

**BOARD OF ZONING APPEALS DIVISION II**

**September 12, 2023**

**Case Number:** 2023-DV2-024  
**Property Address:** 2507 Willowbrook Parkway (approximate address)  
**Location:** Washington Township, Council District #9  
**Petitioner:** DAST 2 LLC, by Joseph Lese  
**Current Zoning:** C-3 (W-1) (FF)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Staff recommends denial of this request  
**Recommended Motion:** Motion to approve petition 2023-DV2-024  
**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of this request

- However, if the Board is to approve this petition, Staff would request for the approval to be subject to the site plan, not permitting any deviation from the proposed location and design.

**PETITION OVERVIEW**

- This request would provide for the erection of a 10-foot tall decorative perimeter fence (maximum fence height of 3.5-feet within front yards, and six-feet within side and rear yards).
- The site consists of a newly constructed water drainage basin, a parking lot, an access drive, and an undeveloped area where a future building and parking lot have been proposed. The total area of the site is 4.20 acres.

- The fence design (depicted below) calls for 8-foot-tall, corrugated metal panels with a wood trim board pergola that sits 2 feet above the metal panels. The metal panels would be opaque, with zero see-through visibility, while the 2 feet above the panels would remain primarily open apart from the vertical wood posts connecting to the wood trim board pergola that sits 2 feet above the panels. The access drive is to have an automatic sliding gate system, restricting access from the Pennwood Drive right-of-way.
- The proposed fence height is well beyond the height permitted and would effectively eliminate all visibility of the subject site from rights-of-way and adjacent properties. Fence height limitations are in place to allow for and protect open space and visibility, while allowing for reasonable privacy from surrounding areas. Furthermore, Staff finds the height requested to be excessive and unnecessary to providing sufficient privacy and does not see any practical difficulty for the petitioner to require a fence at a height of 10 feet.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 (W-1) (FF)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: C-3	North: Commercial
	South: C-3	South: Commercial
	East: C-3	East: Commercial
	West: C-3	West: Commercial
<b>Thoroughfare Plan</b>		
Willowbrook Parkway	Local Street Existing ROW: 80 feet Proposed ROW: 48 feet	
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	8/15/23	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	8/4/23	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	8/4/23	
<b>Findings of Fact (Amended)</b>	N/A	

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

### **Pattern Book / Land Use Plan**

- The Marion County Land Use Plan recommends Office Commercial for this site.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

### **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

N/A

### ZONING HISTORY – VICINITY

**84-Z-88; 4601 North Keystone Avenue (south of site)**, requests rezoning of 0.88 acres, being in the D-5 district, to the C-5 classification, to provide for the operation of an automobile sales lot, **approved**.

**86-UV3-18; 4755 Kingsway Drive (north of site)**, variance of use of the Commercial Zoning Ordinance to provide for a day nursery in an existing office building, **approved**.

**89-Z-16; 2424 E 46<sup>th</sup> Street (south of site)**, requests the rezoning of 0.80 acres, being in the D-5 district, to the C-2 classification to conform with the Keystone Avenue Corridor Plan adopted August 1986, **approved**.

**91-Z-100; 4610 N Keystone Avenue (west of site)**, rezoning of 0.8 acres, being in the C-1 District, to the C-3 for classification for commercial development, **approved**.

**93-Z-177; 2502 E 46<sup>th</sup> Street (south of site)**, requests the rezoning of 1.38 acres, being in the D-5 district, to the C-2 classification to provide for commercial office uses, **approved**.

**95-UV2-46; 4599 Allisonville Road (east of site)**, requests a variance of use of the Commercial Zoning Ordinance to provide for an outdoor automobile sales/display and indoor automobile repair operation (not permitted), **approved**.

**2000ZON868; 2902 E 46<sup>th</sup> Street (east of site)**, rezoning of 8.59 acres from C-4, to C-S to provide for neighborhood retail uses and warehousing, **approved**.

**2002UV3025; 2508 Willowbrook Parkway (west of site)**, variance of use of the Commercial Zoning Ordinance to provide for a homeless terminal care facility (not permitted), **approved**.

**2004ZON015; 2325 and 2327 E 46<sup>th</sup> Street (south of site)**, Rezoning of 1.4 acres, being in the I-1-s (W-1) District, to the C-5 (W-1) classification to provide for a retail store, **approved**.

