

**BOARD OF ZONING APPEALS DIVISION III**

**August 20, 2024**

**Case Number:** 2024UV3009  
**Property Address:** 1049 E Thompson Road (approximate address)  
**Location:** Perry Township, Council District #23  
**Petitioner:** Lydia Nelson  
**Current Zoning:** D-1 (TOD)  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of dog grooming as a home occupation, per the filed plan of operation.  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **approval** of this petition subject to the plan of operation file-dated August 1, 2024.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition subject to the plan of operation file-dated August 1, 2024.

**PETITION OVERVIEW**

- The subject property currently houses two structures: the building to the north is the primary residence with a garage that opens onto Thompson Road, and the southern building is a smaller “mother-in-law” unit with attached garage fronting Shelby Street. The site is surrounded by residential uses to the west and south, a fire station to the north, and a contractor’s office to the east. The garage of the primary residence fronting Thompson contains a dog grooming business.
- A violation case (VIO24-000427) was opened at the property in 2024 for conducting an animal care use at the property which would be disallowed within D-1 zoning. Staff feels that the business would be more appropriately classified as a home occupation given the size and scope of the operation. Approval of this variance would legalize the business as an accessory use subordinate to the primary residence but would have no impact on any applicable licensure requirements or rules on waste disposal for the business from either the city or state.

- Home occupations are allowed as an accessory use within this zoning but are subject to nineteen different use-specific standards. The fourth standard limits the size of area used in connection with the home occupation to the smaller of 600 square feet or 30% of the total square footage of the dwelling unit (the garage exceeds both), the eleventh standard places limits on receiving and storing of goods at the property, and the fourteenth standard indicates home occupations would not be allowed within secondary dwelling units. Therefore, this variance would allow the business as a home occupation that doesn't meet accessory use rules instead of as a second primary use.
- This property is zoned D-1 to allow for suburban estate-style development characterized by generous front yards for trees and a bucolic atmosphere. Similarly, it is recommended for Rural or Estate Neighborhood uses by the Comprehensive Plan. Both documents contemplate detached single-family housing (for which home occupations are an allowed accessory use). The property also falls on the edge of the TOD secondary zoning layer due to its proximity to potential future expansion of the Red Line.
- The operation plan provided by the applicant indicate that the sole employee would be a current occupant of the dwelling unit and that only one dog would be groomed at a time at the property by appointment only. The site would not have additional parking beyond the owner's car and temporary parking from owner picking up or dropping off their pet (well below the maximum of 4 customers at once from home occupation rules), and the only outdoor activity would be for the occasional bathroom break. Testimony received from at least 22 current clients reinforces that the business currently runs in a manner like that described within the plan of operation.
- Staff feels that this use would be a minor deviation from the standards outlined for home occupations and agrees with the provided findings that the business would cause little disturbance for surrounding property owners. Additionally, approval of the petition is conditioned upon the filed plan of operation, so the scale and intensity of the use (i.e. additional employees or outdoor areas) couldn't increase without a new petition allowing it. Staff recommends approval of the variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: SU-9	North: Fire Station
	South: D-1	South: Residential
	East: C-1/D-1	East: Office/Residential
	West: D-1	West: Residential
<b>Thoroughfare Plan</b>		
Thompson Road	Primary Arterial	114-foot right-of-way existing and 102-foot right-of-way proposed
Shelby Street	Local Street	45-foot right-of-way existing and 50-foot right-of-way 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>	06/09/2024
<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>	06/09/2024
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood typology to allow for rural or agricultural areas with estate-style homes on large lots with low density and existing within existing topography as much as possible. Detached housing (which could be inclusive of home occupations) is a recommended land use type

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

- The property falls within the TOD secondary zoning layer due to proximity to future expansions of the Red Line further south along Madison Avenue. The Red Line TOD Strategic Plan recommend this property for the Walkable Neighborhood typology which should be primarily small lot single family attached or detached dwellings with small commercial or multi-use nodes at the center.

**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

N/A

### ZONING HISTORY – VICINITY

**2009DV2016 ; 915 E Thompson Road (west of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for a 209.6-square foot front covered porch addition, with a 17-foot front setback from the proposed right-of-way line of East Thompson Road (minimum 40-foot front setback required), to an existing single-family dwelling, **approved**.

**99-UV3-77 ; 815 E Thompson Road (west of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for pet grooming in an adjacent detached garage (not permitted), **approved**.

