



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 14, 2024

Case Number: 2024-ZON-096 / 2024-VAR-013 (Amended)
Property Address: 6158 West 10th Street (Approximate Address)
Location: Wayne Township, Council District #16
Petitioner: Homes in Motion, LLC, by John Cross
Current Zoning: D-3 (W-1)
Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office.
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence (maximum 3.5 feet height required) and outdoor storage and operations (not permitted)
Current Land Use: Office
Staff Recommendations: Approval of rezoning with commitments. Denial of variances.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDEMDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This request was amended to include a six-foot tall fence and to allow outdoor storage and operations on site.

Fences are limited to 3.5 feet in the front yard in the C-1 district where the proposal would have a six-foot fence in the front yard of Vinewood Street and High School Road per the final site plan provided in the staff report.

Staff did not find that a practical difficulty exists to grant approval of the six-foot fence when the fence could align with the northern building façade and could be relocated behind the building.

Outdoor storage and operations are not permitted as primary or accessory uses in the C-1 district. The use is only permitted as an accessory use in the more intense districts such as C-5, C-7, and all industrial districts.

Because the use of the primary building is for office use, staff did not find that it calls for outdoor storage and operations. Per the amended plan of operation dated November 6, 2024, the owner's personal vehicles to be stored would include four (4) trailers. Staff determined these commercial vehicles would not be appropriate to store on site since they would not be associated with the business.



Department of Metropolitan Development
Division of Planning
Current Planning

Staff would note that the proposed final site plan also shows a garage addition that would expand an existing garage in the front yard, which is not permitted.

Staff **recommends denial** of the variance requests.

Staff **recommends approval** of the rezoning subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 56-foot half right-of-way shall be dedicated along the frontage of 10th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road. At a minimum the section of the driveway in the right-of-way shall be removed in addition to 20 feet west of the eastern property boundary that would comprise of the 20-foot transitional yard requirement.
4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
5. A revised plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

ADDEMDUM FOR SEPTEMBER 26, 2024 HEARING EXAMINER

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner.

The petitioner provided an updated site plan and a plan of operation both file-dated September 12, 2024, that showed some changes to the proposal. First, the site plan shows the closure of the eastern driveway with bollards, that staff would not support since the intent would be to eliminate the driveway in its entirety, which staff clarified in a commitment for the pavement to be removed within a six-month timeframe. Second, the fence would be relocated to align with the location of the existing detached garage but would still require a variance for it to be in the front yard of the primary building. Third, the gravel parking area would be shown to be paved with new asphalt, but it is still unclear whether all the proposed pavement is necessary for a small office use. Fourth, the outdoor storage would still be proposed on site, which would require a variance of use to be filed and staff would not support this request since it would not



relate to the business on site and it not permitted in the C-1 district that is proposed to be next to single-family dwellings.

Staff still finds that a C-1 zoning district would be appropriate, but only for office use subject to the seven commitments outlined in the staff report.

September 12, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

6. A 56-foot half right-of-way shall be dedicated along the frontage of 10th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
7. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
8. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road.
9. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
10. There shall be no outdoor storage of equipment or commercial vehicles on site.
11. The six-foot tall privacy fence in the front yard shall be removed or reduced to three feet in height within 60 days of approval of the request.
12. A plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.



PETITION OVERVIEW

LAND USE

The subject site is developed with a single-family dwelling, detached garage, paved parking, gravel parking lot, and enclosed fenced in area. A real estate office, one 24-square foot ground sign, and two 15-square foot wall signs were approved per 2019-UV2-005.

The property is surrounded to the west, north and east by single-family dwellings zoned D-3 and commercial uses to the south zoned C-5.

REZONING

The request would rezone the property from the D-3 district to the C-1 district for a real estate office. The proposal would include a second driveway and parking lot.

