

BOARD OF ZONING APPEALS DIVISION I

May 14, 2024

Case Number: 2024-DV1-008
Property Address: 545 South East Street
Location: Center Township, Council District #18
Petitioner: AOI Properties LLC, by Paul Reynolds
Current Zoning: CBD-2 (RC) (TOD)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.59-foot-tall fence within the front yard of East Street (maximum 3.5-foot-tall fence permitted)

Current Land Use: Commercial / residential

Staff

Recommendations: Approval

Staff Reviewer: Jeffrey York, Principal Planner I

PETITION HISTORY

This petition was originally scheduled for hearing on April 2, 2024. It was Automatically continued, by request of a neighborhood organization to the May 14, 2024, hearing. As of this writing, no new information has been submitted to the file.

STAFF RECOMMENDATION

Staff recommends **approval**.

PETITION OVERVIEW

- This petition seeks to replace a fence, along the East Street frontage of this mixed-use structure. The fence was recently removed. It was constructed of brick, CMU block, and glass block. The former fence did not include a gate. The proposed fence would include a gate, constructed of the same material as the fence. From the East Street frontage, the fence would continue along the north property line for 18 feet. The existing fence east of the terminus of the new fence would remain from that point to the alley.
- The site is located at the northeast corner of East Street and Merrill Street. It is surrounded by mostly residential uses to the north, south and east. A church is also located to the south. A long-standing industrial use is located to the west, across East Street.
- The former fence was approximately the same height of the proposed fence. This fence had to be removed recently due to safety concerns as it was in disrepair.



- This request would not negatively affect the adjacent property values. Therefore, Staff recommends approval of the request.
- The petitioner submitted plans for review for the proposed fence and other minor work to be completed on the site.

GENERAL INFORMATION

Existing Zoning	CBD-2 (RC) (TOD)	
Existing Land Use	Office and single-family dwelling unit	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	CBD-2 (RC) (TOD)	Single-family dwelling
South:	SU-1 (RC) (TOD)	Surface parking for a church
East:	D-8 (RC)	Single- and two-family dwellings
West:	I-3 (RC)	Industrial
Thoroughfare Plan		
East Street	Primary arterial	78-foot right-of-way existing and proposed
Merrill Street	Local Street	48-foot right-of-way existing and proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Regional Center. Design of new construction would require the submittal and approval of a Regional Center Approval petition	
Wellfield Protection Area	No	
Site Plan	January 23, 2024	
Site Plan (Amended)	N/A	
Elevations	January 23, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 23, 2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Center Township Land Use Plan

- Regional Center Urban Design Guidelines

Pattern Book / Land Use Plan

- The Center Township Land Use Plan recommends Traditional Neighborhood development for this site.
- 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.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The property falls within the Red Line Transit-Oriented Development Strategic Plan (2021). The closest station within a ¼ mile southwest at the intersection of Merrill Street and Virginia Avenue.
- This station is classified as a District Center Typology that would promote a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and structured parking only with active first floor.

Neighborhood / Area Specific Plan

- The site is within the Neighborhood Residential typology of the Regional Center Urban Design Guidelines.

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

2023-UV1-008; requested a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in the residential component of a Live/Work unit being the dominant use, **granted**.

2023-REG-035; Regional Center Approval to provide for building additions to an existing structure, **approved**.

