

BOARD OF ZONING APPEALS DIVISION I

November 7, 2024

Case Number: 2024-UV1-019
Property Address: 2562 North Bancroft Street (approximate address)
Location: Center Township, Council District #8
Petitioner: Edward Hansen, by James Pierce
Current Zoning: I-3 / D-4 (FF) (FW)
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a non-permitted minor residential structure (not permitted) within the floodway fringe (only permitted within Floodway Fringe if less than 70 percent of the primary building), being larger and taller than the primary building (not permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FO NOVEMBER 7, 2024 HEARING

- This petition was continued from the October 1, 2024 BZA Division I hearing due to a 2-2 indecisive vote.

STAFF RECOMMENDATION

- Staff recommends denial of this petition.

PETITION OVERVIEW

- This petition would provide for the construction of a non-permitted minor residential structure (not permitted) within the floodway fringe (only permitted within Floodway Fringe if less than 70 percent of the primary building), being larger and taller than the primary building (not permitted).
- The structure in question was erected without the application and issuance of required permits. In these instances, Staff generally views any related practical difficulty to be self-imposed, and insufficient in obtaining a favorable Staff recommendation. Further, Staff has concerns that recommending approval of such requests may promote similar patterns of substandard building practices. The Ordinance requires that an Improvement Location Permit (ILP) be obtained to legally establish a new structure; thus, in these cases, it is a violation of the Zoning Ordinance to not obtain

the appropriate permits. Staff views this as an illegal structure: to approve these variances would legally-establish a structure that doesn't comply with the Ordinance.

- The Zoning Ordinance does not allow accessory structures to be larger in area nor taller in height than the primary structure. This standard is in place to promote orderly development, maintain residential aesthetics, and to limit the introduction of higher intensity uses into lower intensity areas.
- Additionally, the structure in question is located within the Floodway Fringe of the Pogue's Run Creek. Accessory structures are not permitted in the Floodway Fringe in effort to limit the number of structures that may be damaged and present a danger in the event of a flood. Staff does not see this as appropriate nor to be a quality development and, therefore, recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	I-3 / D-4 (FF) (FW)	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-4	North: Single-family residential
South:	D-4	South: Single-family residential
East:	D-4	East: Single-family residential
West:	I-3	West: Industrial
Thoroughfare Plan		
North Bancroft Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/21/24	
Site Plan (Amended)	N/A	
Elevations	8/21/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/21/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

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

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Don't overshadow primary building

