



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

January 15, 2026

Case Number: 2024-MOD-019

Property Address: 8907 Fathom Crest (Approximate Address)

Location: Lawrence Township, Council District #4

Petitioner: Bryan Harris

Current Zoning: D-P

Request: Modification of D-P Statement for Beamreach Section 3, related to 78-Z-152, to modify plat restriction 2. (v) to allow for a minimum side yard of six feet and an aggregate of 13 feet (current plat restriction requires a 22-foot aggregate side yard in all areas excepting Area 17 which allows 16 feet and no side yard less than eight feet in all areas, excepting in Area 17 which may be six feet).

Current Land Use: Single-family dwelling

Staff Recommendations: No Recommendation

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff has **no recommendation** for this modification.

PETITION OVERVIEW

LAND USE

The subject site, zoned D-P, is in the Geist neighborhood and is specifically within the Beamreach Subdivision. It is developed with a single-family dwelling with a fenced in rear yard containing an inground pool and detached accessory structures. It is surrounded by single-family dwellings, zoned D-P.

Petition 78-Z-152 rezoned the site from the SU and D-2 Districts to the D-P district to provide for a planned unit development for residential use. With the creation of this subdivision, commitments associated to the development were put in place.

MODIFICATION

The request would modify plat restriction 2. (v) to allow for a minimum side yard of six (6) feet and an aggregate of 13 feet (side yards). The 78-Z-152 Development Statement requires a 22-foot aggregate side yard in all areas excepting Area 17 which allows 16 feet and no side yard less than eight feet in all areas, excepting in Area 17 which may be six feet. The subject site does not fall within Area 17.

Staff Analysis

Because staff played no role in the limitations placed for the development of the subdivision such as the minimum side yard or aggregate side yard limitations, staff does not have a recommendation.

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-P	Residential (Single-family dwelling)
South:	D-P	Residential (Single-family dwelling)
East:	D-P	Residential (Single-family dwelling)
West:	D-P	Residential (Single-family dwelling)
Thoroughfare Plan		
Fathom Crest	Local Street	50-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 9, 2024	
Site Plan (Amended)	N/A	
Elevations	October 9, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
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 Comprehensive Plan recommends Suburban Neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage.
 - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one

acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

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

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new

construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

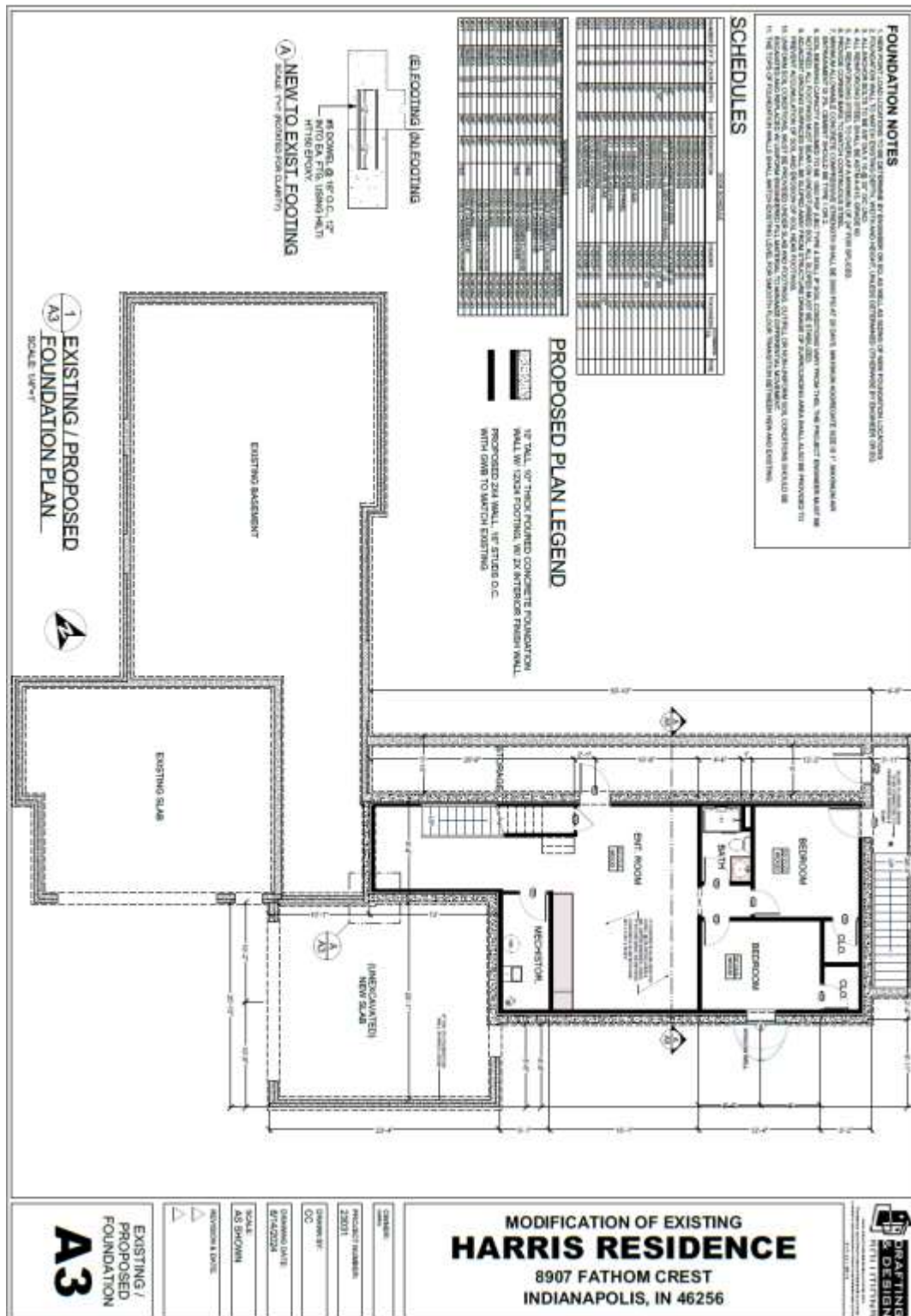
Zoning History – Site

78-Z-152; 10301 Fall Creek Road (subject site), Rezoning of 280.00 acres, being in SU and D-2 districts, to the D-P classification to permit planned unit development for residential use by platting, **approved**.

