



BOARD OF ZONING APPEALS DIVISION I

July 2, 2024

Case Number: 2024-UV1-010
Address: 7012 Doris Drive (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-3 (W-5)
Petitioner: Nicole Baker
Request: Variance of use to provide for the operation of an adult family care facility, for up to four individuals (not permitted).

Current Land Use: Single-Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the following commitment:

The variance grant shall be subject to the site plan, and the plan of operation, both file-dated June 3, 2024.

PETITION OVERVIEW

- ◇ The request would provide for the operation of an adult family care facility, for up to four individuals
- ◇ The proposed use would be similar to a Group Home for the developmentally disabled, which would be allowed in the D-3 district, in regards to traffic, noise, and hours of operation. There would be no external changes to the site, as shown on the proposed site plan, file-dated June 3, 2024.
- ◇ The subject site is adjacent to other residential developed properties in the D-3 and D-5 Districts. In Staff's opinion, the request would be consistent with surrounding residential properties.



GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 North: Single-Family dwelling
	South:	D-3 South: Single-Family dwelling
	East:	D-3 East: Single-Family dwelling
	West:	D-3 West: Single-Family dwelling

Thoroughfare Plan			
	Doris Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	Yes, W-5		
Site Plan	June 3, 2024		
Findings of Fact	May 28, 2024		
Elevations	N/A		
Landscape Plan	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.



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)

- Not Applicable to the Site.

ZONING HISTORY

2008-DV2-015; 1112 Farley Drive (south of site), requested a variance of development standards to provide for the construction of a 720-square foot detached garage, resulting in an accessory building area of 840 square feet or 75.34 percent of the main floor area of the primary structure, and an accessory use area of 1,719 square feet or 154.127 percent of the total living area of the primary structure, **granted**.

2006-UV2-027; 6826 Doris Drive (east of site), requested a variance of use to provide for the storage of a commercial truck and an 8.5-foot by twenty-foot trailer in the driveway, **denied**.

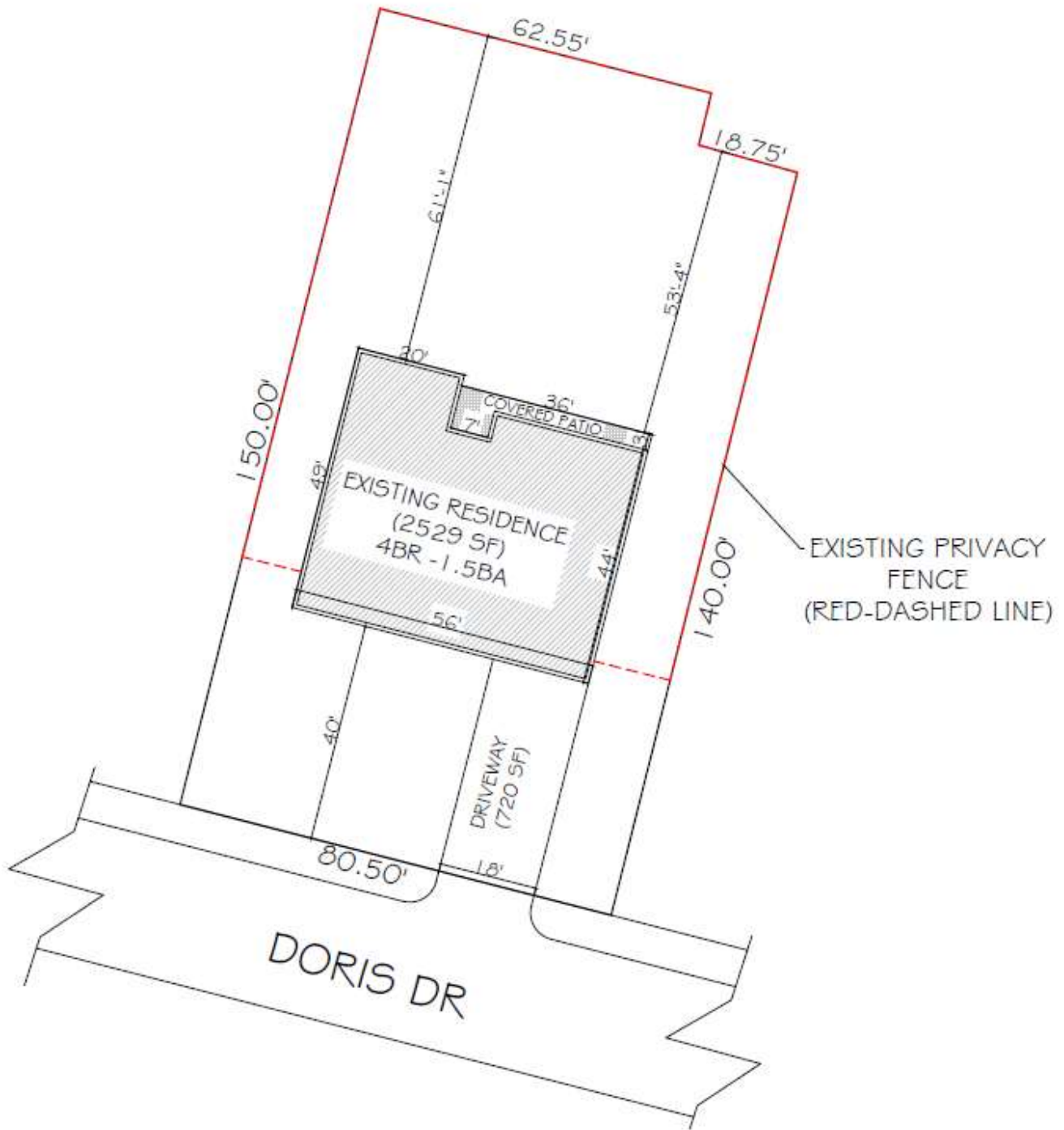
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EXHIBITS

