

BOARD OF ZONING APPEALS DIVISION III

September 17th, 2024

Case Number: 2024-UV3-013
Property Address: 5640 East 28th Street
Location: Lawrence Township, Council District #9
Petitioner: New Direction Church, by Marita Gordon
Current Zoning: SU-1 (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a beauty, barber, and body care vocational uses (not permitted).
Current Land Use: Religious Use
Staff Recommendations: Staff recommends **approval** of this variance request.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petition would provide for the operation of a vocation school with classes in cosmetology, barbering, esthetics, manicurists, and educator training within the, soon to be renovated, New Direction Church.
- The Fuqua Institute of Beauty Culture will be a program within the church to assist aspiring professionals in the beauty and barbering industry learn the trade and then present student a license to practice in the state of Indiana.
- This vocational school will operate 8:00 am to 8:00 pm Monday, Tuesday and Thursday. Then be open Wednesday 8:00 am to 6:00pm, Friday 8:00 am to 5:00pm, and finally Saturday 8:00 to 4:00 pm. Providing use within the church on days where there typically are not services. In total there will be five employees, forty students, and the school will be open to the public to be clients for the school.

- The parking lot at this property provides ample space for the church, vocational school, clients and other surrounding uses. This location also provides a separation from the surrounding residential area so each should not be affected by the other in terms of noise and parking.
- Given this information and the fact that this will be a positive resource for this area and conforms with the comprehensive plan, staff recommends **approval** of this request.

GENERAL INFORMATION

Existing Zoning	SU-1 (TOD)	
Existing Land Use	Religious Use	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-10	North: Suburban Neighborhood
South:	C-1	South: Community Commercial
East:	D-5	East: Community Commercial
West:	D-5	West: Suburban Neighborhood
Thoroughfare Plan		
Lesley Avenue	Local Street	50ft right-of-way existing and 48ft right-of-way proposed.
Audubon Road	Local Street	50ft right-of-way existing and 48ft right-of-way proposed.
38 th Street	Primary Arterial	75ft right-of-way existing and 88ft right-of-way proposed.
38 th Street NDR	Local Street	50ft right-of-way existing and 48ft right-of-way proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	Yes	
Site Plan	08/30/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/20/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Red Line TOD Strategic Plan
- Purple Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces. (Pattern Book pg 20)
- Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly. If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided. Schools should not be within 1000 feet of a highway, freeway, or expressway (pg 80).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line TOD Strategic Plan
 - The Purple Line and Red Line share the stations between the Carson Transit Center and 38th and Park (pg).
 - Stations in the Central Business District had the strongest market strength scores while station at Virginia and New Jersey and Meridian and 34th and 38th Street had high TOD readiness scores (pg. 6).
 - RED LINE SEGMENT 1: The Red Line has the strongest TOD potential in the Central Business District. The strongest scoring station in the analysis was at the Carson Transit Center. Red Line buses will share the stations in this section with Purple Line vehicles. Carson Transit Center - 38th St. and Park Ave (pg 7).
 - RED LINE SEGMENT 2: Stations at 54th Street, 52nd Street, and Broad Ripple Avenue scored were the highest scoring stations in this segment. These stations have grid-style housing surrounding them with walkscores as high as the Central Business District. These stations have neighborhood-style development immediately adjacent to the station. 38th St. and Park - College and 91st (pg 7).
- Purple Line TOD Strategic Plan

