



BOARD OF ZONING APPEALS DIVISION II

February 13, 2024

Case Number: 2024UV2001
Property Address: 6519 Carrollton Avenue (approximate address)
Location: Washington Township, Council District #7
Petitioner: GP CM Carrollton Avenue Developers LLC, Misha Rabinowitch
Current Zoning: D-4 (TOD) (FF)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an office use, per the filed site plan and plan of operations (not permitted); and variance of development standards to provide for placement of a primary freestanding sign (two signs permitted for residential communities).
Current Land Use: Commercial
Staff Recommendations: Staff recommends **approval** of this petition with a commitment to file for a rezoning petition by the end of 2024 with the full intent to rezone the property to a C-1 zoning designation.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition with a commitment to file for a rezoning petition by the end of 2024 with the full intent to rezone the property to a C-1 zoning designation.

PETITION OVERVIEW

- This primary structure and accessory rear structures were originally constructed for residential purposes. The site is surrounded by formerly residential properties that have since been converted to allow for low intensity commercial uses. General office uses were legalized by petition at this site (for both the residence and accessory buildings) under 78-UV2-13 but were limited by occupancy of the current owner and a plan of operation that is now outdated.
- This site also contains a sign for which a permit was applied for in 2020 but never issued. This variance would seek to both legalize placement of a primary freestanding sign for the current office occupants (typically disallowed within D-4 unless associated with a residential community)

as well as to update the approval of office use for the structures on site to match the site plan and plan of operation proposed by the petitioner.

- The site is currently zoned D-4, which allows for low or medium intensity single-family and two-family residential development. However, several parcels within the immediate vicinity of this property have been rezoned to the C-1 Office-Buffer District designation, while others have obtained variances of uses to allow for low intensity commercial use such as offices while retaining the D-4 zoning designation.
- The Envision Broad Ripple Neighborhood Plan passed in 2012 assigns this property the Village Mixed-Use designation and locates it within Critical Area 2 (Broad Ripple Village). The plan also designates it as an environmentally sensitive area since it is located within a floodplain. This land use category and critical area seeks to promote a village-type atmosphere through residential and commercial uses and design choices appropriate for neighborhood gathering places.
- Since the property is within 1000 feet of the path of the Red Line, it is within the jurisdiction of the Red Line Transit-Oriented Development Strategic Plan. The Red Line Plan assigns it the Walkable Neighborhood typology which allows for a mix of uses near transit stations. The proposed office use would not conflict with the dictates of the TOD strategic plan.
- The entirety of this property also falls within the 100-year floodplain. Unless explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer. Office uses are not mentioned as a restricted use within the Flood Control Secondary Zoning Districts Ordinance.
- Given that the comprehensive plan recommends the Village Mixed-Use typology and that both this property and surrounding area appear to be oriented toward commercial uses for the foreseeable future, staff strongly feels that legalizing this use through a rezone petition would be more appropriate than a use variance. The petitioner was working on a reduced timetable to legalize the use but was amenable to a proposed compromise that a commitment be added for this property to begin the rezoning process to the C-1 designation before the end of the year.
- Commercial uses and placement of primary freestanding signage is disallowed within residential zoning to allow for maintenance of residential character throughout dwelling districts and limit more intense uses to areas appropriately zoned to support commercial traffic and signage. However, the surrounding context of this location is clearly oriented for commercial uses like those previously legalized at this and other sites. Staff would recommend approval of this petition subject to the commitment mentioned above, with the caveat that future cases of this nature should be processed as rezoning petitions and that this should not serve as a precedent for future approvals.

GENERAL INFORMATION

Existing Zoning	D-4 (TOD) (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-4	North: Village Mixed Use
South:	D-4	South: Village Mixed Use
East:	D-4	East: Village Mixed Use
West:	D-4	West: Village Mixed Use
Thoroughfare Plan		
Carrollton Avenue	Local Street	Existing ROW: 44' Prop ROW: 48'
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/02/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/19/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Envision Broad Ripple Village Plan
- Red Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan



- The subject is within 1000 feet of the existing Red Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.