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 – VICINITY

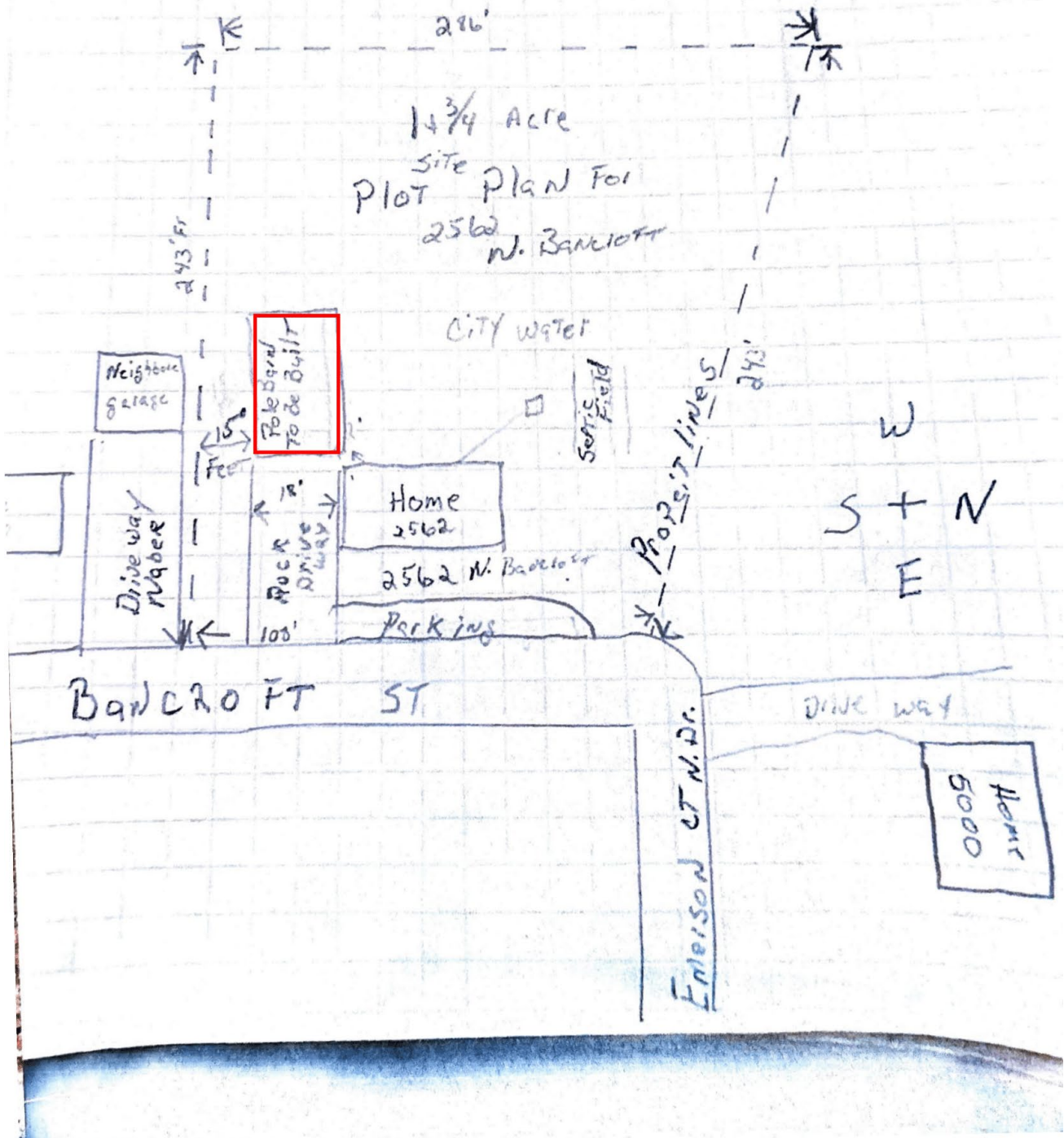
94-UV2-17; 4655 Massachusetts (west of site), variance of use of the Industrial Zoning Ordinance to provide for servicing and warehousing of commercial delivery trucks, unrelated to the primary use, **approved**.

90-Z-212; 2808 N Sherman Road (north of site), requests the rezoning of 8.9 acres, being in the D-4/FF/FW and I-3-U/FF/FW districts, to the I=3-U/FF/FW classification to provide for the development of industrial uses, **approved**.