- This corridor has a strong market for TOD with significant potential for public investment leverage because of the market strength and TOD readiness for many stations. Additionally, the Purple Line will share route alignment and stations with the Red line from the downtown to 38th Street. These shared stations are prime locations for TOD because riders from 2 of 3 BRT routes may reach them. The longest stretch of strong TOD potential occurs from the Central Business District to 38th and Meridian. Catalyze + Connect areas that are best positioned for public investment include Capitol and 18th, near 28th and Keystone, and the eastern end of 28th Street. (pg 5)
- The far east side along 38th street just south of Lawrence has several consecutive stations ripe for catalytic projects to grab the attention of private investors. Existing commercial development surrounds the 38th and Post Station (pg 5).
- The neighborhood has a good mix of existing commercial development and housing options. There are a number of government and community services located on 38th Street between Keystone and Sherman as well as a school. This area has land available for further development but required some projects that inspire further private investment (pg 5).
- The TOD Potential analysis revealed the stations with the strongest TOD potential were located near the Central Business District. Outside of the downtown, station along meridian Street, on the eastern and western end of 38th Street and near Lawrence were high scorers outside of the Central Business District (pg 7).
- PURPLE LINE SEGMENT 1 The Purple Line has the strongest TOD potential in the Central Business District and at stations along Meridian Street. The strongest scoring station was at Capitol and Vermont. Purple Line buses will share these stations with Red Line vehicles, which started operational service in September of 2019. Carson Transit Center - 38th St. and Park Ave (pg 7).
- PURPLE LINE SEGMENT 2 There is only one station in this segment at the Indiana State Fairgrounds on 38th Street. This station was low-scoring potentially due to the quantity of land area taken up by the fairgrounds negatively affecting population density, intersections per square mile, and other variables. However, the fairgrounds as a major trip generator did help boost the score. Additionally, Fall Creek and the area around it serves as a large physical barrier that also reduces the amount of land available for development within a half mile of the station. State Fairgrounds/38th St. and Coliseum Ave (pg 7).
- PURPLE LINE SEGMENT 3 The stations at 38th and Keystone and 38th and Meadows were the highest-scoring stations in this segment. The NMTC eligibility, percentage of land in TIF, and residential vacancy rate were the major factors contributing to the higher scores of these stations. Overall, this segment had the lowest scoring station in the analysis at 38th and Arlington. 38th St. and Orchard Ave. - 38th St. and Arlington Ave (pg 7).
- PURPLE LINE SEGMENT 4 This segment scored on the lower end of the analysis. However, the station at 38th and Post had one of the highest scores outside of the downtown and Meridian St. corridor. This station scored very well for TOD in residential vacancy rate, NMTC eligibility, sidewalk ratio, and population density. Stations in this segment tended to have more variables that were not favorable for TOD but also not discouraging of it. 38th St. and Shadeland - 38th and Post Rd (pg 7).
- Existing conditions: 38th Street itself is a very busy arterial throughfare with a large amount of crosstown traffic. It has been upgraded with a planted median and decorative lights and crosswalks (pg P1).

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Indy Moves Final Plan: Project List (Appendix D, pg 6)
 - Nickel Plate Trail
 - The objective of the Nickel Plate Trail is to maximize the usability of a retired railroad line and improving connectivity to other nearby walking and bicycling facilities. Within Marion County, the Nickel Plate Trail will connect to the Monon via 42nd street, enabling Nickel Plate Trail users travelling south to benefit from the Monon's upcoming multi-use trail bridge over 38th Street.
 - Post Road Multi-Use Path (Phase 1)
 - Phase 1 of the Post Road multi-use path will provide a safe means of access for people walking and bicycling to and from Fort Benjamin Harrison State Park, commercial development along Pendleton Pike and 38th Streets, and residential areas currently underserved by pedestrian and bicycle facilities.
 - Post Road Multi-Use Path (Phase 2)
 - Phase 2 of the Post Road multi-use path will provide a safe means of access for multi-modal users between the Pennsy Trail near Irvington, commercial development along Washington, 21st, and 38th Streets, and residential areas currently underserved by pedestrian and bicycle facilities.

ZONING HISTORY

ZONING HISTORY – SITE

- **2023-UV3-014**
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 50 multi-family dwelling units and independently operated social services (not permitted). **Approved.**
- **2013-UV2-010**
 - Variance of use of the Dwelling Districts Zoning Ordinance to provide for outdoor seating (not permitted) for a restaurant approved by 69-V2-154. **Approved.**
- **2003-UV3-016**
 - Advertising sign with EVMS. **D.**
- **2000-uv2-026**
 - Retail Sale of Church Supplies. **AP.**

ZONING HISTORY – SURROUNDING AREA

- **2004-UV2-019 – 3950 Lesley Ave**
 - Legally Establish a child day care. **AP.**

