

BOARD OF ZONING APPEALS DIVISION II

December 10, 2024

Case Number: 2024UV2028
Property Address: 6331 Carrollton Avenue (*approximate address*)
Location: Washington Township, Council District #7
Petitioner: Filigree Bakery LLC, by Joseph Calderon
Current Zoning: MU-1 (FF) (TOD)
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a bakery (only permitted as accessory use) without bicycle parking (3 spaces required).
Current Land Use: Commercial
Staff Recommendations: Staff recommends **approval** subject to a commitment.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** subject to a commitment that a site plan showing (a) required bicycle parking spaces and (b) parking spaces within the right-of-way reoriented parallel to the curb be submitted for administrative approval on or before January 1, 2026.

PETITION OVERVIEW

- 6331 Carrollton Avenue is located within the Broad Ripple neighborhood to the north of the White River and is currently improved with a primary structure and smaller garage. Historically a house, the property has previously been converted for commercial use and the most recent tenant conducted the sale of jewelry from the site (via 2022UV1039). Adjacent land uses include a mixed-use building to the west, a recording studio to the north, and a restaurant to the south.
- Approval of this variance would allow for the property to be used as a bakery while maintaining the existing buildings on site. The Indianapolis Zoning Ordinance would classify this use as 'Artisan Food & Beverage' production, which would typically only be allowed as an accessory use within MU-1 zoning. Since changes of use would also require compliance with parking regulations and no bicycle parking appears to exist at the site, a variance to allow for the use without the three required parking spaces was also added to the request language by staff.

- Staff also noted that the existing street parking layout (seven parking stalls fully within right-of-way) at the site does not conform with requirements laid out within 621-108 of ordinance which requires parallel-to-curb parking in all streets and public places unless specifically exempted (fifty-five-degree angled parking is allowed on the west side of Carrollton in this area but not the east). When brought to the attention of the applicant, they agreed to a commitment to adjust the ROW parking to match these standards in a manner that wouldn't reduce parking below required minimums for their use and building area.
- The subject site is zoned MU-1 to allow for the development of high-rise office uses and apartments intermixed, grouped in varying combinations or within the same building (additionally, the property is located near several parcels zoned either MU-2 or C-4). It is recommended for Village Mixed-Use development by the Broad Ripple Village Plan and District Center uses and development by the Red Line (TOD) Strategic Plan.
- The operation plan provided by the applicant indicates that hours of operation would be 8 AM to 5 PM Wednesday through Sunday with a maximum of 3 employees per shift. Deliveries would be scheduled for twice a week with the bakery operating as "carryout only" (no associated dining area). The Filigree Bakery website (as of December 4th) indicates that the "minority and woman-owned boutique bakery specializes in French macarons, cakes, and other desserts".
- Findings of fact provided by the applicant indicate that the proposed use will be small in scale and would be housed within an existing and self-contained building that wouldn't increase the existing commercial intensity of the neighborhood. The document also notes that the use would be consistent with the Comprehensive Plan recommendation and reuse of buildings on this property wouldn't allow for the proposed use to be accessory in nature to another distinct primary use.
- The proposed use would complement the Comprehensive Plan recommendation for this site as well as the surrounding context of neighborhood-scale commercial and mixed uses. Since the property could feasibly be utilized for MU-1 uses again in the future legalization of this use via a use variance instead of a rezoning petition would not be problematic. Staff recommends approval of the use variance request as well as variance for a temporary lack of bicycle parking on the condition that a site plan showing (a) required bicycle parking spaces and (b) parking spaces within the right-of-way reoriented parallel to the curb (per 621-108 standards) be submitted for administrative approval on or before January 1, 2026.



GENERAL INFORMATION

Existing Zoning	MU-1 (FF) (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: MU-1	North: Recording Studio
	South: MU-2	South: Restaurant
	East: MU-1	East: Vacant Commercial
	West: C-S	West: Mixed-Use
Thoroughfare Plan		
Carrollton Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	11/21/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/21/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Envision Broad Ripple

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the District Center TOD typology to allow for walkable areas of multiple city blocks that serve as cultural and commercial hubs for multiple neighborhoods. A mix of office, retail, entertainment, and residential uses is contemplated, with off-street parking discouraged.

