

BOARD OF ZONING APPEALS DIVISION I

November 14, 2023

Case Number: 2023-UV1-022

Property Address: 5330 West Morris Street (approximate address)

Location: Wayne Township, Council District #22

Petitioner: Adriano Montas, Jorge Oscar Gonzales

Current Zoning: C-3/SU-9 (TOD)

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage.

Current Land Use: Residential/Commercial

Staff Recommendations: Staff recommends **approval** of this petition

Recommended Motion: Motion to approve petition 2023UV1022

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- This petition would allow for primary and accessory single-family uses and structures, including the construction of a detached garage.
- The site is zoned C-3 and contains a primary structure on site that has existed since approximately 1930 and is used for residential purposes. Therefore, the site has legally non-conforming status with regards to the residential structure, and this variance request will officially bring that structure into compliance. Likewise, the proposed construction of a detached garage in the rear of the property is also in need of a variance since minor residential structures are not permitted in commercial districts, with this request bringing that structure into compliance as well. The site being zoned C-3, meaning detached garages are not permitted, despite being used a residence represents a practical difficulty on the owner. Likewise, given that the site is legally non-conforming with regards to residential uses, Staff is not opposed to the variance request for the construction of a detached garage.

GENERAL INFORMATION

Existing Zoning	C-3		
Existing Land Use	Residential/Commercial		
Comprehensive Plan	Community Commercial		
Surrounding Context	Zoning	Surrounding Context	
	North:	SU-9	North: Government Grounds
	South:	D-5	South: Single-Family Residential
	East:	C-3	East: Single-Family Residential
	West:	SU-9	West: Government Grounds
Thoroughfare Plan			
West Morris Street	Primary Arterial Existing ROW: 56 feet Proposed ROW: 56 feet		
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	Yes		
Wellfield Protection Area	No		
Site Plan	9/8/23		
Site Plan (Amended)	N/A		
Elevations	9/8/23		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	9/8/23		
Findings of Fact (Amended)	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the request

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)

- Not Applicable to the Site

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

83-Z-131; 5401 and 5405 W Washington Street (north of site), requests rezoning of 2 acres being in a C-5 district to the SU-9 classification to provide for a fire station and Township governmental offices, **approved**.

84-Z-199; 1149 South Lynhurst Drive (east of site), requests rezoning of 0.99 acres, being in the D-3 district, to the C-3 classification to provide for the removal of existing improvements and the construction of a service station and convenience food market, **approved**.

84-UV2-84; 1130 South Lynhurst Drive (east of site), variance of use of the Commercial Zoning Ordinance to provide for the erection of a 26 x 40 foot garage to be used for storage of supplies and equipment for an existing automobile repair service, **approved**.

91-V3-98; 1229 South Biltmore Avenue (south of site), variance of development standards of the Dwelling District Zoning Ordinance to permit the construction of an attached garage with a zero foot side yard setback and a six foot aggregate setback (4 foot side yard setback and a 10 foot aggregate required), **approved**.

