



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

November 14, 2024

**Case Number:** 2024-ZON-113 / 2024-VAR-012 (Amended)  
**Property Address:** 6511 Ferguson Street (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Lone Wolf Properties, LLC, by Misha Rabinowitch  
**Current Zoning:** D-4 (FF) (TOD)  
**Request:** Rezoning of 0.18-acre from the D-4 (FF) (TOD) District to the C-3 (FF) (TOD) District to provide for commercial uses.  
Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a 751-square-foot dwelling unit on the second floor (not permitted).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the October 24, 2024 hearing to the November 14, 2024 hearing at the request of staff to amend the petition to include a Variance of Use with new notice to be sent.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the requests.

**PETITION OVERVIEW**

**Land Use**

The 0.18-acre subject site is in the Broad Ripple Neighborhood and falls within the Light's Broad Ripple Subdivision. It is developed with a residential building that has historically be used for commercial uses through use variances.

The site is bordered to the south with a multi-tenant commercial building, zoned C-3, to the east with a music instruction business, zoned D-4, to the north with hair salon, zoned D-4, and to the west with a hair salon, zoned D-4.



## Rezoning

The grant of the request would rezone the site from the D-4 district to the C-3 district to allow for commercial uses on site.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 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 conditions, including vegetation, topography, drainage, and wildlife.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

## Variance of Use

The grant of the variance would allow for a 751-square foot dwelling unit in the C-3 district, which is not permitted.

## Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-3 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.



**Staff Analysis**

The primary use of the site would be an art studio with a secondary use of a rental dwelling unit on the second floor.

The business operation would consist of art classes for children and adults, sale of art supplies, an art gallery, and the rental of the space for team building experiences led by professional artists or for private and public events which would be permitted as an accessory use. The sale of beer and wine would take place during adult painting classes or other events on site.

The site is in an area of Broad Ripple that generally consists of single-family dwellings that have been converted to low intense commercial uses through rezonings or use variances. The surrounding properties would be minimally impacted by this rezoning request.

As proposed, the request to the C-3 district would be consistent with the Broad Ripple Village Plan Envision Broad Ripple (2012) for village mixed-use because it would promote two separate uses on site that would be in the existing residential building.

For these reasons, staff is supportive of the requests.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-4 Hair Salon
	South:	C-3 Muti-tenant Commercial Building
	East:	D-4 Music Instruction Business
	West:	D-4 Hair Salon
<b>Thoroughfare Plan</b>		
Ferguson Street	Local Street	48-foot proposed right-of-way and 44-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 5, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	September 5, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	September 13, 2024	

<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Broad Ripple Village Plan Envision Broad Ripple (2012)
- Red Line Transit-Oriented Development Strategic Plan (2021)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Broad Ripple Village Plan Envision Broad Ripple (2012) below.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- This site is also located within the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay “is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.”
- This site is located within a ¼ mile walk shed (approximately 700 feet) of the transit station located at the intersection of College Avenue and North 66th Street and is designated with a Walkable Neighborhood typology with the following characteristics:
  - Mix of uses at station area and primarily residential beyond
  - Maximum of three stories throughout
  - No front or side setbacks at core; 0-15 feet front setbacks and 0-20 feet side setbacks at periphery
  - Mix of multi-family and single-family housing

- Structured parking at the core and attractive surface parking at the periphery

### **Neighborhood / Area Specific Plan**

- Broad Ripple Village Plan Envision Broad Ripple (2012) recommends that the site be developed for village mixed use.
- This land use category consists of a development focused on a mixed-use core of small, neighborhood office/retail nodes, public and semipublic uses, open space and light industrial development. Residential development densities vary from compact single-family residential development and small-scale multi-family residential development near the “Main Street” or “Village Center” and progress to lower densities outward from this core. Village mixed use areas are intended to strengthen existing, historically rural, small towns and cities within Indianapolis, which are intended to continue as neighborhood gathering places and should allow a wide range of small businesses, housing types, and public and semi-public facilities. This category should be compatible in size and scale to existing villages in Marion County. It will allow development of residential and limited commercial uses on smaller lots than in other sections of rural and suburban Indianapolis.
- Potential development in these areas should focus on design issues related to architecture, building size, parking, landscaping and lighting to promote a pedestrian-oriented “village” or “small town” atmosphere, rather than focusing on residential density. Strip commercial development (integrated centers setback from rights-of-way by parking areas), large-scale freestanding retail uses, and heavy industrial development are generally inappropriate within this land use category. The Plan anticipates that this category will typically be designated as a critical area.
- The site falls within Critical Area 2 of the Plan for the Broad Ripple Village. Broad Ripple originally developed as a distinct village. Over the years, the City of Indianapolis grew out to envelop it. To maintain Broad Ripple’s identity as a distinct place it has been designated as Urban Mixed-Use and Village Mixed-Use. To retain and enhance the village character of Broad Ripple and to promote its evolution into a self-sustaining pedestrian-oriented village it is critical to increase the population density, promote mixed-use development and enhance vitality of the streetscape.
- The site would have the North Village Local Corridor frontage typology that would allow retail, personal services, restaurant, tavern, offices, and residential uses. These are envisioned to have a minimum of 20 feet and a maximum of 40 feet or four stories, whichever is the lesser.

### **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

**2005-VAC-033; 6511 North Ferguson Street** (subject site), Vacation of the first alley west of Cornell Avenue from north right-of-way line of 65th Street to a point 175.5 ft. north, **approved**.

**91-UV3-75; 6511 North Ferguson Street** (subject site), Variance of use of the Dwelling District Zoning Ordinance to permit the operation of a beauty shop within an existing building and a variance for a four-foot ground sign, **granted**.

**87-UV2-71; 6511 North Ferguson Street** (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Sign Regulations to provide for the use of an existing building for retail sales of needlepoint materials and services with a sign located in the front yard, **granted**.

**84-UV3-104; 6511 North Ferguson Street** (subject site), Variance of use and development standards to permit an office, with off-street parking and a sign, **granted**.

**78-UV3-57; 6511 North Ferguson Street** (subject site), Variance of use and development standards to permit a yarn shop, with off-street parking and a sign, **granted**.

**77-UV3-36; 6511 North Ferguson Street** (subject site), Variance of use and development standards to permit a real estate office, with off-street parking and a sign, **granted**.

**70-UV1-170; 6511 North Ferguson Street** (subject site), Variance of use and development standards to permit the conversion of a residence to a gift shop, with off-street parking and a sign, **granted**.

### Zoning History – Vicinity

**2022-ZON-104; 6520 Ferguson Street** (northwest 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**.

**2017-CZN-841 / 2017-CVR-841; 6520 Cornell Avenue** (northeast of site), Rezoning of 0.18 acre from the D-4 (FF) district to the C-3 (FF) classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 35-foot tall commercial structure (maximum 18-foot height along a transitional yard), with a five-foot north transitional yard and parking with a zero-foot south transitional yard, a three-foot west transitional yard and a one-foot north transitional yard (10-foot transitional yard and eight feet along alley required), a trash enclosure with a one-foot transitional yard (10-foot transitional yard required), and to provide for seven substandard parking spaces (eight parking spaces required, nine by 20-foot spaces and 23-foot aisle required), **approved and granted**.