Neighborhood / Area Specific Plan

- The Broad Ripple Village Plan recommends this site to the Village Mixed-Use working typology and places it within Critical Area 2 (Broad Ripple Village) to promote population density, pedestrian-oriented neighborhood village uses, and vital streetscapes. The Plan also encourages reuse of converted residential buildings for commercial uses in this area.

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

2022UV1039, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a jewelry store or yoga studio as a primary use (only permitted as accessory uses), **approved**.

ZONING HISTORY – VICINITY

2021UV2016 ; 804 E Laverock Road (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot without the grant of a special exception (not permitted) within the stream protection corridor of the IWC Canal (60-foot from top of the bank required) and with a seven-foot front setback from 63rd Place (25-foot front setback required for surface parking lots), **approved**.

2019CVR809 ; 804 E Laverock Road (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use building with a two-foot north front setback and one parking space (five-foot front setback and 22 parking spaces required), **approved**.

2019CZN809 ; 804 E Laverock Road (south of site), Rezoning of 0.19 acre from the MU-1 (FF) to the MU-2 (FF) district, **approved**.

2016CVR834 ; 6320 Ferguson Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant and entry addition, with a zero-foot setback from 63rd Place (five-foot setback required), with outdoor seating, with 16 parking spaces (37 parking spaces required), with a parking lot, with a zero-foot front setback from 63rd Place (five-foot front setback required), with parking in front of the building (not permitted), and with bicycle parking within the right-of-way of 63rd Place (not permitted), **approved**.

2016CZN834 ; 6320 Ferguson Street (south of site), Rezoning of 0.35 acre from the MU-1 (FF) district to the MU-2 (FF) classification to provide for a restaurant, with outdoor seating, **approved**.

2015DV3022 ; 6349 N College Avenue (west of site), Variance of development standards of the Commercial Zoning Ordinance to provide for mixed-use development, including a maximum 35,000-square foot grocery store and 152 dwelling units, with 340 parking spaces (minimum 461 parking spaces required), **approved**.

2013ZON013 ; 6349 N College Avenue (west of site), Rezoning of 1.9 acres, from the C-2 (FF) district to the C-S (FF) classification to provide for the following general use categories: Dwelling units; eating places, personal service establishments and retail establishments, with a maximum gross floor area of 12,000 square feet; membership organization and club; health services; office uses; public and semi-public uses; food stores, and other uses similar and comparable in character, **approved**.

2013UV1002 ; 815 Main Street (northeast of site), Variance of use and development standards of the Commercial Zoning Ordinance and the Flood Control Districts Zoning Ordinance to provide for a partial demolition of and an addition to an existing building for the design, sales, installation and repair of high-end audio equipment, including, but not limited to, speakers, cables, amplifiers, turn-tables, CD players and entertainment systems (not permitted), (a) to legally establish a 4.98-foot south side setback and a zero-foot west side setback (10-foot side setback required), (b) to legally establish five parking spaces and maneuvering within the right-of-way of Ferguson Street (parking spaces and maneuvering not permitted in the right-of-way), (c) to legally establish zero off-street parking spaces (10 parking spaces required), and (d) to provide for venting of one square inch for every one square foot of enclosed area (minimum of two wall openings with a net area of one square foot for two square feet of enclosed area required), **approved**.

2013VAR001 ; 6349 N College Avenue (southwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the following: (a) outdoor seating (not permitted with taverns, liquor stores, fast-food or drive-through restaurants), (b) a building height of 75 feet to the roof deck, with a parapet extending five additional feet and architectural corner elements and an open air roof-top shelter extending 15 feet above the roof deck (one additional foot of setback required for every three feet of height above 35 feet), and (c) 340 parking spaces (372 parking spaces required), **approved**.

