

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-002 (Amended)
Address: 3620 South East Street (approximate address)
Location: Perry Township, Council District #16
Zoning: C-5
Petitioner: Felbram Holdings LLC, by Joseph D. Calderon
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of trash enclosures within the front yard of National Avenue, enclosed on three sides only (not permitted, four-sided enclosures required).

ADDENDUM FOR MARCH 21, 2023

The original request was to provide for seven unenclosed trash dumpsters in the front yard of National Avenue. The petitioner provided a revised site plan for a three-sided detached trash enclosure, as described in the amendment—shown in the exhibits below. Staff is recommending approval to have the dumpsters in the front yard provided all dumpsters would be enclosed.

February 21, 2023

This petition was automatically continued from the **February 21, 2023 hearing to the March 21, 2023 hearing.**

RECOMMENDATIONS

Staff **recommends approval** of the request to provide for trash enclosures in the front yard of National Avenue with a commitment that all dumpsters on site must be enclosed.

Staff **recommends denial** of the request to have a detached trash enclosure enclosed on three sides only.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-5	Compact	Commercial
-----	---------	------------

SURROUNDING ZONING AND LAND USE

North	C-3 / D-5	Commercial/Residential
South	C-5 / D-5	Commercial/Residential
East	C-4 / C-5	Commercial
West	D-4 / D-6II	Single / Multi-family Residential

(Continued)

STAFF REPORT 2023-DV3-002 (Continued)

LAND USE PLAN The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ The subject site is a commercial shopping center developed with two multi-tenant buildings, shared parking, and commercial out-lots.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the location of trash enclosures within the front yard of National Avenue, enclosed on three sides only.
- ◇ The site is developed with a multi-tenant building at the corner of South East Street and National Avenue. The storefront faces north, orienting the rear of the building toward National Avenue to the south. The existing conditions of the site would prevent proper location of trash enclosures for this building; therefore, staff would not be opposed to permitting trash enclosures in the front yard of National Avenue provided it complies with screening requirements.
- ◇ The applicant has proposed a detached three-sided enclosure to screen the dumpsters visible from National Avenue. The enclosure would not include a gate; detached trash enclosures are required to have three sides and a gate. The unenclosed portion of the trash enclosure would face the drive aisle. The dumpsters would be screened on the east, west, and south. Staff would argue that there is no practical difficulty in providing a gate for the enclosure; therefore, staff recommends denial of the three-sided enclosure.

GENERAL INFORMATION

THOROUGHFARE PLAN South East Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 120-foot existing right-of-way and proposed right-of-way. National Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 48-foot existing and proposed right-of-way.

SITE PLAN File-dated December 14, 2022

TRASH ENCLOSURE DETAILS File-dated March 8, 2023

FINDINGS OF FACT File-dated December 14, 2022

ZONING HISTORY – SITE

EXISTING VIOLATIONS: **VIO22-004462**, Failure to comply with use-specific standards and zoning district development standards for the C-5 district; (744-508.B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).

(Continued)

STAFF REPORT 2023-DV3-002 (Continued)

PREVIOUS CASES

2020-CVR-818, Variance to provide for the replacement of an existing pole sign with a 36-foot tall, 260-square foot pole sign with a two-foot front setback from East Street (maximum 20-foot-tall pole sign and five-foot front setback required), approved.

2020-CPL-818, Approval of a Subdivision Plat to be known as Felbram Plaza North Subdivision, dividing 18.43 acres into five lots, with a waiver of sidewalks, **approved**.

ZONING HISTORY – VICINITY

2013-ZON-053, 3800 South East Street, rezoning of 4.82 acres from the D-4 and C-5 districts to the C-5 classification to provide for automobile-related uses, **approved**.

2000-ZON-865, 3653 New Jersey Street, rezoning of 0.5 acres from the D-6II district to the D-4 classification, **approved**.

2000-VAR-865, 3653 New Jersey Street, variance to provide for construction of a single-family dwelling on a lot containing zero feet of street frontage and zero feet of lot width at the required setback line, **approved**.