EXHIBITS

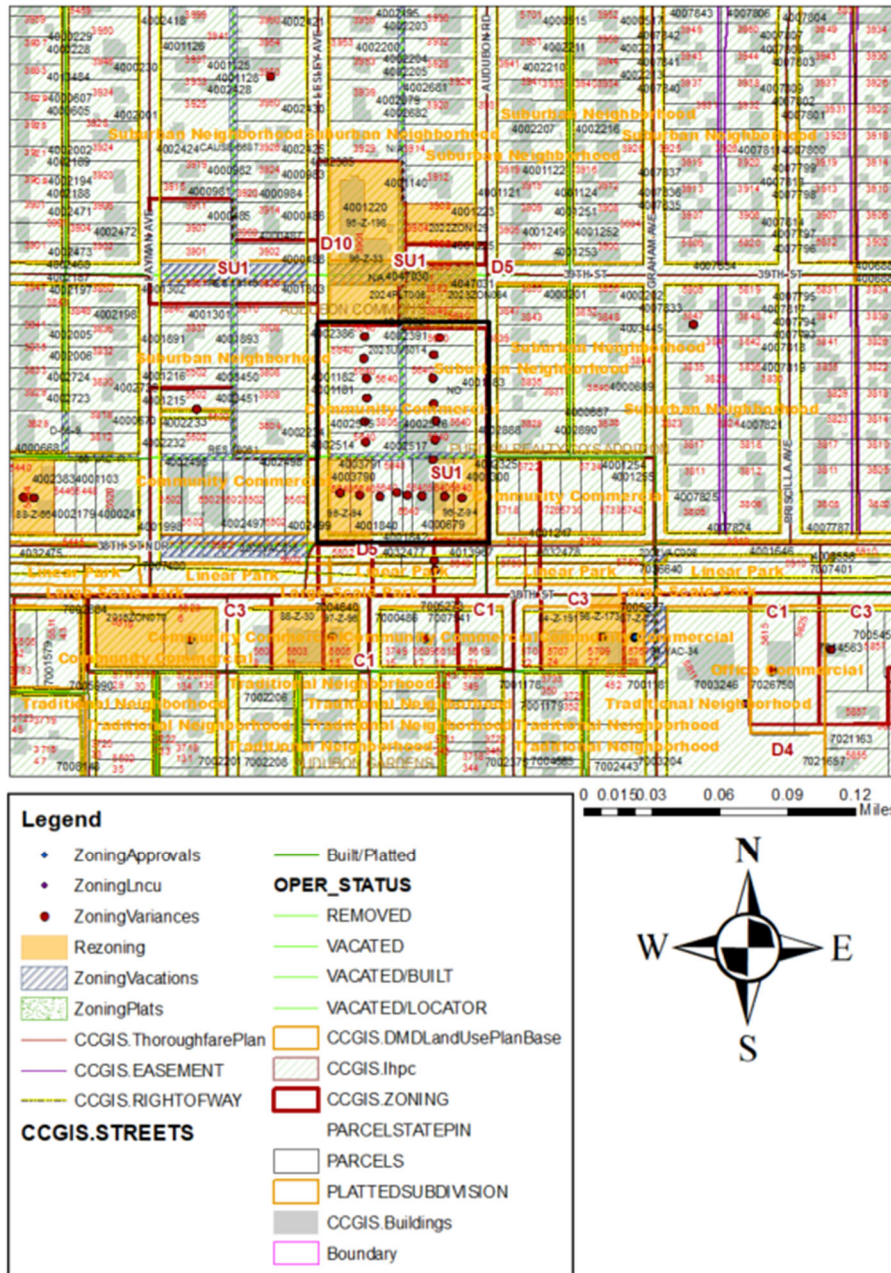