2011DV3014B ; 6345 Carrollton Avenue (north of site), Variance of development standards of the Commercial Zoning Ordinance to provide for: (a) seven parking spaces partially within and maneuvering area wholly within the right-of-way of Carrollton Avenue (10-foot front setback required, off-street parking spaces and maneuvering not permitted within the right-of-way), (b) ten parking spaces, with deficient maneuvering, and with 7.32-foot front setback from Carrollton Avenue, a 5.24-foot south side setback, and a 4.37-foot east side setback (10-foot front and side setbacks required), and (c) with 17 parking spaces provided (18 parking spaces required), **approved**.

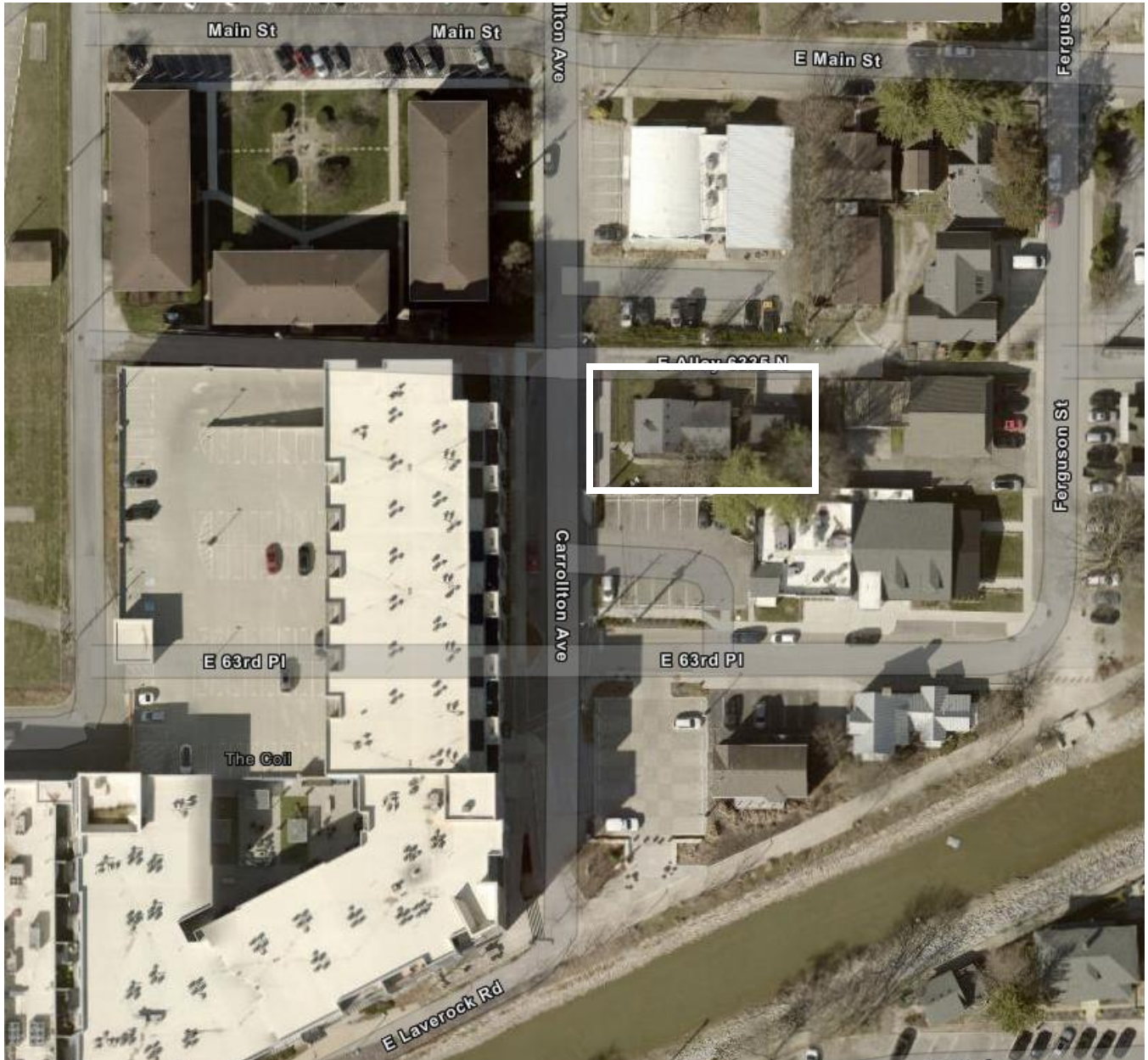
2011DV3014A ; 6345 Carrollton Avenue (north of site), Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for: a 2,640-square foot building addition, with a finished floor elevation of 715.89 feet (flood protection grade of 721.5 feet or structural flood-proofing required), **withdrawn**.

