

**BOARD OF ZONING APPEALS DIVISION III**

**December 19, 2023**

**Case Number:** 2023-DV3-040 (Amended)  
**Property Address:** 8850 East 21<sup>st</sup> Street (approximate address)  
**Location:** Warren Township, Council District #19  
**Petitioner:** 8850 East Twenty First Street Inc., by David E. Dearing  
**Current Zoning:** C-4 (D-7 Pending)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing motel into a multi-family dwelling project, resulting in a perimeter yard ranging from 0 to 5.5 feet wide (20-foot perimeter yard required).  
**Current Land Use:** Motel  
**Staff Recommendations:** Staff recommends approval of this request  
**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

**ADDENDUM FOR THE DECEMBER 19, 2023 BZA III HEARING**

- This petition was continued from the November 28, 2023 BZA III hearing to the December 19, 2023 BZA III hearing to allow for the petition to be amended.

**STAFF RECOMMENDATION**

Staff **recommends approval** of this request, subject to substantial compliance with the site plan, file - dated November 17, 2023.

**PETITION OVERVIEW**

- This petition would provide for the conversion of an existing motel into a multi-family dwelling project, resulting in a perimeter yard ranging from 0-5.5 feet wide (20-foot perimeter yard required).
- This site is in the process of being rezoned, from the current C-4 district, to the D-7 classification to provide for multi-family housing. The rezoning petition (2023ZON055) was passed by the Metropolitan Development Commission on December 6, 2023 and is set to be adopted by the City-County Council on January 8, 2024.
- The subject site is in compliance with the C-4 zoning standards, but the site will require a variance for the future zoning classification of D-7. The D-7 classification requires a 20-foot perimeter yard

which is a standard that cannot be met given the location of the existing buildings and paving on site. The central building sits approximately 11 feet from the property line, while the existing pavement also sits within 20 feet of the lot lines. The proposal will keep the existing conditions of the site, as the plan does not call for any new structures nor any new paved areas. The perimeter yard will not change or decrease from what is currently in place. Given that the proposed adaptive reuse project will maintain the existing development, not adding any new buildings, nor any new pavement, Staff is unopposed to the variance request for a perimeter yard ranging from 0-5.5 feet for the subject site.

- Given that Staff's recommendation is, in part, reliant on the fact that the request represents a reasonable reuse of the existing structures, Staff requests that the grant of the request be subject to substantial compliance with the filed site plan. Subsequently, any future redevelopment of the site would require compliance with all applicable D-7 development standards.
- In addition, Staff would note that the request helps implement and uphold the Livability Principles of the Ordinance, particularly, that of promoting equitable affordable housing through the conversion of existing building stock into long-term residential use.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 (D-7 Pending)	
<b>Existing Land Use</b>	Motel	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	C-S	North: Light Industrial
South:	D3	South: Single-Family Residential
East:	C4	East: Commercial
West:	C4	West: Commercial
<b>Thoroughfare Plan</b>		
East 21 <sup>st</sup> Street	Primary Arterial Existing ROW: 95 feet Proposed ROW: 90 feet	
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	09/21/23	
<b>Site Plan (Amended)</b>	11/17/23	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	09/21/23	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial working typology for this site.

### 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

### ZONING HISTORY - SITE

**2023ZON055**, Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing, **pending**.

### ZONING HISTORY – VICINITY

**2011-DV3-019; 2102 North Post Road (east of site)**, requested a variance of development standards to provide for a deficient setback, a trash container in the front of the building and a freestanding sign with deficient frontage and spacing, **approved**.

**2003-UV2-036; 8736 East 21st Street (west of site)**, requested the legal establishment of a religious use in a C-4 district, **approved**.

**2003-DV2-018; 2150 Boehring Street (east of site)**, requested a variance of development standards to provide for a wireless communications tower with excessive height, deficient separation from a Protected District and deficient landscaping, **denied**.

**90-UV3-144; 8920 East 21st Street (southeast of site)**, requested a variance of use to provide for tool and light equipment rental and outdoor storage, **withdrawn**.

**89-Z-65; 8920 East 21st Street (north of site)**, requested the rezoning of 11.75 acres from the C-S district to the C-S district to provide for an office, commercial and industrial park with an apartment for a self-storage facility manager, **approved**.