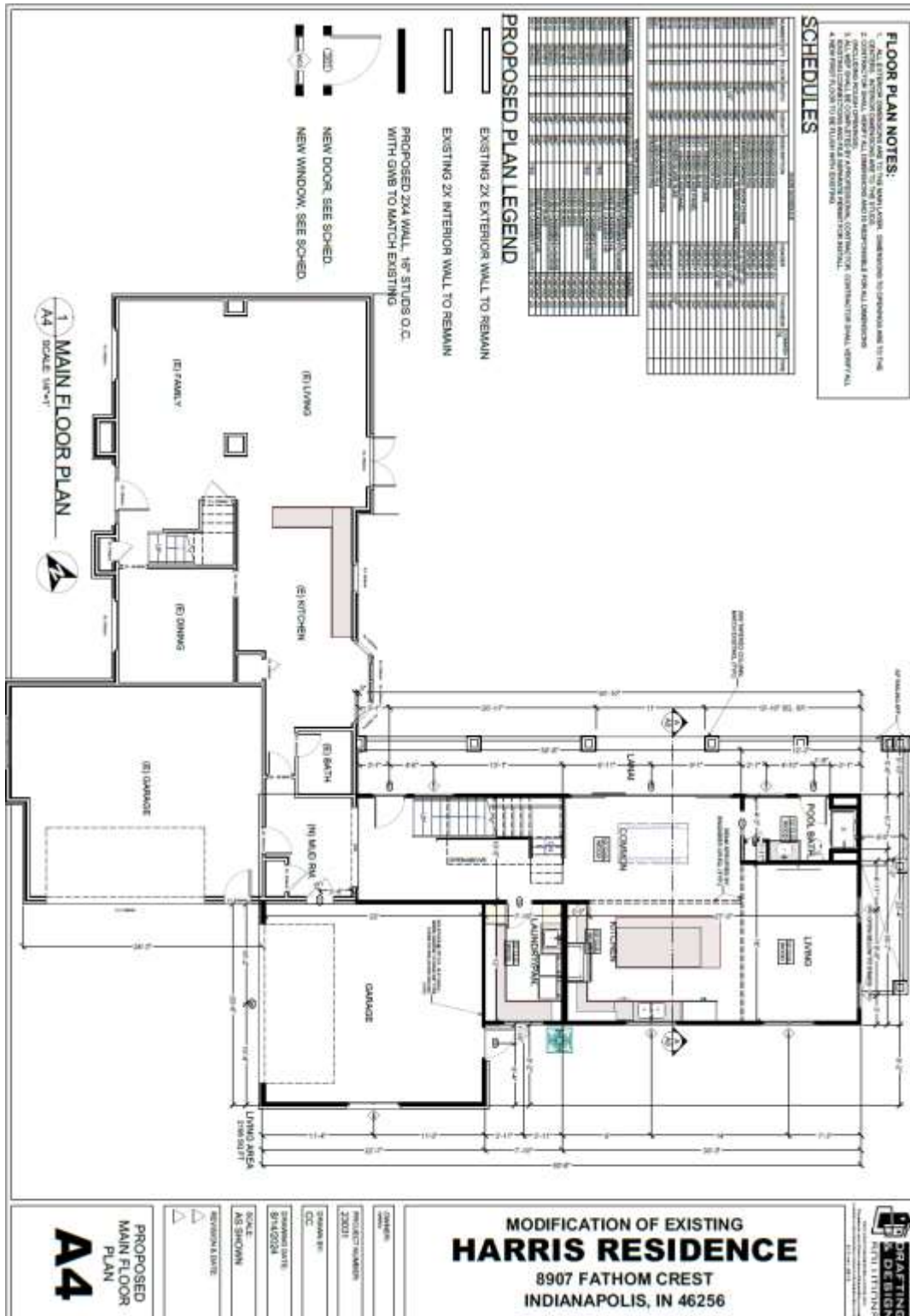
AERIAL MAP

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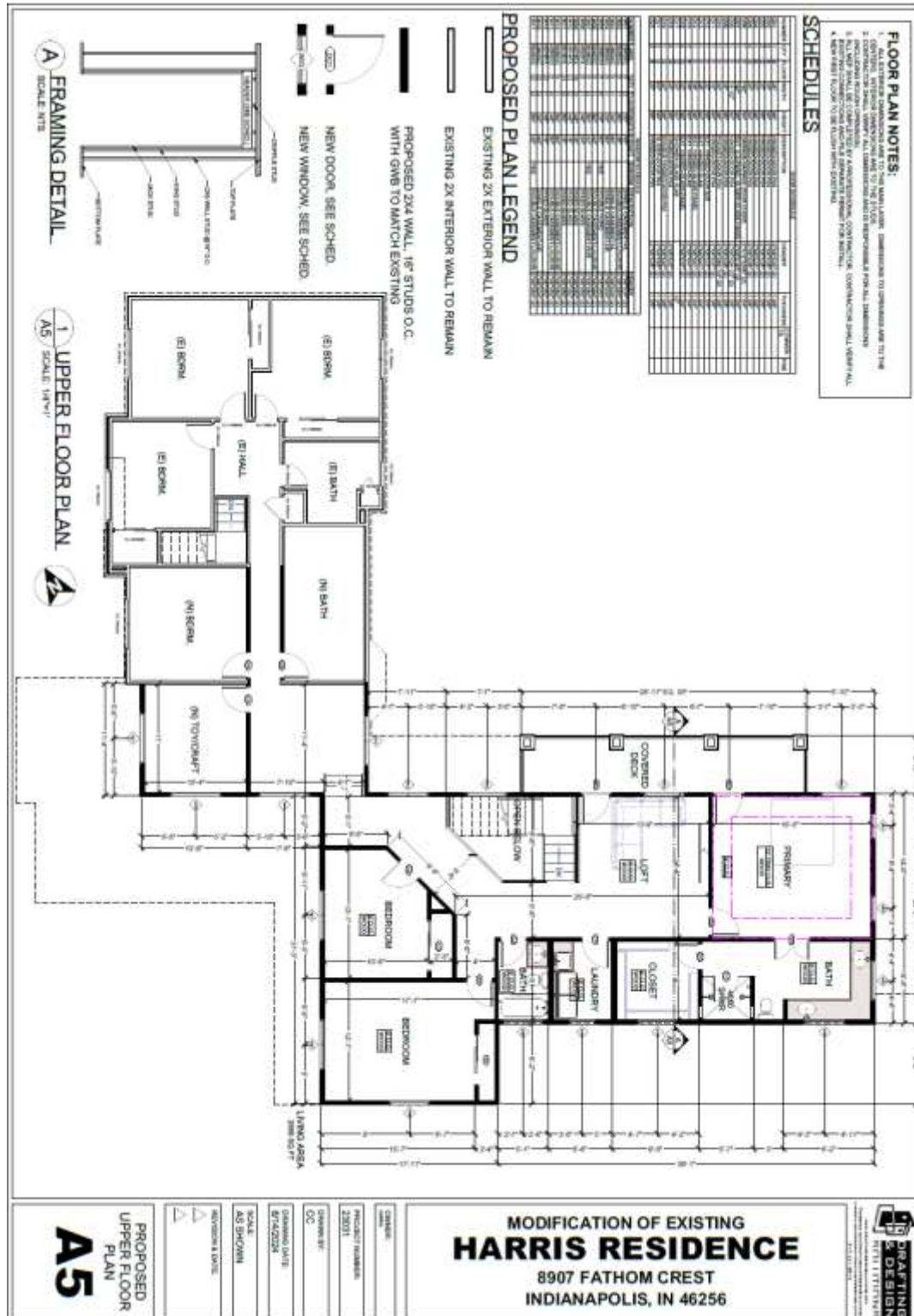
FOUNDATION PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



ELEVATIONS



ELEVATIONS (Continued)



D-P MODIFICATION

STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR
SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

Beam Ranch Sec 3 L 114
49-01-17-107-008.000-400

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Attached with petition - Requesting a modification of Beam Ranch Sec 3 - Allowable minimum setback
2. of 8' feet And 22' Aggregate to be modified for the existing plans of 6' setback And an
3. Aggregate of 13'
4. Specifically 78-2-152
- 5.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or



Photo of the subject site.



Photo of the subject site looking south.



Photo of the rear yard.



Photo of the proposed side yard reduction.



Photo of the abutting dwelling to the south.



Photo of the abutting dwelling to the north.



Photo of the single-family dwelling northwest of the site.



Photo of the single-family dwelling northwest of the site.