering, and storage area for equipment and trailers.

(Continued)

STAFF REPORT 2014-DV2-016 (Continued)

- ◇ The I-3-S District “is designed as an intermediate district for industries which are heavier in character than those permitted in the Light Industrial Suburban District. . . .because of the nature of these industries, that district is located away from protected districts and buffered by lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.
- ◇ This request would permit outdoor storage within 500 feet of the protected district to the west, across Mitthoefer Road. The IZO requires that all outside storage within 500 feet of a protected district shall be within completely enclosed buildings or effectively contained by a fence (between six to ten feet tall), and surrounded by trees or an evergreen hedge not less than the height of the fence. Furthermore, the storage of materials or products may not exceed the height of the fence.
- ◇ The storage area is designated on the amended site plan, behind the proposed detention pond and building, approximately 350 feet from the right-of-way of Mitthoefer Road. The location of the storage area, therefore, would not significantly impact the protected to the east in an adverse manner and would provide for an appropriate buffer.
- ◇ The petitioner has indicated in the Plan of Operation that a hedge row would be installed along the west side of the parking lot to screen landscape materials, plants and equipment. The revised site plan provides for landscaping along the southern boundary and a buffer to the adjacent business to the south.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3-S Undeveloped

SURROUNDING ZONING AND LAND USE

North -	I-3-S	Industrial use (vacant)
South -	C-1	Office use
East -	D-A	Undeveloped
West -	I-4-S	Industrial use

COMPREHENSIVE PLAN (2007) Recommends light industrial use for the subject site.

THOROUGHFARE PLAN The Official Thoroughfare Plan designates this portion of Mitthoefer Road as a secondary arterial with an existing 90-foot right-of-way and a proposed 140-foot right-of-way

SITE PLAN File-dated, June 3, 2014

SITE PLAN (AMENDED) File-dated, August 4, 2014

FINDINGS OF FACT File-dated, June 3, 2014

PLAN OF OPERATION File-dated June 19, 2014
(Continued)

STAFF REPORT 2014-DV2-016 (Continued)

ZONING HISTORY

SUBJECT SITE

None.

VICINITY

99-Z-188 / 99-DP-30, 202 South Mitthoefer Road (north of site); Requesting rezoning of 15.631 acres from I-3-S (FF) District to the DP (FF) classification to provide for condominium development, **approved.**

98-HOV-82, 470 South Mitthoefer Road (south of site); Requesting a variance of development standard of the Industrial Zoning Ordinance to provide for a an expansion that exceeds the maximum permitted, **granted.**

98-UV3-70, 310 South Mitthoefer Road, (north of site); Requesting a variance of use of the Industrial Zoning Ordinance to provide for indoor and outdoor athletic instruction facilities, including softball, baseball, football, and basketball, **granted.**

97-CP-40Z / 97-DP-13, 270 South Mitthoefer Road (north of site); Requesting rezoning of 37.126 acres, being in the I-4-S(FF) District to the DP(FF) classification to provide for single-family residential development, **approved.**

94-Z-73, 410 South Mitthoefer Road (north of site); Requesting rezoning of five acres from the I-3-S District to the C-1 classification to provide for a chiropractic/medical office facility, **approved.**

90-SE1-7, 9801 Rawles Avenue (south of site); Requesting a special exception of the Dwelling districts Zoning Ordinance to legally establish an existing church and to allow the placement of a manufactured home as a parsonage, **granted.**

88-Z-227, 271 South Mitthoefer Road (east of site); Requesting rezoning of 77.598 acres, being in the A-2 District, to the SI-3 classification to provide for an 18-hole golf course, with driving range, **approved.**

88-Z-173, 502 South Mitthoefer Road (south of site); Requesting rezoning of 10.032 acres, being in the A-2 District, to the C-1 classification to provide for commercial development, **denied.**

87-Z-190, 9001 Rawles Avenue (south of site); Requesting rezoning of 6013 acres, being in the A-1 District, to the SU-1 classification to provide for a church, **approved.**

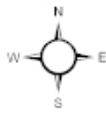
76-UV3-77, 256 South Mitthoefer Road (north of site); Requesting a variance of use and development standards of the Industrial Zoning Ordinance to permit a residence to be moved onto lot and a detached garage and construction of a detached garage and barn for storage of farm equipment, **granted.**

(Continued)

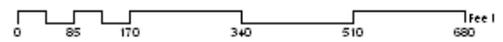
STAFF REPORT 2014-DV2-016 (Continued)

72-Z-314, 155 South Mitthoefer Road (north of site); Requesting rezoning of 37.126 acres, being in the A-2 District, to the D-1 classification to provide for residential development, **approved.**

kb



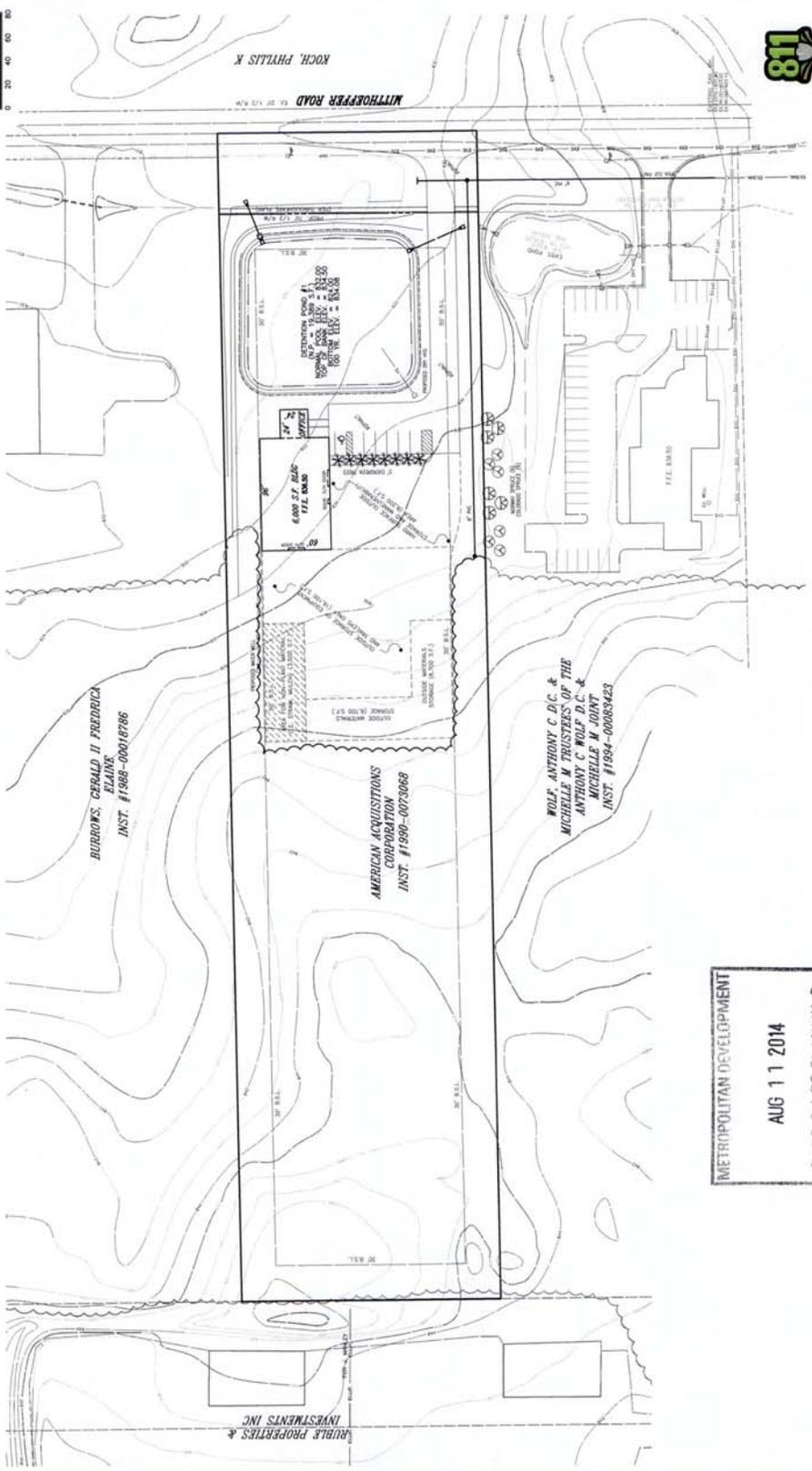
370 South Mitthoeffer Road



PROJECT 370 S. MITTHOFFER RD., CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA		TITLE CONCEPTUAL PLAN	
SCALE 1"=40'	DATE	DESIGNED JPH	CHECKED JPH
REVISION		DRAWN JPH	
DATE		DATE	

PROJECTS plus
CORPUSCULUM SURVEYING COMPANY
CIVIL ENGINEERING - LAND SURVEYING
200 Frank Ross Blvd. - Suite 100
Indianapolis, IN 46204
(317) 882-0023

DATE 14009	SHEET 1
---------------	------------



BURROKS, GERALD II, FREDRICK
ELAINE
INST. #1988-00018786

AMERICAN ACQUISITIONS
CORPORATION
INST. #1990-0073068

WOLF, ANTHONY C. D.C. &
MICHELLE W. TRUSTEES OF THE
ANTHONY C. WOLF D.C. &
MICHELLE W. WOLF D.C.
INST. #1994-00083443

METROPOLITAN DEVELOPMENT
AUG 11 2014
DIVISION OF PLANNING

2014-BV2-016

PLAN OF OPERATION

Manley Finish Grading Inc. specializing in Landscaping, grading, seeding, irrigation and Soil erosion control services

Construction initially with six thousand (6,000) square foot building.

Eight (8) to ten (10) employees

Hours of Operation: 6 am to 8 pm (Monday thru Saturday)

Lights mounted on buildings

Six(6) to eight (8) foot fence surrounding the building and the useable portions of the site.

Fencing and security gate surrounding detention pond including front yard.

Hedge row to be installed along west side of parking to screen landscape materials, plants and equipment

Signs: Wall, canopy, projecting, ground or monument signs shall be used with no internal illumination. Monument sign; if erected on the site, to be no greater than twelve (12) feet in height.

Thirty foot "no disturb" buffer area to be used on the western half of the site on the south, west and north perimeter yards

Dumpster located per site plan on file

RECEIVED

JUN 19 2014

METROPOLITAN DEVELOPMENT

6/19/14

2014-DV2-016



View of site looking south from abutting property to the north



View of site looking south from abutting property to the north



View of site looking north from adjacent property to the south



View of site looking north from adjacent property to the south



View of woodlands on western portion of the site



View of property to the east across Mitthoefer Road

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-DV3-026
Address: 2325 South German Church Road (approximate address)
Location: Warren Township, Council District #21
Zoning: D-A
Petitioner: John Baxter Jr.
Request: Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,500-square foot detached garage:

- a) located in front of the established building line of the primary dwelling, with an approximately zero-foot setback from the proposed right-of-way of Brookville Road (accessory structures not permitted in front of the established building line, 40-foot setback from the proposed right-of-way (70-foot right-of-way from the centerline) of Brookville Road required),
- b) with a 10-foot east side setback (15-foot side setback required),
- c) creating an accessory building area of 1,500 square feet or 114.7% of the main floor area of the primary building and an accessory use area of 2,798 square feet or 213.9% of the total floor area of the primary dwelling (maximum 981 square feet or 75% of the main floor area of the primary dwelling permitted, maximum 1,306 square feet or 99.9% of the total floor area of the primary dwelling permitted).

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated July 9, 2013, and the following condition:

All temporary storage units will be removed, within 30 days of construction of the new detached garage.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This one-acre site, zoned D-A is developed with a single-family dwelling, swimming pool, and detached garage. The site is a corner lot, with South German Church Road along the western boundary, and Brookville Road along the southern boundary. Single-family dwellings abut the property to the north and east. The property to south, across Brookville Road, was granted a variance (84-UV1-115) for a pay-to-fish lake. A fraternity organization is located to the west, across South German Church Road.

(Continued)

STAFF REPORT 2013-DV3-026 (Continued)

- ◇ According to the Assessor's Office the dwelling was constructed in 1916 and the 24-foot by 40-foot detached garage was constructed in 1940, with a 12-foot by 12-foot extension on the northeast corner of the garage constructed much later, according to a 1986 aerial. This 12-foot by 12-foot portion of the garage was apparently removed because it does not show up in the 1998 aerial.
- ◇ Historical aerials indicate that the above-ground pool was installed between 1997 and 1998. In 1998, additional land for right-of-way was purchased from the petitioner by the State for the widening of Brookville Road.
- ◇ A site visit revealed a temporary storage unit and a dual-axel trailer. If the variance is granted, both of these units should be removed. The petitioner expressed concern about the stability of the existing garage and moved all the items out of the existing garage and into temporary storage units. The petitioner stated that the temporary storage units would be removed upon completion of the garage.

DEVELOPMENT STANDARDS

- ◇ After the demolition of the existing garage; a new accessory building would be constructed in front of the established building line, with a reduced setback of zero feet from the proposed right-of-way of Brookville Road. The proposed garage would be moved slightly west and north approximately five feet north of the existing garage.
- ◇ The location of the house on this corner lot, with the required front setbacks along South German Church Road and Brookville Road, limits the area where an accessory building could be constructed in accordance with the Ordinance. The angle of the property along Brookville Road and the location of the septic system would also be limiting factors. These constraints create a practical difficulty from which relief should be granted.
- ◇ The existing garage has an approximately seven foot east side yard setback. The new garage would be located ten feet from the east property line, a five-foot reduction, from the required 15 feet. This side yard setback is a supportable deviation from the Ordinance, because the front yard adjoining property to the east is open and other improvements are concentrated near the subject site's northern property line, thereby, minimizing any negative impact from the reduced setback.
- ◇ The DDZO maintains appropriate development patterns in a dwelling district by limiting the square footage of accessory buildings and the square footage of accessory use in an effort to maintain the dominance of the primary dwelling. To maintain that relationship, accessory buildings and use area should be incidental and subordinate to that dwelling.
- ◇ As accessory structures and use have been added to the property over the years, the increased square footage of the structures and use exceeds the square footage permitted by the Ordinance. This request would permit an accessory building area of 1,500 square feet (114.7% of the main floor area of the primary dwelling) and 2,798 square feet of accessory use (213.9% of the total floor area of the primary dwelling).

(Continued)

STAFF REPORT 2014-DV3-026 (Continued)

- ◇ This increase in accessory building and accessory use square footage would not adversely impact the relationship and scale between the primary structure and accessory structures, nor would the adjacent properties be affected in a substantial adverse manner, because of the large lots and open space prevalent within the area.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwelling

SURROUNDING ZONING AND LAND USE

North - D-A Single-family dwelling
South - D-A Single-family dwelling
East - D-A Single-family dwelling
West - SU-34 Sertoma facility

COMPREHENSIVE PLAN (2007) Recommends residential development of zero- to 1.75 units per acre for the subject site.

THOROUGHFARE PLAN The Official Thoroughfare Plan designates this portion of South German Church Road as a primary arterial, with an existing 40-foot right-of-way and a proposed 140-foot right-of-way.

The Official Thoroughfare Plan designates this portion of Brookville Road as a primary arterial, with an existing 56-foot right-of-way and a proposed 140-foot right-of-way.

SITE PLAN File-dated, July 9, 2014

FINDINGS OF FACT File-dated, July 9, 2014

ZONING HISTORY

SUBJECT SITE

None.

VICINITY

86-UV1-115, 11011 Brookville Road (south of site); Requested a variance of the Ordinance to provide for the continued use of the property as a pay-to-fish lake and turkey shoot area and to construct a bait and tackle shop, restrooms and snack bar. The existing use was established by temporary variance in 1982 , **granted.**

86-UV1-105, 11011 Brookville Road (south of site); Requested a variance of use to provide for the construction of second story residence above a commercial building, **granted.**

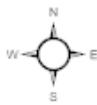
(Continued)

STAFF REPORT 2014-DV3-026 (Continued)

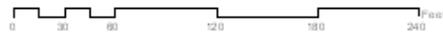
82-UV1-30, 11011 Brookville Road (south of site); Requested a variance of use to provide for a fishing lake, with two trailers of the property and a turkey shoot, **granted (two-year period).**

76-UV2-143, 11011 Brookville Road (south of site); Requested a variance of use to provide for retail fished lakes, **granted (five-year period).**

kb



2325 South German Church Road



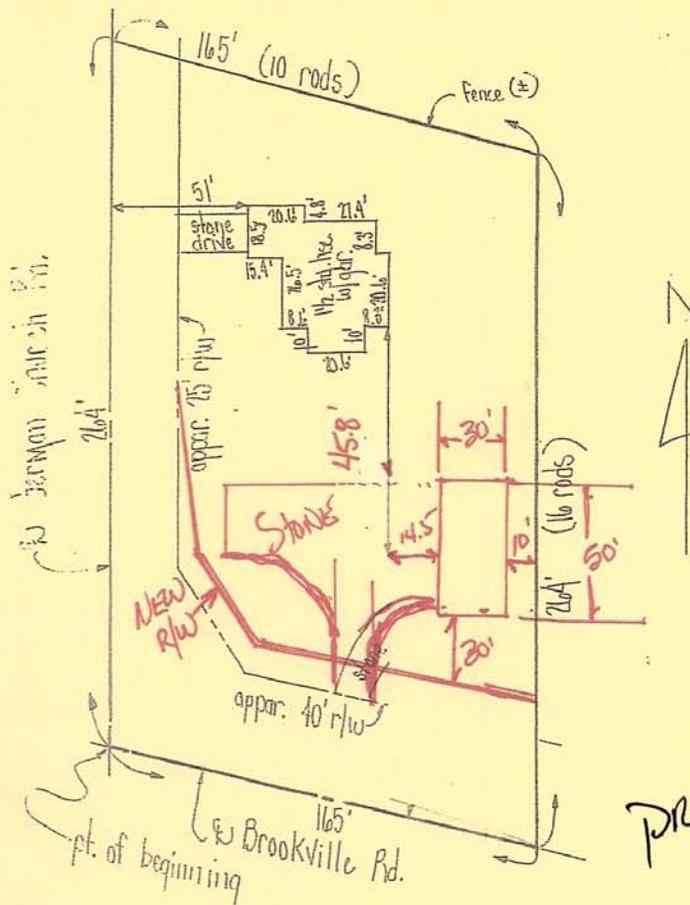
SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 180159 0080 D of the Flood Insurance Rate Maps, effective date 6/3/88.

PROPERTY ADDRESS: 2325 S. German Church Road

See attached sheet for Legal Description



METROPOLITAN DEVELOPMENT
 JUL 09 2014
 DIVISION OF PLANNING

proposed

TITLE COMPANY: STEWART TITLE SERVICES OF INDIANA, INC.

LENDER: MORTGAGE GUARANTEE, INC.

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in 865 IAC 1-12 for a SURVEYOR LOCATION REPORT.

PURCHASER: John M. Baxter, Jr.

CLIENT NO: 95010432-134

CERTIFIED: 09/08/95



HAHN & ASSOCIATES, INC.
 Engineers & Surveyors
 2850 E. 96th Street • Indianapolis, IN 46240-3715
 (317) 546-4440 FAX (317) 546-0620

Richard A. O'Brien
 RICHARD A. O'BRIAN
 REGISTERED LAND SURVEYOR,
 INDIANA #880017

JOB NO: 95091134







STAFF REPORT

Department of Metropolitan Development Division of Planning - Current Planning Section

Case Number: 2014-DV3-027
Address: 6081 East 82nd Street (approximate address)
Location: Lawrence Township, Council District #5
Zoning: C-S
Petitioner: NRFC Castleton Park Holdings, LLC., by Nancy A. Long
Request: Variance of development standards of the Sign Regulations to provide for two signs within two feet of each other (300 feet of separation required).