Neighborhood / Area Specific Plan

- The Envision Broad Ripple Neighborhood Plan assigns this property to the Village Mixed-Use typology, which allows for a mixed-use core of small, neighborhood office/retail nodes, public and semi-public uses, open space, and light industrial development.
- The site is also designated as being with Critical Area 2 (Broad Ripple Village; Village Mixed-Use development recommended) and is an environmentally sensitive area (floodplain).

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

ZONING HISTORY – SITE

78-UV2-13, Variance of use and Development Standards to permit remodelling of 2 residences for general office use, small residence in rear to be rented for office use in future, if not needed by owner, as per plans filed, off-street parking available, **approved**.

ZONING HISTORY – VICINITY

2022ZON104; 6520 Ferguson Street (northeast of site), Rezoning of 0.18 acre from the D-4 (FF) (TOD) district to the C-1 (FF) (TOD) district to provide for office uses, **approved**.

2017DV1039; 838 E 65th Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot tall freestanding sign and 42-inch tall aluminum picket fence within the right-of-way of 65th Street (15-foot setback required and structures not permitted within the right-of-way), **approved**.

2015DV1031; 6503 Carrollton Avenue (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a 700-square foot building addition, with three on-site parking spaces, with maneuvering within the right-of-way of the north-south alley (ten off-street parking spaces required, maneuvering not permitted in the right-of-way), **approved**.

2015MO2005; 6515 Carrollton Avenue (south of site), Modification of Commitments and Site Plan related to 2013-UV2-021 to terminate Commitment Five, requiring the trash enclosure and dumpster to be located in the southeast corner of the rear parking lot, with removal access from the alley, and to modify the site plan file-dated October 3, 2013, **approved**.

2013UV2021; 6515 Carrollton Avenue (south of site), Variance of use of the Dwelling Districts Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a 470-square foot addition (not permitted) to the east end of an existing building, approved for use as a bakery and coffee house, with retail sales and outdoor seating (2012-UV2-022), to provide for an additional parking space (not permitted), and to provide for a free-standing sign (not permitted), with a three-foot front setback (15-foot front setback or the front established building line, whichever is less), **approved**.

2013UV2011; 6516 Ferguson Street (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for: massage therapy in the eastern portion of the proposed building (not permitted, previously approved for a gift and antique shop, interior decorator and psychologist office (74-UV1-74A, 74-UV1-131, 80-UV2-51)); to convert the detached garage to an attached garage, with a five-foot rear setback (20-foot rear setback required) for use as a commercial café serving food and non-alcoholic beverages (not permitted); to add two outdoor freezer and refrigeration units (not permitted), with a zero-foot north side setback (minimum five-foot side setback required); to provide for outdoor seating south of and west of the converted garage, with a zero-foot setback from the west property line (not permitted, 20-foot rear yard required); to provide for window signs, and to provide for a four-foot tall, 18-square foot freestanding sign with a four-foot front setback



Department of Metropolitan Development
Division of Planning
Current Planning

(second revised); and with a parking area with a zero-foot south side setback (minimum five-foot side setback and 13-foot aggregate setback required), **approved.**

2012UV2022; 6515 Carrollton Avenue (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a bakery and coffee house, with retail sales (not permitted), **approved.**

2005UV1009; 6523 Carrollton Avenue (east of site), provide for office uses (not permitted) within an existing 1,073.38-sq.ft. single-family dwelling, with a proposed 518.2-sq.ft. addition, with a 566-sq.ft. detached garage in D-4, **approved.**

2003UV3022; 6524 Carrollton Avenue (northwest of site), Variance of Use and development standards of the Commercial Zoning Ordinance to provide for a beauty salon (not permitted), with seven off-street parking spaces (nine off-street parking spaces permitted), **approved.**

2000UV1027; 6515 Carrollton Avenue (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a remodeling business (not permitted), within an existing single-family dwelling, **approved.**

2000UV1025; 6523 Carrollton Avenue (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for retail uses in an existing single-family dwelling (not permitted), **approved.**