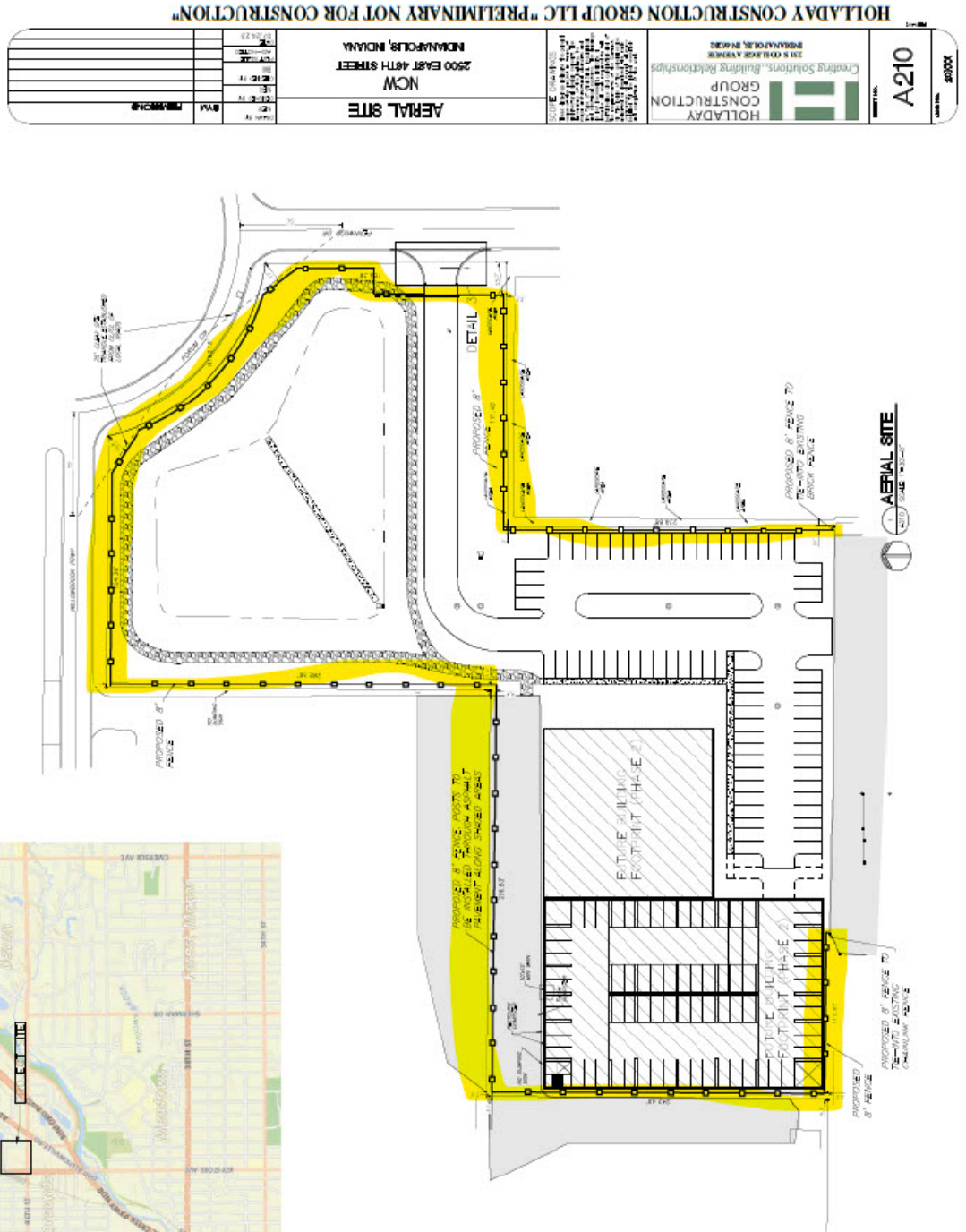
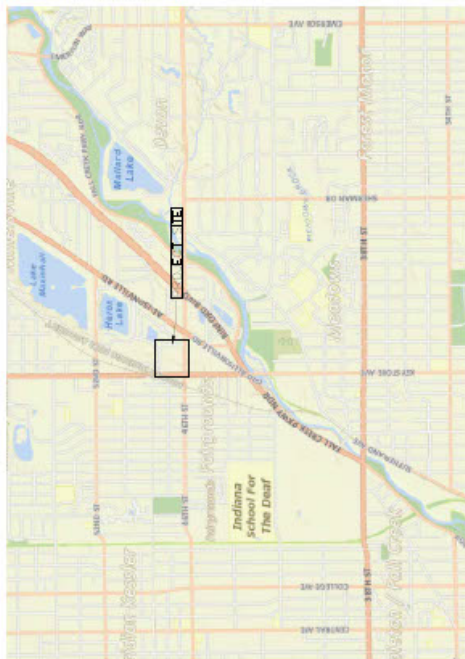
**2008ZON052; 4760 Pennwood Drive (north of site)**, rezoning of 4 acres, from the C-3 (W-1) (W-5) District, to the D-6II (W-1) (W-5) classification to provide for multi-family residential uses, **approved**.

**2018ZON133; 2511 E 46<sup>th</sup> Street (south of site)**, Rezoning of 8.5 acres from the C-3 (W-1) and C-5 (W-1) districts to the D-7 (W-1) classification to provide for approximately 135 multi-family units within existing and new building, **approved**.



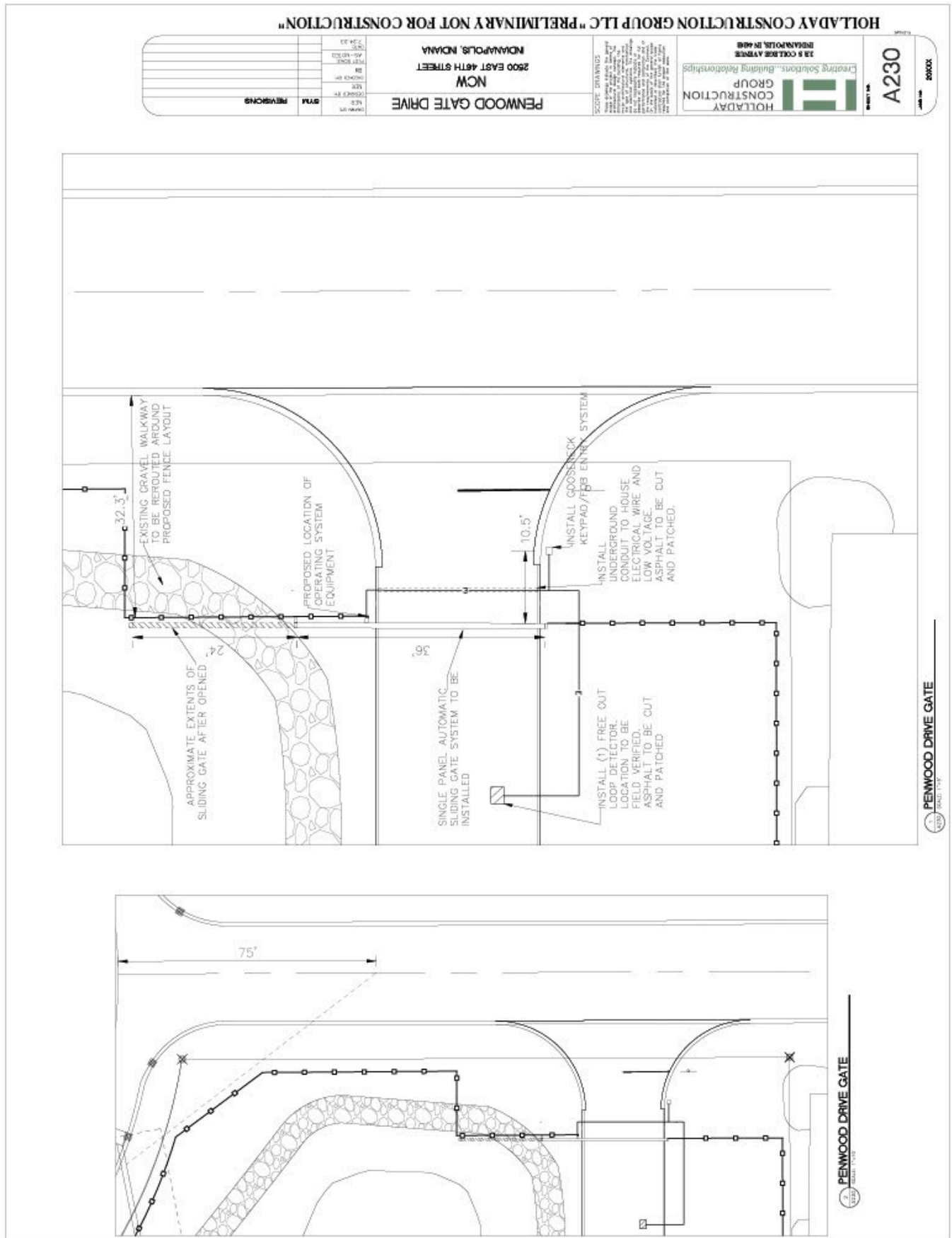
Department of Metropolitan Development  
Division of Planning  
Current Planning

EXHIBITS











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 site location provides a protected campus for the land owner and is in an area of low impact with respect to surrounding commercial properties, as well as a flood zone which will not be altered as part of the project. Public health is not impacted by the fence, safety is improved, and the morals and general welfare are not affected by the public due to its location.

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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 property improvements will bring welcome improvements to an underdeveloped and neglected commercial campus. The adjacent property areas will not be negatively impacted by the addition of the fence but rather improved with additional construction activity. The use of the adjacent properties will not be affected by the addition of this fence.

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

The nature of the business operation requires campus security and protection from crime, and if the owners were limited to what is dictated by the ordinance, the security would be defeated quickly. Also, it prevents the property owner from property damage either by people or vehicles. Also, it protects the property owner and its employees from damage which could otherwise be caused to equipment, belongings, and property development by the general public via foot and/or vehicular traffic.

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**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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