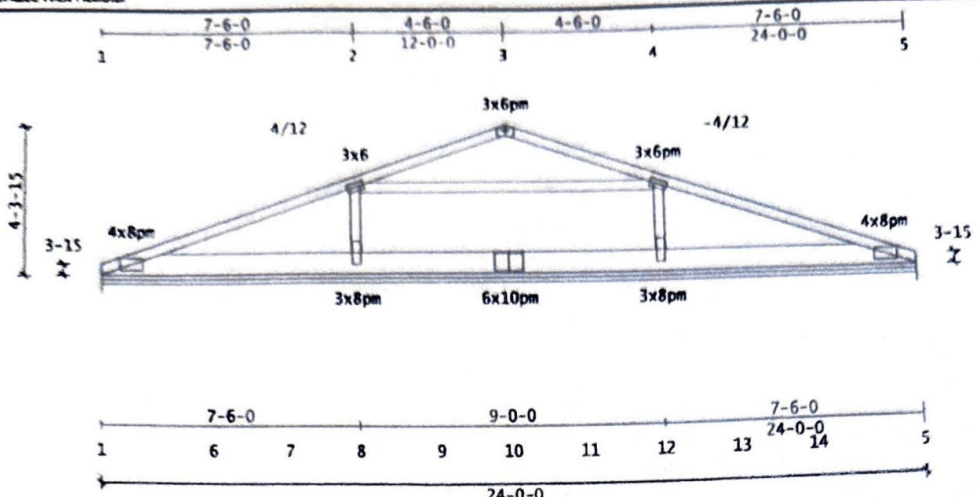
EXHIBITS







QTRC0612133 - Qty: 2 Truss: PT1E
Customer: Walk-in
Truss Mt. Contact: Nick Hollister
SID: 0000836703
TID: 116068
Date: 10/08/20
Page: 1 of 1



Plates -- Simpson Strong-Tie 20 ga (A520) or 18 ga (A510S, A51855, or A51856) Indicated by '-18'

Code/Design: TNC-2012/TPI-2007 PSF Live Dead: 20.0 4.0 BC: 0.0 1.0 Total: 25.0 Spacing: 7'-00-00 o.c. Flies: 1 Repetitive Member Increase: Yes Green Lumber: No Wet Service: No Tab Tolerance: 154 Creep (Kcr) = 1.5	Snow Load Specs- ASCE7-10 Ground Snow (Pg) = 20.0 psf Risk Cat: I Terrain Cat: C Roof Exposure: Fully Exposed Thermal Condition: Unheated (1,2) Unobstructed Slippery Roof: Yes Low-Slope Minimums (P _{min}): No Unbalanced Snow Loads: Yes Rain Surcharge: No Ice Dam Chk: No	Wind Load Specs- ASCE7-10 Wind Speed (V) = 115 mph Risk Cat: I Exposure Cat: C Bldg Dims: L = 0.0 ft B = 0.0 ft H.R.H(h) = 15.0 ft K _{zt} = 1.0 Bldg Enclosure: Enclosed Wind DL (psf): TC = 2.4 BC = 0.6 End Vertical Exposed: L = Yes R = Yes Wind Uplift Reporting: MWFRS C/C End Zone: N/A	Additional Design Checks- 10 psf Non-Concurrent BCLL: Yes 20 psf BC Limited Storage: No 200 lb BC Accessible Ceiling: No 300 lb TC Maintenance Load: No 2000 lb TC Safe Load: No Unbalanced TCLL: Yes
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Material Summary

TC	2x4	SP (ALSC6-2013)	#1
BC	2x8	SP (ALSC6-2013)	#1
Web	2x4	SP (ALSC6-2013)	#1

Reaction Summary

Jnt	X-Loc	React -Up	Width	Reqd	Mat	PSI
8	7-06-00	300	169	24-00-00		
12	16-06-00	300	169	24-00-00		

Reactions not shown: down < 400 and up < 150
 Reaction Summary (plf) ----
 Jnt-Jnt React -Up Width
 1- 5 25 9 24-00-00 (reduced)
 Max Horiz = -49 / +49 at Joint 1

Deflection Summary

TrussSpan	Limit	Actual (in)	Location
Vert LL	L/240	L/999 (-0.00)	6- 7
Vert DL	L/120	L/999 (-0.00)	6- 7
Vert TL	L/180	L/999 (-0.00)	6- 7
Horz LL	0.75in	(0.00)	8Jt 3
Horz TL	1.25in	(0.00)	8Jt 5

Member Forces Summary

Mem	Ten	Comp	CSI
TC	1- 2 62	279	0.24
	2- 3 123	278	0.24
	3- 4 123	278	0.24
	4- 5 62	279	0.24
BC	1- 6 221	18	0.03
	5-14 221	18	0.03
	6- 7 221	18	0.02
	7- 8 221	18	0.02
	8- 9 221	18	0.02
	9-10 221	18	0.02
	10-11 221	18	0.02
	11-12 221	18	0.02
	12-13 221	18	0.02
	13-14 221	18	0.02
Web	2- 8 171	295	0.03
	4-12 171	295	0.03