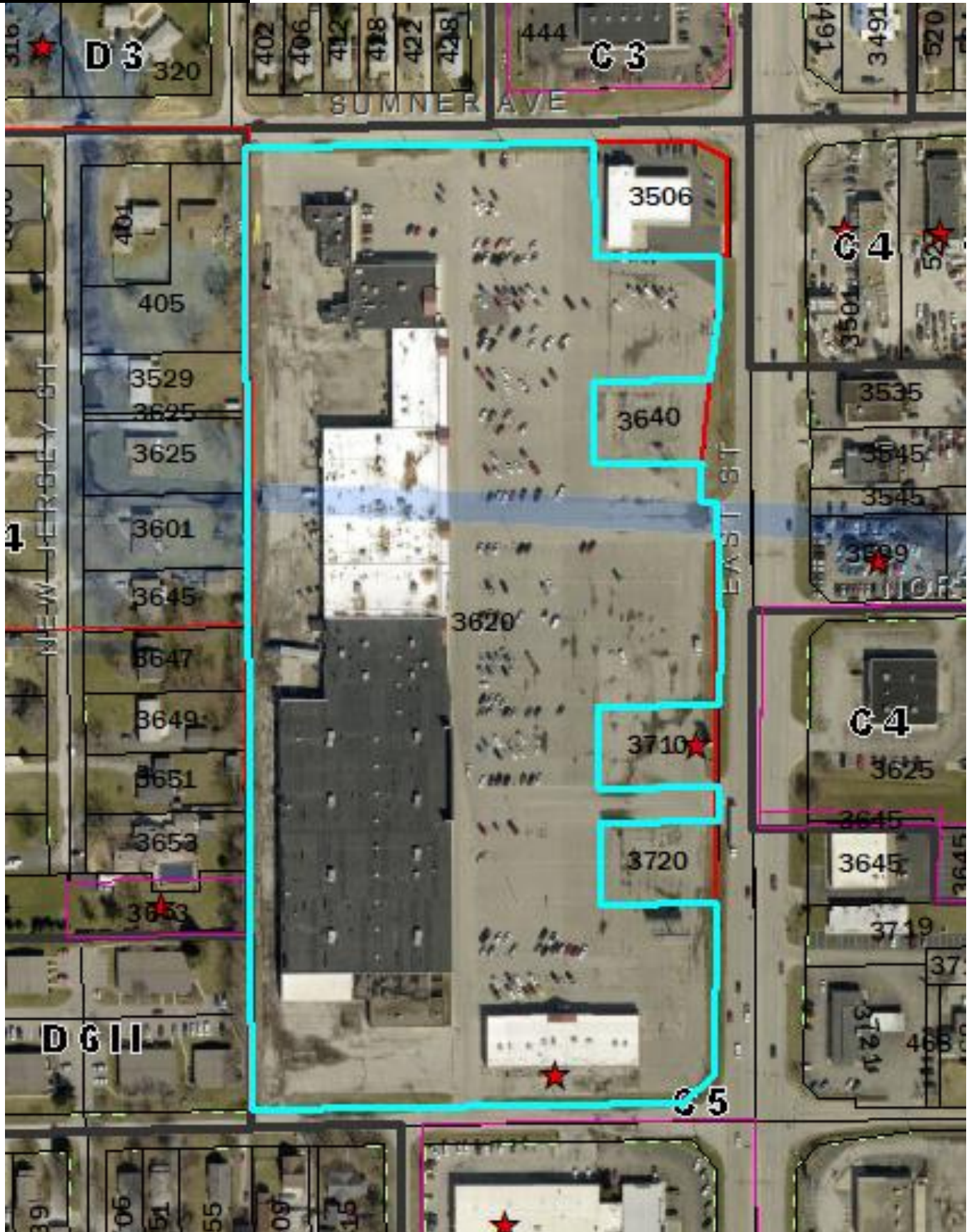
95-Z-189, 3715 South East Street, rezoning of 2 acres from the C-3 district to the C-4 classification, **approved**.

94-Z-128, 3715 South East Street, rezoning of 2.28 acres from the D-A district to the C-3 classification, **approved**.

