

**BOARD OF ZONING APPEALS DIVISION II**

September 10<sup>th</sup>, 2024

**Case Number:** 2024-DV2-030  
**Property Address:** 1420 Prospect Street  
**Location:** Center Township, Council District #18  
**Petitioner:** Fountain Square Funeral Services LLC, by Justin Kingen  
**Current Zoning:** C-4  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a zero-foot landscape buffer within the rear transitional yard (15-foot buffer required) and to legally establish the parking lot maintaining a three-foot rear transitional yard (10-foot required).  
**Current Land Use:** Village Mixed-Use  
**Staff Recommendations:** Staff **recommends approval** of this variance request.  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of this variance request.

**PETITION OVERVIEW**

- This petition requests a variance to allow a 135- square foot building addition resulting in the lost of a buffer between the property and the back alley in a Village Mixed-Use District of the Zoning Ordinance.
- This variance also included to legally establish the parking lot having a 3-foot transitional yard between the alley and already developed parking lot.
- The building addition will allow three more off-street garage locations where hearses or other vehicles engaged in transportation operation of the funeral home to be stored securely indoors.
- Given that the garages face the alley way as required in the Infill Housing Guidelines, is necessary for the growth of a local business, and adequate landscaping along the street frontage of Prospect St, staff believes this an appropriate use of variances. Therefore, staff **recommends approval** of these requests.

**GENERAL INFORMATION**

|                                   |                   |  |
|-----------------------------------|-------------------|--|
| <b>Existing Zoning</b>            | C-4               |  |
| <b>Existing Land Use</b>          | Commercial        |  |
| <b>Comprehensive Plan</b>         | Village Mixed-Use |  |
| <b>Surrounding Context</b>        | <b>Zoning</b>     | <b>Surrounding Context</b>                                       |
|                                   | North: D-5        | North: Traditional Neighborhood                                  |
|                                   | South: MU-2       | South: Village Mixed-Use   |
|                                   | East: C-4         | East: Village Mixed-Use  |
|                                   | West: C-5         | West: Village Mixed-Use  |
| <b>Thoroughfare Plan</b>          |                   |  |
| Prospect Street                   | Primary Arterial  | 76 foot right-of-way existing and 56 foot right-of-way proposed. |
| <b>Context Area</b>               | Compact           |  |
| <b>Floodway / Floodway Fringe</b> | No                |  |
| <b>Overlay</b>                    | No                |  |
| <b>Wellfield Protection Area</b>  | No                |  |
| <b>Site Plan</b>                  | 08/02/2024        |  |
| <b>Site Plan (Amended)</b>        | N/A               |  |
| <b>Elevations</b>                 | N/A               |  |
| <b>Elevations (Amended)</b>       | N/A               |  |
| <b>Landscape Plan</b>             | N/A               |  |
| <b>Findings of Fact</b>           | 08/02/2024        |  |
| <b>Findings of Fact (Amended)</b> | N/A               |  |

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- City of Indianapolis Consolidated Zoning / Subdivision Ordinance
- Infill Housing Guidelines

**Pattern Book / Land Use Plan**

- Mortuary or Funeral Home is defined within the Consolidated Zoning / Subdivision Ordinance Plan as an establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with and conducted before burial or cremation. This definition includes columbaria and may include a facility for the permanent storage of cremated remains of the dead. This definition does not include freestanding crematoria facility (pg 50)

- Where a commercial district, mixed-use district, hospital district, university quarter district, PK-II district, or SU district for a public, institutional, or civic building or project abuts a dwelling district, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below.
  - Option 1. A landscape buffer area at least 15 feet wide shall be provided by the commercial or institutional project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One shade or evergreen tree shall be provided for every 30 linear feet of lot line and 3 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on dwelling uses. Chapter 744. Development Standards Article V. Landscaping and Screening Section 06. Transitional Yard and Edge Buffering Page 548 The Zoning Ordinance – Indianapolis-Marion County – Effective May 8, 2023 2.
  - Option 2. An opaque wall, berm, fence or dense (at least 75% opacity) vegetative screen at least 6 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, the fence or wall shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 ft. in height at the time of planting. (pg 548-549)

**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**

- When Possible, Access Accessory Buildings From Alleys Accessory buildings should be of a secondary nature. Garages should be oriented towards alleys. Avoid front-loading garages and driveways where alleys are available. The Zoning Ordinance requires that entries should be clear and defined.