Loads Summary
 This truss has been designed for the effects of an unbalanced top chord live load occurring at [12-00-00] using a 1.00 Full and 0.00 Reduced load factor.
 See Loadcase Report for loading combinations and additional details.
 Dead Loads may be slope adjusted: > 8.0/12

Notes
 Gable webs are attached with min. 1x3 20 ga. plates. The max. rake overhang = 1/2 the truss spacing. If this truss is exposed to wind loads perpendicular to the plane of the truss, it must be braced according to a standard detail matching the wind criteria shown, or according to the Construction Documents and/or BCSI - B3.
 Plates designed for C_q at 0.85 and Rotational Tolerance of 10.0 degrees
 A "pm" next to the plate size indicates that the plate has been user modified; see Plate Offsets for any special positioning requirements.
 C/C wind pressure has not been considered in the design of this truss.

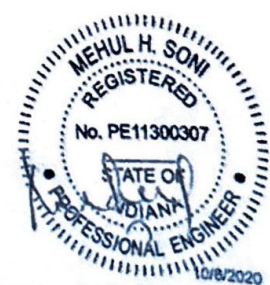
Bracing Data Summary

Chords; Sheathing required or bracing indicated:

	OC	From	To	#Bays
TC	2-04-00	0	24-00-00	11
BC	8-00-00	0	24-00-00	3

Web Bracing -- None

Plate offsets (X, Y):
 (None unless indicated below)
 Jnt3(0, -00-10)



NOTICE: A copy of this design shall be furnished to the erection contractor. The design of this individual truss is based on design criteria and requirements supplied by the Truss Manufacturer and relies upon the accuracy and completeness of the information set forth by the Building Designer. A seal on this drawing indicates acceptance of professional engineering responsibility solely for the truss component design shown. See the cover page and the 'Important Information & General Notes' page for additional information. All connector plates shall be manufactured by Simpson Strong-Tie Company, Inc. in accordance with ESR-2762. All connector plates are 20 gauge, unless the specified plate size is followed by a '-18' which indicates an 18 gauge plate, or '8d 18', which indicates a high tension 18 gauge plate.

SIMPSON Strong-Tie Component Solutions
 Truss Studio V
 2019.10.1.11
 Helpdesk: 1-866-252-8436
 cslhelp@strongtie.com

National Flood Insurance Program

Elevation Certificate and Instructions

2023 EDITION



FEMA



Department of Metropolitan Development
Division of Planning
Current Planning

Form Instructions

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>HANSEN, EDWARD R.</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>2562 N. BANCROFT STREET</u>	Company NAIC Number: _____
City: <u>INDIANAPOLIS</u> State: <u>IN</u> ZIP Code: <u>46218</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>BROOKWOOD ADDN, BLK C, 300'x370' irr. tract SE to NE approx. 1.48 AC.</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>NON-RESIDENTIAL</u>	
A5. Latitude/Longitude: Lat. <u>39°48'19"N</u> Long. <u>86°05'19"W</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>C2.a</u>	
A8. For a building with a crawlspace or enclosure(s):	
a) Square footage of crawlspace or enclosure(s): <u>1,344</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>0</u>	
d) Total net open area of non-engineered flood openings in A8.c: <u>0</u> sq. in.	
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>0</u> sq. ft.	
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.	
A9. For a building with an attached garage: <u>N/A</u>	
a) Square footage of attached garage: _____ sq. ft.	
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>0</u>	
d) Total net open area of non-engineered flood openings in A9.c: <u>0</u> sq. in.	
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>0</u> sq. ft.	
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.	
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
B1.a. NFIP Community Name: <u>CITY OF INDIANAPOLIS</u>	B1.b. NFIP Community Identification Number: <u>180159</u>
B2. County Name: <u>MARION</u>	B3. State: <u>IN</u> B4. Map/Panel No.: <u>0162</u> B5. Suffix: <u>F</u>
B6. FIRM Index Date: <u>04/16/2016</u>	B7. FIRM Panel Effective/Revised Date: <u>04/16/2016</u>
B8. Flood Zone(s): <u>AE</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>801.1</u>
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other: <u>IND. DNR FLOODPLAIN ANALYSIS; REGULATORY ASSES. (COPY ATTACHED)</u>	
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Form Instructions

