

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV3-047
Address: 920 North Mitthoefer Road (approximate address)
Location: Warren Township, Council District #19
Zoning: C-4
Petitioner: Tune Up Pros LLC, by Martin Tomey
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a height of 24 feet (height limited to 18 feet along a transitional yard) and a 15-foot rear transitional yard (20-foot transitional yard required).

RECOMMENDATIONS

Staff **recommends denial** of these requests.

Upon making the site visit to the subject site, Staff noticed that the existing fence has barbed wire, which is prohibited and a dumpster that was not enclosed. Staff informed the petitioner that both issues would require variances, and thus, new Notices. The petitioner has confirmed that the barbed wire will be taken down and the dumpster will be enclosed and/or removed from the subject site.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4	Metro	Automotive Repair
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SURROUNDING ZONING AND LAND USE

North	D-A	Single-family dwelling
South	SU-1	Religious use
East	C-4	Commercial
West	D-A	Single-family dwelling

LAND USE PLAN

The Marion County Land Use Plan (2019) recommends Community Commercial development.

- ◇ The subject site is 0.77 acre (31,434 square feet) located in the East Warren neighborhood in Warren Township. The subject site consists of an existing automotive repair shop. The surrounding neighborhood consists of single-family residential to the north and west, religious use to the south, and commercial uses to the east.

(Continued)

STAFF REPORT 2022-DV3-047 (Continued)

- ◇ The subject site is zoned C-4 (Community Regional District). The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for a building addition with a height of 24 feet and a 15-foot rear transitional yard. Under Table 744-201-3, the maximum height in Metro Context Areas for buildings and structures along a transitional yard is 18 feet. The existing / proposed height would be 24 feet. Table 744-201-3 also indicates that the required rear transitional yard setback is 20 feet. The proposed setback would be 15 feet from the rear lot line.
- ◇ The subject site abuts dwelling districts to the north and west and a SU-1 district to the south, both of which are considered protected districts. Staff is opposed to these requests where there is no practical difficulty resulting in a need to deviate from the Ordinance standards, especially when adjacent to protected districts. The proposed height of 24 feet and transitional yard would adversely impact the surrounding neighborhood by further increasing the intensity of the existing use of auto repair.
- ◇ Automotive repair is permitted within the C-4 district., however, Staff is concerned about the number of vehicles located in the parking lot awaiting repair. Outdoor Storage and Operations is not permitted in the C-4 district (Table 743-1). **Outdoor Storage and Operations** is defined as an outdoor area used for the long-term deposit (more than 24 hours) of any goods, material, merchandise, vehicles or junk as an accessory use to and associated with a primary use on the property. Staff is opposed to the request because the number of vehicles on site, with the existing / proposed addition, shows that the subject site is overdeveloped, where the existing use would be better located in a nearby commercial district, possibly across Mitthoefer Road (east of subject site).

GENERAL INFORMATION

THOROUGHFARE PLAN

Mitthoefer Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial, with a 90-foot existing right-of-way and a 102-foot proposed right-of-way.

SITE PLAN

File-dated October 27, 2022.

FINDINGS OF FACT

File-dated October 20, 2022.

(Continued)

STAFF REPORT 2022-DV3-047 (Continued)

ZONING HISTORY – SITE

EXISTING VIOLATIONS:

VIO22-004047; 920 North Mitthoefer Road (subject site), Indianapolis Building Standards and Procedure 2016: Section(s) 536-201; 536-705; 536-709. This Stop Work Order has been issued for failure to obtain a structural permit prior to the construction of a two car 24' X 40' X 20' high garage attached to the backend of a commercial building.

PREVIOUS CASES: None.

ZONING HISTORY – VICINITY

2017-DV2-046; 10202 East Washington Street, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility, with a 150-foot-tall monopole tower, with a five-foot lightning rod, without landscaping, and with barbed wire, **approved**.

2010-UV1-014; 9930 East 10th Street, requested a Variance of use of the Commercial Zoning Ordinance to provide for a pet grooming facility, **approved**.

GLH

(Continued)

STAFF REPORT 2022-DV3-047 (Continued)