The D-3 district provides 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 C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along 10th Street and a 40-foot half right-of-way along High School Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



STAFF ANALYSIS

The site is currently used as a real estate office per a use variance granted in 2019. Rezoning to the C-1 district would align the existing use with the correct zoning district instead of it continuing to operate under a use variance. In staff's opinion, the continued business operation with the corrected zoning district would not adversely affect the surrounding residential properties.

With the C-1 zoning district being a buffer district between more intense uses, such as medium or heavy commercial uses, and less intense uses, such as residential uses, the proposed C-1 rezoning would allow for a buffer between the C-5 district to the south and D-3 district to the north.

The suburban neighborhood recommendation of the Comprehensive Plan supports a variety of neighborhood-serving businesses, institutions, and amenities which means the zoning district and use would align with this recommendation.

However, staff has a few concerns that were made apparent during the site visit. The site was subject to a site plan that preserved much of the site as open space. The area west and north of the primary building has been enclosed with a six-foot tall privacy fence and layered with gravel for storage of equipment and commercial vehicles as shown in the site photos.

The six-foot tall fence would not be permitted in the front yard of High School Road and would need to be reduced to the permitted three-foot height or completely removed from the site. Staff would not support a variance for the six-foot tall fence to remain in the front yard.

The outdoor storage of commercial equipment and vehicles would need to be eliminated from the site since outdoor storage is not permitted in the C-1 district.

Any area proposed for parking and maneuverability would need to be paved since gravel parking lots are not permitted in commercial districts.

Lastly, staff would request that the driveway off Vinewood Street be closed leaving the only access to the site from High School Road since it is a dangerous intersection to attempt to access the driveway when traveling north on Vinewood Street.

If the petitioner is agreeable to commitments to correct the fence on site, eliminate the outdoor storage, pave the parking lot, and remove the driveway along Vinewood Avenue, then staff would be supportive of the C-1 rezoning request. A plan of operation should be submitted for staff review and approval to confirm the business operation on site is permitted since there are many concerning factors on site. Approval shall be subject to said plan of operation to be submitted.

GENERAL INFORMATION

Existing Zoning	D-3
Existing Land Use	Office
Comprehensive Plan	Suburban Neighborhood

Surrounding Context	Zoning	Land Use
North:	D-3	Residential (Single-family dwelling)
South:	C-5	Commercial
East:	D-3	Residential (Single-family dwelling)
West:	D-3	Residential (Single-family dwelling)
Thoroughfare Plan		
10 th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	August 11, 2024	
Site Plan (Amended)	September 12, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development for the site.

- The Suburban Neighborhood 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- Office uses are contemplated within the suburban neighborhood typology, which is why staff determined the request would be supportable.

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)



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Indy Moves Plans Indy Moves Transportation Integration Plan (2018) proposes an off-street multi-use path from Railroad Trailacks to Beachway Drive.

ZONING HISTORY

Zoning History - Site

2019-UV2-005; 6158 West 10th Street (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office (not permitted) and one 24-square foot ground sign and two 15-square foot wall signs (ground signs permitted for subdivision and projects only, one wall sign permitted and sign area of three percent of façade permitted), **approved**.

99-UV1-160; 6158 West 10th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an assisted transportation business for handicapped persons, with parking for 2 vans in a detached garage, **denied**.

Zoning History - Vicinity

2006-DV2-016; 1010 Center Drive (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 13-foot tall, 766-square foot detached garage located between the established front building line and the right-of-way (not permitted), **granted**.

99-V3-6; 6112 Mount Auburn Drive (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the constructions of a 936-square foot detached accessory garage, being 80% of the primary structure, **granted**.

94-VAC-26; 1001-1009 Mount Auburn Drive North (west of site), Vacation of a portion of unimproved Mount Auburn Drive, being 50 (+/-) feet in width, from the northern right-of-way line of West 10th Street to the southern right-of-way line of North High School Road, **granted**.

