

BOARD OF ZONING APPEALS DIVISION I

December 3rd, 2024

Case Number: 2024-UV1-022
Property Address: 9111 Crawfordsville Road
Location: Wayne Township, Council District #11
Petitioner: Rancho Enterprises Inc., by Mark and Kim Crouch
Current Zoning: C-3 / I-2
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor business, per the filed site plan and plan of operation.
Current Land Use: Commercial
Staff Recommendations: Staff recommends **denial** of this variance request.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing for this petition.

The first public hearing for this petition was continued by the Town of Clermont, a registered neighborhood organization, who filed an Automatic Continuance, continuing this petition from the October 1st, 2024, hearing, to the November 7th, 2024 Division I, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this variance request.

PETITION OVERVIEW

- This Variance of Use would allow for the operation of a plumbing contracting business at the subject site.
- As proposed, the request includes the construction of a storage building to the rear of the property for the storage of equipment.
- This parcel is split zoned C-3 and I-2, (rear property line crosses into the I-2 zoning). Staff would note that the abutting I-2 zoned area is overwhelmingly improved with residential structures, and the district presence itself is a vestige of pre-Unigov zoning.
- According to the plan of operation, included below, no semi-truck traffic or parking would be permitted. However, six (6) box trucks, two (2) enclosed trailers and one (1) flatbed trailer would be stored on site.

- The contracting business would be open from 8:00 am to 6:00 pm Monday through Friday.
- During the day there is the possibility to have up to 11 vehicles parked on the property. No customers are expected to be visiting the site but there is the possibility to have vendors come to the property on occasion.
- At night and during the weekend its currently planned to have three (3) vehicles and the three (3) trailers parked on the property.
- Commercial Contracting businesses are generally characterized by large amounts of outdoor storage and fleet vehicles. For this reason, this use is only permitted by-right within the C-5, C-7 and Industrial Districts. However, Staff recently amended the Ordinance to allow for this use to operate within the C-4 District with the grant of a Special Exception, in recognition of degrees of intensity of this use, some of which may be appropriate to locate in closer proximity to less intense uses.
- The Land Use Pattern Book recommends Village Mixed-Use for the subject site. The proposed use would represent a substantial deviation from this recommendation and believes that the grant of the request would materially injure the implementation of this plan along this Corridor.
- This area of Marion County is within the Town of Clermont. This portion of Crawfordsville Road functions as its primary commercial corridor, similar to a small town “Main Street”. Subsequently, there is a heavy commercial presence along the corridor in both commercially designed buildings as well as converted single-family dwellings, such as the existing building on the subject site. However, Staff would note that this corridor is mostly populated with eating establishments, bars or taverns, light retail, and personal and professional services. The proposed use is a Heavy Services business and would represent a substantial deviation from this development pattern.
- Staff is concerned about the expansion of the business that may necessitate such a use in the future. Subsequently, Staff believes the appropriate decision would be to deny the variance and recommend that the applicant seek an appropriately zoned and located property that would prevent this from becoming an enforcement issue necessitating a future re-filing.
- Staff would note that the number of vehicles (11 passenger vehicles and three hauling vehicles) that may be present at any given time, along with the inclusion of only four spaces on the site plan, will inevitably lead to a level of congestion that indicates over-intensification of the site. Staff would note that while this property is zoned commercial, it was clearly platted as a residential lot given its dimensions and improvement with a single-family dwelling.
- Given these facts, Staff recommends **denial** of the request. The property is already commercially zoned in a manner that is consistent with its immediate context, and that no practical difficulty is associated with the property warranting approval. As a reminder, the practical difficulty criteria establishes that the lot and/or site can ONLY be utilized for the requested use. Staff is unified in that C-3 and I-2, separately and together, provide for a wide range of uses. There is no peculiarity in this site that would not allow for any of the permitted uses list in the Land Use Table.
- This Variance of Use was supported by the Clermont Town Council, a registered neighborhood organization, with commitments to allow the petitioner's clients to conduct business in this location. If this variance petition is approved, Staff will respectfully request the Board to approve the petition with the commitments listed below:
 1. Any Variance of Use for the subject property shall be personal only to the petitioner, Rancho Enterprises, Inc., and the variance shall not run with the land.
 2. There would be no outside storage of goods or materials.

