



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

March 13, 2025

**Case Number:** 2024-CZN-853 / 2024-CVR-853

**Property Address:** 420 West 40th Street (Approximate Address)

**Location:** Washington Township, Council District #7

**Petitioner:** Edith Glover, by Lester Wiley Carver

**Current Zoning:** D-5  
Rezoning of 0.38-acre from the D-5 district to the C-3 district.

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing surface parking lot, with a zero-foot front transitional yard setback, with landscaping within the right-of-way (minimum ten-foot transitional yard with landscaping on subject parcel required), and a nine-foot east transitional yard setback (minimum ten-foot transitional yard required).

**Current Land Use:** Parking Lot

**Staff Recommendations:** Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the January 23, 2025, hearing to the February 27, 2025 hearing at the request of staff to allow time for the petitioner to provide staff with additional information for review.

This petition was continued for cause from the February 27, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow additional time to consider amending the request and possibly provide new notice. The request was not amended and new notice was not needed.

**STAFF RECOMMENDATION**

Staff **strongly recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.38-acre subject site is developed with a recently paved parking area that was constructed without permits per a violation case, VIO24-005571, that notes the failure to obtain a drainage permit for land alteration.



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

The site is surrounded by single-family dwellings to the west, north and partially to the east, zoned D-5, a commercial property to the east which the parking lot would be associated with, zoned C-3, and a single-family and two-family dwelling to the south, zoned D-5 and C-1.

## **REZONING**

The request would rezone the property from the D-5 district to the C-3 district.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

## **VARIANCE OF USE AND DEVELOPMENT STANDARDS**

Per Table 743-2: Use Table, a commercial parking lot is not permitted in the current D-5 district and is not permitted as a primary use in the proposed C-3 district. For this reason, the petitioner is requesting a variance of use to allow the use of the site as a surface parking lot in association with the property at 4002 Cornelius Avenue operated as a community center.

Per Table 744-201-3: Dimensional Standards for Districts C-1, C-3, C-4, C-5, C-7 and C-S, the proposed C-3 district in the Compact Context Area would require ten-foot front and side transitional yards. The parking lot has a zero-foot front transitional yard and a nine-foot east transitional yard.

## **STAFF ANALYSIS**

The grant of the requests would permit the rezoning of the subject site to the C-3 district for a surface parking lot with deficient landscaping and transitional yards.

Staff is strongly against the C-3 district at this location because the zoning district would not permit the intended use of the site as a surface parking lot. Instead, a companion variance of use is requested for the proposed use which negates the rezoning request. Additionally, approval of the rezoning would potentially open the site to be developed in the future for other C-3 permitted uses that would encroach further into the residential neighborhood.



The initially submitted site plan noted a six-foot tall perimeter fence, which the petitioner has agreed to rectify by providing a compliant fence.

Staff is hesitant to support a variance of use and associated development standard variances requested due to the C-3 rezoning request. If approved, the parking lot could also be used in association to other C-3 permitted uses that would operate from the primary building at 4002 Cornelius Avenue. Currently, uses are limited at 4002 Cornelius Avenue due to the limited parking on site, which protects the neighborhood from uses that would otherwise create more traffic, lighting, and noise. The petitioner proposed a commitment to not build any buildings at 402 West 40<sup>th</sup> Street if the request were approved.

Staff would recommend the petitioner seek flora permits with the Department of Business and Neighborhood Services to be able to install the required frontage and transitional yard landscaping in the right-of-way to buffer the parking lot from the residents to the south.

If the subject site was owned and operated by a charitable, philanthropic, or not-for-profit institution staff was encouraging the rezoning of the subject site and the property at 4002 Cornelius Avenue to the SU-7 district that would be more compatible with the residential neighborhood. However, the petitioner confirmed that it is not and could not be rezoned as such.