99-UV3-72; 6512 Ferguson Street (southeast of site), to provide for a 4 seat hair salon with off-street parking, **approved.**

94-UV2-78; 6524 Carrollton Avenue (northwest of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a boutique business in an existing two-story 2,112 square foot building with storage located in the basement (not permitted), parking 4.5 feet from Coil Street (minimum 20 foot setback required), parking 3 feet from the west property line and 0.5 feet from the south property line (minimum 10 foot setback required for each), **approved.**

89-Z-177; 6524 Carrollton Avenue (northwest of site), approval of 0.177 acres to the C-1 District classification, **approved.**



2024UV2001; Findings of Fact (Use)

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

The subject property has been used for office purpose for many years and is surrounded by similar office uses.

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 subject property has been used for office purpose for many years and is surrounded by similar office uses.

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

The surrounding context although developed as single family residential, has evolved into small bungalow style office uses.

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 is already used as an office and is surrounded by other office uses.

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

The Comprehensive Plan recommends Village Mixed Use which permits office use.



2024UV2001; Findings of Fact (Development Standards)

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

The property has been used for office purpose with a freestanding sign for many years and is surrounded by office uses and similar signage.

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:

The property has been used for office purpose with a freestanding sign for many years and is surrounded by office uses and similar signage.

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

The adjacent properties are operated as office use with similar freestanding signage so to not permit the requested freestanding sign would create a practical difficulty in use of the property.

2024UV2001; Plan of Operation

SmallBox Consulting Inc.

Plan of Operation

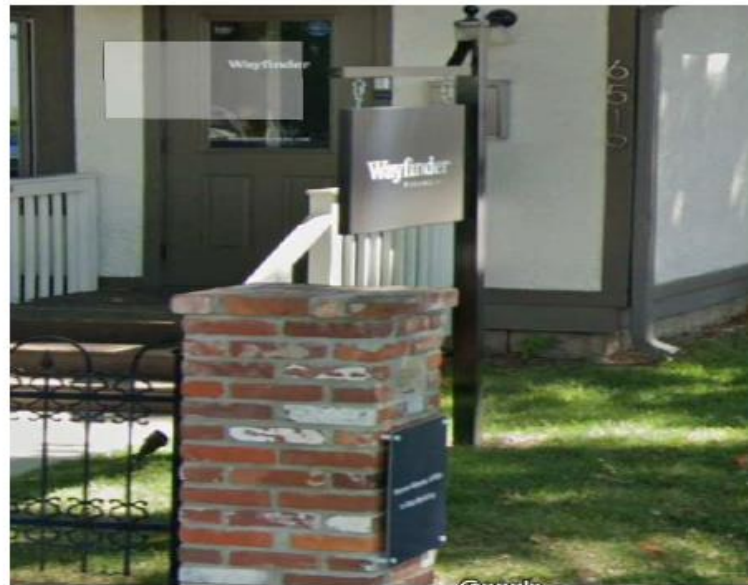
Background: [SmallBox](#) is an Indianapolis based creative agency focused on strategy, web and brand experiences for mission-driven organizations. SmallBox plans to relocate its office from its current location at 6219 Guilford Ave. to 6519 Carrollton Ave.

Employees: SmallBox has 8 total employees, some of whom work remotely or a hybrid between remote and in-office work. It is anticipated that on a regular basis there will be approximately 5 employees in the office during normal business hours.

Office Hours: The office is typically open during normal business hours from 9 a.m. to 5 p.m.

Parking: The site provides for at least 3 on-site parking spaces and 3 on-street parking spaces adjacent to the building.

Signage: SmallBox anticipates a small freestanding yard sign similar in character to what is currently on-site and shown below.



Garage: The 525 square foot garage in the rear of the property is also used for office use. It is currently occupied by [Nowak Consulting](#).

2024UV2001; Pictures



Photo 1: Existing Property From Carrollton (West)



Photo 2: Existing Accessory Structures on Subject Site

2024UV2001; Pictures (continued)



Photo 3: Adjacent Property to the South



Photo 4: Adjacent Property to the Northwest