



**BOARD OF ZONING APPEALS DIVISION I**

May 14, 2024

**Case Number:** 2024-UV1-003  
**Address:** 4716 Ferguson Road (approximate address)  
**Location:** Franklin Township, Council District #20  
**Zoning:** D-A  
**Petitioner:** Melissa Bullock, by Daniel Russello  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the on-site storage of two commercial vehicles within an enclosed structure.

**Current Land Use:** Single Family Dwelling

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition, subject to the following commitment:

The variance grant shall be subject to the amended plan of operation, file dated April 29, 2024.

**PETITION OVERVIEW**

- ◇ The request would provide for the on-site storage of two commercial vehicles within an enclosed structure.
- ◇ The subject site is adjacent to residential developed properties in the D-A and D-S Districts.
- ◇ 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.
- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use, with the number of vehicles and equipment limited by the plan of operation, would be similar to agricultural operations that are permitted in the D-A District. Therefore, the impact would not be an increase.
- ◇ The petitioner has submitted an updated plan of operation file-dated April 29, 2024, and staff is recommending approval subject to that plan of operation as a commitment. The commitment limits the amount of equipment and use to what is proposed in the plan of operation.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single Family Dwellings	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-A	Single-family dwelling
	South: D-A	Single-family dwelling
	East: D-S	Single-family dwelling
	West: D-A	Single-family dwelling
<b>Thoroughfare Plan</b>		
Ferguson Road	Local Street	70-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 21, 2024	
<b>Elevations</b>	N/A	
<b>Commitments</b>	Pending	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 21, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends rural or estate neighborhood development.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.



### 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

**2003-DV3-001; 4541 Ferguson Road (northeast of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 2,000 square foot pole barn resulting in 2,192 square feet of accessory building area or 166.57 percent of the main floor area, **granted**.

**96-UV2-11; 4502 South Ferguson Road (north of site)**, requested a variance of use to provide for the manufacturing of cotton candy within an attached garage, **granted**.

**92-Z-55; 4837 Ferguson Road (south of site)**, requested the rezoning of 14.04 acres, being in the D-A district, to the D-S classification to provide for residential development, **approved**.

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**EXHIBITS**

**Location Map**



Site Plan



**Plan of Operation - file dated April 29, 2024.**

Variance of Use and Development Standard - Plan of Operation

4716 Ferguson Road Indianapolis, IN 46239

- WORKFORCE
  - No employees will be hired for this enterprise.
  - Only the owner of the semi-trucks will be driving them, one at a time from the covered structure to loading bays offsite.
  - There will be a limit of two semi-trucks parked within the structure at any time. The structure will be built to only house two semi-trucks, without trailers.
- CLIENTS AND CUSTOMERS
  - Petitioner's only clients are the shipping companies which provide the trailers offsite, where the semi-trucks will transport the trailers from. No clients or other companies will be on site.
- Processes Conducted on Site
  - Only storage of the two semi-trucks owned by the Petitioner in an enclosed barn/garage.
  - They will be parked there and out of sight from the general public if not driven out for work.
  - No semi-trailers will be parked or stored on site.
- Materials Used
  - The two semi-trucks are the only asset being held in the barn.
- Shipping and Receiving
  - No shipping or receiving activities will be conducted related to Petitioner's storage of the semi-trucks at the location.
- Waste
  - The semi-trucks (one at any given time) will be started and driven off the property. This will produce some exhaust in the area prior to exiting the property.
- Setback from side and rear lines
  - South line setback will be 20' with a line of pine trees in between the barn and the adjacent property.
  - West line setback will be 30'.
  - North line setback will be 35'.



**Findings of Fact**

Petition Number 2024-UV1-003

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division One  
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**

It should not effect any surrounding homeowners as no commercial operation will occur outside of parking the subject trucks at the petitioner's residence within an enclosed building. The trucks are already being stored at owner's expense at an offsite location. The trucks are owned by the Petitioner such that he is not conducting any business at the location. The grant will not increase traffic at this location nor will the health and safety of the community at large be affected.

**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 value of the subject property will increase with a new pole barn garage for the trucks which will help the surrounding property values. The trucks will be out of site in the enclosed building while on the property until being used off site. Many of the surrounding properties have large barn garages already.

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

The petitioner has to pay storage fees and he is a small business. He has extra drive time from his home to the storage facility to get the trucks and then has to go to where he picks up the trailers with the trucks. This extra step costs him time and money. The property's use if this variance is granted will not change. It will still be residential albeit with a pole barn on the property and the owner using the trucks for his business offsite. No commerce will occur on the property.

**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 strict application of the zoning ordinance speaks to commercial vehicles generally for commercial use. In this instance, the Petitioner's semi-trucks are no different than a large duel cab diesel engine truck which a farmer may use in the field or to haul cattle which is normally permitted in the current DA zone. The current zoning regulation as applied to petitioner is hindering his freedom of commerce. If he were simply a farmer he could have large combines, cultivators or plows on the property.

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

The grant is very narrowly tailored to the specific property and what petitioner does for a living and no commercial activities will take place on the subject property. This way, the grant will allow for a similar use congruent with the storage of farm equipment or other large machinery which would be allowable in this zone otherwise for agricultural purposes.

**DECISION**

Photographs



Subject site single family dwelling, looking west



Subject site proposed garage location at back of lot, looking west





Adjacent single family dwelling to the south, looking west



Adjacent single family dwelling to the north, looking west.