



**BOARD OF ZONING APPEALS DIVISION II**

July 9, 2024

**Case Number:** 2024-UV2-009  
**Address:** 8245 Camby Road (approximate address)  
**Location:** Decatur Township, Council District #21  
**Zoning:** D-3  
**Petitioner:** Gonzalo Arreola & Josefina Ochoa  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor (not permitted) and the construction of a 1,600-square foot pole barn, being larger than the primary dwelling, (accessory structure may not be larger than primary building).

**Current Land Use:** Single Family Dwelling

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first scheduled hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for a commercial contractor, a C-7 use, in a D-3 district, and the construction of a 1,600-square foot pole barn, being larger than the primary dwelling.
- ◇ The purpose of the D-3 district is to provide for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site. The proposed use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles and trailers as outdoor storage, approval of this request would facilitate the intrusion of heavy commercial uses into an established residential rural neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. The proposed pole barn would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship, nor does the site possess a practical difficulty, since the site is zoned D-3 and could be used as permitted, by right, in the D-3 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the construction of a pole barn, larger than the primary dwelling.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for the requested variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.



## GENERAL INFORMATION

<b>Existing Zoning</b>	D-3	
<b>Existing Land Use</b>	Single Family Dwellings	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: I-2	North: Undeveloped
	South: D-3	South: Subdivision common area
	East: D-3	East: Single-family dwelling
	West: D-3	West: Subdivision common area
<b>Thoroughfare Plan</b>		
Camby Road	Primary Arterial	75-foot existing right-of-way and an 80-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Plan of Operations</b>	May 16, 2024	
<b>Site Plan</b>	May 3, 2024	
<b>Findings of Fact</b>	March 19, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses.

### Pattern Book / Land Use Plan

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

**2020-CZN-834/2020-CVR-834; 6400, 6449, 6455, 6500, 6559, 6565, 6600 and 6833 Kentucky Avenue; 6700, 7924, 7944, 8002, 8032 and 8210 Camby Road (north of site)**, requested the rezoning of 131.87 acres from the D-A, C-1, C-3 and C-5 districts to the I-2 district, **approved**; and a variance of use to provide for C-3 uses; vocational, technical or industrial school or training facility; hotel, motel or hostel; and heavy general retail, **approved**.

**2018-ZON-057; 8133 and 8215 Camby Road (east, south, west of and including subject site)**, requested the rezoning of 45.6 acres from the D-A district to the D-3 (cluster) classification, **approved**.

**2006-ZON-059; 8300 and 8301 Camby Road (west of site)**, requested the rezoning of 2.95 acres, being in the D-A Dwelling District to the C-1 classification to provide for office commercial uses, **approved**.

**2004-ZON-170; 8222 Camby Road (north of site)**, requested rezoning of two acres from the D-A district to the C-1 classification, **approved**.

**2004-ZON-044, 7700 Camby Road (east of site)**, requested rezoning of 3.773 acres from the D-A District to the D-3 District, **approved**.

**2004-ZON-043; 7700 Camby Road (east of site)**, requested rezoning of 20.579 acres, being in the D-A and D-3 Districts, to the D-6II classification to provide for multi-family residential development, **approved**.

