



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 27, 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.
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), and to provide for on-site septic systems for each lot (public sewer facility required).
Current Land Use: Residential
Staff Recommendations: Approval
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

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.

STAFF RECOMMENDATION

Staff **recommends approval** of the plat and variance request subject to the following commitment.

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

PETITION OVERVIEW

LAND USE

The project address of 7515 Camby Road. The surrounding property is zoned D-3 and is used as single-family residential.

PLAT



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

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.

Should the variance request be granted the plat would comply with the subdivision control ordinance.

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. That all standards related to 741.201.A-C – Primary Plat Requirements be met prior to recording the final plat.
13. That all standards related to 741-303.B – Through Connectivity (Metro Context Area), be met prior to recording the final plat.
14. That all standards related to 741.305 – Numbering and naming be met prior to recording the final plat.
15. That an amended plat with sidewalks compliant with Section 741-306 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
16. That all standards related to 741.310 – Common Areas, Open Space and Public Sites (Compact Context Area) be subject to the waiver request.
17. That a street lighting plat compliant with Section 741-316 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
18. That the approval shall be in accordance with the variances requested.

VARIANCE OF DEVELOPMENT STANDARDS

Request #1: To provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot with required)

Ordinance: 742-103. F.1 Table 742-103-5

TABLE 742-103-5 D-3 DIMENSIONAL STANDARDS	
Lot Standards	
Minimum lot area, single-family	10,000 sq. ft.
Minimum lot area, two-family	15,000 sq. ft.
Minimum lot width, single-family	70 ft.
Minimum lot width, two-family	105 ft.
Minimum street frontage	35 ft.
Minimum open space	70%

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 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.

- 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 use of the adjacent property would not change in the granting of this variance.

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

The practical difficulty is brought by the unique site conditions. The subject properties topography only allows for these three sites as buildable areas. Under normal conditions D-3 would allow for a density of 2.6 units per acre, or 17 lots.

Request #2: To provide for on-site septic systems for each lot (public sewer facility required).

Ordinance:

741-102.F *“Coordinate the development of each parcel of land with the existing community and facilitate adequate and efficient transportation, water, sewerage, and other public requirements and facilities with adjoining land.”*

742-103. A.4 *“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.”*



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 lot sizes are comparable to the D-S districts, which allow for the exemption of the public water and sewer connections. The applicant has agreed that to the condition that when connection to the public line across Camby Road because available to lot 1, all three lots with connect.

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 granting of this variance would not affect the adjacent 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 applicant does not own the property required to bring the public connections across Camby Road and neighboring properties.

Definitions:

Lot Width: The horizontal distance between side lot lines measured along a line that is parallel to the front lot line. The lot width shall be measured at the front building setback line.

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	1/15/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	

Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	1/15/2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

741-203 Required Documents for Approval	EVALUATION
<p>741.201.A-C – Primary Plat Requirements:</p> <ul style="list-style-type: none"> Plat name, Legal Description, Surveyor Seal, Scale. Boundary Lines, Existing Street Names and dimensions. Layout of Proposed Streets – names, widths, classifications. Layout of all easements and purpose thereof. Layout of lots with numbering and dimensions. Floodway/Floodplain Delineation. Topographic Map. Area Map. 	<p>Satisfied if variance is approved.</p>
<p>741-203.D – Traffic Control Plan</p> <ul style="list-style-type: none"> Traffic control street signs and devices. Traffic calming devices. Bicycle facilities. Sidewalks and pedestrian facilities. Transit facilities, such as bus stops pads or shelter. Street lighting. 	<p>Not required for a Minor Plat</p>
<p>741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)</p> <ul style="list-style-type: none"> Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry Location of Open Space Areas of the open space common area, indicating size and general improvements Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors) 	<p>Not required for a Minor Plat</p>