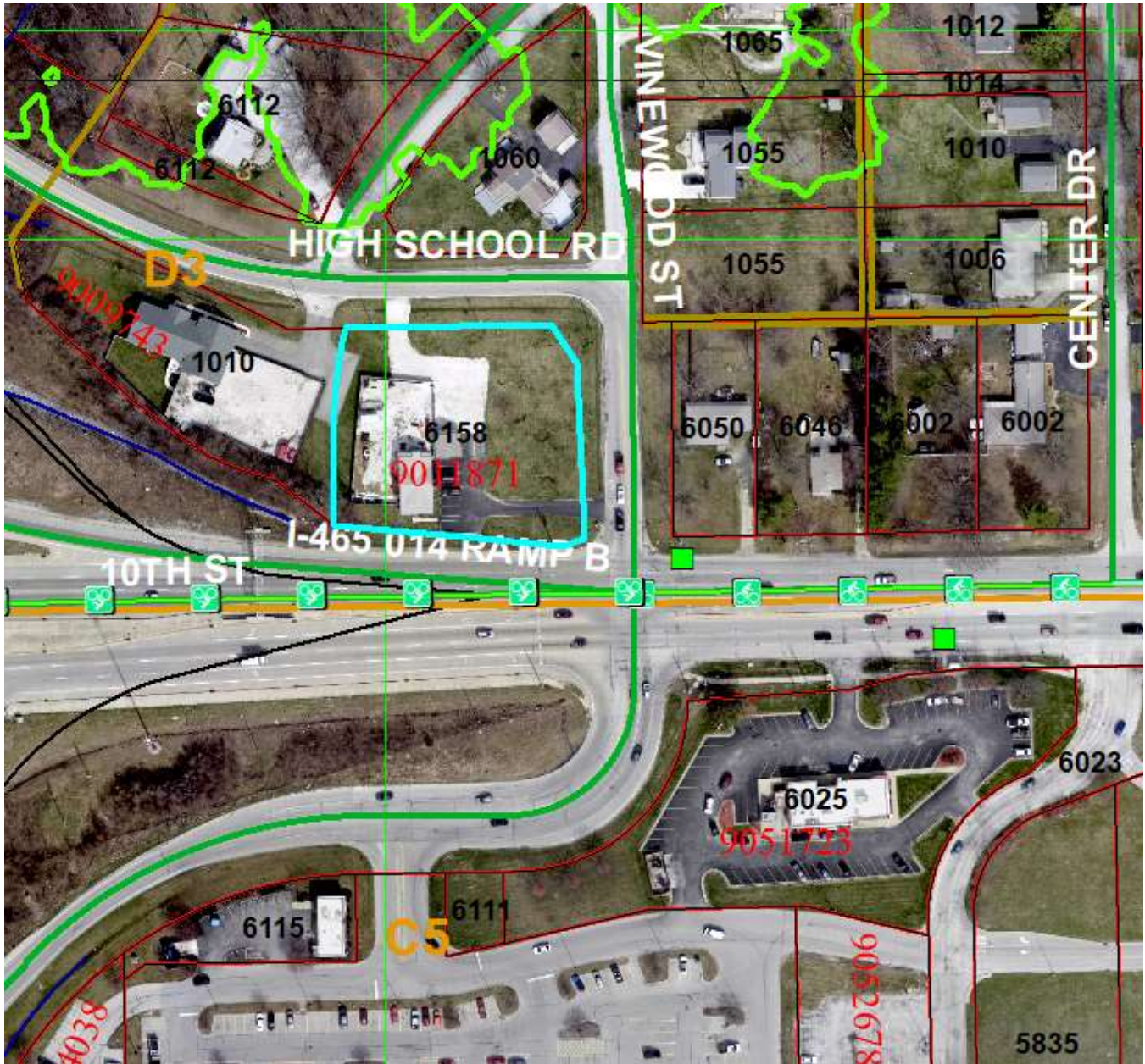
90-Z-225; 5909 West 10th Street (south of site), Rezoning of 19.3 acres, being in the C-5 District, to the C-5 classification to provide for commercial development, **approved**.

