

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-025
Address: 11150 Maze Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Michael T. and Nicole M. Cole, by Raymond A. Basile
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use (not permitted).

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-A	Single-family dwelling, commercial contractor
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SURROUNDING ZONING AND LAND USE

North -	D-A	Agricultural uses
South -	D-A	Single-family dwelling
East -	D-A	Single-family dwelling / Agricultural uses
West -	D-A	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site and adjoining parcels.
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VARIANCE OF USE

- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use would be permitted in the C-7, High Intensity Commercial Zoning District. The C-7 district is designed to provide for specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses such as major outdoor storage or display of sizeable merchandise and the outdoor parking and maintenance of trucks or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares where the gradual and reasonable transition from lesser commercial uses exist. Due to the intensity of the uses, the location of this district adjacent to protected districts should be avoided.

(Continued)

STAFF REPORT 2023-UV1-025 (Continued)

- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into an established residential rural neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-A and could be used by any number of uses permitted, by right, in the D-A zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Maze Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial, with a 30-foot existing right-of-way and an 80-foot proposed right-of-way.
SITE PLAN	File-dated September 29, 2023
PLAN OF OPERATION	File-dated September 29, 2023
FINDINGS OF FACT	File-dated September 29, 2023

ZONING HISTORY

2023-DV1-029; 8349-8401 Acton Road (west of site) requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage with a four-foot south side yard setback, **granted**.

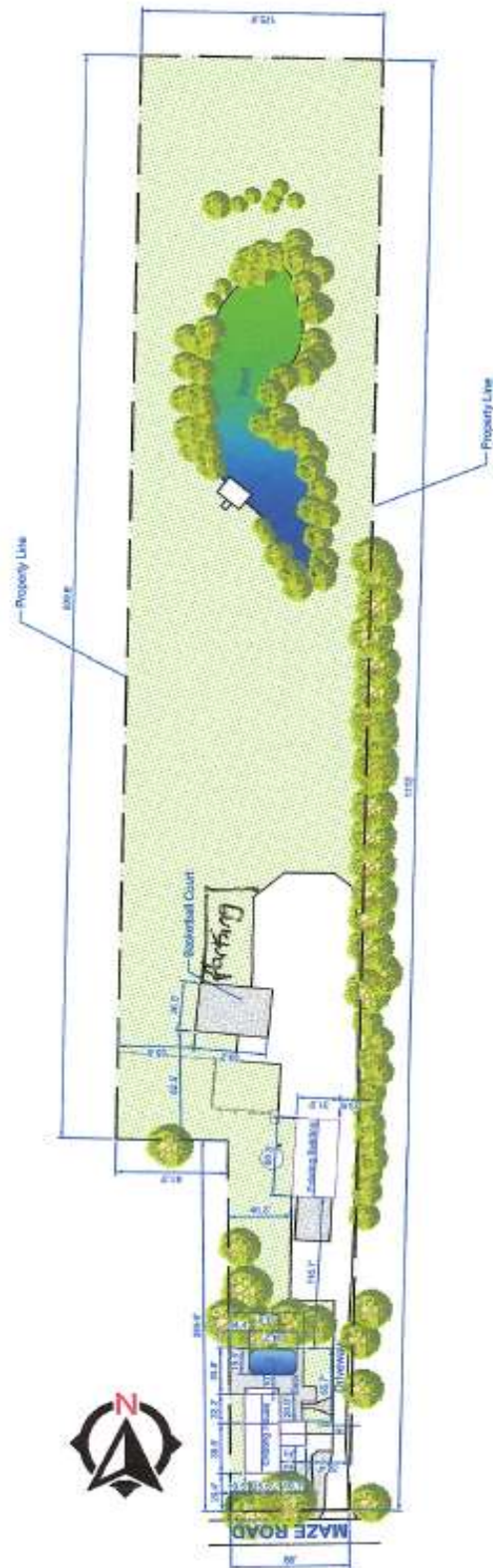
2012-DV2-025; 11185 Maze Road (south of site), requested a variance of development standards to provide for accessory use area of 3,419 square feet or 162.3% of the total floor area of the dwelling, **granted**.

2009-DV1-021; 11224 and 11338 Maze Road (south of site), requested a variance of development standards to provide for Tract "A" to be divided into no more than three residential lots, with reduced street frontage and lot width and Tract "B" to be divided into two lots, with reduced lot width, **granted**.

2023-UV1-025; Location Map



2023-UV1-025; Site Plan



**DETAILED DESCRIPTION AND PLAN OF OPERATION
FOR PETITION FOR VARIANCE OF USE AT 11150 MAZE ROAD**

Petitioners, Michael and Nicole Cole, are residents of Indianapolis, residing at 11150 Maze Road (the "Property"). Petitioners wish to continue using the Property for the parking of commercial vehicles for their small business operation with NO other commercial or construction activity onsite with the exception of a small home office used only by the Coles.

Detailed Description

Petitioner seeks a use variance to modify Article I, Chapter 742, Section 03 and Chapter 743-Article I relating to the Dwelling Agricultural District (D-A) to permit the limited construction/commercial activity of parking of up to eleven (11) commercial vehicles on the Property.

Plan of Operation

The proposed plan of operation for 11150 Maze Road will include NO other commercial or construction operations on the Property and only the overnight and weekend parking of commercial vehicles for the small business. No employees will be present onsite with the exception of the Coles and their operation of a small home office within their residence.

Workforce: None, other than the Coles in their own home office.

Customers and Parking: There will be no customers onsite and all commercial parking will continue where located on the north/central portion of the property behind all of the nearby residences and not visible to traffic on Maze Road. The current vehicles and trailers being parked are the following, which is consistent with intended future use, subject to minor changes in the actual type of vehicles as new vehicles are purchased and older vehicles are disposed of, but in no event exceeding the maximum number of eleven (11) commercial vehicles or trailers:

Pickup Trucks

2003 Ford F350 Superduty flatbed
2005 Chevy Silverado 3500
2001 Chevy Silverado 3500
2011 Chevy Silverado 3500

Dump Trucks

2009 Chevy C5500 C5E042
2007 Freightliner M2 106 Medium Duty
2007 Freightliner M2 106 Medium Duty

Trailers

2018 PJT CC2 14' Utility
2021 16' Dump Trailer
2023 16' Dump Trailer
2020 14' Dump Trailer

Signs: No business signs of any nature will be located on the Property.

Proposed Facilities: The existing facilities will not be expanded and are depicted on the Site Plan submitted contemporaneously with this Plan of Operation.

Proposed Processes Conducted on Site: None.

Hours of Operation: None. Only employees retrieving the commercial vehicles Monday through Friday in the morning and dropping them off at the end of the day.

Periods of Non-Operation: Depending upon the weather, all operations and use of the vehicles stops between mid-December and late February or early March.

No Hazardous or Explosive Materials: No explosive or hazardous materials are stored on-site.

Shipping and Receiving: None.

2023-UV1-025; Photographs



Subject site existing dwelling, looking north.



Subject site parking area for drivers, and storage are for trucks, to the rear of dwelling looking northwest.



On-site fuel storage tank to the rear of existing barn, looking west.



Adjacent single-family dwelling to the east.



Adjacent single-family dwelling to the west, looking north.



Adjacent single-family dwelling to the south.