

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV2-002
Address: 6627 Mann Road (approximate address)
Location: Decatur Township, Council District #20
Zoning: D-A (FF) (FW)
Petitioner: Dennis Brackenridge, by Aaron McGee
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way), with one of the secondary dwellings being taller than the primary dwelling (not permitted), on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

June 13, 2023

Due to an error related to publication of the notice, this petition was continued to another hearing of Division II, with additional notice.

This petition was automatically continued **from the April 13, 2023 hearing to the May 16, 2023 hearing.**

RECOMMENDATIONS

Staff recommends approval of the request with the following commitments:

1. Approval of the variance will be subject to the plan of operation file dated April 20, 2023.
2. No recreational vehicles are permitted except for personal use or property maintenance.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-A	Metro	Single-Family Residential and Agricultural
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SURROUNDING ZONING AND LAND USE

North	D-A	Agriculture
South	D-A	Single-Family Residential
East	SU-13	Undeveloped / White River
West	D-7 / C-4	Multi-Family Residential / Undeveloped

LAND USE PLAN

The Comprehensive Plan recommends Rural or Estate Neighborhood and Floodway development.

(Continued)

STAFF REPORT 2023-UV2-002 (Continued)

- ◇ The subject site is approximately 25 acres and within the floodplain along the White River. The site is developed with a single-family dwelling and accessory structures, one secondary dwelling, and a barn for boarding livestock. The rear of the property is on the bank of the White River. This site also contains Mann Creek and a tributary stream, and a pond. Much of the site is covered by existing trees and vegetation.

VARIANCE OF USE

- ◇ This request would provide for the construction of five secondary dwellings, on a lot where the property owner does not maintain their permanent residence for use as part of a commercial campground.
- ◇ The land use recommendation for this site is Rural or Estate Neighborhood with the environmentally sensitive overlay for the floodway. This typology may include bed and breakfast uses, which are comparable to the camping use proposed. The camping use per the plan of operation would be limited to cabin rentals (the proposed secondary dwellings) and existing house. The floodway overlay would limit the area of developable land. The proximity to rivers and streams would support recreational activities such as walking trails, docks, and picnic shelters. Therefore, staff would not be opposed to recreational use for this site.
- ◇ Staff would note that it would be preferable to rezone this site to the SU-16 district for outdoor recreation; however, the existing single-family dwelling and agricultural use would necessitate that at least part of the site should remain within the D-A zoning district. Much of this site is within the floodplain, which limits the development potential of the site. Staff discussed the possibility of rezoning, and subdividing the property to retain the single-family and agricultural use, but the limits of the floodplain would require an additional variance of development standards to have less than the minimum three acres for a lot in the D-A district. Given the constraints of the site and the existing agricultural use, staff would not oppose a variance of use instead of a companion rezoning, plat, and variance of development standards.
- ◇ The use-specific standards for secondary dwellings limit one secondary dwelling per lot developed with a single-family dwelling, and the primary or secondary dwelling must be the property owner's primary residence. Given that the purpose of these secondary dwellings is for a campground use instead of a primary residence, staff is not opposed to a variance where the property owner does not reside in one of the proposed dwellings.
- ◇ The secondary dwellings proposed are rental cabins for a commercial campground use, but they are classified as secondary dwellings due to the retention of the dwelling district zoning and existing primary dwelling. Staff is not opposed to the variance to permit additional dwelling structures where they are associated with a commercial campground.
- ◇ Staff would note that there is a planned greenway at the rear of this site—White River Greenway. Staff would highly recommend a land dedication for construction of this greenway in the future.

(Continued)

STAFF REPORT 2023-UV2-002 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for five secondary dwellings with entries not visible from the right-of-way. The ordinance also requires that accessory structures must be located no closer to the front yard than the primary structure. The existing setbacks and topography of the site limit the visibility of any structure located behind the existing dwelling and barn. Staff believes the existing conditions create a practical difficulty in meeting the ordinance and therefore would not be opposed to this variance.
- ◇ This request would provide for one of the secondary dwellings being taller than the primary dwelling. The existing site has hilly topography, and one proposed secondary dwelling would be taller than the primary dwelling. The purpose of this standard is so that secondary structures will be clearly subordinate to the primary dwelling. This proposed secondary dwelling is only 574 square feet, which is well below the maximum 720 square feet permitted for a secondary dwelling. The existing primary dwelling is a one-story ranch style house with a low roofline. The proposed secondary dwelling is also one story, but is situated on a slope that would result in it being taller than the primary dwelling. Staff would not be opposed to a variance for a secondary dwelling taller than the primary dwelling where it is affected by topography changes and the secondary dwelling is a one-story structure.