ZONING HISTORY – VICINITY

None

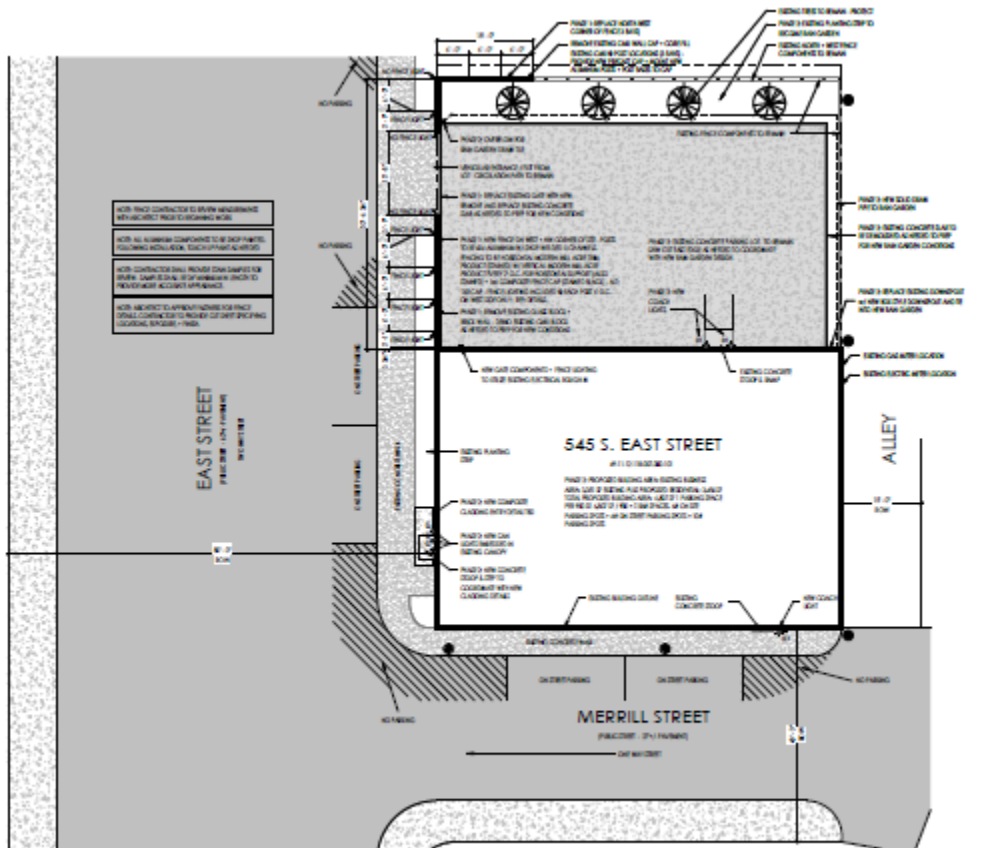
EXHIBITS

2024-DV1-008 Map and Aerial





2024-DV1-008; Site plan



ADD FINISH CONTRACTOR TO FINISH HANDRAILS
 AND RAILINGS. FINISH CONTRACTOR TO
 FINISH ALL HANDRAILS AND RAILINGS.
 FINISH CONTRACTOR TO FINISH HANDRAILS
 AND RAILINGS. FINISH CONTRACTOR TO
 FINISH HANDRAILS AND RAILINGS.

LEGAL DESCRIPTION:

#11018300-010

SITE CALCULATIONS:

DESCRIPTION	AREA
EXISTING STRUCTURE	0.00
ADDED	1,111.00
TOTAL	1,111.00
CONTRACTOR	1,111.00
REMOVED	0.00
TOTAL	1,111.00

SETBACK REQUIREMENTS:

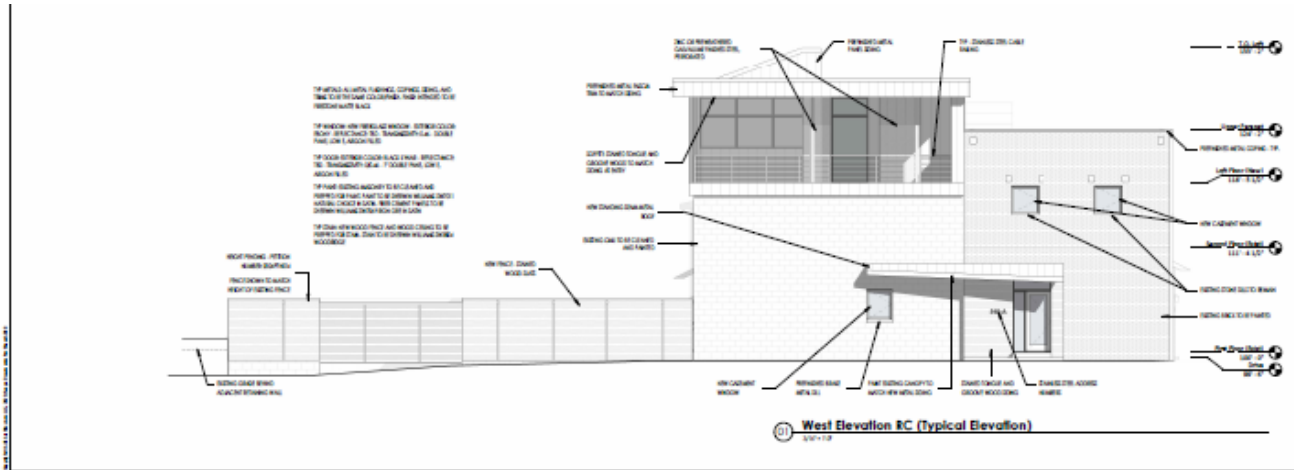
REQUIREMENT	MINIMUM	MAXIMUM
FRONT SETBACK	5.0'	5.0'
REAR SETBACK	5.0'	5.0'
SIDE SETBACK	5.0'	5.0'

DRAINAGE INFORMATION:

DESCRIPTION	AREA
EXISTING STRUCTURE	0.00
ADDED	1,111.00
TOTAL	1,111.00

DESIGN DEVELOPMENT DOCUMENTS:
 THESE DOCUMENTS ARE WORKING DOCUMENTS
 FOR DEVELOPING THE DESIGN.
 THESE DOCUMENTS SHALL NOT BE USED FOR
 CONSTRUCTION.

2023-DV1-008; Elevations





2024-DV1-008; Findings of Fact

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The new fence is replacing the old fence. There is no change beyond aesthetics.
The current fence (glass block) is a safety concern as it is leaning towards the sidewalk.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The new fence will replace the existing fence which is in disrepair. The value may increase.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The owner desires to maintain the privacy and security provided by the existing fence. It's also desired that the replaced section align with the adjacent existing fence which will remain (along north and east property boundaries)

DECISION

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

Adopted this _____ day of _____, 20____

2024-DV1-008; Photos



View of site with former fence – photo from May 2023



Photo of a section of the former fence showing disrepair – photo taken in May 2023



Existing conditions