

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV1-044
Address: 5702 North College Avenue (approximate address)
Location: Washington Township, Council District #2
Zoning: D-3 (TOD)
Petitioner: Tim Schluge
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an accounting firm (not permitted).

ADDENDUM FOR FEBRUARY 14, 2023

Due to the lack of a quorum associated with a recusal, the petitioner requested that this petition be **continued and transferred from the February 7, 2023 hearing of Division I to the February 14, 2023 hearing of Division II.** The special request was approved unanimously by the Board.

February 7, 2023

This petition was automatically continued by the petitioner from the January 3, 2023 hearing to the February 7, 2023 hearing.

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-3	Compact	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-3	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwelling)
East	D-4	Residential (Single-family dwelling)
West	D-3	Residential (Single-family dwelling)

MERIDIAN KESSLER NEIGHBORHOOD PLAN

The Meridian Kessler Neighborhood Plan (2016) recommends traditional neighborhood development.

- ◇ The 0.17-acre site is improved with a single-family dwelling and detached garage. It is surrounded by single-family dwellings in every direction.

(Continued)

STAFF REPORT 2022-UV1-044 (Continued)

VARIANCE OF USE

- ◇ The grant of the request would allow an accounting firm to be in the D-3 Dwelling District.
- ◇ Table 743-1: Use Table notes that a professional office is only permitted in commercial, mixed-use, and commercial business districts.
- ◇ The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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.
- ◇ The subject site is located within a Residential Corridor Reserve overlay of the Comprehensive Plan which is “intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses.”
- ◇ Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology. In this case, the small scale-office use is removed to reserve the residential development in the area.
- ◇ Additionally, the Meridian Kessler Neighborhood Plan (2016) notes that residential uses along College Avenue should be protected by maintaining commercial uses at their present locations while encouraging Transit-oriented development at the commercial nodes.
- ◇ Staff determined that the home occupation allowance of the Ordinance could be used to have a home-based operation instead of seeking a separate single-family dwelling to conduct business in, which could resolve the petitioner’s concern with commuting to work.
- ◇ However, if the home occupation option is not possible for any reason, then staff does not find that there is a condition peculiar to the site in question that would prevent it from being sold and used for the intended residential use.
- ◇ The terms of the Zoning Ordinance do not constitute an unnecessary hardship for the property since it is developed residentially and could continue to be used as such.
- ◇ Lastly, the grant of the request would substantially interfere with the Comprehensive Plan recommendation for traditional neighborhood development that preserves the residential corridor. Instead, it would be counter to the recommendation and would be a wholly and inappropriate commercial encroachment into a residential area.

(Continued)

STAFF REPORT 2022-UV1-044 (Continued)

- ◇ In staff's opinion, in addition to the home occupation provisions stated above, there are countless vacant commercial properties throughout the city in which the proposed use could be located that would be zoned appropriately and would align with the Comprehensive Plan.

GENERAL INFORMATION

THOROUGHFARE PLAN	College Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with an 89-foot existing right-of-way and a 78-foot proposed right-of-way.
THOROUGHFARE PLAN	57 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 51-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated November 22, 2022.
PLAN OF OPERATION	File-dated November 11, 2022.
FINDINGS OF FACT	File-dated November 11, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2021-PLT-013; 5676 North College Avenue (south of site), Approval of a Subdivision Plat to be known as Aviator's College Avenue Addition, dividing 0.22 acre into two single-family attached lots, **granted**.

2018-UV1-048; 5670 North College Avenue (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling (only permitted on corner lots) with 65% open space on a 40-foot wide, 9,670-square foot lot (minimum 70% open space, 105-foot width, and 15,000 square foot lot required), **granted**.

2014-DV1-020; 5755 Broadway Terrace (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576-square foot detached garage, with a one-foot south side setback and a four-foot east rear setback (minimum six-foot side and five-foot rear setbacks required), **granted**.

88-V3-3; 711 East 58th Street (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to single-family residence with a one-foot rear setback (twenty feet required) and a two-foot side setback (five feet required), **granted.**

84-UV2-69; 5514 North College Avenue (southeast of site), Variance of use of no existing building as a children's day care center, **denied.**