86-UV1-152; 6025 West 10th Street (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the outside storage, sales, and processing of firewood, **withdrawn**.

79-Z-104; 6025 West 10th Street (south of site), Rezoning of 10.2 acres, being in an A-2 and an SU-34 zoning districts, to a C-5 classification to provide for operation of a flower shop, **approved**.

70-UV3-34; 1010 North High School Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office use, within an existing building, **granted**.

EXHIBITS

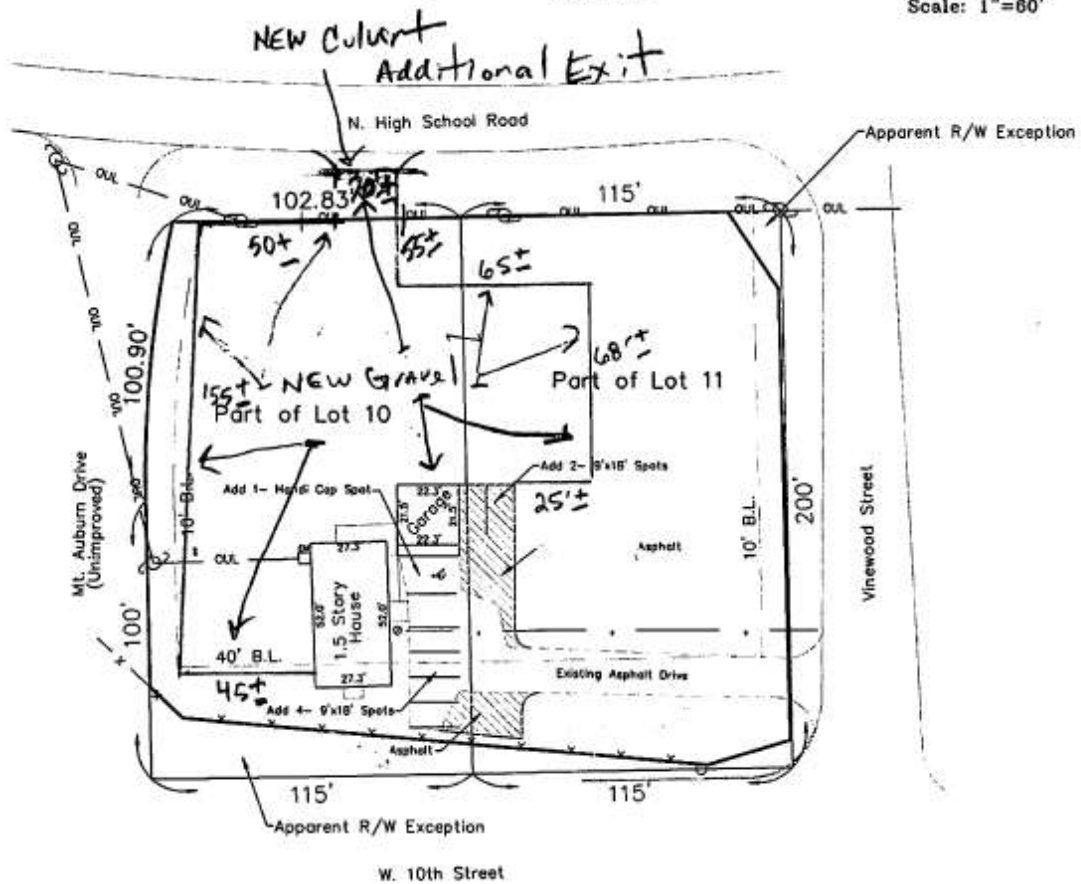


SITE PLAN

"THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT."