- The "to be constructed" shed at the rear of the property should be substantially the same as the drawings presented to Clermont City Council on October 10th, 2024

GENERAL INFORMATION

Existing Zoning	C-3 / I-2	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: C-3	North: Village Mixed-Use
	South: I-2	South: Village Mixed-Use
	East: C-3	East: Village Mixed-Use
	West: C-3	West: Village Mixed-Use
Thoroughfare Plan		
Crawfordsville Road)	Primary Arterial	50 ft right-of-way existing and 90 ft right-of-way proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	08/21/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/21/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Indy Moves Final Plan 2018

Pattern Book / Land Use Plan

The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is

compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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)

- Indy Moves - Anticipate connections to future Eagle Creek Greenway and upgraded bicycle and pedestrian facilities on Crawfordsville Road. Key intersection improvements are also needed at Girls School Rd and Morris St, Rockville Rd, W 21st St, and Crawfordsville Rd (pg 25).
- Indy Moves Project List
 - Girls School Road Complete Street
 - The Girls School Road complete street project will provide a sidewalk and multi-use path for people walking and bicycling along Girls School Road between Morris Street and Crawfordsville Road. This will establish a vital north-south multimodal connection on the West side of Indianapolis, connecting residential areas, several schools, and employment centers. People using Girls School Road will benefit from safe, well-buffered places to walk and ride bicycles, including crossing improvements at busy intersections. This project will create a consistent three-lane typical section along the extent of Girls School Road, also improving safety for automobile users by establishing a two-way center turn lane with a through travel lane in each direction. (Appendix D: Project List pg 5)

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2008-DV1-023 : 9251 Crawfordsville Road
 - Variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for: a) 2,790-square foot gas station canopy with a 66.83-foot front setback from the centerline of Crawfordsville Road, encroaching 3.167 feet into the proposed right-of-way of Crawfordsville Road (minimum ten-foot front setback from the proposed right-of-way required), and with a 71-foot front setback from the centerline of Raceway road, being one-foot from the proposed right-of-way or Raceway Road (minimum ten-foot front setback from the proposed right-of-way required), b) an air machine with an approximately 33-foot front setback from the existing right-of-way of Raceway-Road and underground storage tanks for racing fuel with an approximately five-foot front setback the existing right-of-way of Raceway Road within the required front yard (not permitted), c) a racing fuel dispenser with and approximately 33-foot front setback from the existing right-of-way or Crawfordsville Road within the required front yard (not permitted), d) an 40-foot tall, 240-square foot pole sign with a 12.167-foot front setback from the existing right-of-way or Crawfordsville Road (minimum fifteen-foot front setback required), e) a 29.48-foot tall, 166-square-foot pole sign with a three-foot front setback from the existing right-of-way of Raceway Road (minimum fifteen-foot front setback required), f) two, 46.5-square foot canopy signs, being 47.44 percent of the area of the north and south canopy faces (maximum 24.5-square foot signs, or 25 percent of the canopy faces, permitted).
 - AP
- 2008-HOV-028: 9109 Hamilton Avenue
 - Variance of use of the Commercial Zoning Ordinance to legally establish a 1003-square foot, single-family dwelling (not permitted), with a 576-square foot detached garage.
 - AP
- 2009-HOV-017: 3421 Church Street
 - Variance of use of the Industrial Zoning Ordinance to legally establish a single-family dwelling (not permitted) and a 248-square foot detached accessory building.
 - Approved.
- 2009-HOV-025: 3428 Anderson Street
 - Variance of use and development standards of the Industrial Zoning Ordinance and Commercial Zoning Ordinance to legally establish a single-family dwelling (not permitted), with a four-foot south side setback and to legally establish a detached garage (not permitted), with a four-foot south side setback and an seven-foot west rear setback (minimum 10-foot side and rear setback required in I-2U District).
 - Approved.

- 2012-UV1-007: 9235 Crawfordsville Road
 - Variance of use of the Commercial Zoning Ordinance to provide for a firearms store (not permitted).
 - Approved.
- 2015-UV3-028: 3435 Church Street
 - Variance of use of the Commercial Zoning Ordinance to legally establish and provide for primary and secondary residential development (not permitted), including a single-family dwelling and a detached garage, with an office, encroaching into the right-of-way of Church Street (not permitted).
 - Approved.
- 2021-HOV-020: 3409 Church Street
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage accessory to a single-family dwelling (not permitted), with a six-foot front transitional setback in the front yard of Ben Hur Avenue (30-foot front transitional setback required and accessory buildings not permitted within the front yard).
 - Approved.
- 2014-UV1-007: 6695 East 75th Street
 - Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a bus storage facility (not permitted), on a lot with: a) 1.08 acres (three acres required), b) zero feet of frontage and lot width (125 feet of frontage and 250 feet of lot width required), and c) with a zero-foot west side yard (minimum 30-foot side setback required).
 - Approved.
- 2022-UV1-017: 9067 Crawfordsville Rd
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish automobile, motorcycle, and light vehicle service and repair (not permitted).
 - **Withdrawn.**