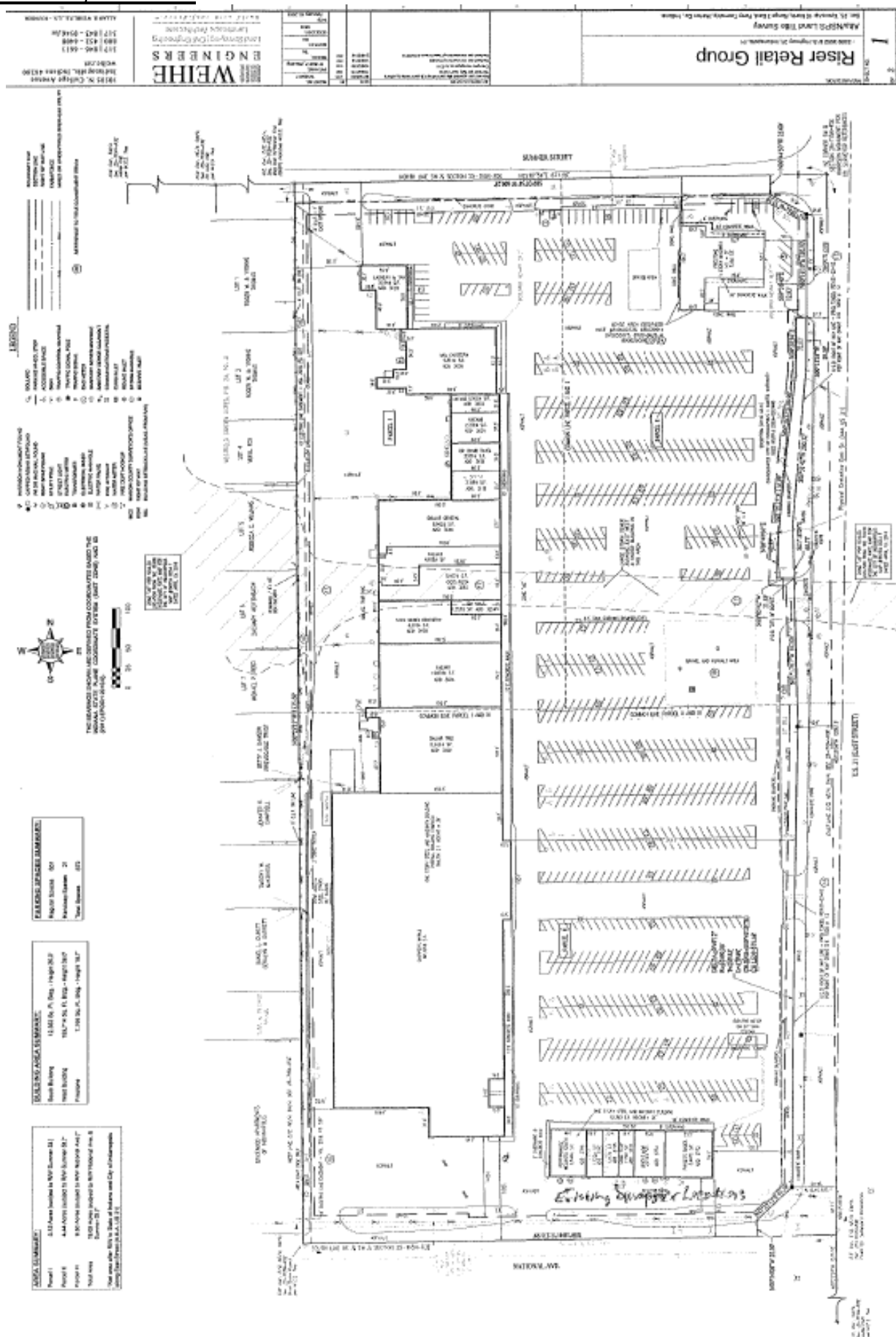
89-V3-91, 3599 South East Street, variance to provide for a restaurant with a drive-through within 100 feet of a dwelling district, **approved**.

