

BOARD OF ZONING APPEALS DIVISION I

October 1, 2024

Case Number: 2024-UV1-013
Property Address: 5501 East 71st Street (approximate address)
Location: Washington Township, Council District #3
Petitioner: C-1
Current Zoning: Rock Investment LLC, by Tyler Ochs
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an indoor event center and banquet hall (not permitted).
Current Land Use: Commercial
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR OCTOBER 1, 2024 BZA DIVISION I HEARING

- The City-County Councilor for District #3 filed an automatic continuance at the September 3, 2024 hearing to the October 1, 2024 BZA hearing.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the operation of an indoor event center and banquet hall (not permitted).
- The two-parcel subject site is zoned C-1 and is improved with a church building and a small, single-story office building. The proposal would repurpose suite #5 of the small office building for the indoor event center and banquet hall.
- The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. The subject site sits directly in between more intense commercial and industrial uses along Binford Avenue to the east and south, and residential uses to the west and north. As it functions

currently, Staff believes this site to be achieving the desired buffer between the two areas. Staff sees the proposed indoor event center as a more intense commercial use that would (especially given the lack of public transit in the immediate area) most likely draw substantial amounts of vehicular traffic to the site, and therefore, sees the request as directly incompatible with the goals of the C-1 district. Likewise, Staff sees the proposal as out of scale with the site and believes it does not fit the general typology and character of the property, which was not designed to serve this type of use.

- Finally, Staff does not find there to be any practical difficulty for needing to deviate from the use standards and believes that permitted C-1 uses are available to the petitioner and that the building can be used for something other than an indoor event center. Likewise, Staff does not believe the proposed Findings of Fact state a sufficient hardship being that the need for the variance is entirely self-imposed. Therefore, Staff does recommend denial of this proposal and requests that the petitioner find a site more compatible for the desired use.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: D-2	North: Single-family residential
	South: I-2	South: Light industrial
	East: I-2	East: Light industrial
	West: D-P	West: Single-family residential
Thoroughfare Plan		
East 71 st Street	Primary Arterial	95 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/28/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/28/24	
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 Office Commercial working 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

86-Z-45, rezoning from the A-2 district to the C-1 classification, **approved**.

2013UV1021; Variance of use of the Commercial Zoning Ordinance to provide for a beauty and massage service business (not permitted), **approved**.

2017DV1011; Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a ground sign, encroaching 12 feet into the right-of-way of 71st Street (15-foot setback required), **approved**.

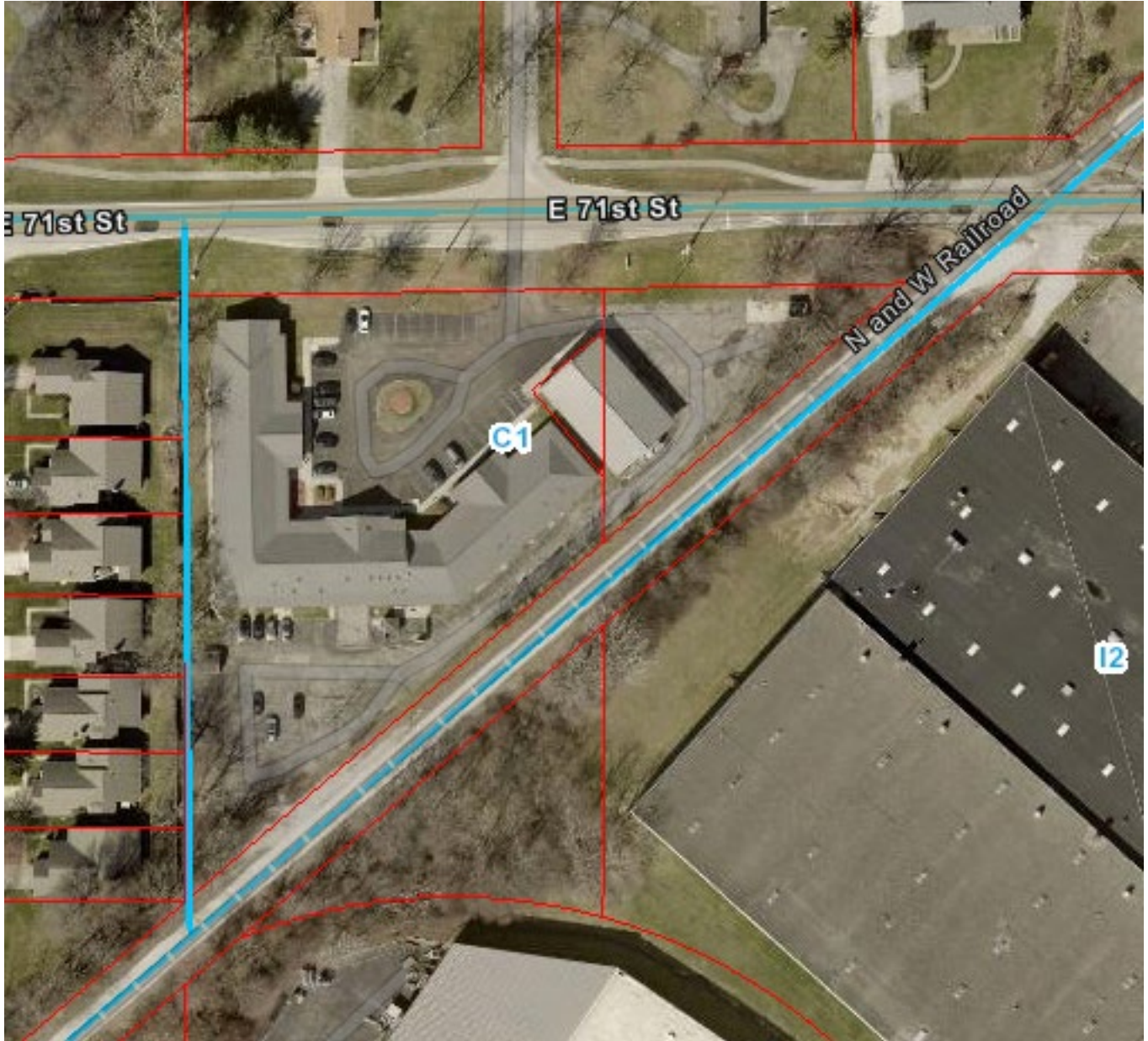
ZONING HISTORY – VICINITY

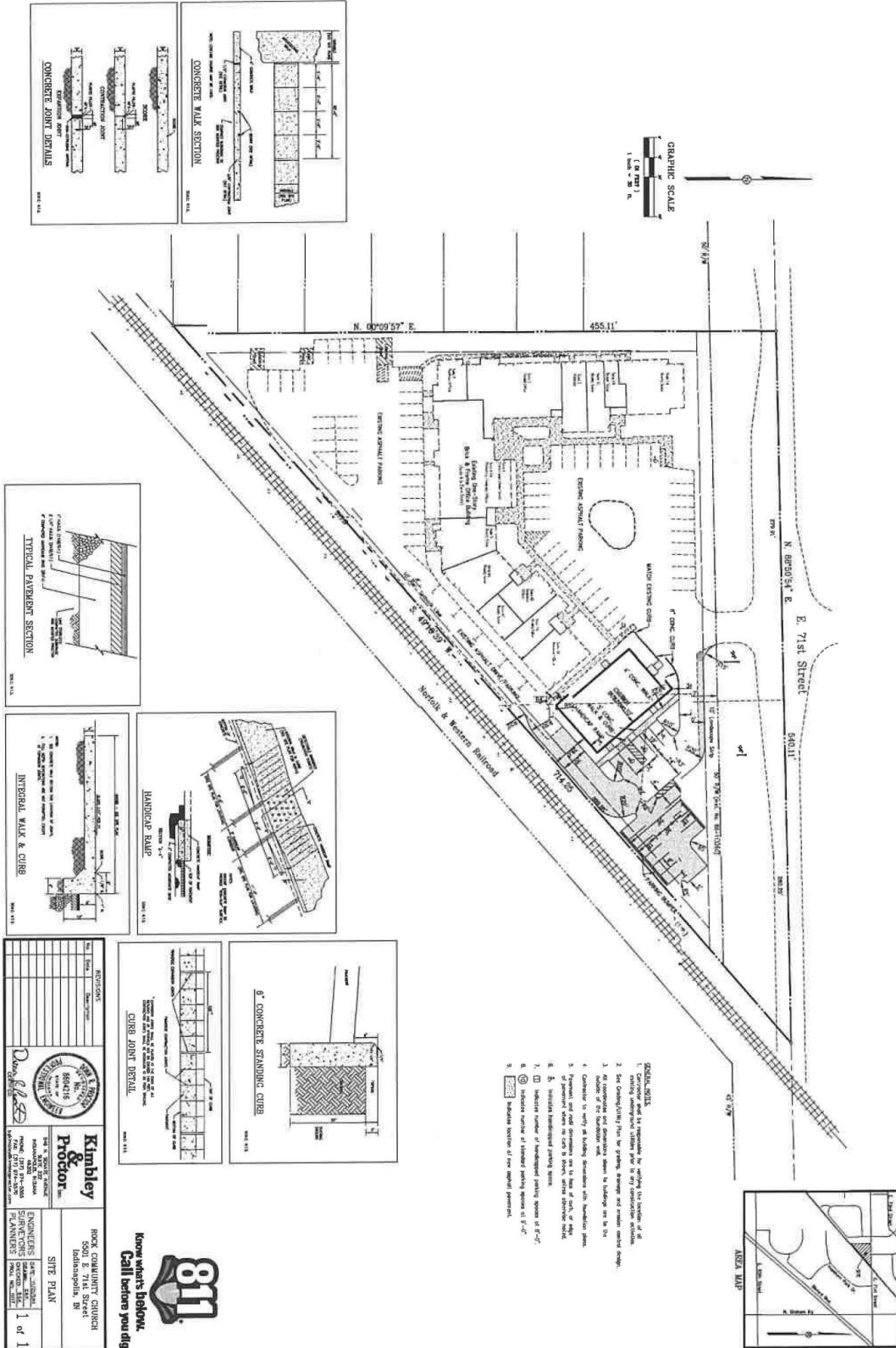
2008UV2001; 7001 Hawthorn Park Drive (east of site), variance of use of the Industrial Zoning Ordinance to legally establish stone and marble fabrication and to provide for the retail sale of boats, the assembly and repair of boats and custom boat, auto and aircraft paint detailing (not permitted), **approved**.