**2013-UV2-011; 6516 Ferguson Street** (northwest of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for: a massage therapy in the eastern portion of the proposed building (not permitted, previously approved for a gift and antique



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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 (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). **granted.**

**2004-UV3-044; 6515 Ferguson Street** (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a beauty salon (not permitted), **granted.**

**2003-UV3-025; 6515 North Ferguson Street** (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a variety and crafts store, **granted.**

**99-UV3-72; 6512 North Ferguson Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a 4-seat hair salon (not permitted), with off-street parking, **granted.**

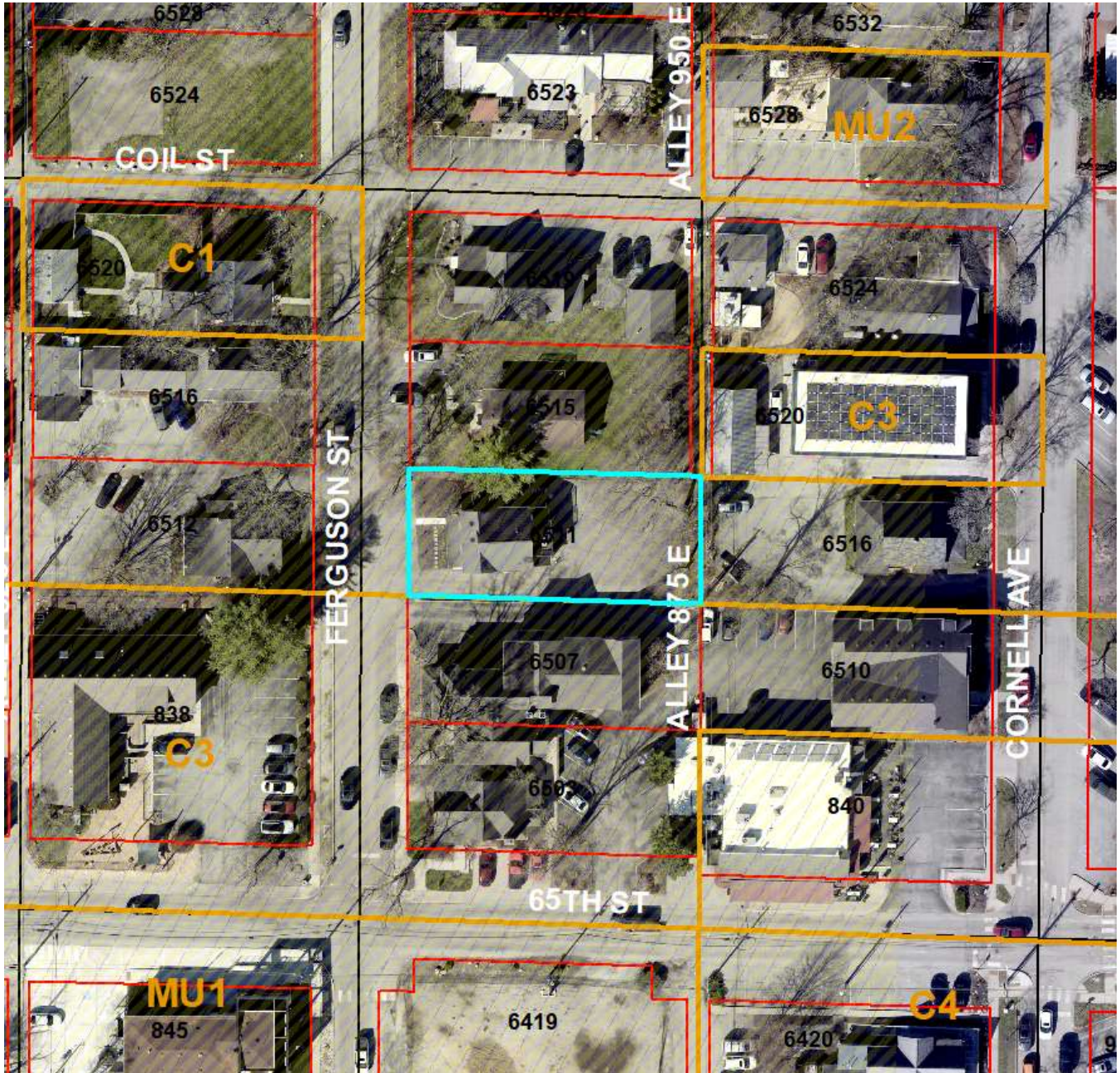
**91-UV3-59; 840 East 65<sup>th</sup> Street** (southeast of site), Variance of use and development standards of the Commercial Zoning Ordinance to permit a seasonal sidewalk café within the right-of-way of 65<sup>th</sup> Street with a total of 12 parking spaces located on site (43 spaced required) and 54 parking spaces provided off site, **granted.**

**90-UV2-107; 6515 North Ferguson Street** (north of site), Variance of use and development standards of the Flood Control Ordinance and Dwelling District Zoning Ordinance to permit the construction of a single-family residence with a lot width of 59 feet (60 feet required) without providing all weather access to a public street at or above one hundred year flood elevation, **granted.**