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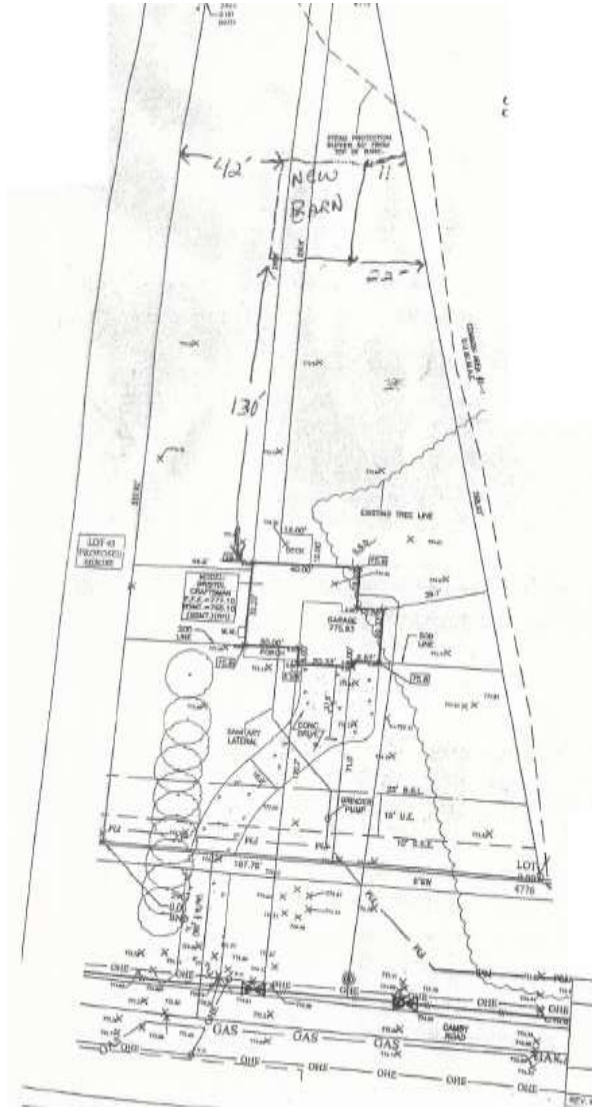
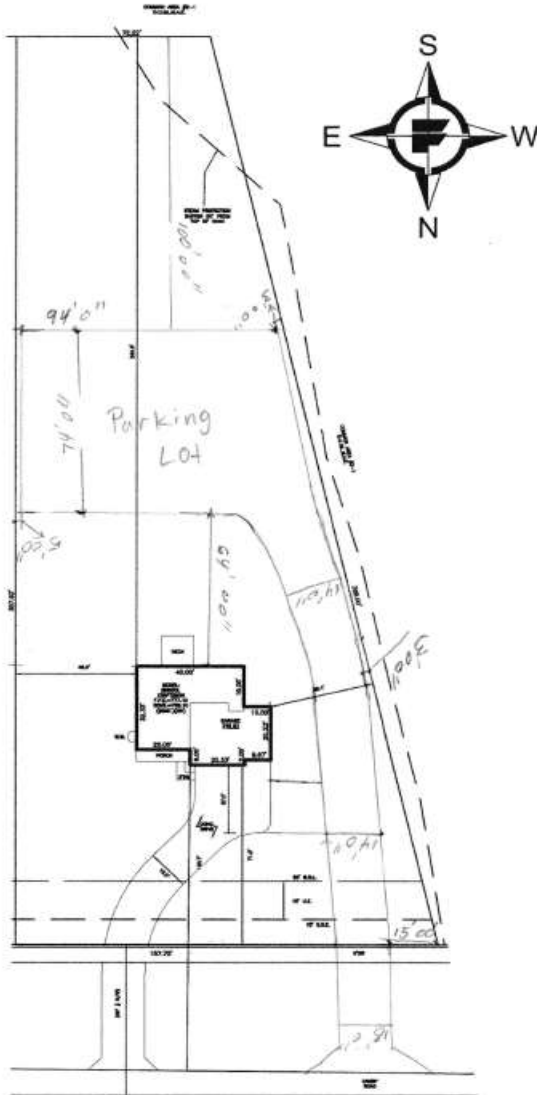


**EXHIBITS**

**Location Map**



Site Plans



## Plan Of Operation

C and S Concrete Quality LLC.

### Plan of operation

The main focus of what we do here at this company is residential concrete. The use we have for the area of the property is workforce and material used. We currently have 4 trucks and 4 trailers in our work fleet. Two of the trucks and trailers are used to haul the machines we need in order to complete each job. One truck and trailer are used to haul the material used on those job sites, and the last trailer is used to bring the material to the property in which the business runs from. Our workforce currently sits at eleven employees. Their means of transportation to each job site is carpooling.

The material we use on each job is 4 ft.x 8 ft.x 2.5in. sheets of foam board that are used to provide insulation. The sheets have a 1ft. section that is used around the slab walls, and the remaining section of the foam board is used around the slab to provide insulation to the concrete slab. Another piece of material that is used on most of our jobs is a 6 mil vapor barrier. The vapor barrier provides insulation, and moisture protection to the slab. Another piece of material is 4in. expansion joints. The expansion joints are used as a median between the individual sections of the concrete slab. We typically used these when we pour the porches or patios of the slabs, and are usually placed between the slab wall and the concrete being poured.





**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**

It will only be used as parking for our work fleet.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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**

It's far back from the house to allow work fleet to operate properly.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

It's being used as a business.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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**

We purchased the property to expand our workforce fleet.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

It's being used to store material for jobsites, and storage of work fleet vehicles.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Photographs



Subject site single family dwelling, looking south



Subject site parking lot area, looking east



Subject site, proposed pole barn location, looking south



Adjacent single family dwellings to the south



Adjacent single family dwelling to the east, looking southeast.



Adjancet subdivision open space to the west, looking south.