

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-UV3-007
Property Address: 3960 Baker Drive (*approximate address*)
Location: Lawrence Township, Council District #15
Petitioner: Joanne Springer, by Roger W. Upchurch
Current Zoning: D-5
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction and use of a daycare center (not permitted) with deficient parking (7 spaces required).
Current Land Use: Undeveloped Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3960 Baker Drive is an undeveloped lot that is zoned D-5 and located within a residential context. The property is bordered to the south by a Phalen Leadership Academies school (a K-6 tuition-free charter school) and on other sides by residential development. A single-family residence that was approximately 1075 square feet in area previously existed at this site but was demolished between 2008 and 2009; the driveway leading to that house remains in place at the site.
- Grant of this variance would allow for the construction and operation of a daycare center at this property. This would be a commercial use category that would allow for the care of children under the age of 6 separated from their parents or guardians between 4 and 24 hours. This primary use would be distinct from the accessory use category of a child care home, which would have a maximum enrollment of 16 children, allow for older ages, would have differences in required licensing, and would take place within a primary residential structure where the caretaker also lives on-site. Per the use details and floor plan provided by the applicant, the scope of this business could not be considered a child care home.

- In addition to the required Use Variance, a Variance of Development Standards would be required in relation to required parking for the use. The proposed size of the building would require a minimum of seven (7) parking spaces, and plans submitted by the applicant do not clearly indicate where any required parking spaces would be placed (the existing driveway would potentially be utilized as a single on-street parking space, but all other parking would be off-street).
- Staff received a version of a site plan from the applicant that indicated placement of parking spaces within the front yard of the property (see 'Alternate Site Plan' within Exhibits). It is unclear on this version of the site plan from where vehicles would ingress or egress, and this version of the site plan would require additional variances for a parking area within the front yard of a residentially zoned lot that (a) exceeded 30 feet in width and (b) resulted in the landscaped area of the front yard being below 65% living materials. When the applicant was informed that this alternate site plan would require issuance of new notice and for the petition to be continued to a June hearing date, they indicated their preference to revert to the original site plan and request a daycare with parking below required minimums.
- The East 38th Street Corridor Plan recommends that this site (and neighboring properties) be developed for residential purposes with a density of 3.5 to 5 dwelling units per acre. The Plan specifically mentions that development of new single-family housing is a high priority for this area. Although this proposed development wouldn't result in the development of residential infill, staff would note that Infill Housing Guidelines would discourage placement of a midblock commercial structure that would have a larger size or width than surrounding residential properties (proposed building elevations do not give the external appearance of a residence).
- The Plan of Operation provided by the applicant indicates that the Kidz Konnect Learning Academy would provide full-time and part-time care for children ages 2 to 5, in addition to an after-school program for school-aged children 5 to 12. Hours of operation would be from 6 AM to 6 PM Mondays on weekdays, and maximum enrollment would be 30 students (with a maximum of 10 on-site employees). Staffing would be adjusted throughout the day to meet ratio requirements, although it is unclear what the "standard" number of children or teachers occupying the building would be. The applicant indicated that parents would "mostly pull up front to drop off and pick up kids", but additional information about frequency and timing of these visits or how many parking spaces would be designated for employees vs. parents was not provided.
- Findings of Fact submitted by the applicant indicate that the business would follow applicable State and Local regulation for safe operation of a daycare, that childcare is a needed community asset, that the use would integrate seamlessly with the existing neighborhood context, and that site-specific conditions would prevent the property from being developed with an alternate use. Staff disagrees with the latter two assertions presented without supporting evidence.
- There does not appear to be any site-specific hardship at this lot that would prevent the property from being developed as a single-family residence: the lot is 9950 square feet in size and has a width of approximately 60 feet, which means that it would be subject to Medium Lot standards from Table 742.103.03 of the Ordinance. Construction of a single-family home would also comport

with relevant guidance from the East 38th Street area plan and could allow for the legal accessory use of a child care home which would allow for child care at the site in a smaller capacity.

