

**BOARD OF ZONING APPEALS DIVISION III**

**May 28, 2024**

**Case Number:** 2024-DV3-016  
**Property Address:** 2538 Fisher Road (approximate address)  
**Location:** Warren Township, Council District #20  
**Petitioner:** Lars Fanning IUTMA, by Mitchell Cooper  
**Current Zoning:** D-A  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,000-square-foot detached accessory structure, being larger than the primary dwelling (not permitted).  
**Current Land Use:** Agricultural  
**Staff Recommendations:** Staff recommends approval of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff recommends approval of this petition

**PETITION OVERVIEW**

- This petition would provide for the construction of a 3,000-square-foot detached accessory structure, being larger than the primary dwelling (not permitted).
- The proposed structure would house agricultural materials such as animal feed, substrate/bedding, freezers, coolers, landscaping equipment, etc. The subject site is zoned D-A, the use of the property is agricultural in nature, and there are no active residential uses on site. The grant of the variance would allow for the continued operation and location of the proposed structure on the subject site, should the use of the structure and/or property cease to be primarily agricultural and become a non-agricultural use.
- Given that the primary use is and always has been agricultural, Staff is supportive of the expansion of the agricultural uses on site through the construction of a new accessory structure.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Agricultural
	South:	South: Government Grounds
	East:	East: Agricultural
	West:	West: Agricultural
<b>Thoroughfare Plan</b>		
Fisher Road	Primary Collector	90 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	3/4/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	3/29/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood typology for this site.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.



**Neighborhood / Area Specific Plan**

- 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)

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**2004DV3042;** variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 2560 square foot detached accessory structure resulting in 3280 square feet of detached accessory building area or 296.24 percent of the main floor area of the building (maximum 830.24 square feet or 75 percent of the main floor area of the primary dwelling permitted), and resulting in 5634.35 square feet of accessory use area or 508.97 percent of the total floor area of the primary dwelling (maximum 1106.99 square feet of 99.99 percent of the primary dwelling permitted).

### ZONING HISTORY – VICINITY

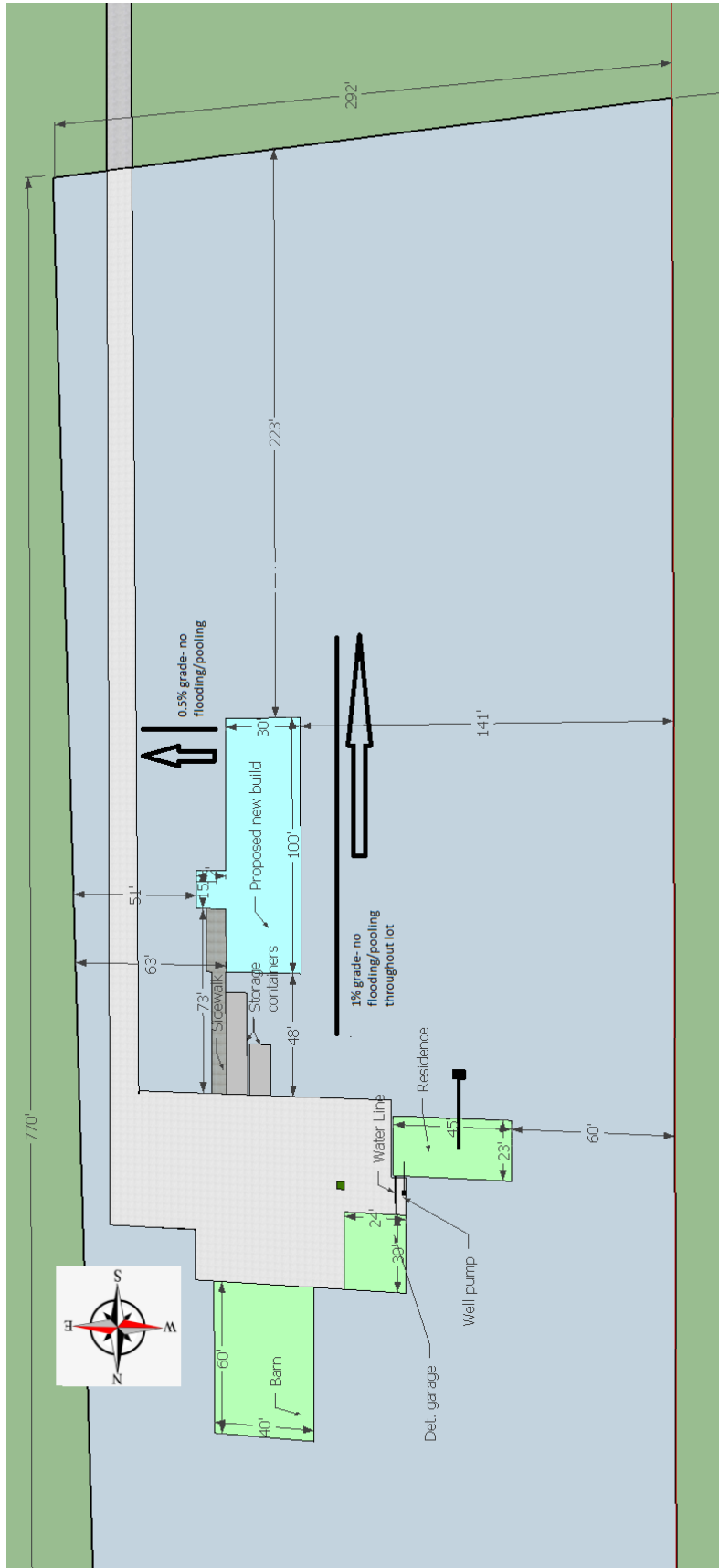
**2003ZON814; 2507 Fisher Road (east of site),** variance of development standards of the Dwelling Districts Zoning Ordinance to provide for two parcels without direct access to a public right-of-way of without street frontage (all lots required direct access to a public right-of-way, minimum 90 feet of street frontage required), **approved.**