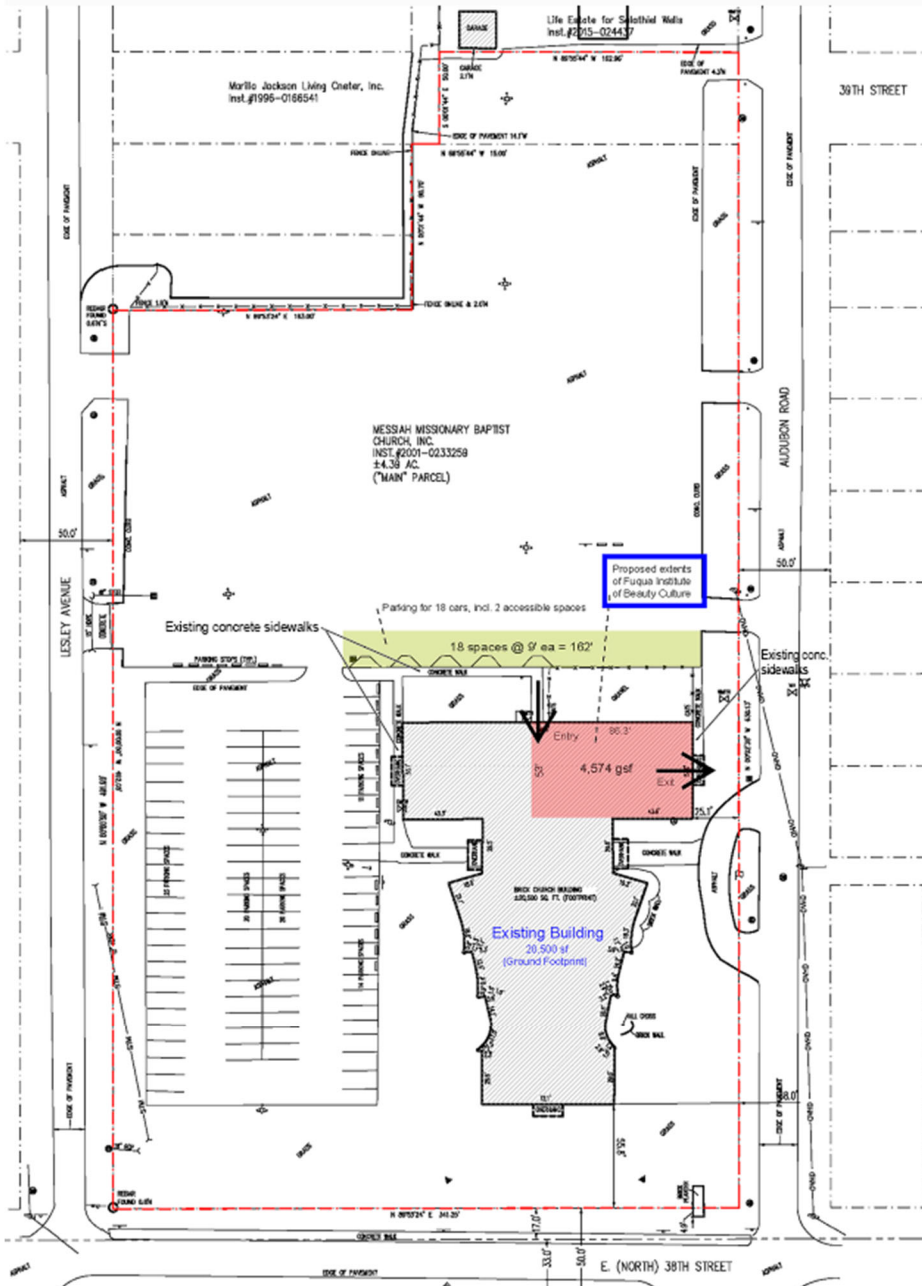