Currently, the site is accessed by its users through a carpool service. It was mentioned that two vans and three cars transport 20 to 30 people on site. The vans park at 4002 Cornelius Avenue and the cars use the available street parking. Although this system may not be ideal, staff cannot support a surface parking lot at the subject site when the property could be utilized as intended for residential development.

The need for a surface parking lot can be an indication that the current operation has expanded to a point that would require the business to relocate.

For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Parking Lot	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-5 Residential
	South:	D-5 / Residential / Commercial
	East:	D-5 / Residential / Commercial
	West:	D-5 Residential
<b>Thoroughfare Plan</b>		
40 <sup>th</sup> Street	Local Street	48-foot proposed right-of-way and 70-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	

Overlay	No
Wellfield Protection Area	No
Site Plan	October 19, 2024
Site Plan (Amended)	January 31, 2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	October 21, 2024
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
  - Should be located along an arterial or collector street.

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
- **Large-Scale Schools, Places of Worship, Community Serving Institutions/Infrastructure, and Other Places of Assembly**
  - Should be located along an arterial or collector street. Large-Scale schools should only be located along arterial streets.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Schools should not be within 1000 feet of a highway, freeway, or expressway.
  - Should be located within one-half mile of a bus or rapid transit stop.
  - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
  - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

#### **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 Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018, proposes an active transportation bike neighborway along 40<sup>th</sup> Street from Haughey Avenue to 40<sup>th</sup> Street.
- Neighborways are slow speed, low volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.