GENERAL INFORMATION

THOROUGHFARE PLAN	Mann Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing right-of-way and a 119-foot proposed right-of-way.
SITE PLAN	File-dated March 7, 2023
PLAN OF OPERATION	File-dated April 20, 2023
FINDINGS OF FACT	File-dated March 7, 2023

ZONING HISTORY – SITE

EXISTING VIOLATIONS: VIO23-001443, failure to obtain an Improvement Location Permit when one is required; the conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district: outdoor recreation and/or camping grounds is not a permitted use in the D-A zoning district; only one secondary dwelling unit is permitted per single family detached dwelling; use of a commercial dumpster is not a permitted accessory use in the D-A zoning district; the height of any accessory building or minor residential structure shall be less than the height of the primary building.

PREVIOUS CASES: None

ZONING HISTORY – VICINITY

2018-ZON-082, 5500 Mills Road, rezoning of 9.363 acres from the D-7 and D-6II districts to the C-3 district, **approved**.

2014-UV2-008, 6501 Mann Road, variance to provide for a wireless communications facility, with a 145-foot-tall monopole, topped by a five-foot-tall lighting rod, with accessory equipment cabinets, **withdrawn**.

2013-ZON-016, 5500 Milles Road, rezoning of 15.52 acres from the D-7, D-11, and C-4 districts to the C-S classification, **approved**.

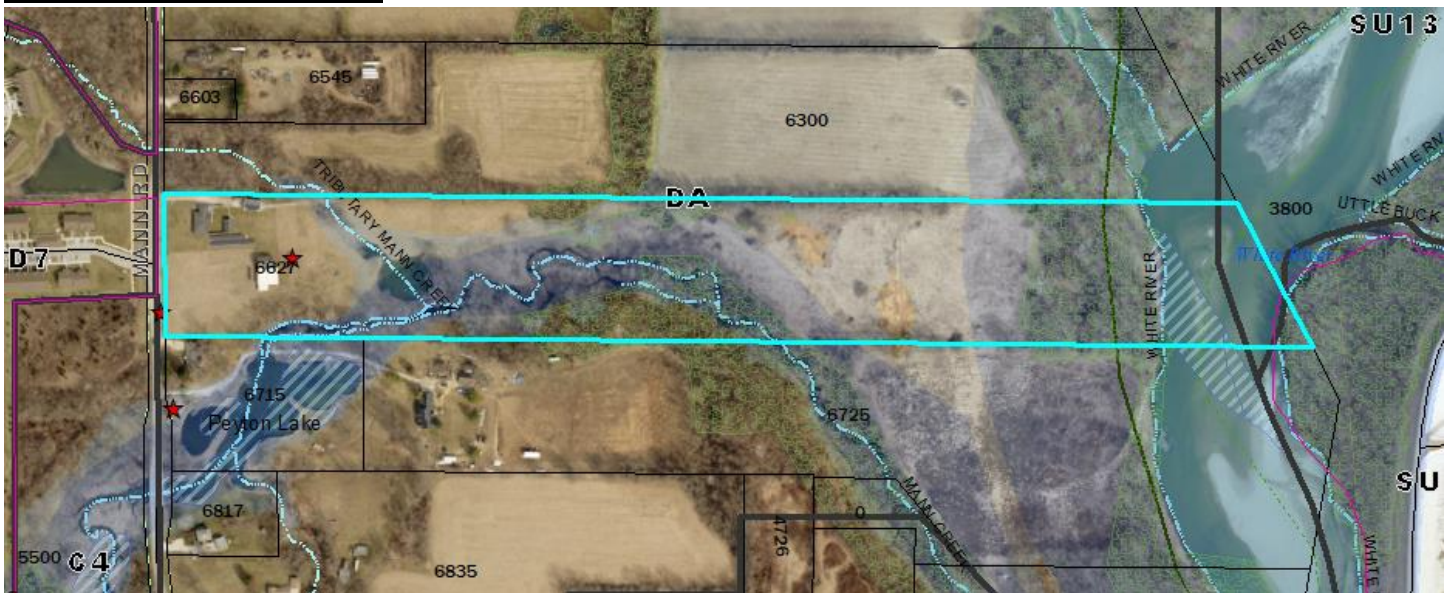
2000-ZON-098, 5500 Mills Road, rezoning of 97 acres from the D-A district to the D-P district, withdrawn.

97-UV3- 86, 6715 Mann Road, variance to provide for a second single-family dwelling on one lot, **approved**.

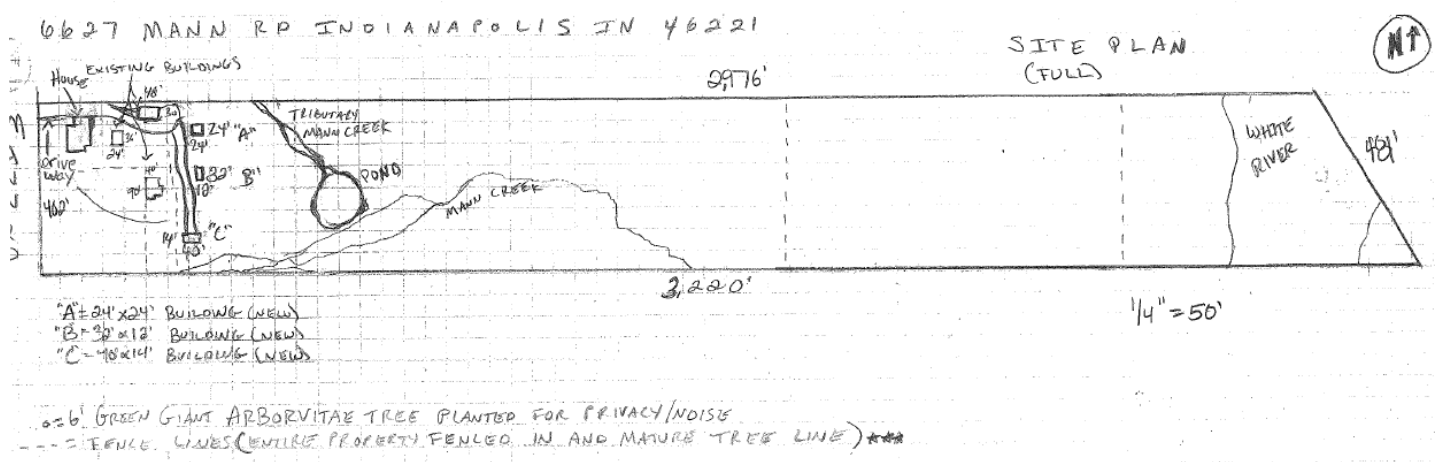
83-V3-109, 6725 Mann Road, variance to provide for the construction of a single-family dwelling and detached garage on a lot with no public street frontage, **approved**.

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2023-UV2-002 Aerial Map

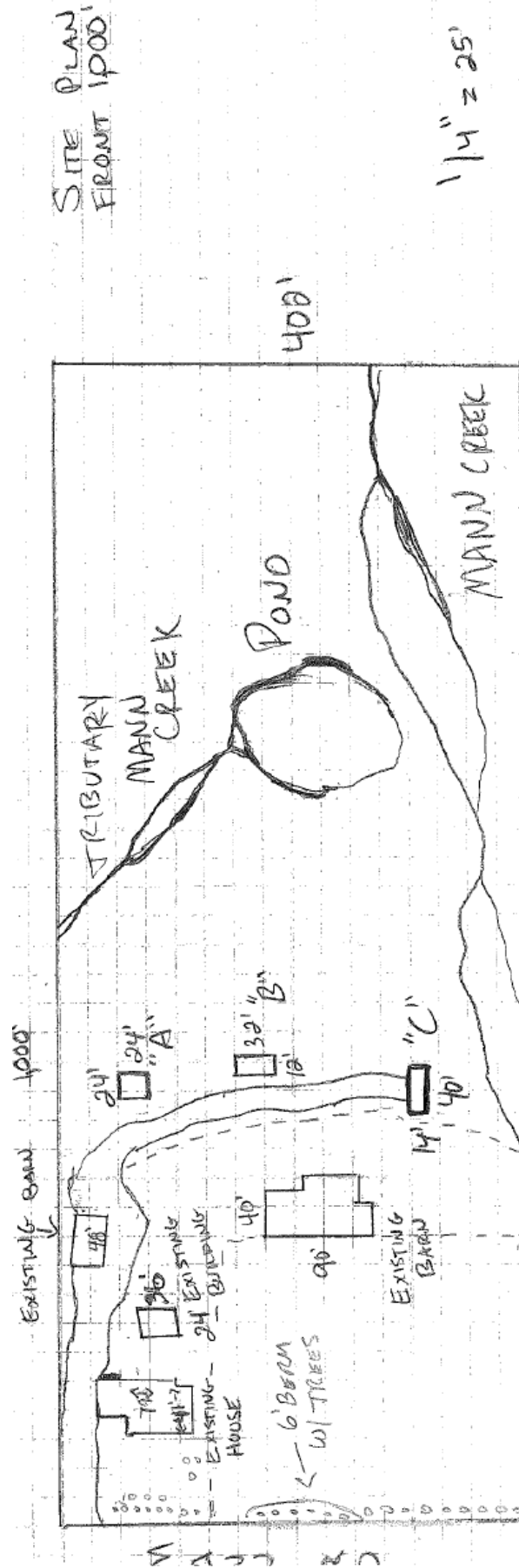


2023-UV2-002 Site Plan



2023-UV2-002 Site Plan Detail

Image Not to Scale



2023-UV2-002 Plan of Operation

PLAN OF OPERATION

6627 Mann Rd. Indianapolis IN 46221

April 20, 2023

Introduction

The long-term goal of Nature Stay Getaways is to offer temporary short-term lodging, and vacationers get-away from all the hustle and bustle of everyday life. Nature Stay Getaways specializes in personalized service. It's unique location is one of the most attractive parts of Indianapolis. We plan to be more than a great lodging and vacationer's paradise. We plan to create an environment of leisure that surpasses the standard weekend retreat for Indianapolis. All while keeping our beautiful 60-acre property a natural green space and wildlife natural habitat on the majority of the property. The front 3 acres out of the floodplain will remain agriculturally used for horse stables and animals.

Location

Nature Stay Getaways is located along the white river just north of southwest way park. A great central location between our downtown and the Indianapolis airport.

Operation

Nature Stay Getaways is an established short term vacation rental operation and has been in business for the last 4 years. After taking possession of our 35 acres and our first short term rental nearly 5 years ago, we added a Ranch house and 25 acres next door to our current establishment.

This summer we plan on adding three new cabins, and possibly 1 more in the future. No more than 5 total cabins on the property.

Check in hours are between 4 pm and 10 pm. Check out is before 10 am.

Mandatory quiet hours are after 10 pm

All campfires are only to be in designated brick fire pits. Fires must be attended to at all times, and put out when no one is present.

Stays are to be 14 days or less. No long term stays.

2 parking spots per cabin.

A dumpster will be on site for all trash. Part of cleaners duties is to keep trash picked up including along Mann Road where litter has become a major issue for our community.

Cabins will tie into septic system.

No parties allowed

Cabins are mainly for 2 people but can accommodate up to 4 adults above the age of 16 plus children.

Staff will include 3 cleaners and 1 maintenance man. Owners also live next door to oversee and be available after hours, if needed. Staff will be present typically from 7 am to 7 pm.

Our Services

Each of our luxury cabins are furnished with a king or queen bed in the bedroom. They also include a kitchen, living room and full bathroom. Each cabin has its own designated hot tub. TVs in the living room and bedroom. They will have Wi-Fi, Board games, and a fireplace.

There is an outdoor grill and seating area at each location.

Designated walking trails near the river, lake, creeks, pond, and wooded area.

Fishing in the private lake and pond. As well as the river for guests with fishing license.

(Continued)

2023-UV2-002 Plan of Operation (Continued)

Bird watching with Herron, geese, ducks, and eagles visiting commonly.

Guests can visit the flower fields and our unique garden with pavilion.

Designated picnic tables and seating areas.

We offer a guided farm animal experience with opportunities for photos and to learn about the animals.

The Market

Nature Stay Getaways target market strategy is based on becoming a destination of choice for people searching for a rustic place to relax or recharge. The target markets that we are going to pursue are people or families looking for a vacation destination, honeymooners, family reunions, local get aways and anyone else who loves nature. Our country style setting and facilities are a natural choice for couples or small families to visit with having so many outdoor things to do along the white river. Our major customer segments are tourists, locals, and anyone looking to enjoy nature from all over the United States.

2023-UV2-002; Findings of Fact

**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:

There will be no farm/ environmental waste created on the property preventing further pollution to the White River.

There will be environmental benefits to keeping landscape natural along the river. The conservation Reserve enhancement

Program's critical area will be honored.

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:

There are three existing similarly operated properties within one mile of the property. There will be minimal

additional traffic. There are supportive neighbors. The petitioner lives in the adjacent

property and is invested in orderly operation. The property is bordered by trees as well as fencing.

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

There is limited developable area due to floodplain consuming 90% of the property. Rezoning and platting would require

multiple Variances for development standards due to D-A having 3 acre minimum and only 3 of the 25 acre parcel

are not in floodplain. The comprehensive plan supports recreation on riverfront properties.

2023-UV2-002; Photographs



Existing primary dwelling, looking east



Existing front yard, looking south



Existing front yard and west of site, looking west



Distance from existing solar panels to Mann Road, looking west



Picnic area behind the primary dwelling



Solar panels on side/rear yard, looking east



Existing barn and livestock recreation area, looking east



Existing secondary dwelling remodeled from an accessory building, looking south



Existing patio behind the secondary dwelling



Accessory storage building for lawn maintenance equipment, looking west



Secondary dwelling cabin—taller than the primary dwelling, looking east



Secondary dwelling cabin, looking east



Stream and pond, looking east



Stream and pond, looking east



Secondary dwelling cabin, looking south



Location of proposed campfire area, looking east



South of site (petitioner's residence)



Existing barn and livestock, looking west



Existing barn and accessory storage building, looking north



Utility meter, looking west



Existing barn, looking south