<p>741-205 – Waivers</p> <ul style="list-style-type: none"> • <i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i> • <i>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;</i> • <i>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;</i> • <i>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; and</i> • <i>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.</i> 	<p>No waiver requested.</p>
<p>741-300 Design and Installation Standards EVALUATION</p> <p><i>All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.</i></p>	
<p>741-302.A – Lots:</p> <ul style="list-style-type: none"> • <i>Comply with zoning district and any cluster approval or variance grant.</i> • <i>Lots must have positive drainage away from buildings.</i> • <i>No more than 25% of lot area may be under water.</i> • <i>Side lots lines at right angles to streets or radial to curving street line.</i> • <i>Layout of lots with numbering and dimensions.</i> • <i>Floodway/Floodplain Delineation.</i> • <i>Topographic Map.</i> 	<p>Satisfied</p>
<p>741-302.B – Frontage and Access:</p> <ul style="list-style-type: none"> • <i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i> • <i>Triple frontage lots are prohibited.</i> • <i>Lots abutting alleys must have vehicular access exclusively from alley.</i> • <i>Lots shall not have direct access to arterial streets.</i> • <i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i> 	<p>Satisfied</p>
<p>741-302.C – Blocks:</p> <ul style="list-style-type: none"> • <i>Shall not exceed maximum block lengths per Table 741-302.1</i> • <i>If exceeded, it must be demonstrated that:</i> <ul style="list-style-type: none"> ○ <i>There are improved pedestrian easements at intervals of 400 feet or less.</i> ○ <i>Adequate traffic calming provisions are made.</i> ○ <i>The block length must be exceeded because of physical conditions of the land.</i> 	<p>Satisfied</p>
<p>741-303 Streets and Connectivity EVALUATION</p> <p><i>All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.</i></p>	

<p><i>741-303.A – General:</i></p> <ul style="list-style-type: none"> • Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i> • Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees. • Not more than two streets shall intersect at any one point. • Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets. • All streets shall be dedicated to the public. Alleys may be private. • Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system. 	<p>Satisfied</p>
<p><i>741-303.B – Through Connectivity (Metro Context Area):</i></p> <ul style="list-style-type: none"> • Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination. • Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited. • All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision. • Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines. • Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street. • Subdivisions with 30 or more lots shall have more than one entrance to the existing street network. 	<p>Satisfied</p>
<p><i>741-303.D – Cul-de-sacs (Metro Context Area):</i></p> <ul style="list-style-type: none"> • In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units. 	<p>Satisfied</p>
<p>741-304-316 Additional Development Items</p>	<p>EVALUATION</p>
<p><i>741.304.A-C – Traffic Control Devices:</i></p> <ul style="list-style-type: none"> • <i>Street name signs, traffic control signs, bike route signs.</i> • <i>Traffic control devices for streets exceeding 900 feet in length.</i> • <i>Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units.</i> 	<p>Not Required for a Minor plat</p>
<p><i>741.305 – Numbering and naming:</i></p> <ul style="list-style-type: none"> • <i>Street numbering per adopted addressing guidelines.</i> • <i>Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street.</i> 	<p>Street naming and numbering not submitted</p>
<p><i>741.306 – Sidewalks:</i></p> <ul style="list-style-type: none"> • <i>Sidewalks shall be provided along all internal and external streets.</i> 	<p>Not Satisfied</p>

<p>741.307-309 – <i>Easements, Utilities, Stream Protection Corridors:</i></p> <ul style="list-style-type: none"> • <i>Utility easements shall be located along lot lines and shall be a minimum of 10 feet.</i> • <i>All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance.</i> • <i>Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise.</i> • <i>All utilities shall be located underground.</i> • <i>All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205.</i> 	<p>Satisfied</p>
<p>741.310 – <i>Common Areas, Open Space and Public Sites (Compact Context Area):</i></p> <ul style="list-style-type: none"> • <i>Required for subdivisions with more than 20 dwelling units.</i> • <i>Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet.</i> • <i>Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping.</i> • <i>Additional Open Space Requirements: Community garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall.</i> • <i>Reservation of land for public/semi-public purpose.</i> 	<p>Waiver Requested</p>
<p>741-312 – <i>Monuments</i></p> <ul style="list-style-type: none"> • <i>Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.</i> 	<p>Satisfied</p>
<p>741.313 – <i>Flood Control:</i></p> <ul style="list-style-type: none"> • <i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i> • <i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded.</i> • <i>For Zone AE areas, the plat must show the BFE topographic line.</i> • <i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps.</i> 	<p>Satisfied</p>
<p>741.316 – <i>Street Lighting:</i></p> <ul style="list-style-type: none"> • <i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i> 	<p>Street lighting not submitted</p>

ZONING HISTORY

Zoning History – Site

83-UV1-106A 7515 Camby Road (subject site) Approved.

Zoning History -Vicinity

East of site
88-UV3-20

2007-DV1-032; 7115 Camby Road, 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.**

North of site

2018-PLT-034; 7700 Camby Road, 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, 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, Approval of a 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, Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots. **Approved.**

South of site

96-P-71; 7720 Reynolds Road, plat approval to subdivide 2.038 acres into two single family lots. **Approved.**

91-HOV-69; 7609 Reynolds Road, 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.**

West of site

2021-PLT-041; 6449 Kentucky Avenue, 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, 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, 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, Variance of Manufactured Housing Special Exception to provided for single-family manufactured home. **Denied.**

EXHIBITS