EXHIBITS

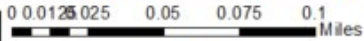
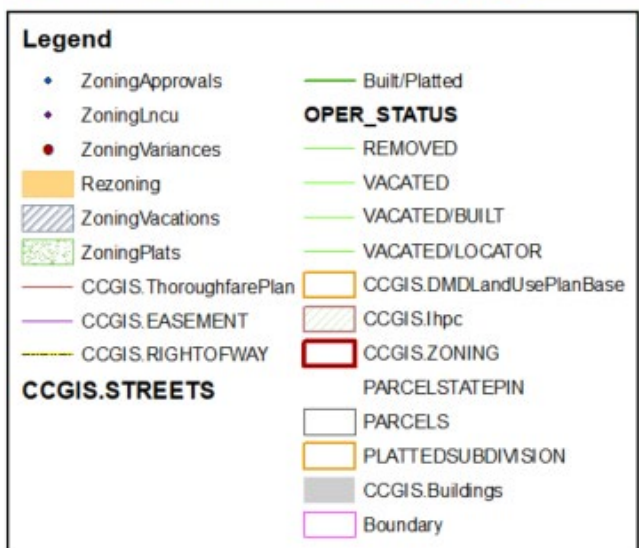
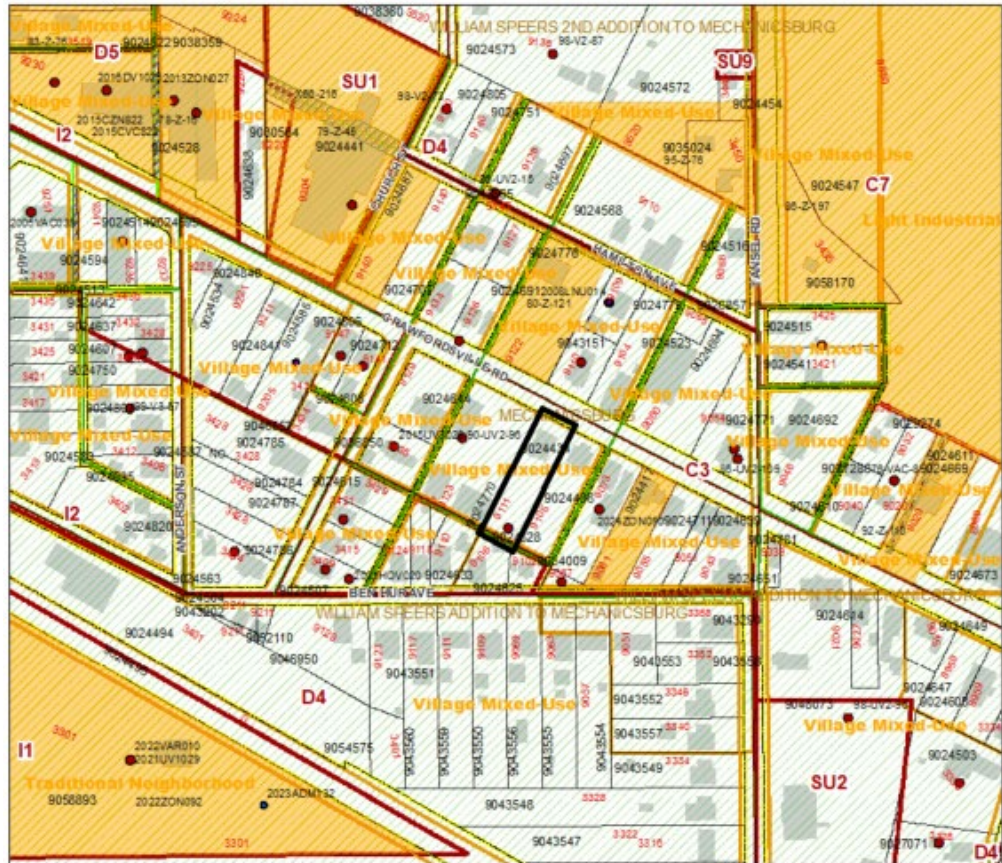


Exhibit 1: Area map of the surrounding area around 9111 Crawfordville.

