



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

August 29, 2024

**Case Number:** 2024-ZON-056 / 2024-VAR-009

**Property Address:** 4545 East Michigan Street (Approximate Address)

**Location:** Center Township, Council District #13

**Petitioner:** SJM Co. Inc., by Jamilah Mintze

**Current Zoning:** D-5

**Request:** Rezoning of 0.12-acre from the D-5 district to the C-5 district to provide for general commercial uses, including an automobile repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall chain link fence within the front yard of Michigan Street and Drexel Avenue (chain link fence not permitted within front yard) and encroaching into the clear-sight triangle of Michigan Street and Drexel Avenue and the abutting alley (not permitted).

**Current Land Use:** Vacant Commercial Building

**Staff Recommendations:** Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR AUGUST 29, 2024 HEARING EXAMINER**

**Amendment:** The petitioner filed a companion variance petition to allow for a six-foot tall chain link fence within the front yard of Michigan Street and Drexel Avenue and encroaching into the clear-sight triangles of Michigan Street and Drexel Avenue and the abutting alley.

Table 744-510-2 of the Ordinance notes that the existing D-5 district would limit the fence height in the front yard to 3.5 feet or 4 feet if 30% opacity or less is proposed and chain link fencing would not be permitted.

The proposed C-5 district would limit the fence height in the front yard to five feet and chain link fencing would not be permitted in the front yard.

Staff determined that the proposed fence in the front yard, which encloses the perimeter of the site would not be supportable because there are other means to provide security on site such as providing cameras, ensuring vehicles are within a building, or having security patrols. There is no practical difficulty to warrant a six-foot tall chain link fence and any perceived difficulties would be due to the proposed use on site.

The request would also allow for the fence to be located within the clear sight triangles of Michigan Street and Drexel and Michigan Street and the alley. The grant of this request would be injurious to the public



safety of the community. Instead, the relocation of the fence outside of the clear sight triangles while meeting the height limitations of the Ordinance would provide the best opportunity for accident prevention at the intersections.

For these reasons, staff is recommending denial of the variance requests in addition to previously recommending denial of rezoning the site to the C-5 district.

### **ADDENDUM FOR JULY 25, 2024 HEARING EXAMINER**

This petition was continued from the June 13, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to provide additional time to amend the request to include variances. No new information was submitted to the case file.

This petition was continued for cause from the July 25, 2024 hearing to the August 29, 2024 hearing at the request of the petitioner to amend the request and provide proper notice.

### **June 13, 2024**

This is the first public hearing for this petition.

## **STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

## **PETITION OVERVIEW**

The 0.12-acre subject site is developed with a vacant commercial building and associated parking area. It is enclosed by a six-foot tall chain link fence along the perimeter.

The site is surrounded by single-family dwellings to the south, east, and north, zoned D-5, and an undeveloped lot west of the site, zoned D-5.

## **REZONING**

The request would rezone the sites from the D-5 district to the C-5 district for general commercial uses, including an automobile repair shop which is not permitted in the current zoning district.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this



district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

**Staff Analysis**

If granted, the C-5 rezoning would allow for the operation of an auto mechanic shop with associated parking lot to store repaired vehicles.

Automobile, motorcycle, and light vehicle service or repair is permitted in the C-4, C-5, C-7, I-3, I-4, and CBD-2 districts. These districts are not compatible with the traditional neighborhood recommendation of the Comprehensive Plan, which specifically excludes auto repair as a recommended use.

Staff determined that the proposed C-5 district would be too intense for the site since it faces three residential dwellings. The outdoor storage of vehicles is concerning due to the negative aesthetic this would promote and the potential need for additional lighting on site for said vehicle storage could negatively impact the quality of life of the surrounding residents.

Instead, the site would be more conducive for less intense uses such as offices considering that a commercial building exists on site.

Staff notified the petitioner that the existing chain link fence would need to be removed since the existing D-5 district limits fences in the front yard to 3.5 feet or 4 feet depending on opacity and the proposed C-5 district would limit fences in the front yard to five feet. Additionally, six-foot tall fences are not permitted in the clear sight triangles of the alley or streets and would need to be removed.

For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant Commercial Building	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwelling)
	West:	D-5 Undeveloped
<b>Thoroughfare Plan</b>		
Michigan Street	Primary Arterial Street	60-foot existing right-of-way and 78-foot proposed right-of-way.
Drexel Avenue	Local Street	49-foot existing right-of-way and 48-foot proposed right-of-way.
<b>Context Area</b>	Compact	

Floodway / Floodway Fringe	No
Overlay	Yes
Wellfield Protection Area	No
Site Plan	July 29, 2024
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	July 29, 2024
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2018)
- The Near Eastside Quality of Life Plan (2020)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between

- the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at intersections and limited to an aggregate of 1 acre per intersection.
  - Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
  - Mixed-use structures are preferred.
  - Should not include outdoor display of merchandise.

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The property falls within the Blue Line Transit-Oriented Development Strategic Plan (2018). The closest station is within a ½ mile south at the intersection of Washington Street and Linwood Avenue.
- This station is classified as a Walkable Neighborhood Typology that would promote a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, with no front or side setbacks at core: zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, and a mix of multi-family and single-family housing. Structured parking at the core and attractive surface parking at the periphery is recommended.

### **Neighborhood / Area Specific Plan**

- The site falls within The Near Eastside Quality of Life Plan (2020).
- A Placemaking and Infrastructure Priority is to build stronger and safer connections for cyclists and pedestrians within and to commercial corridors such as 10th Street, Washington Street, New York Street, and Michigan Street
- Another Priority would be to extend protected bike lanes on either New York Street or Michigan Street (or both) to improve connectivity between downtown and out towards Irvington.

### **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

**95-UV2-26; 4545 East Michigan Street** (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for outdoor display and sale of automobiles (not permitted), temporarily permitted by petition 93-UV2-11 (expiring on February 9, 1995), **granted**.

**93-UV2-11; 4545 East Michigan Street** (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the outdoor display and sale of automobiles, **granted for a period of two years expiring on February 9, 1995**.

**89-UV2-12; 4545 East Michigan Street** (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the service and outdoor display and sale of automobiles without sufficient parking and perimeter yards, **denied**.

### Zoning History – Vicinity

**2017-ZON-077; 4501 East Michigan Street** (west of site), Rezoning of 0.15 acre, from the D-5 District, to the MU-2 classification, **approved**.

**2009-ZON-058; 4606 East Michigan Street** (northeast of site), Rezoning of 0.115 acre, from the D-5 District, to the C-3C classification to provide for corridor commercial uses, **approved**.

**98-Z-84; 4410 to 4424 East Michigan Street** (northwest of site), Rezone 0.5 acre from C-2 and D-5 to SU-1, **approved**.

**92-Z-76; 4501 East Michigan Street** (west of site), Rezoning of 1.0 acre, being in the D-5 district, to the C-7 classification to provide for the sale of automobiles, **withdrawn**.

**88-Z-75; 4428 East Michigan Street** (northwest of site), Rezoning of 0.12 acre from D-5 to C-3, **approved**.

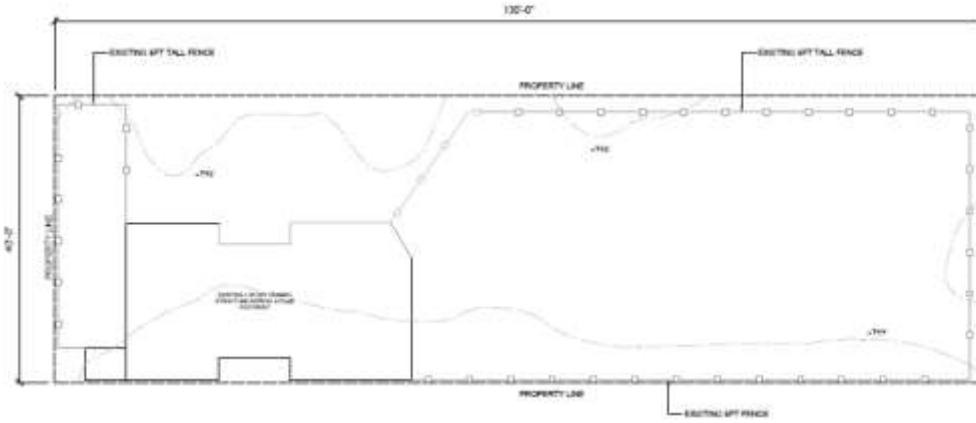
EXHIBITS



STREET ADDRESS:  
 4848 S BICKHAM ST  
 INDIANAPOLIS, IN 46251

PARCEL # 108113

PRIMARY ZONING: R8  
 COMPACTY COVERED AREA: 9,100 SQ FT  
 LOT SIZE: 431.50 SQ FT  
 EXISTING COVERAGE: 1  
 PROPOSED COVERAGE: 1  
 EMPLOYED TOTAL OPEN SPACE: 1



1 SITE PLAN  
 SCALE: 1/8" = 1'-0"

DATE:	
BY:	
CITY OF INDIANAPOLIS 4848 S BICKHAM ST INDIANAPOLIS, IN 46251	
SCALE:	
DATE:	
BY:	
	<b>C1.0</b>





**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:

This current fencing has existed for some time prior to this request and has caused no injury nor harm to the surrounding property owners. This will continue to serve as a deterrent to the property and will only be used for the purpose of preventing theft of the vehicles which will be repaired by the mechanic shop.

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 which sits west of the proposed DVS requested area is owned by the same owners, this also provides a barrier of any property which may sit south of the parking area, the helps outline boundary lines for the other property owners. The fencing is chain linked, therefore it causes no obstruction of any type to the traffic which enters and exits this residential street.

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

This would allow an immediate access to this private property for theft to incur, for people to trespass on this property without permission. This would cause the owner to be susceptible to unnecessary losses and costs by having this enforced of the removal of this fence.



Photo of the eastern portion of the site looking south.



Photo of the western portion of the site looking south.



Photo of the adjacent alley west of the site and undeveloped lot.



Photo of the subject site looking east.



Photo of the subject site looking west.



Photo of the single-family dwelling south of the site.



Photo of the single-family dwellings east of the site.



Photo of the residential dwelling north of the site.



Photo of the residential accessory structure north of the site.