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan and sign elevations, both filed July 9, 2014.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is a zoned C-S and is improved with an office building and associated surface parking. Surrounding properties to the west, north and east include commercial structures within the C-3 and C-4 Districts. Adjacent property to the south is a common property lake within the C-S District.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for two six-foot tall, 72-square foot signs, with a two-foot separation when a 300-foot separation is required by the Sign Regulations. The two signs are connected at a center post aluminum post with ends extending outward 12 feet, at a 45-degree angle from center.
- ◇ This site has approximately 320 feet of frontage along East 82nd Street, a heavily-traveled six-lane arterial. Typically a double-faced sign would be appropriate. In this case, however, the combination of the frontage road street configuration, adjacent commercial building obstructions, and the speed of the vehicles presents a practical difficulty in terms of visibility and identification of access to the development from East 82nd Street.
- ◇ The sign as proposed, would replace an existing sign, and be appropriately integrated with the site and buildings, while identifying the entrance to the development for both travel directions along 82nd Street and would have minimal impact upon the adjacent commercial properties.

(Continued)

STAFF REPORT 2014-DV3-027 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Office Building

SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial Paint Sales / Restaurant
South -	C-S	Common Property Lake
East -	C-4	Commercial Office Supply and Shipping
West -	C-3	Bank / Fast-Food Restaurant

COMPREHENSIVE PLAN Recommends Office Commercial

THOROUGHFARE PLAN This section of East 82nd Street is classified as a primary arterial with a 120-foot existing and 160-foot proposed right-of-way on the Official Thoroughfare Plan.

SITE PLAN File-dated July 9, 2014

SIGN ELEVATION PLAN File-dated July 9, 2014

FINDINGS OF FACT File-dated July 9, 2014.

ZONING HISTORY

2001-ZON-817 / 2001-VAR-817; 6081 East 82nd Street (subject site), requests a rezoning of 122.13 acres from C-3, C-4, C-7 and I-2-S, to C-S to provide for the redevelopment of an existing business park, and to provide for a variance of development standards of the Sign Regulations to provide for specific sign criteria for an office-commercial-industrial business park, including reduced sign separation, larger directional signs, additional freestanding signage and reduced sign setbacks, **approved**.

2014-DV1-003; 6161 East 82nd Street (east of subject site), requested a variance of development standards of the Sign Regulations to provide for a six-foot tall, off-site business park advertising sign, within the clear sight triangle of 82nd Street and Knue Road, within the right-of-way of 86th Street, approximately 215 feet from an existing advertising sign to the west, **granted**.

2011-DV1-028; 6055 East 82nd Street (west of subject site), Variance of development standards of the Sign Regulations to provide for a freestanding sign 133 feet from a freestanding sign, **granted**.

2011-ZON-011; 6055 East 82nd Street (west of subject site), rezone from C-3 to C-4 to provide for commercial uses, **approved**.

2010-DV2-025; 5910 East 82nd Street (west of subject site), requests a variance of development standards of the Sign Regulations to provide for a 22-foot tall, 148.5-square foot free-standing sign, with an 11.5-foot setback from 82nd Street and an 11.17-foot setback from Castleway Drive,

2008-HOV-004; 6055 East 82nd Street (west of subject site), requested variance of development standards of the CZO to provide for an outdoor dining area, **withdrawn**.

(Continued)

STAFF REPORT 2014-DV3-027 (Continued)

2007-DV3-054; 6020 East 82nd Street (west of subject site), requested a variance of development standards of the Sign Regulations to provide for a 36.19-foot tall, 228.67-square foot pole sign with an approximately 740-foot front setback from East 82nd Street, resulting in a total sign area of 1,558.67 square feet within an integrated center (maximum 900-square feet permitted), **approved**

2007-DV3-030; 6020 East 82nd Street (west of subject site), requested a variance of development standards of the Sign Regulations, to provide for the construction of a 40-foot tall, 471.63-square foot pole sign with a 379.75 square foot electronic variable message sign component or 80.52 percent of the total sign area, being within twenty feet of a signalized traffic intersection and resulting in a total sign area of 1,330 square feet within an integrated center, **approved**.

2005-DV2-053; 6110 East 82nd Street (east of subject site), requested a variance of development standards of the Sign Regulations, to provide for a 25-foot tall, 153.75 square foot pole sign within 196.1 feet of an existing freestanding sign within an integrated center, **approved**.

2001-DV1-040; 6161 East 82nd Street (east of subject site), requested a variance of development standards of the Sign Regulations to provide for a 58.5 square foot advertising sign, located within the right-of-way of East 82nd Street, and 250 feet from another freestanding sign within an integrated center, **denied**.

99-UV1-153; 6071 East 82nd Street (west of subject site), requested a variance of development standards of the Sign Regulations to provide for a 50 square foot pylon sign 96 feet from one existing freestanding sign and 219 feet from another freestanding sign, within an integrated center, **denied**.

RU

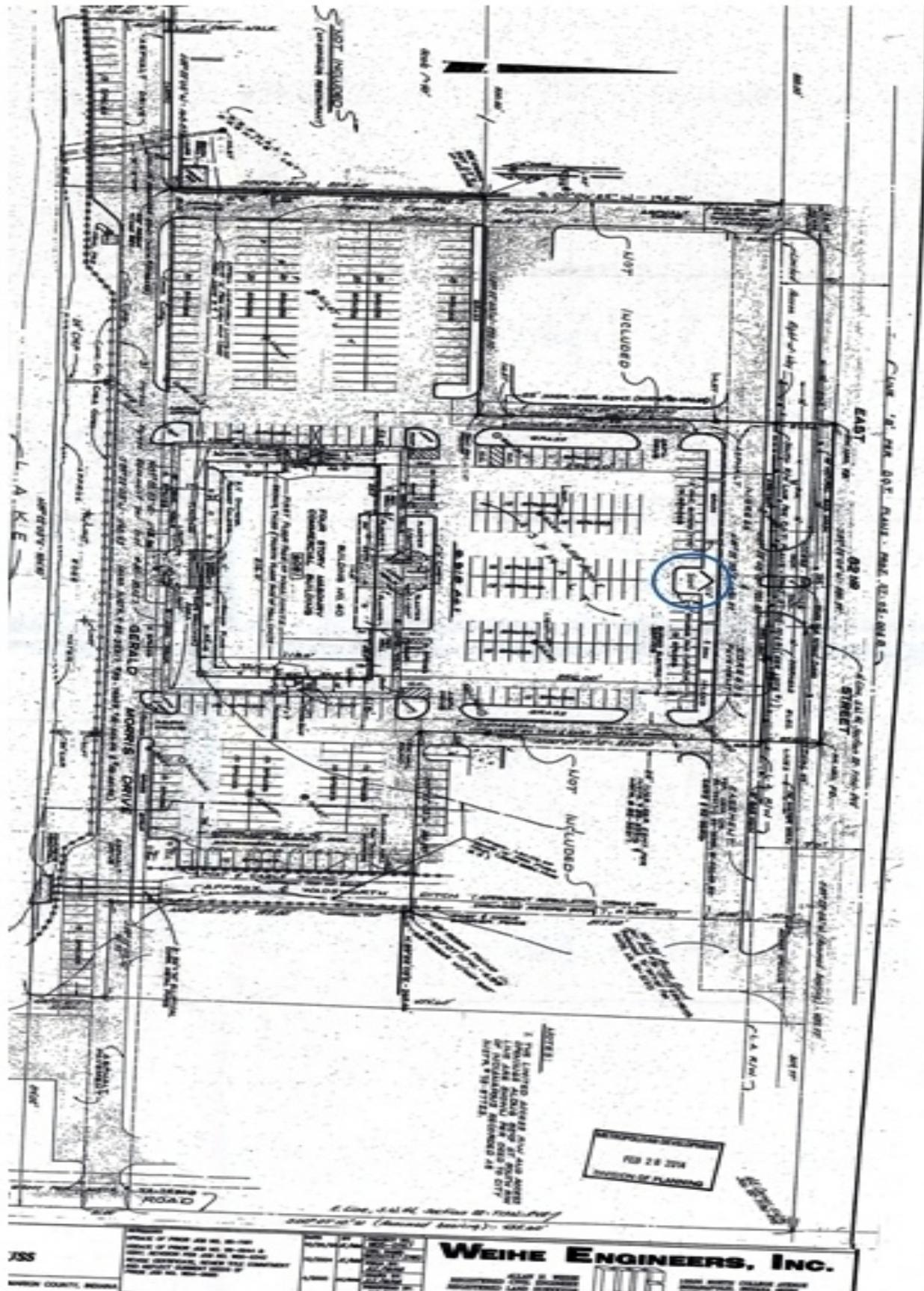
* * * * *

STAFF REPORT 2014-DV3-027 (Continued)

2014-DV3-027: Location Map



2014-DV3-027: Site Plan



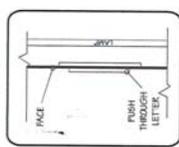
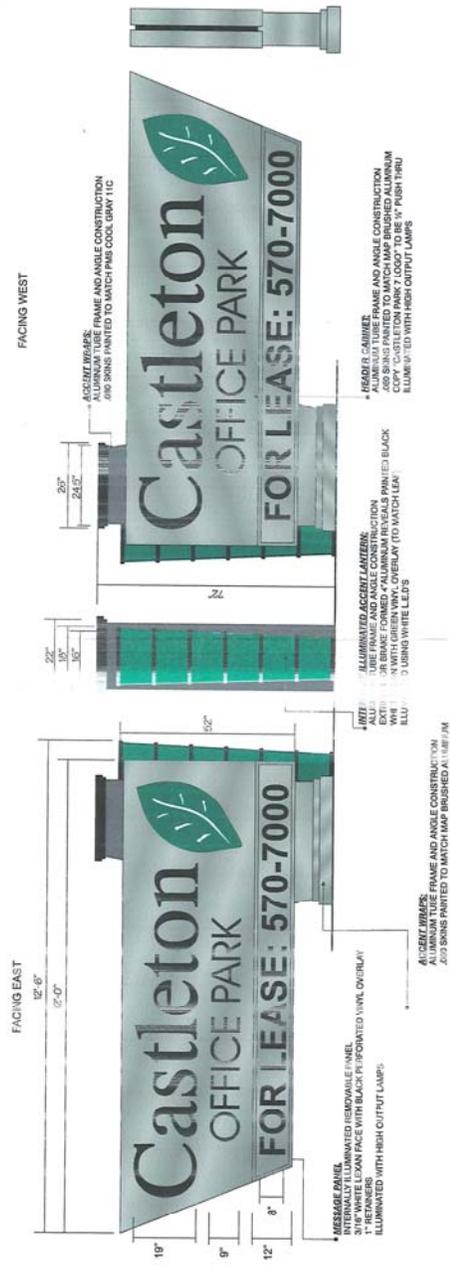


815 E. 63rd Place Indianapolis, IN 46220
 P (317) 613-4411 • F (317) 613-4412
 www.premiersigngroup.com

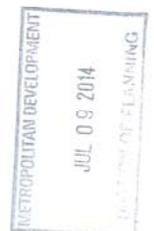
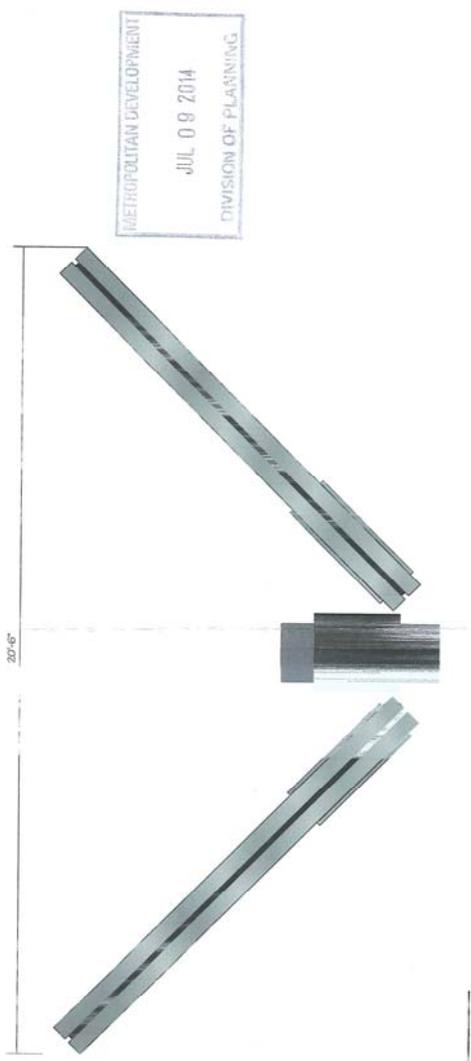
CLIENT	Castleton Park
LOCATION	Indianapolis, IN
ACCOUNT EXECUTIVE	OREB CUNNINGHAM
DESIGN	J.L.
DATE	10/16/13

This drawing was created to assist you in visualizing our proposal. The original idea herein is the property of Premier Sign Group. Permission to copy or revise this drawing can only be obtained through written agreement with Premier Sign Group.
 COPYRIGHT © 2000 ALL RIGHTS RESERVED

SIGNAGE LAYOUT
 SCALE: 3/8" = 1"



- PMS BLACK 6C
- PMS COOL GRAY 11C
- MAP BRUSHED AL



APPROVED BY: _____ DATE: _____
 FILE NAME: 13 Castleton Park Entry Sketches 3a

2014-DV3-027: Photographs



View of existing sign to be replaced, looking south



View of sign location looking west along frontage road



View of adjacent commercial looking north



View of adjacent sign locations looking east

STAFF REPORT

Department of Metropolitan Development Division of Planning

Current Planning Section

Case Number: 2014-DV3-028
Address: 1003 East Bradbury Avenue (approximate address)
Location: Center Township, Council District #15
Zoning: D-5
Petitioner: Daniel and Mary Therese Tieken
Request: Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 112-square foot front porch addition, with a five-foot front setback from Ringgold Street (25-foot front setback required).

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated July 14, 2014.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.12-acre site, zoned D-5, is developed with a single-family dwelling, a deck, above-ground pool, and accessory building. It is a corner lot, with single-family dwellings to the north, east, and west. Religious uses are located to the south, across a 15-foot wide alley.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would permit construction of 112-square foot front porch addition, with a five-foot front setback from Ringgold Street.
- ◇ This site was platted in 1910, prior to the existing Zoning Ordinance, which requires a 25-foot front setback. When the property was developed, the front setback for the dwelling was established at 13 feet. Consequently, any addition to the front of the dwelling would not comply with the required Dwelling Districts Zoning Ordinance setbacks, thereby, creating a practical difficulty for the property owner to make improvements that would increase the value of the property and maintain the quality of the neighborhood.
- ◇ Furthermore, several dwellings to the east and west have similar or shorter setbacks. The requested five-foot setback, therefore, would not adversely impact the value or use of adjacent properties and the surrounding neighborhood. For these reasons, staff supports this request for a reduced front setback.

(Continued)

STAFF REPORT 2014-DV3-028 (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 -	SU-1	Religious uses
East -	D-5	Single-family dwelling
West -	D-5	Single-family dwelling

NEIGHBORHOOD PLANNING AREA (2000)

The Concord Community Plan recommends low-density residential at two to five units per acre for the subject site.

THOROUGHFARE PLAN

Bradbury Avenue is not designated on the Official Thoroughfare Plan

Ringgold Avenue is not designated on the Official Thoroughfare Plan.

SITE PLAN

File-dated, July 14, 2014

FINDINGS OF FACT

File-dated, July 14, 2014

ZONING HISTORY

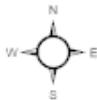
80-V-36, 1003 East Bradbury Avenue; Requested a variance of development standards to permit the erection of a single-family dwelling 13 feet from the west property line, **granted.**

VICINITY

2012-DV1-055, 964 East Bradbury Avenue (west of site); Requested variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a handicapped accessible ramp, with reduced setbacks on Bradbury Avenue and Ringgold Street, within the clear-sight triangle, **withdrawn.**

60-V-109, 965 East Bradbury Avenue (west of site); Requested a variance of front building line requirement to permit enclosure of the porch at the front of the existing single-family dwelling, **granted.**

kb

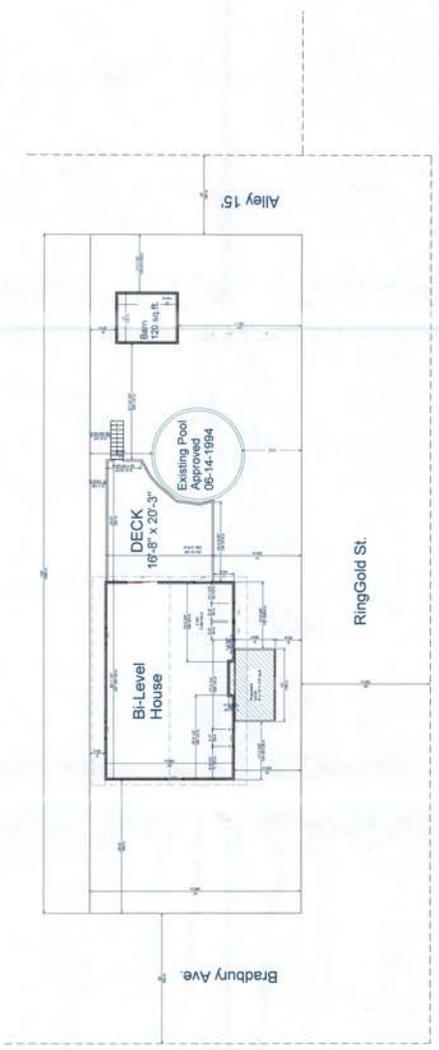


1003 East Bradbury Avenue



RECEIVED
 JUL 11 09h
 METROPOLITAN DISTRICT

Scale
 1" = 10'



POOL AREA SHALL BE ENCLOSED WITHIN A FENCED AREA WITH A SELF-CLOSING, SELF-LATCHING GATE. THE GATE SHALL BE 5' TO 6' HIGH AND SHALL BE OPENED AND CLOSED BY THE OWNER. THE GATE SHALL BE OPENED AND CLOSED BY THE OWNER. THE GATE SHALL BE OPENED AND CLOSED BY THE OWNER.

APPROVED **DPW** 6/26/14
 DATE: 6/26/14
 PREPARED FOR: Rick Teken, 1003 E. BRADBURY AVENUE, INDIANAPOLIS, IN 46203
 PREPARED BY: A. Mary Teken, 1003 E. BRADBURY AVENUE, INDIANAPOLIS, IN 46203
 PROJECT: 49-11-24-102-005-000-101

Note: This information is provided for informational purposes only. It is not intended to be used as a legal document. The user of this information is advised to consult with a qualified professional for legal advice.

Parcel Summary

Parcel ID	49-11-24-102-005-000-101
Alt Parcel ID	1029763
Property Address	1003 E BRADBURY AV
Property City	INDIANAPOLIS
Legal Acres	101
Tax District	24015003
Section/Plot	510 - Residential One Family Dwelling On A Platted Lot
Property Class	BOHIES GARFIELD PARK ADD L20
Legal Description	



View of dwelling looking east across Ringgold Street



View of dwelling from East Bradbury Street, looking south



View of front yard looking south from East Bradbury Avenue



View of site looking northeast from Ringgold Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-DV3-029
Address: 3845 Fisher Road (*Approximate Address*)
Location: Franklin Township, Council District #25
Zoning: 1.15 acres, D-A
Petitioner: Clarence Daniel Throckmorton
Request: Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish:

- a) accessory building area of 1,616 square feet or 80.2% of the main floor area of the primary dwelling and accessory use area of 3,323 square feet or 165% of the total floor area of the primary dwelling (maximum 1,510 square feet or 75% of the main floor area of the primary dwelling permitted, maximum 2,011 square feet or 99.9% of the total floor area of the primary dwelling permitted), and
- b) a shed with approximately seven-foot side and rear setbacks and a pool, with a seven-foot rear setback (minimum 15-foot side and rear setbacks required).

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan, file dated July 14, 2014.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site, zoned D-A, is improved with a single-family dwelling, multiple accessory buildings and an above-ground swimming pool. This petition would legally establish the existing structures with deficient setbacks and increased accessory building and use area. No additional structures are proposed.