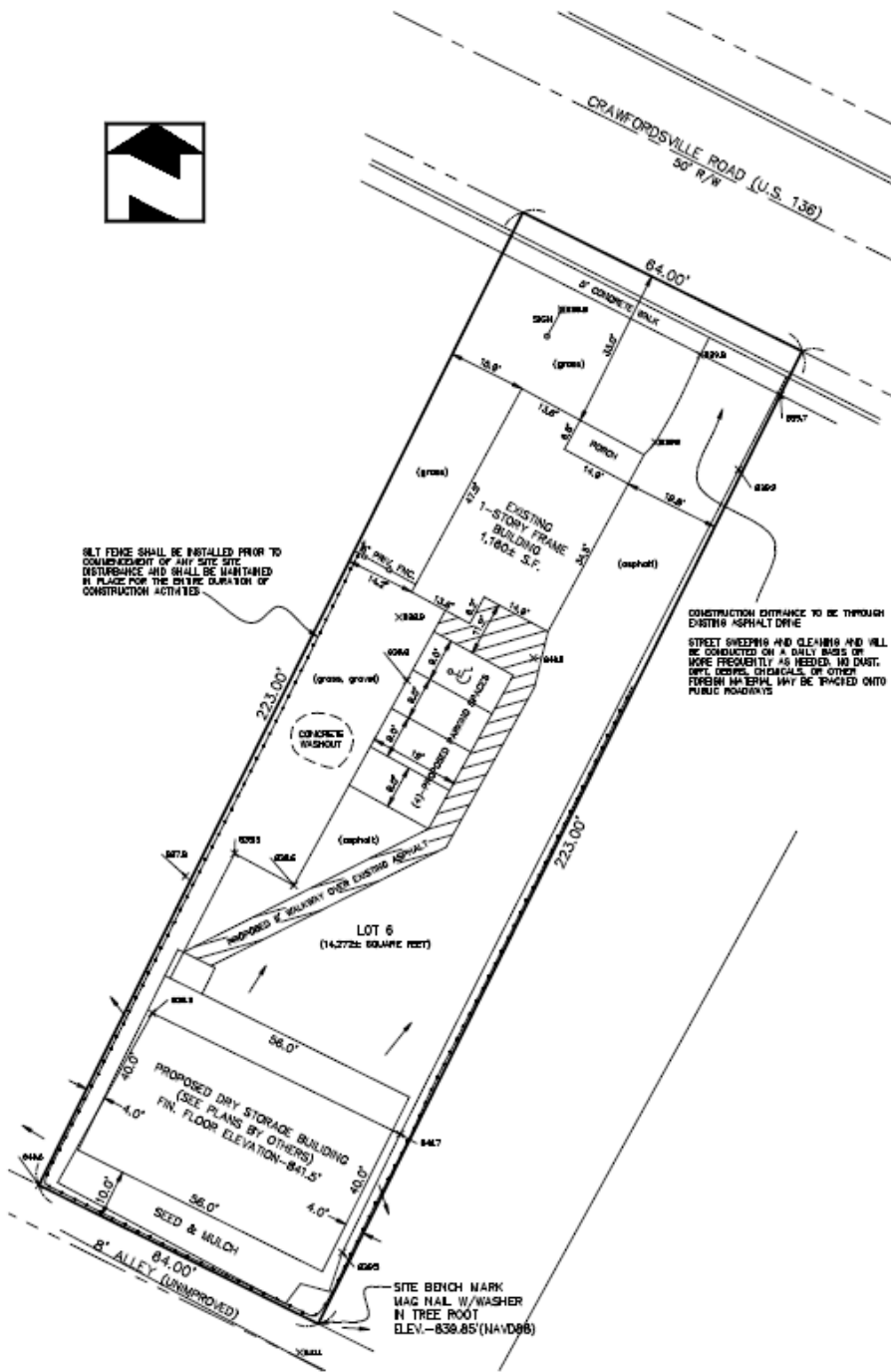


Exhibit 2: Site Plan for 9111 Crawfordsville, if variance of use is approved.