Note: Improvement locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Legend	
R/W	Right-of-Way
⊙	Gas Meter
—OUL—	Overhead Utility Line
⊕	Utility Pole
—x—x—	Fence±
⊞	Electric Meter
—G—	Buried Gas Line
○	Signal Pole



HAHN SURVEYING GROUP, INC.
 Land Surveyors
 2850 E. 96th Street, Indianapolis, IN 46240
 PHONE: (317) 846-0840 / (317) 846-4119
 FAX: (317) 846-4298 / (317) 582-0662
 EMAIL: orders@hahnsurveying.com
 www.hahnsurveying.com



PREPARED: February 7, 2019

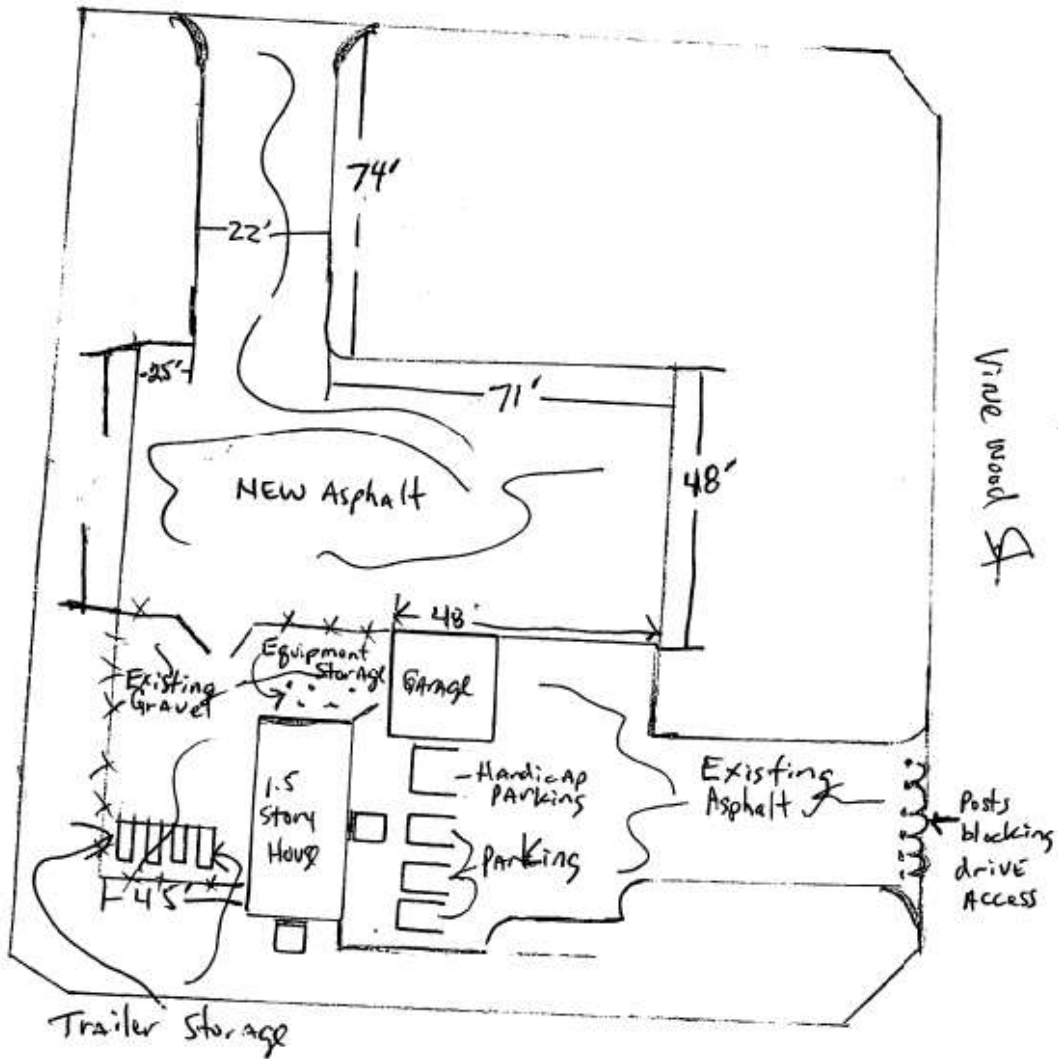
Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Job No.: 190123
 Sheet 2 of 2