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 and area of accessory uses preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ The primary dwelling was developed prior to aerial images, dating as early as 1972. Subsequent aerial images indicate the addition of a shed (1986), a detached garage (2003), an additional accessory shed (2005) and an above-ground pool (2010). All of these existing improvements were constructed by a previous owner.

(Continued)

STAFF REPORT 2014-DV3-029 (Continued)

- ◇ In Staff’s opinion, the proposed accessory building area of approximately 80% is a minor deviation from the maximum 75% permitted by the Ordinance. While the proposed accessory use area would be an increase of approximately 65%, Staff would note that each individual use would be considered accessory and subordinate to the primary dwelling. Additionally, the location of the proposed accessory uses would be screened from Fisher Road by the primary dwelling and the larger accessory structure.

- ◇ The requested setback reductions would be a minor deviation from the standard. The subject site was developed with the primary dwelling located approximately 45 feet from the rear, or east, property line. To meet the required setbacks, the accessory structures would need to be located in the north side yard, or closer to the primary dwelling. In Staff’s opinion the proposed location of the accessory structures would provide for adequate separation from the primary dwelling and would limit visibility from Fisher Road.

- ◇ Staff would note that the Comprehensive Plan recommends low-density residential for the subject site and surrounding properties, consistent with large-lot suburban areas, in which large accessory structures are not out of character. In Staff’s opinion, the proposed accessory structures would not be out of scale, or character, with surrounding uses or the Comprehensive Plan. In addition, the proposed location of the accessory structures would not have any negative impacts on the Fisher Road streetscape, or adjacent properties.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwelling
South -	D-A	Single-family dwelling
East -	D-A	Unimproved
West -	D-A	Agricultural fields

COMPREHENSIVE LAND USE PLAN Recommends low-density residential of 1.75-three dwelling units per acre.

THOROUGHFARE PLAN Fisher Road is not classified on the Official Thoroughfare Plan.

SITE PLAN File-dated July 14, 2014

FINDINGS OF FACT File-dated July 14, 2014

(Continued)

STAFF REPORT 2014-DV3-029 (Continued)

ZONING HISTORY

2014-DV3-014, 3939 Fisher Road, (south of site); Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 14-foot tall, 1,440-square foot pole barn, with a 10-foot north side setback, creating 1,440 square feet of accessory building area or 116% of the main floor area of the primary dwelling and 2,040 square feet of accessory use area or 164% of the total floor area of the primary dwelling, **granted.**

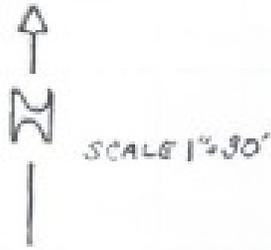
76-V3-112, 7610 East Hanna Avenue, (southeast of site); Variance of development standards for setback requirements related to an attached garage, **granted.**

JAS

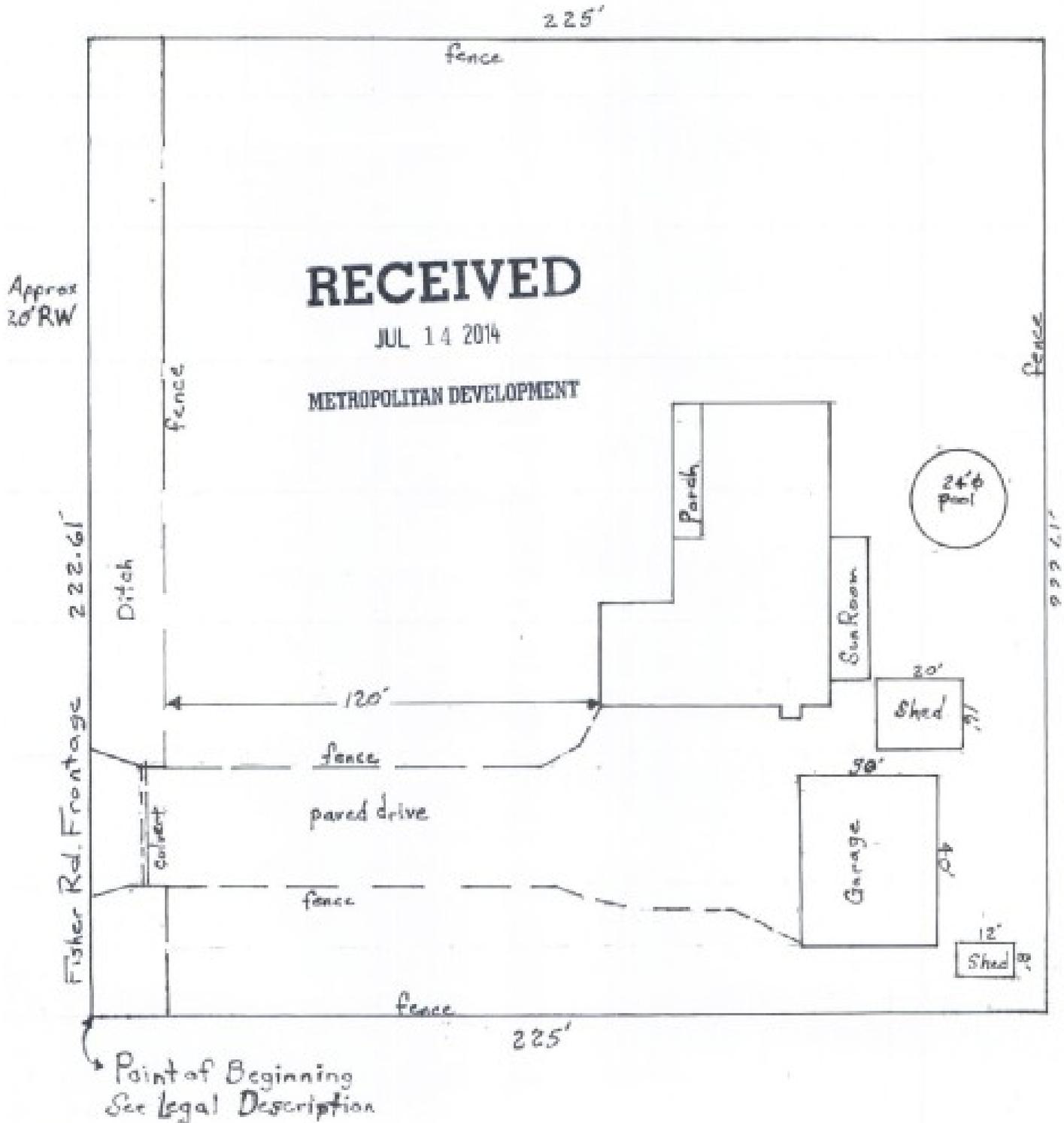
2014-DV3-029; Location Map



3845 Fisher Road Site Plan



Sheds have no foundation



2014-DV3-029; Photographs (Subject Site)



Subject site looking east from Fisher Road



Existing accessory structures looking south



Looking north from southeast corner of site



Above-ground pool and reduced setback

2014-DV3-029; Photographs (Adjacent Properties)



Adjacent land east of subject site



Adjacent dwelling north of subject site



Adjacent dwelling south of subject site



Adjacent farm field west of subject site

STAFF REPORT

Department of Metropolitan Development Division of Planning - Current Planning Section

Case Number: 2014-DV3-030
Address: 4020 North Sherman Drive (approximate address)
Location: Washington Township, Council District #4
Zoning: SU-2
Petitioner: CA Indianapolis 4010 NSD LLC, by David and Justin Kingen
Request: Variance of development standards of the Sign Regulations to provide for either an eight-foot tall, 68-square foot freestanding sign (Sign "A"), encroaching 17 feet into the right-of-way of Sherman Drive or an 8.5-foot tall, 94-square foot freestanding sign (Sign "B"), encroaching 18.5 feet into the right-of-way of Sherman Drive and a four-foot tall, 20-square foot freestanding sign (Sign "C"), encroaching eight feet into the right-of-way of Sherman Drive, with Sign "A" and "B" being 43 feet and 170 feet, respectively, from a D-2 zoned protected district (15-foot front setback permitted, signs not permitted within the right-of-way, maximum four-foot tall sign permitted within 600 feet of a protected district).

RECOMMENDATIONS

Staff **recommends approval** of this petition for Sign "A", subject to the site plan and sign elevations, both file-dated July 9, 2014; the issuance of an encroachment license by the Department of Code Enforcement, and the final approval by the Department of Public Works and the following commitment:

If a right-of-way improvement project necessitates the relocation of the sign, the sign shall be relocated out of the public right-of-way at no expense to the City of Indianapolis.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is a zoned SU-2 and is improved with two school buildings and associated surface parking. Properties to the north include single-family and multi-family dwellings within the D-2 District. Properties to the east include multi-family dwellings within the SU-7 District. Properties to the south include single-family dwellings and a religious use within the D-2 and SU-1 Districts. Property to the west includes proposed multifamily dwellings within the C-S District.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The subject site was previously developed as a religious facility. Subsequent to the 2012 rezoning, the religious structure was converted into a school, which was expanded in 2013.

(Continued)

STAFF REPORT 2014-DV3-030 (Continued)

- ◇ The 2012 rezoning petition was subject to the dedication of a 60-foot setback from the center line of Sherman Drive would be required; however, the 2013 expansion was permitted to have a 60-foot centerline setback.
- ◇ The request would provide for either a single eight-foot tall, 68-square foot freestanding sign (Sign “A”) encroaching 17 feet into the right-of-way of Sherman Drive, or for two signs, the first being an 8.5 feet tall, 94-square foot freestanding sign (Sign “B”) encroaching 18.5 feet into the right-of-way of Sherman Drive, and the second being a four-foot tall, 20-square foot freestanding sign (Sign “C”) encroaching eight feet into the right-of-way of Sherman Drive.
- ◇ Staff believes the second option, consisting of two signs, would cause a proliferation of signs, in combination with other signs in the area. Staff believes the first option, consisting of one sign, would provide sufficient identification for the building.
- ◇ Staff recommends approval for the request for Sign “A”, that would provide for an eight-foot tall, 68-square foot freestanding sign, and encroaching 17 feet into the right-of-way of Sherman Drive.
- ◇ The petitioner has agreed that in the event the 4000 block of North Sherman Drive right-of-way is widened, the owner of the sign would relocate the sign out of the public right-of-way, at no expense to the City of Indianapolis

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

S-U-2 School Campus

SURROUNDING ZONING AND LAND USE

North -	D-2	Single-Family Dwellings / Multi-family dwellings
South -	D-2/SU-1	Single-Family Dwellings / Religious use
East -	SU-7	Philanthropic Multi-Family dwellings
West -	D-P	Proposed Multi-family dwellings

COMPREHENSIVE PLAN Recommends Office Commercial

THOROUGHFARE PLAN This section of North Sherman is classified as a primary arterial with a 70-foot existing and 120-foot proposed right-of-way on the Official Thoroughfare Plan.

SITE PLAN File-dated April 8, 2014

SIGN ELEVATION PLAN File-dated April 8, 2014

FINDINGS OF FACT File-dated April 8, 2014.

ZONING HISTORY

Subject Site:

2013-ADM-078; 4020 North Sherman Drive (subject site), requested administrator’s approval for a building expansion with a 60-foot centerline setback, **granted.**

(Continued)

STAFF REPORT 2014-DV3-030 (Continued)

2012-ZON-007; 4020 North Sherman Drive (subject site), requested a rezoning of 21.45 acres, from the SU-1 District, to the SU-2 classification, to provide for educational uses, **granted**.

2008-ZON-002; 4020 and 4040 North Sherman Drive (subject site), requested a rezoning of 14.51 acres, from the SU-1 (W-5) District, to the D-6 (W-5) classification to provide for multi-family residential uses, **approved**.

2006-ZON-121; 4020 North Sherman Drive (subject site), requested a rezoning of 14.51 acres, from the SU-1 (W-5) District, to the SU-2 (W-5) classification to provide for a charter elementary school, K-8, **withdrawn**.

87-Z-6; 4020 North Sherman Drive (subject site), requested a rezoning of 21.3 acres, being in the D-2 Dwelling District, to the SU-1 Special Use District classification to provide for a church, **approved**.

Surrounding sites:

2010-ZON-042; 3801-4005 Meadows Drive, 3805-3806 North Dearborn Street (west of subject site), requested a rezoning of 101.9 acres, from the D-8 (W-5), D-9 (W-5), SU-2 (W-5), C-4 (W-5) and C-S (W-5) Districts, to the D-P (W-5) classification to provide for: single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 Districts, special and institutional uses permitted within the SU-1, SU-2, SU-6, SU-7, SU-9, SU-37, SU-38, SU-39 Districts, mixed-use areas of residential and commercial in the same building as well as live/work units, including light manufacturing and assembly and residential, commercial and institutional uses within the same building, and uses permitted within the SU-3 and SU-9 Districts and agricultural uses, including a community garden and the sale of products produced therein, **approved**

2005-APP-022; 4013 North Sherman Drive (east of subject site), requested a modification of commitments and site plan relating to petition 2000-ZON-133, **approved**.

2000-ZON-133; 4013 North Sherman Drive (east of subject site), requested a rezoning of 4.729 acres, being in the SU-1 Special Use District, to the SU-7 classification, to provide for an elderly housing community and life center, **approved**.

89-HOV-118; 4007 North Sherman Drive (east of subject site), requested a variance of the sign regulations, to provide for a double faced ground sign, seven feet in height, **approved**.

89-V1-130; 4007 North Sherman Drive (east of subject site), requested a variance of the sign regulations, to provide for a pole sign in excess of two percent of the building façade with two sign faces, **denied**.

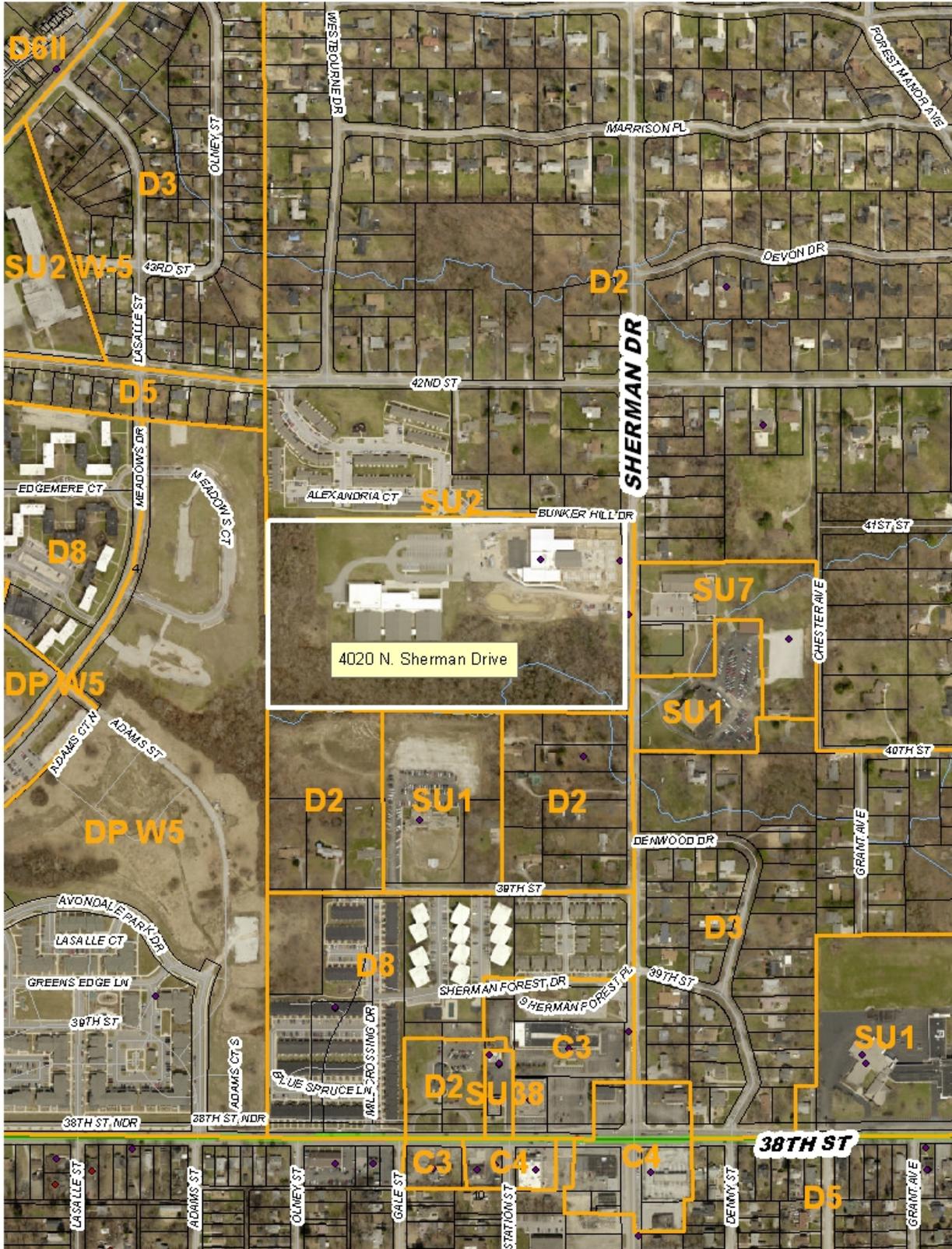
89-Z-195; 4007 North Sherman Drive (east of subject site), requested a rezoning of 9.9 acres, being in the D-2 Dwelling District, to the SU-1 Special Use District classification to legally establish an existing church, **approved**.