- While the Indianapolis Zoning Ordinance does allow for the establishment of daycare centers within some higher-density residential zoning districts with zoning approval, those instances would only be acceptable if the daycare was designed with building materials that are aesthetically compatible with surrounding structures and that adequate parking, loading and drop-off facilities be provided at a scale that is in harmony with surrounding residential uses. The elevations and floorplan provided do not appear to match the surrounding context of smaller residential properties (larger brick structure with main interior hallway).
- Staff has strong concerns about the impact that a use of this intensity would have on surrounding properties, and these concerns are compounded by the lack of detailed information provided about drop-off/pick-up protocols. At the time of Staff's site visit (around 2 PM on a Monday afternoon), a line of cars queued to pick up students from the existing school to the south of the subject site stretched from the school's entrance to the intersection of Baker Street and Conried Drive (around 900 feet of roadway; see Photos 4 and 6 within Exhibits). Baker Street already contains limited street parking due to the number of curb cuts from existing residential garages, and the introduction of a use that would utilize up to 10 employees as well as potential influxes of cars from drop-off/pick-up times would likely exacerbate existing congestion along the local street, create difficulties for ingress/egress at the site, and could increase the risk of accidents involving children and moving automobiles.
- Staff does not feel that the size and location of this specific site would be supportive of a day care center use that would introduce 10 employees and 30 kids without provision of on-site parking. Even if plans were amended to incorporate required parking, the level of front-yard paving and intensity of the use would not be in harmony with surrounding single-family residential uses. Given a lack of undue hardship preventing a compliant use from being built on an undeveloped site, comprehensive plans recommending residential development, the negative externalities that would be created for surrounding residences on Baker Street, and the risk of negative interactions between parents/children and vehicles, staff recommends denial of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped Residential	
Comprehensive Plan	3.5 – 5 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Undeveloped
South:	SU-2	South: Educational
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Baker Street	Local Street	50-foot existing right-of-way and

	50-foot proposed right-of-way
Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	04/01/2025
Site Plan (Amended)	05/04/2025
Elevations	05/04/2025
Elevations (Amended)	N/A
Landscape Plan	Not provided prior to publication deadline
Findings of Fact	04/01/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- East 38th Street Corridor Plan (2012)

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

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The East 38th Street Corridor Plan recommends that this site and surrounding parcels to the west, north, and east be developed for residential purposes with a density of 3.5 to 5 dwelling units per acre. The Plan mentions that development of new housing (specifically single-family dwellings with one story of height) is a priority.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

63-V-350, variance of ground floor house area requirements to permit erection of a single-family dwelling having 747.25 square feet of ground floor area at 3960 Baker Drive, **approved**.