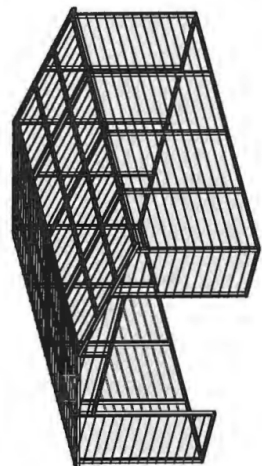
**97-V1-23; 2507 Fisher Road (east of site),** variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family residence with a) a lot width of zero feet (minimum lot width of 125 feet maintained between the right-of-way line and the front setback line required) and b) zero feet of public street frontage with an access easement of 30 feet provided (minimum 125 feet of frontage on a public street and direct access required), **granted.**

**94-V2-71; 2538 Fisher Road (east of site),** variance of development standards to legally establish a 1035 square foot non-conforming single-family residence with zero-foot lot with and no street frontage, **granted.**

EXHIBITS





<p>MANUFACTURED BY:</p> 	 <p style="text-align: center;"><b>REGULAR / A-FRAME 30'-0" WIDE CARPORT STYLE BUILDINGS</b></p>	<p><b>DRAWING INFORMATION</b></p> <p>PROJECT: 30'-0" WIDE BUILDINGS LOCATION: STATE OF INDIANA PROJECT NO.: 451-22-1570 SHEET TITLE: COVER SHEET</p> <p>SHEET NO.: 1 / 11 DRAWN BY: A.W. DATE: 5/16/22 CHECKED BY: OAA DATE: 5/16/22</p> <p><b>LEGAL INFORMATION</b></p> <p>OMAR A. ABU-YASEIN REGISTERED PROFESSIONAL ENGINEER INDIANA STATE OF 10404536</p> <p>DATE EXPIRES: 07-31-2022 DATE SIGNED: 05-20-2022</p>																										
<p><b>DESIGN NOTES</b></p> <ol style="list-style-type: none"> <li>ALL CONSTRUCTION SHALL BE PROVIDED IN ACCORDANCE WITH IBC 2012, OSHA, AISC 360, AISC 360, AISC 100, ASCE 7-10, AWS D1.3 COPES AND ALL APPLICABLE LOCAL REQUIREMENTS.</li> <li>ALL MATERIALS IDENTIFIED BY MANUFACTURER NAME MAY BE SUBSTITUTED WITH MATERIAL EQUAL OR EXCEEDING ORIGINAL.</li> <li>ALL SHOP CONNECTIONS SHALL BE WELDED CONNECTIONS.</li> <li>ALL STRUCTURAL FIELD CONNECTIONS SHALL BE #12-14 X 3/4" SDS (ESR-2196 OR EQ) WITHOUT WASHERS.</li> <li>STEEL SHEATHING SHALL BE 29GA CORRUGATED GALV. OR PAINTED STEEL - MAIN RIB HT. 3/4" (FY=80KSI) OR EQ. CONNECTIONS SHALL BE #12-14 X 3/4" SDS (ESR-2196 OR EQ) WITH NEOPRENE WASHERS.</li> <li>ALL STRUCTURAL LIGHT GAUGE TUBING AND CHANNELS SHALL BE GRADE 50 STEEL (FY = 50 KSI, FU = 65 KSI).</li> <li>STRUCTURAL TUBE 2 1/2" X 2 1/2" - 14GA IS EQUIVALENT TO TS 2 1/2" X 2 1/4" - 12GA AND EITHER ONE MAY BE USED IN LIEU OF THE OTHER.</li> <li>GYPSONUM BOARD OR DRYWALL FINISH OR ANY BRITTLE BASE MATERIAL IS NOT CONSIDERED OR ACCOUNTED FOR ON THE DESIGN CRITERIA.</li> <li>ALL DESIGN CRITERIA MUST BE INCREASED TO THE NEXT HIGHER INCREMENT BASED ON THE TABLES ON PAGE 4. NO INTERPOLATION IS ALLOWED.