Location Map



Site Plan file-dated 6-3-2024



Plan of Operation file dated 6-3-2024

BEATIFIC AT CARE FAIRY OPERATIONAL PLAN

Beatific at Care Fairy is proposing a variance of use as a residential adult family care home for aged and disabled individuals. Our agency will provide living arrangements for up to 4 residents and assist them with activities of daily living. Our operations will not have any negative impact on our neighbors as our residents live nestled in the comfort of our home. We do not intend to require any home modifications as the space in the home is a 4 bedroom, 1.5 bath, screened patio, and fenced in back yard.

In the event of future growth, we will acquire additional locations for our business. Having our residents live in a home-structured environment is more conducive to providing them with the quality of care they desire. We are a very small business and goal is to

Workforce

- Total number of employees are 3, including the administrator.
- Staffing for our agency will be 1 personal care attendant per shift.
- We will have an administrator on-site during office hours.
- The office hours of operation are Monday-Saturday 7am-4pm.
- We will provide care for up to 4 residents.

Client & Customers

- Our clients are our residents only.
- Visitors are allowed at any time between Monday-Saturday 9am-9pm and Sunday, 9am-5pm.
- Maximum of 2 visitors per resident.
- Parking for visitors is in the driveway, which accommodates 4 cars.

On-site Processes

- Activities of daily living for residents, which include cleaning, cooking, laundry, transportation, etc.

Materials Used

- N/A

Shipping & Receiving

- N/A

Waste

- N/A



Findings of Fact

Petition Number _____

**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 residence will be used as a group home for up to 4 adults. We will not be licensed as an assisted living home, but will provide some of the same services for residents as if they were in an assisted living home.

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
No activities will de-value the property or that of the neighbors.

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

The current zoning of the property is D3. This request is for a variance of use because residents will be living there for a fee in exchange for shelter and personal care services, such as laundry, cooking, assistance with mobility, etc.

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 was purchased by a business to conduct business that is lawful and similar to that of a single family.

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

The variance in use will not disrupt the community and the use of the home will be for residential business use.

DECISION

Photographs



Photo of the subject site existing single family dwelling, looking north.



Photo of rear of the subject site existing single family dwelling, looking southwest.



Photo of adjacent single-family dwelling to the east, looking north.



Photo of adjacent single-family dwelling to the west, looking north.