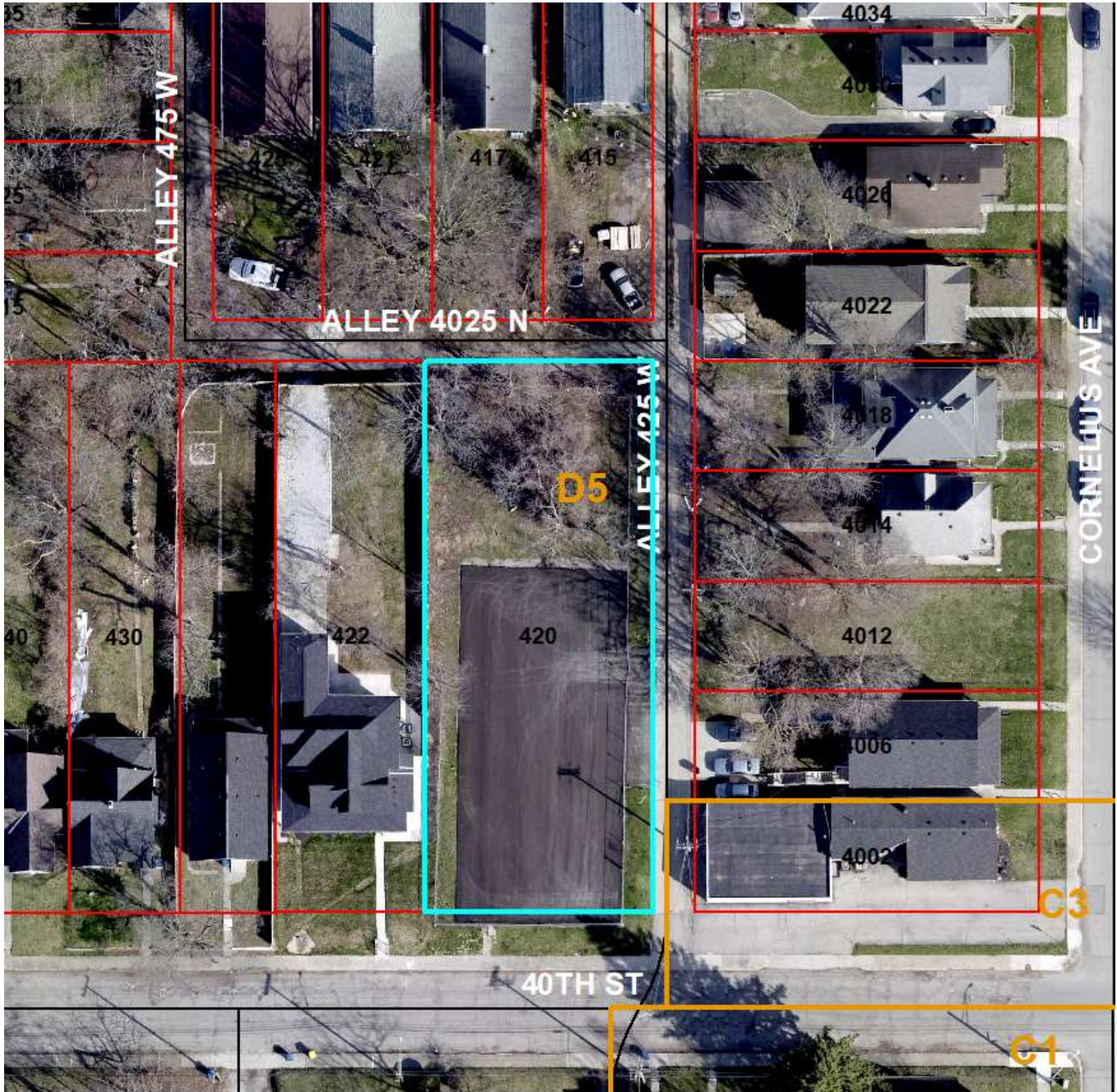
## ZONING HISTORY

### Zoning History - Vicinity

**95-UV3-123; 3962 North Cornelius Avenue** (southeast of site), Variance of use and development standards of the Commercial Zoning ordinance to provide for construction of a single-family residence (not permitted in a commercial district) with a 1.5-foot setback along 40<sup>th</sup> Street and 7.5 foot setback along Cornelius Avenue (minimum 10 foot setback from the proposed right-of-way required, both), **granted.**