2008DV1040 ; 6331 Ferguson Street (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Commercial Zoning Ordinance to: (a) provide for the a 1,585.78-square foot second story building addition to an existing 1,585.78-square foot tavern with two off-street parking spaces provided (minimum 53 parking spaces required), and (b) legally establish a 384-square foot outdoor seating deck (maximum 200-square feet of outdoor seating permitted), **withdrawn**.

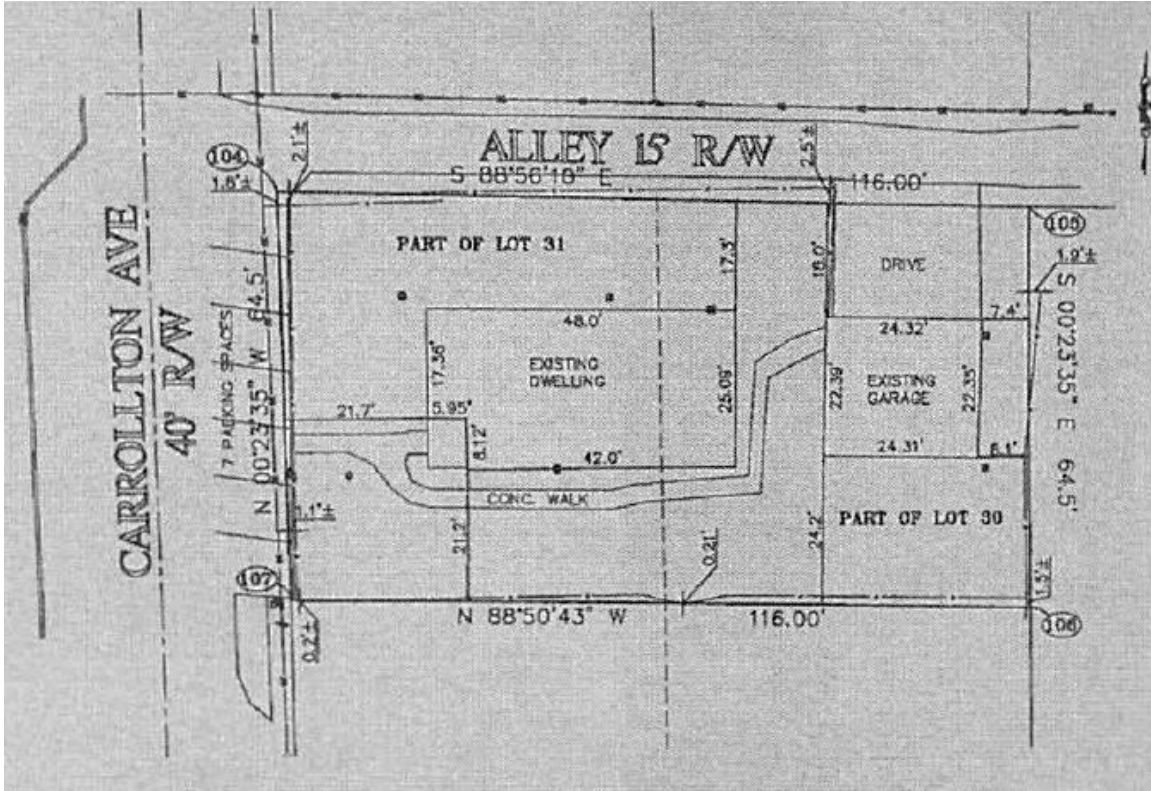
90-V1-81 ; 6320 Ferguson Street (southeast of site), variance of development standards of the Commercial Zoning Ordinance to provide for an addition to an existing building with a front setback of 30 feet, a side yard setback of 4 feet (10 feet required), and a total of 20 parking spaces proposed (33 spaces required) without the required 6 foot landscape strips along Carrollton Avenue, Ferguson Street, or 63rd Place with maneuverability with the right-of-way, **approved**.