AMENDED SITE PLAN

6158 W. 10th St.
 Indpls, IN 46224
 Proposed Layout

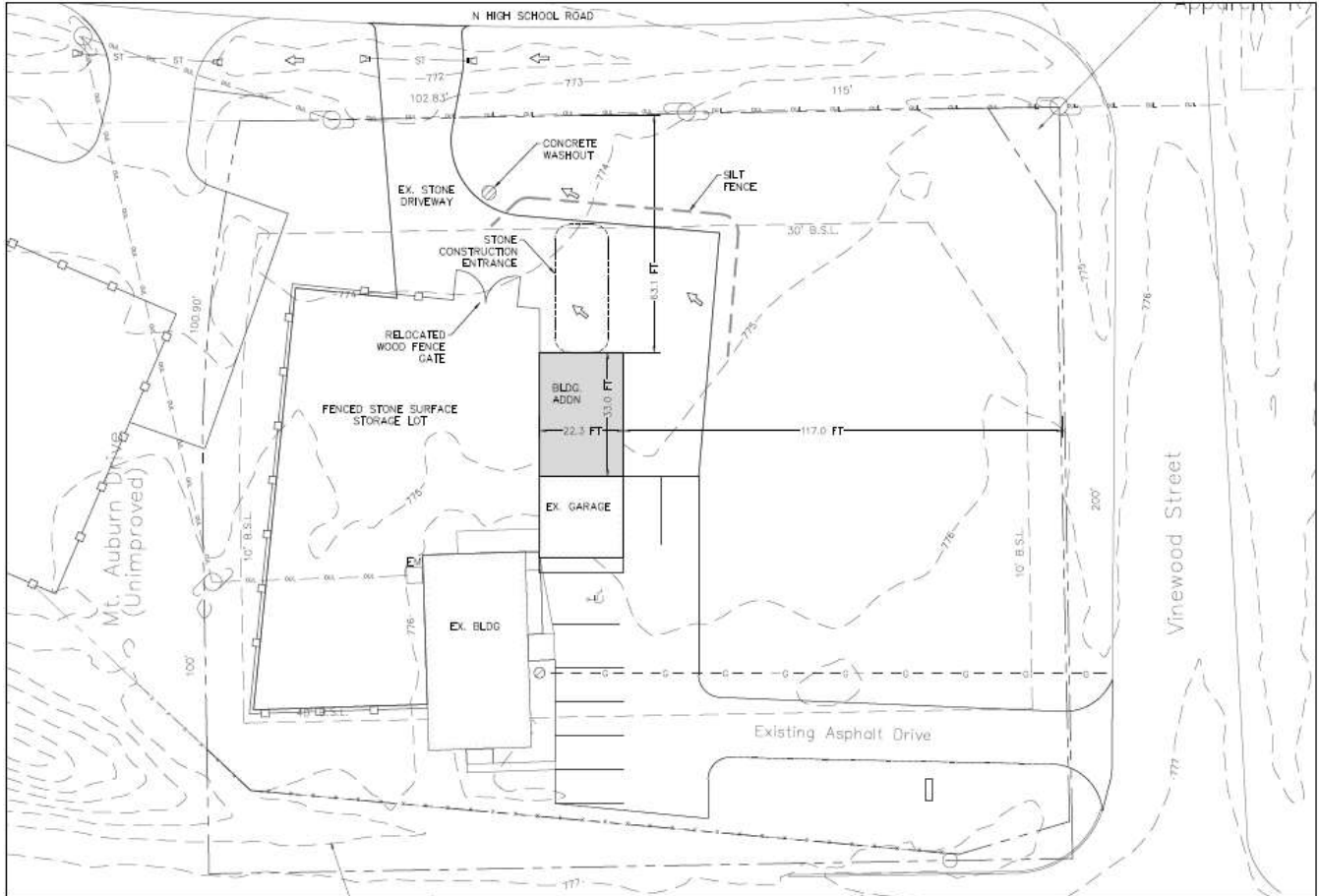
↑ N
 not to scale

N. High School Rd.

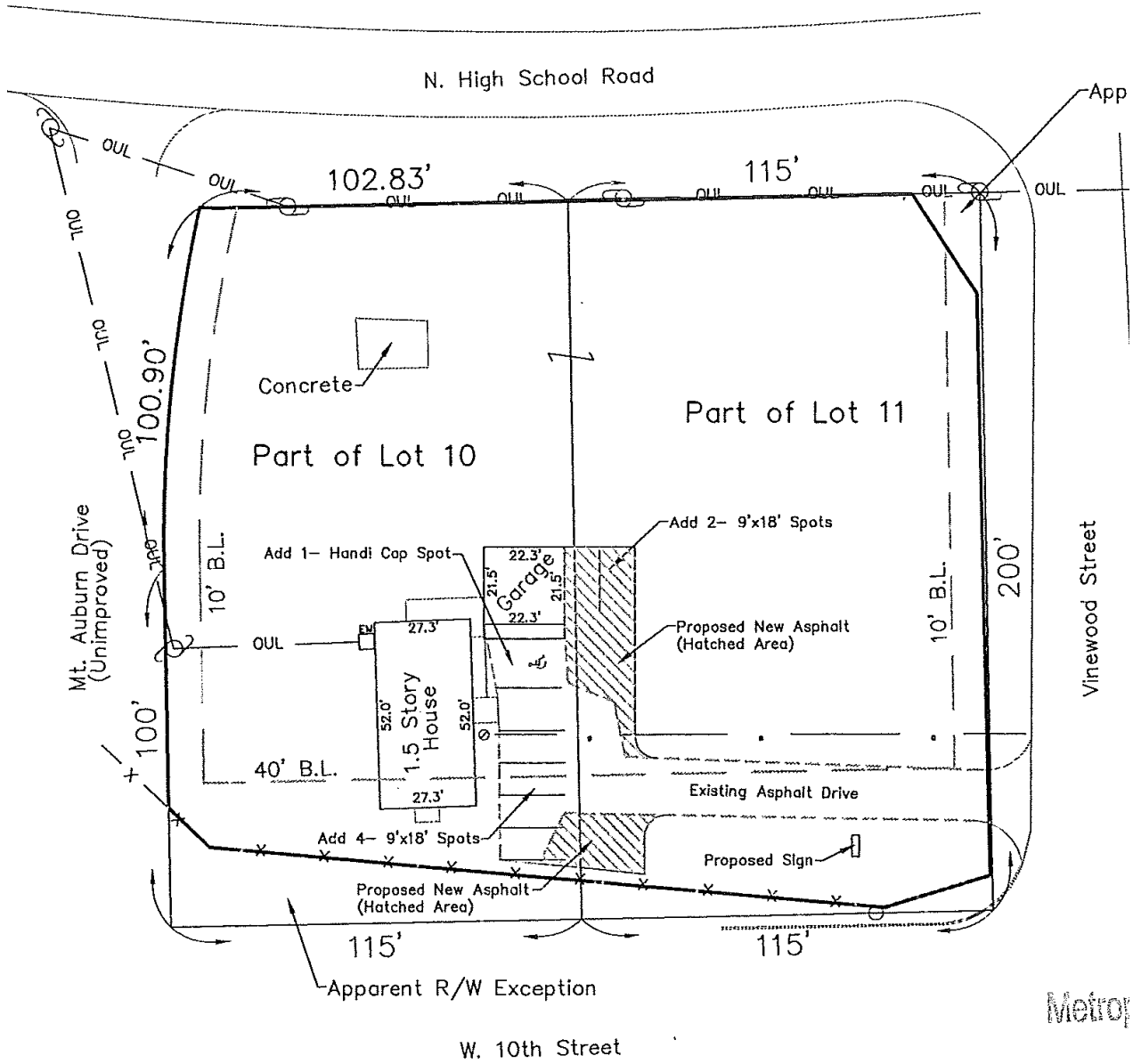


----- Existing privacy fence

FINAL SITE PLAN



2019-UV2-005 Site Plan



Metro

6

Plan of operation

September 2024

Use: Operation of a real estate sales business at 6158 W 10th St., Indianapolis, In 46214, with minor accessory storage of trailers and equipment outside within fenced area.

Owner.

Homes In Motion LLC

6158 W. 10th St.

Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC

6158 W. 10th St.

Indianapolis, IN 46214

Homes In Motion LLC and Canon Real Estate Services LLC are owned by the same principal.

Description of the property.

- 1.The improvements on 6158 W 10 Th St consists of a 1252 square foot, 3 bed room, 1 bath single family home with a ¾ unfinished basement and a two car detached garage.
- 2.Access to the proposed office entrance has standard steps with hand rails and a handicap ramp for safe access.

Security.

- 1.The property is equipped with a 24 hour monitored alarm system, lighting on all four sides of the improvement and twenty four hour night vision video surveillance.

Business operations.

- 1.Hours of operation Monday through Friday 8AM to 5 PM.
- 2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.
3. 3 employees occupy the space, two real estate agents and one receptionist.
4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