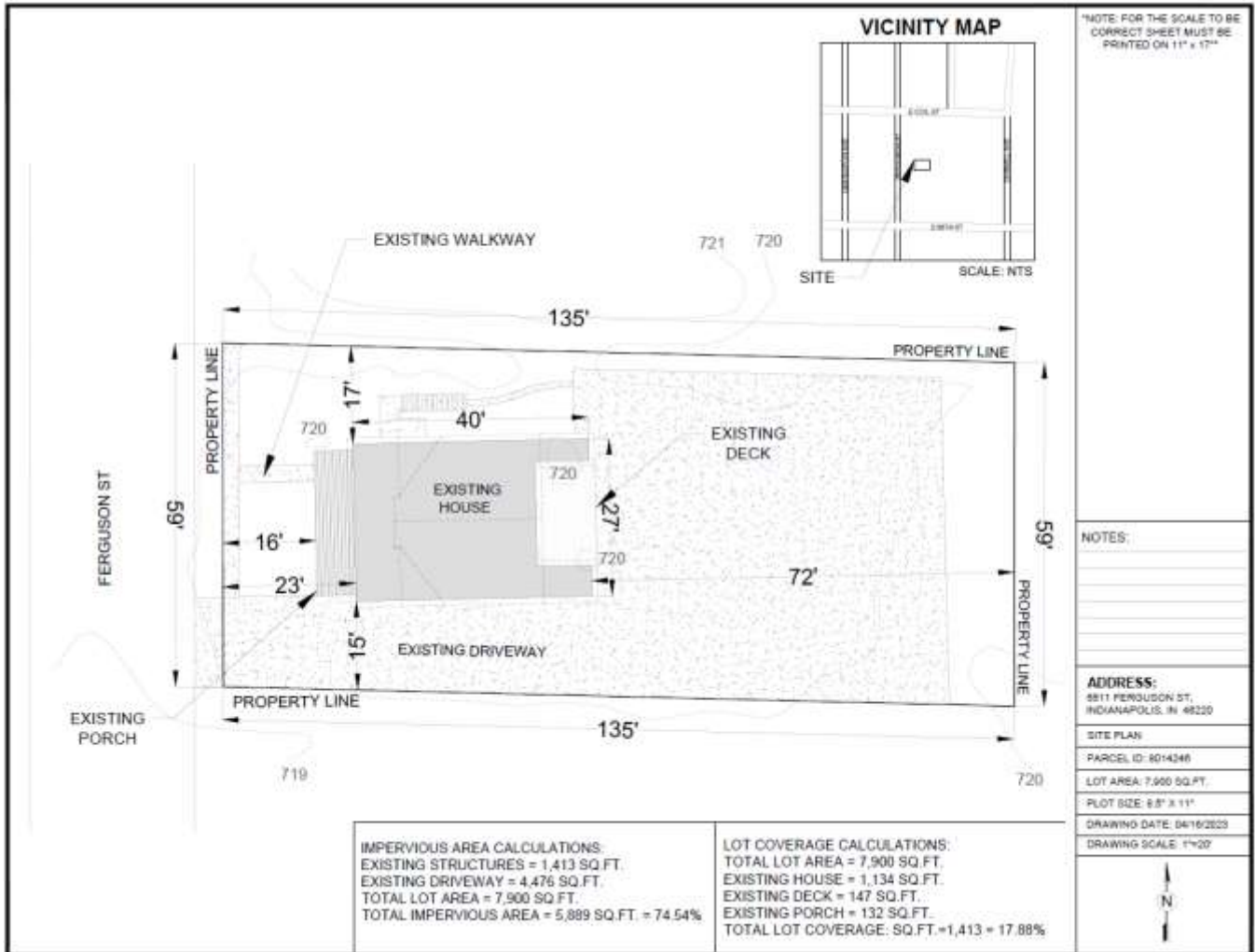
**89-Z-228/CV-39; 840 East 65<sup>th</sup> Street** (southeast of site), Rezoning of 0.17 acre to the C-S District, and companion variance for setback and required off-street parking, to allow the reuse of a vacant commercial structure as a micro-brewery and restaurant, **approved and granted.**

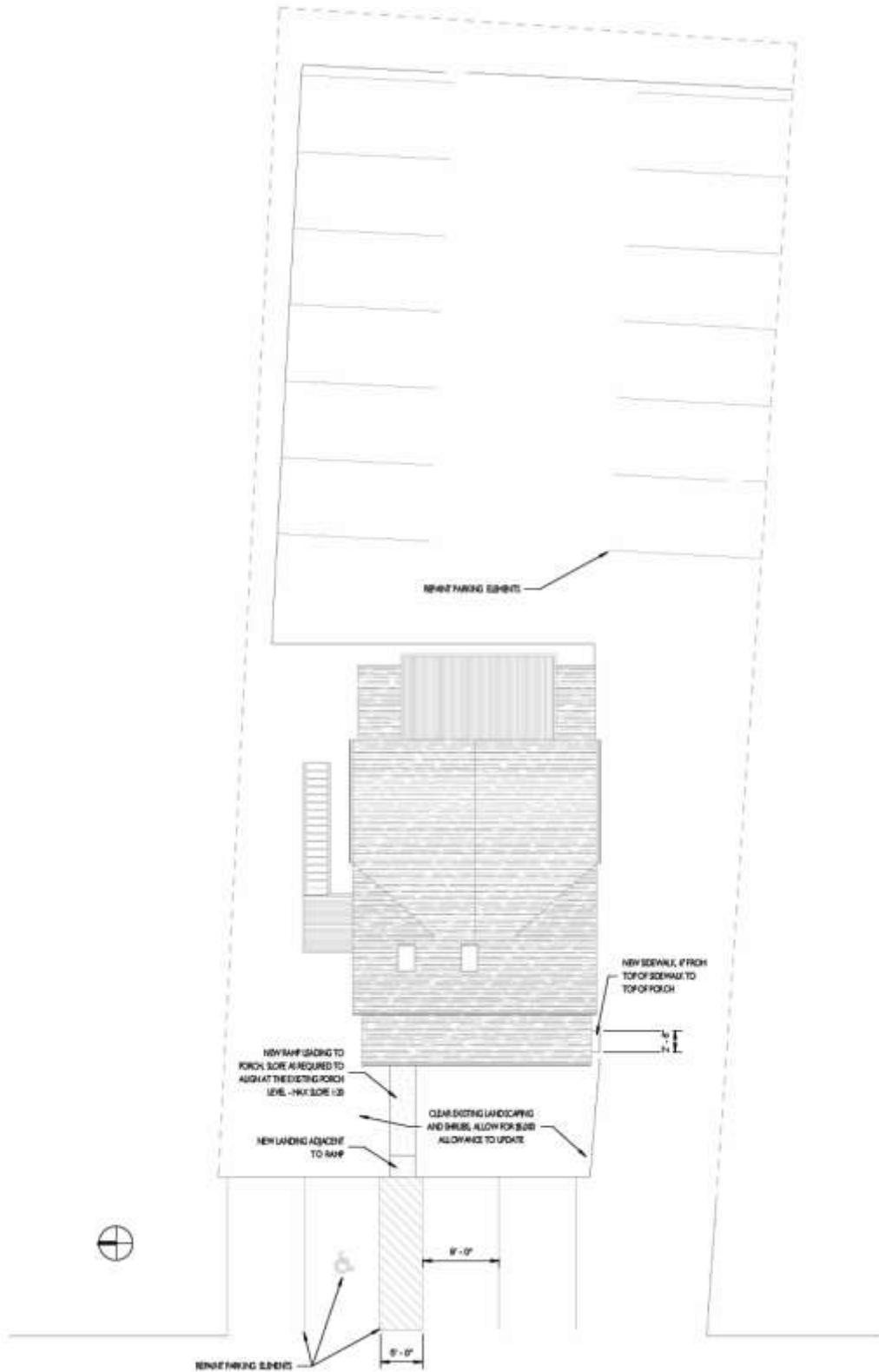
**87-UV1-32; 6520 Cornell Avenue** (northeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a building to be used as an office with an addition that connects the subject buildings with the previously established bicycle shop, **granted**