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – SURROUNDING AREA

- **2015-VHP-047: 1337 Prospect St (South of Site)**
  - Variance of Use of the C4 Zoning Ordinance to allow four living units in the commercial primary structure; and for a Variance of Development Standards to allow no onsite parking. **Approved.**
- **2016-CZN-816: 1427 Prospect St (Southeast of Site)**
  - Rezoning of 1.28 acres from the C-4 district to the MU-2 classification to provide for a mixed-use district. **Approved.**
- **2017-ZON-052: 1308 Prospect St (West of Site)**
  - Rezoning of 0.52 acre from the C-4 district to the SU-9 classification to provide for a fire station. **Approved.**
- **2017-ZON-094: 1218 Prospect St (West of Site)**
  - Rezoning of 1.37 acres from the C-4 district to the D-P classification to provide for a mixed-use development, up to four stories in height, with 116 residential units, with a maximum density of 90 units per acre and C-3 commercial uses, with non-residential uses at a maximum of five percent of the project. **Approved.**
- **2020-UV1-009: 1525 Prospect St (East of Site)**
  - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the use of an existing structure as a single-family residential dwelling (not permitted), with a front yard patio having a three-foot front setback (10-foot front setback required). **Approved.**
- **2024-PLT-020: 1401 Woodlawn Ave (Northwest of Site)**
  - Approval of a Subdivision Plat to be known as Laurel Woodlawn Townhomes, subdividing 0.11-acre into two single-family attached lots. **Approved.**