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>2562 N. BANCROFT STREET</u>	FOR INSURANCE COMPANY USE Policy Number: _____ Company NAIC Number: _____
City: <u>INDIANAPOLIS</u> State: <u>IN</u> ZIP Code: <u>46218</u>	

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: GPS RTK / INCURS NETWORK Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.
 NGVD 1929 NAVD 1988 Other: _____

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? Yes No
If Yes, describe the source of the conversion factor in the Section D Comments area.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor):	<u>804.57</u>	<input checked="" type="checkbox"/> fee	<input type="checkbox"/> meter
b) Top of the next higher floor (see Instructions):	<u>N/A</u>	<input type="checkbox"/> t	<input type="checkbox"/> meter
c) Bottom of the lowest horizontal structural member (see Instructions):	<u>N/A</u>	<input type="checkbox"/> fee	<input type="checkbox"/> meter
d) Attached garage (top of slab):	<u>N/A</u>	<input type="checkbox"/> t	<input type="checkbox"/> meter
e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area):	<u>N/A</u>	<input type="checkbox"/> fee	<input type="checkbox"/> meter
f) Lowest Adjacent Grade (LAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished	<u>803.03</u>	<input checked="" type="checkbox"/> t	<input type="checkbox"/> meter
g) Highest Adjacent Grade (HAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished	<u>804.47</u>	<input checked="" type="checkbox"/> t	<input type="checkbox"/> meter
h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:	<u>N/A</u>	<input type="checkbox"/> fee	<input type="checkbox"/> meter

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments and describe in the Comments area.

