

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2025

Case Number: 2024-CVR-855 / 2024-CPL-855

Property Address: 1527 East 12th Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Tyler and Natalie Sadek, by Paul Lambie

Current Zoning: D-8 (FF) (FW)
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the stream protection corridor (not permitted).
Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three lots.

Current Land Use: Undeveloped

Staff Recommendations: **Split**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM MAY 15, 2025 HEARING EXAMINER

The petitioner submitted an amended site plan, which includes a 25-foot buffer from Pogue's Run, based on the soil report from Marion County Soil & Water Conservation District. However, staff believes the current site plan does not demonstrate practical difficulty. Alternative configurations of the site plan exist that would allow development while complying with the Stream Protection Corridor, thus the hardship criteria cannot be satisfied.

Therefore, staff still **recommends denial** of the Variance of Development Standards request to build within 60 feet of the Stream Protection Corridor.

Staff recommends **approval** of the Variance of Development Standards request from the front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 19, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. The plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

ADDENDUM APRIL 10, 2025 HEARING EXAMINER

This is petition was continued from the March 27, 2025 hearing to the April 10, 2025 hearing.

This petition was continued for cause from April 10, 2025 hearing to the May 15, 2025 hearing at the request of remonstrator. To allow additional time for Marion County Soil & Water Conservation District to review the site.

ADDENDUM MARCH 27, 2025 HEARING EXAMINER

This petition was continued for cause to continue this matter from the February 27, 2025 hearing to the March 27, 2025 hearing to allow additional time to review the building plans and if new notice is needed.

A variance request was added to allow the building within 60 feet of the stream protection corridor.

ADDENDUM FEBRUARY 27, 2025 HEARING EXAMINER

This petition was continued from the January 23, 2025 hearing to the February 27, 2025 hearing.

JANUARY 23, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of the Variance request from **744-205**, to allow for construction in the stream protection corridor.

Staff recommends **approval** of the Variance request from **744-701**, to allow an increase in the front building line.

Staff recommends that the Hearing Examiner **approval** and find that the plat, file-dated 3/19/2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
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PETITION OVERVIEW

LAND USE

The 19.89-acre subject is currently an undeveloped residential use.

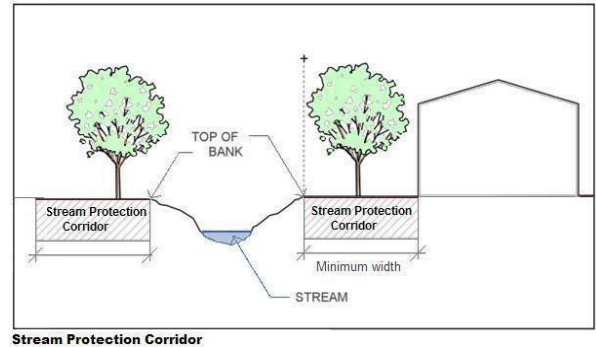
VARIANCE OF DEVELOPMENT STANDARDS

The petition has requested two (2) variances of development standards.

This petitioner is seeking relief from section from ordinance Table 744-701-2, to increase the maximum front building line to 210, the current build range is 10' to 19.9', this would be an increase of 190.'

This petition is seeking relief from section from ordinance Table 744-205-2, to allow construction of the residential building unit within 60' of the stream protection corridor.

Table 744-205-1: Stream Protection Corridor Widths		
Context Area	Category One Streams	Category Two (Other Mapped Streams)
Compact	60 feet	25 feet
Metro	100 feet	50 feet



PLAT

The plat would replat Milligan's Park Lane Addition L29, dividing 1.878 acres into three lots. The proposed plat would meet the standards of the D-8 district except for development standards introduced in the companion variance request.

STREETS

Lots One, Two and Three have frontage of off 12th street, no new street is proposed.

SIDEWALKS

Sidewalks are existing along 12th Street.

STAFF ANALYSIS

The petitioner's request to plat three (3) lots represents minimal density compared to the surrounding neighborhood pattern. Given the property's unique physical conditions that significantly limit development options, staff recommends **approval** of the Development Standards Variance.