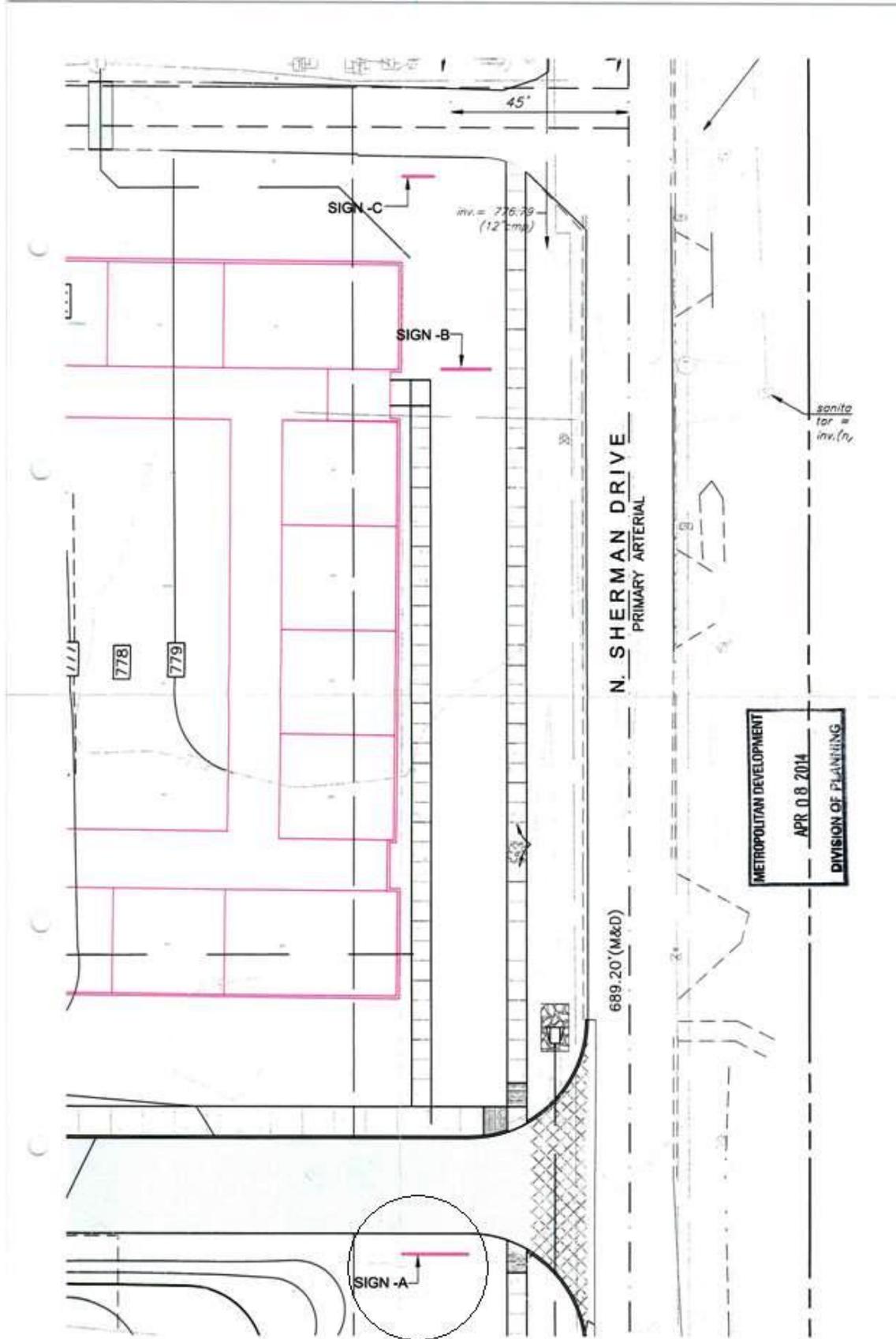
RU

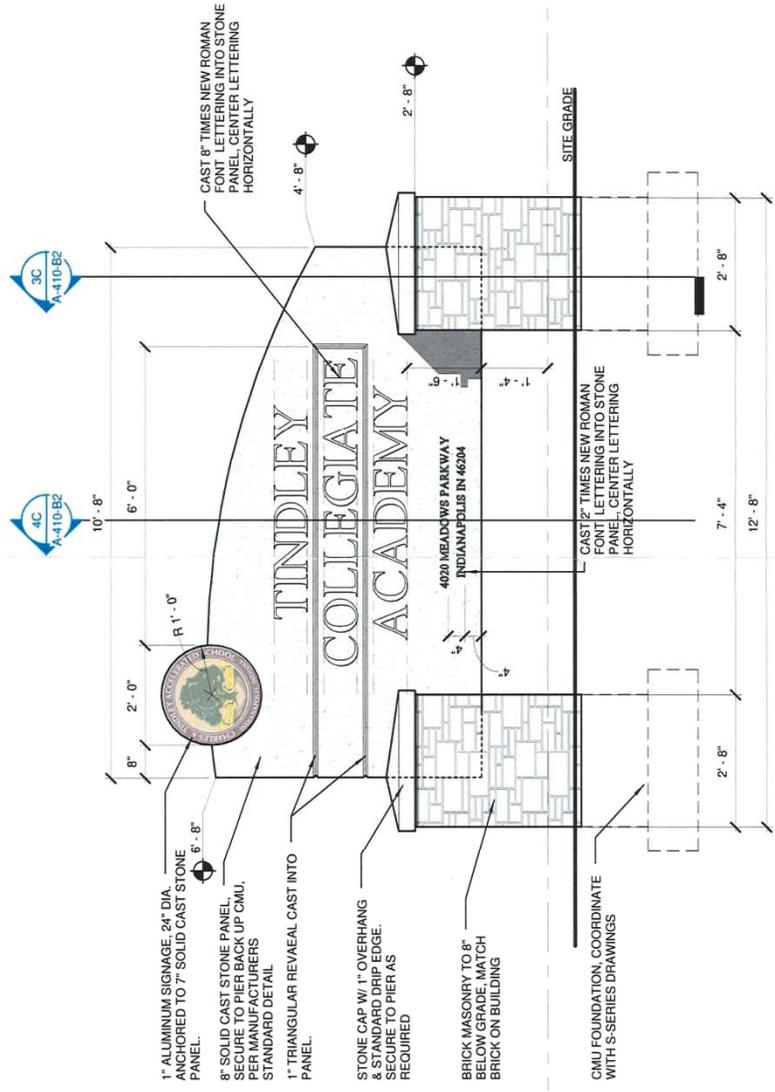
* * * * *

STAFF REPORT 2014-DV3-030 (Continued)

2014-DV3-030: Location Map







1" ALUMINUM SIGNAGE, 24" DIA. ANCHORED TO 7" SOLID CAST STONE PANEL.
 8" SOLID CAST STONE PANEL, SECURE TO PIER BACK UP CMU, PER MANUFACTURERS STANDARD DETAIL
 1" TRIANGULAR REVAEAL CAST INTO PANEL.

STONE CAP W/ 1" OVERHANG & STANDARD DRIP EDGE. SECURE TO PIER AS REQUIRED

BRICK MASONRY TO 8" BELOW GRADE, MATCH BRICK ON BUILDING

CMU FOUNDATION, COORDINATE WITH S-SERIES DRAWINGS

CAST 8" TIMES NEW ROMAN FONT LETTERING INTO STONE PANEL, CENTER LETTERING HORIZONTALLY

CAST 2" TIMES NEW ROMAN FONT LETTERING INTO STONE PANEL, CENTER LETTERING HORIZONTALLY

4020 NORTH SHERMAN DRIVE
 TINDLEY RENAISSANCE ACADEMY

SCALE: 1/2" = 1'-0"

DRAWING A

METROPOLITAN DEVELOPMENT
 APR 08 2014
 DIVISION OF P.L.

2014-DV3-030: Photographs



View of sign location looking south



View of sign location looking north



View of adjacent multi-family to the east



View of Sherman Road looking south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-UV3-015
Address: 6202 Morenci Trail (*Approximate Address*)
Location: Pike Township, Council District #1
Zoning: Two acres, I-2-S
Petitioner: Kessler Krest Baptist Church Company, aka Restoring Hope Community Church, by Jason P. Lueking
Request: Variance of use of the Industrial Zoning Ordinance to provide for a religious use and related offices (not permitted).

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan, file dated July 11, 2014.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site, zoned I-2-S, is improved with an industrial office structure and surface parking lot. This petition would permit the use of the subject site and building as a religious use and offices. No new structures are proposed.

VARIANCE OF USE

- ◇ The subject site was developed as four industrial office buildings in the 1970's. Surrounding industrial structures were developed in subsequent years.
- ◇ Though religious uses are not permitted within the industrial zoning districts, the subject site and existing building were constructed as office space and are not a typical structure found within industrial park settings. Additionally, the Comprehensive Land Use Plan recommends Commercial Office uses for the subject site. Staff would note that commercial office uses are typically found within the C-1 zoning district, which also permits religious uses.
- ◇ In Staff's opinion, the proposed use would not be out of character with surrounding uses and would have no negative impact on adjacent properties. Additionally, the proposed use would meet the Commercial Office use recommendations of the Comprehensive Plan.

(Continued)

STAFF REPORT 2014-UV3-015 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-2-S Industrial office building

SURROUNDING ZONING AND LAND USE

North -	I-2-S	Industrial office building
South -	I-1-S	Industrial warehouse
East -	I-2-S	Industrial building
West -	I-2-S	Industrial buildings

COMPREHENSIVE LAND USE PLAN The Comprehensive Plan recommends Commercial Office uses for the site.

THOROUGHFARE PLAN Morenci Trail is not classified on the Official Thoroughfare Plan.

SITE PLAN File-dated July 11, 2014

FINDINGS OF FACT File-dated July 11, 2014

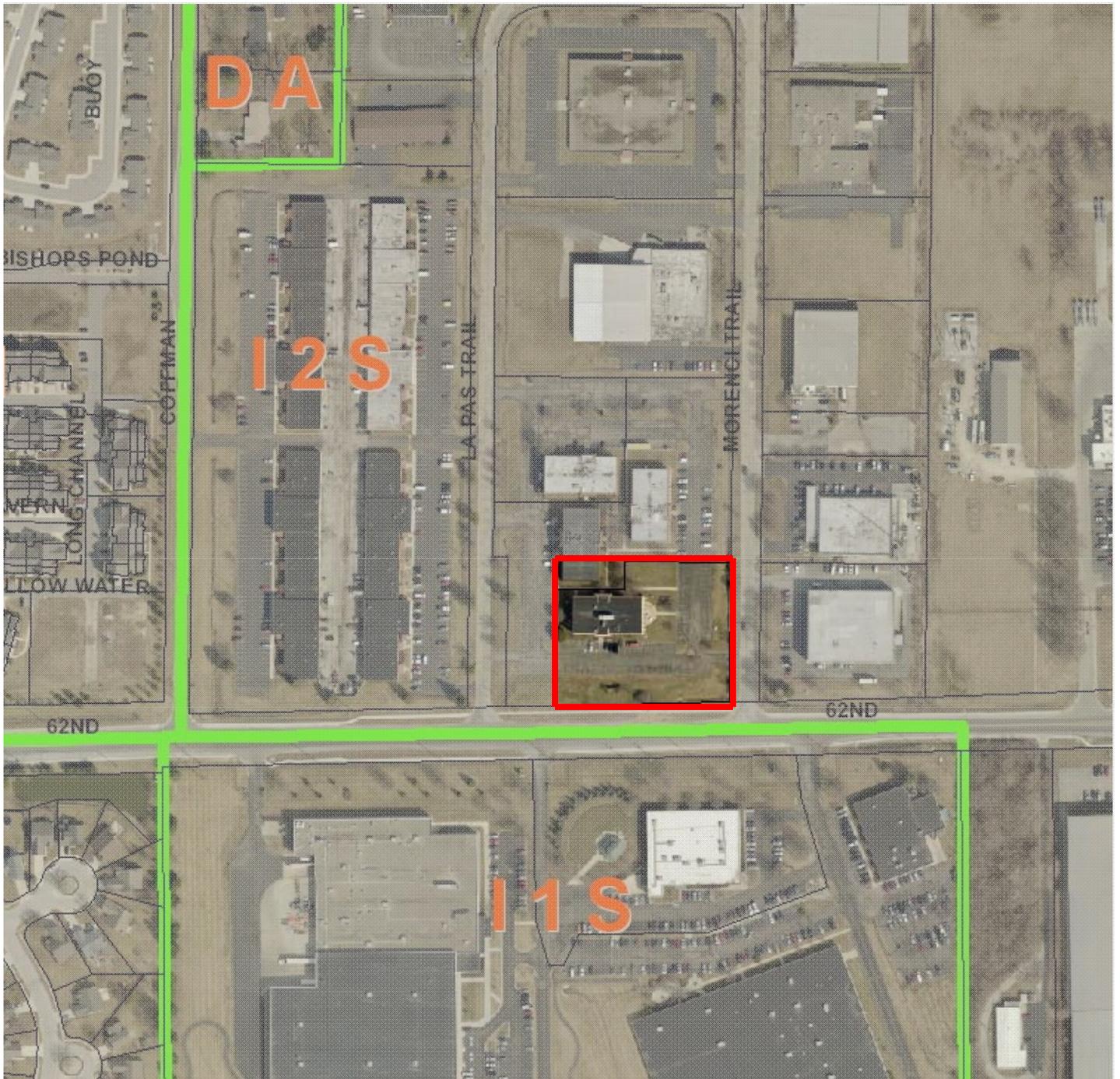
ZONING HISTORY

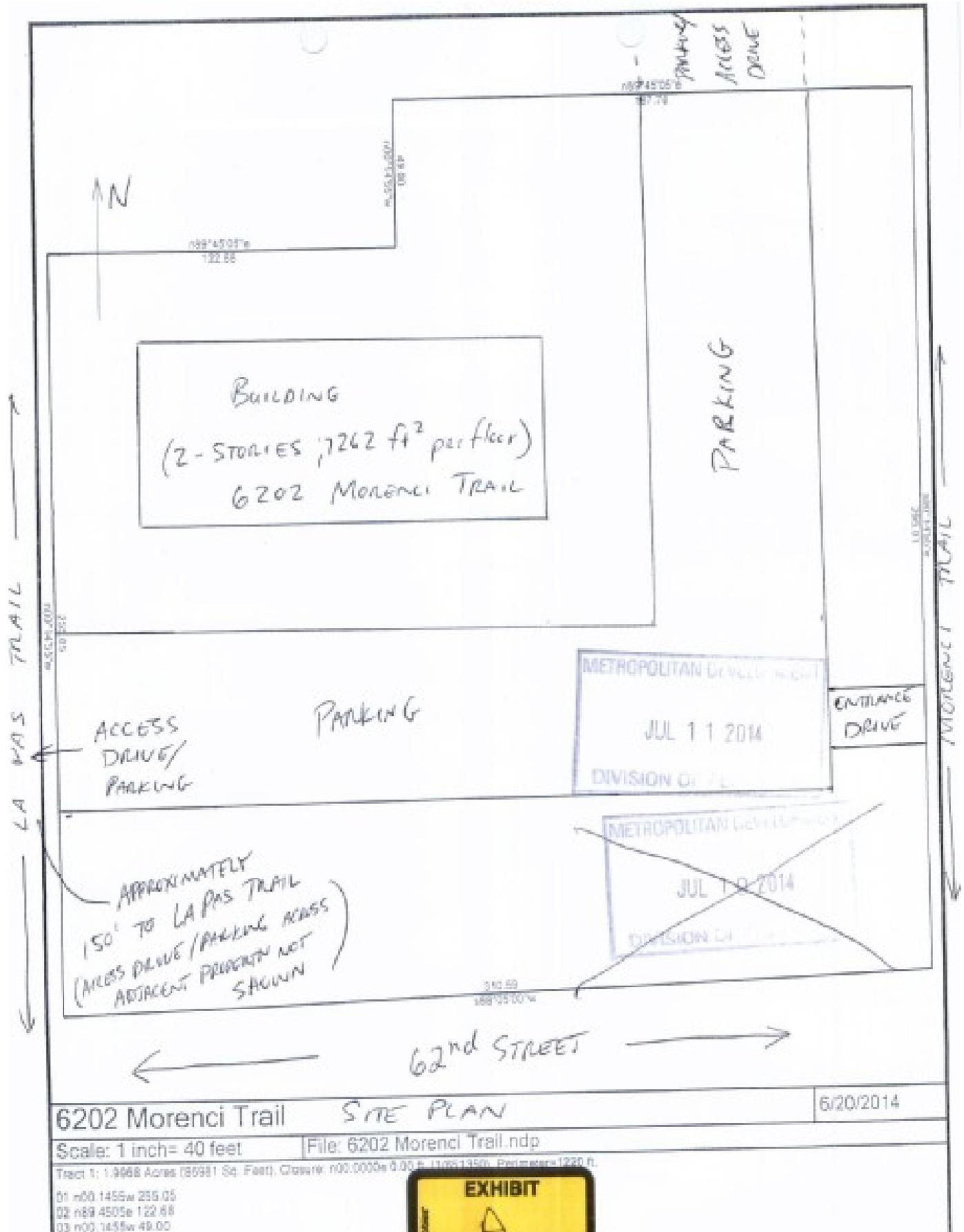
73-Z-129, 4654 West 62nd Street, (including site). Rezoning of 55.10 acres from the A-2 district to the I-2-S district to provide for the development of an industrial park, **granted.**

90-UV3-45, 6321 La Pas Trail, (north of site). Variance of use of the Industrial Zoning Ordinance to allow for religious uses and offices, **granted.**

JAS

2014-UV3-015; Location Map





2014-UV3-015; Photographs (Subject Site)



Subject site looking north from West 62nd Street



East side of subject site looking north



North side of subject site



west side of subject site

2014-UV3-015; Photographs (Adjacent Properties)



Industrial structure south of subject site across 62nd Street



Industrial structures west of subject site



Industrial structure east of site



Looking west along 62nd Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-UV3-017
Address: 7070 Lantern Road (approximate address)
Location: Lawrence Township, Council District #12
Zoning: D-S (W-5)
Petitioner: Philip L. Myers and Susanne Komenda Myers
Request: Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a detached garage as the primary use, located in front of the proposed established front building line (detached garage not permitted as a primary use, accessory buildings cannot be located in front of the established building line).

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated July 14, 2014, and the following commitments:

1. The garage shall not be used for commercial purposes or activities.
2. Outdoor storage shall not be permitted.
3. An Improvement Location Permit (ILP) for the garage shall be applied for and obtained within 30 days of the grant of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 2.81-acre site, zoned D-S, is developed with a detached garage. The site is heavily wooded, with steep slopes. Low-density residential development surrounds property in all directions.

VARIANCE OF USE

- ◇ This request would legally establish a detached garage as the primary use. According to the Assessor's Office, this 970-square foot garage was constructed in 1989. Research failed to find an Improvement Location Permit (ILP).
- ◇ The Dwelling Districts Ordinance (DDZO) requires the presence of a primary dwelling on residential lots in order to maintain appropriate development patterns and character in residential neighborhoods. Allowing the accessory buildings to dominate the site could have an adverse impact on the use and value of adjacent properties. In this situation, however, the materials and style of the structure are reminiscent of a dwelling. As a result, the impact of this accessory building would be a supportable deviation from the Ordinance.

(Continued)

STAFF REPORT 2014-UV3-017 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also permit an accessory building in front of the proposed established front building line.
- ◇ The location of an accessory building in front of a primary dwelling generally disrupts the residential character, because the primary dwelling should remain the dominant structure on a residential site, with accessory buildings being secondary.
- ◇ Due to the design and style of the this accessory building, its use and appearance as an accessory building is minimized. The garage is also partially obscured due to the heavy vegetation and woods. For these reasons, the variance request is supportable.

VIOLATION HISTORY AND COMMERCIAL ACTIVITIES

- ◇ On January 10, 2012, notice of a violation (VIO12-000109) was sent to the petitioner for the following violations:
 1. A detached accessory structure shall not be permitted on a lot prior to the erection of the primary building.
 2. Failure to obtain an Improvement Location Permit for a detached accessory structure exceeding 120 square feet.
 3. The outdoor storage of junk, trash or debris is not permitted in a Dwelling District.
 4. The parking or storage of commercial vehicles or equipment is not permitted in a Dwelling District.
- ◇ A site visit revealed that the site had been cleaned up and no commercial vehicles were present. Staff noted, however, that the notice of violation was sent over two and half years ago. It would, therefore, be appropriate for the petitioner to enter into commitments confirming that the property would remain well-maintained, that commercial activities would not be conducted on the site, and that any outdoor storage would comply with the DDZO.

PROCEDURAL ISSUE

- ◇ Because an ILP was not obtained at the time of construction of the detached garage, it would be appropriate for the petitioner to apply for an ILP, within 30 days of the grant of these variances.

WELLFIELD PROTECTION DISTRICTS

- ◇ There are two wellfield district designations. An area identified as W-1 is a one year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. With the exception of single- and multi-family residential land uses, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the Department of Metropolitan Development.
- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

(Continued)

STAFF REPORT 2014-UV3-017 (Continued)

- ◇ The subject site is located in a W-5 protection area and is also exempt from the requirements for filing a development plan.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-S Accessory building

SURROUNDING ZONING AND LAND USE

North -	D-S	Single-family dwelling
South -	D-S	Single-family dwelling
East -	D-1	Single-family dwellings
West -	D-S	Single-family dwelling

COMPREHENSIVE PLAN (2007)	Recommends residential development at zero to 1.75 units per acre for the subject site.
THOROUGHFARE PLAN	Lantern Road is not indicated on the Official Thoroughfare Plan.
SITE PLAN	File-dated, July 14, 2014
FINDINGS OF FACT	File-dated, July 14, 2014

ZONING HISTORY

SUBJECT SITE

None.

VICINITY

96-Z-169/96-DP-16, 8901 Fall Creek Road; requested a rezoning of 75 acres, being in the SU-1 District, to the D-P classification to provide for religious use and residential development. **Approved.**

90-V2-43, 7104 Lantern Road; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to permit the construction of two single-family residences without each lot thereon having at least 75 feet of frontage on a public street or the required 150 feet of lot width at the setback line. **Granted.**

88-UV1-33, 8901 Fall Creek Road; requested a variance of use and development standards of the Special Use Districts Zoning Ordinance to allow the continued use of a mobile structure (twelve foot by sixty foot) as a classroom/nursery until a new classroom/nursery is constructed. **Granted.**

83-Z-03, 8901 Fall Creek Road; requested a rezoning of 75.5 acres, being in a D-S District, to the SU-1 classification to provide for church development. **Approved.**

kb



7070 Lantern Road





View of detached garage looking northwest



View of detached garage looking north



View looking east at rear of detached garage



View from site looking east at dwellings, across Lantern Road

STAFF REPORT

Department of Metropolitan Development Division of Planning - Current Planning Section

Case Number: 2014-DV2-023
Address: 1049 East 54th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: C-S (W-5)
Petitioner: Jack Nicholas Properties, LLC, by David and Justin Kingen
Request: Variance of development standards of the Sign Regulations to provide for a 12-foot tall, 70-square foot freestanding sign, with an eight-foot front setback from 54th Street (minimum 15-foot front setback required).