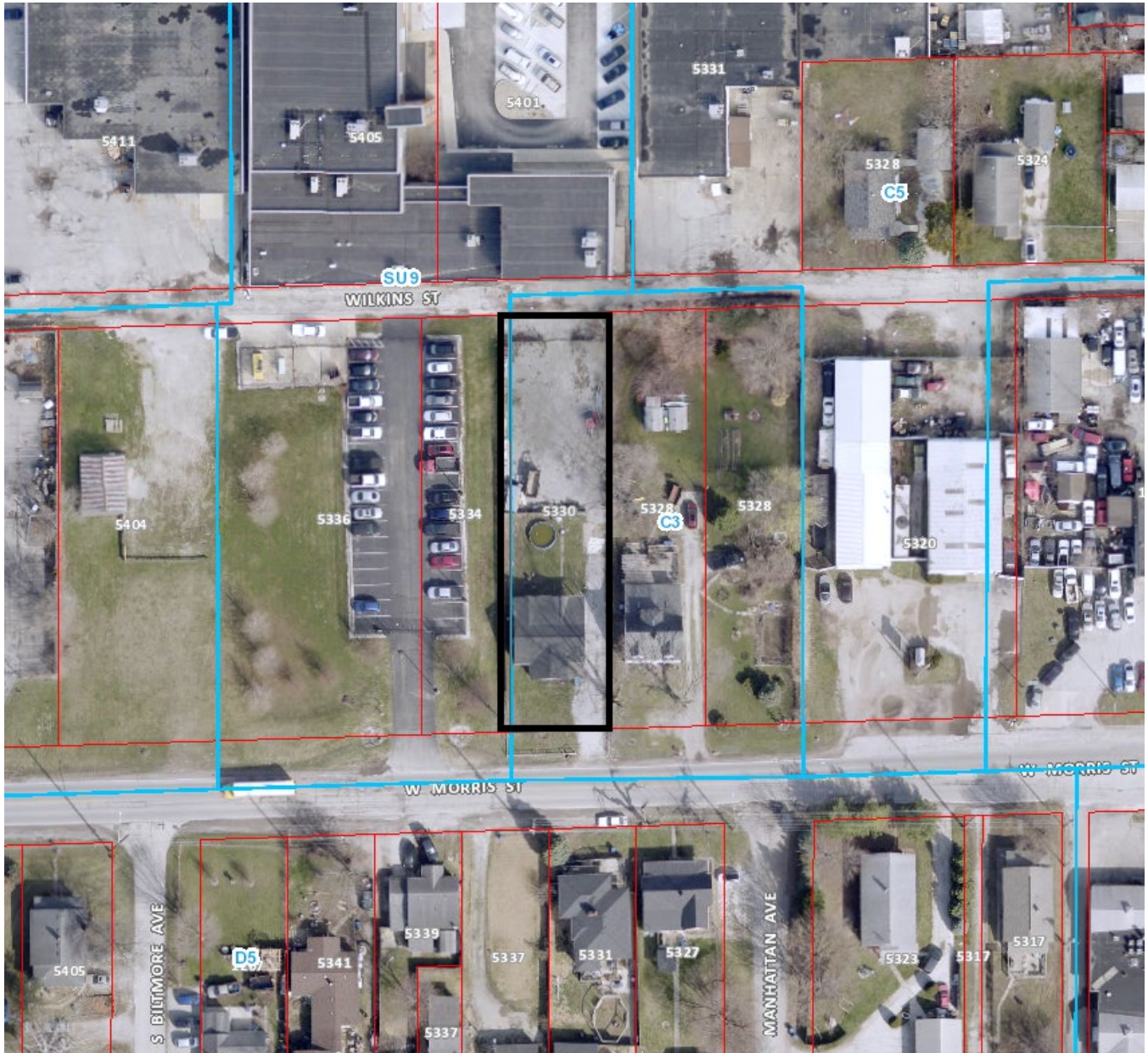
92-V2-93; 5331 West Washington Street (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an existing pole sign with a front setback of 6 feet from the right-of-way line of Washington Street (15 foot setback required) and a clear distance of 6 feet from the bottom edge of the sign to the grade (9 feet required), **approved**.

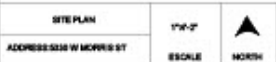
97-Z-60; 1205 South Lynhurst Drive (east of site), requests a rezoning of the adjacent one-third of an acre D3 property to the C4 District to allow for the redevelopment of the site with a new Speedway convenience store, **approved**.