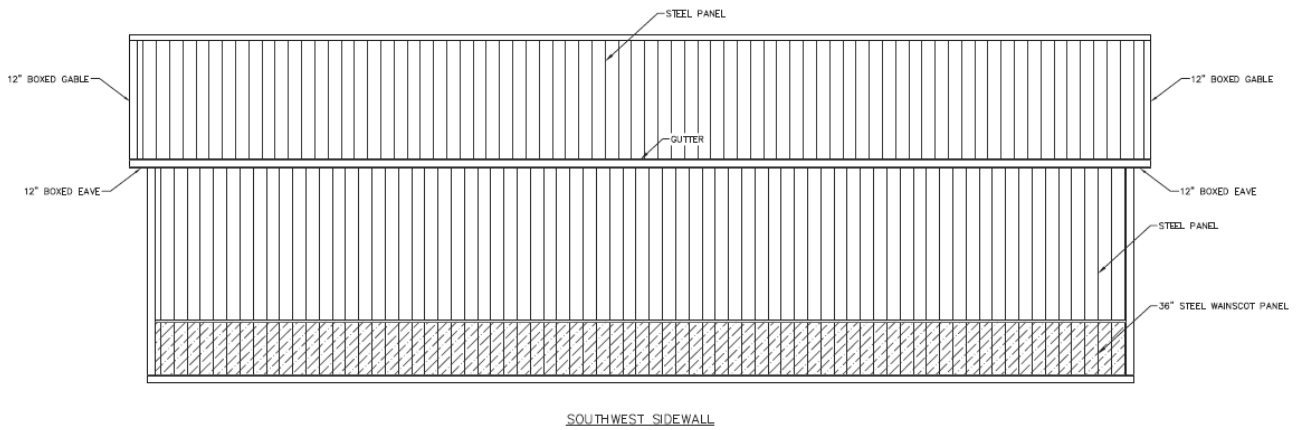
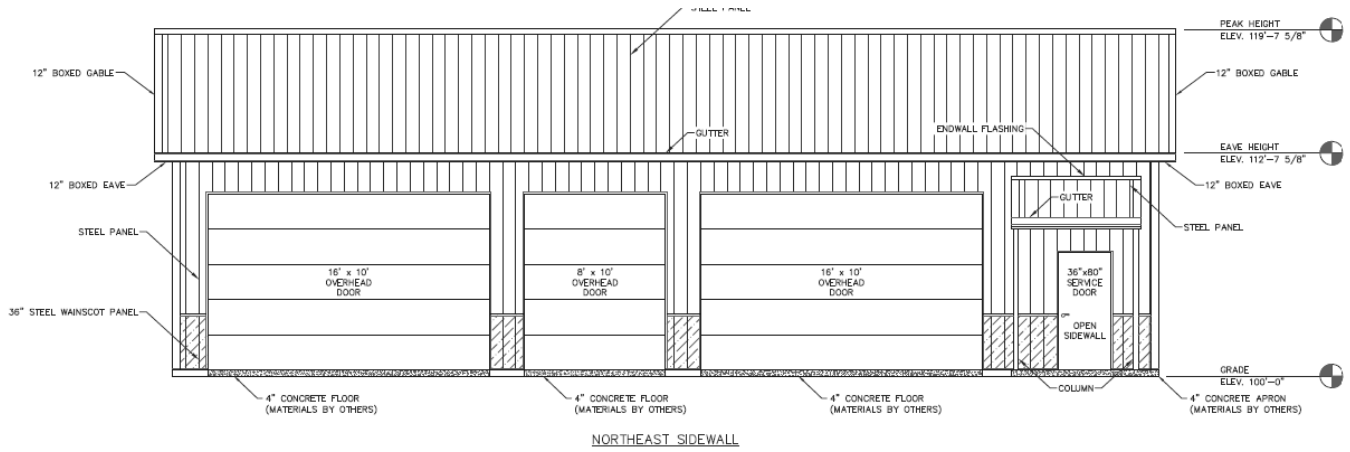


Exhibit 3: Front and Back elevations of the outside storage that will be built in the back of the property.

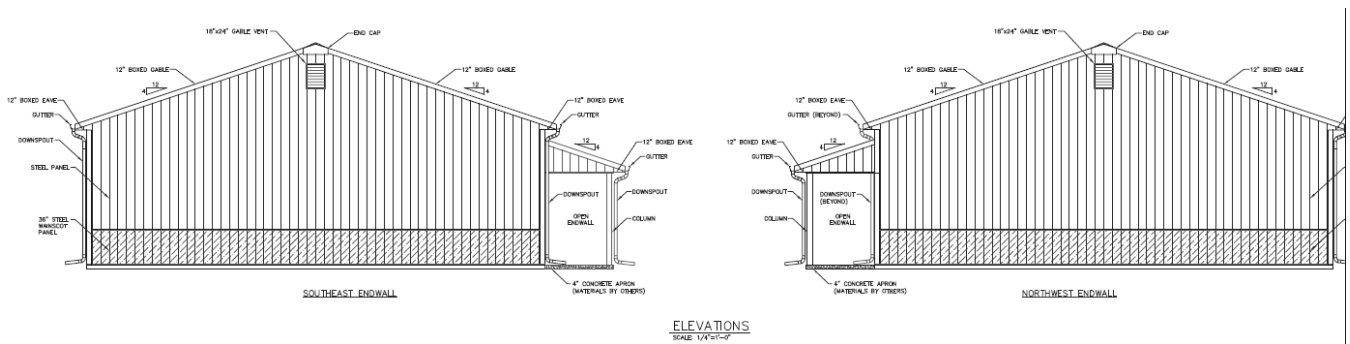


Exhibit 4: Side Elevations of the outside storage that will be built in the back of the property.

