



BOARD OF ZONING APPEALS DIVISION I

June 4, 2024

Case Number: 2024-DV1-014 (Amended)
Address: 2120 English Avenue (approximate address)
Location: Center Township, Council District #18
Zoning: I-3
Petitioner: Jenny Smalling
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 8-foot tall chain-link perimeter fence with slats or fabric screening (slats or fabric not permitted), in the front yards of English Avenue and Hamilton Avenue (not permitted).

Current Land Use: Commercial Contractor

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the May 14, 2024, hearing, to the June 4, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended.

PETITION OVERVIEW

- ◇ The original petition was amended to remove the request for barbed wire and the request to encroach within the clear sight triangle of the intersection of English and Hamilton Avenues.
- ◇ The amended request added an increase in the height of the fence to eight feet and provided for screening with slats or fabric.
- ◇ The purpose of the I-3 district is designed as an intermediate central city district for industries which are heavier in character than those permitted in the Light Industrial District, but which are not of the heaviest industrial types.
- ◇ The fence as proposed is compatible to the I-3 zoning district and would provide for screening of a permitted outside storage yard. The height would be similar to the gutter line of the building and would not be excessive in Staff's opinion.
- ◇ Removing the fence out of the clear sight triangle and the previously requested barbed wire reduces the impact of the fence and increases the setback from the corner. Therefore, the request would be a minor deviation from the Ordinance, and supportable by Staff.



GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Traditional Neighborhood	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	Single-family dwelling
	South: D-5	Parking lot
	East: D-5	Religious Use
	West: I-3	Single-family dwelling
Thoroughfare Plan		
English Avenue	Primary Arterial	60-foot existing right-of way and 78-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Site Plan	March 15, 2024	
Findings of Fact	March 15, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology for this site. This 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.

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

2003-UV1-033; 2120 English Avenue (subject site), requested a variance of use to provide for an expansion of religious uses, **granted**.

95-UV3-7; 2120 English Avenue (subject site), requests a variance of use of the Industrial Zoning Ordinance to provide for religious uses, **granted**.

71-UV2-089; 2101 English Avenue (south of site), requested a variance of use, transitional side yard, and front-loading area requirements to permit existing fire station building to be used for an office and light metal fabrication, with off-street parking provided, and sign fastened to stainless steel on front of building consisting of ten-inch plastic letters, **granted**.

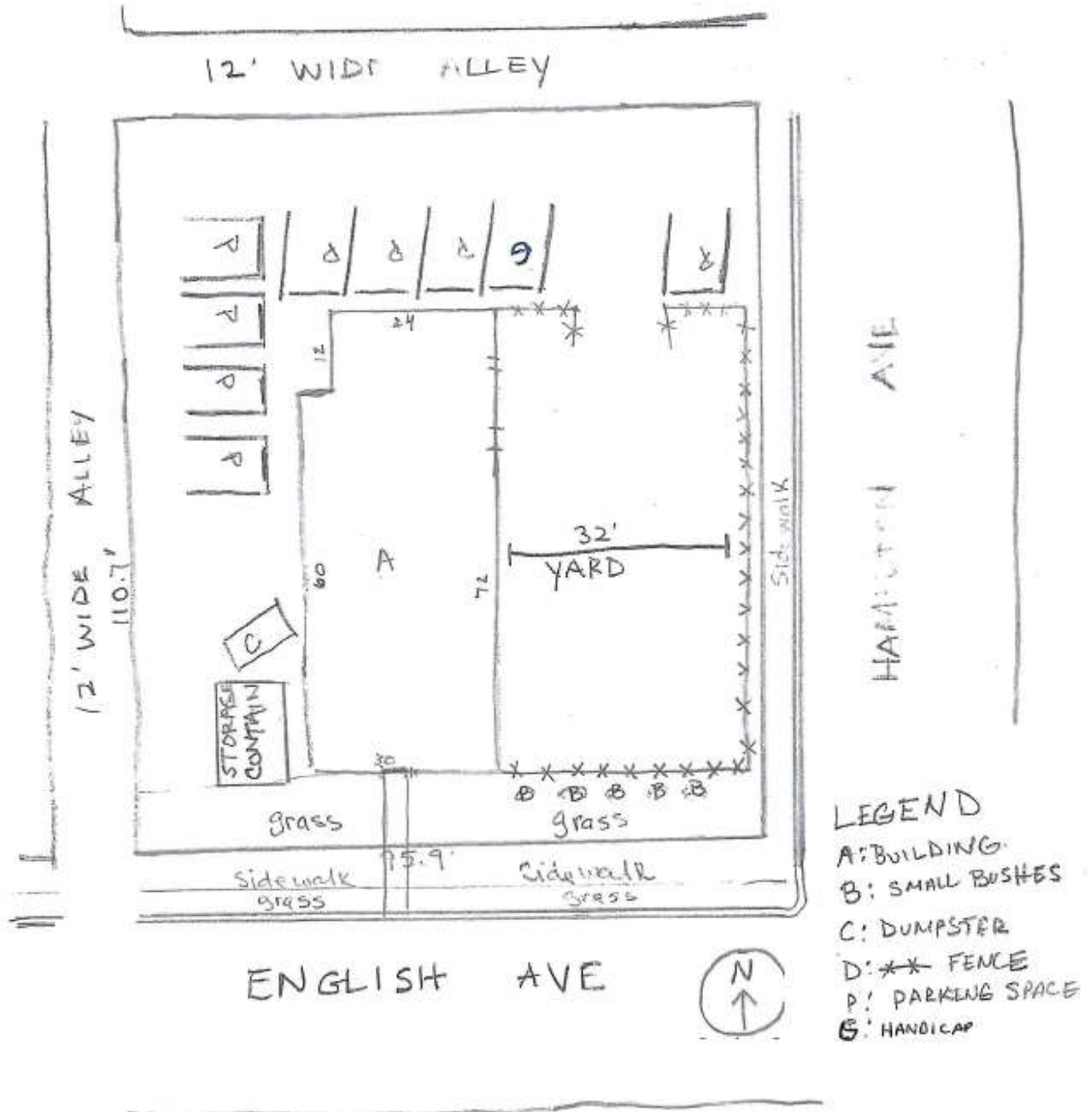
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the fencing without screening does not impeded sight in either direction and is designed to be transparent, allowing unobstructed views for drivers and pedestrians. It serves as a protective barrier for petitioners property without obstructing visibility in the clear sight triangular area.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

there is no property directly butted up to property as it is surrounded by roads or alleys. Property is well maintain with updates in the last 5 years that has increased property value. The variance will not negatively impact neighbor's esthetic or property values. The company has given back to multiple homeowners in area by improving homes in the scope of owners speciality which increased or improved homes value.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The existing site plan allocates a large portion to parking, which are no longer needed due to change in usage patterns. Adhering to strict application would force us to maintain the parking areas, removing the available space for essential operations & crucial to safeguard petitioner's property. The existing site plan does not account for the addition to the building that also would impeded parking and tree in the existing site plan.

DECISION

Photographs



Subject site, looking north



Subject site side yard with existing fencing, looking northwest.



Adjacent religious use zoned D-5, to the east, looking north



Adjacent single family dwelling to the north, looking west.