ZONING HISTORY – VICINITY

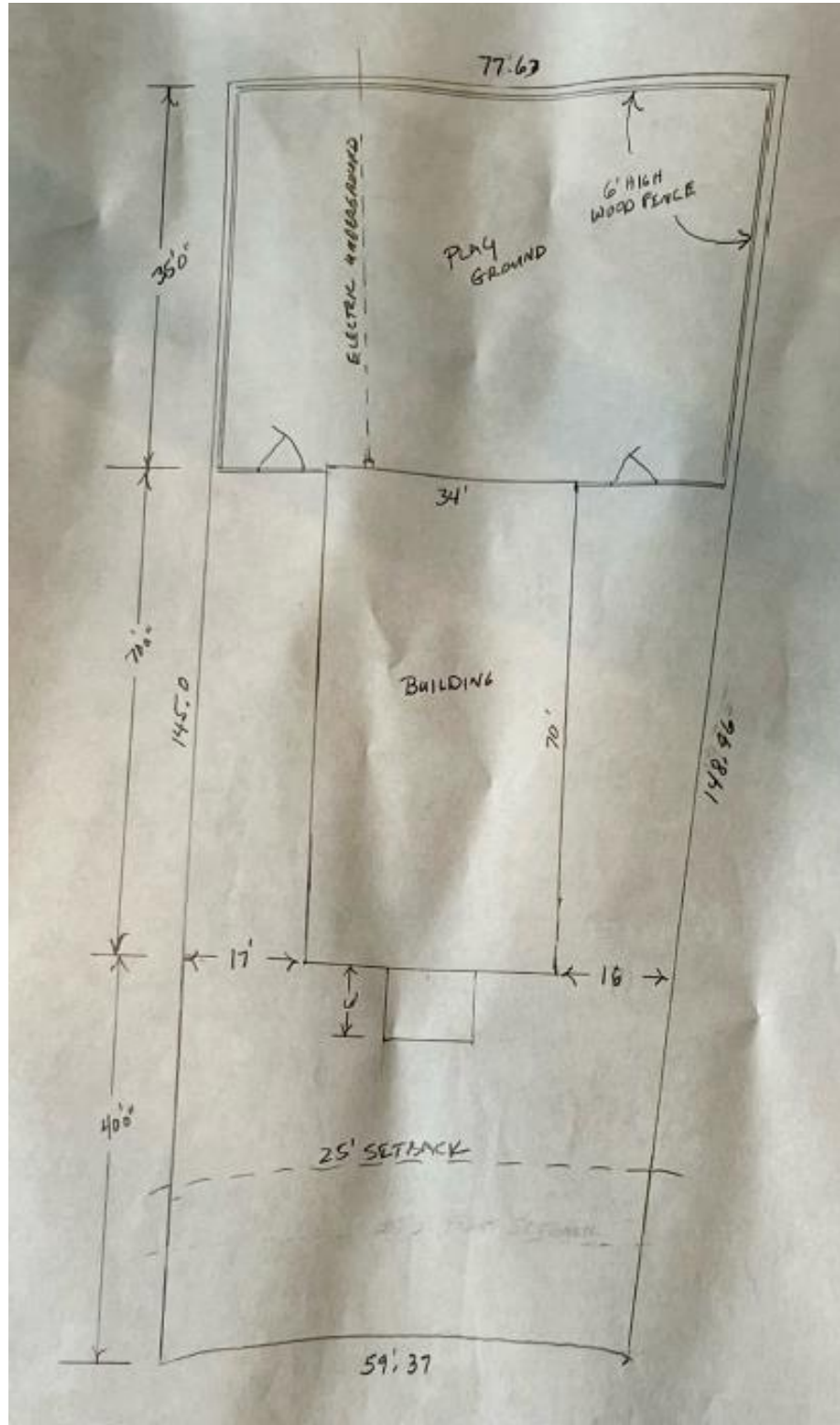
2020DV3033 ; 9638 Conried Drive (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **denied**.

