

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV1-024  
**Address:** 1718 Lafayette Road (approximate address)  
**Location:** Wayne Township, Council District #11  
**Zoning:** D-5 (W-5)  
**Petitioner:** Lafayette Rooms LLC, by David E. Dearing  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 12.5-foot tall, 11.25-square foot pylon sign (not permitted) and a 40-square foot wall sign (maximum six-square foot wall sign permitted).

### RECOMMENDATIONS

Staff **recommends denial** of the request as filed.

### SUMMARY OF ISSUES

#### LAND USE ISSUES

##### EXISTING ZONING AND LAND USE

Compact D-5 Commercial (Vacant Medical Office)

##### SURROUNDING ZONING AND LAND USE

North - D-5	Commercial (Motel)
South - D-5	Single-Family Dwellings / Automobile Repair
East - D-5 & I-3	Single-Family Dwellings / Warehousing
West - D-5	Single-Family Dwellings

COMPREHENSIVE PLAN The Comprehensive Plan recommends Community Commercial uses for the subject site.

- ◇ Based on 1915 Sanborn maps and 1937 aerial photos, the site was previously developed residentially, until approximately 1954, when a variance of use for a publishing house was granted (54-V-355). That use continued until 1974, when a new variance of use for a wholesale optician, eyeglasses and contact lenses fabrication in the existing building, was granted (74-UV3-69).
- ◇ A recent request on the subject site, for a variance of use and development standards (2022-UV1-034) to provide for the operation of a community center and event center with a proposed 65-foot wide parking area in the front yard was granted.
- ◇ Due to the existing zoning being a long-term legacy zoning and outdated for the site, and to avoid future variances related to the existing D-5 zoning, Staff had recommended the site be rezoned instead. At the time of the previous variance of use petition, the petitioner had indicated their reluctance to file for a rezoning.

(Continued)

## **STAFF REPORT 2023-DV1-024 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request for a proposed 12.5-foot tall, 11.25-square foot pylon sign, and a 40-square foot wall sign, is a result of the petitioner's refusal to rezone the property.
- ◇ If the property would be rezoned to the C-4 District, then this variance could be dismissed, and any potential future variance filed as a result of the existing D-5 zoning would not be needed.
- ◇ Rezoning to the C-4 District would address deficiencies with the current D-5 District zoning such as sign standards, parking standards, required landscaping and transitional yard setbacks that will protect the dwelling district to the east, south and west, where variances in the current D-5 zoning do not.
- ◇ With the proposed use expanding onto a property that is not properly zoned, and the lack of a demonstrable hardship, Staff does recommend denial of this petition as requested.
- ◇ The previous variance of use petition (2022-UV1-034) was subject to commitments, including that petitions site plan file-dated February 2, 2023. That site plan does not show or provide for a pylon sign as requested by this petition. Therefore, if this request should be approved, an Approval petition to modify the commitments for 2022-UV1-034 will still be required, before the pylon sign could be permitted.

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of Lafayette Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 75-foot existing right-of-way and an 88-foot proposed right-of-way.
SITE PLAN	File-dated April 24, 2023.
FINDINGS OF FACT	File-dated April 24, 2023.

### **ZONING HISTORY**

**2022-UV1-034; 1718 Lafayette Road (subject site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a community center and event center with proposed 65-foot wide parking area in the front yard, **granted**.

**2020-UV3-003; 1718 Lafayette Road and 2438 West 17th Street (includes subject site)**, requested a variance of use to provide for a police station, **withdrawn**.

**2005-ZON-131, 2429 West 17<sup>th</sup> Street (south of site)**, requested the rezoning from the D-5, C-3, and C-5 districts to the C-5 district, **approved**.

**2004-DV3-031, 1850 Belleview Place (west of site)**, requested a variance to provide for a 900-square foot accessory structure resulting in an accessory building area of 90 percent of the main floor area of the primary dwelling, **approved**.

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**STAFF REPORT 2023-DV1-024 (Continued)**

**94-HOV-79, 1657 North Belleview Place (west of site)**, requested a variance to provide for a 720-square foot detached garage on a corner lot with a seven-foot setback from 18<sup>th</sup> Street, **approved**.

**91-HOV-42, 1709 Lafayette Road (east of site)**, requested a variance to provide for a 77.3-foot transitional yard setback from the north property line, **approved**.

**79-UV2-134; 1718 Lafayette Road (subject site)**, requested a variance of use and development standards to permit erection of an addition to rear of existing wholesale optician, eyeglass and contact lenses fabrication business, **granted, subject to conditions for landscaping and parking plan**.

**74-UV3-69; 1718 Lafayette Road (subject site)**, requested a variance of use and development standards to permit operation of a wholesale optician, eyeglasses and contact lenses fabrication in existing building, **granted, with parking to be arranged in a fashion which will not harm the existing trees**.

**71-V1-37; 1718 Lafayette Road (subject site)**, requested a variance of use and setback requirements to erect an addition to the north side of an existing publishing house, **granted**.

**54-V-355; 1718 Lafayette Road (subject site)**, requested a variance of use to provide for a publishing house, **granted**.