ADDENDUM FOR AUGUST 19, 2014

This petition was continued and transferred to the August 19, 2014, hearing of Division III, without additional notice, at the request of the petitioner.

AUGUST 12, 2014

RECOMMENDATIONS

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

Staff **would recommend approval** of the petition with the following commitment:

Rotate the sign face 90 degrees so that the tenant portion of the sign is parallel to the front setback line, with the exception of the integrated center identification sign as indicated on the Sign Elevation file-dated July 8, 2014.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site is zoned C-S and is improved with four commercial buildings and associated surface parking. Adjacent properties to the west include a restaurant and a doggie day-care within the C-4 and I-4-U Districts. The adjacent property to the north includes a green grocer within the C-3 District. The adjacent property to the east includes a kitchen and bath showroom supplier within the C-S District. Adjacent property to the south is improved with mini-warehouses within the I-2-U District.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for a 12-foot tall, 70-square foot freestanding sign, with an eight-foot front setback from 54th Street. The sign would be located eight feet from the front setback in front of an existing tree.

(Continued)

STAFF REPORT 2014-DV2-023 (Continued)

- ◇ Staff has concerns the proposed eight-foot front setback will cause sight visibility problems for traffic entering and exiting the lot. To mitigate those concerns, we request the changes on the sign design to maintain the existing visibility of tenants parking, and oncoming traffic approaching the site.
- ◇ Staff proposes the lower tenant listing portion of the sign be turned 90 degrees so that visibility of oncoming traffic and traffic exiting the premises can be maintained. The integrated center sign panel identifying the complex location as “Monon Station” is suitable as proposed on the Sign Elevation file-dated July 8, 2014, perpendicular to the front setback line.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Commercial Buildings

SURROUNDING ZONING AND LAND USE

North -	C-3	Green Grocer
South -	I-2-U	Mini-warehouses
East -	C-S	Kitchen and Bath Showroom Supplier
West -	C-4/I-4-U	Sit down Restaurant /Doggie Day Care

COMPREHENSIVE PLAN	The Keystone-Kessler Neighborhood Plan recommends Multi-Family Residential
THOROUGHFARE PLAN	East 54th Street is not classified on the Official Thoroughfare Plan.
SITE PLAN	Site plan, File-dated July 8, 2014.
SIGN ELEVATION PLAN	File-dated July 8, 2014.
FINDINGS OF FACT	File-dated July 8, 2014.

ZONING HISTORY

2013-DV3-016; 1050 East 54th Street, requests variance of development standards of the Commercial Zoning Ordinance to provide for: outdoor dining, outdoor cooking and outdoor display of seasonal products; carryout food within 79 feet of a protected district; a trash container / property maintenance equipment enclosure, with a zero-foot front setback and in front of the established building line along Carvel Avenue; to legally establish interior access drives, with zero-foot setbacks along 54th Street and Carvel Avenue; and to legally establish a pole sign, with a zero-foot setback and with the sign face encroaching approximately three feet into the right-of-way of East 54th Street, **granted.**

2013-ZON-031; 1049 East 54th Street; rezoning of 1.03 acres, from the I-4U (W-5) District, to the C-S (W-5) classification to provide for a C-3, C-5 and contractor uses, except for the following C-5 uses: automobile dealers, leasing, rental, body repair/paint shop; glass replacement shop; tractor dealers, repair or service; transmission repair shop; motorcycle dealers, rental, repair shop, paint shop; ; repossession service other than automotive; outdoor recovery service and repossession service flea market; outdoor storage, **approved.**

(Continued)

STAFF REPORT 2014-DV2-023 (Continued)

2013-CZN-811 and 2013-CVR-811; 1057 and 1101 East 54th Street; rezoning of 1.96 acres from the I-4-U (W-5) district to the C-S (W-5) classification to provide for C-2 uses, C-3C uses, I-2-U uses, bed and breakfast, event center (including weddings, small parties, recitals and live entertainment on interior and enclosed patio), distributor, fitness facility, live-work studios, music lessons (individual and group), off-street parking for commercial uses within 500 feet, one outdoor fair, with music during the month of June, outside dining on rear patio of front yard sitting area per site plan, personal trainer studio and yoga studio, and variance of development standards of the Commercial Zoning Ordinance to provide for a zero-foot front setback for the parking lot, loading area maneuvering within the front setback and in front of the building (not permitted), with 48 parking spaces, **approved.**

2012-UV2-011; 1134 East 54th Street (east of site); requests variance of use and development standards of the CZO to provide for a fitness center, carryout food service within 31 feet of a protected district, and an awning sign with a vertical dimension of 5.42 feet, **granted.**

2008-DV2-011; 1134 East 54th Street (east of site); requests variance of development standards of the CZO to provide for a 790-square foot outdoor seating area, an integrated center with 40-offstreet parking spaces, with some spaces having insufficient size and maneuvering area, and carryout food service within 100 feet of a protected district, **granted.**

97-CP-36Z / 97-CP-36V / 97-CP-36VAC; 1102-1115 East 52nd Street, requests a rezoning of 7.035 acres from I-4-U (W-5) to I-2-U (W-5) to provide for an industrial park development, and a variance of use of the Industrial Zoning Ordinance, to provide for an on-site resident manager for the proposed industrial park, and a vacation of a portion of "Old 52nd Street", being approximately 40 feet in width, extending westward approximately 65 feet from the realigned 52nd Street as measured along the southern boundary line, with a waiver of the assessment of benefits, **approved.**

93-DV2-113; 1029 East 54th Street (southwest of site); requests variance of development standards of the CZO to permit the construction of an office building with five parking spaces, **granted.**

RU

* * * * *

STAFF REPORT 2014-DV2-023 (Continued)

2014-DV2-023: Location Map





METROPOLITAN DEVELOPMENT
JUL 08 2014
DIVISION OF PLANNING

Scale .5"=1'

2014-DV2-023: Photographs



View of site looking south, with sigh location in front of tree.



View of additional buildings on site looking south



Adjacent property to the east



Adjacent property to the west



Existing site signage



Example of signage turned 90 degrees to the north of site.

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

Case Number: 2014-UV2-004
Address: 1718 West 15th Street (approximate address)
Location: Center Township, Council District #15
Zoning: C-5 (RC) (W-1)
Petitioner: Randolph K. Shoup and Linda N. Simba, by Russell L. Brown
Request: Variance of use of the Commercial Zoning Ordinance to provide for the conversion of an existing building into either, a single-family, two-family or multi-family dwelling (not permitted).

ADDENDUM FOR AUGUST 19, 2014

This petition was continued and transferred to the August 19, 2014, hearing of Division III, without additional notice, at the request of the petitioner.

ADDENDUM FOR JULY 8, 2014

The petitioner's representative filed an automatic continuance, continuing this petition from the June 10, 2014 hearing to the July 8, 2014 hearing.

The petitioner submitted to the file: *Downgradient Vapor Intrusion Investigation Report*.

ADDENDUM FOR JUNE 10, 2014

Petition 2014-UV2-004 was automatically continued from the May 13, 2014 hearing to the June 10, 2014 hearing due to an indecisive vote by the Board.

May 13, 2014

RECOMMENDATIONS

Staff recommends **approval** of this request, subject to the site plan, file dated April 1, 2014.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned C-5 and is improved with a commercial building. Commercial uses, zoned C-5, are located to the west, south, and north. The abutting property to the east is zoned I-3U and developed with industrial use.
- ◇ The Regional Center Plan recommends Research Community Mixed Use. The plan calls for research, medical and institutional uses, residential units, and structured parking.

(Continued)

STAFF REPORT 2014-UV2-004 (Continued)

VARIANCE OF USE

- ◇ The current structure was a former two-story lodge building, with parking to the rear of the structure.
- ◇ This request would allow the conversion of an existing commercial building in a Commercial District into either a single-family, two-family or multi-family dwelling.
- ◇ A trash dumpster remaining from the previous use should be removed for the single-family or two-family dwelling use.

BROWNFIELD

- ◇ This site is hydraulically down-gradient from the former Flexdar facility at 1825 W. 18th Street. The Flexdar facility has contaminated the groundwater in the area to a level where residential use may not be approved by IDEM without additional investigation or remediation. Since the property is currently zoned for only commercial, the owner would likely be responsible for any additional cleanup that would be required for residential use.

REGIONAL CENTER OVERLAY ZONE

- ◇ The site is located within the Regional Center. Design of all new construction or additions to existing structures and signage in the Regional Center is subject to the approval of the Administrator of the Division of Planning. Thus, any proposed development will be required to receive Regional Center approval, through the filing and approval of a Regional Center Approval Petition, prior to obtaining any permits. A Regional Center Approval petition for this building has not been filed, but would not be necessary unless improvements to the exterior of the structure or the site are planned.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-5 Fraternal Hall / Lodge

SURROUNDING ZONING AND LAND USE

North -	C-5	Vacant
South -	C-5	Electrical and Environmental testing
East -	I-3-U	Printing
West -	C-5	Cable supplier

COMPREHENSIVE LAND USE PLAN

The Regional Center Plan recommends Research Community Mixed-Use.

THOROUGHFARE PLAN

This portion of 15th Street is not designated in the Official Thoroughfare Plan.

SITE PLAN

File-dated April 1, 2014.

FINDINGS OF FACT

File-dated April 1, 2014.
(Continued)

STAFF REPORT 2014-UV2-004 (Continued)

ZONING HISTORY

2011-ZON-045; 1000-1560 Indiana Avenue, 1311 Milburn Street, 1501 West 16th Street, 1000-1220 Waterway Boulevard, and 1220-1450 West 10th Street (east of subject site); rezoning of 177 acres, from the D-S (RC) (W-1), D-8 (RC) (W-1), I-2U (RC) (W-1), SU-9 (RC) (W-1), and PK-1 (RC) (W-1) Districts, to the CBD-S (RC) (W-1) District to provide for a mixed-use life-sciences technology development focusing on information technology, biotech, motor sports, and clean energy companies, high-density housing and parks, **approved.**

2009-ZON-024; 1201 & 1301 Indiana Avenue, 1337, 1340, 1341, and 1345 Montcalm Street, and 1306, 1308, 1312, 1336, 1340, and 1344 Milburn Street (east of subject site) rezoning of 5.118 acres, from I-2-U (RC)(W-1), C-4 (RC)(W-1), C-1(RC)(W-1), and D-5(RC)(W-1) Districts, to the CBD-2 (RC)(W-1) classification to provide for central business district uses, **approved.**

2008-ZON-051; The Metropolitan Development Commission proposes the rezoning of the area generally bounded by Belmont Street to the Monon, up to 16th Street, to the Regional Center secondary district classification, located in Center Township and Councilmanic Districts 9 and 15; **approved.**

2004-ZON-140; 1201-1301 Stadium Drive, 1306 and 1406 Milburn Street, 1407-1415 and 1423-1427 Montcalm Street (east of subject site); rezoning of 5.59 acres, being in the C-4 (W-1) and D-5 (W-1) Districts, to the I-2-U (W-1) classification to provide for an engineering and research laboratory including manufacturing, assembly, and repair of medical instruments; **approved.**

2002-UV2-026; 1413, 1417 and 1421 Riverside Drive (east of subject site); variance of use and development standards of the Commercial Zoning Ordinance to provide for a lawn care maintenance company in an existing commercial building with outdoor storage; **approved.**

89-V1-69; 1401 Riverside Drive (east of subject site); variance of development standards to provide for the construction of an addition to a retail tool business with loading in the required front yard, a setback of 53 feet from the centerline of Riverside Drive and 45 feet from the centerline of Waterway Boulevard and the required transitional yard, with a 5-foot landscape strip and eight parking spaces, **approved.**

87-V1-136; 1417 North Harding Street (east of subject site); variance of development standards of the Industrial Zoning Ordinance to provide for an addition to an existing industrial building without the required loading area, without the required transitional yard, with a driveway exceeding 25 feet in width at the right-of-way, and with loading and parking in the required front yard, **approved.**

RU

STAFF REPORT 2014-UV2-004 (Continued)

2014-UV2-004: Location Map



2014-UV2-004: Pictures



Subject site looking north



Rear of subject site looking north to adjacent vacant parcel



Adjacent property to the south from subject site



Adjacent property to the west of subject site



Adjacent property to the east of subject site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-DV3-018
Address: 2304 Madison Avenue (*Approximate Address*)
Location: Center Township, Council District #19
Zoning: 0.48 acre, C-3
Petitioner: James E. Crewes, by Jerry D. Wiggins
Request: Variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for pavement, with a zero-foot north side transitional setback, a building, with a 10-foot north side transitional setback (20-foot side transitional setback required), a portion of an interior access drive with a 16-foot west side transitional setback, and a freestanding sign, with a five-foot front setback from Madison Avenue and a seven-foot setback from Pleasant Run Parkway, North Drive (15-foot front setback required).

ADDENDUM FOR AUGUST 19, 2014

Petition 2014-DV3-018 was continued from the July 15, 2014 hearing at the request of a Registered Neighborhood Organization. Staff received a letter from the petitioner, file-dated July 25, 2014, withdrawing all of the requests with the exception of the proposed sign setback reduction. Staff would recommend the petitioner formally withdraw these requests, at the hearing, with the Board's acknowledgment.

RECOMMENDATIONS

Staff **recommends denial** of this petition, as amended by the site plan, file-dated July 25, 2014.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site, zoned C-3, is improved with a commercial structure and surface parking lot. This petition would allow for the redevelopment of the site with a convenience store and gasoline service station.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development standards of the Commercial Zoning Ordinance and Sign Regulations, specifically within the C-3 district, are intended to ensure orderly development on the site as well as limit impacts to adjacent properties. These standards include transitional yards relative to protected districts as well as sign setbacks from property lines.

(Continued)

STAFF REPORT 2014-DV3-018 (Continued)

- ◇ The original petition contained requests for a reduced north and west side transitional yard in addition to the requested sign setback reduction. In Staff's opinion, the requested reductions were the result of an attempt to over-intensify the subject site and not a practical difficulty with the site itself. The proposed eight-pump service station and 2,700-square foot structure could both be reduced in size to provide the required 20-foot transitional yards. A reduction in the size of the proposed canopy would allow for the proposed pole sign to meet the minimum 15-foot setback from both street rights-of-way, while maintaining adequate visibility.
- ◇ The revised site plan, file-dated July 25, 2014, would provide for the required north and west side transition yards however, the proposed freestanding sign would provide for an approximately five-foot front setback from Madison Avenue and a seven-foot setback from Pleasant Run Parkway. The petitioner has indicated that the visibility of the proposed sign would be reduced by an existing concrete retaining wall north of the subject site if the proposed sign were located at the required setback. In Staff's opinion, the required setback would provide adequate visibility for vehicular traffic traveling both north and south-bound on Madison Avenue as well as traffic along Pleasant Run Parkway.
- ◇ Staff is unclear how the proposed site plan would provide adequate maneuvering room, not only for general customers, but for large tanker trucks required for refilling the storage tanks. In Staff's opinion, the proposed traffic circulation would create potentially dangerous points of conflict within the subject site and at the two proposed access points. In addition, the site plan indicates a proposed handicapped parking space width of ten feet, three feet narrower than required by Ordinance. The proposed handicapped space would also require some users to load and unload into the already limited maneuvering area for customers and truck traffic.
- ◇ Should the Board approve this request; Staff recommends that a revised site plan be submitted for Administrator's Approval, within 30 days of this grant, indicating an adequate handicapped parking space.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 Vacant commercial

SURROUNDING ZONING AND LAND USE

North -	D-5	School athletic fields
South -	PK-1	Pleasant Run Greenway
East -	C-3	Convenience store/gasoline service station
West -	D-5	Single-family dwelling

NEIGHBORHOOD PLANNING AREA

The Concord Community Plan recommends community retail and services.

THOROUGHFARE PLAN

Madison Avenue is classified as an expressway, with an existing and proposed 100-foot right-of-way.

SITE PLAN

File-dated June 5, 2014

FINDINGS OF FACT

File-dated June 5, 2014

(Continued)

STAFF REPORT 2014-DV3-018 (Continued)

ZONING HISTORY

2005-ZON-208, 2304 Madison Ave Avenue, (subject site); rezoning of 0.7 acre from the D-5 district to the C-3 district to provide for general commercial uses, **granted.**

85-UV2-121, 2304 Madison Avenue, (subject site); Variance of use and development standards of the Dwelling District Zoning Ordinance and Sign Regulations to provide for outdoor storage and rental of automobiles and for a pole sign within the required setback, **granted.**

2007-ZON-849/2007-VAR-849, 2301 Madison Avenue, (east of site); Rezoning of 0.79 acre from the D-5 and C-3 districts to the C-3 district to provide for neighborhood commercial uses, including a gas station and convenience store and a variance of development standards of the Sign Regulations to provide for a 30-foot tall, 153-square foot pole sign with a one-foot setback from Madison Avenue and a 2.5-foot setback from Pleasant Run Parkway, being within the clear-sight triangle, **granted.**

2006-ZON-817/2006-VAR-817, 2301 Madison Avenue, (east of site); Rezoning of 0.60 acre from the D-5 district to the C-3 district to provide for neighborhood commercial uses and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 5,004-square foot convenience store with a ten-foot front setback along Pleasant Run Parkway and with a 7.5-foot north side setback, and with an interior access drive in the required 20-foot east

transitional side yard, and with an interior access drive and dumpster enclosure within the required ten-foot north transitional yard, and with an interior access drive within the required ten-foot west front landscaped yard along Madison Avenue, and with an interior access drive and one parking space within the required twenty-foot south transitional yard, **granted.**

92-UV2-106, 2301 Madison Avenue, (east of site); Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the conversion of gasoline service station bays and a convenience store and a variance of the Sign Regulations to legally establish an existing pole sign with gasoline pricing panels within the clear-sight triangle, and to permit wall signs and canopy signs in excess of 5% of the façade, **granted.**

58-V-188, 2301 Madison Avenue, (east of site); Variance of use and building line requirement to permit the relocation and reconstruction of an existing gasoline service station and with a pole sign five feet from the west lot line and 15 feet from the south lot line, **granted.**