EXHIBITS

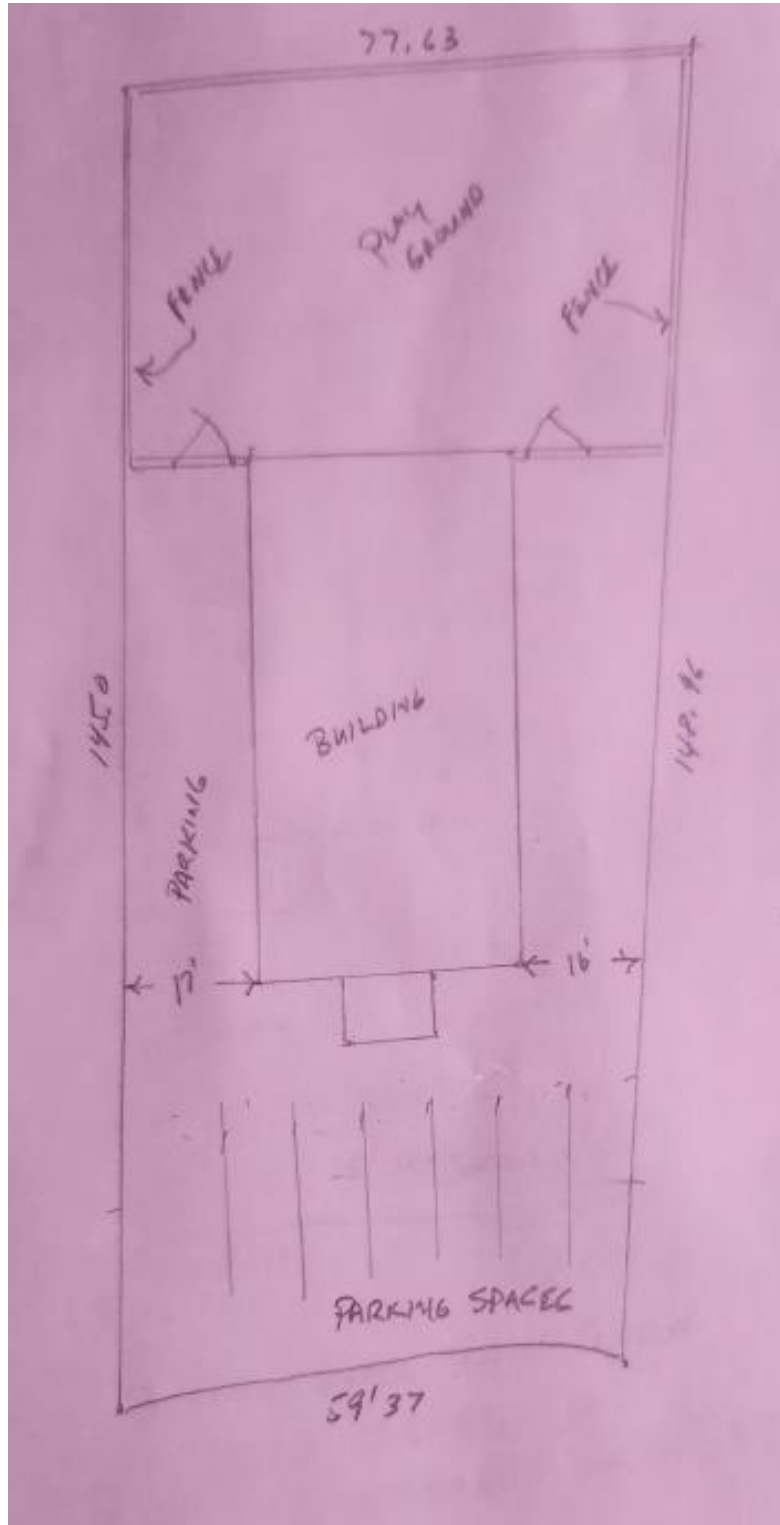
2025UV3007 ; Aerial Map



2025UV3007 ; Proposed Site Plan without Parking



2025UV3007 ; Alternate Site Plan with Parking (not proposed)



2025UV3007 ; Plan of Operation

Business Scope and Services

KIDZ KONNECT LEARNING ACADEMY is a licensed childcare and early education facility providing full-time and part-time care for children ages 2 years through 5 years, along with an after-school program for school-aged children (ages 5–12).

Our mission is to offer a nurturing, educational, and safe environment that promotes children's developmental, social, emotional, and academic growth.

Programs and services provided on-site include:

- Toddler and preschool programs for children ages 2–5
- Early childhood education and school readiness curriculum
- Structured indoor learning activities and outdoor play
- Nutritious meals and snacks
- After-school homework assistance, enrichment programs, and supervised recreational time for school-aged children

All services are conducted in full compliance with local, state, and federal childcare licensing regulations.

Days and Hours of Operation

- **Days Open:** Monday through Friday
- **Hours of Operation:** 6:00 AM to 6:00 PM
- **Closed on:** Saturdays, Sundays, and major federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

Maximum Number of Children

The maximum number of children enrolled at KIDZ KONNECT LEARNING ACADEMY at any given time will be 30 children.

This includes:

- Children ages 2 to 5 years enrolled in full-time care
- School-aged children enrolled in the after-school program

Class sizes and groupings will comply with required child-to-staff ratios based on children's ages, in accordance with [State Licensing Agency] regulations.

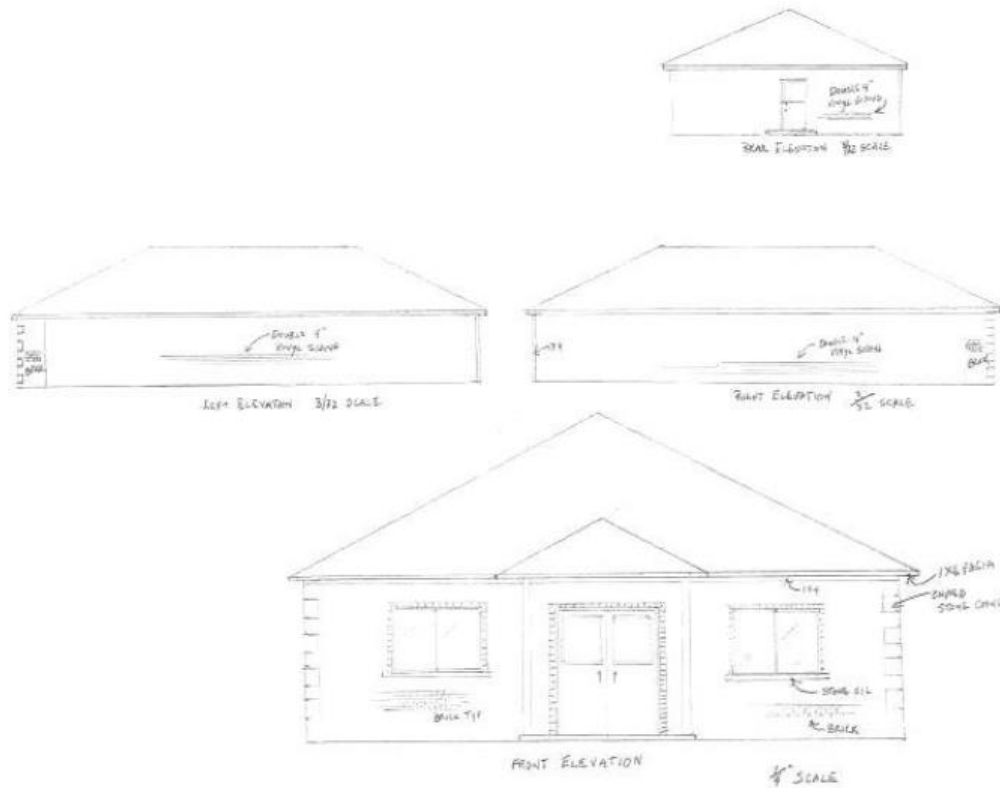
Maximum Number of Employees on Site

The maximum number of employees on-site at any given time will not exceed 10 employees, including:

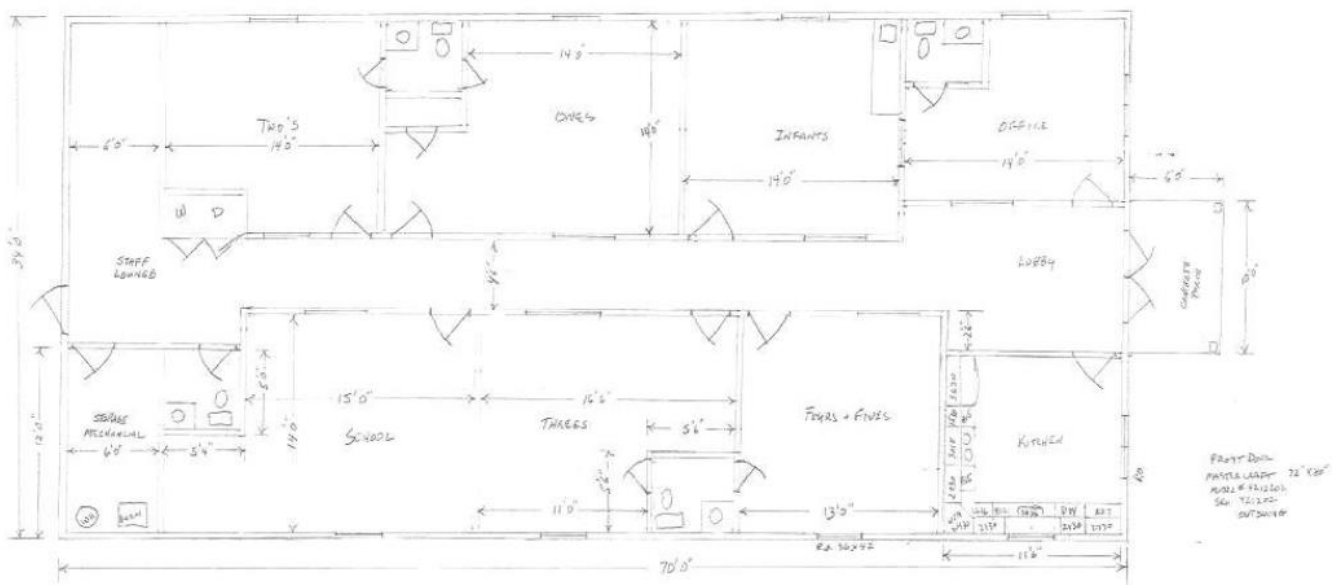
- Administrative Staff (Director/Owner, Assistant Director)
- Lead and Assistant Teachers for toddler, preschool, and after-school groups
- After-school program staff
- Kitchen and janitorial support staff
- Substitute and floating staff for breaks and additional supervision

Staffing is adjusted throughout the day to meet ratio requirements during peak and non-peak hours

2025UV3007 ; Elevations



2025UV3007 ; Floorplan



2025UV3007 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed daycare facility is designed to operate under strict compliance with all applicable local, state, and federal regulations. The facility will implement rigorous health and safety protocols—including regular sanitation, emergency preparedness, and controlled access measures—to ensure a secure environment for children and staff. In addition, all personnel will be thoroughly trained in childcare best practices and emergency response, reinforcing the commitment to a safe and nurturing atmosphere. By providing a vital service that supports local families, the daycare will contribute positively to community stability and well-being, thereby enhancing overall public welfare without compromising community standards.
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 daycare facility is designed to integrate seamlessly with the neighborhood's residential character. The facility will comply with all applicable local, state, and federal guidelines, including stringent controls on noise, traffic, and environmental standards to ensure minimal disruption to neighboring properties. Its design incorporates landscaping and architectural elements that complement surrounding homes, thereby preserving the aesthetic and cultural value of the area. Furthermore, by offering high-quality childcare services, the daycare will serve as a community asset that supports local families, potentially enhancing neighborhood stability and property values. Robust operational measures such as controlled access, designated parking areas, and ongoing community engagement will ensure that any impacts are proactively managed and kept to a minimum.
3. The need for the variance arises from some conditions peculiar to the property involved because the property's unique characteristics—such as its size, shape, topography, or existing structures—create practical difficulties in adhering strictly to current zoning requirements. For example, the lot may have limited space for parking or drop-off areas that comply with standard setbacks or access regulations. Additionally, the property's location within a residential zone, combined with its proximity to community resources like parks or schools, makes it an ideal site for a daycare facility that serves local families. Granting the variance would allow for reasonable use of the property while maintaining the character of the surrounding neighborhood and ensuring that the facility operates safely and efficiently.
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 property's unique characteristics—such as its size, shape, and existing layout—prevent reasonable use under the current zoning restrictions. Complying strictly with setback requirements, parking regulations, or other zoning provisions would significantly limit the ability to establish a safe and functional daycare facility. This would not only impose an undue financial burden but also deprive the community of a valuable service. Granting the variance would allow for practical and efficient use of the property that aligns with the community's needs without negatively impacting the surrounding area.
5. The grant does not interfere substantially with the comprehensive plan because it advances the community's long-term vision in several significant ways. The proposed daycare facility addresses a critical need by providing high-quality childcare that enables local families to participate fully in the workforce, thereby supporting economic growth and enhancing residents' quality of life. Its design and operation have been meticulously planned to respect and preserve the residential character of the area, using tailored architectural elements, landscaping, and site planning that maintain the neighborhood's aesthetic and cultural integrity. Additionally, the project incorporates sustainable development practices—such as energy-efficient building techniques, sustainable landscaping, and environmentally responsible operations—which minimize its environmental footprint while serving as a model for broader community sustainability. A comprehensive traffic and safety management plan has also been integrated to mitigate any potential impacts on local traffic patterns and public safety. Finally, extensive community engagement during the planning process has ensured that the project meets local expectations and aligns with the broader development strategy outlined in the comprehensive plan.

2025UV3007 ; Photographs



Photo 1: Subject Site Viewed from East (June 2019)



Photo 2: Subject Site Viewed from East (August 2007)

2025UV3007 ; Photographs (continued)



Photo 3: Adjacent Property to South (June 2019)



Photo 4: Adjacent Property to South (April 2025)

2025UV3007 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to East