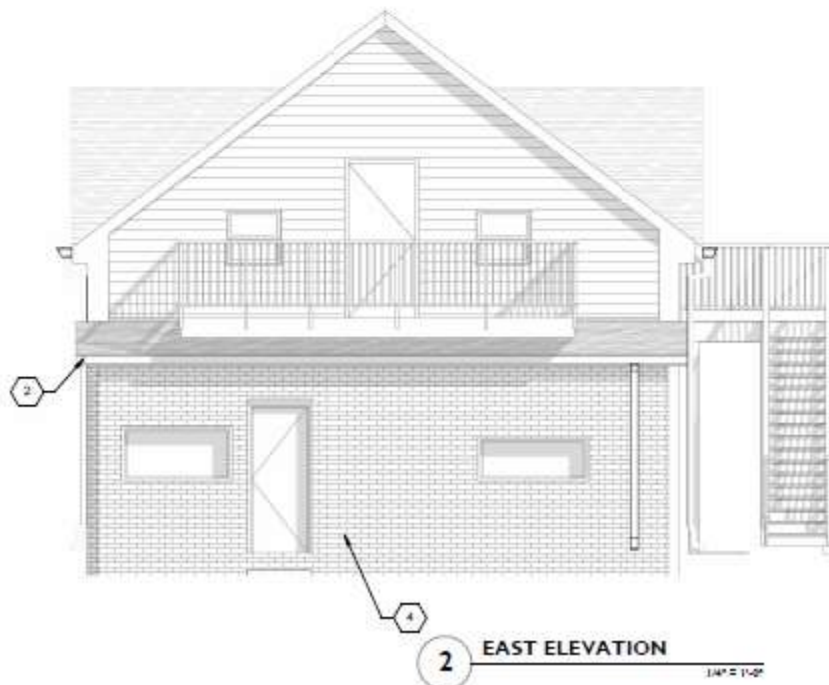
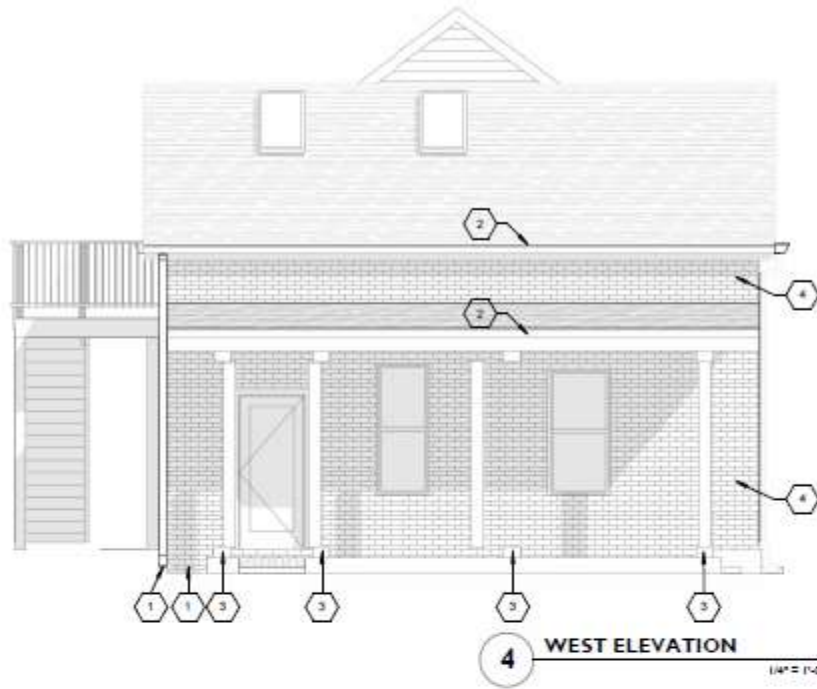
EXHIBITS

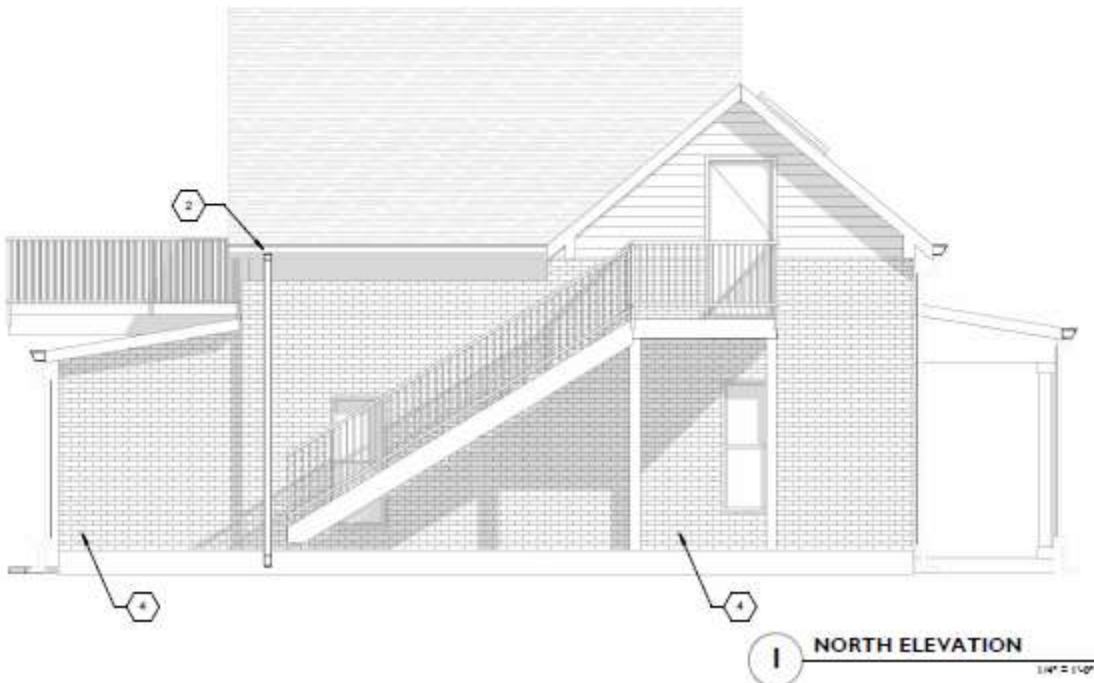
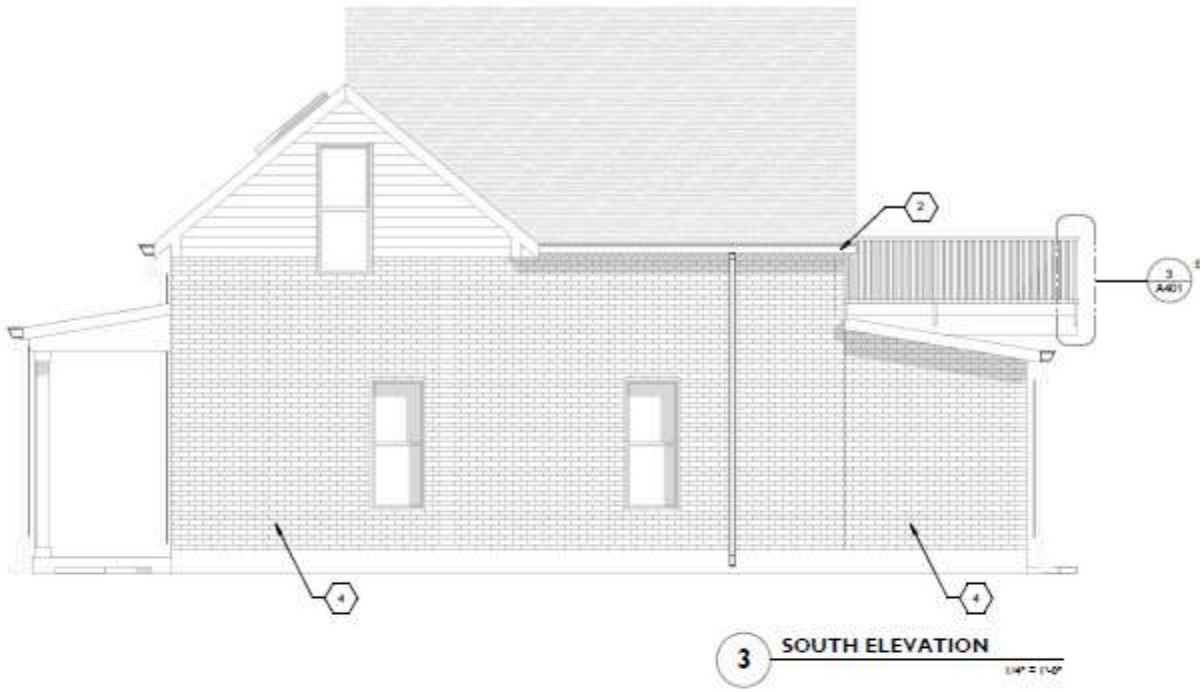


