

**BOARD OF ZONING APPEALS DIVISION III**

**October 17, 2023**

**Case Number:** 2023-DV3-028

**Property Address:** 405 South Shortridge Road (approximate address)

**Location:** Warren Township, Council District #18

**Petitioner:** SRMK Realty LLC, by In and Out Unlimited

**Current Zoning:** C-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 8.5-foot tall, chain link perimeter fence, without vinyl coating or equivalent treatment (chain link fences prohibited within front yards of commercial districts, vinyl coating required, fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff recommends denial of this request

**Recommended Motion:** Motion to approve petition 2023-DV3-028

**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

**ADDENDUM FOR OCTOBER 17, 2023**

- This petition was continued from the September 19, 2023 BZA III hearing to the October 17, 2023 BZA III hearing due to additional variance requests needed.
- Staff is working with the Petitioner on providing additional information regarding the fencing that will require variances not listed in the initial request. Therefore, this petition will need a continuance with additional notice to the November 28, 2023 BZA Division III hearing.

**STAFF RECOMMENDATION**

Staff **recommends denial** of this request

**PETITION OVERVIEW**

- This request would provide for the location of an 8.5-foot tall, chain link perimeter fence, without vinyl coating or equivalent treatment (chain link fences prohibited within front yards of commercial districts, vinyl coating required, fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).



- Staff has received additional details regarding the fencing on site that are not reflected in the request statement:
  - The Petitioner informed Staff that the fencing is not one but two separate fences surrounding the property, one constructed with metal panels at a height of 6 feet, and one of barbed wire (barbed wire fences are prohibited unless used to enclose livestock or at a public safety facility) at a height of 10 feet.
  - The barbed wire fence is also electrified, which is prohibited, except when associated with specific uses such as livestock containment and public safety facilities. In these instances, electrified fences are limited to a maximum of 0.1 amps and must be setback five feet from the lot line. The subject site does not operate one of these uses, meaning the location of an electrified fence is prohibited. Therefore, the request must be continued or this portion of the fence removed.
- With this additional information, the request will need to be amended and a continuance with new notice to the November 28, 2023 BZA III hearing will be required.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-11	North: Mobile home community
South:	C-S	South: Commercial uses
East:	D-11	East: Mobile home community
West:	I-3	West: Industrial uses
<b>Thoroughfare Plan</b>		
South Shortridge Road	Local Street Existing ROW: 30 feet Proposed ROW: 60 feet	
<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>	6/27/23	
<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>	6/27/23	

**Findings of Fact  
(Amended)**

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 Suburban Neighborhood living 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

**81-Z-72**, requested rezoning of 9.58 acres being in an A-2 District, to the C-5 classification, to provide for a car lot, **denied**.

**83-UV2-119**, requested a variance of the use of the (A-2) Marion County Master Plan Permanent Zoning Ordinance to allow automobile service with storage with a sign, **denied**.

**89-Z-144/89-CV-21**, requested rezoning of 5.545 acres, being in the A-2 District to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

**91-Z-90/91-CV-4**, requested rezoning of two acres, being in the D-A District to the D-11 classification to provide for the expansion of a mobile dwelling park, with the rear perimeter yard reduced from 50 feet to 20 feet and the minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

**2018ZON068**, Rezoning of 8.77 acres from the D-11 and C-7 district to the C-S classification to provide for C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicles sales, repair and service, **approved**.

### ZONING HISTORY – VICINITY

**84-UV1-40; 411 S Shortridge Road (south of site)**, variance of use and development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for the following uses and activities: rental and repair of commercial search lights, electrical contracting, fabrication, maintenance and sales of radio towers, automobile repair service, and outside storage of related equipment and materials, **approved**.

**86-Z-78; 415 S Shortridge Road (south of site)**, rezoning of approximately 4 acres, being in the A-2 district, to the C-1 classification, to provide for the construction of an office building, **approved**.

**88-Z-232/88-CV-32; 373-403 S Shortridge Road (north of site)**, requested rezoning of 18.213 acres, being in the A-2 district, to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and minimum distance between building reduced from 25 feet to 22 feet, **approved**.

**98-Z-100; 411 S Shortridge Road (south of site)**, variance of development standards of the Commercial Zoning Ordinance to provide for an auctioneering service and accessory, incidental uses with: a) a 1 foot side transitional yard to the north (minimum of 20 feet required) and; b) a 4 foot side yard setback to the south (minimum of 10 feet required), **approved**.

**2002DV3019; 400 S Shortridge Road (west of site)**, variance of development standards of the Industrial Zoning Ordinance to provide for a parking and maneuvering area located 8.59 feet from the east property line (parking and maneuvering areas not permitted within the required 150-foot front



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transitional yard), and a temporary gravel parking area (not permitted) located 39 feet from the right-of-way, **withdrawn**.

**2005DV3029; 7441 Chinook Circle (north of site)**, legally establish a mobile home park with distances between dwelling units varying from 9.5 ft. to 30.5 ft. (min. 25-ft. separation between dwelling units req.), and two dwellings with front yard setbacks of 4.9 ft. and 7.3 ft. (min. 10-ft. front yard setbacks req.) in D-11, **approved**.

**2005ZON155; 409 S Shortridge Road (south of site)**, rezone 2 acres from the D-11 District to the I-2-S classification to provide for industrial uses, **withdrawn**.

**2007ZON071; 415 S Shortridge Road (south of site)**, rezoning of 2.74 acres, from the C-1 district, to the C-ID classification to provide for commercial-industrial uses, **approved**.

**2022CZN868; 431 S Shortridge Road (south of site)**, (Second amendment) Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions, **approved**.

**2022CVR868; 431 S Shortridge Road (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required), **withdrawn**.

**EXHIBITS**