**98-UV1-100 ; 833 E Thompson Road (west of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale, repair and outdoor display of reconditioned bicycles (not permitted), **approved**.

**96-SE3-6 ; 833 E Thompson Road (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a 26.4 by 66.4 foot manufactured home, **approved**.

**86-Z-1 ; 1110 E Thompson Road (north of site)**, rezoning of 3.5 acres from A-3 to SU-9 to provide for a fire station, **approved**.

**84-V2-35 ; 833 E Thompson Road (west of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the continued use of a detached garage and two sheds where the total square footage of the accessory structures exceeds that of the primary residence, **denied**.

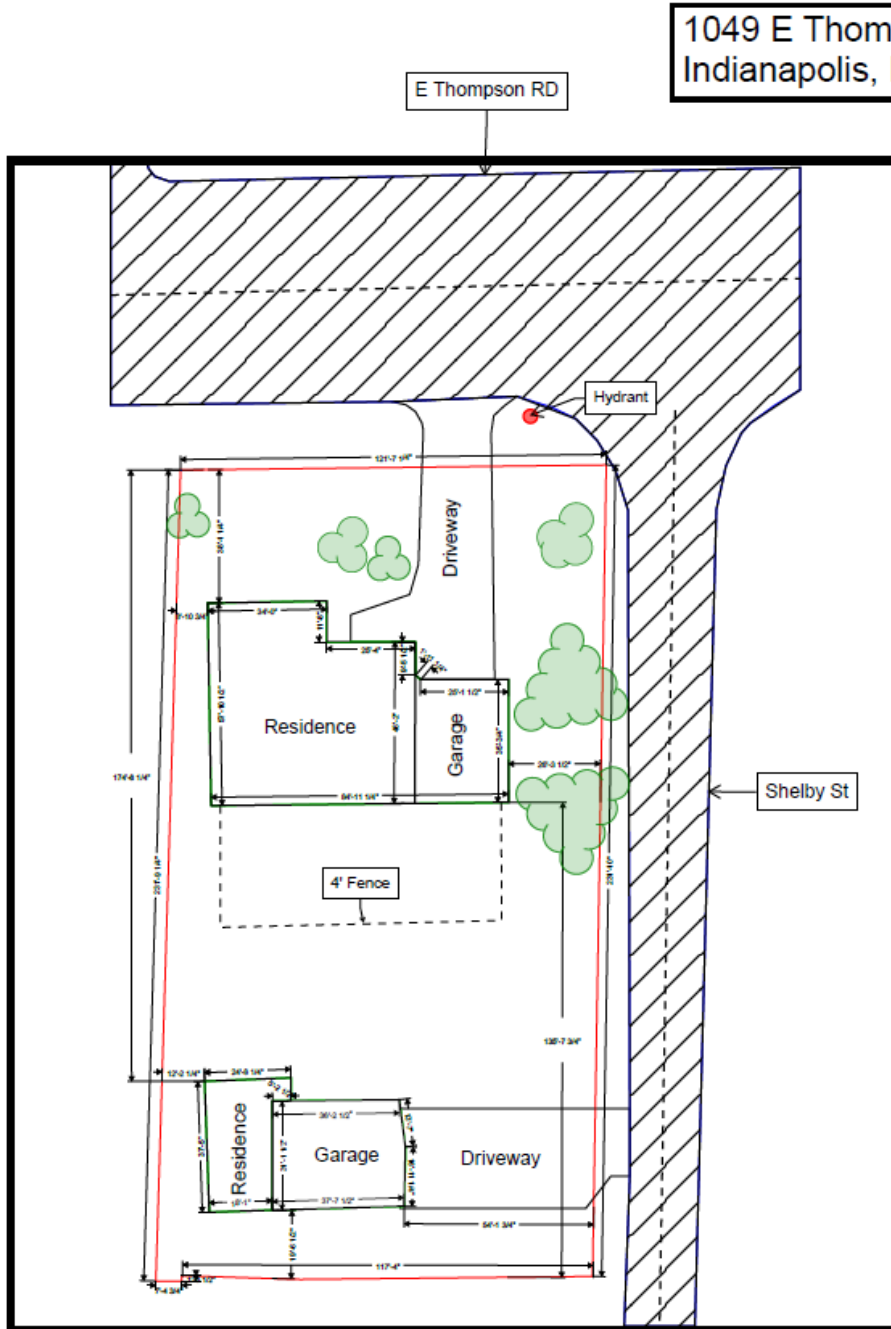
**EXHIBITS**

**2024UV3009 ; Aerial Map**

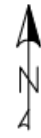


**2024UV3009 ; Site Plan**

1049 E Thompson Rd,  
 Indianapolis, IN 46227



Scale 1:40



(Home occupation solely within northern garage of primary building)

**2024UV3009 ; Plan of Operation**

- Workforce: Lydia Nelson-owner of business-grooming for 8 years, no other employees, no volunteers
- The business would comply with any requirements by the city/state
- Clients and Customers: friend/family/previous clients from past grooming salons
 

Do they come to the site? Yes. If so when and how many? About every hour or two a customer comes by. It is one client at a time. Where do they park? The front driveway or the back yard on the gravel. Hours of operation are usually 8am to about 7pm at the latest

The owner, Lydia Nelson resides on the property. The dog grooming is primarily in the attached garage facing Thompson rd (The primary property) only.

Dogs don't stay overnight on property. This is solely dog grooming. There is no boarding, kenneling, dog training, breeding, etc.

Dogs go home as soon as they're done. If a client does need to leave their dog for about an hour (due to another appointment for instance) the dog roams the house, separated from the owners dogs, until picked up.
- Processes conducted on site: One dog is done at a time, it gets its prep work done such as nail trimming and ear cleaning, the dog gets a bath, blow dried and then a hair cut if applicable. What happens outside? Nothing. Unless the dog is taken outside for a bathroom break. What are the safety and security measures taken by the business or organization? There are dog loops for the dogs to stay steady on a grooming table. The grooming table can also be adjusted to the dog's height if needed. In an emergency the dog would be taken to an emergency Veterinarian with the owner's permission.
 

The owner only grooms one dog at a time, it is by appointment only, there are no walk-in appointments. There are no overlapping dogs, if this ever happens; dogs are separated. One is in the house while the other is in the garage being groomed.
- Materials used: List the types of materials used for the operation: Are there any hazardous materials used? There are grooming clippers and scissors used to perform a dog's haircut. There are dog grooming sprays and dog shampoo for bathing and styling. Indicate the applicable safety and security measures. The more experience a person has been grooming the more safe it is. The longer an individual has groomed, their performance has the least amount of error.
- Shipping and Receiving: How are materials shipped or received: There are no items shipped. Anything received is usually from Amazon or PetEdge
  - Size of vehicle: Can vary •What time of day: Can vary •Frequency: about once a week
- Waste:
 

Indicate the types of waste generated: Feces, dog hair

How is it handled: Dog waste bags and or trash bags

By whom: The owner\self

Is hazardous waste generated: No

Is a recycling program implemented:No

All waste will be disposed of in accordance to city/state laws



**2024UV3009 ; Findings of Fact**

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

there will be one client at a time, the clients and I will not block traffic. There will be peace from this property. There will not be multiple dogs at this property at a time

So it will be quiet. It will be non-caotic.

**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 business of this property, will be indoors, besides the clients dropping off which is one client at a time. Considering the length of

The driveway, it could fit in total about 5 to 6 vehicles. Again, traffic on Thompson road would not be blocked. And in turn would not affect other pedestrians, business', or homes.

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

the property at 1049 E Thompson rd is zoned as a D1 property and dog grooming is not covered as a home occupation.

**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**

there are many dogs that need grooming. Many dogs need a quiet, indoor, one on one experience; where there are no distractions

and it's just the dog and the groomer. This process of grooming provides a much safer experience for the dog. As oposed to grooming salons such as Petsmart and Petco where there are many dogs, high stress levels for the dogs and the dogs feed off of each others stress.

There are too many distractions in dog salons such as these. This is why the property at hand should be allowed to have dog grooming.

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

other neighbors in the area of this property already have dog grooming, so this wouldn't be out of the normal for the comprehensive plan of the neighborhood.

**2024UV3009 ; Photographs**



Photo 1: Primary Residence Viewed from Northeast



Photo 2: Primary Residence Viewed from Southeast

**2024UV3009 ; Photographs (continued)**



Photo 3: Accessory Building Viewed from Northeast



Photo 4: Adjacent Property to the Northeast

**2024UV3009 ; Photographs (continued)**



Photo 5: Adjacent Property to the North



Photo 6: Adjacent Property to the West