EXHIBITS

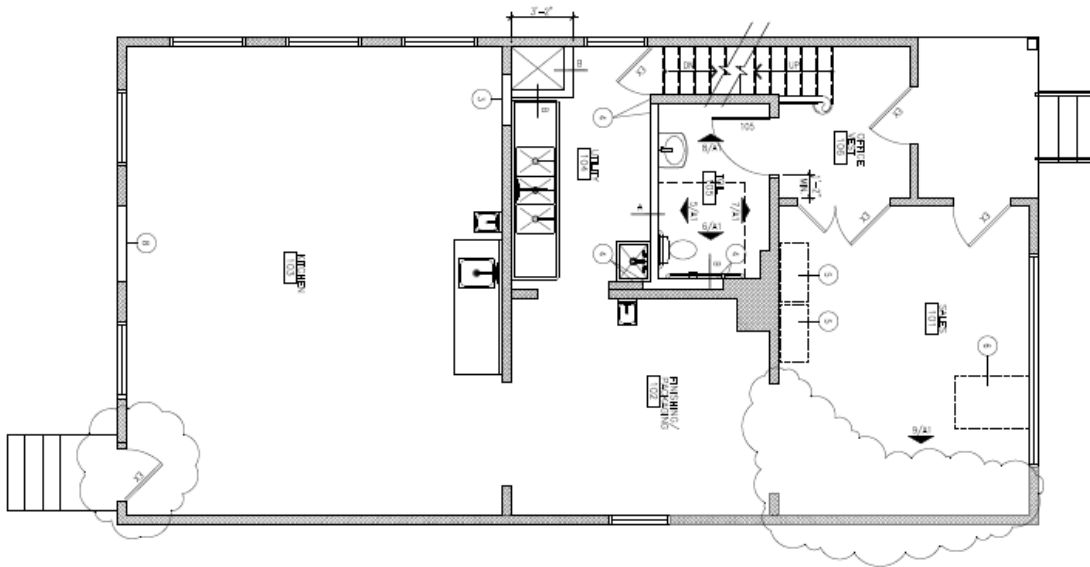
2024UV2028 ; Aerial Map



2024UV2028 ; Site Plan



2024UV2028 ; Proposed Floorplan





2024UV2028 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the proposed use will be small in scale, and self contained within the existing structures.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the proposed use will be self contained and will not lead to overcrowding of Carrollton Avenue, thus preserving access to adjoining properties.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

the property is improved with a residential structure but has been previously been converted to commercial use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the proposed use is permitted as an accessory use in MU-1, but the property is not large enough to have both a separate primary use and the proposed use as an accessory use.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the use is consistent with the village mixed use designation for the subject property.

2024UV2028 ; Plan of Operation

The operation plan for Filigree Bakery ensures smooth daily activities and resource management. Open hours are Wednesday through Sunday, 8:00 AM to 5:00 PM, with a maximum of three employees per shift. The bakery will operate as carryout only, providing quick and efficient service. Deliveries are scheduled twice weekly to maintain inventory.

2024UV2028 ; Photographs



Photo 1: Property Viewed from West



Photo 2: Property Viewed from North

2024UV2028 ; Photographs (continued)



Photo 3: Property Viewed from East



Photo 4: Existing Alley & Northern Fence

2024UV2028 ; Photographs (continued)



Photo 5: Adjacent Property to West + Existing Parking



Photo 6: Existing Parking Spaces

2024UV2028 ; Photographs (continued)



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to North