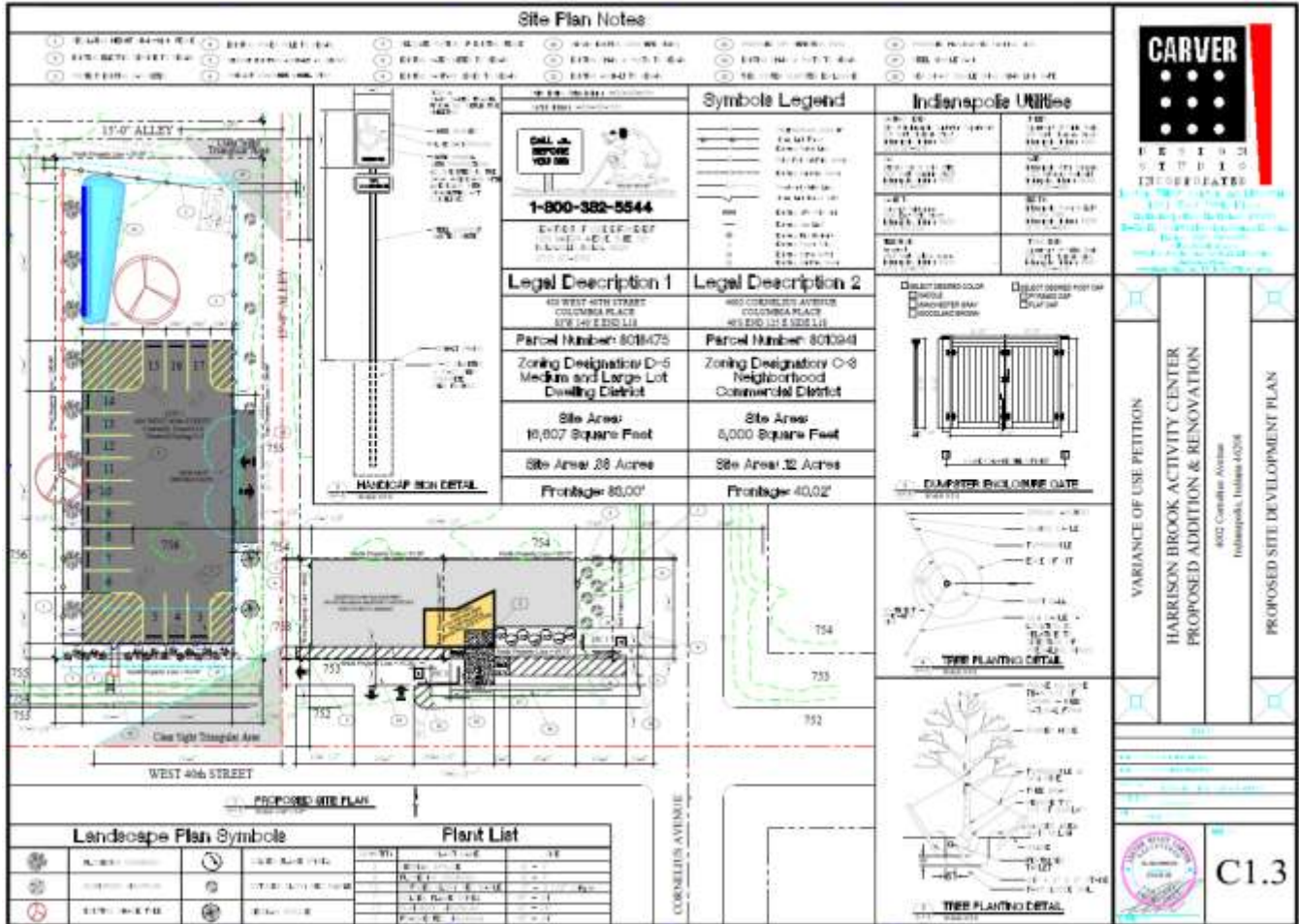
EXHIBITS



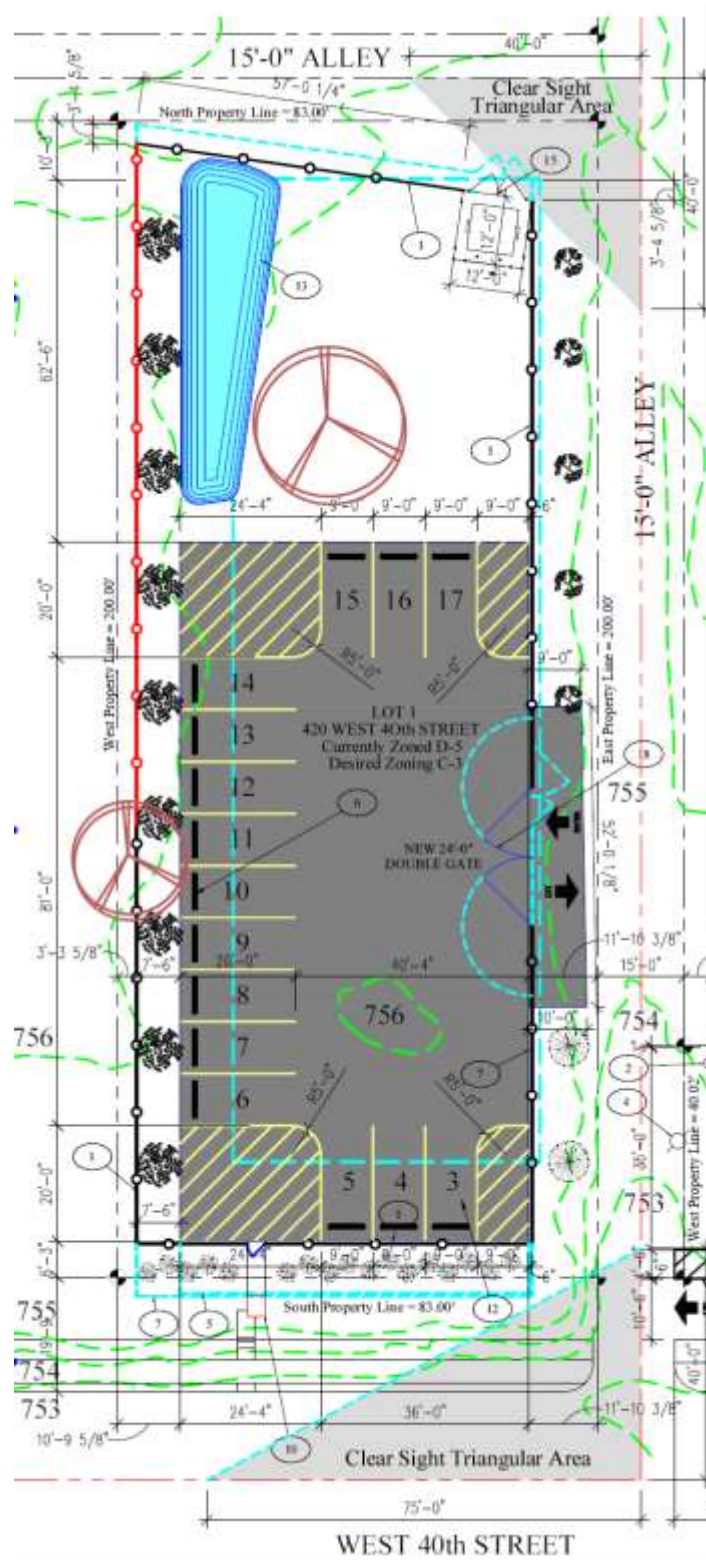




AMENDED SITE PLAN



AMENDED SITE PLAN CLOSE-UP



PLAN OF OPERATION  
420 WEST 40<sup>TH</sup> STREET  
INDIANAPOLIS, INDIANA 46208

1. THE PRIMARY USE FOR THIS SITE WILL BE TO PROVIDE 15 PARKING SPACES
2. THE PRIMARY TIMES OF USE WILL BE DURING DAYTIME HOURS
3. THE PRIMARY USERS WILL BE SENIOR CITIZENS IN THE HARRISON BROOK CENTER
4. THE DOUBLE GATES WILL BE LOCKED WHEN THE PARKING LOT IS NOT IN USE
5. THE DUMPSTER ENCLOSURE WILL BE CLOSED UNLESS BEING FILLED OR EMPTIED
6. THE MAIN ENTRY TO THIS PARKING LOT IS FROM THE EAST ALLEY DOUBLE GATES
7. ACCESS TO THE STREET SIDEWALK IS AVAILABLE FROM CONCRETE STAIRS
8. USERS WILL WALK FROM THE PARKING LOT GATES TO THE ALLEY, TO THE CENTER
9. THIS PARKING LOT SERVES THE FACILITY LOCATED AT 4002 CORNELIUS AVENUE
10. THERE WILL BE TWO SITE LIGHT POLES WITH HOUSE-SIDE SHIELDS
11. THERE WILL BE LANDSCAPING PER THE ATTACHED SITE PLAN
12. THERE IS AN ASPHALT PARKING LOT THAT WILL BE STRIPED PER THE SITE PLAN
13. THERE IS A DRY WATER RETENTION POND ON THE SITE



# HARRISON BROOK CENTER

4002 CORNELIUS AVENUE

INDIANAPOLIS, INDIANA 46208

## PLAN OF OPERATION

### DESCRIPTION OF FACILITY

The Harrison Brook Center is a one-story facility that will be used for a Senior Day Lounge, Games and Arts & Crafts Room. The total occupant load is 110 persons.

There will be (1) Women's Handicapped Accessible Restroom. There will be (1) Men's Handicapped Accessible Restroom. There will be (1) Handicapped Restroom for Staff.

There will be (1) Lounge with a Raised Platform for presenters, performers & musicians. The Lounge will have an (84) person seating capacity. There will also be an Activity Room for games that accommodates 12 persons and an Arts & Crafts Room that serves (8) persons.