EXHIBITS

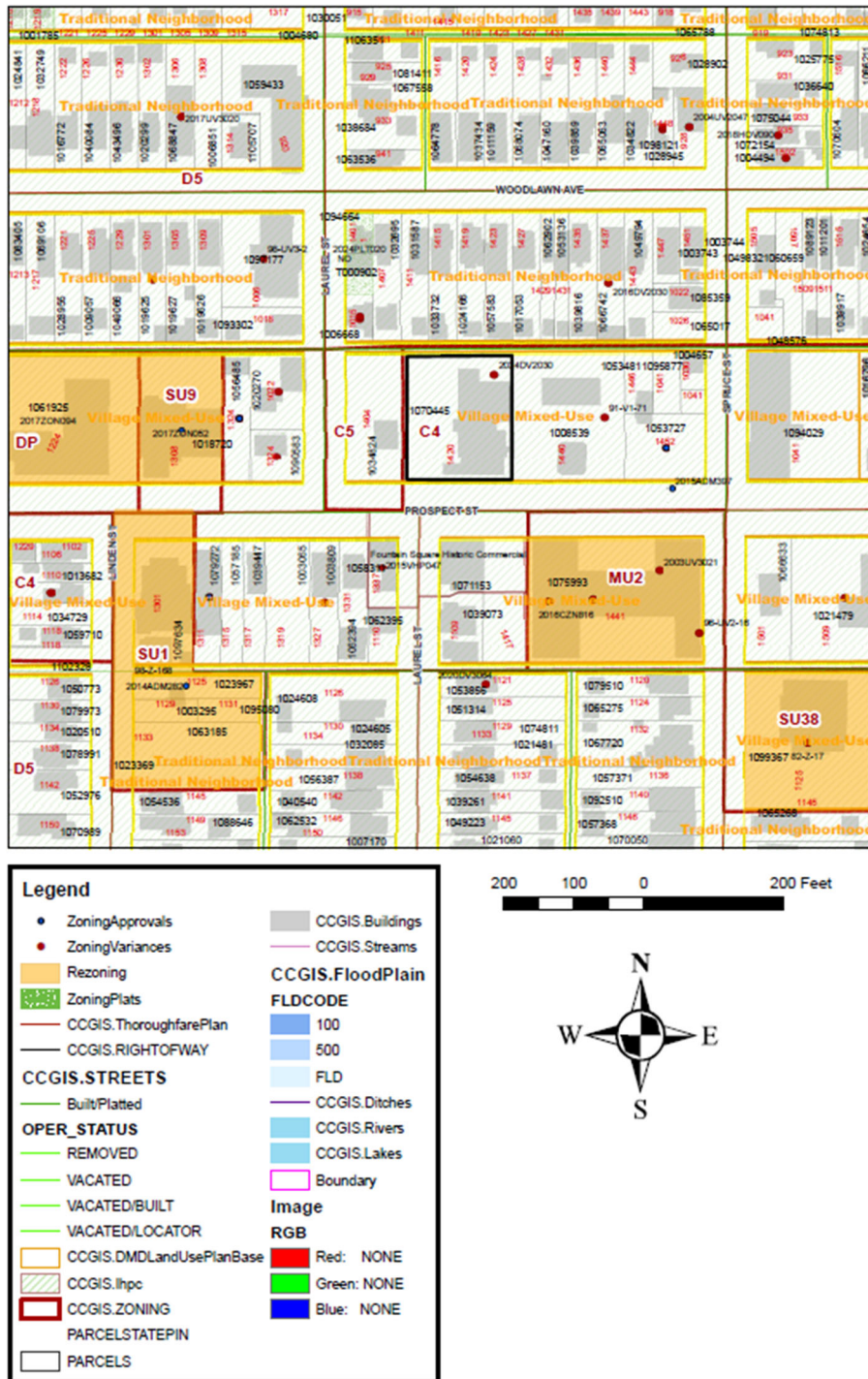


Exhibit 1: Area map around 1420 Prospect St



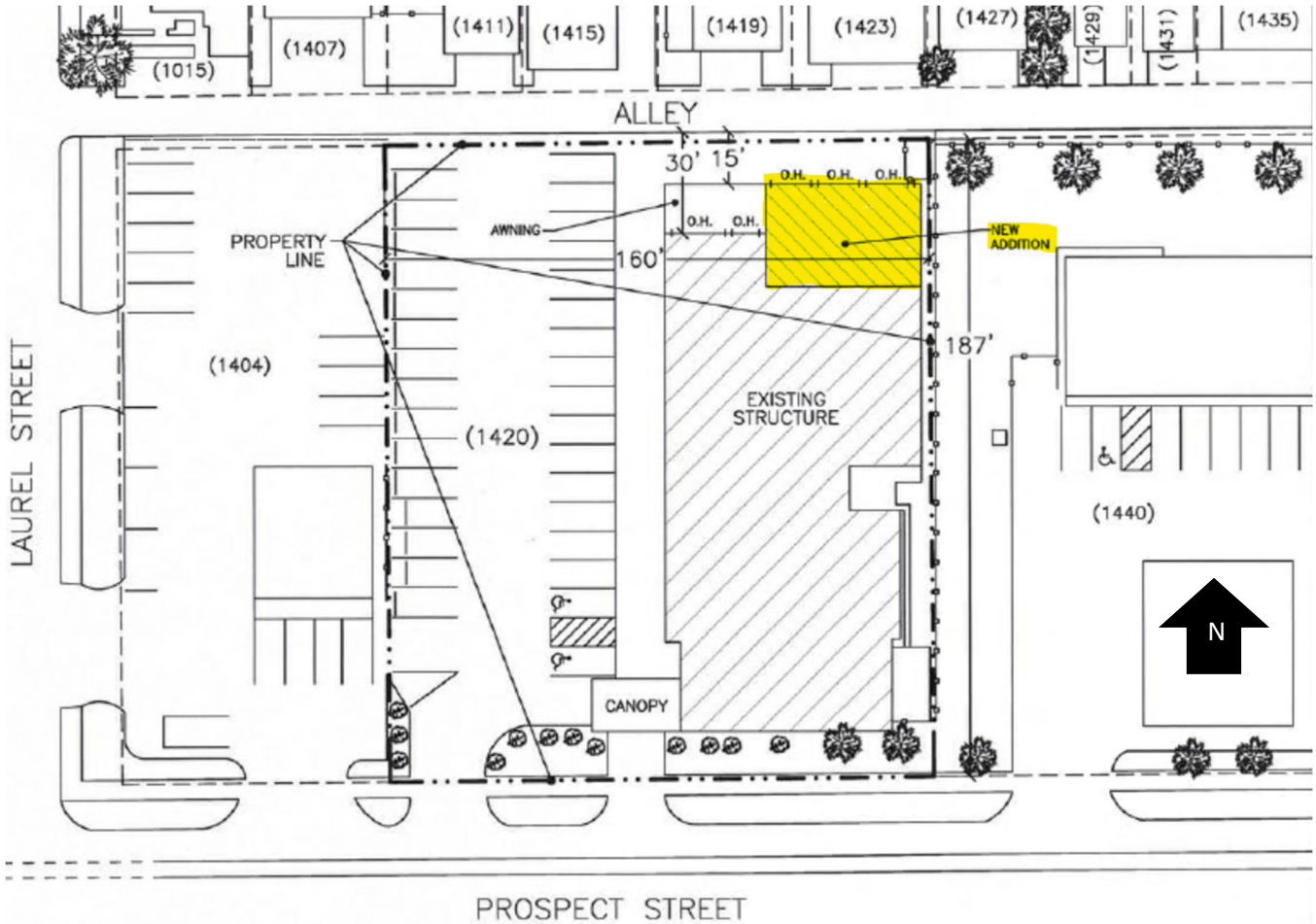


Exhibit 2: Site plan with highlighted location of new addition for Fountain Square Cremation and Funeral Services at 1420 Prospect St.

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:

The proposed building addition to the existing commercial structure will meet the transitional rear setback standards and will be aligned with the existing awning at the rear of the existing structure. Due to the nature of the use of the property, it is not possible to install the necessary landscape buffer within the transitional yard, thus the need for the variance. The other variance request is to legally establish the existing commercial parking lot with less than the required rear transitional yard setback

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:

The use and value of the area will be increased due to the new addition to an existing commercial structure. The use of the subject property will remain as-is.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The layout of the existing structure and the nature of the existing business on the subject site requires that the rear of the building be used for transporting the subject matter to and from the property. Access to and from the rear of the building requires a lack of a landscape buffer and thus requires a variance of development standards.

Exhibit 3: The Findings of Fact by the petitioner for 1420 Prospect St.



Exhibit 4: Front and Side photo of Fountain Square Cremation and Funeral Services at 1420 Prospect St.





Exhibit 5: Picture of the back of Fountain Square Cremation and Funeral Services at 1420 Prospect St. The addition will be added to the left side of the building where the red truck sits to match the placement of the right side of the building.



Exhibit 6: Side view of the back of Fountain Square Cremation and Funeral Services at 1420 Prospect St.





Exhibit 7: Looking east down the alley behind Fountain Square Cremation and Funeral Services at 1420 Prospect St.





Exhibit 8: Looking west down the alley behind Fountain Square Cremation and Funeral Services at 1420 Prospect St. Showing 3ft buffer between parking lot and alley.