



City of
Lawrence
Indiana

Address: 8935 E 46th St, Parcel 4003610
Docket # 24 LAP 08
Hearing Date: December 17, 2024
Council District # 2 ~ Rick Wells

Petitioner: Chosen Lawrence Manor LLC, d.b.a. Hickory Treatment Center
c/o MAJH Holding Co LLC
11988 Fishers Crossing Dr, Suite 100
Fishers, IN 46038
317-808-5820

Agent: Kevin Buchheit
Krieg DeVault LLP
12800 N Meridian St, Suite 300
Carmel, IN 46032
317-808-5820
Kbuchheit@kdlegal.com

Owner: Same as Petitioner

Application:

On or before January 2020, the City of Indianapolis (the "City") conducted an administrative analysis and summarized its determination regarding similar land use classifications and the application of the Indianapolis-Marion County Consolidated Zoning/Subdivision Ordinance (the "Ordinance") to those classifications.

On January 16, 2020, the City issued its letter of administrative determination (the "Administrative Determination") that a "specialty type 'Substance Use Disorder Residential Addiction Treatment Facility'" is similar to a Nursing Home under the Ordinance.

In receipt of the Administrative Determination, Chosen Lawrence Manor LLC, d.b.a. Hickory Treatment Lawrence ("Hickory") established an addiction treatment facility on real estate located at 8935 East 46th Street (the "Property") in an existing building that legally hosted a former nursing home.

Hickory is filing this letter with the City of Lawrence Board of Zoning Appeals (the "Board") as its application for an Administrative Appeal under IC 36-7-4-918.1 in order to have the Board AFFIRM the Administrative Determination as it pertains to the Property.



Analysis:

This property is zoned D6. A Variance of Use was granted in the 1970's to allow a Nursing Home (SU6).

2020-2021 the property was remodeled. During the review of the plans, DPW communicated to the owner that the proposed use of a substance abuse treatment and rehabilitation center was not an approved use and would not be supported. After receiving a commitment from the owner that the use would remain as a nursing home the plans were released and construction ensued. Soon after the Certificate of Occupancy was issued the property owner began using the parcel as a substance abuse treatment and rehabilitation center.

DPW reported the violation to the City of Indianapolis for zoning enforcement on numerous occasions. Indy investigated and issued citations, which remain unpaid, and currently has a trial pending (LGL24-00414) with a Pre Trial-Conference scheduled for January 15, 2025.

LGL GENERAL 2

Case Type: Ordinance Violation
Plaintiff: MDC

Application Information Table

LGL VIOLATION TICKET

Violation: 730-505(a)(4) outdoor storage of vehicle/parts
Violation: 730-505(a)(7) activity not permit in zoning dist
Violation: 730-505(a)(8) failure to comply with dev standards



LGL COURT

Hearing Type:	PRE TRIAL CONFERENCE
Disposition:	Continued
Crt Room/Judge:	o CivD04 – Travis Sandifur
Crt Time:	k 1:00 PM
Crt Date:	08/14/2024
Crt Notes:	d counsel requested continuance
Hearing Type:	PRE TRIAL CONFERENCE
Disposition:	Continued
Crt Room/Judge:	o CivD33 – Travis Sandifur
Crt Time:	k 1:00 PM
Crt Date:	09/25/2024
Crt Notes:	D attorney sent letter to Lawrence BZA for approval
Hearing Type:	PRE TRIAL CONFERENCE
Disposition:	Continued
Crt Room/Judge:	o CivD33 – Travis Sandifur
Crt Time:	c 9:00 AM
Crt Date:	12/11/2024
Crt Notes:	Lawrence BZA hearing 12/17
Hearing Type:	PRE TRIAL CONFERENCE
Crt Room/Judge:	o CivD33 – Travis Sandifur
Crt Time:	c 9:00 AM
Crt Date:	01/15/2025

The petitioner provided a letter from the City of Indianapolis, dated January 16, 2020, "The Department of Metropolitan Development as has reviewed the Ordinance and applicable use-specific criteria for 'Nursing Homes' and determined that the proposed facility aligns with intent of the Ordinance".

Zoning Code permits a Nursing Home in a dwelling district; it does not permit a Substance Abuse Treatment Facility (SATF). SATF are permitted in commercial districts but must be located at least 500 feet from a protected district. This substance abuse treatment facility is surrounded by residential properties to the north, south, east and west and does not provide the 500 feet of separation required.

Definition:

Protected District. Specific classes of zoning districts that, because of their low intensity or the sensitive land uses permitted by them, require buffering and separation when abutted by certain more intense classifications of land use. A protected district does include any dwelling district, historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.



Opinion & Recommendation

It is the opinion of this review that the Petition for Administrative Determination should be denied.

Keith Johnson, Director of Redevelopment and Economic Development

Summary of the Subject Property Zoning Standards

Current Zoning Designation:	D3
Surrounding Property Zoning	
North:	D7
South:	D3
East:	D3
West:	D3
Current Land Use:	Commercial
Compact Context Area:	Metro
Transit-Oriented Overlay:	Yes
Relevant Code Sections:	Table 742-101-1 Primary Zoning Districts Special Use (SU) Districts Table 743-1 Use Table



City of
Lawrence
Indiana



January 16, 2020

Jay Chaudhary, JD
Director, Division of Mental Health and Addiction
Indiana Family and Social Services Administration

Mr. Chaudhary,

Research indicates that the proposed Hickory House facility was previously used as a nursing home facility defined in Consolidated Zoning Ordinance of Indianapolis-Marion County as:

Nursing Home (IRZ, 740-202): Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals that may include assisted living facilities, but does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This definition includes uses such as convalescent care.