</li> </ol>	<p><b>DESIGN CRITERIA</b></p> <p>PREVAILING CODE: INBC 2014 (IBC 2012) USE GROUP: U (CARPORTS, BARN) RISK CATEGORY: I</p> <ol style="list-style-type: none"> <li>ROOF DEAD LOAD (D) D = 4 PSF</li> <li>ROOF LIVE/SNOW LOAD (Lr) Lr = 20 - 61 PSF (AS PER SNOW LOAD SEE TABLE 4)</li> <li>SNOW LOAD (S) GROUND SNOW LOAD IMPORTANCE FACTOR Is = 0.8 THERMAL FACTOR Ct = 12 EXPOSURE FACTOR Ce = 1.0 ROOF SLOPE FACTOR WIND LOAD (W) Vult = 105 - 150 MPH BASIC WIND SPEED C EXPOSURE SEISMIC LOAD (E) D DESIGN CATEGORY IMPORTANCE FACTOR Ie = 1.00</li> <li>LOAD COMBINATIONS: 1. D + (Lr OR S) 2. D + (0.6W OR ±0.7E) 3. D + 0.75 (0.6W OR ±0.7E) + 0.75 (Lr OR S) 4. 0.6D + (0.6W OR ±0.7E)</li> </ol>	<p><b>DRAWING INDEX</b></p> <table border="1"> <tr><td>1</td><td>COVER SHEET</td></tr> <tr><td>2</td><td>SCHEDULES &amp; MEMBER SECTIONS</td></tr> <tr><td>3</td><td>FRAME SECTIONS &amp; DETAILS</td></tr> <tr><td>4</td><td>SPACING SCHEDULES &amp; ENCLOSURE NOTES</td></tr> <tr><td>5</td><td>PURLIN &amp; GIRT SCHEDULES</td></tr> <tr><td>6</td><td>SHEATHING OPTIONS</td></tr> <tr><td>7-A, 7-B</td><td>SIDE WALL FRAMING &amp; OPENINGS</td></tr> <tr><td>8-A, 8-B</td><td>END WALL FRAMING &amp; OPENINGS</td></tr> <tr><td>9</td><td>CORNER BRACING DETAILS</td></tr> <tr><td>10</td><td>OPTIONAL LEAN-TO ADDITION</td></tr> <tr><td>11-A TO 11-D</td><td>FOUNDATION OPTIONS</td></tr> </table>	1	COVER SHEET	2	SCHEDULES & MEMBER SECTIONS	3	FRAME SECTIONS & DETAILS	4	SPACING SCHEDULES & ENCLOSURE NOTES	5	PURLIN & GIRT SCHEDULES	6	SHEATHING OPTIONS	7-A, 7-B	SIDE WALL FRAMING & OPENINGS	8-A, 8-B	END WALL FRAMING & OPENINGS	9	CORNER BRACING DETAILS	10	OPTIONAL LEAN-TO ADDITION	11-A TO 11-D	FOUNDATION OPTIONS	<p><b>BUILDING INFORMATION</b></p> <p>FRAME TYPE: <input checked="" type="checkbox"/> A-FRAME <input type="checkbox"/> REGULAR</p> <p>ENCLOSURE TYPE: <input type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> OPEN</p> <p>WIDTH: 30 LENGTH: 100 HEIGHT: 12</p>	<p><b>DESIGN LOADS</b></p> <p>GROUND SNOW: 40 ROOF LIVE LOAD: 27 BASIC WIND SPEED: 115</p>	<p><b>CUSTOMER INFORMATION</b></p> <p>OWNER: Chris Foley ADDRESS: 2538 Fisher Rd. Indianapolis, IN 46239</p>	<p><b>CERTIFICATION VALIDITY NOTICE</b></p> <p>DATE OF PLANS EXPIRATION: 05-20-2023 CERTIFICATION ON THESE DRAWINGS IS VALID FOR ONE YEAR FROM DATE OF ISSUE</p>
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MANUFACTURED BY:



**DRAWING INFORMATION**

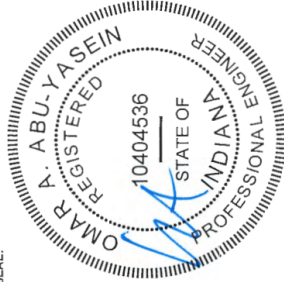
PROJECT: 30'-0" WIDE BUILDINGS  
 LOCATION: STATE OF INDIANA  
 PROJECT NO.: 4P1-22-1570  
 SHEET TITLE: FRAME SECTIONS & DETAILS

SHEET NO.: 3 / 11  
 DRAWN BY: A.W. DATE: 5/16/22  
 CHECKED BY: OAA DATE: 5/16/22

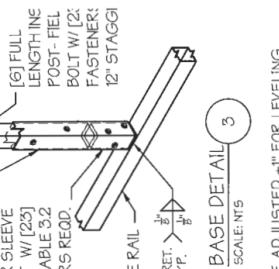
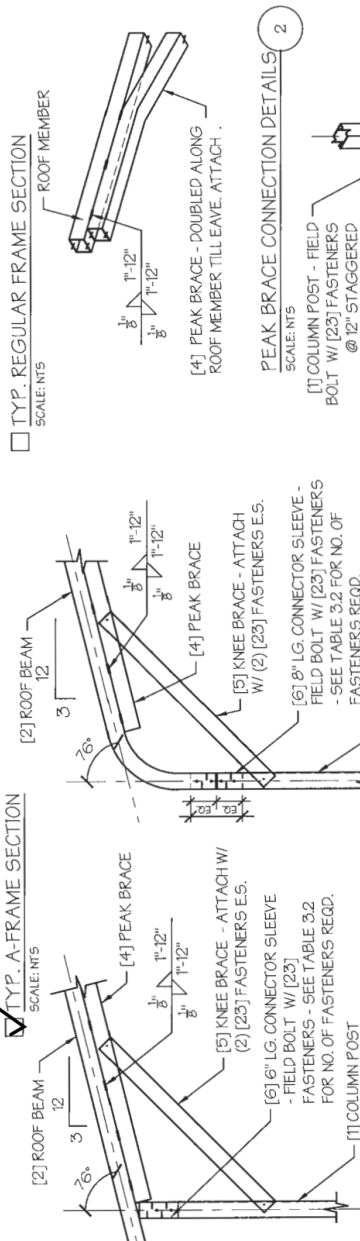
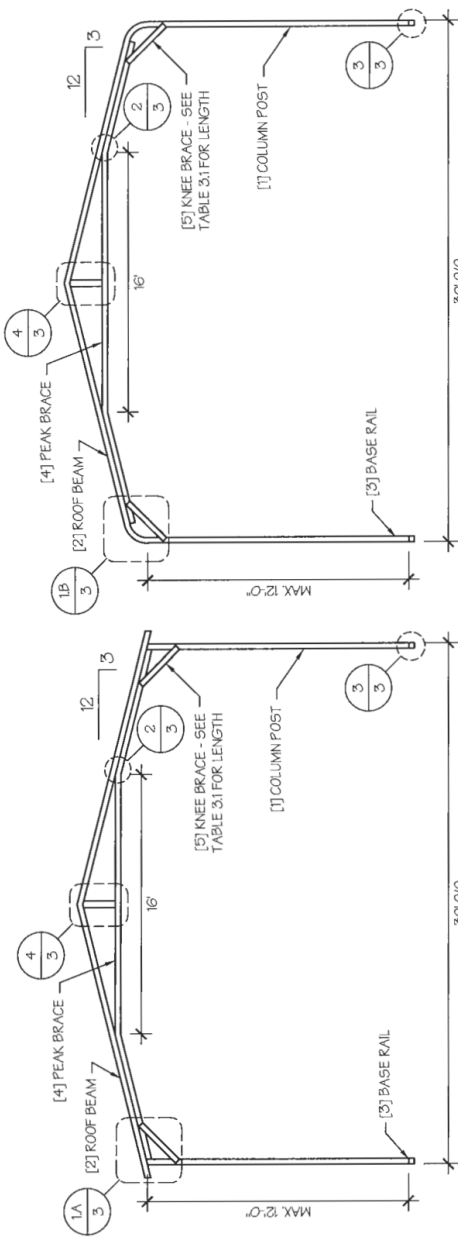
**LEGAL INFORMATION**

- ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANYONE DOING SO WILL BE PROSECUTED UNDER THE FULL EXTENT OF THE LAW.  
 - DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

SEAL:



DATE EXPIRES: 07-31-2022  
 DATE SIGNED: 05-20-2022



NOTE: COLUMN POST MAY BE ADJUSTED ±1" FOR LEVELING. MANUFACTURER IS NOT RESPONSIBLE FOR LEVELING OF GROUND AND/OR CONCRETE SURFACE PROVIDED BY OTHERS.

TABLE 3.1: KNEE BRACE SCHEDULE

EAVE HEIGHT	KNEE BRACE LENGTH
<input type="checkbox"/> UP TO 8'	24"
<input checked="" type="checkbox"/> 9 TO 12'	36"

TABLE 3.2: FASTENER SCHEDULE

WIND SPEED (MPH)	NO. OF FASTENERS
<input checked="" type="checkbox"/> 105 TO 125	4
<input type="checkbox"/> 130 TO 135	6
<input type="checkbox"/> 160 TO 180	8





Cold Blooded Café  
2538 Fisher Rd.  
Indianapolis, IN 46239  
317-385-7694  
[admin@coldbloodedcafe.com](mailto:admin@coldbloodedcafe.com)

Re: Building plans

To whom it may concern,

The purpose of the intended structure is for agricultural storage. We are currently utilizing several unsightly Connex shipping containers that are in disrepair and no longer watertight. As we expand our operations, the need for buying supplies in bulk wholesale and more storage continues to grow. The goal here is to condense storage into a single organized building that is protected from the elements.

Stored items may contain things such as animal feed, substrate/bedding, freezers, tools, landscaping equipment, etc. This building will always remain under lock and key and will have limited access to the business owner, managers, and keyholder staff.

Please let me know if there are any further questions.

Sincerely,

Chris Foley  
Manager  
Cold Blooded Café LLC