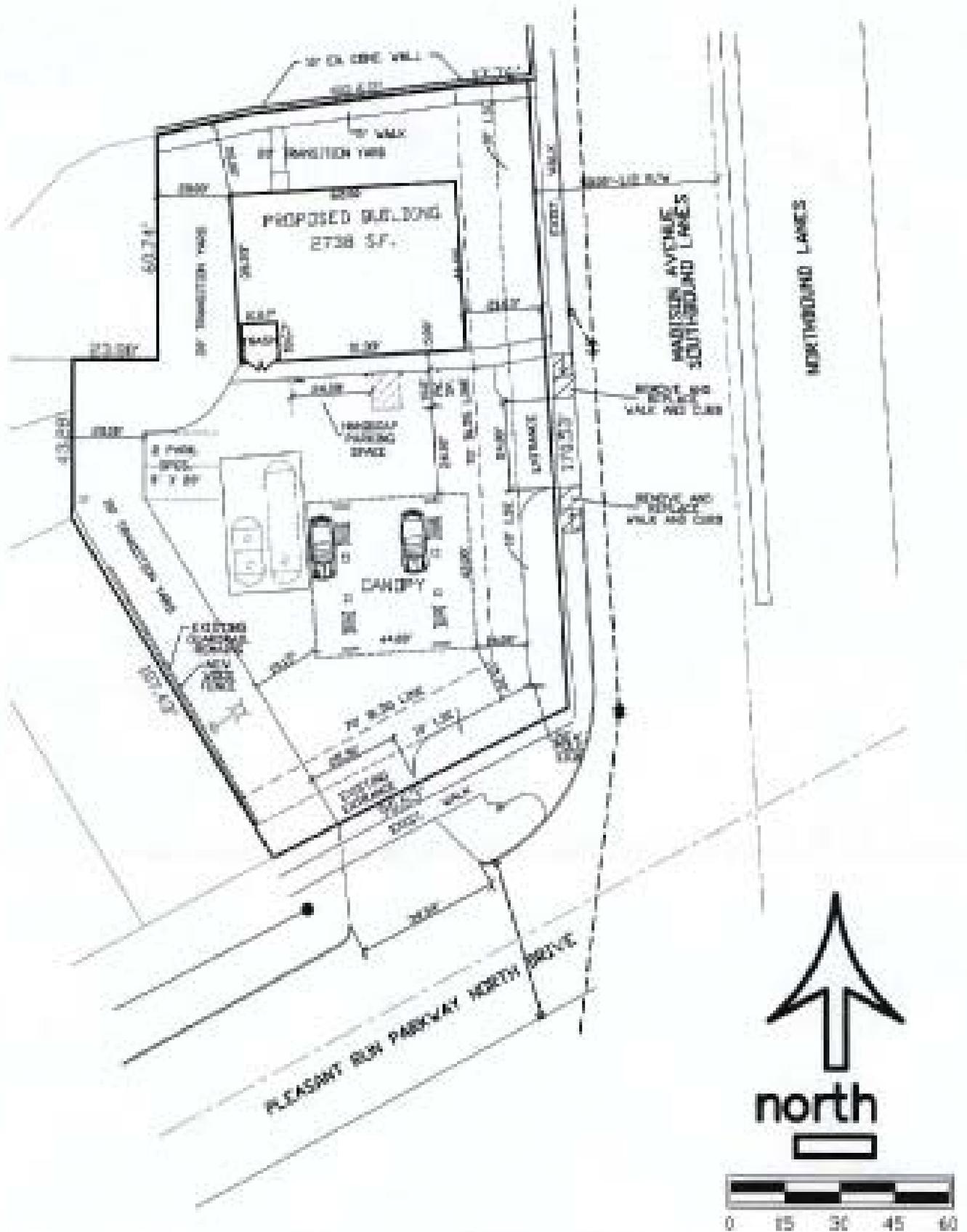
56-V-341, 2301 Madison Avenue, (east of site); Variance of use and building line requirements to permit reconstruction and expansion of an existing service station with pole sign, **denied.**

JAS

2014-DV3-018; Location Map



2014-DV3-018; Site Plan



2014-DV3-018; Photographs (Subject Site)



Subject site looking north from Pleasant Run Parkway



Subject site looking north from intersection



West property line of subject site



Looking south from subject site

2014-DV3-018; Photographs (Adjacent Properties)



Adjacent dwelling west of subject site



Adjacent gasoline station east of subject site



Traffic south of subject site



North side of subject site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-UV3-004
Address: 5421 Calder Way (Approximate address)
Location: Lawrence Township, Council District #11
Lot Size: 17.934 acres
Petitioner: Glick Hunt Club, LLC
Request: Variance of use of the Sign Regulations to legally establish a four-foot tall, 25.6-square foot, off-site ground sign (signs not permitted in the right-of-way, off-site signs not permitted) at the southeast corner of the right-of-way intersection of Old Colony Road and 56th Street, being 24 feet east of the centerline of Old Colony Road and 51.8 feet south of the centerline of 56th Street.

ADDENDUM FOR AUGUST 19, 2014

This petition was continued from the July 15, 2014 hearing to the August 19, 2014 hearing at the request of the petitioner in order to obtain information about right-of-way ownership and consent for this petition. No new information has been submitted to the file. Without proper consent, this petition cannot be heard by the Board of Zoning Appeals.

ADDENDUM FOR JULY 15, 2014

This petition was continued from the June 17, 2014 hearing to the July 15, 2014 hearing at the request of the petitioner in order to obtain information about right-of-way ownership and consent for this petition. No new information has been submitted to the file. Without proper consent, this petition cannot be heard by the Board of Zoning Appeals.

ADDENDUM FOR JUNE 17, 2014

This petition was continued from the May 20, 2014 hearing to the June 17, 2014 hearing at the request of a remonstrator and to obtain information and consent from INDOT. No new information has been submitted to the file. Without proper consent, this petition cannot be heard by the Board of Zoning Appeals.

ADDENDUM FOR MAY 20, 2014

This petition was continued from the April 15, 2014 hearing to the May 20, 2014 hearing in order to obtain information and consent from INDOT for this petition. A remonstrator has requested a continuance from the May 20, 2014 hearing to the June 17, 2014 hearing, to which the petitioner has agreed.

(Continued)

STAFF REPORT 2014-UV3-004 (Continued)

April 15, 2014

The petitioner's representative filed an automatic continuance, continuing this petition from the February 18, 2014 hearing to the March 18, 2014 hearing. The petitioner's representative requested a continuance from the March 18, 2014 hearing to the April 15, 2014 hearing after it was discovered that the public notice sign was not posted.

RECOMMENDATIONS

Staff **recommends denial** of the variance petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This approximately 18-acre site contains an apartment complex, with an entrance at the terminus of Old Colony Road, which intersects East 56th Street approximately 1.2 mile west of the centerline of I-465. This complex, within the City of Lawrence, began developing in the early 70's, subsequent to a 1969 rezoning and after the completion of I-465. The surrounding uses include single-family to the west, a school to the south, I-465 to the east and multi-family to the north.
- ◇ A separate proposal, 2014-DVL-001, providing for the relocation and replacement of an existing 30-foot tall, 240-square foot freestanding sign, from midway along the site's eastern border with I-465 to the southeast corner of the site, was approved by the Lawrence Board of Zoning Appeals on January 21, 2014. The existing one-sided sign is parallel to I-465, just west of a sound barrier wall, while the new approved sign would be perpendicular to I-465, approximately 600 feet to the south.
- ◇ This petition would legally establish a four-foot tall ground sign within the right-of-way of 56th Street and Old Colony Road. Old Colony Road is a frontage road that, besides providing a signalized access to the west adjoining residential subdivisions, provides the only access to this apartment complex. The sign is located approximately 1,100 feet west of this site's western boundary. In addition, there is a sign mounted on an entrance wall situated near that western boundary on the south side of Old Colony Road. Approximately 400 feet further east, entry walls without signs are located at the terminus of Old Colony Road.
- ◇ The Sign Regulations permit four-foot tall entrance signs, with a minimum 15-foot setback or signs attached to properly sited walls or fences, on both sides of an entrance. No other type of freestanding sign is permitted.

(Continued)

STAFF REPORT 2014-UV3-004 (Continued)

PRACTICAL DIFFICULTY

- ◇ The standards of the Sign Regulations are intended to provide adequate identification at the entrances to multi-family complexes. This site was specifically chosen in 1969 for the development of a multi-family complex, despite having no direct frontage on a major public street. Prior to 1969, it was zoned D-3 and was proposed to be included in a single-family subdivision, subsequent to a rezoning to the R-3 (Lawrence) district in 1962 and subdivision plat approval in 1965. It was known at the time of the 1962 rezoning, per a 1962 letter from Indiana Office of the State Highway Commission, no direct access would be provided north to 56th Street or east to Shadeland Avenue because of the proposed, at the time, Interstate-465.
- ◇ So, in staff's opinion, any practical difficulty related to this property was self-created when the decision was made to forgo the development of an integrated single-family subdivision for a non-integrated multi-family development, dependent for visibility from I-465 and access from a frontage road. Furthermore, if any practical difficulty exists for this site, the variance grant for 2014-DVL-001 alleviated it, by providing for the 30-foot tall, 240-square foot pole sign.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE D-6 (W-5) / D-2 (W-5) Multi-family residential / Sign

SURROUNDING ZONING AND LAND USE

North -	D-6 (W-5)	Multi-family residential
South -	SU-2 (W-5)	School
		East - C-S (W-5), D-A (W-5) and D-6II (W-5) Commercial, single- and multi-family residential
West -	D-2 (W-5)	Single-family residential

**COMPREHENSIVE
GENERAL PLAN**

Recommends eight to fifteen units per acre

THOROUGHFARE PLAN

The Official Thoroughfare Plan indicates that 56th Street is a primary arterial, with a 100-foot right-of-way existing and a 120-foot right-of-way proposed. Old Colony Road is not indicated on The Official Thoroughfare Plan.

SITE PLAN

File-dated, January 23, 2014

FINDINGS OF FACT

File-dated, January 23, 2014.

CODE ENFORCEMENT

VIO13-003550 was issued for the Hunt Club apartments on September 9, 2013 for a ground sign located in the right-of-way of 56th Street and for a non-permitted pole sign in a dwelling district.

(Continued)

STAFF REPORT 2014-UV3-004 (Continued)

VIO13-002180 was issued on June 6, 2013 for 5653 Brendon Way (The Cottages of Fall Creek) for multiple corporate flags along 56th Street, a ground sign in the right-of-way of 56th Street, a non-permitted pole sign and failure to apply for and obtain proper permits.

ZONING HISTORY

69-Z-35; 5421 Calder Way, requests a rezoning of 18 acres from the D-3 district to the D-6 classification, **approved**.

65-P-3; 5421 Calder Way (present address), requests a subdivision plat to be known as Morrow-Wood, Fourth Section, dividing 17.33 acres into 50 lots, **approved**.

62-Z-160; 5421 Calder Way (present address), requests rezoning of 17.33 acres from the SU-1, R-2 and A-2 (Lawrence) classification to the R-3 district, to provide for a residential subdivision, **approved**.

2014-DVL-001 / 2014-LSV-001; 5421 Calder Way, requests a variance of development standards of the Sign Regulations to provide for a 30-foot tall, 240-square foot freestanding sign along Interstate-465, **granted**.

LWC

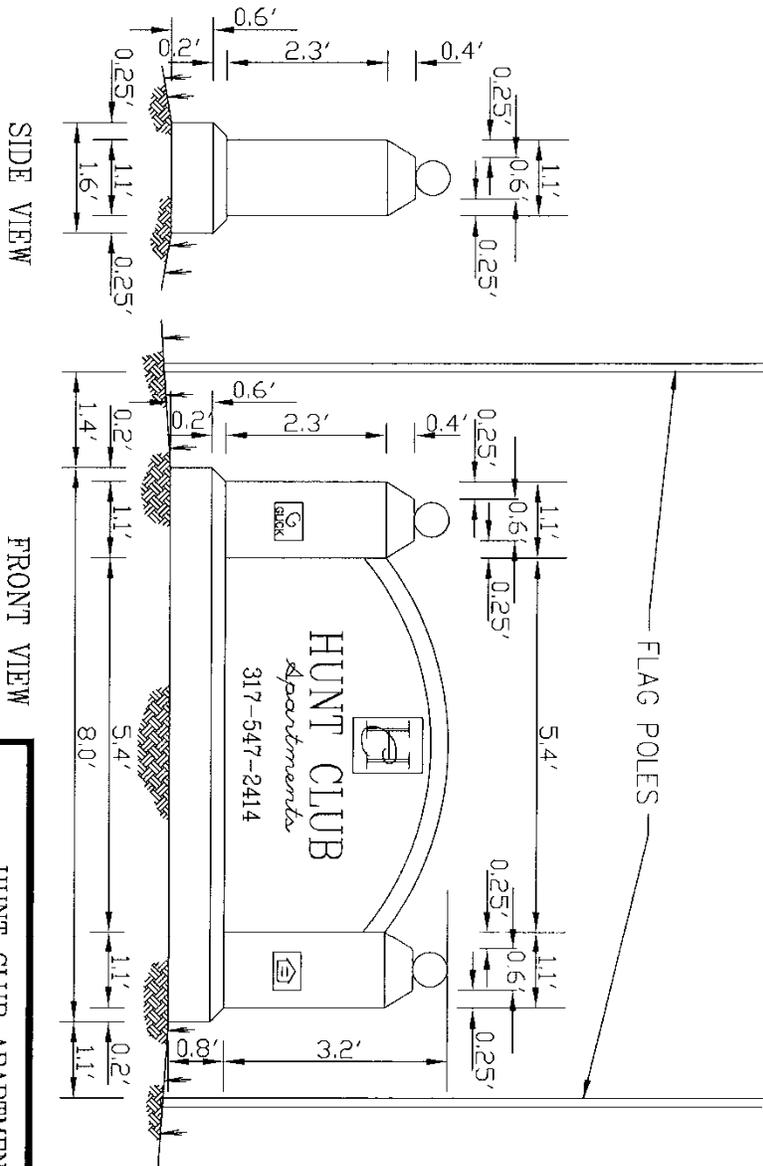
Photographs One and Two – Existing four-foot tall sign within the right-of-way of 56th Street.



Photographs Three – Illegal sign within the right-of-way of 56th Street for the apartments on the north side of 56th Street.



Ground sign to be legally established within the right-of-way of Old Colony Road and I-465.

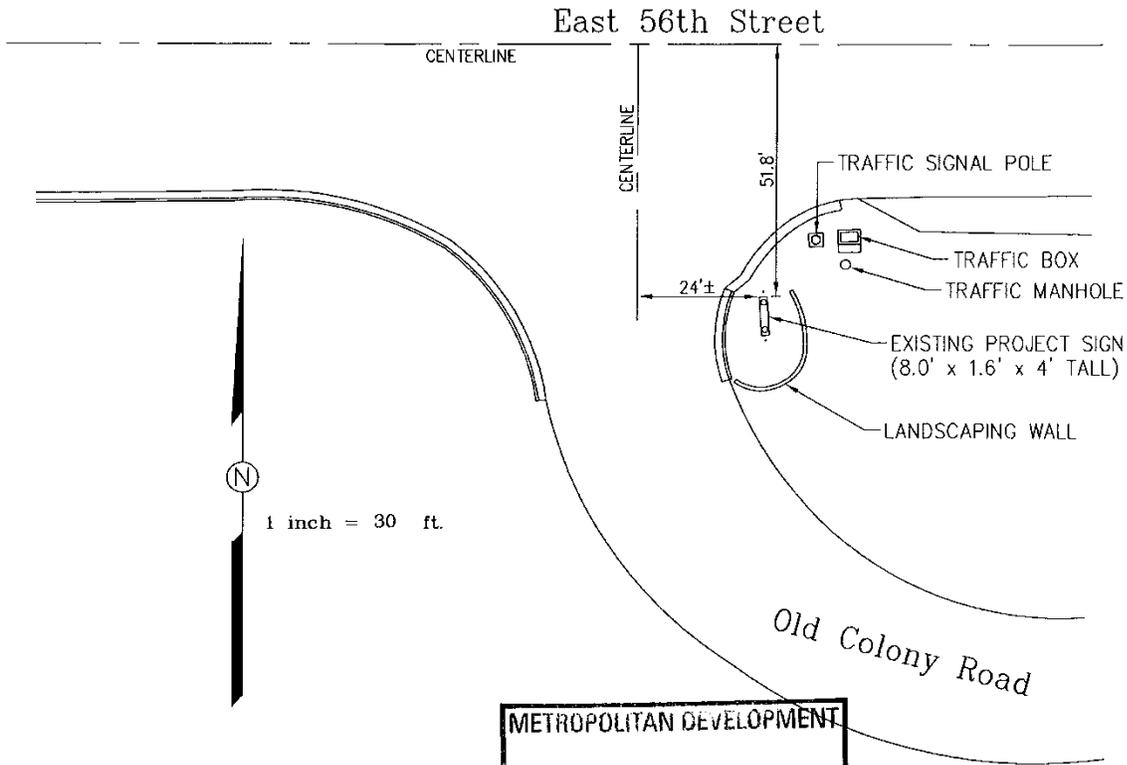


1 inch = 2 ft.

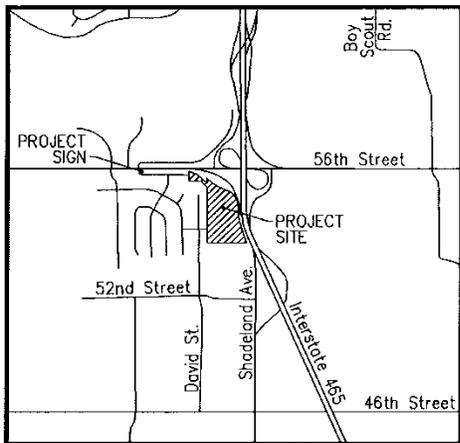
<p>HUNT CLUB APARTMENTS 5421 Calder Way Indianapolis, Indiana</p>	
<p>PROJECT SIGN ELEVATION</p>	
<p>K & P PROJ. NO.: 12120.002 DATE: November 6, 2013</p>	<p>Kimbley & Proctor</p>
<p>846 N. SENATE AVENUE SUITE 222 INDIANAPOLIS, IN 46202</p>	
<p>PHONE: (317) 974-5555 FAX: (317) 974-5570</p>	