2006UV2023; 6945 Hawthorn Park Drive (east of site), variance of use and development standards of the Industrial Zoning Ordinance to provide for the retail sale of furniture and home décor items (not permitted), and to legally establish a 1296 square foot parking area within the required 50-foot front yard occupying 17.33 percent of the total area of the required front yard (maximum parking area equal to ten percent of the total area of the required front yard permitted), and to legally establish an enclosed dumpster with a 1.75-foot side setback (minimum 30-foot northeast side yard required), and also with a 26-foot rear setback (minimum 30-foot rear yard required), **approved**.

90-V3-54; 5849 East 71st Street (east of site), requests variance of development standards of the Sign Regulations to permit the placement of signs on an existing canopy in excess of 25% of façade and less than the required 70 feet setback from the centerline of East 71st Street and S.R. 37; pricing panels on a pole sign; directional information signs in excess of one square foot; signs location on the carwash in excess of 6 square feet; signs on pump islands in excess of 12 square feet; and to allow pricing sign to be located on light pole, **granted**

EXHIBITS





NO. 101	NO. 102	NO. 103	NO. 104	NO. 105	NO. 106	NO. 107	NO. 108	NO. 109	NO. 110

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Rock Community Church
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 Indianapolis, IN

811
 Know what's below.
 Call before you dig.

SITE PLAN
 SHEET NO. 101
 1 of 1

The Intimate Space Plan Of Operations

A. Description of Proposed Facilities:

- A privately owned venue catering to small “intimate” gatherings. Our venue is used for a variety of gatherings from corporate events, job fairs, birthday gatherings, baby showers, and weddings.

B. Number Of Employees:

- 10 Employees {4 onsite event host, 3 security officers, 1 Manager, 2 event coordinators}

C. Security Provisions:

- 3 security officers on premises – 2 at the entrance at all times, 1 inside the venue

D. Presence Of Hazardous or explosive Materials:

- No hazardous or explosive materials on premises.

E. Hours Of Operations:

- 9a-12a Events can be booked anytime within this time frame with venue closing at 12a

F. Seating Capacity of the Largest Room:

- Designated Occupant Load 250 per Indianapolis fire department
- Tables/Chairs 120
- Chairs Only 225
- Standing Space 250



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The Intimate Space is located within an already commercial zone. Because of the nature of the events held, the space does not interfere with neighboring businesses. Additionally, the Intimate Space provides security guards to ensure safety for attendees, which in turn also benefits neighboring businesses. As the name suggests, the space is small and therefore does not result in large groups. This acts as an additional event space for the neighborhood to use.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The subject property is located within a retail commercial district. The use requested by the variance is within an existing commercial strip center and this space will be wholly self-contained. The space is typically used on the weekends and at night when many of the neighboring businesses are not operating. The space is buffered to the east and south by businesses. It is bordered by 71st street to the North, and a church to the West. The retail nature of the area ensures no adverse impact.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The use itself is not carved out in the UZO. While the use is similar to that of a small community center, it also shares some similarities to indoor recreation & entertainment. The space acts as a somewhat accessory use to the nail salon that is presently operating in the front of the building. However, this use, an event space, is not specifically contemplated in the UZO and therefore the property must obtain a variance for the use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The permitted use requested is not carved out in the UZO. One of the intents of the use variance is to provide for uses that were not contemplated in the UZO. Since the UZO language specifically states that a use must be specifically enumerated as a permitted primary or accessory use in that zonign district, and an event space is not contemplated as a use in the UZO, the strict application results in a hardship for the intended use.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

This space is located in a retail area. This space furthers the retail characterization of the area. Additionally, the comprehensive plan calls for "office retail" in the area. The Intimate Space, as listed in the plan of operation, holds corporate events that would act as a resource to the businesses in the area.

DECISION

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

DESIGNATED OCCUPANT LOAD IS:

250

**5501 East 71st Street
The Intimate Space
The Intimate Space suite 5 Table &
Chairs 120 Chairs only 225 Standing
space 250**



**2014 Indiana Fire Code
Section 1004.3
(675 IAC 22-2.4)**

**INDIANAPOLIS FIRE DEPARTMENT
FIRE & LIFE SAFETY DIVISION**



By:
Fire Marshal Michael Beard