Exhibit 1: Area map surround 5640 E 38th Street.



SITE PLAN

Scale: 1" = 40'-0"



FUQUA INSTITUTE OF BEAUTY CULTURE

5640 East 38th Street
 Indianapolis, IN 46218

PROJECT LOCATED IN:

Section 15 - Township 16 North
 - Range 04 East

Marion County, Indiana

VICINITY MAP - NOT TO SCALE



Exhibit 2: Site Plan for 5640 E 38th Street.

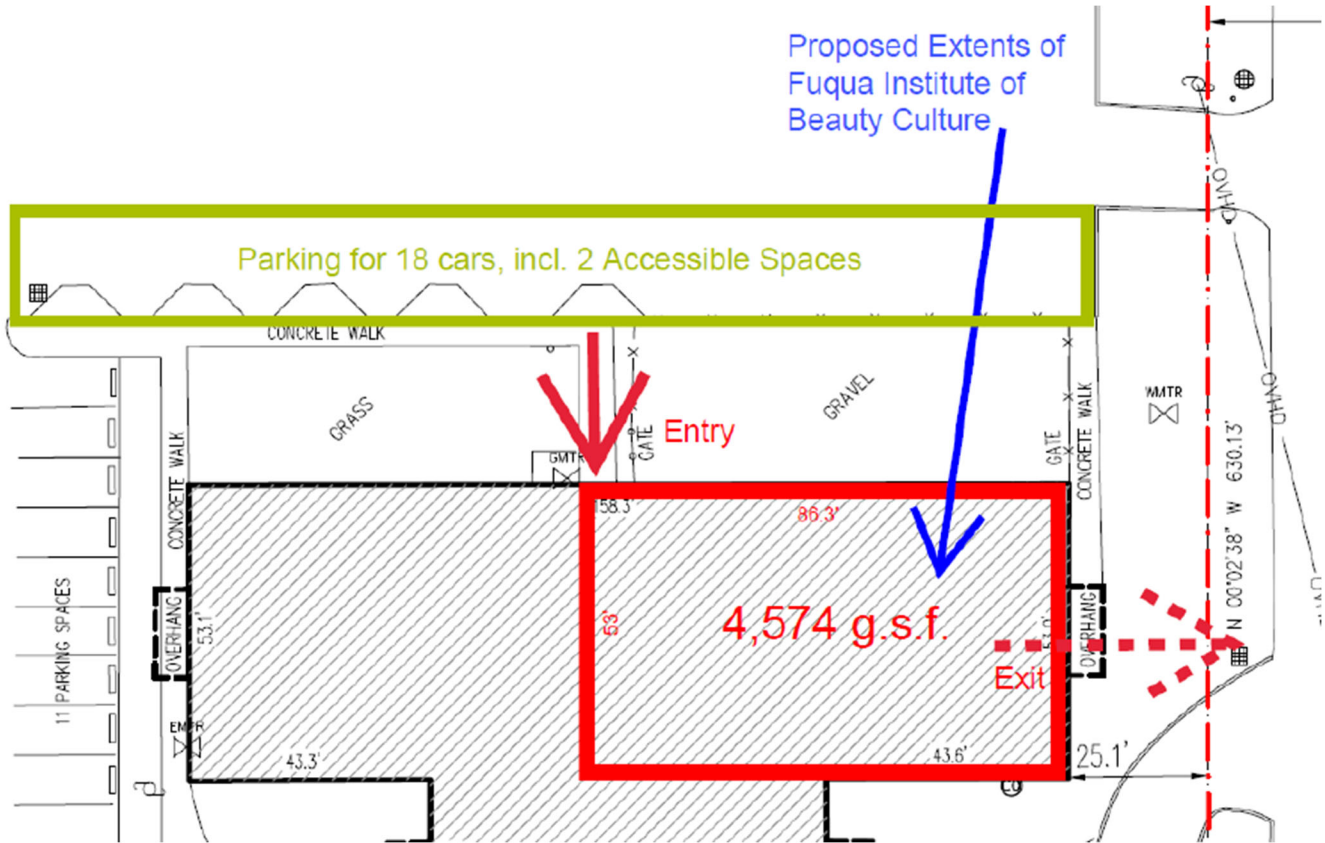


Exhibit 3: Zoomed in site plan for vocational school inside 5640 E 38th Street.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [REDACTED]
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Petitioner's will be an asset to the community and surrounding area offering a state approved vocational training program in cosmetology, barber, esthetics, manicurists, and educator training.

After completion students will qualify to take the state exam. All state requirements will be followed to ensure no risk to the public health, safety, morals, and general welfare of community.

Petitioner will occupy a separate area within New Direction Church with state requirement minimum of 3,000 square feet and all training will be done on site by professional educators.

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

All beauty culture services will be preformed by students at reduced prices and open to the public. There are plenty of parking spaces and it its also on the purple line with easy access to the institute. Bringing a professional vocational institute within this area can open a lot of opportunities for individuals seeking a professional career. Any service offered by the institute will benefit every member of the household and community where by making this a significant investment in the community and neighborhood.

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

Variance is required because petitioner requests to operate as a beauty culture institute on religious property that is currently zoned SU1.



Exhibit 5: North right-side where vocational beauty school and dedicated parking spots will be located, facing southwest.



Exhibit 6: North left-side of the church building, facing southeast.



Exhibit 7: West side of the church building, facing east.



Exhibit 8: South and east side of the church building, facing north.



Exhibit 9: North Audubon Road on the east side of the building, facing south. Road directly beside proposed beauty vocational school and dedicated parking spots.