

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-019
Address: 8719 Southeastern Avenue (approximate address)
Location: Franklin Township, Council District #25
Zoning: C-4
Petitioner: Cornerstone Wealth LLC, by David A. Retherford
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing commercial structure resulting in an 18% front façade transparency (40% transparency required) and the addition of a porch with a zero-foot front setback and encroaching up to two feet into the right-of-way of Southeastern Avenue (10-foot front yard setback required, encroachment within the right-of-way not permitted).

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	C-4	Commercial Office
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SURROUNDING ZONING AND LAND USE

North	C-4	Commercial Retail
South	D-5	Undeveloped
East	C-4	Undeveloped
West	C-4	Commercial / Single-Family Residential

COMPREHENSIVE PLAN

The Comprehensive Plan recommends village mixed-use development, with an overlay for a Town Center.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would provide for the renovation and addition of a front porch to be added to the existing structure, with an 18% front façade transparency, and encroaching up to two feet within the right-of-way of Southeastern Avenue
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to the transparency requirement for facades with pedestrian access is intended to promote safety, by ensuring an adequate surface area of transparent materials, so that activity within a building can be surveilled by public safety.

(Continued)

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- ◇ The Ordinance requires a certain percentage of transparency in commercial spaces, in order to maintain a visual connection between indoor and outdoor spaces, and to increase safety with visual surveillance.
- ◇ Upon entering or exiting, customers and public safety first responders should be able to see into and out of a structure, and be able to safely assess and appropriately respond to any incident. The lack of transparency and visibility could hamper safety, by increasing response time.
- ◇ In this instance, two additional windows would be added for transparency visibility, but would not be immediately adjacent to the entrance. It is Staff's opinion, that these windows, along with the added front porch, would provide sufficient transparency, for a small commercial building that was originally built prior to the Ordinance requirement.
- ◇ The existing structure was constructed with a side entrance to the parking lot and currently consists of two small windows to the front façade. The addition of the proposed porch and front door renovation would replace the existing two small windows with a front door and two sidelights for transparency, and a covered front porch.
- ◇ The minimum front yard setback for the porch in a commercial district is ten feet from the existing right-of-way.
- ◇ In staff's opinion, the existing developed properties have a practical difficulty with the existing 100-foot right-of-way, which prevents the reconfiguration of the building to provide for a front porch and front entrance in a village mixed use pedestrian friendly streetscape.
- ◇ The approval of the request would not be injurious to the public health, safety, morals, and general welfare of the community since the building is existing and would enhance the pedestrian connectivity of the surrounding area.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Southeastern Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector classification, with a 100-foot existing and proposed right-of-way.

SITE PLAN

File-dated April 12, 2023.

FINDINGS OF FACT

File-dated April 5, 2023.

(Continued)

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ZONING HISTORY

2019-DV3-004; 8602-9010 Southeastern Avenue (approximate various addresses), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the replacement of existing wall, pole, monument and pylon signs of similar style, height and size within the required setbacks and within the right-of-way of Southeastern Avenue, without obtaining permits, when located no closer than 10 feet from the back of the curb; to provide for replacement wall signs when located closer than 10 feet to the back of the curb without permits; and to provide for new signs and replacement signs inconsistent with the above only after obtaining a permit and when located no closer than 10 feet from the back of the curb, **granted**.

2015-UV3-034; 8711 Southeastern Avenue, Variance of use of the Commercial Zoning Ordinance to legally establish and provide for primary and accessory single-family residential uses (not permitted), **granted**.

2015-ZON-108; 8939 Southeastern Avenue, Rezoning of one acre from the D-3 (FF) district to the C-4 (FF) classification.

2011-ZON-025; 8614 Southeastern Avenue, Rezoning of 1.172 acres, from the C-4 and SU-9 districts to the C-S classification to provide for C-4 uses and a limousine service (8614) and C-1 and residential uses (8721), **approval**.

2006-UV1-045; 8935 Southeastern Avenue, Variance of use of the Dwelling Districts Zoning Ordinance to provide for commercial office uses (not permitted) within the existing two-family dwelling, **granted**.

2006-ZON-144; 4437 Clark Drive, Rezoning of 40.99 acres, from the D-A district to the C-S classification to provide for C-1 uses, C-4 uses, residential uses, I-2 uses, and a machine shop or use engaged in the manufacture, assembly or repair of machinery and machinery components as permitted in the I-3 districts, **approval**.

2002-UV3-004; 8800 Southeastern Avenue, Variance to legally establish a single-family dwelling and to provide for an 804 square-foot addition to said dwelling, **granted**.

99-UV3-65; 8933 Southeastern Avenue, Variance of use of the Commercial Zoning Ordinance to provide for the construction of a 572-square foot above ground pool, associated with an existing single-family residence (not permitted), **granted**.

96-UV2-120; 8935 Southeastern Avenue, Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family dwelling with a reduced lot width, **granted**.

85-HOV-136, 8845 Southeastern Avenue, Variance of development standards of the Commercial and Zoning Ordinance to provide for a commercial building at 55 feet from the centerline of Southeastern Avenue (70 feet required) and without the required rear transitional yard, **granted**.

2023-DV1-019; Location Map



2023-DV1-019; Elevations



2019-DV3-004; Pictures



Existing structure front façade, looking south



Existing structure west façade, with front entrance, looking southeast



Adjacent commercial building to the west, with residential features, looking south.



Adjacent commercial building to the east, with residential features, looking south.