

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-004
Address: 3049 North Post Road (approximate address)
Location: Warren Township, Council District #14
Zoning: I-3
Petitioner: Volumod Indy LLC, by David Gilman
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor display and sales of modular homes within the required front yard and not abutting a building exterior wall and a 48-foot front setback from Post Road (not permitted, 60-foot front yard setback required).

ADDENDUM FOR MAY 23, 2023

This petition was continued for cause without notice by the petitioner, from the March 21, 2023, hearing to the May 23, 2023, hearing.

The **petitioner has requested that this petition be withdrawn.** This request will need to be acknowledged by the Board.

ADDENDUM FOR MARCH 21, 2023

This petition was continued for cause without notice by the petitioner, from the February 21, 2023, hearing to the March 21, 2023, hearing.

Staff continues to **recommend denial of the request.**

February 21, 2023

RECOMMENDATIONS

Staff **recommends denial** of this petition.

(Continued)

STAFF REPORT 2023-UV3-004 (Continued)

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

I-3 Office / Warehouse

SURROUNDING ZONING AND LAND USE

North -	I-4	Warehouse
South -	SU-1	Religious Uses
East -	C-S	Warehouse
West -	C-3 / C-5	Community Center / Automotive repair

COMPREHENSIVE PLAN The Comprehensive Land Use Plan recommends heavy industrial uses for the site.

VARIANCE OF USE

- ◇ The subject site is zoned in the I-3 district, which is designed as an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.
- ◇ The I-3 district does allow for an unlimited amount of outdoor storage, however, the outdoor storage is required to be to the rear of the building. An exception to the front yard restriction of outdoor display and storage would be if the outdoor display would be abutting a building exterior wall. The proposed location would not be abutting an exterior wall and would place the outdoor storage and display in the front yard of Post Road, with a reduced front yard setback of 48 feet.
- ◇ The proposed outdoor storage and display location would be an inappropriate encroachment and intrusion into the front yard of this commercial / industrial area because it is not in harmony with the adjacent industrial properties, who are able to meet the Ordinance standards for outdoor storage and display. Furthermore, staff is most concerned that, if approved, further outdoor storage and display areas in front yards would follow and encroach upon the Post Road arterial, which is a main traffic throughfare in this area, connecting to the I-70 Interstate to the south.
- ◇ The proposed location of the outdoor storage and display is not a result of a hardship imposed upon the site by the Ordinance, as the site has been in compliance since 1960 when it was originally developed, and other nearby similarly zoned industrial properties are able to comply with the Ordinance requirement as well.

(Continued)

STAFF REPORT 2023-UV3-004 (Continued)

- ◇ The proposed location of the outdoor storage and display is a self-imposed hardship due to the desire to visually publicize and promote the product to drive by traffic. The outdoor storage and display could be more appropriately located to the rear of the building, where ample open space remains to accommodate the proposed site plan, without the need for a variance. Consequently, an unusual and unnecessary hardship does not exist, and the subject site could continue to be used without the requested variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested 48-foot front setback is a self-imposed hardship as a result of the petitioner's variance of use request to place a product display for modular structures in the front yard.
- ◇ If the product display would be moved to the rear of the structure, where ample open space is available, then the requested variance for a reduced front setback would not be needed. If the open space to the rear is already dedicated for other uses, then the request would cause the site to be overdeveloped and another location should be determined to fit the needs of the petitioner, including a proper outdoor display area.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since there is adequate open space to the rear of the structure to provide for a product display area, without the need for a setback variance. Any practical difficulty is self-imposed by the desire to use the site for a product display area in the front yard with a reduced front setback.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of North Post Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 112-foot existing and proposed right-of-way.

This portion of East 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial, with a 100-110-foot existing and proposed right-of-way.

SITE PLAN

File-dated January 13, 2023

PLAN OF OPERATION

File-dated January 13, 2023

FINDINGS OF FACT

File-dated January 13, 2023

ZONING HISTORY

2004-UV2-027; 2961 North Post Road (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the annual temporary seasonal sales of fireworks and Independence Day related party supplies between June 1st and July 10th, **granted**.

(Continued)

STAFF REPORT 2023-UV3-004 (Continued)

99-UV2-33; 2945 North Post Road (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motor vehicles, and to provide for a zero-foot transitional yard on the east and south property lines with no landscaping, **granted**.

99-V2-33; 2945 North Post Road (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motor vehicles, and to provide for a zero-foot transitional yard on the east and south property lines with no landscaping, **granted**.

99-Z-148; 9045 East 30th Street (south of site), Rezoning of 0.758 acre, being in the C-3 District, to the SU-1 classification to provide for religious uses, **approved**.

99-Z-121; 9202 East 30th Street (east of site), Rezoning of 11 acres from the I-3-S District to the C-S classification to provide for tire and tube sales, and a tire retread facility, **approved**.

97-HOV-35; 3120 North Post Road (west of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a 150 by 96.33-foot building addition with a side yard setback of 28.3 feet, **granted**.

94-Z-92; 9041 East 30th Street (south of site), Rezoning of 0.758 acre from C-3 to SU-1 to provide for a religious use, **approved**.

88-SE1-10; 9350 East 30th Street (east of site), Industrial Special Exception to provide for an industrial park, **granted**.

88-Z-251; 9151 East 30th Street (southeast of site), Rezoning of 10 acres, from C-3 to SU-1 to provide for a church parking lot, **approved**.

84-UV2-117; 3002 North Post Road (west of site), Variance of use of the Industrial Zoning Ordinance to provide for a used car sales lot with outside display at six feet from the right-of-way, **granted**.

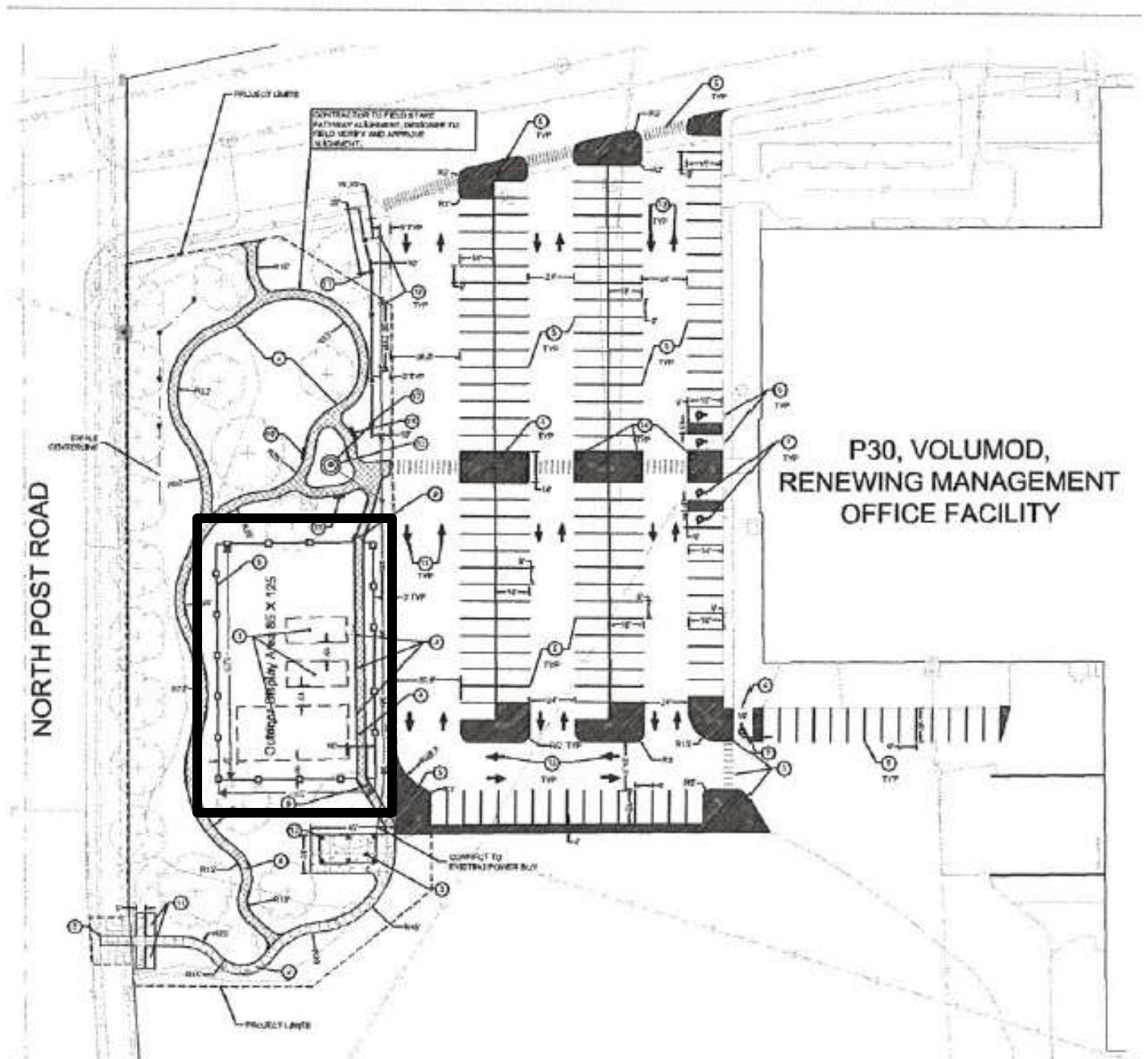
84-V1-72; 3129 North Post Road (north of site), Variance of development standards of the Industrial Zoning Ordinance to provide for the use of two open loading berths located on the front of the building, between the front building setback line and Post Road, **granted**.

78-UV2-115; 2945 North Post Road (south of site), Variance of use and development standards to permit the conversion of an existing service station into a convenience grocery store, with sales of gasoline and relocate canopy over pumps, one pole sign, and sign on building, **granted**.

2023-UV3-004; Location Map



2023-UV3-004; Site Plan, Proposed Outdoor Storage and Display Area



Plan of Operation

3039 N Post Road

January 10, 2023

The use variance will allow for an outdoor display area for modular homes in a paved area 85 X 125 or 10,625 sq ft. The display units will be securely affixed to the pavement and will have electrical service but will not have plumbing or water services. The units will be replace from time to time to introduce a new product.

The outdoor display area will be provided with full shield security lights and open to the public Monday through Saturday 8am to 8pm.

2023-UV3-004; Photographs



Existing subject site looking east.



Existing subject site building, looking southeast.



Proposed outdoor display and storage area with reduced front setback, looking west.



Existing outdoor storage area to the rear of the building, looking east.



Existing open space to the rear of the building, looking north from East 30th Street.



Additional existing open space to the rear of the building, looking northeast from East 30th Street.



Adjacent religious use to the south.



Adjacent industrial use to the north.