MI

2022-UV1-044; Location Map



2022-UV1-044; Aerial Map

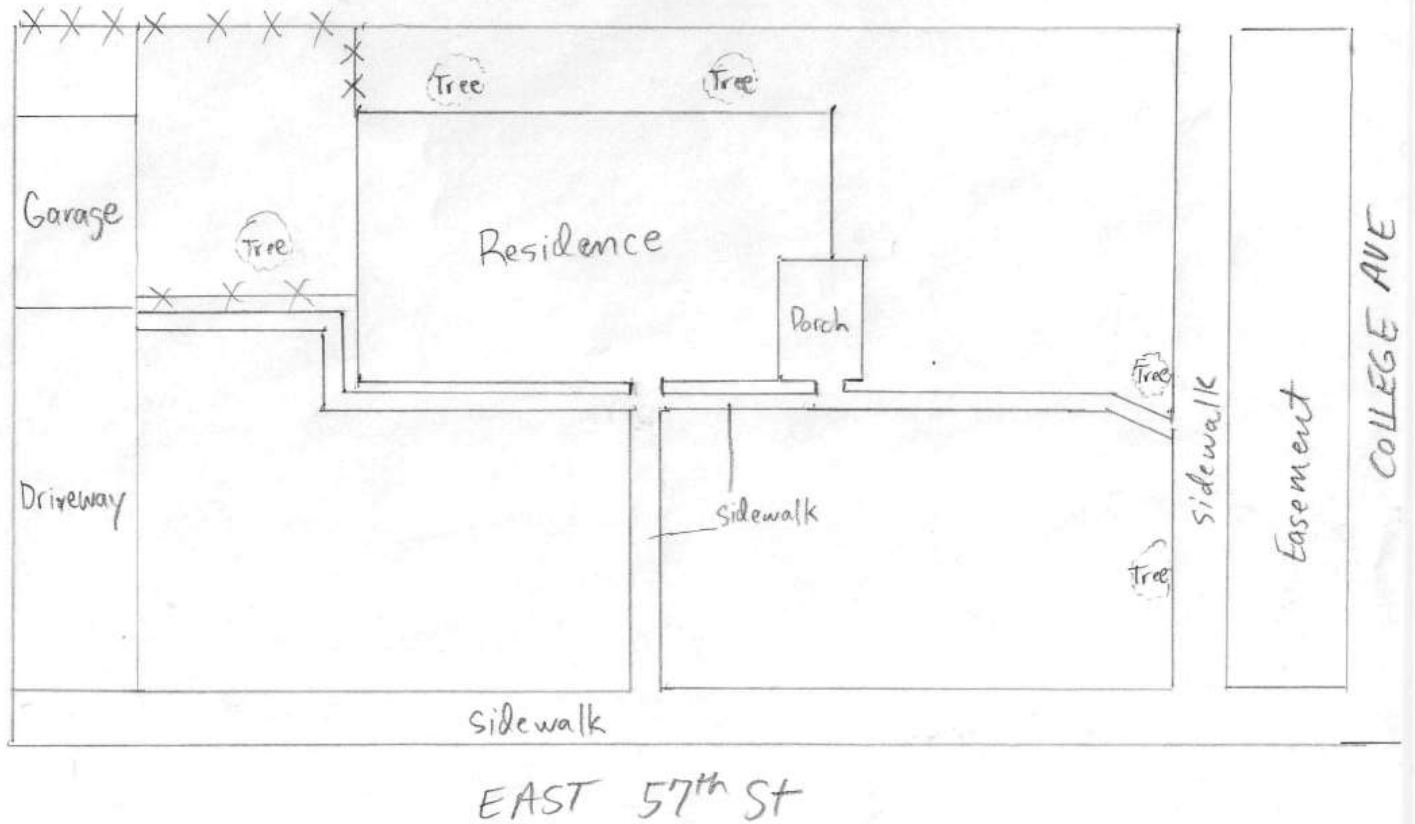


2022-UV1-044; Site Plan

XX=Fence

5702 N College Ave
Site Plan

1" = 13'



2022-UV1-044; Plan of Operation

3901 W 86th St
Suite 120
Indianapolis, IN 46268



Phone: 317.616.1829
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Plan of Operation for Elevation CPA Group, LLC

- Workforce
 - Elevation has 2 employees, other than myself. 1 employee is remote, never on site. A second employee will work in the office every day with me, the owner. Her hours are 9am-4pm January 1 – April 15 and 9am-1pm from April 15 – December 31
 - The employee can park in the garage on the property, if needed.
 - I will have a security system in place on the property.
- Clients & Customers
 - My accounting firm has clients that are primarily small business owners. I rarely have clients come to the office outside of tax season.
 - During tax season, I can have up to 3 clients (business owners and non-business clients) drop off their information each day, staying no more than 15 minutes. Rarely are they in the office at the same time. This lasts for approximately 2 months, from February 1 – April 1. Some days I get no clients during tax season.
 - The plan for the clients is to park either in the driveway or on 57th St for the brief time they will be in the office.
 - Outside of tax season, I rarely have clients stop in the office. The firm will go weeks without any clients coming in the office.
 - Most documents are received electronically from clients. I am trying to move to mostly electronic submission of documents.
 - Elevation has approximately 80 business clients and approximately 60 non-business clients. Non-business clients are defined as individuals who have an annual tax return prepared.
- Processes Conducted on Site
 - Elevation CPA is a professional services firm
 - Tax return preparation for businesses and individuals
 - Bookkeeping for businesses
 - Payroll for businesses
 - General business advisory
 - The accounting firm will operate 100% inside the property with no yard sign. I would like to add a small company sign on the actual building structure so clients can easily locate the property.
- Materials Used
 - Computers and Printers
- Shipping & Receiving
 - Not applicable
- Waste
 - Trash will be disposed of in the typical way
 - Sensitive documents are shredded and picked up by a 3rd party

Respectfully,

Tim Schluge

Tim Schluge, CPA
Owner
Elevation CPA Group, LLC
tim@elevationcpa.com
317-250-8915 (cell)

2022-UV1-044; Photographs



Photo of the Subject Property: 5702 North College Avenue



Photo of the Subject Property: 5702 North College Avenue



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



Photo of the single-family dwelling south of the site.



Photo of the single-family dwelling north of the site.