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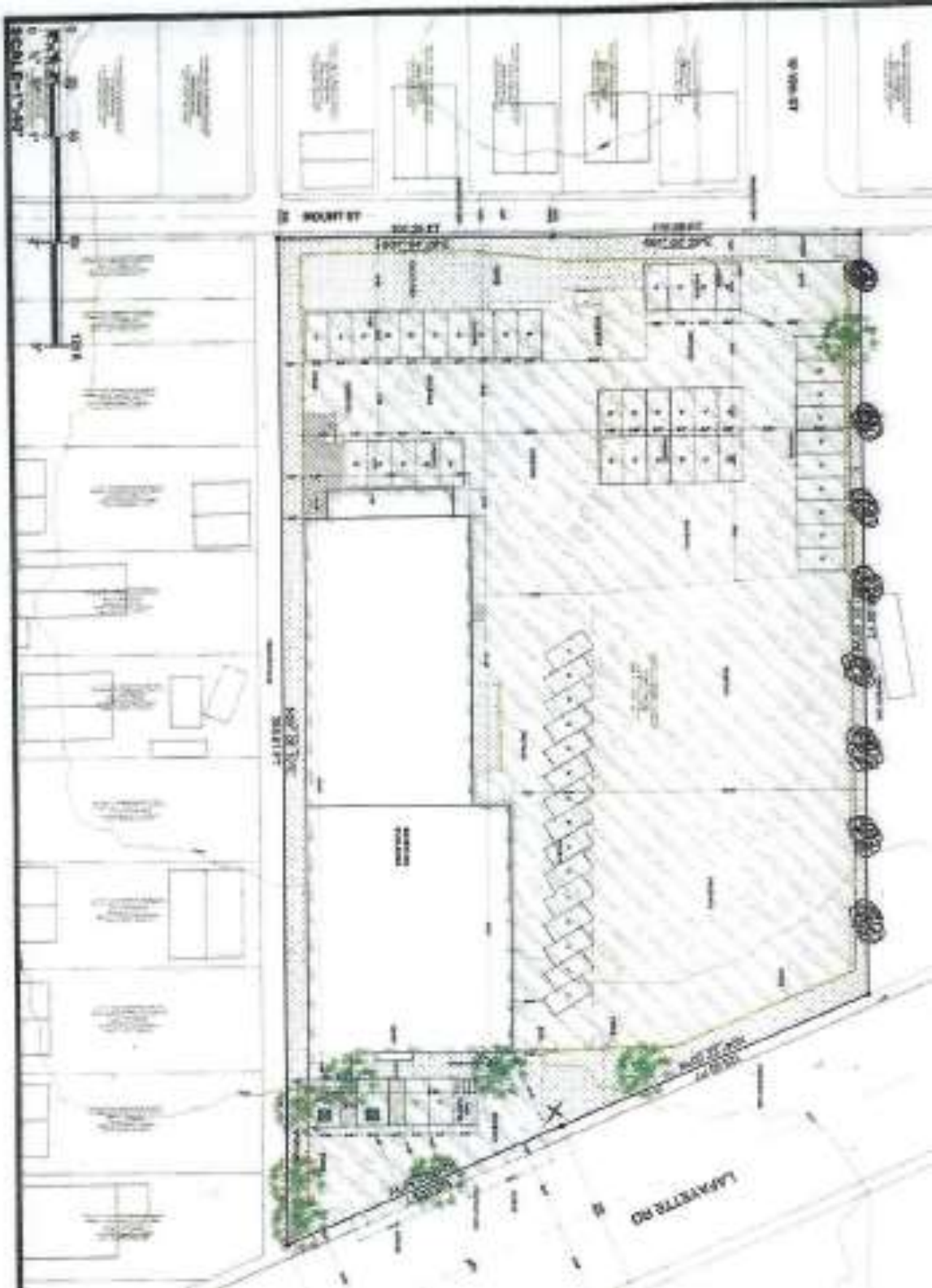
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**2023-DV1-024; Location Map**

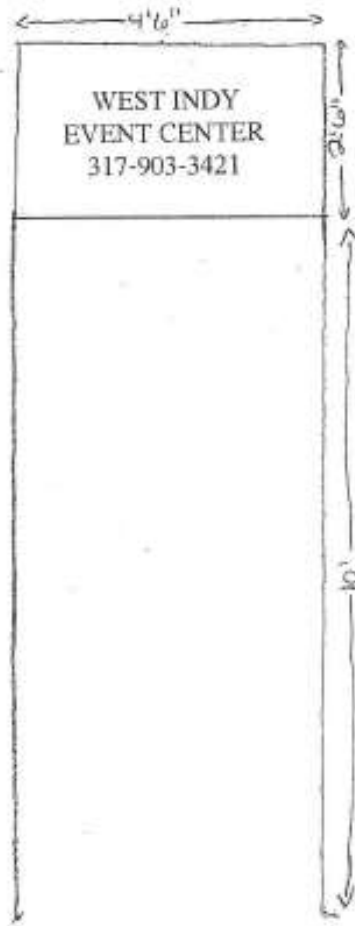


— Trees To be added on 10' centers

X - Pylon sign



**2023-DV1-024; Site Plan**





**2023-DV1-024; Photographs**



Subject site, looking west



Subject site north side yard, looking west



Proposed location of pylon sign, looking north.



Adjacent automobile repair use to the south, looking west





Adjacent warehouse uses to the east.



Adjacent commercial motel use to the north, looking west