METROPOLITAN DEVELOPMENT
JAN 23 2014
DIVISION OF PLANNING

Ground sign location in the right-of-way of 56th Street and Old Colony Road

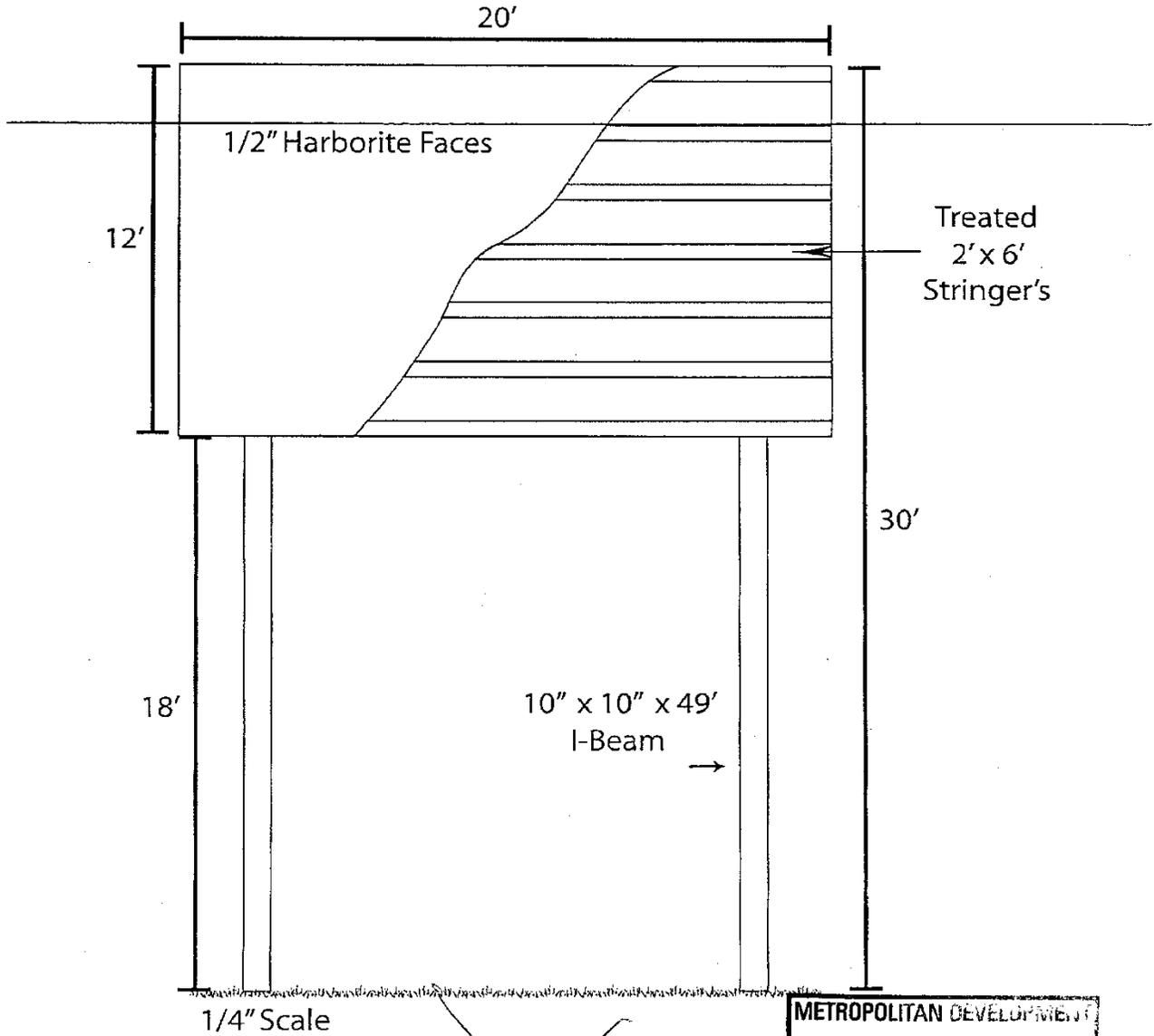


METROPOLITAN DEVELOPMENT
 JAN 23 2014
 DIVISION OF PLANNING



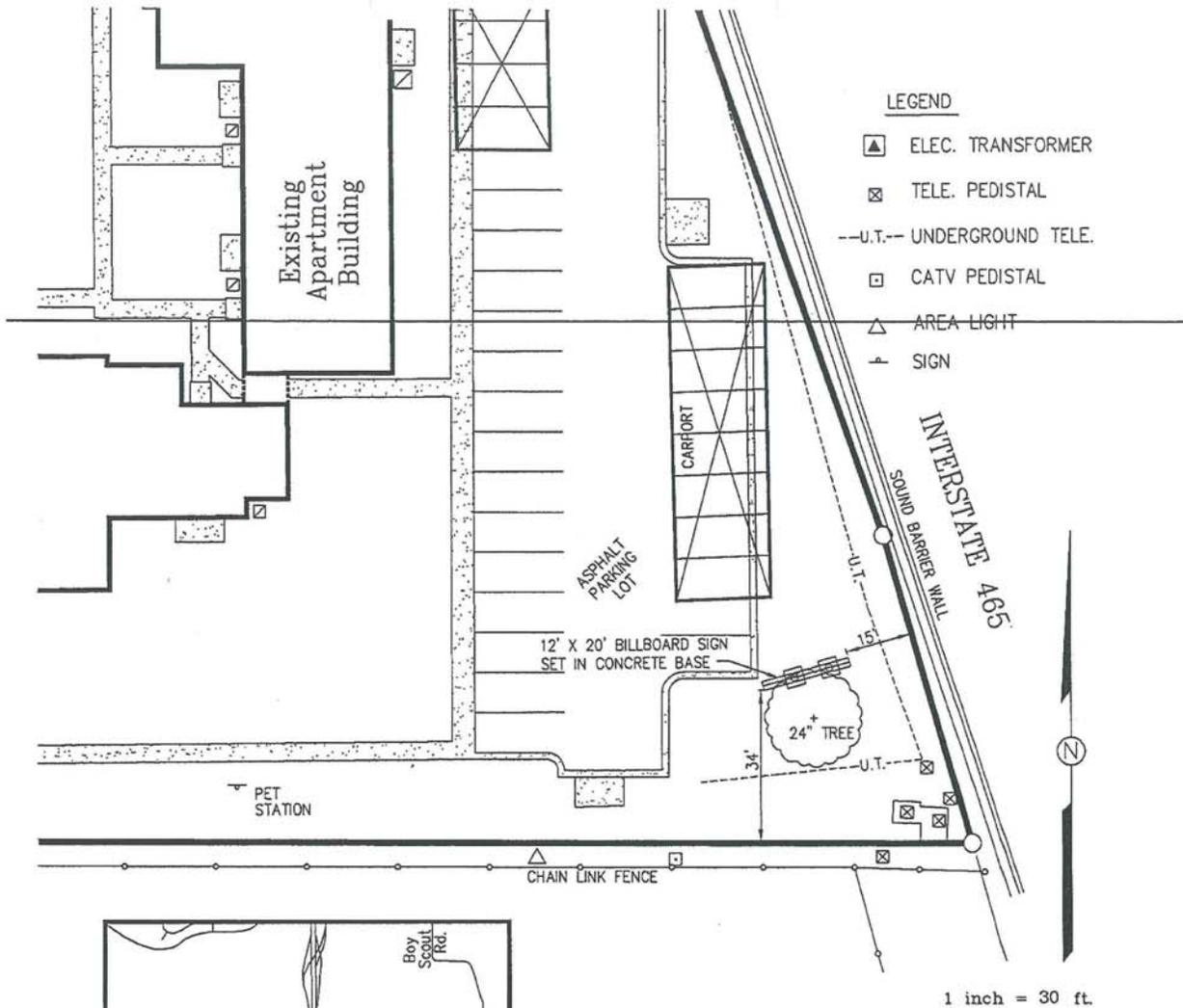
AREA MAP

HUNT CLUB APARTMENTS 5421 Calder Way Indianapolis, Indiana	
PROJECT SIGN LOCATION	
K & P PROJ. NO.: 12120.002 DATE: October 18, 2013	Kimbley & Proctor
846 N. SENATE AVENUE SUITE 222 INDIANAPOLIS, IN 46202 PHONE: (317) 974-5555 FAX: (317) 974-5570	



~~RECEIVED
NOV 26 2013
METROPOLITAN DEVELOPMENT~~

METROPOLITAN DEVELOPMENT
JAN 03 2014
DIVISION OF PLANNING

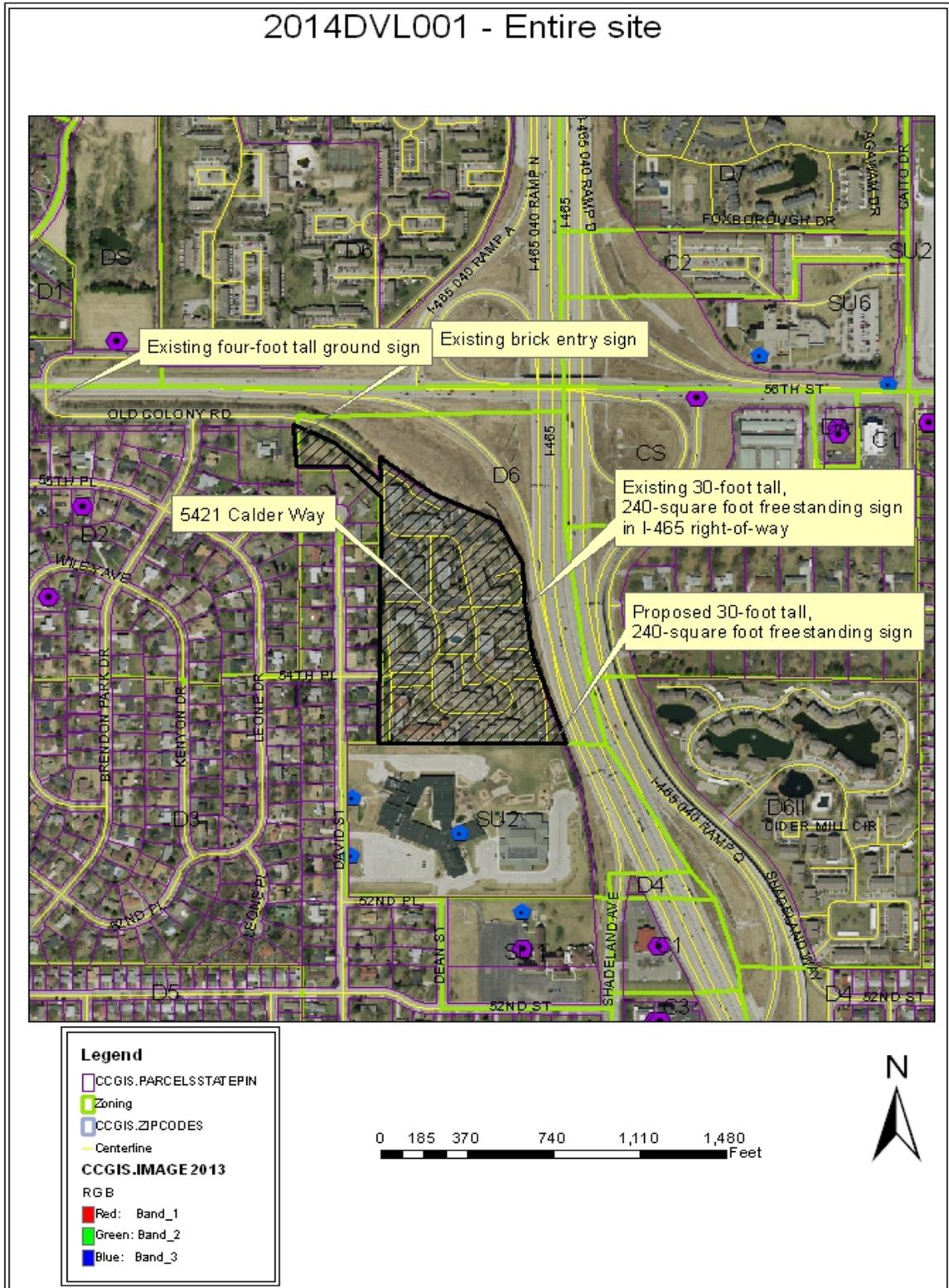


AREA MAP
~~RECEIVED~~
 NOV 26 2013
 METROPOLITAN DEVELOPMENT

HUNT CLUB APARTMENTS 5421 Calder Way Indianapolis, Indiana	
BILLBOARD SIGN LOCATION	
K & P PROJ. NO.: 12120.001 DATE: October 28, 2013	
846 N. SENATE AVENUE SUITE 222 INDIANAPOLIS, IN 46202 PHONE: (317) 974-5555 FAX: (317) 974-5570	

METROPOLITAN DEVELOPMENT
 JAN 02 2014
 DIVISION OF PLANNING

2014DVL001 - Entire site



5421 Calder Way
 Ground sign in right-of-way of intersection
 of Old Colony Road and 56th Street



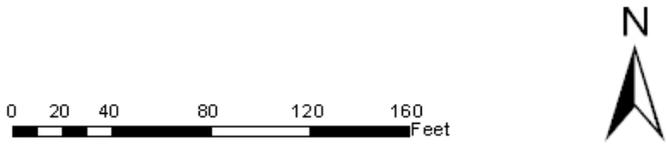
Legend

- CCGIS.PARCELS STATEPIN
- Zoning
- CCGIS.ZIPCODES
- Centerline

CCGIS.IMAGE 2013

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3



2014-DVL-001
Six-foot tall brick entry sign
at western end of 5421 Calder Way



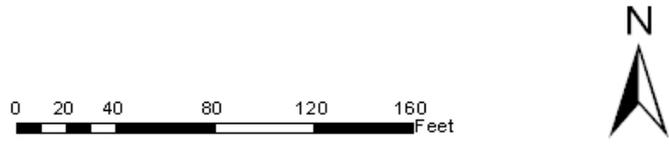
Legend

- CCGIS.PARCELSSTATEPIN
- Zoning
- CCGIS.ZIPCODES
- Centerline

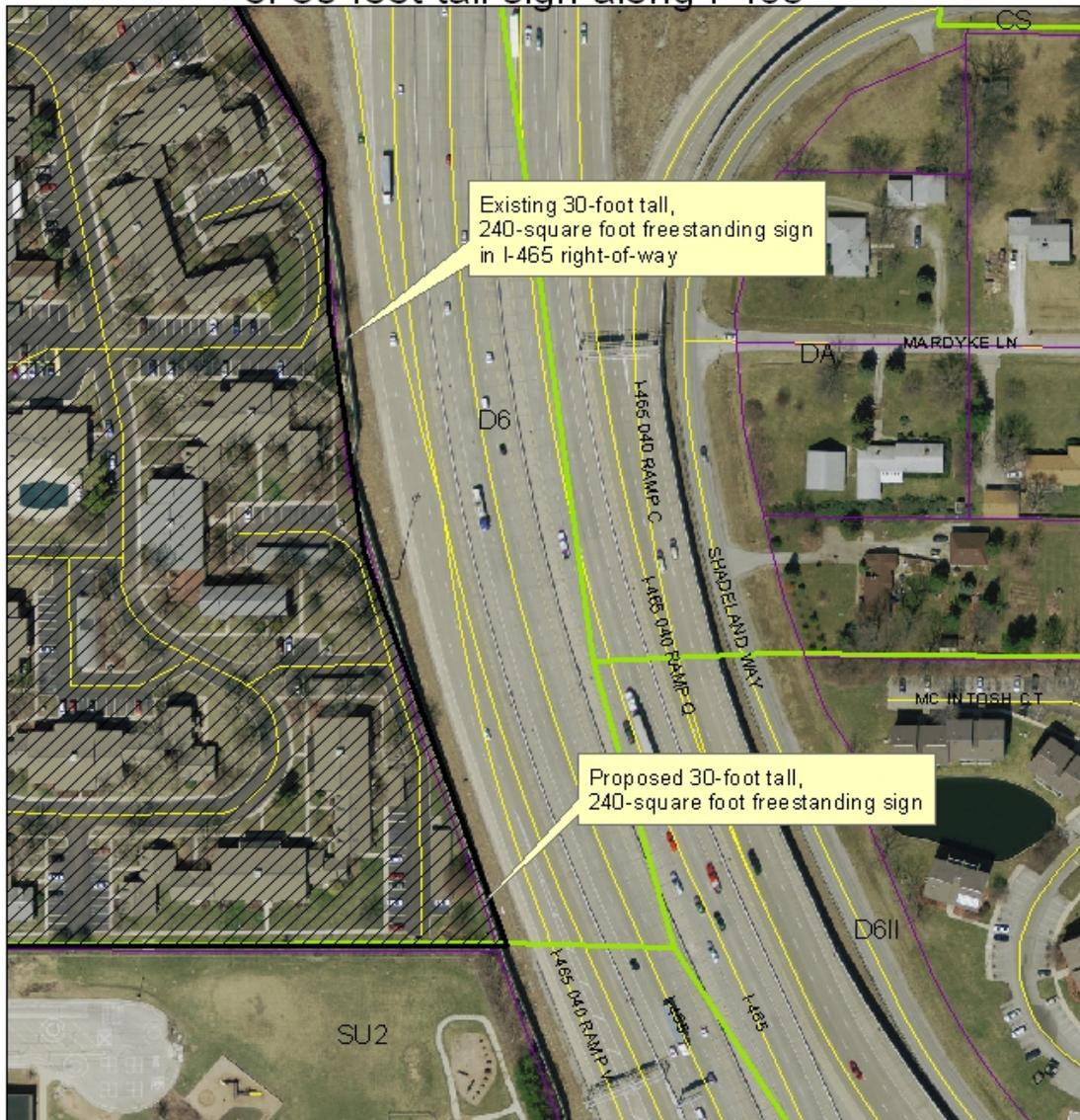
CCGIS.IMAGE 2013

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3

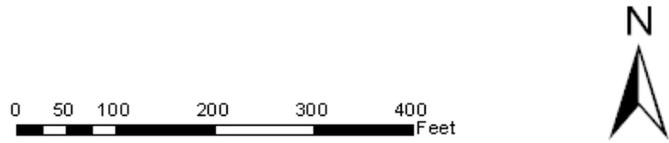


2014-DVL-001 Existing and Proposed Locations of 30-foot tall sign along I-465



Legend

- CCGIS.PARCELSSTATEPIN
- Zoning
- CCGIS.ZIPCODES
- Centerline
- CCGIS.IMAGE 2013
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3



STAFF REPORT

Department of Metropolitan Development Division of Planning - Current Planning Section

Case Number: 2014-UV3-014
Address: 6635 East 30th Street (approximate address)
Location: Warren Township, Council District #17
Zoning: I-3-S
Petitioner: Torah Realty ADA Compliant Limited Partnership, by David and Justin Kingen
Request: Variance of use of the Industrial Zoning Ordinance to provide for an indoor sports complex (not permitted).

RECOMMENDATIONS

Staff recommends **denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 4.72-acre site is zoned I-3-S and is improved with an industrial warehouse building and associated surface parking. Industrial warehouse uses, zoned I-3-S, are located to the west, south, east and north.
- ◇ The Comprehensive Plan recommends General Industrial use, which would not support this request.

VARIANCE OF USE

- ◇ This use would be permitted within the C-4 district, a Community-Regional Commercial district, which provides for retail sales and services within major business groupings and regional-sized shopping centers that feature large traffic generators.
- ◇ This site has no frontage on 30th Street, but is located at the end of a private cul-de-sac, within an industrial park.
- ◇ Staff typically recommends approval for recreational uses within Industrial Zoning Districts when the site's relative location, parking requirements and operations parameters does not impair the functionality of the industrial area. As this site is located within an industrial park, and traffic would need to meander past several industrial operations, including loading docks, staff does not believe that this proposal could operate without interfering with the nearby industrial operations.

(Continued)

STAFF REPORT 2014-UV3-014 (Continued)

- ◇ General Industrial Zoning Districts are limited in nature and by location. Staff feels that by allowing this use in an industrial park, the availability of industrial sites would be lessened, when this use could easily locate within a vacant commercial shopping area, with adequate parking, and less intense semi-trailer truck traffic.

PARKING

- ◇ The petitioner has provided a site plan that provides for 156 parking spaces. 52 of these spaces are located to the rear of the structure, on an adjacent property, with no direct access to the site. To access the site, customers would need to walk around the perimeter of this large building, where no sidewalks exist, impacting safety and the efficient operation of the adjacent industrial uses.
- ◇ The petitioner has indicated that some customers would stay at local hotels and use courtesy shuttle vans from those hotels. This is a service provided by the hotels and not provided by the petitioner. If the service would end, or the vehicles would break down, the parking demand would increase. The remaining customers would drive directly to and park at this site.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3-S Warehouse use

SURROUNDING ZONING AND LAND USE

North -	I-3-S	Warehouse use / lake
South -	I-3-S	Railroad / Lake
East -	I-3-S	Warehouse use / Former automotive factory
West -	I-3-S	Warehouse use

COMPREHENSIVE LAND USE PLAN General Industrial Use.

THOROUGHFARE PLAN This portion of east 30th Street is designated as a primary arterial on the Official Thoroughfare Plan, with a 100-foot existing right-of-way and a 120-foot proposed right-of-way.

SITE PLAN File-dated July 8, 2014.

FINDINGS OF FACT File-dated July 8, 2014.

ZONING HISTORY

2006-DV1-026; 6439 East 30th Street (west of subject site), Variance of Development Standards of the Industrial Zoning Ordinance to provide for an industrial operation with 4.0 acres of the 5.45-acre lot, 73% of the lot or 1,936% of the gross floor area of enclosed structures, to be used for outdoor operations and storage, with outdoor storage located within the required front transitional yard and side, and with outdoor storage in excess of the height of any fence, **granted**.