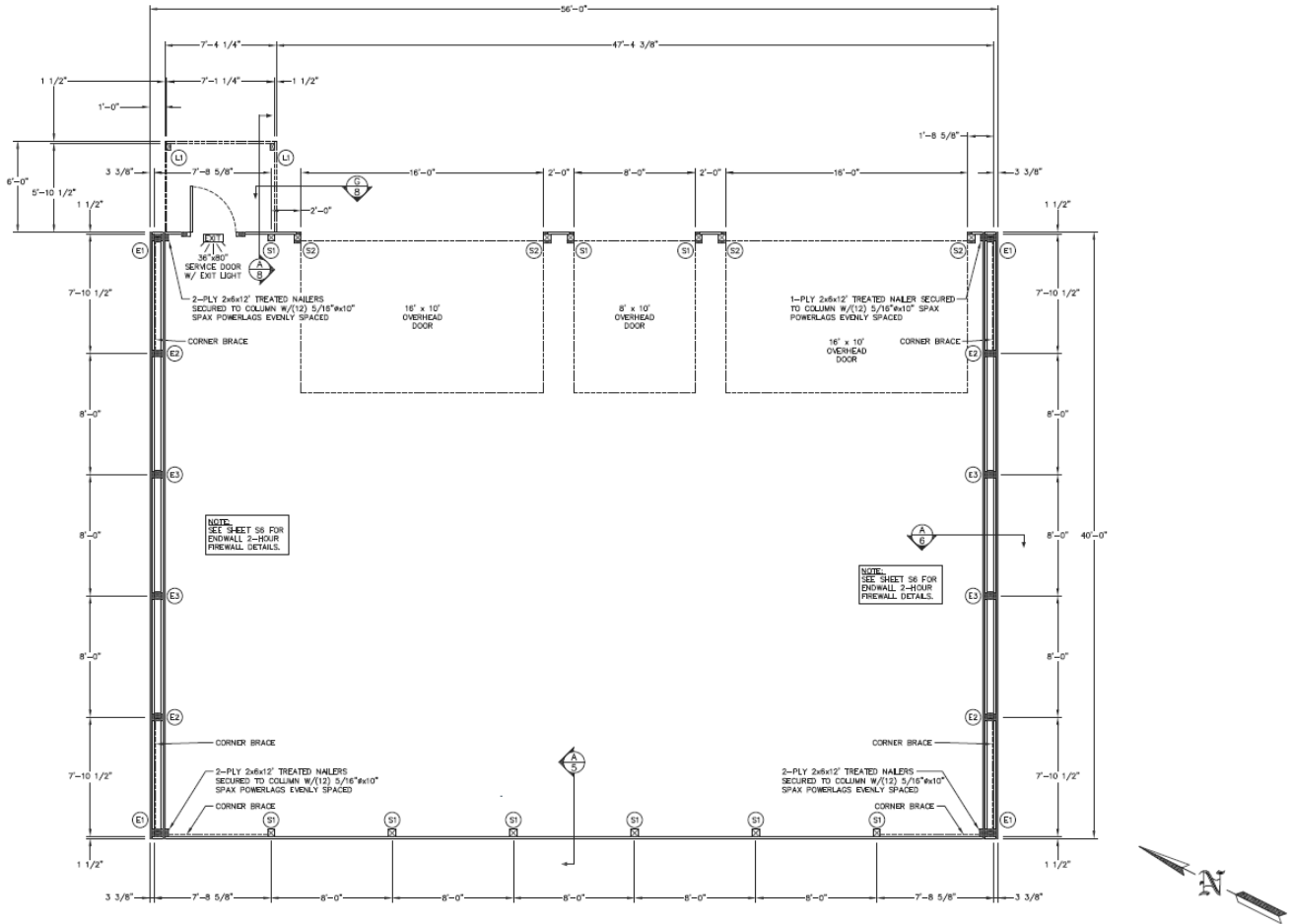


Exhibit 5: Floor Plan of the outside storage.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

the grant will allow for the property to be used by the existing construction company to continue to conduct business as it has for the past 2 years.

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 existing construction company has conducted business for the past 2 years without any complaints from the surrounding neighborhood.

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

current property is zoned C-3 and a construction company is not allowed in C-3 zoning.

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

existing construction company has been in existence on the property for 2 years and does not meet C-3 zoning standards. Without variance approval, existing construction company will not be able to continue to conduct business.

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

the comprehensive plan recommendation is for commercial and the construction company has been in existence and used for commercial purposes since its existence.

Exhibit 6: Findings of Fact submitted for the variance of use at 9111 Crawfordsville.

See The Business Operations .

Monday through Friday (Nothing on Saturday or Sunday)

Hours of Operation are form 8:00 a.m. to 6:00 p.m.

We don't take semi deliveries, Only Box truck or Pull Behind Trailers.

We will have 6 plumbers Truck Plus the Secretaries car and My Truck, the Secretaries car stay here for most of the day, I come and go All day long. The plumbers load up at 8:00 am. leave and are gone most of the day, at 5:00 they return to the office, drop off work orders park the trucks and go home. 3 of them leave their cars here the other 3 take our company trucks home.

We have 2 enclosed trailers and 1 flatbed. No heavy equipment.

Other than a vendor, Superintended or random Solicitor we mostly have no one stop by since its a phone call based business.

Exhibit 7: The plan of operation for the contracting business if this variance is approved.



Exhibit 8: Front facing image of 9111 Crawfordsville from across the road.



Exhibit 9: Work area behind 9111 Crawfordsville.



Exhibit 10: Looking west down Crawfordsville Rd.



Exhibit 11: Looking east down Crawfordsville Rd.



Exhibit 12: The commercial business to the east of the proposed contracting business.



Exhibit 13: The dwelling to the west of the proposed contracting business.

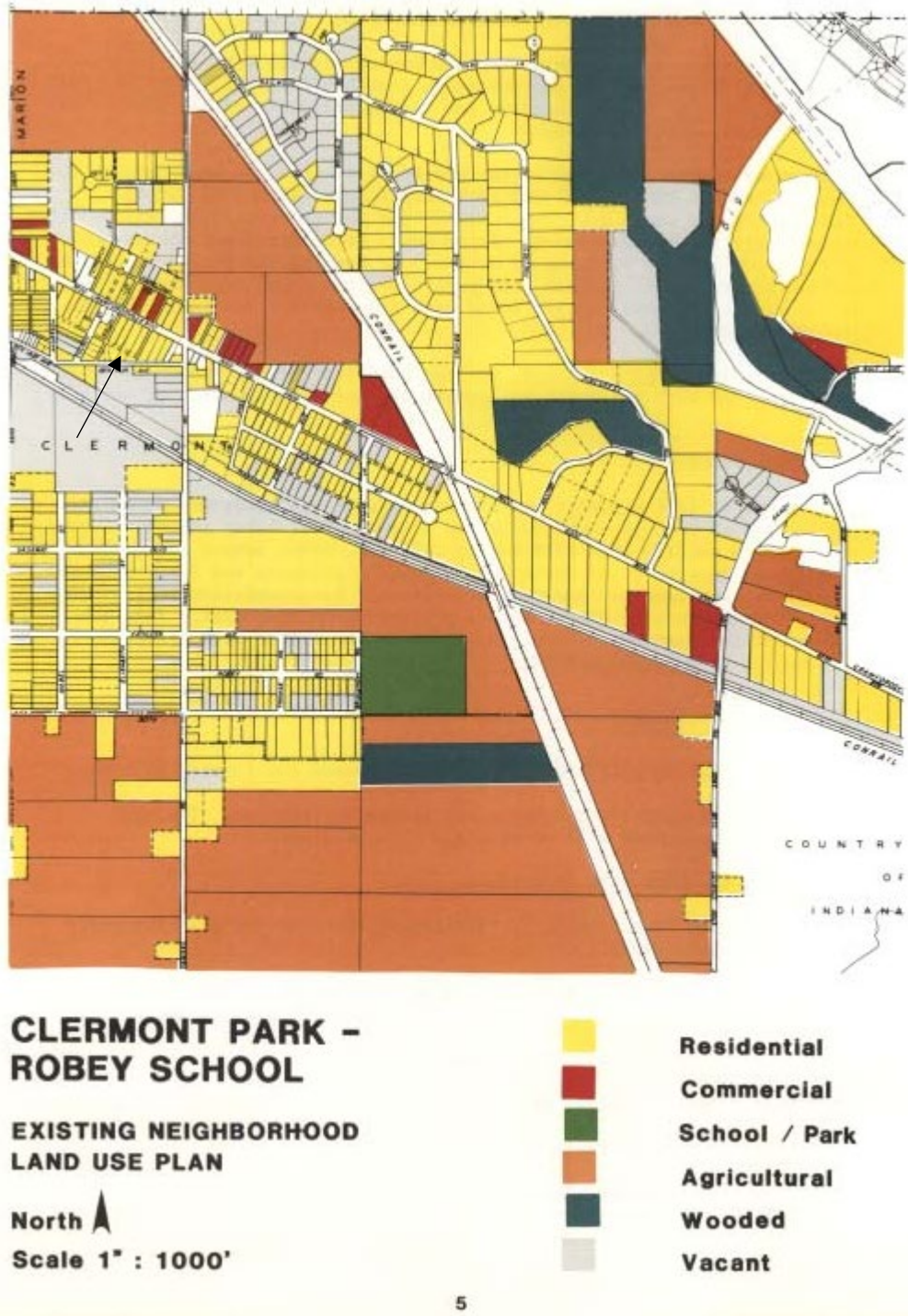


Exhibit 14: Map from Clermont Park – Robey School Master Plan 1983. Arrow points to the now 9111 Crawfordville Road parcel.

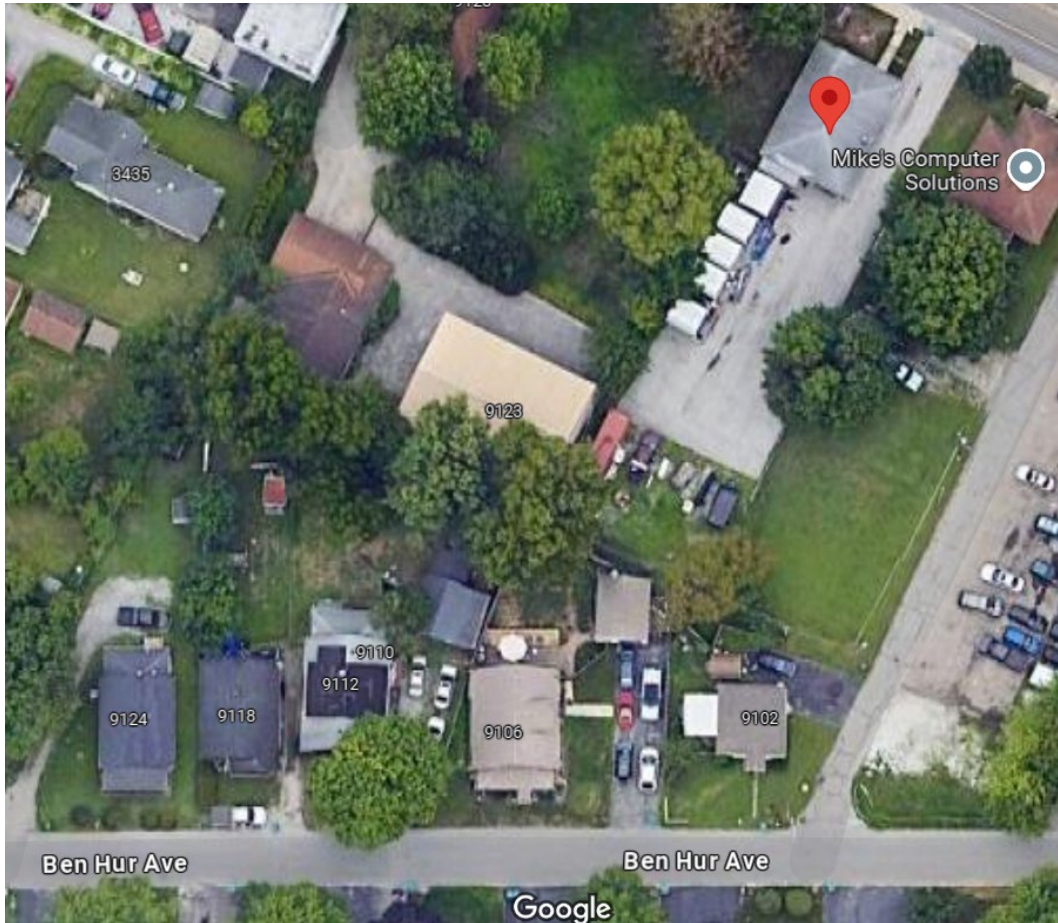


Exhibit 15: Google Maps aerial of property with residential homes behind it. These homes are placed in an Industrial zoning.

1. Any variance of use for the subject property shall be personal only to the petitioner, Rancho Enterprises, Inc. and the variance shall not run with the land.
2. There would be no outside storage of goods or materials.
3. That the to be constructed shed at the rear of the property be substantially the same as the drawings submitted. (copy attached).

Exhibit 16: Commitments agreed upon between the owner, petitioner and the Clermont Town Council.