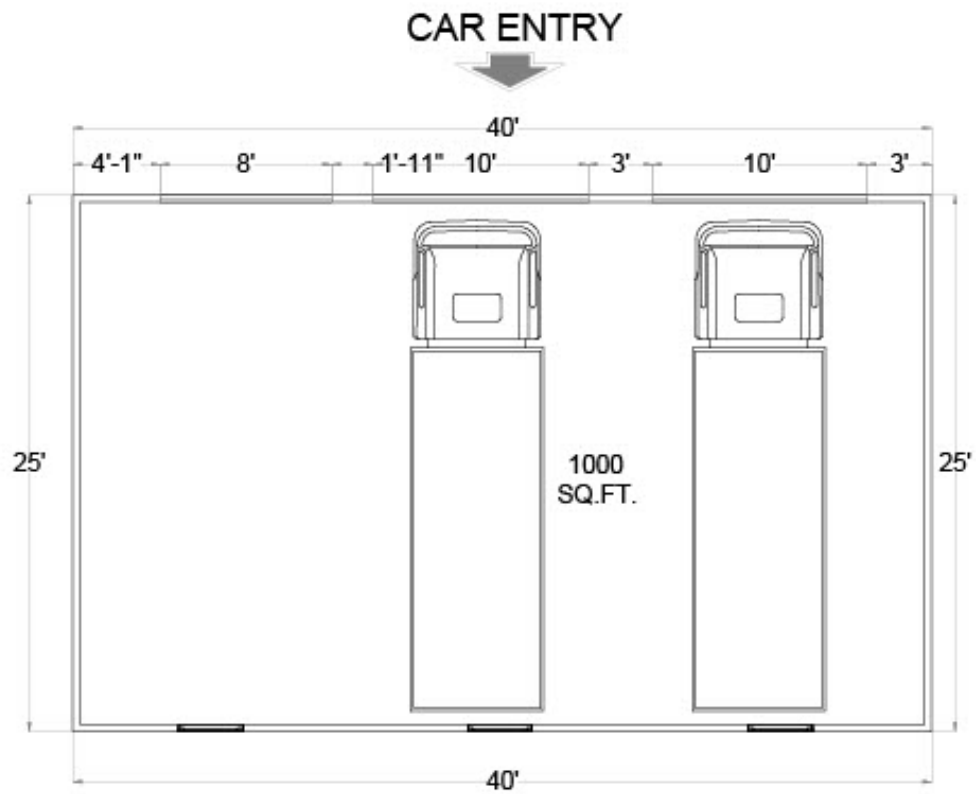
2005SE1004; 5515 West Morris Street (west of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,144-square foot manufactured home, **approved**.

2011ZON086; 5334 and 5336 West Morris Street (west of site), rezoning of 0.90 acres, from the C-3 District, to the SU-9 classification to provide for a parking lot for the Wayne Township government center, **approved**.

EXHIBITS







SECTIONAL DETAIL

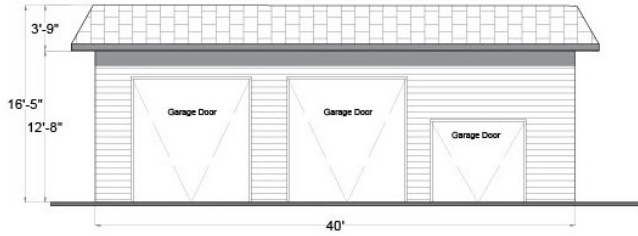
1"-4'2"



ADDRESS: 5330 W MORRIS ST

ESCALE

NORTH



NORTH ELEVATION FRONT VIEW



EAST ELEVATION



ELEVATION SOUTH, BACK VIEW



ELEVATION WEST

ELEVATIONS PLAN	1"-4'2"	ELEVATIONS PLAN	1"-4'2"
ADDRESS: 5330 W MORRIS ST	ESCALE	ADDRESS: 5330 W MORRIS ST	ESCALE

	<div data-bbox="1214 825 1339 936"> <p>NORTH</p> </div> <div data-bbox="1214 1066 1339 1171"> <p>1"-4'2"</p> <p>ESCALE</p> </div> <div data-bbox="1214 1392 1339 1738"> <p>SECTIONAL DETAIL</p> <p>ADDRESS: 5330 W MORRIS ST</p> </div>
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