AR

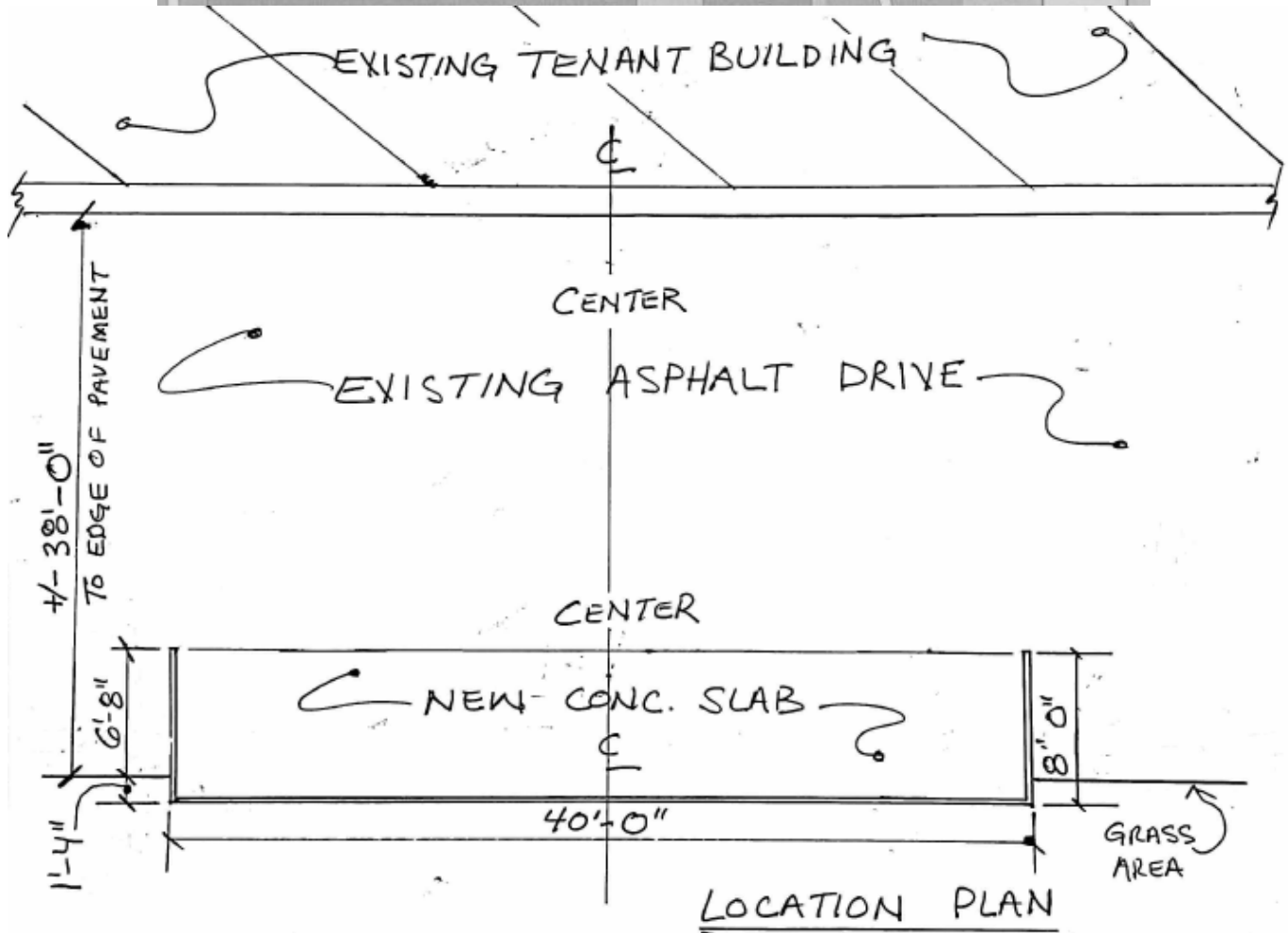
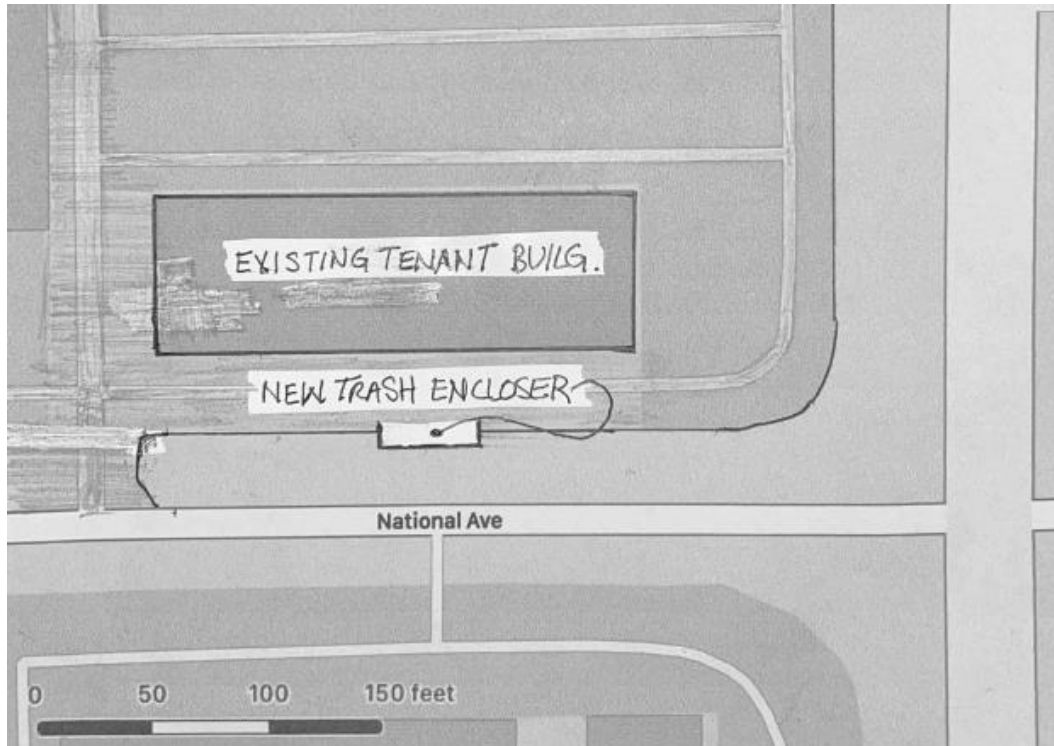
2023-DV3-002; Aerial Map

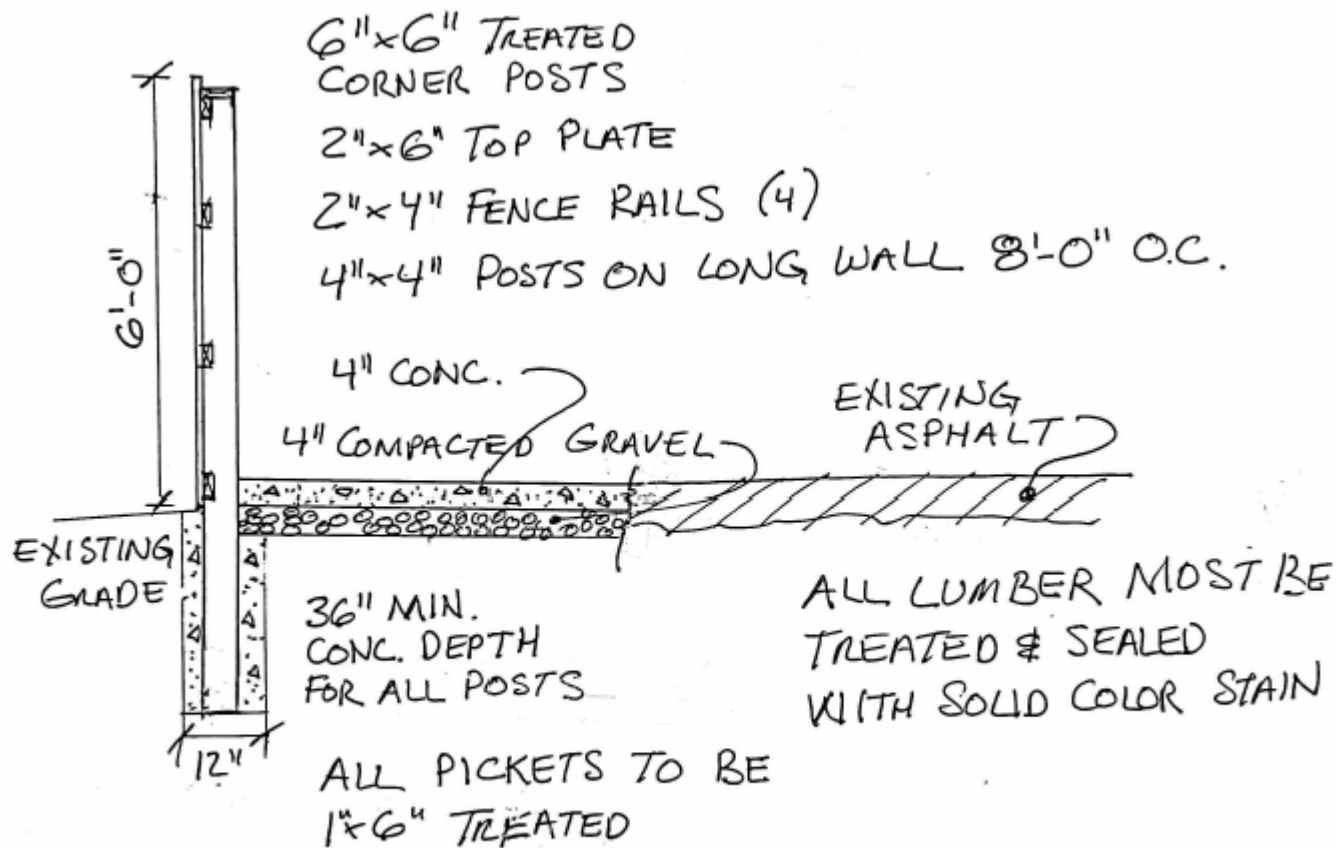


2023-DV3-002; Site Plan



2023-DV3-002; Trash Enclosure Details





TYPICAL WALL SECTION
SCALE 1/2" = 1'-0"

2023-DV3-002; Findings of Fact

**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 location of the enclosures have existed in the same area for over 40 years without apparent incident, nor do they interfere with traffic flow.

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:

there is adequate separation between the enclosures and adjacent properties, most of which are separated by a public street.

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

the rear of the building faces National Avenue, and there is no practical way for the dumpster location and enclosure standards to be met without risk of non-compliance by tenants.

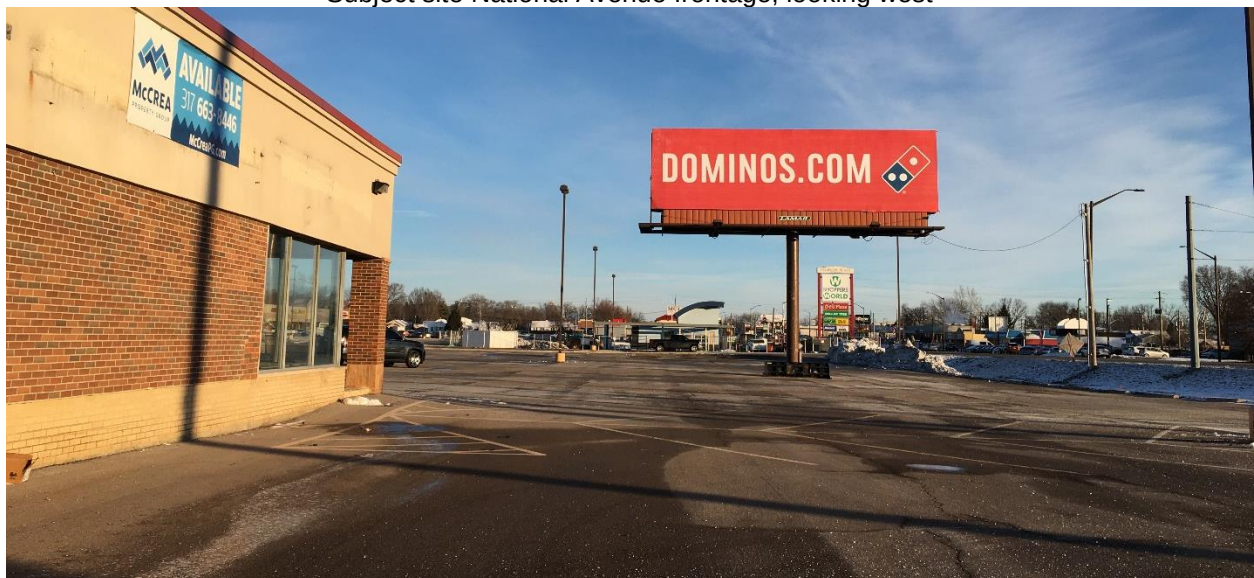
2023-DV3-002; Photographs



Subject site National Avenue frontage, existing dumpster location, looking east



Subject site National Avenue frontage, looking west



Subject site East Street frontage, looking north



Subject site viewed from parking area, looking south



National Avenue frontage, west of dumpster location



National Avenue frontage, looking east