2022-DV3-047; Aerial Map

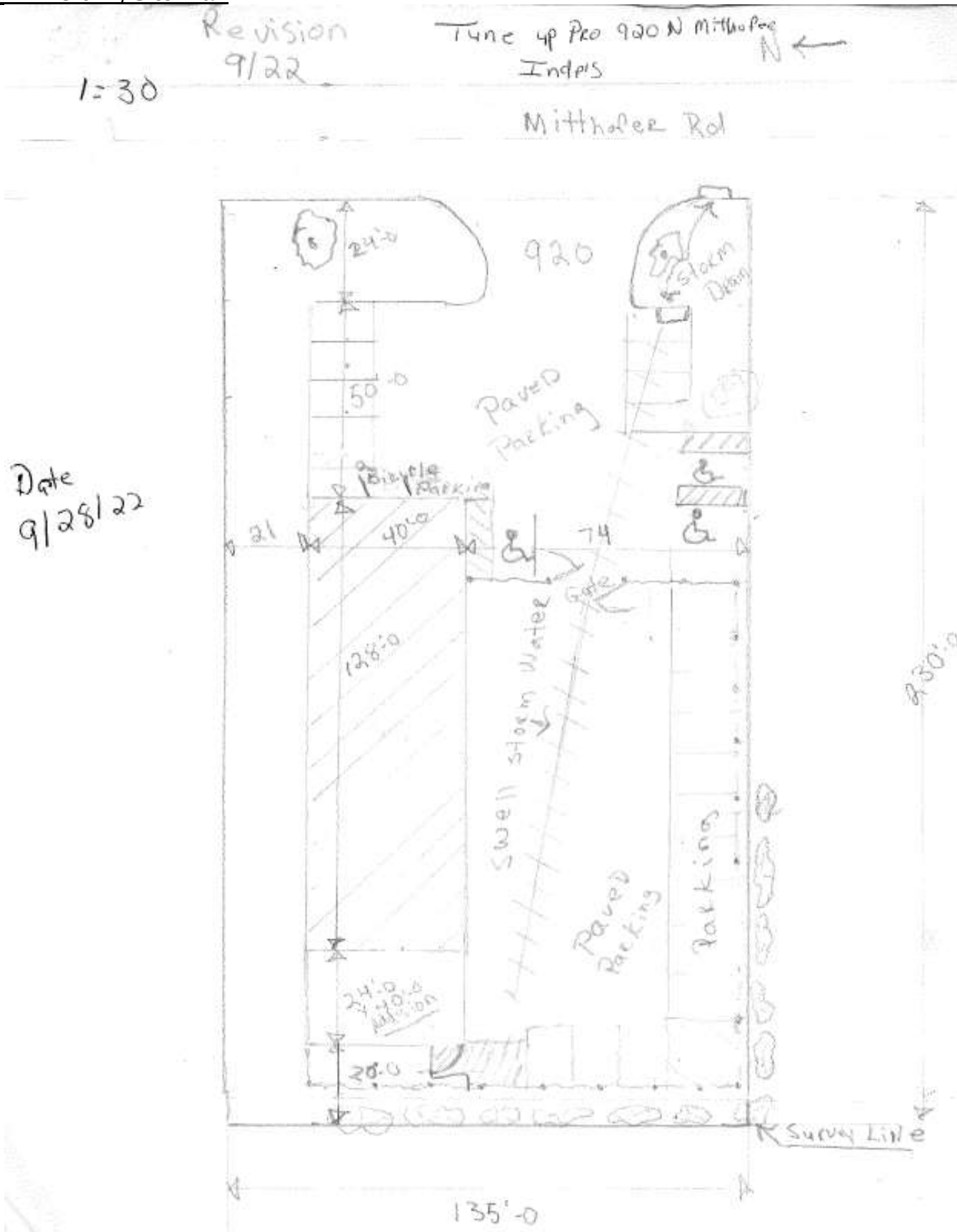


2022-DV3-047; Aerial (1979)



(Continued)

2022-DV3-047; Site Plan



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:

ADDITION WILL PROVIDE A PLACE FOR SNOW TRACTOR AND PROPERTY MAINTANCE TOOLS. WILL BE OUT OF SITE AND WEATHER SO AS NOT

ADDITION WILL PROVIDE SHELTER FOR TRACTOR TO REMOVE SNOW AND TO STORE MAINTANCE TOOLS

IT WILL KEEP THEM OUT OF SITE AND NOT HOLD STANDING WATER FOR MOSQUITOES

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:

1) RUN OFF WATER WILL SHED TO EXISTING SWELL TO THE EAST THROUGH PARKING LOT TO STORM DRAIN

2) STORED ITEMS THAT WERE OUT SIDE WILL NOW BE INSIDE ADDITION OUT OF WEATHER ,GIVING PROPERTY AN ORGINIZED LOOK

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

ITEMS BEING STORED OUTSIDE

WILL HOLD WATER FOR MOSQUITOES TO BREED

AND GIVE A CLUTTERED EFECT

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

(Continued)

2022-DV3-047; Photographs



Photo of the Subject Property: 920 North Mitthoefer Road



Photo looking south on Mitthoefer Road.

(Continued)

2022-DV3-047; Photographs



Photo of subject site's sign and parking, located on the south lot line.



Photo of subject site: 920 North Mitthoefer Road.

(Continued)

2022-DV3-047; Photographs



Photo of vehicles, awaiting pick up or repair.



Photo of addition located at the rear lot line (west lot line).

(Continued)

2022-DV3-047; Photographs



Photo of addition located at the rear lot line.



Photo of existing structure.

(Continued)

2022-DV3-047; Photographs



Photo of subject site.



Photo looking north on Mitthoefer Road.