



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

July 25, 2024

Case Number: 2024-ZON-076 / 2024-VAR-008
Property Address: 4701 East Thompson Road (Approximate Address)
Location: Perry Township, Council District #24
Petitioner: Grace Bible Christian Church of Indiana, by Misha Rabinowitch
Current Zoning: D-A and SU-1
Rezoning of 3.65 acres from the D-A (FF) and SU-1 (FF) districts to the SU-1 (FF) district to provide for religious uses.
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot, dumpster enclosure and two existing garages encroaching into the stream protection corridor (50-foot stream protection corridor required).
Current Land Use: Single-family dwelling with accessory structures.
Staff Recommendations: Approval of rezoning with commitment. Denial of variance.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 45-foot half right-of-way shall be dedicated along the frontage of Thompson Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Staff **recommends denial** of the variance request.

It is staff's understanding that the petitioner will be withdrawing the variance request.

PETITION OVERVIEW

LAND USE

The 3.65-acre subject site is comprised of three parcels developed with a single-family dwelling and three detached garages.

The site is bordered to by single-family dwellings to the north, zoned D-4, single-family dwellings to the east and west, zoned D-A, and a church to the south, zoned SU-1.

REZONING

This petition would rezone the property from the D-A (FF) and SU-1 (FF) districts to the SU-1 (FF) district to provide for religious uses.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The SU-1 classification would permit religious uses.

FLOODWAY / FLOODWAY FRINGE

The subject site lies within the 500-year floodplain of Carson Creek, but it is not a regulated flood zone.

VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for encroachments into the 50-foot-wide stream protection corridor along Carson Creek, which is a Category Two stream in the Metro Context Area.

Said encroachments would include a new parking lot, dumpster enclosure, and the two existing garages. However, the stream protection corridor variance could be withdrawn since the amended site plan relocated the proposed parking lot and dumpster enclosure outside of the stream protection corridor.

There is a section of the Ordinance for stream protection corridor nonconformities that notes that legally established buildings and structures within the Stream Protection Corridor existing prior to the first day of the month that is six months after the date of adoption, may not be altered to create a new nonconformity or increase the degree of noncompliance. Therefore, they can remain as they are without a variance.



DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Thompson Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is recommending approval of the rezoning from the D-A (FF) district to the SU-1 (FF) district for religious uses since it would be compatible with the residential development in the immediate area and the existing church to the south.

Staff recommends denial of the new encroachments into the stream protection corridor because the layout of the site could be reconfigured as noted in the amended site plan submitted on July 15, 2024, to remove new development within the stream protection corridor.

Development within the SU-1 District would require Administrator’s Approval, prior to obtaining an Improvement Location Permit. In accordance with the Special Use Districts section the Ordinance, the Administrator would use the development standards of the C-1 district as a guideline for review.

GENERAL INFORMATION

Existing Zoning	D-A and SU-1	
Existing Land Use	Single-family dwelling with accessory structures.	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-4 Residential (Single-family dwellings)
	South:	SU-1 Church
	East:	D-A Residential (Single-family dwelling)
	West:	D-A Residential (Single-family dwelling)
Thoroughfare Plan		
Thompson Road	Primary Arterial	96-foot proposed right-of-way and 76-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 22, 2024	
Site Plan (Amended)	July 15, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 27, 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)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.
- Religious uses are compatible with residential areas since it is considered as a neighborhood serving institution

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)

- Indy Moves Transportation Integration Plan (2018) notes an off-street multiuse path along Thompson Road from Shelbyville Road to Emerson Avenue.



ZONING HISTORY

Zoning History – Site

93-UV2-33; 4701 E Thompson Road (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale of garden and lawn supplies and accessories and a variance of development standards of the Sign Regulations of Marion County to permit the placement of a 32 square foot ground sign (one square foot permitted), **denied**

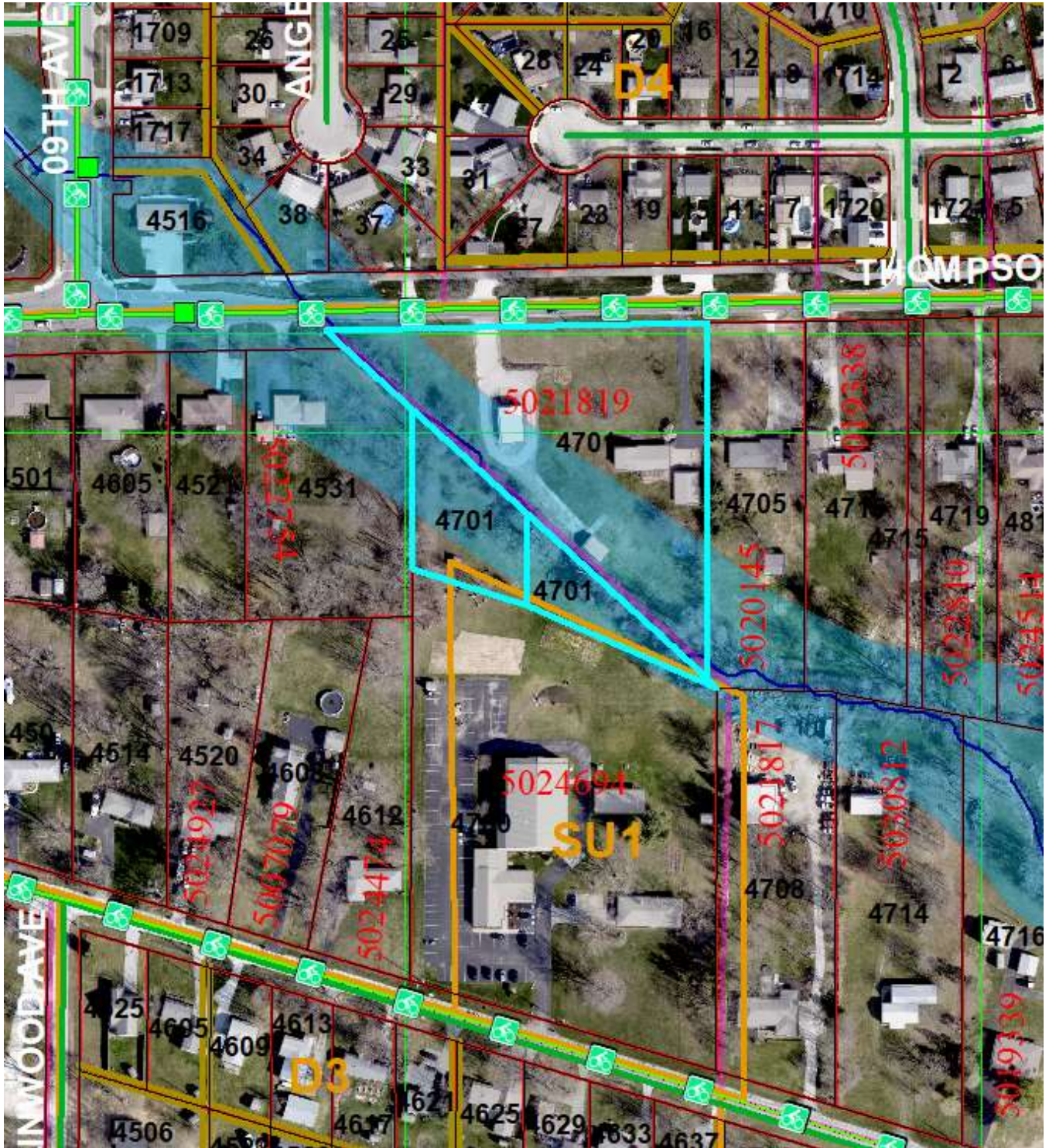
90-UV2-70; 4701 E Thompson Road (subject site), Variance of use and development standards of the Dwelling District Zoning Ordinance to permit a lawn and garden center with retail sales and outdoor storage and a 4 foot by 8-foot ground sign, **denied**.

Zoning History – Vicinity

2024-ZON-070; 4516 East Thompson Road (northwest of site), Rezoning of 0.63 acre from the D-4 district to the C-1 district to provide for commercial office uses, **pending**.

73-Z-203; 4302 E Thompson Road (northwest of site), Rezoning of 40.00 acres from D-2, D-3, and D-6 zoning to the D-6ll designation, **approved**.)

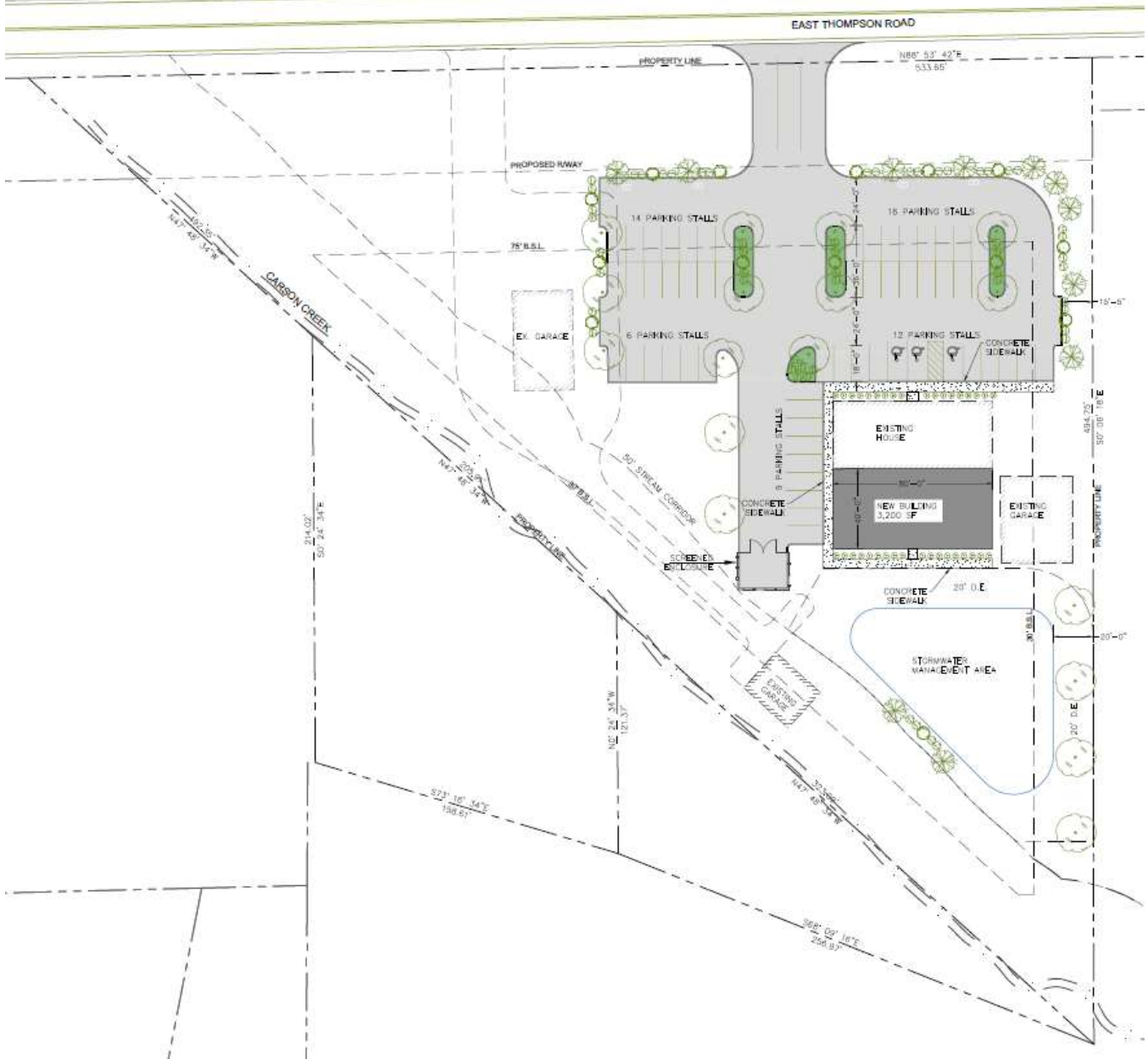
EXHIBITS



Site Plan



Amended Site Plan



Grace Bible Christian Church (GBCC) Plan of Operation

The Grace Bible Christian Church Plan of operation will include a description and size of the proposed facilities, number of employees, security provisions and hours of operation and activities.

GBCC Congregation

GBCC is a Burmese speaking church comprises and founded with different ethnic groups including Burmese, Kachin, Karen, Kareni, Chin, Lahu, Mon from Myanmar (formerly Burma). The congregation consists of 162 growing members located in the south side of Indianapolis, Indiana. The demographic of the members consists of 79 adults, 12 youths and 71 children.

Proposed Building Overview

The proposed building will be a new permanent location for the growing Burmese-multiethnic congregation. The sanctuary is designed to seat 200 people along with a separate meeting hall to seat 20 people altogether.

Project Description

- Square Footage: Approximately 3200 Square footage.
- Use: to seat 200 people along with a separate meeting hall to seat 20 people altogether.

Office Hours

- Monday – Friday: 10:00 am – 4:00 pm

Office Staff

Currently, full-time office staff will consist of Church Pastors, Secretary and treasurer.

Detailed Operation Plan

Every Sunday worship service will start at 11:00 Am. Weekly Bible study will be on Wednesday evening at 6:00 pm. Fellowship will be on Saturday between 11:00 Am to 2:00 pm.

Future Plan for Proposed Building

Grace Bible Christian Church proposed building will provides services and social resources for church members. It will also provide helpful information for new immigrants who resettle here in Indianapolis from different parts of Burma. GBCC will provide new members with material needs, psychological needs as well as spiritual needs. Moreover, GBCC will actively involve in social activities of surrounding community. GBCC plans to provide resources and service as below.

- Pre-marital counselling
- Short Bible Study program for the members
- Summer Bible camp for the children
- Youth fellowship
- Provide outreach ministry such as evangelism.



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 garage located within the stream protection corridor is pre-existing and all improvements will be located at least 30' from the top of the stream bank so as not to disturb the ditch or any existing growth thereon.

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 garage located within the stream protection corridor is pre-existing and all improvements will be located at least 30' from the top of the stream bank so as not to disturb the ditch or any existing growth thereon.

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

the garage already exist within the 30' stream protection corridor. Also, the site is uniquely shaped, triangular along the stream frontage, which makes it difficult to provide proper setbacks and meet the stream protection corridor requirements.

DECISION

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

Adopted this _____ day of _____, 20 ____



Photo of the single-family dwelling and detached garage on site.



Photo of a second and third garage on site.



Photo of the wooded area along the stream on site.



Photo of the stream protection corridor to the right where the two existing garages are located.



Photo of the front yard where the proposed parking will be located.



Photo of the site looking north from the western most existing garage looking toward the proposed parking area.



Photo of the proposed building addition on the south side of the existing building on site.



Photo of a single-family dwelling west of the site.



Photo of single-family dwellings north of the site across Brookville Road.



Photo of a single-family dwelling east of the site.