Staff recommends **denial** of the intrusion into the Stream Protection Corridor. The function of the Stream Protection Corridor is to control erosion, improve water quality, provide flood storage, and preserve habitat and aesthetics. No hardship exists as the petitioner can still reasonably develop the property without encroachment, as demonstrated in Petitioner's Exhibit B, without the granting of this variance.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	Zoning	Land Use

North:	D-8	Residential (Single-family dwellings)
South:	D-3	Residential (Single-family dwellings)
East:	D-8	Residential (Single-family dwellings)
West:	D-8	Residential (Single-family dwellings)
Thoroughfare Plan		
12 th Street	Local Street	48-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/10/2024	
Site Plan (Amended)	3/19/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/10/2024	
Findings of Fact (Amended)	3/19/2025	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends **Large-Scale Parks** are generally over 10 acres in size.
 - Due to the nature of this typology, it does not have any recommended land uses

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

- **SITE CONFIGURATION**

- **Front Setbacks**

- 1. When Setbacks are Different, Build in the 'Setback Range'
 - If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses

- **Building Orientation**

- Orient Towards the Street Orient the front façade of a house in the same direction as other houses on the street. Avoid single buildings which turn away from the street and give the appearance that the street façade is not the front façade

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Vicinity

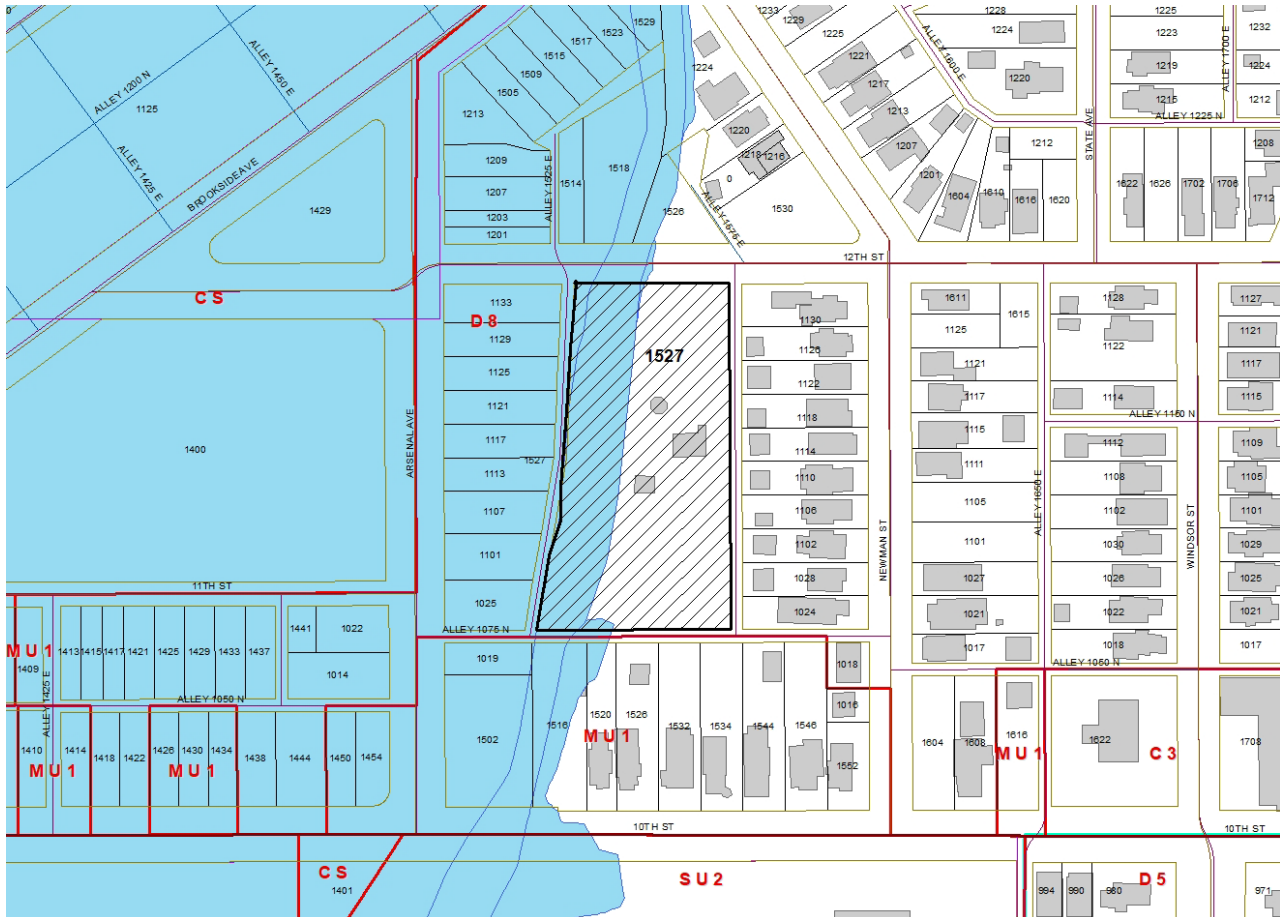
2020ZON027; 1018 Newman Street (southeast of site), Rezoning of 0.06 acre from the MU-1 district to the D-8 district, **approved**.

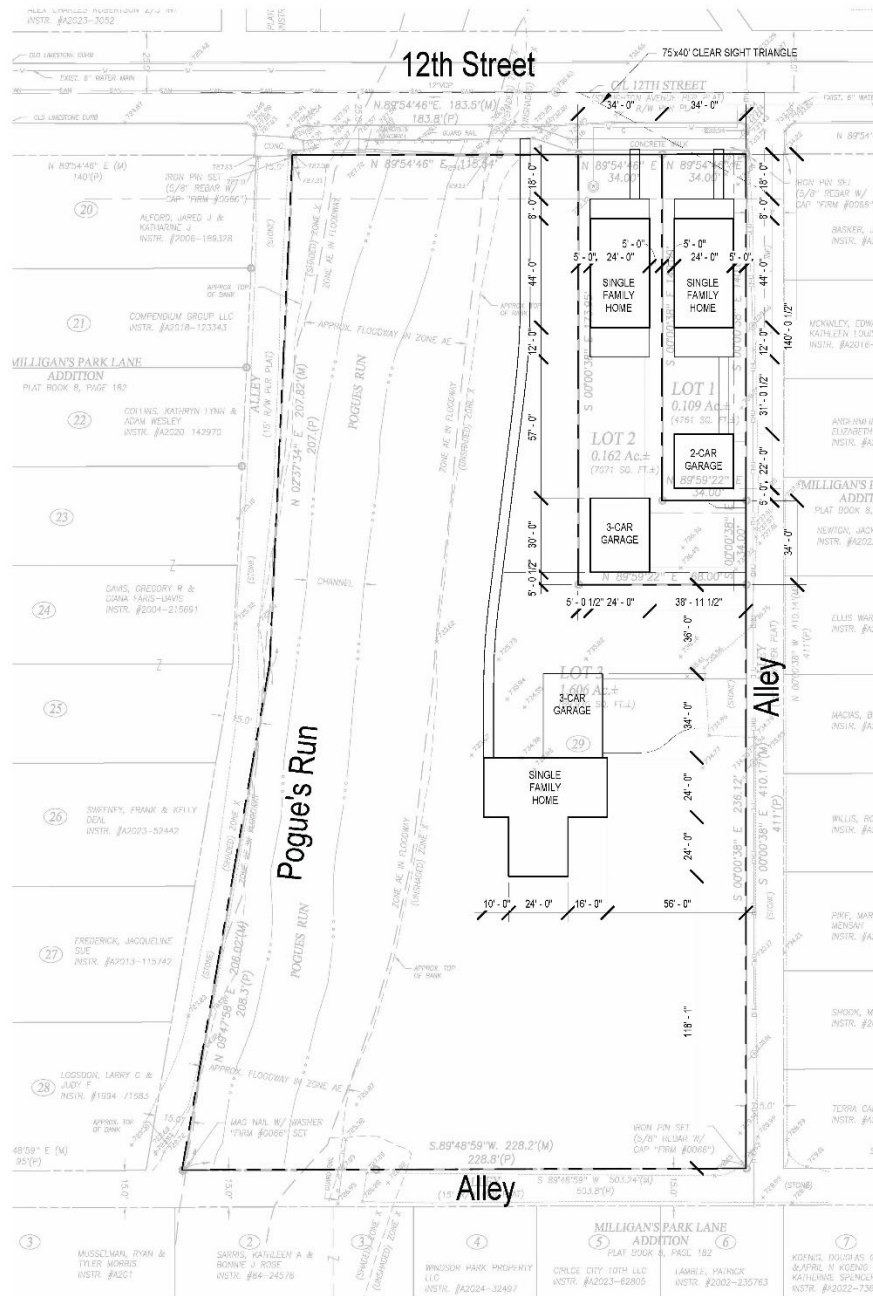
2019CN801; 1436 E 10th Street (west of site), Rezoning of 0.27 acre from the MU-1 district to the D-8 district to provide for the construction of three single-family dwellings, with detached garages, **approved**.

2018ZON124; 1604 E 10th Street (southeast of site), Rezoning of 0.37 acre from the MU-1 district to the D-8 classification, **approved**.

92-Z-138/ 92-CV-18; 1125 Brookside Avenue (west of site), Rezoning of 16.7 acres, being in the I-4-U, PK-1, C-2, and D-8 Districts, to the C-S classification to provide for manufacturing, receiving, storage, distribution, and offices within an existing building, **approved**

EXHIBITS





Floor Plan
1 Site Plan
 1" = 40'-0"

WOVE



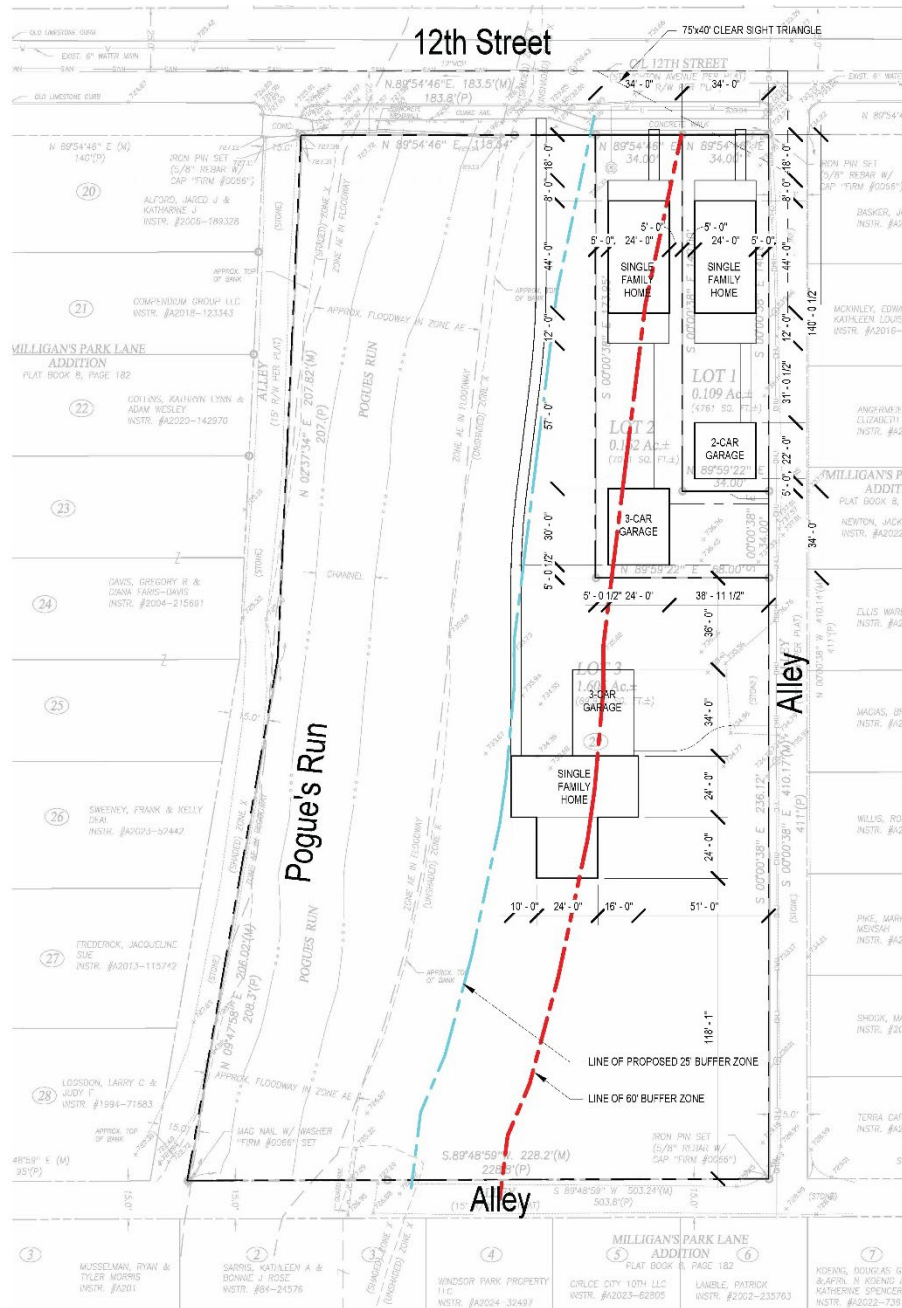
0 20' 40' 80'
 SCALE: 1" = 40'-0"

1527 Development
 1527 E. 12th Street, Indianapolis

SD001

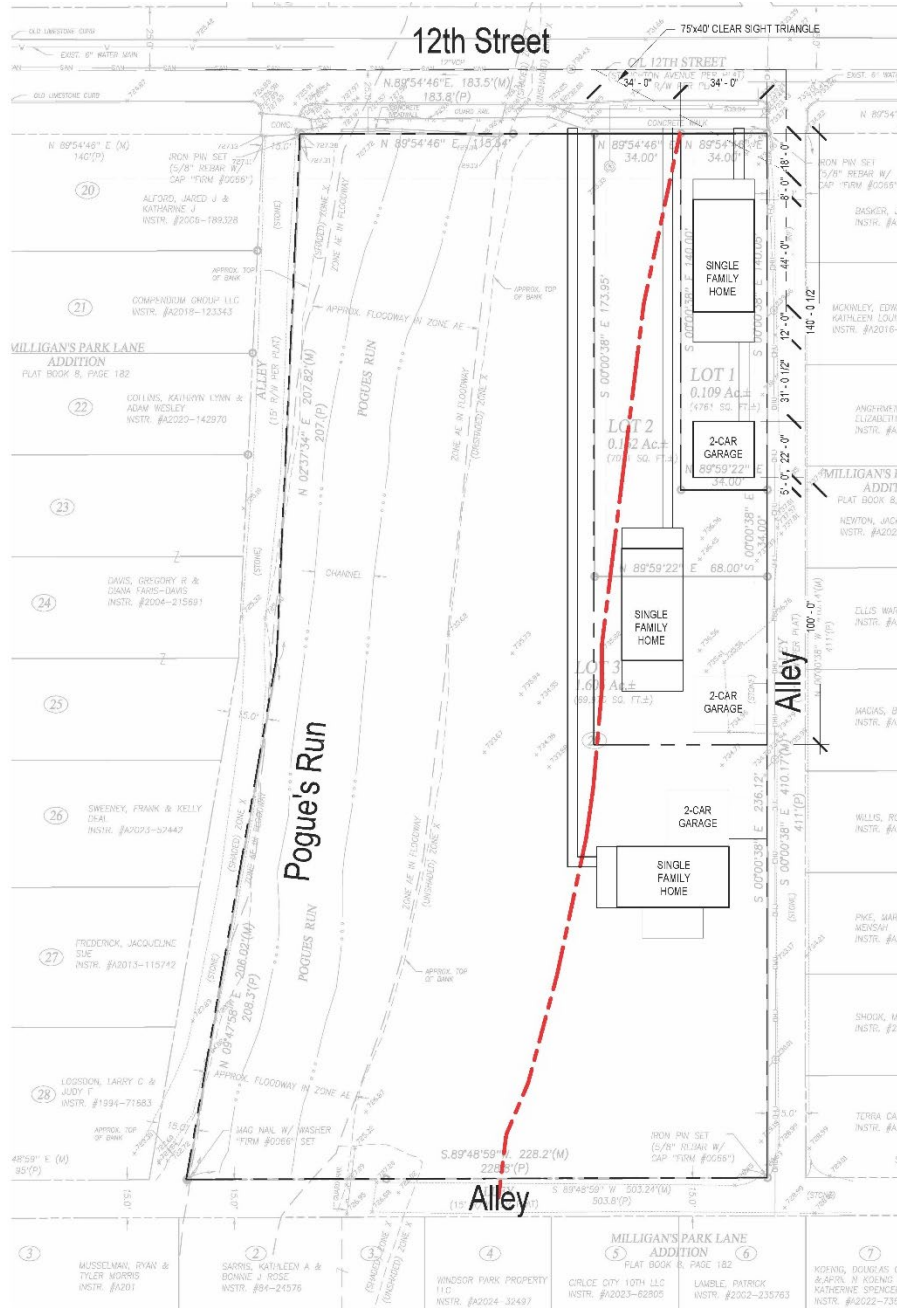
11.13.24

Figure 1 Original Site Plan 12.10.2024



Floor Plan
 1 Site Plan
 1" = 40'-0"

Figure 2 New Site Plan 5.1.2024



Floor Plan
1 Site Plan
 1" = 40'-0"

Figure 3 Complaint to Stream Protection Corridor



View look at the ally access



Looking at the residence across from subject site



From the ally looking at subject site



From the ally looking at subject site From the 12th street looking west



View of trees, from 12th street looking at subject parcel



View from alley looking at 12th street.

STREAM PROTECTION CORRIDOR VARIANCE

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

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:

significant mature trees and vegetation will remain in the stream protection corridor and supplemental plantings will be added as warranted to mitigate any impact from the proposed building encroachments.

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 proposed development will be consistent with the development pattern of the neighborhoods where buildings set back less than sixty feet (60') from the top of the stream bank are commonplace.

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

it would render more than half of the nearly two-acre site unbuildable and would either require the site to remain as one parcel, which is an unrealistically large size for an urban residential parcel, or it would require multiple homes to be all built along the far eastern side of the property with limited or no visibility from a public street.



FRONT BUILDING LINE VARIANCE

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

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 proposed dwelling will be in the general longstanding historical location of a previous dwelling, and dwellings to be built on the two adjacent lots to be platted will be built at the required build-to range, so that the resulting development will give the appearance that is intended by the zoning ordinance.

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 location of the proposed dwelling will be generally consistent with the longstanding location of the previous dwelling on uniquely shaped and sized property.

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

the depth of this longstanding platted parcel is several times deeper than the typical urban lot, and building a dwelling with a greater setback is more typical and desirable for a lot of such depth which is similar to an estate type lot.



MISSION

The Mission of the Marion County Soil & Water Conservation District is to assist Marion County land users in conserving soil, water, and related natural resources by providing technical, financial and educational services.

Contact

PHONE:
317-786-1776

WEBSITE:
www.marionswcd.org

EMAIL:
robert-kendall@iaswcd.org
(Questions regarding Construction Stormwater General Permit compliance & erosion concerns)

julie-farr@iaswcd.org
(Questions on soil types, drainage, ponds & other natural resource issues)

ADDRESS

Marion County SWCD
200 E. Washington St., Suite 1401
Indianapolis, IN 46204

PRELIMINARY PLAT REVIEW

Lot 29- Milligan's Park Lane Addition

GENERAL COMMENTS

The Marion County SWCD is available to assist landowners and developers with their land use decisions. Much of what is left of undeveloped land in our county has some major limitations for urban land use. Many of these acres have seasonally high groundwater tables, are in flood zones, are highly erodible or contain environmentally sensitive areas. The SWCD has been actively involved in helping landowners make wise land use decisions for 50 years. We would be happy to assist you also, ensuring that your development becomes the best it can be. Please review this report as you are making your final decisions and contact us for further information.

SOIL TYPES & DRAINAGE RECOMMENDATIONS

- **Urban Miami complex (YmaB)*** - consists of deep, nearly level to moderately steep, moderately well-drained soils that may be eroded. In some areas glacial till may be close to the surface and seeps or springs may be present. Side yard drainage swales should be graded to provide at least 1% fall and 4:1 side slopes for ease of maintenance. Foundations should be set at least 18" above street level. Building foundations should be graded away from the building should provide at least 6" of fall within the first 10 feet. Downspouts should be extended out 10' from the foundation. If seeps or springs are present basements should be provided with a gravity drained subsurface drainage tile. Supplementary erosion control protection should be installed on steep erosive slopes.
- Urban soil types are so altered and obscured by public works and structures that identification of the soils is not feasible. The descriptions above are approximate based on the original soil. Compaction, filling and other alterations may affect the ability of these soils to drain properly.

- **Urban Genesee Silt Loam (YguAH)-** This well drained soil has a seasonal high watertable at 4.0 to 6.0 ft. and is on floodplains. Slopes are 0 to 2 percent. The native vegetation is hardwoods. The surface layer is silt loam and has moderate organic matter content (2.0 to 4.0 percent). Permeability is moderate (0.6 to 2 in/hr) in the most restrictive layer above 60 inches. Available water capacity is high (11.6 inches in the upper 60 inches). The pH of the surface layer in non-limed areas is 6.6 to 7.8. The flooding hazard is a management concerns for crop production. Because of the flooding hazard, this soil has a severe limitation for most non-ag uses. **We highly recommend that floodplains be left undisturbed and set aside as green space or farmland.**

DOWNSTREAM LIMITATIONS/CONCERNS

The drainage for the project area is predominately by storm sewers. It is vitally important to maintain good erosion control to keep sediment from entering the storm sewer system. Please provide adequate erosion control measures throughout the project and ensure that they are well maintained. For assistance please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

The receiving waters for this construction project is Pogues Run. Protection of this stream is vital to adequate drainage of the watershed and the preservation of wildlife habitats and natural resources in the area. Provide an adequate emergency protection plan for soil & water resources in case of spills. Please also provide adequate erosion control measures throughout the project and ensure that they are well maintained. For assistance please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

SUGGESTED PROTECTIVE BUFFER LOCATIONS

Naturally vegetated buffer strips along lakes, ponds, streams and wetlands are critical to the health of these water bodies. Buffers provide protection by filtering runoff water, helping with shoreline stabilization, preserving fish & wildlife habitat, and discouraging overuse by geese. We highly recommend the use of buffer strips of at least 25 feet in width or over 50 feet for sensitive areas such as wetlands. Choosing native species is preferred. For more information & suggested plant lists see our website: <http://marionswcd.org/water-quality/>

EROSION CONTROL RECOMMENDATIONS

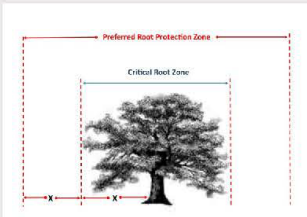
This project contains areas of highly erodible soils. It is imperative that these slopes are well protected at all times during the project and well vegetated after the construction process is complete. Frequent inspections, especially after rainfall events and quick response to maintenance to all erosion control measures must be a high priority on this site. Our office is available to provide technical assistance. Please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

SENSITIVE AREA PROTECTION

The area downstream from this project area is known to have flooding or drainage problems. Please ensure that development is done in such a way that adequate storage is provided and the outlet is adequate to receive the drainage.

This project contains areas of highly permeable soils. Please ensure that extra precautions are taken to protect groundwater resources.

TREE PROTECTION & PLANTING



Tree Protection

Preserving & protecting existing quality trees on a construction site can enhance the aesthetics of a property, protect natural resources including soil & water, and can save the expense of planting new smaller-grade trees on the back end of the project. Protect trees by fencing off and posting preservation areas around the trees. Protecting the tree root zones from compaction and stockpiled topsoil (which can suffocate the trees) is vital to maintaining tree health during construction. While protecting the roots out to the drip line of the tree is essential, protecting the roots that extend beyond this area is preferred. The preferred tree protection zone is calculated by measuring the distance from the trunk to the edge of the dripline (critical root zone) and adding that distance outside of the critical root zone area. (2X in diagram at left)

Tree Planting

Planting trees is a wise investment for the future. Trees provide many benefits aesthetically, environmentally and socially. Choosing the right tree for the intended location is a critical component in assuring healthy mature trees for the future. Consider the mature height & width of the tree species, the soil type, microclimate, & proximity to other trees, buildings & utilities when making selections. Trees are often planted too close to buildings, streets and sidewalks because their future root zone is not considered. We highly recommend choosing native species because of their natural resistance to disease and being well-acclimated to our local climate.

Our website has a number of resources to help you make good choices. <http://marionswcd.org/trees/>

RAIN GARDENS & BIOSWALES

We highly recommend using rain gardens and bioswales in new developments to assist in protecting water quality and reducing offsite runoff. Please refer to our website for more information on these practices: <http://marionswcd.org/water-management/>

NATIVE PLANTINGS

We highly recommend that new developments consider using native plant species in their landscapes. Native plants are non-invasive, provide wildlife food & habitat, are well suited to our soils and climate, and have a natural resistance to insects & diseases often found in our area. A fact sheet is available on our website which gives more information on native species: <http://marionswcd.org/plants/>



**Department of Metropolitan Development
Division of Planning
Current Planning**