Storage of owner's equipment for projects. 4 trailers, 1 skid steer, 1 mini excavator and 1 mini backhoe. The equipment and trailers don't move for weeks or even months at a time.



AMENDED PLAN OF OPERATION

Updated Plan of Operation

November 6 2024

Petition No. 2024-ZON-096 / 2024-VAR-013 (Amended)

Use: Operation of a real estate sales business at 6158 W 10th St., Indianapolis, In 46214, with minor accessory storage of trailers and equipment outside within fenced area.

Owner.

Homes In Motion LLC
6158 W. 10th St.
Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC
6158 W. 10th St.
Indianapolis, IN 46214

Homes In Motion LLC and Canon Real Estate Services LLC are owned by the same principal.

Description of the property.

- 1.The improvements on 6158 W 10 Th St consists of a 1252 square foot, 3 bed room, 1 bath single family home with a ¾ unfinished basement and a two car detached garage.
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Business operations.

- 1.Hours of operation Monday through Friday 8AM to 5 PM.
- 2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.
3. 3 employees occupy the space, two real estate agents and one receptionist.
4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

Storage of owner's equipment for projects. 4 trailers.

The trailers don't move for weeks or even months at a time. Owner uses the trailers for purposes unrelated to the real estate office. The equipment is not used at the property but is stored for convenience and transported when needed elsewhere and then returned. The storage area is kept nicely and screened by the fence. Petitioner intends to file a variance of use for this limited storage and would commit that it would not run with the land but would terminate with current ownership.



Subject site street frontage along 10th Street.



Subject site street frontage along 10th Street.



Driveway off Vinewood Street.



Subject site looking west from Vinewood Drive entrance drive and existing sign.



Photo of the existing residential building to be used as an office.



Photo of the existing detached garage looking north on site.



Photo of the gravel drive and six-foot tall fence in the front yard of North High School Road.



Photo of the gravel area looking south on the site.



Photo of the proposed new drive from North High School Road looking west on the site.



Photo of the fenced in storage area.



Photo of the fenced in storage area, equipment, vehicles, and trailers.



Photo of the fenced in storage area, equipment, vehicles, and trailers.



Photo of the street frontage along North High School Road looking east.



Photo of the street frontage along Vinewood Drive looking south.



Photo of the single-family dwelling west of the site.



Photo of the single-family dwelling northwest of the site.



Photo of the single-family dwelling north of the site.



Photo of the single-family dwelling east of the site.