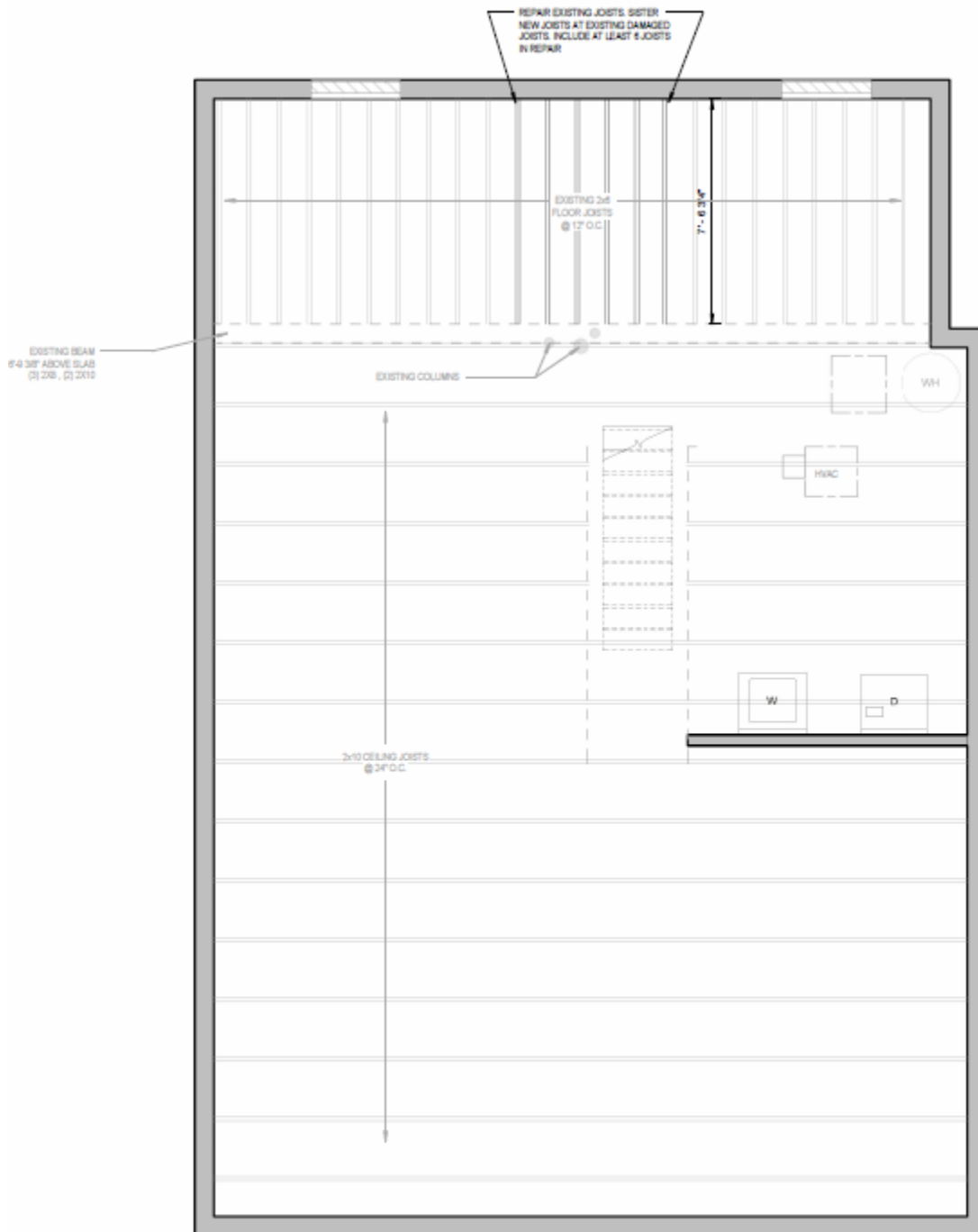


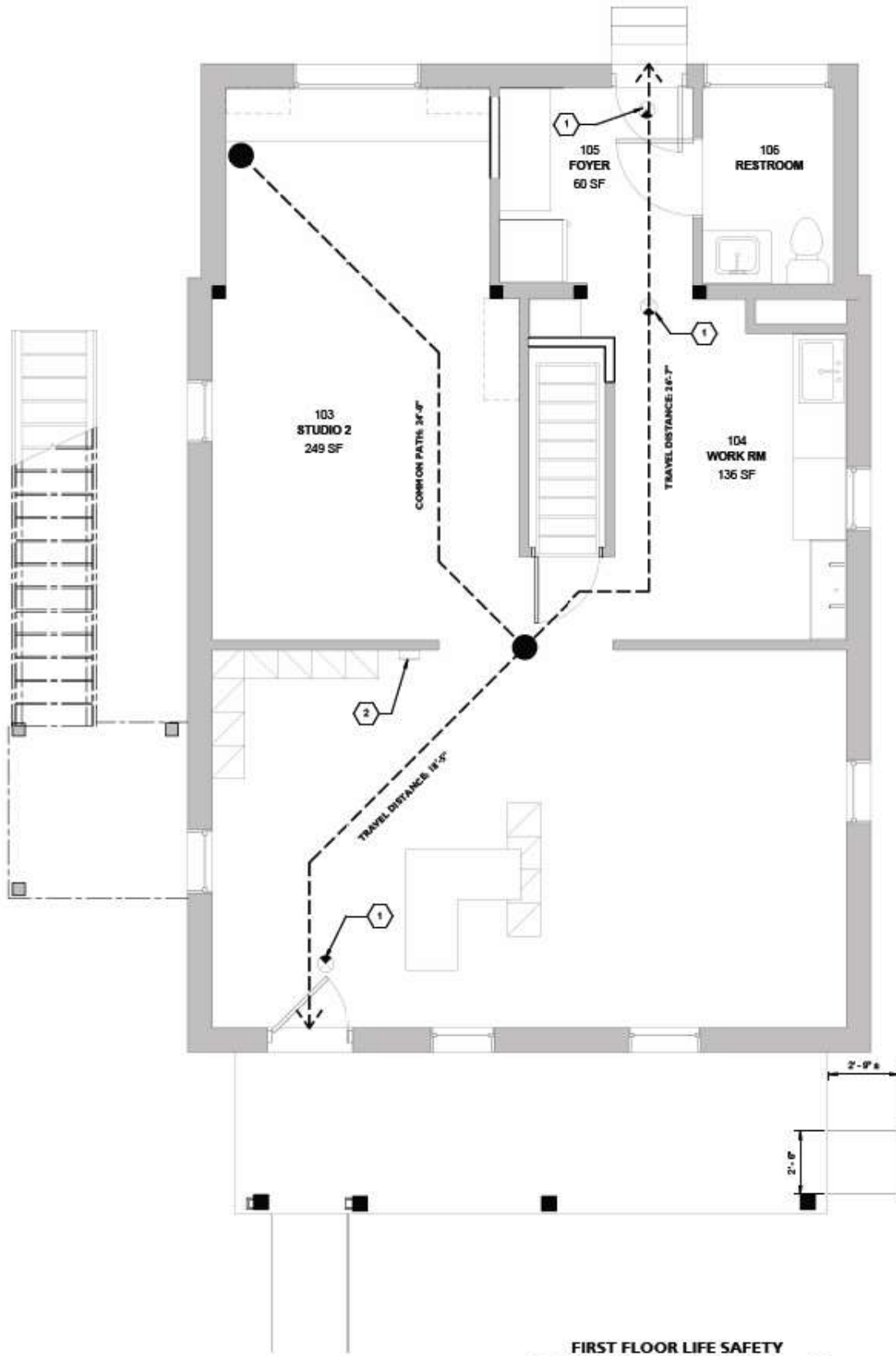




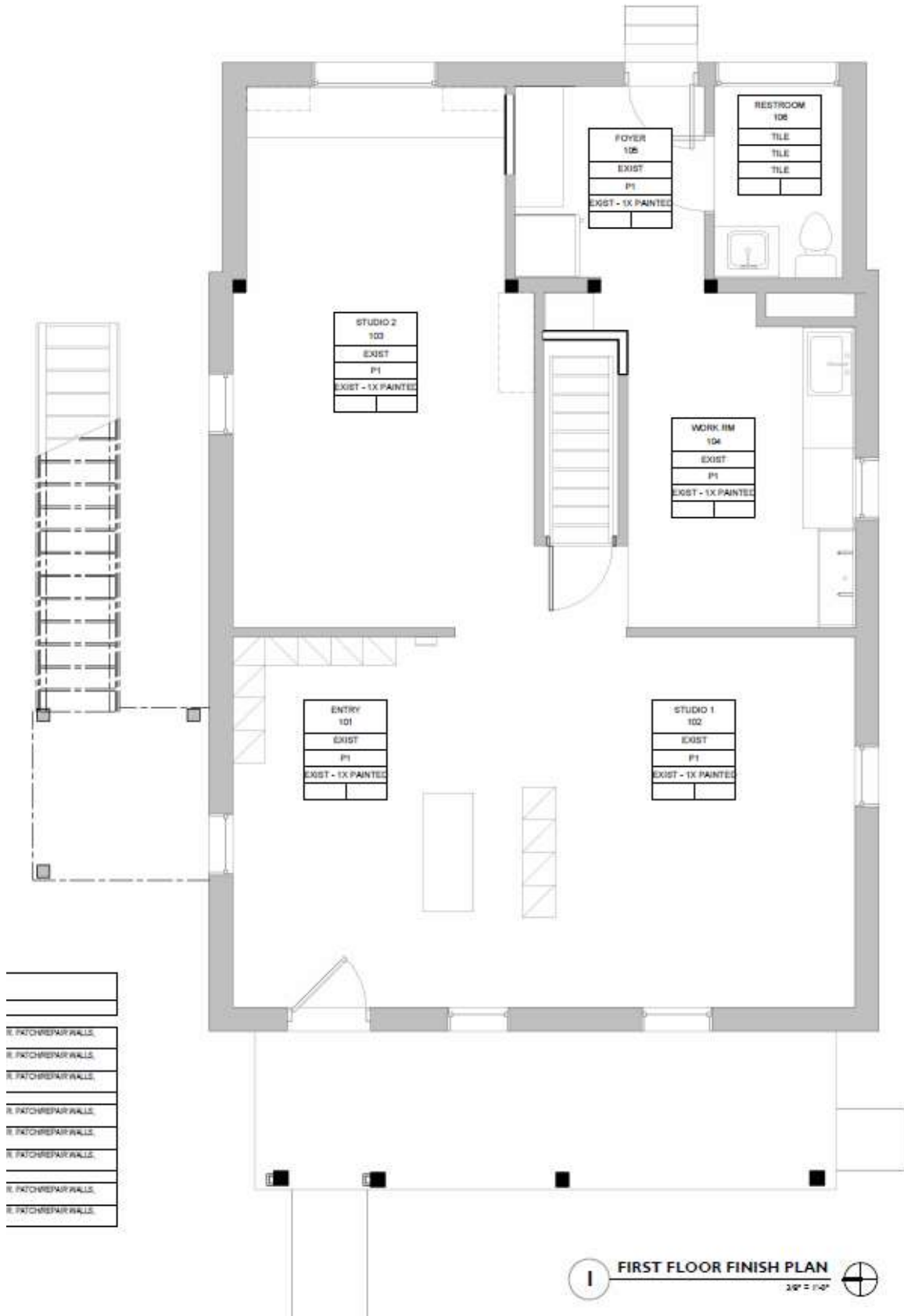


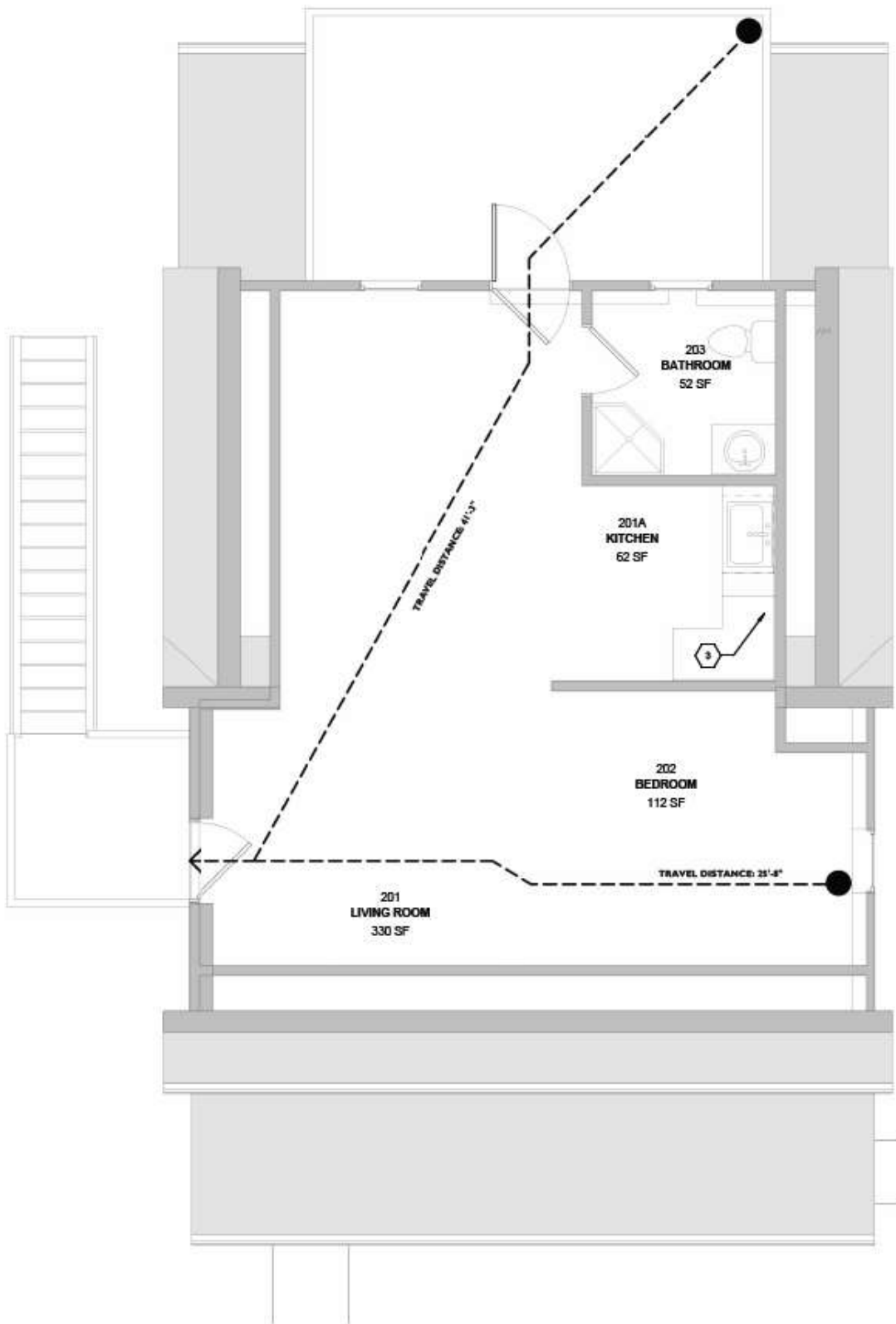




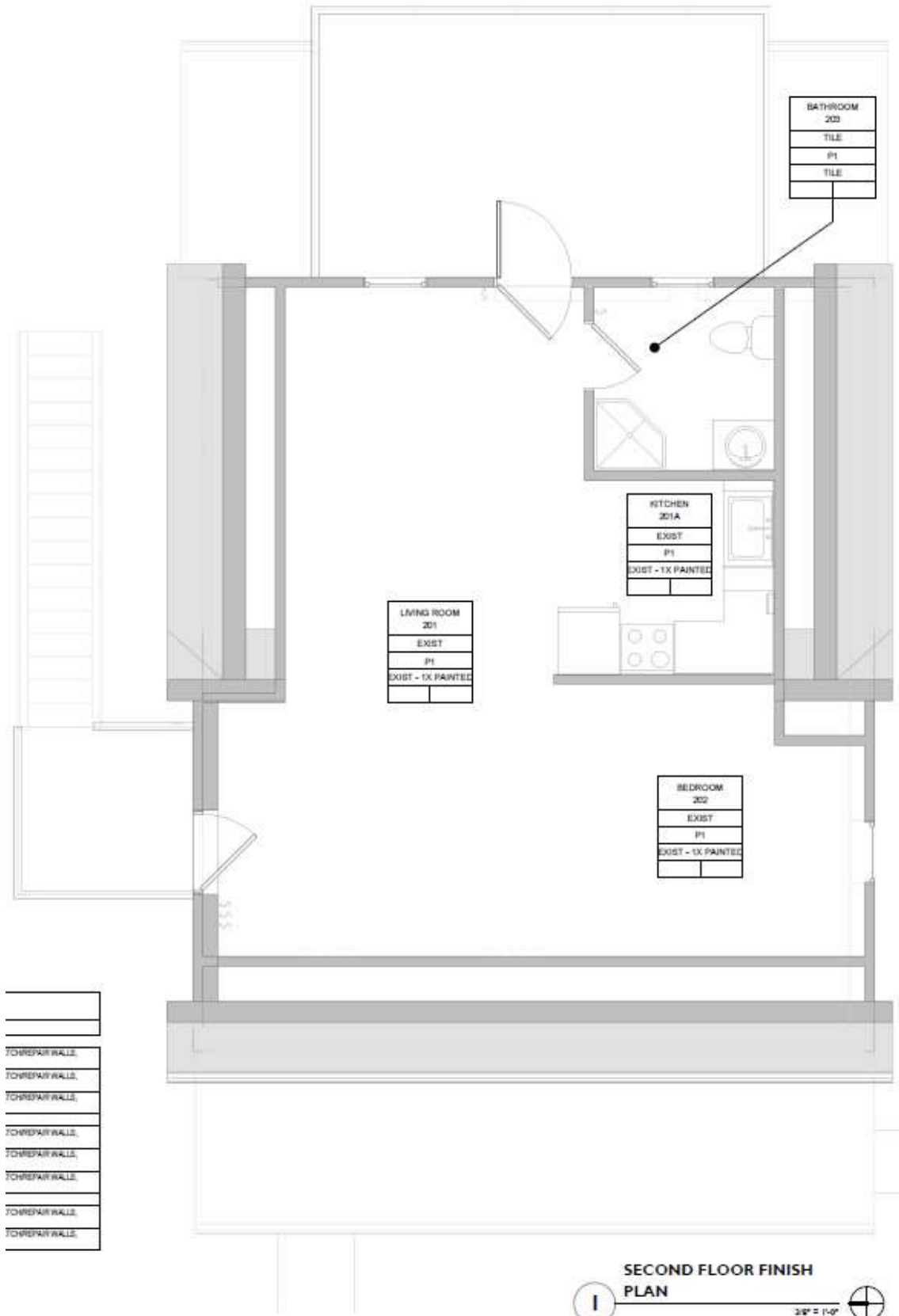


**FIRST FLOOR LIFE SAFETY PLAN**  
 1/8" = 1'-0"











Department of Metropolitan Development  
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Current Planning

Plan of Operation  
6511 Ferguson Street

A. CREATE Art Studio (Primary Use)

Primary use of the property is CREATE Art Studio--a space where people come together to create art, purchase quality art supplies, and support local artists with art work available for purchase. Hosted in a welcoming environment, CREATE Art Studio offers classes that are choice-driven, artist directed, and focused on discovery. Whether a beginning youth, an inspiring young artist, or a seasoned professional, there are many options to learn and develop whatever the desired medium.

