

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-UV1-024  
**Address:** 3348 North Sherman Drive (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5  
**Petitioner:** Vivian L. Randolph  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a commercial garden, food processing center and eating establishment (not permitted), with the primary building having a front setback of 135 feet from Sherman Drive (maximum 50-foot setback permitted).

### RECOMMENDATIONS

Staff **recommends approval** of the request, subject to the following commitments:

1. The grant shall be subject to the plan of operation, file-dated September 18, 2023.
2. Development of the site shall be in substantial compliance with the site plan, file dated September 18, 2023.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5	Compact	Urban Garden
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Single-family Dwelling
South	D-5	Single-family Dwelling
East	D-5	Single-family Dwelling
West	D-5	Single-family Dwelling

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development.

- ◇ This 0.25-acre lot, zoned D-5, is currently improved with garden space and equipment and material storage structures.
- ◇ The site is surrounded, in all directions, with single-family dwellings within the D-5 District.

(Continued)

## **STAFF REPORT 2023-UV1-024 (Continued)**

- ◇ The D-5 District is intended for medium and large-lot housing formats, primarily for detached houses. This District should be deployed for new walkable suburban neighborhoods or for infill situations in established urban areas.

### **VARIANCE OF USE**

- ◇ The request would allow for the construction of a 20-foot by 40-foot building that would be used as a food processing center. This center would allow for crops grown on site, or locally sourced, to be processed and packaged for sales on site and off-site in commercial retail settings. The request represents an expansion of existing on-site operations, including an urban garden and limited on-site retail sales direct to consumers.
- ◇ According to the plan of operation, file-dated September 18, 2023, no more than four workers would be within the kitchen at any given site. In addition, most shipping and receiving would be done with the use of the property owners 17-foot refrigerated truck. Parking could be accomplished with the use of the alley to the rear of the property or with the use of on-street parking within the confines of the side lot lines.
- ◇ Processing and packaging of food and beverages are typically only permitted within the Industrial Districts. However, Staff would note that this is largely due to the assumption that such operations are intended to be conducted on an industrial scale, on a regional or nation-wide distribution level.
- ◇ The use, as proposed, is more in line with the Artisan Food and Beverage land use. While this use is permitted within most Commercial and Mixed-Use Districts, and therefore would continue to require a variance of use within the D-5 District, Staff would note that this type of use is contemplated by the Land Use Pattern Book.
- ◇ According to the Land Use Pattern Book, such operations, classified as Community Farms/Gardens, are promoted to be located on sites recommended for Traditional Neighborhood Development, so long as they are limited to no more than two acres per site. This recommendation contemplates the sales of products grown on site.
- ◇ In addition to being responsive to the Comprehensive Plan recommendation, Staff also believes that the request is responsive to the Livability Principles of the Zoning Ordinance itself. Specifically, Staff believes that the request promotes the following principles: Enhancing Economic Competitiveness; Supporting Existing Communities; and Valuing Communities and Neighborhoods.
- ◇ For this reason, Staff recommends approval of the request, subject to the plan of operation, file-dated September 18, 2023.

(Continued)

## **STAFF REPORT 2023-UV1-024 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would allow for the construction of the processing center to be located 135-feet from Sherman Drive. Primary structures within the type of lot typology must be located between 20 and 50 feet from the front lot line. This standard is intended to preserve existing residential streetscapes as they relate to front yard setbacks.
- ◇ While Staff is hesitant to recommend approval of such a deviation, Staff would note that this standard is intended to apply to primary residential buildings. By allowing the proposed building to be located towards the rear of the lot, this allows for the property to appear more open from the street. In addition, it ensures that any sound that may be emitted by the proposed structure and use would occur at the depth of the lot where a detached garage or general open area would be if the site were used residential. This would mitigate any audible impact the use may impose on adjacent properties.
- ◇ For these reasons, Staff recommends approval of the request, subject to substantial compliance with the site plan, file-dated September 18, 2023.

### **GENERAL INFORMATION**

#### THOROUGHFARE PLAN

This portion of Sherman Drive is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed 60-foot right-of-way.

#### SITE PLAN

File-dated September 18, 2023.

#### PLAN OF OPERATION

File-dated September 18, 2023

#### FINDINGS OF FACT

File-dated September 18, 2023.

### **ZONING HISTORY – SITE**

None.

(Continued)

## **STAFF REPORT 2023-UV1-024 (Continued)**

### **ZONING HISTORY – VICINITY**

**2022-UV3-025; 3335 North Sherman Drive;** requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a childcare facility; **granted.**

**2019-HOV-052; 3366 North Denny Street;** requests variance of development standards of the Consolidated Zoning and Subdivision Control Ordinance to provide for a single-family dwelling and a detached garage with a four-foot rear setback from an alley; **granted.**

**2018-HOV-018; 3365 North Denny Street;** requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition to a single-family dwelling, with a nine-foot front setback; **granted.**

**2017-DV1-070; 3394 North Denny Street;** requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 18-foot tall, detached garage, taller than the primary dwelling; **granted.**

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## 2023-UV1-024; Location Map



0 0.008 0.016 0.024 0.032  
Miles



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 proposed building will adhere to all building codes, and will be smaller than the homes located within the area and therefore not cause any major change to the area. The proposed building will not be used for a purpose that is outside of the use of any typical home kitchen and will enhance the overall appearance of the property.