There will be (1) ADA Handicapped Accessible Parking Space Available & (1) ADA Van Accessible Handicapped Parking Space Available. There will be (15) Additional Parking Spaces will be available on the Commercial Parking Lot across the alley at 420 East 40<sup>th</sup> Street.

#### ➤ **SIZE OF FACILITY**

The Entire Building is a 3,432 Square Feet Building.

#### ➤ **NUMBER OF EMPLOYEES**

This Facility is Operated by (6) Employees.

#### ➤ **SECURITY PROVISIONS**

There is no security provided at this facility.

#### ➤ **HOURS OF OPERATION**

The Senior Day Lounge Hours of Operation Are 8:00 AM – 5:00 PM Daily.



### **Passion for caring led Edith Glover to open Harrison Brook Center**

It's obvious **Edith Glover** has a heart for others.

A retired nurse with a son who is **autistic** and owner of **home services business for families with disabled loved ones**, Glover has been a **caregiver** — both professionally and personally — her entire life. So, it made perfect sense for Glover to buy a building, name it **Harrison Brook Center** and provide a **safe venue for entertainment and socialization for those with developmental disabilities and senior citizens — two often overlooked populations**, Glover said.

"When I first opened Harrison Brook Center, I did **arts and crafts**, jazz and blues for the special needs population," Glover said. "From there, I went on to do it for **seniors and friends and families.**"

Glover bought the building at 4002 Cornelius Avenue in the **Butler-Tarkington** neighborhood in **2005**. She chose that neighborhood for Harrison Brook, a combination of Glover's and her mother's maiden names, because of its **prosperous past and historic significance to the Black community.**

"I chose the area that I did because at one time it was where our affluent — our doctors and lawyers — **lived,**" Glover said.

Music is one of Glover's passions as it helped her develop a special connection with her son, Lyle.

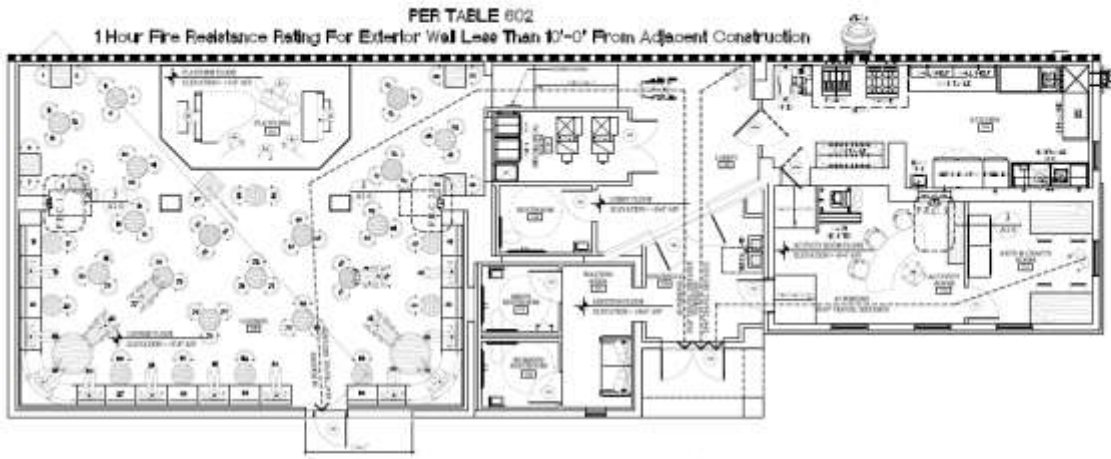
"I feel that I owe a lot to the music," Glover said. "My son, who is nonverbal, he's 44 now, I found that in talking to him he ignored me. If I sang the same thing to him, he paid attention. That's why I feel I **owe** the music. The music was a bridge to reach my son. He's a very avid lover of blues so I try to see to it that I get a little blues in there from time to time for him".