Certifier's Name: KENNETH GREGORY GARRISON License Number: LS29300014

Title: LAND SURVEYOR

Company Name: MJ GIBSON LAND SURVEYING, LLC

Address: 1990 N. MERIDIAN ROAD, SUITE A

City: GREENFIELD State: IN ZIP Code: 46140

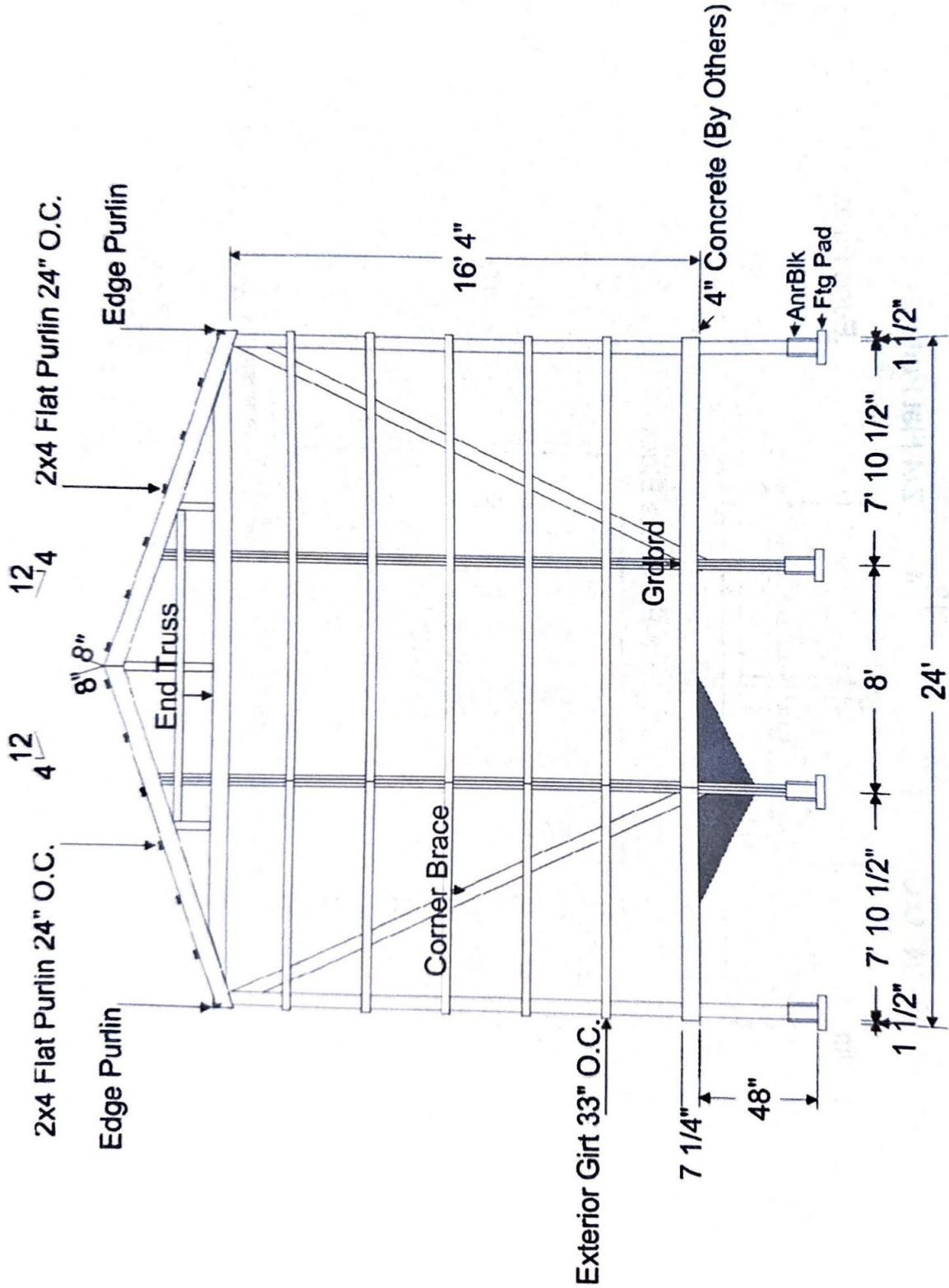
Telephone: 317-462-4055 Ext.: - Email: kenny@mjsurveys.com