(Continued)

STAFF REPORT 2014-UV3-014 (Continued)

2005-UV3-020; 2900 North Shadeland Avenue (east of subject site) Variance of Use of the Industrial Zoning Ordinance to provide for a retail store with a 15,000-square foot sales floor within a 115,000-square foot tenant space within the northeast corner of an existing industrial building, **granted.**

2004-UV1-033; 2570 North Shadeland Avenue (west of subject site), variance of use of the Industrial Zoning Ordinance to provide for a 27,200 square foot gymnasium addition with five volleyball courts to an existing 54,242 square foot distribution warehouse on a parcel with zero feet of street frontage, **granted.**

2004-UV1-002; 2570 North Shadeland Avenue (west of subject site), variance of use to provide for a 25,500 square foot gymnasium addition with five volleyball courts to an existing 54,242 square foot distribution warehouse on a parcel with zero feet of street frontage, **granted.**

99-V1-11; 6445 East 30th Street (west of subject site), variance of development standards to provide for excessive outdoor storage area for temporary storage containers and semi-trailers on four acres, in I-3-S, **granted.**

98-Z-110; 6445 East 30th Street (west of subject site), rezoning of 10.5 acres from I-2-S to I-3-S to provide for offices and an equipment maintenance facility for an asphalt paving operation, **granted.**

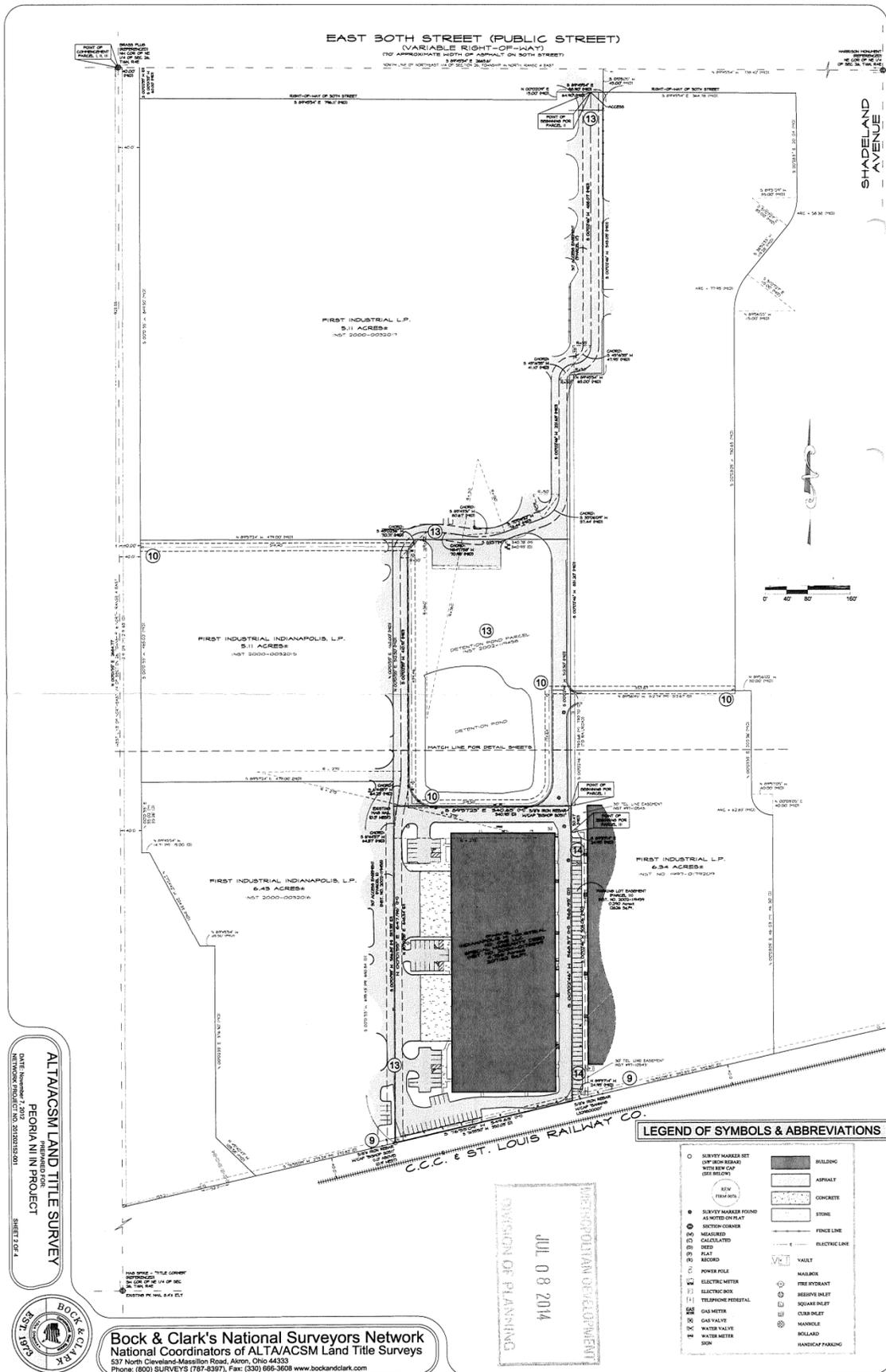
88-Z-257 / 88-CV-40; 6433 East 30th Street (west of subject site), rezoning of 0.75 acre from D-8 to I-3-S to provide for expansion of existing industrial use; variance of development standards to provide for excessive outdoor storage area in I-3-S, **granted.**

RU

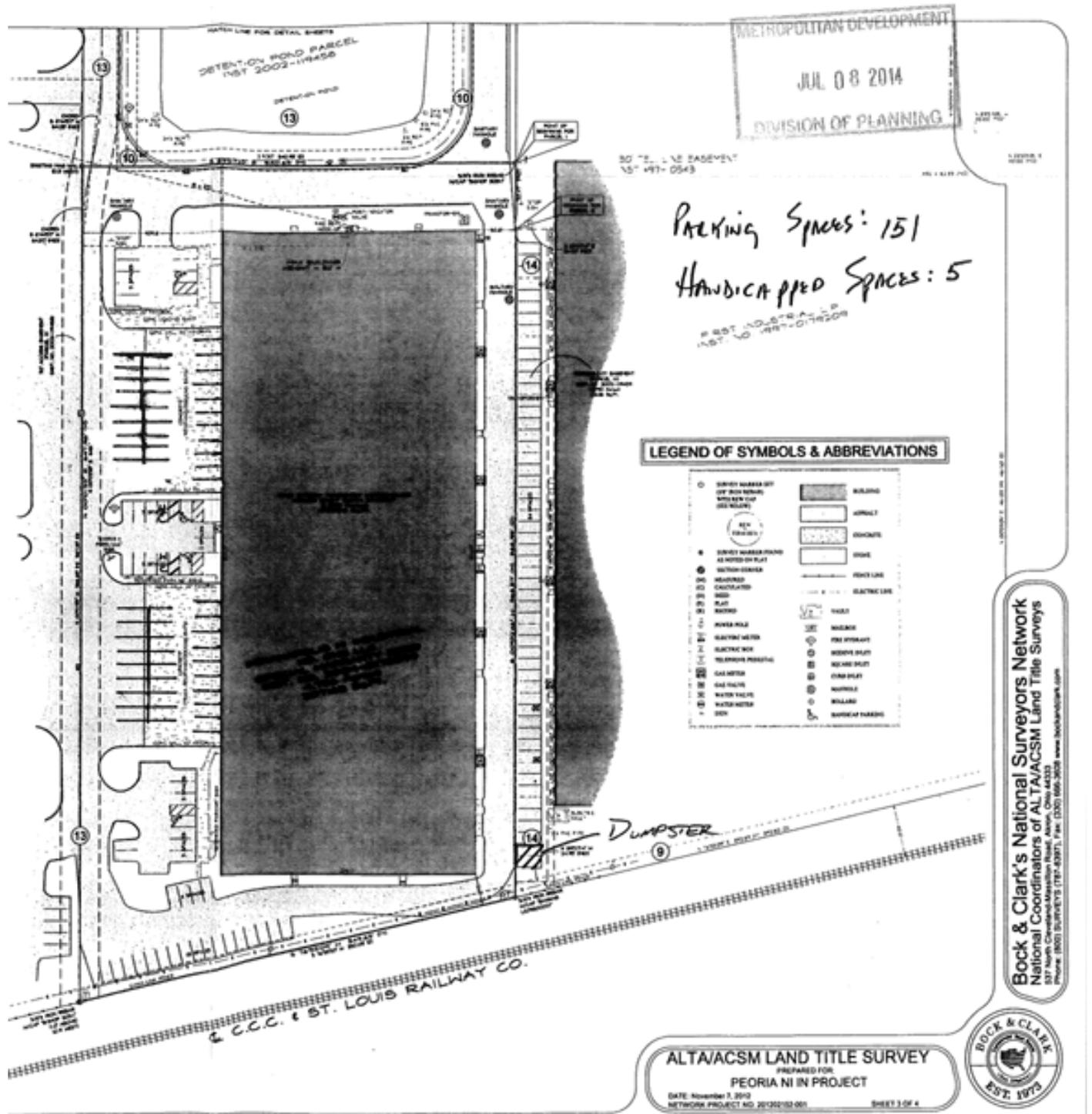
2014-UV3-014: Location Map



2014-UV3-014: Site Plan



2014-UV3-014: Parking Plan



2014-UV3-014: Photographs



View of site looking south



View of western side entrance to site, looking northeast



View of adjacent parking area to rear of site looking south



View of rear property line of site looking south



View of adjacent industrial use to the east, looking south



View of adjacent industrial use to the west, looking north



View of adjacent industrial use to the north



View of industrial complex entrance off 30th Street, looking south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2014-UV3-016
Address: 8438 Crawfordsville Road (approximate address)
Location: Wayne Township, Council District #6
Lot Size: 0.96 acre, D-A
Petitioner: Rancho Enterprises Inc., by Hector Lozano
Request: Variance of use of the Dwelling Districts Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a construction company office, (not permitted), with a four-foot tall, 11-square foot freestanding sign (not permitted) on a lot containing a 2,033-square foot single-family dwelling and 1,440 square foot detached garage.

RECOMMENDATIONS

Staff recommends denial of this petition.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site, zoned D-A, is improved with a single-family dwelling and 1,440-square foot accessory structure. This request would allow for the use of the existing structures as a construction office. With the exception of the proposed freestanding business sign, no additional structures are proposed.

VARIANCE OF USE

- ◇ The subject site was developed with the existing residential structure, according to aerial images, dating as early as 1956. A gravel drive was added along the west property line as recently as 2012 and the construction of the existing accessory structure, now substantially completed, was initiated in 2013. Staff would note that during the construction phase of the accessory structure, a large number of trailers, vehicles and construction materials were present on the subject site. Additionally, the gravel drive was extended to the north side of the accessory structure and expanded to create a large gravel parking area.
- ◇ The Comprehensive Plan recommends low-density residential development of zero to 1.75 units per acre for the subject site. In addition, the subject site, located in the middle of the block along this section of Crawfordsville Road, is surrounded by residential uses, with the exception of a religious use located to the southwest. Commercial or industrial conversion of the subject site, in Staff's opinion, would be substantially out of character with the surrounding uses and would have a negative impact on adjacent properties.

(Continued)

STAFF REPORT 2014-UV3-016 (Continued)

- ◇ Though not shown on the submitted site plan, the proposed use would likely require the storage of construction materials, potentially outdoors, as well as an increase in commercial vehicle traffic. In Staff's opinion, these associated uses would have a negative impact on surrounding properties.
- ◇ Staff would note that the Ordinance does provide for home occupations on residentially zoned properties. It would be possible to operate a small-scale, low-intensity office use from the subject site, without negatively impacting adjacent properties. In Staff's opinion, any proposed commercial or industrial conversion of the subject site, beyond uses permitted as a home occupation, would be a major deviation from the Ordinance, the Comprehensive Plan and the existing character of the area.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Based on the above analysis of the proposed use, Staff would recommend denial for the proposed freestanding business sign. While the scale of the sign may be modest relative to commercially zoned freestanding signs, the proposed sign relates to a use which would be out of character with surrounding uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwelling
South -	D-A/SU-1	Single-family dwelling/religious use
East -	D-A	Single-family dwelling
West -	D-A	Single-family dwelling

COMPREHENSIVE LAND USE PLAN Recommends low-density residential development of zero to 1.75 units per acre.

THOROUGHFARE PLAN Crawfordsville Road is classified as a primary arterial on the Official Thoroughfare Plan, with a 50-foot existing and 140-foot proposed right-of-way.

SITE PLAN File-Dated July 11, 2014

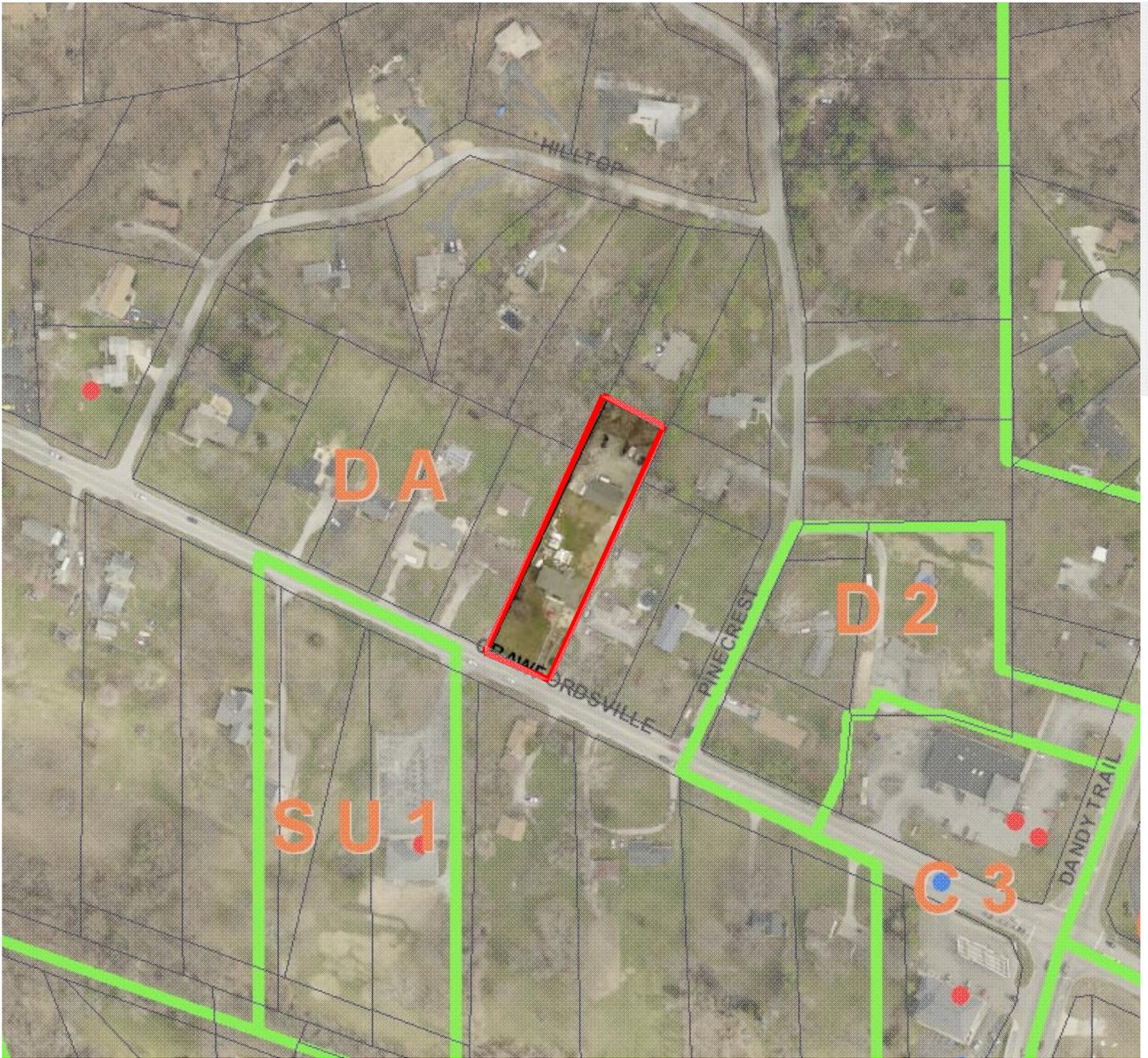
FINDINGS OF FACT File-Dated July 11, 2014

ZONING HISTORY

None.

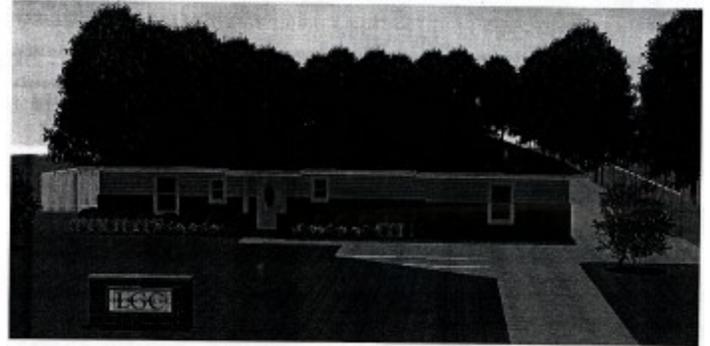
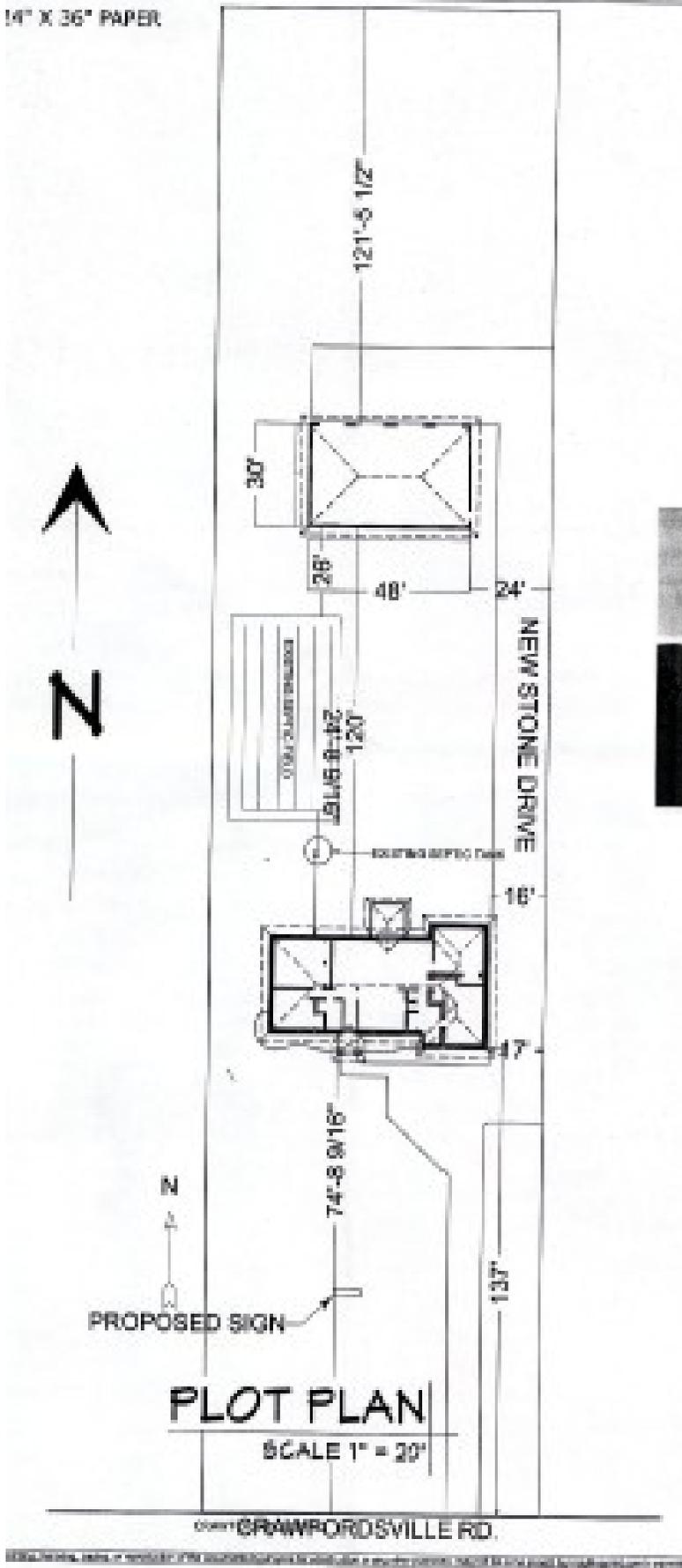
JAS

2014-UV3-016; Location Map



2014-UV3-016; Site Plan, Building & Sign Elevation

14" X 36" PAPER



Proposed Building and Sign Elevation

2014-UV3-016; Photographs (Subject Site)



Subject site looking north from Crawfordsville Road



Accessory structure north of primary structure, looking north



North side of accessory structure



East side of subject site with existing gravel

2014-UV3-016; Photographs (Adjacent Properties)



Adjacent dwelling east of subject site



Adjacent dwelling north of subject site



Adjacent dwelling west of subject site



Adjacent dwelling south of subject site