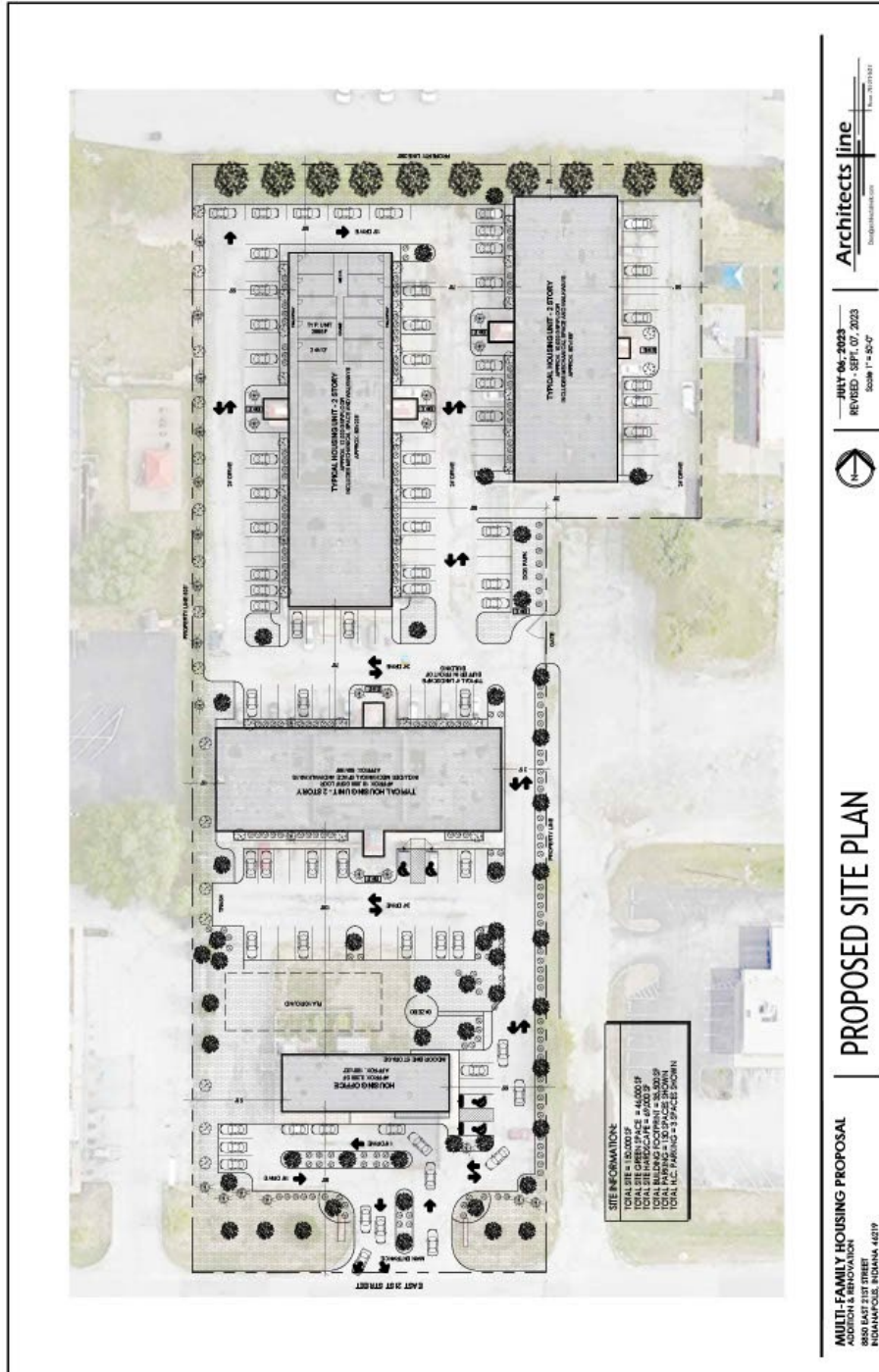
**88-Z-209; 8920 East 21st Street (north of site)**, requested the rezoning of twelve acres from the C-4 and C-5 districts to the C-S district to provide for self-storage and office warehouse space, **approved**.

**83-Z-169; 2240 North Post Road (northeast of site)**, requested the rezoning of three acres from the C-4 district to the C-6 district, **approved**.

**83-Z-138; 2102 North Post Road (east of site)**, requested the rezoning of 1.5 acre from the A-2 district to the C-4 district, **approved**.

EXHIBITS







**MULTIPLE DWELLING PROJECT ANALYSIS  
DEPARTMENT OF METROPOLITAN DEVELOPMENT  
DIVISION OF PLANNING**

Property Address: \_\_\_\_\_ Date: \_\_\_\_\_  
Project Name: \_\_\_\_\_ Date of Plans: \_\_\_\_\_  
Zoning Classification: \_\_\_\_\_

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR =	.29
Open Space Ratio	OSR =	2.7
Livability Space Ratio	LSR=	1.46
Major Livability Space Ratio	MLSR=	.17
Total Car Ratio	TCR=	1.03
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA 45,528
Land Area – LA	From Plans in square feet	LA 156,290
Floor Area Ratio – FAR	FA / LA	FAR .29
Building Area – BA	From Plans	BA 35,140
Usable Roof Areas – URA	From Plans	URA 0
Uncovered Open Space – UOS	LA-BA+URA	UOS 121,150
Covered Open Space – COS	From Plans	COS 5,950
Open Space – OS	UOS + ½ COS	OS 124,124
Open Space Ratio – OSR	OS / FA	OSR 2.7
Car Area – CA	From Plans	CA 57,250
Livability Space – LS	OS – CA	LS 66874
Livability Space Ratio – LSR	LS / FA	LSR 1.46
Major Livability Space – MLS	From Plans	MLS 8090
Major Livability Space Ratio – MLSR	MLS / FA	MLSR .17
Number of Dwelling Units – DU	From Plans	DU 130
Number of Parking Spaces – PS	From Plans	PS 135
Total Car Ratio – TCR	PS / DU	TCR 1.03
Gross Density – GD	DU / (LA / 43,560)	GD 36.23

