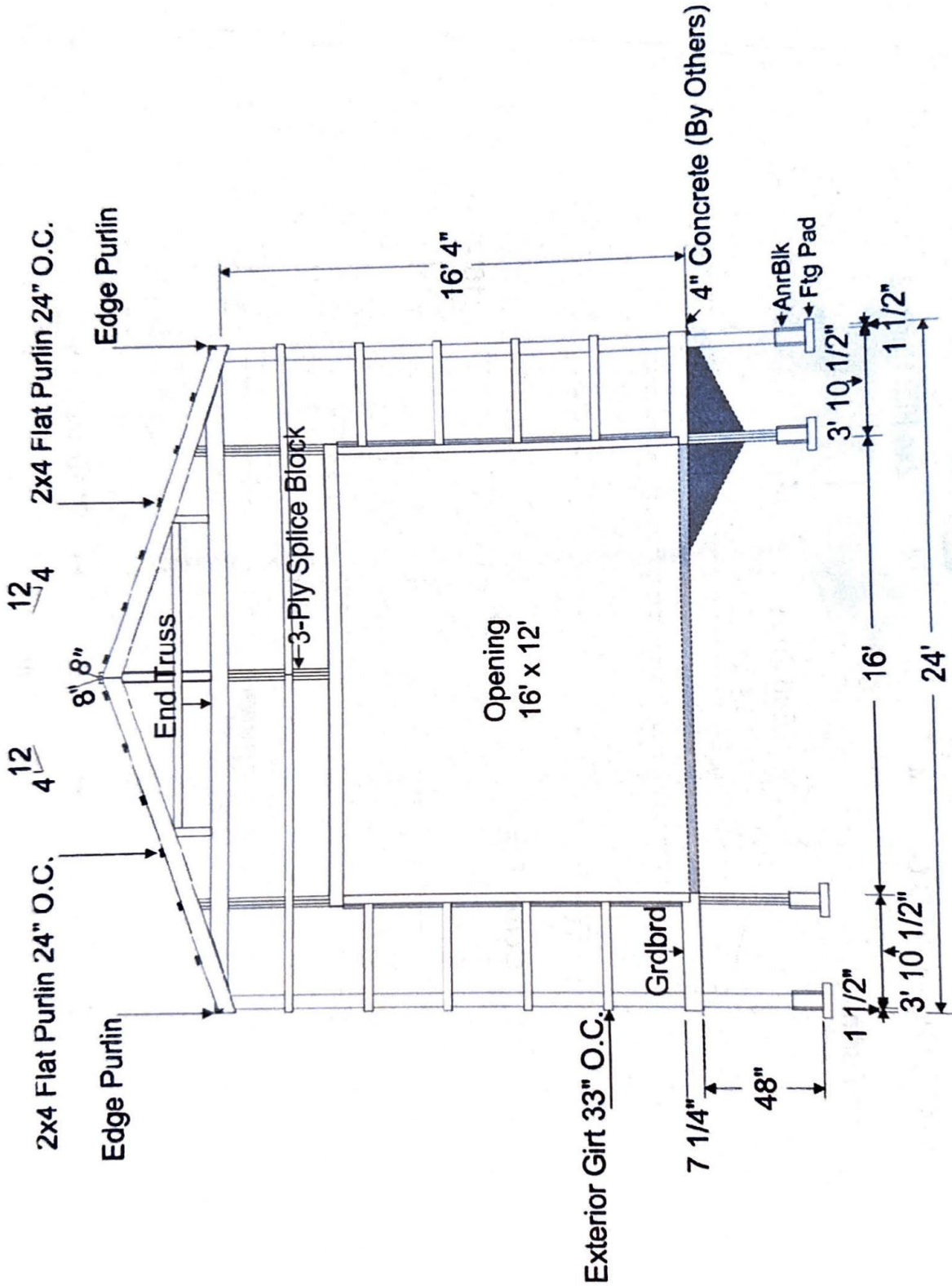
Signature: Kenneth Gregory Garrison Date: _____