The Market

Indianapolis has few opportunities exclusively offering art and craft supplies along with hands on experience and education. CREATE is tapping into the growing number of professional artists in Indianapolis and surrounding communities. Currently, CREATE is actively marketing youth classes to all ages of public, private, and home school students. Many teachers from various schools attend adult classes for continuing education, and adults from all walks of life attend the open 18+ classes. Businesses can rent out the studio to have a team building experience taught/led by professional artists, many who sell professional artwork in the studio gallery.

The Organization

CREATE is owned and operated by Alissa Moody and Christine Sweigart. Sweigart's background is teaching youth art for 20 years, and Moody's operation of adult classes, recruiting new artists, and running the day to day operations form the basis of the company. CREATE is founded on the extreme hospitality from both owners. The goal is to keep young artists growing and give new customers a great, creative, experience to start or continue growing in a welcoming artistic environment. Quickly becoming a Broad Ripple Village Association member, CREATE Art Studio has been a welcoming family friendly stop along the Spring and Fall art tours. Beyond the studio CREATE has started a presence by engaging with the community attending many of the local art fairs with youth activities and encouraging adults to attend the evening classes.

Products, Experiences and Current Class Offerings:

Staff:

Co-Owner Alissa Moody

Co-Owner Christine Sweigart

Assistant Art Teacher - Rotating

Summer Aid/Intern - Rotating

15+ Contracted Artists to help teach and run various adult and youth art classes

(Typically 1 to 2 employees on-site at any given time.)

Current Weekly Time of Operation:

M 10am to 5pm

T 10am to 5pm

W 10am to 5pm

TR 10am to 5pm

F 10am to 5pm

Saturday determined by classes, private or public events

Sunday determined by classes, private, or public events

1. Class Offerings:

Mini Maker ages 1.5-4 years old (Various Times)

Art Explorer ages 4-5 years old (10:00am Wednesdays)

Create for Homeschoolers (1:00pm Wednesdays)

Studio Explorer ages 6-9 years old (4:30pm Mondays)  
Studio Explorer ages 6-9 years old (4:30pm Tuesdays)  
Studio Explorer ages 6-9 years old (4:30pm Thursdays)

Art Lab ages 12-18+ (11:00am Sundays)  
Art Lab ages 12-18+ (4:30pm Fridays)

Creatives ages 18+ (Many one evening, two, or four evening package purchases)  
Linocut Mini-Workshop with renowned artist Penelope Dullaghan (Sept 14, 4:30pm)  
Print making workshop (Class of four 6:30pm to 8:00pm Thursdays Dec 12, 19, Jan 2, 9)  
iPhone Photography Mastery Class (6:30pm Thursday August 15th)  
Summer Charcuterie Board Making Workshop (6:30pm August 23rd)  
Acrylic Canvas Painting Mini-Workshop (6:30pm September 14th)

2. Summer youth Camps (6 Sessions during the Summer for 3 hours per day Monday through Friday)

3. Private events are a large part of the weekend activities at Create. Hosting many youth and adult birthday parties, team building experiences and other celebrations.

4. Public free events have approached CREATE Art Studio to host existing events as the back parking lot area can accommodate a large number of people. We would also like to host movie nights for families, and outdoor artist events.

5. Beer and Wine. CREATE Art Studio is pursuing a beer and wine license to sell, especially, wine during adult painting classes or other experiences.

Within CREATE Art Studio the floor space offers a wide variety of art and craft supplies, while having the wall space to accommodate a rotation of original artwork from both local and traveling artists. With previous wholesale connections, supplies are purchased from manufacturers directly in attempts to avoid any major price mark ups.

Objectives

1. Customer Satisfaction: To create and instill a shopping environment that caters to the needs of the art community of Indianapolis by offering knowledgeable, professional, and compassionate customer service. Our customer satisfaction will be measurable through repeat business.
2. To be both an active and vocal member in the community and to provide continual re-investment through sponsorship of local community activities including local art fairs and events.

3. To develop partnerships with local artists and make additional profits by displaying and selling their artwork to both customers and local interior designers.

#### Keys to Success

In order for CREATE to succeed we must:

1. Aim for satisfaction of 100% of our customers and vendors who attend, teach and experience classes.
2. Promote and advertise in areas where our target customer base will learn about our studio.
3. Continuously review our sales and inventory and adjust our inventory levels as needed.
4. Sell products that are of high and reliable quality. We plan to offer more premium and unique products than other larger arts and crafts stores (Michaels, Hobby Lobby, etc). We will offer promotions to bring customers into the store to purchase goods and explore various lines of services.
5. Connect with local artists and bring in rotating artists to teach a multitude of classes so that customers continue to be intrigued and return.
6. Be an active member of the community and to stay connected through social media and an up to date website.
7. Provide in store classes, demonstration, and events at a variety of hours during the day to serve every client's need.

#### B. Separate entrance Office/Airbnb and upstairs area (Accessory Use)

650 square feet office space for future business plans. Full bath and kitchen renovated to commercial specifications.



Street View of 6511



View of parking lot looking West to East



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

The second floor of the existing residential structure that is being used for commercial use by variance has been renovated to include a kitchen, bath and living space that could be used as office or residential with no negative impact on the community.

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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 second floor of the existing residential structure that is being used for commercial use by variance has been renovated to include kitchen, bath and living space that could be used as office or residential with no negative impact on the community.

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

Although the balance of the existing structure is used commercially, the upstairs is structured for residential and office use.

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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

Of the existing configuration of the residential structure that is used commercially and the property is surrounded by commercial and mixed use properties.

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

The proposed residential use for the second floor space, in addition to the first floor space, is consistent with the comprehensive plan recommendation of Village Mixed Use.

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Photo of the subject site.



Photo of the staircase that leads to the dwelling unit on the second floor.



Photo of the rear parking area looking east.



Photo of the parking lot looking west and the dwelling unit upstairs.



Photo of the southern property boundary and bike parking spaces.



Muti-tenant commercial building south of the site.





Beauty salon north of the site.



Beauty salon west of the site.