On the second Monday of the month, Harrison Brook Center features a jazz and mocktail night for people with special needs.

**Glover's passion for caring for others** hasn't waned in all these years, friend Camille Thomas said. Instead, it grows as Glover tries to find more ways to support people with disabilities and seniors.

"What she does makes a difference in lives," Thomas said.

For information on **Harrison Brook Center**, call **317-702-8937**.



8,482 SQUARE FEET FACILITY

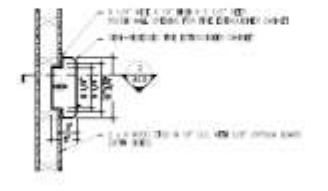
**LIFE SAFETY PLAN**  
SCALE 1/8" = 1'-0"

**190 OCCUPANT LOAD CALCULATION**

ROOM #	ROOM NAME	FLOOR AREA	OCCUPANTS
02	VESTIBULE	30 SF	20 PERSONS
03	WASH AREA	20 SF	10 PERSONS
10	MEANS ROOM	10 SF	5 PERSONS
11	WOMEN'S RESTROOM	10 SF	5 PERSONS
12	MEN'S RESTROOM	10 SF	5 PERSONS
13	MEDICAL ROOM	10 SF	1 PERSON
14	CLERK	20 SF	10 PERSONS
15	PLASTER	10 SF	5 PERSONS
16	CLERK	10 SF	5 PERSONS
17	CLERK	10 SF	5 PERSONS
18	ACTIVITY ROOM	10 SF	10 PERSONS
19	ARTS & CRAFTS	10 SF	1 PERSON



**FIRE EXTINGUISHER CABINET**  
SCALE 1/4" = 1'-0"



**FIRE EXTINGUISHER PLAN**  
SCALE 1/4" = 1'-0"

100% CONSTRUCTION DOCUMENTS  
HARRISON BROOK ACTIVITY CENTER  
PROPOSED ADDITION & RENOVATION  
4001 Conestoga Avenue  
Indianapolis, Indiana 46228  
LIFE SAFETY PLAN





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

This parking lot is intended to provide parking for the building located across the alley at 4002 Cornelius Avenue. This is the Harrison Brook Center that provides daytime gatherings, entertainment and activities for elderly people. The handicapped parking space and van accessible handicap parking space are located in front of the building. The parking lot has 2 site lighting poles with house-side shields, a fence with a locked gate, a dumpster enclosure & a dry pond water retainage area.

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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 property adjacent to 420 West 40<sup>th</sup> Street is separated by an alley to the North & East sides and 40<sup>th</sup> Street To the South side. The property to the West side has a 6'-0" privacy fence as well as a 6'-0" high chain link fence That separate the properties and will have landscaping that enhances the appearance of the parking lot area.

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

The commercial parking lot is an Accessory Use for a C-3 property but needs a Variance of Use to be A Permitted Use. The existing site is Zoned D-5 and needs to be Rezoned to C-3.

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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 elderly people who use the Harrison Brook Center property across the alley from this site at 4002 Cornelius Avenue would not have access to the additional 15 parking spaces provided at 420 West 40<sup>th</sup> Street that will Provide the additional 15 parking spaces required for this facility.

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

This parking lot is primarily used during the daytime and reduces the building density because there is no Physical structure on the site except for the commercial parking lot which is consistent with the C-3 Commercial Moderate Density Neighborhood.

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DECISION





Photo of the subject site.



Photo of the subject site.





Photo of the alley east of the subject site looking south.



Photo of the alley north of the site looking west.





Photo of the subject site looking west.



Photo of the subject site looking west.



Photo of the existing gate on site.





Photo of the western property boundary of the site.



Photo of the residential property north of the site.



Photo of the alley east of the site looking north.



Photo of the building east of the site that the parking lot would be associated with.





Photo of the residential dwelling east of the site.



Photo of the residential dwellings east of the site.



Photo of the western property boundary and adjacent single-family dwelling west of the site.