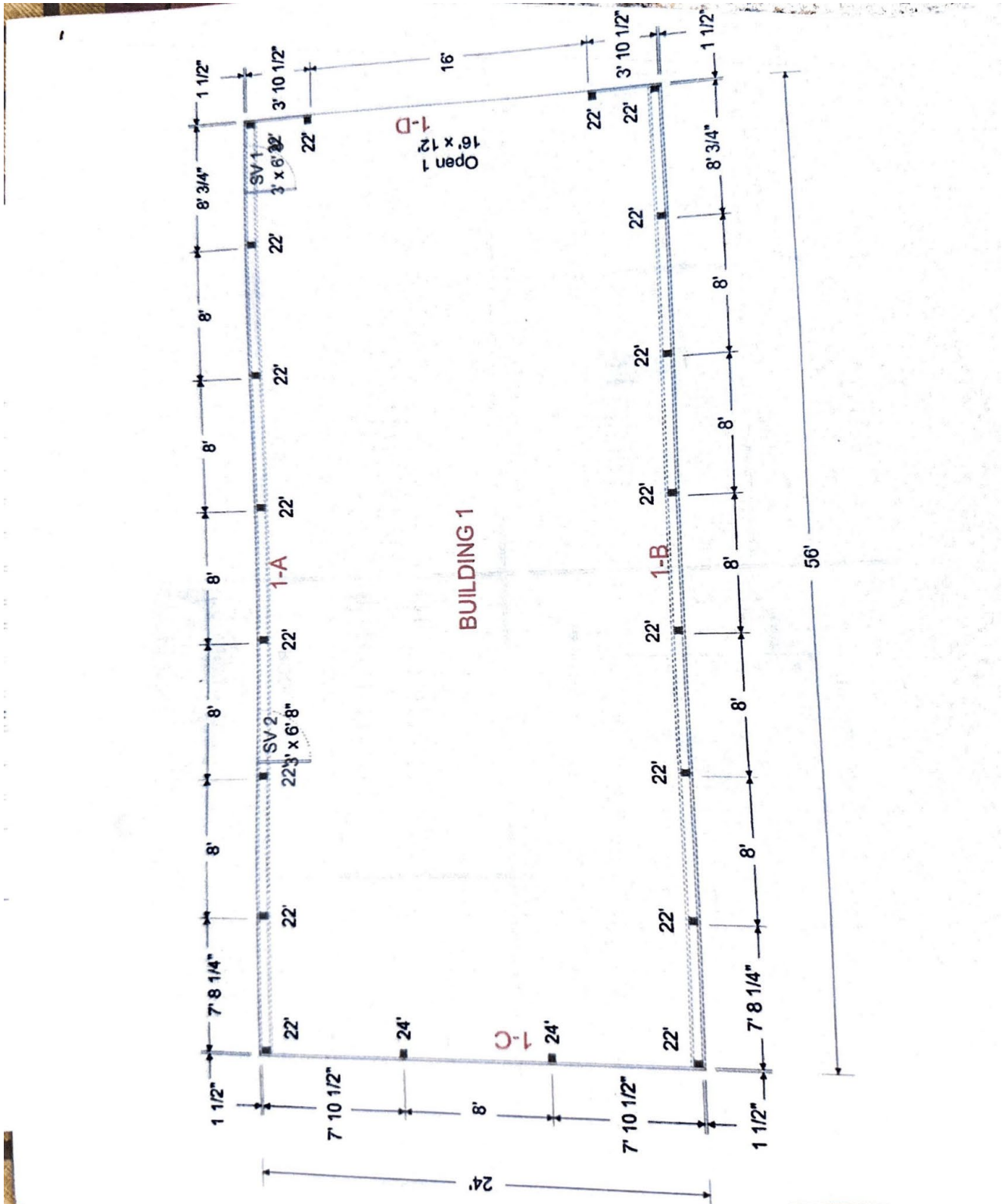
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):
ELEVATIONS SHOWN ON THIS FORM WERE OBTAINING UTILIZING GPS RTK (INCURS NETWORK).
BFE WAS ESTABLISHED BY IND. DEPT. OF NATURAL RESOURCES FLOODPLAIN ANALYSIS (COPY ATTACHED)
THIS CERTIFICATE IS FOR A NEWLY CONSTRUCTED GARAGE/BARN - CONSTRUCTED ON A SLAB.











Petition Number _____

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 GARAGE / POLE BARN WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE THE HEIGHT AND SQUARE FOOTAGE OF THE GARAGE DOESN'T APPLY TO THESE CONCERNS, THE GARAGE IS SITUATED ON THE BACK SIDE OF THE PROPERTY APPROXIMATELY 100' +/- AWAY FROM PUBLIC RIGHT OF WAY;

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 GARAGE / POLE BARN HAS BEEN BUILT FOR NEARLY 2 YEARS NOW WITH NO REALATIVE COMPLAINTS, THE GARAGE IS ONE OF THE MORE NEWER LOOKING ACCESSORY STRUCTURES IN THE AREA, WOULD RAISE PROPERTY VALUE FOR ADJACENT NEIGHBORS, COLOR MATCHED TO CURRENT RESIDENCE (NOT SHOWN IN ABOVE IMAGE)

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

THE PROPERTY OWNER WOULD NEED TO TEAR DOWN THE GARAGE / POLE BARN OR MODIFY IT STRUCTURALLY AS IT IS CURRENTLY STANDING / BUILT.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 24