The following use-specific standards would apply (IRZ, 743-302(J)):

J. Nursing Home

1. Nursing homes shall be licensed by the Indiana State Department of Health and obtain, comply with, and maintain any required license from the Marion County Public Health Department.
2. Nursing homes in dwelling districts shall be designed to be residential in character.
3. Nursing homes shall be designed with appropriate access and maneuverability for emergency vehicles.

It is our understanding that Hickory House intends to pursue Indiana State Licensure under "specialty type 'Substance Use Disorder Residential Addiction Treatment Facility' to provide ASAM level 3.5 residential services. Per ASAM standards, level 3.5 residential treatment provides high intensity clinically focused services for individuals with substance use disorder who require less medical and clinical support than an inpatient hospital setting but more medical and clinical support than an outpatient setting." (Feder, 1.9.2020). The Department of Metropolitan Development as has reviewed the Ordinance and applicable use-specific criteria for 'Nursing Homes' and determined that the proposed facility aligns with intent of the Ordinance. Any expansion, alteration or addition of new facilities or uses will require further review by the Department of Metropolitan Development. The renovation of the facility and/or new construction shall be in compliance with all applicable building codes and permitting procedures.

Cordially,

A handwritten signature in black ink, appearing to read "Shannon Norman", is written over a light blue horizontal line.

Shannon Norman, Principal Planner II--Ordinances





Table 742-101-1: Primary Zoning Districts

Special Use (SU) Districts

SU-1	Religious Use
SU-2	School
SU-3	Golf Course
SU-5	Radio Receiving or Broadcasting Tower
SU-6	Hospital, Sanitarium, Nursing Home
SU-7	Charitable Institution
SU-8	Correctional or Penal Institution, Diversion Center
SU-9	Government Buildings or Grounds
SU-10	Cemetery
SU-13	Sanitary Landfill
SU-16	Indoor or Outdoor Entertainment or Recreation
SU-18	Light or Power Substation
SU-20	Telephone Exchange Offices
SU-23	Permanent Sand or Gravel Plant

Continued

Special Use (SU) Districts

SU-28	Petroleum Refinery and Storage
SU-34	Club Room or Ballroom
SU-35	Telecommunications Tower
SU-37	Library
SU-38	Community Center
SU-39	Water Tank
SU-41	Sewage/Garbage Disposal Plant
SU-42	Gas Utility
SU-43	Power Transmission Lines
SU-44	Off-track Mutuel Wagering Facilities
SU-45	Zoo
SU-46	Airport



Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V= 'P' if Vacant for 5 consecutive years

A = Accessory use
T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5ll	D-6	D-6ll	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
LAND USE CATEGORY																																
RESIDENTIAL USES																																
Household Living																																
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P				P				V	V	V	V				P									Article III, Section 02, A
Manufactured Home on a lot platted before 7-1-82	S	S	S	S	S	S	S	S				S																				Article III, Section 02, B
Manufactured Home on a lot platted on or after 7-1-82	S	S	S	S	P	P	P	P				S																				Article III, Section 02, B
Two-Family Dwelling				P	P	P	P	P	P	P	P	P				V	V	V	V				P									Article III, Section 02, C
Triplex or Fourplex									P	P	P	P				V	V	V	V			P	P									Article III, Section 02, D
Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)								P	P	P	P	P				V	V	V	V			P	P							P	P	Article III, Section 02, E
Multifamily Dwellings (five or more units)									P	P	P	P	P	P		V	V	V	V		P	P	P	P					P	P	P	
Live/Work Unit																V	V	V	V		P	P	P	P					P	P	P	Article III, Section 02, F
Mobile Dwelling															P																	See Chapter 742, Article I, Section 03, L
Group Living																																
Assisted Living Facility									P	P	P	S	P	P		P					P	P	P	P								Article III, Section 02, G
Emergency Shelter, Daily																	P	P	P	P										S		Article III, Section 02, H
Group Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	V	V	V	V		P	P	P						P	P		Article III, Section 02, I
Nursing Home									P	P	P	S	P	P		P	P					P										Article III, Section 02, J
Transitional Living Quarters									P	P	P	S	P	P							A		A	A								Article III, Section 02, K

J. Nursing Home

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Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards	
LAND USE CATEGORY																																	
Medical or Dental Laboratories																P	P	P	P	P			P	P	P	P	P	P					
Methadone Clinic or Treatment Facility																		S	S	S										S			Article III. Section 03.H
Plasma (Blood) Center																S	P	P	P				S	S					S	S			
Substance Abuse Treatment Facility																		P	P	P									P			Article III. Section 03. I	
AGRICULTURAL, ANIMAL RELATED, and FOOD PRODUCTION USES																																	
Agricultural Machinery and Equipment Sales, Rental or Repair																				P							P	P					
Agricultural Uses, Buildings and Structures	P																	V	V							P	P	P	P			Article III. Section 04. A	
Animal Care, Boarding, Veterinarian Services	P																P	P	P	P	A	P	P	P	P	P			P		Article III. Section 04. B		
Artisan Food and Beverage																	P	P	P	P	A	P	P	P	V	V			P	P	P	Article III. Section 04. C	
Farmers' Market	A																P	P	P				P	A	A				P	T	T	Article III. Section 04. D	
Garden as a Primary Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A	A	P	P	P	P	A	P	P	Article III. Section 04. E	
Processing, and Packaging of Food and Beverages																										S	P	P	P				
Stock Yards and Processing of Stock																												S					

I. Substance Abuse Treatment Facility

In the C-4, C-5, and C-7 districts, substance abuse treatment facilities shall not be located within 500 feet, measured in any direction, of any protected district or any Indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 740-308 and Section 743-301)



Aerial:





Zoning Base Map:

