

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2025

Case Number: 2025-CPL-805/ 2025-CVR-805

Property Address: 7515 Camby Road (Approximate Address)

Location: Decatur Township, Council District #21

Petitioner: Abigail Wojciechowski, by David Gilman

Current Zoning: D-3

Approval of a Subdivision Plat to be known as Speer's Camby Retreat, dividing 6.686 acres into three lots.

Waiver of the Subdivision Regulations Chapter 741-306 sidewalk requirement along Camby Road (Sidewalks required)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot width required), and to provide for on-site septic systems for each lot (public sewer facility required) and to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

Current Land Use: Residential

**Staff
Recommendations:** **Denial**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER

This petition was continued from the April 24, 2025 hearing to the May 15, 2025 hearing at the request of the petitioner. The request was amended to include a variance of development standards to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

Staff recommends **denial** of the variance request

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot with required).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for on-site septic systems for each lot (public sewer facility required)

Staff recommends **approval** of the variance requests.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 15, 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.
13. The sidewalk waiver request be denied.

ADDEDUM FOR APRIL 24, 2025, HEARING EXAMINER

This petition was continued at the request of the petitioner's representative from the March 27, 2025 hearing to the April 24, hearing in order to amend the petitioner request to file a waiver of the sidewalk requirements. The petitioner is requesting a continuance for cause from the April 24, 2025 hearing to the May 15, 2025 hearing to allow the petitioner to amend the petition and added an additional variance request, this will require new notice.

ADDENDUM FOR MARCH 27, 2025 HEARING EXAMINER

This petition was continued from the February 27, 2025 hearing to the March 27, 2025 hearing at the request of the petitioner's representative.

Petitioner is requesting a continuance for cause from the March 27, 2025 hearing to the April 24, 2025 hearing to allow the petitioner additional time to file waiver of the sidewalk requirements. This request will require new notice.

FEBRUARY 27, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** variance request approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "C" form at least three days prior to the MDC hearing:

1. All lots will be required to connect to the city sewer, when the sewer lines reach the closest lot.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 15, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. 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.

PETITION OVERVIEW

LAND USE

The 6.686 acres subject site is developed with a single-family dwelling use. The project address of 7515 Camby Road. The surrounding property is zoned D-3 and is used as single-family residential.

PLAT

This petition seeks approval of a subdivision plat to be known as Speer's Camby Retreat, dividing 6.686 acres into three (3) lots. The density of this subdivision is 0.448 units per acre. The typical density of the D-3 zoning district is 2.6 units per acre, or 17 lots.

STREETS

Proposed Lot One (1), Two (2), and Three (3) front of Camby Road, no new streets are proposed.

SIDEWALKS

The petitioner requested a waiver from the subdivision regulation to not install a sidewalk, The petitioner has also requested a variance from the development standards to not install a sidewalk.

VARIANCE OF DEVELOPMENT STANDARDS

The request includes multiple variances for development standards.

The petitioner is seeking relief from ordinance section Table 742-103-5, which requires a minimum 70-foot lot width, this request is only for Lot Two as the remaining lots meet the requirement.

The petitioner is seeking relief from ordinance section 742-103. A.4, which requires "Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any dwelling district except for the DA, D-S, and D-1 districts."

The petitioner is seeking relief from ordinance section 744-302.F "Sidewalks *shall be provided along the entire frontage of all abutting eligible public streets, excepting freeways and expressways as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator*", which requires installation of sidewalk when new construction commences.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Camby Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff **recommends approval** of the variance for on-site septic systems with the condition that connection to the city sewer be made when the sewer lines reach the closest lot.

Staff **recommends approval** of the variance of Lot Width; the property will have an average lot width that exceeds the 70 ft. lot width requirement. Lot width is measured at the building setback line. If we measure the lot with at the proposed building line for lot 2 it would have a lot width of 210 ft.

Staff **recommends denial** wavier and of the variance to provide for future construction without the required installation of frontage sidewalks. The petitioner has shown no hardship, and removal of the sidewalk requirement poses harm to the public. The petitioner's argument that there are no sidewalks nearby so they should not install falls flat, as sidewalk installation has to begin somewhere. The installation of the sidewalk will lead to the petition of more sidewalks in the future.

Staff is supportive of the subdivision plat because it will meet the D-3 standards apart from the variances for the public utilities and lot width.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-3	Residential (Single-family dwellings)
South:	D-3	Residential (Single-family dwellings)
East:	D-3	Residential (Single-family dwellings)
West:	D-A	Residential (Single-family dwellings)
Thoroughfare Plan		
Camby Road	Primary Arterial	80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Airspace Secondary Zoning District	
Wellfield Protection Area	No	
Site Plan	January 15, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 15, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

ZONING HISTORY

Zoning History – Site

83-UV1-106A: 7515 Camby Road (subject site), Variance of use and development standards of the A-2 Marion County Master Plan Permanent Zoning Ordinance to allow a manufactured home to be placed behind the existing residence, **granted**

Zoning History -Vicinity

88-UV3-20;7423 Camby Road, (east of site), Variance of use of the dwelling districts zoning ordinance to provide for the use of a mobile home during the construction of a single-family residence, **denied**.

2007-DV1-032; 7115 Camby Road (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 220-square foot sunroom addition, resulting in an accessory use area of 2,140 square feet or 124.6 percent of the total living area of the primary structure (maximum 1,717 square feet or 99.99 percent of the total living area of the primary dwelling permitted), and to legally establish the construction of a 720-square foot detached garage, resulting in an accessory building area of 1,440 square feet or 83.79 percent of the main floor area of the primary dwelling (maximum 1,288.5 square feet or 75 percent of the main floor area of the primary dwelling permitted), **approved**.

2018-PLT-034; 7700 Camby Road (north of site), Approval of a Subdivision Plat, to be known as Camby Woods, Section Two, dividing 25.31 acres into 89 lots, **approved**.

2015-PLT-015; 7700 Camby Road (north of site), Approval of a Subdivision Plat to be known as Camby Woods, Section Two, dividing 13.3 acres into 44 lots, **approved**

2003-PLT-069; 7500 Camby Road (north of site), Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots, **withdrawn**

2003-PLT-847; 7630 Camby Road (north of site), Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots, **approved**.

96-P-71; 7720 Reynolds Road (south of site), plat approval to subdivide 2.038 acres into two single family lots, **approved**.

91-HOV-69; 7609 Reynolds Road (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for construction of a single-family lot with 126.3 feet lot width at the required setback line (250 feet required), **approved**.

2021-PLT-041; 6449 Kentucky Avenue (west of site), Approval of a Subdivision Plat to be known as Decatur Technology Park, dividing 130.58 acres into 12 lots, **withdrawn**.

2022-PLT-015 6400 Kentucky Road Avenue (west of site), Approval of a Subdivision Plat to be known as Decatur Technology Park, dividing 130.55 acres into 11 lots (amended) Original request included a waiver of the Subdivision Regulations to provide for new cul-de-sac with a length of 1,235 feet (maximum 500-foot cul-de-sac permitted) and to provide for two new streets with block lengths of 1,361 feet and a 1,293 feet (maximum 1,250-foot block length permitted), **approved**

98-CP-39P/98-CP-39V; 7802 Reynold Road (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to allow for development of two 1.02-acre lots (minimum 3 acres required), **approved**

86-SE2-5; 7878 Reynolds Roads (west of site), Variance of Manufactured Housing Special Exception to provided for single-family manufactured home, **denied**.

Figure 1 Area Map

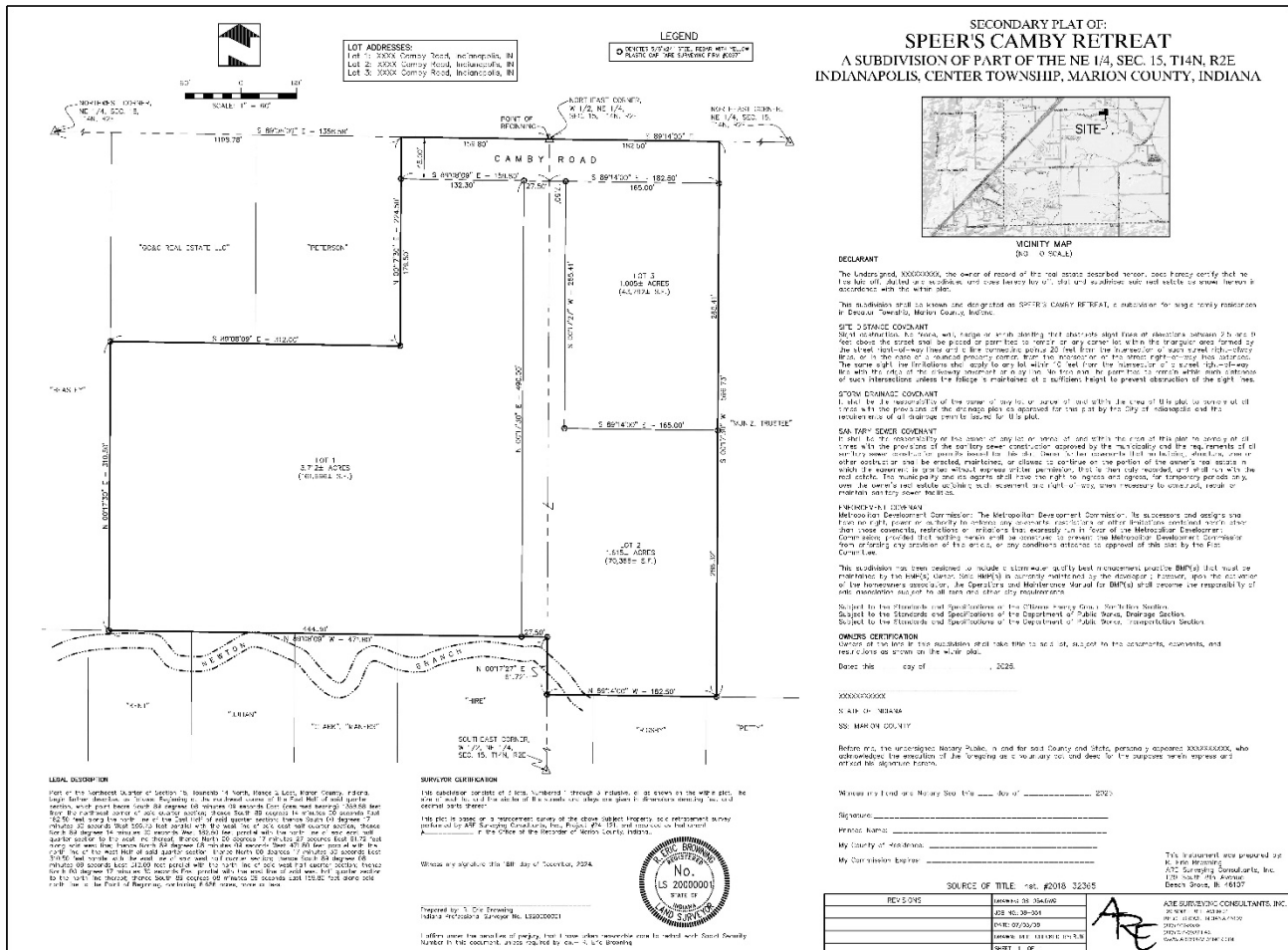


Figure 2 Proposed Plat

SIDEWALK WAIVER REQUEST

7515 Camby Road

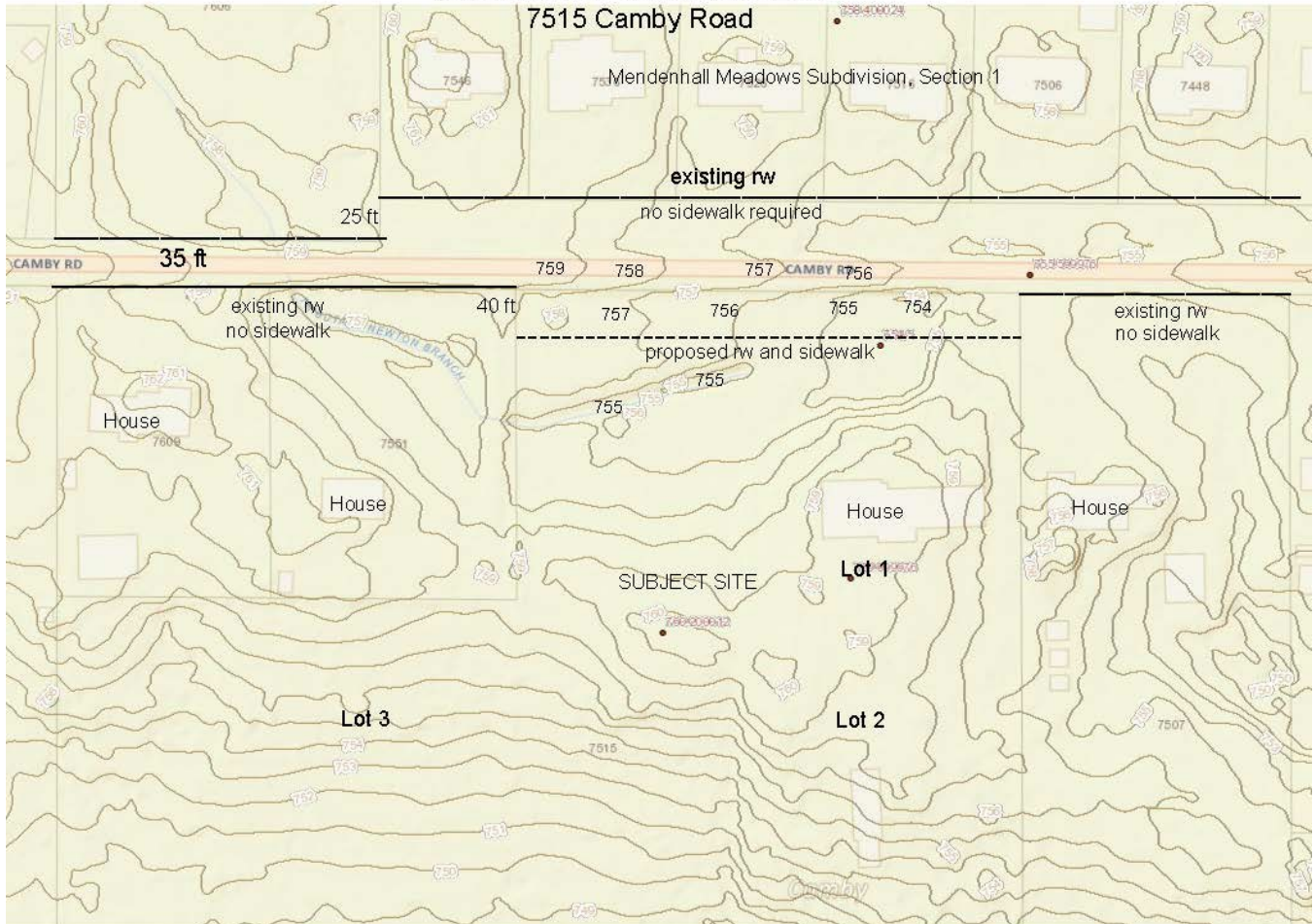


Figure 3 Wavier of Sidewalks FOF

REQUESTED WAIVER:

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

The proposed sidewalk will not have any public use now or in the foreseeable future given the area development pattern.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

There are no opportunities to connect to sidewalks in either direction of the subject property's frontage. The exiting right of way line and the proposed right of way line are approximately 40 feet apart and will not allow for a safe transition to extend a sidewalk to the adjacent properties.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

There are no physical sidewalks to connect to in either direction or across from the subject property. A large mature heritage tree will need removed and the sidewalk cannot be design around the tree without significant damage to its root system.

The road surface elevation is 2 feet higher than the adjacent grade on the subject site. The required placement of the sidewalk (approx. 1 ft inside the proposed right of way) will impede proper drainage to the remaining parcel since the sidewalk will be elevated to match the grade of Camby Road.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The minor plat meets the design criteria and City department standards in all aspects, except for the installation of a sidewalk that will serve no public purpose.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The requirement for the installation of sidewalks falls under the Subdivision Control Ordinance and will not impact the underlying zoning classification.

Figure 4 Variance Request 742-103. A.4

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 property has approved soil reports for the use of an on-site sewage disposal system. The reduced lot width is due to topography of the site to place a house on the adjacent lot where the land is relatively level.

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:

All the homes will be for single family residential use and compatible with the area homes.

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

The topography of the site restricts where home site and septic systems can be placed and the lot configuration will result in a narrow frontage for just 1 of the 3 lots.



Figure 5 Variance Request 744-302.F

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 property has approved soil reports for the use of an on-site sewage disposal system. The reduced lot width is due to topography of the site to place a house on the adjacent lot where the land is relatively level.

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:

All the homes will be for single family residential use and compatible with the area homes.

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

The topography of the site restricts where home site and septic systems can be placed and the lot configuration will result in a narrow frontage for just 1 of the 3 lots.