**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 surrounding area and properties are similar in development and lot size and the proposed building will actually further enhance the urban farm operation (which has been zoned and used as such since the early 70s) and in fact, property values of adjacent properties will be positively affected due to this enhancement of the property. The proposed building will also be situated towards the back of the property near the alley way (which has been cleared) so access to the building will be preferable using the alley way.

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

the property is already zoned/used for the urban farm which already grows herbs, fruits, and vegetables, but these produce items must be taken off site for processing, cleaning and storing. The variance of use will allow Petitioner to have an onsite restroom, and a place to process, store, and clean the freshly harvested produce and will also expand benefit the property provides to the surrounding community.

**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 property desperately needs an onsite bathroom for farm workers and volunteers and the present zoning does not allow the petitioner to grow commercially, which in turn limits the value of the property to the surrounding community.

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

it lines up with the existing plan and enhances it.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_



NAME	D-MATERS LLC
DATE	PERMIT PACKET-07/13/2023
NO. OF SHEETS	1
DATE	JULY 13, 2023
REVISIONS	
NO.	DATE
1	

**Plan Of Operation**

**For Request for Variance of Use of Property  
Located at 3348 N. Sherman Dr. Indianapolis, IN 46218**

**Processes conducted on site and materials used:**

The requested variance of use is for the purpose of erecting a small 20x40 building that will be used as a "food processing center" wherein **fresh herbs, fruit, and vegetables** which are grown on the same lot, or sourced locally, will be **cleaned, cut, stored, freeze dried and/or dehydrated**, and then **packaged** to produce value-added, locally grown, urban farm products that will be sold commercially in retail settings. No hazardous materials will be used. Blenders, are sometimes used to pulverize dried herbs and vegetables as well as knives for cutting. Heat sealers are used for sealing packaging. Cardboard boxes, tape guns, scissors, box cutters and harvesting clippers will be used.

- The kitchen facility will also have a storage closet (for a small heating and cooling unit, and a water heater) and small bathroom, accessed via a short hallway.
- The kitchen itself will contain two 20-shelf dehydrators, and two freeze dryers, a triple stainless steel sink, hand washing sink, stainless steel storage shelving and stainless steel counter tops and tables as well as overhead racks for hanging/drying herbs.
- There will be a small attic area for storage of packing material and boxes.
- There will be smoke/fire detectors and a having fire hydrant and first aid box. Security cameras will be mounted outside of the business and lights.
- The building will have a window over the sink area overlooking the urban farm.

**Clients and Customers:**

- These value-added product will be sold to our neighborhood customers at the existing **onsite farm-stand and bodega**, or **delivered to local grocers and health food stores, restaurants, and shipped to customers from sales derived online via an established website**. **Onsite customers usually park in front of the urban farm and sales take place right at the farm stand or inside the bodega or at the service window, both located at the front of the property. Customers are also able to park at the back of the property in the alleyway if so desired.**

**Waste:**

- There will also be a small refrigeration unit and small freezer to store fresh fruits and vegetables, **and two onsite outdoor composting corals for recycling organic waste material, as well as typical city trash containers for weekly disposal. No hazardous waste will be handled or generated by our work. Larger hauling of boxes etc... will be handled on an as needed basis by our workers.**

**Workforce**

- There will be up to four workers in the kitchen at any given time, working on tasks that will range from cleaning, cutting and prepping freshly harvested, herbs, fruits, and vegetables, operating the freeze dryer and/dehydrators, weighing, and bagging or packaging products, and boxing and labeling orders for delivery or shipment. Daily inventory of materials and food will be conducted as well. Some workers will be family who have worked with the fair since its inception and other workers will be volunteers and young neighborhood-based students that we have trained in our youth training program. Bus lines are established along the
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POA

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property and run daily. Worker can also park along the front sidewalk or in the back alley which is lighted at night.

**Shipping and Receiving:**

- Most orders will be shipped via our own delivery vehicle -a 17 ft. refrigerated truck, or local delivery pick up truck- or taken to other shipping facilities such as the USPS down the street or UPS. Deliveries will take place once or twice weekly during regular business hours. Supplies needed to run our operation will more than likely be received at our home office and brought over to the food processing center.

**2023-UV1-024; Photographs**



Photo One: Looking North Along Sherman Drive



Photo Two: Looking South Along Sherman Drive





Photo Three: Facing East Across Sherman Drive



Photo Four: Looking West Into Subject Site