

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MO2-001
Address: 5510 Millersville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4
Petitioner: R. Michael Thomas, by Ted W. Nolting
Request: Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2024.

This petition was automatically continued at the request of City County Councilor Boots, from the April 11, 2023, hearing to the May 16, 2023, hearing.

RECOMMENDATIONS

Staff **recommends approval** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	C-4	Animal care and veterinary services
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SURROUNDING ZONING AND LAND USE

North -	C-3/C-1	Commercial fast-food restaurant, office, and daycare
South -	D-3	Four-unit dwelling / office
East -	C-3	Commercial retail
West -	D-3	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed-Uses for this site.
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HISTORY

- ◇ In 2021, petition 2021-DV2-019, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, where a 20-foot transitional setback is required. That variance petition was granted on May 11, 2021.

(Continued)

STAFF REPORT 2023-MO2-001 (Continued)

MODIFICATION REQUEST

- ◇ The 2021-DV2-019 variance grant was subject to a commitment limiting the variance grant to two years from the date of approval by the Board of Zoning Appeals, on May 21, 2021. The petitioner is requesting that the terms of Commitment #1 be extended by an additional two years to May 11, 2025.
- ◇ The subject site's parcel consists of an existing animal care and veterinary service, associated parking, and the temporary modular building. The temporary modular building is located immediately behind the existing primary structure and has a three-foot south side transitional setback, where 20 feet is required. Both the subject site and the adjacent site to the south are fairly wooded, which provides additional screening from the reduced setback.
- ◇ The petitioner has indicated the continued need for the temporary building is due to the ongoing increase in rescue group and humane society patients, workflow, and reduced capacity due to COVID restrictions, and the increase in fostering of pets.
- ◇ Staff, has no objection to this modification request. However, Staff will not support any future requests for an extension of this commitment beyond the May 11, 2025, date.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Millersville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 30-foot existing right-of-way and a 50-foot proposed right-of-way.
SITE PLAN	File-dated February 17, 2023
FINDINGS OF FACT	File-dated February 22, 2023

ZONING HISTORY

2021-DV2-019; 5510 Millersville Road (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, **granted**.

93-UV3-100; 5504 Millersville Road (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the conversion of a single-family residence into a four-unit multi-family structure, **granted**.

90-V1-126; 5510 Millersville Road (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to permit an addition to an existing veterinary office with an apartment with a 16-foot side yard, **approved**.

69-Z-199; 5510 Millersville Road (subject site), requested the rezoning of 0.85 acre, being in the D-3 district, to C-4 classification to provide for a small animal clinic, **approved**.

2023-MO2-001: Location Map

2023-MO2-001: Location Map



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**KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 3

By: KS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description:

See Exhibit "A"

Statement of COMMITMENTS:

1. The variance grant shall be limited to two years from the date of approval by the Board of Zoning Appeals, May 11, 2021.

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

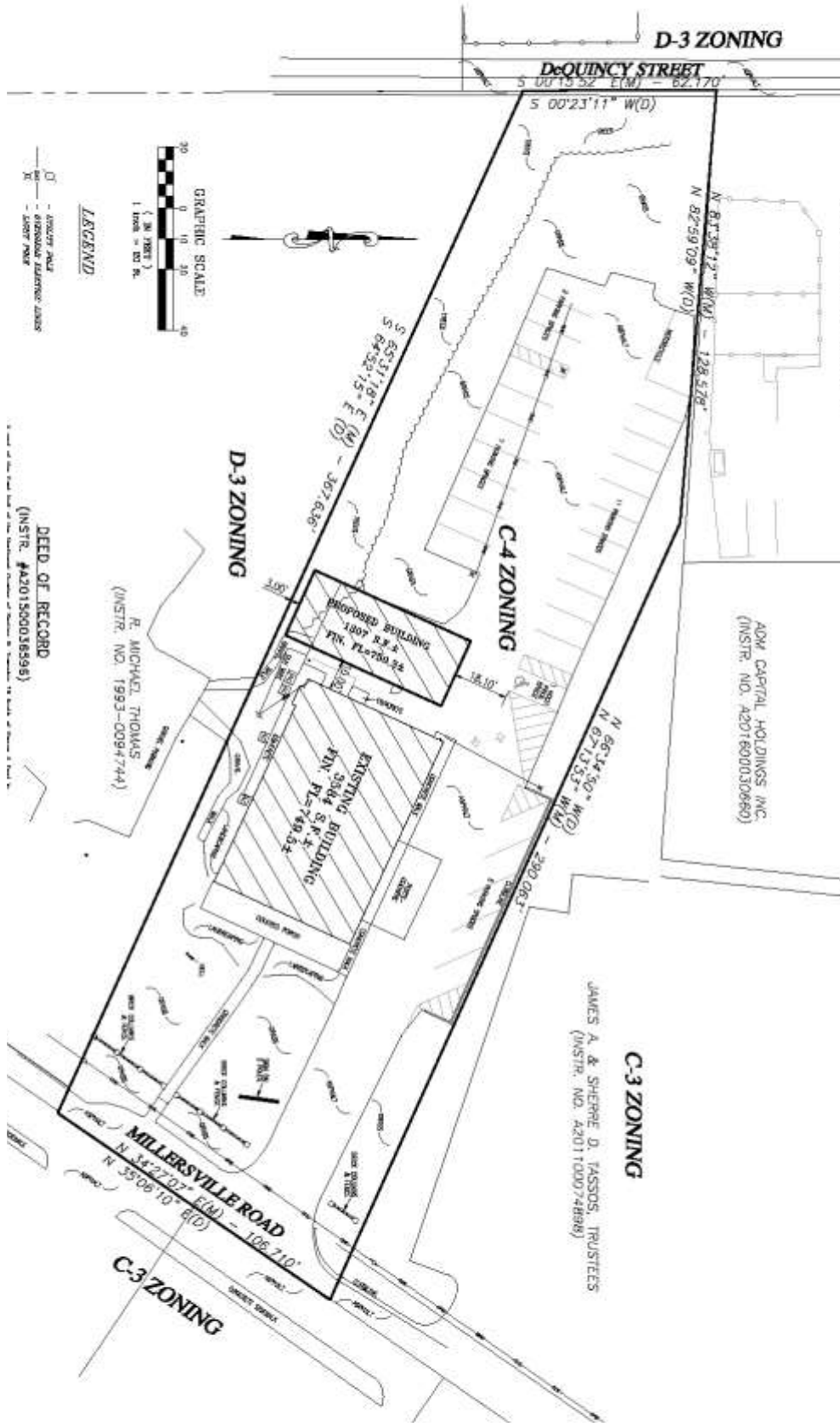
COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2021-DV2-019 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made); and,
- 3.
4. _____



2023-MO2-001: Site Plan



2023-MO2-001: Pictures



View of subject site, looking west



View of temporary structure, looking south



View of temporary structure with three-foot transitional yard setback, looking east



Rear of subject site with parking lot and temporary structure, looking east.