

**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

Approval of the plat, subject to the conditions noted below

Approval of the variance of standards Lot Width

Staff

Recommendations: Approval of the variance of standards on-site septic systems

Denial of the variance of standard contribution in lieu of sidewalk.

Denial of the wavier of sidewalk request

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 29, 2029 HEARING EXAMINER

This petition was continued from the May 15, 2025 hearing to the May 29, 2025 hearing, at the request of the petitioner due to scheduling conflicts

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 requests:

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 add 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 the 6.686 acre into three (3) lots. The proposed density is 0.448 dwelling units per acre, significantly below the typical D-3 zoning district of 2.6 dwelling units per acre (approximately 17-lots)

Streets

Proposed Lot One, Two, and Three all front Camby Road. No new streets are proposed as part of this subdivision.

Sidewalks

There are currently no sidewalks along Camby Road.

The petitioner has requested:

- A **waiver from the Subdivision regulation** (Section 741-306) to not install sidewalks; and
- A **variance from the Zoning Ordinance** (Section 744-302.F) to waive the requirement for sidewalk installation associated with new construction

Waivers

The petitioner requested a waiver from the Subdivision regulation (**741-306**) 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 petitioner is requesting the following variances:

1. **Lot Width (Table 742-103-5):**
Relief from the 70-foot minimum lot width requirement for **Lot Two** only. Lots One and Three comply. Staff notes that the proposed lot width at the building setback line for Lot Two would be approximately **210 feet**, which exceeds the required minimum when measured at the buildable area.
2. **Connection to Utilities (Section 742-103. A.4):**
Relief from the requirement to connect to public water and sanitary sewer. The petitioner proposes the use of **on-site septic systems**.
3. **Sidewalk Installation (Section 744-302.F):**
Relief from the requirement to construct sidewalks along the property's Camby Road frontage.
4. **Waiver of Sidewalks (Section 744-301.G):**
A waiver request from contributing to the City's sidewalk fund in lieu of installing sidewalks. Staff

notes that this provision is intended for **extreme physical constraints**, which the site does not demonstrate. No supporting documentation of hardship or physical constraints was submitted.

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

Sidewalks are a critical component of urban infrastructure, contributing to pedestrian safety, accessibility, and the overall walkability of neighborhoods. Within the City of Indianapolis, sidewalk requirements are governed by both the Subdivision Control Ordinance (Chapter 741) and the Zoning Ordinance (Chapter 744), each applying under specific development scenarios.

Subdivision Development Requirements

When a petitioner is platting land, sidewalk installation is mandated under Section 741-306 of the Subdivision Control Ordinance. This requirement applies to both minor subdivisions (three (3) lots or fewer) and major subdivisions. If a petitioner seeks relief from this requirement, they may request a waiver of standards pursuant to Section 741-205. When such a waiver is granted, it is contingent upon the execution of a written agreement and a contribution in lieu of sidewalks under Section 744-301.G, which is directed to the City for the future provision of sidewalks within Marion County. The rate for this contribution is set annually.

New Construction Requirements

Similarly, sidewalk installation is required for all new construction projects under Section 744-301 of the Zoning Ordinance. A petitioner may request a waiver under Subsection 744-301.G. If granted, the waiver is again subject to a written agreement and the same in-lieu contribution requirement as specified for subdivisions.

In both contexts—platting and new construction—the intent of the in-lieu contribution is to ensure that the broader goal of a connected sidewalk network is still advanced, even in cases where physical sidewalk installation may not occur on-site

The petitioner is requesting a variance from the requirement to either install sidewalks or make the in-lieu contribution. Staff notes that **Section 744-303**, which pertains to **Single-and Two-Family Sidewalk Standards**, includes a provision that allows relief from sidewalk installation for properties located in residential areas approved without sidewalks and not part of a major subdivision, provided that neither adjacent lot contains a sidewalk.

However, staff emphasizes that this provision was clearly intended to offer relief to individual homeowners within older, established neighborhoods that predate current sidewalk regulations—not to exempt newly platted developments from contributing to the City’s sidewalk network. The variance request would bypass the in-lieu contribution that serves as a critical tool for long-term infrastructure investment

Given the intent and structure of existing sidewalk policies, staff recommends **denial** of the variance request. Upholding sidewalk requirements ensures continuity in pedestrian infrastructure, equitable investment in community walkability, and adherence to the principles guiding urban development in Marion County.

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 along Camby Road. 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 must 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	<u>Zoning</u>	<u>Land Use</u>
	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**.



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

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 provide for single-family manufactured home, **denied**.

The map displays several parcels with the following details:

- Hatched Area:** A large parcel labeled **7515** is outlined in black and filled with diagonal hatching.
- Other Labels:**
 - DA:** Located near parcel 7615.
 - D3:** Located near parcel 7407.
 - D1:** Located near parcel 7710.
- Streets:**
 - Percy Dr:** Runs vertically along the left side.
 - Camby Rd:** Runs horizontally across the middle.
 - Ameriflex Pkwy:** Runs vertically through the center-right.
- Addresses:** Numerous lot numbers are visible, including 7720, 7719, 7718, 7710, 7623, 6929, 6935, 6941, 7608, 7606, 7630, 7700, 7546, 7538, 7528, 7516, 7509, 7503, 7447, 7441, 7448, 7438, 7428, 7418, 7408, 7717, 7707, 7701, 7615, 7637, 7551, 7609, 7441, 7423, 7411, 7650, 7610, 7602, 7544, 7534, 7622, 7502, 7438, 7730, 7722, 7714, 7710, 7650, 7610, 7602, 7544, 7534, 7622, 7502, 7438, 7730, 7722, 7714, 7710, 7650, 7610, 7602, 7544, 7534, 7622, 7502, 7438, 7730, 7722, 7714, 7710, 7650, 7610, 7602, 7544, 7534, 7622, 7502, 7438.

Figure 1 Area Map

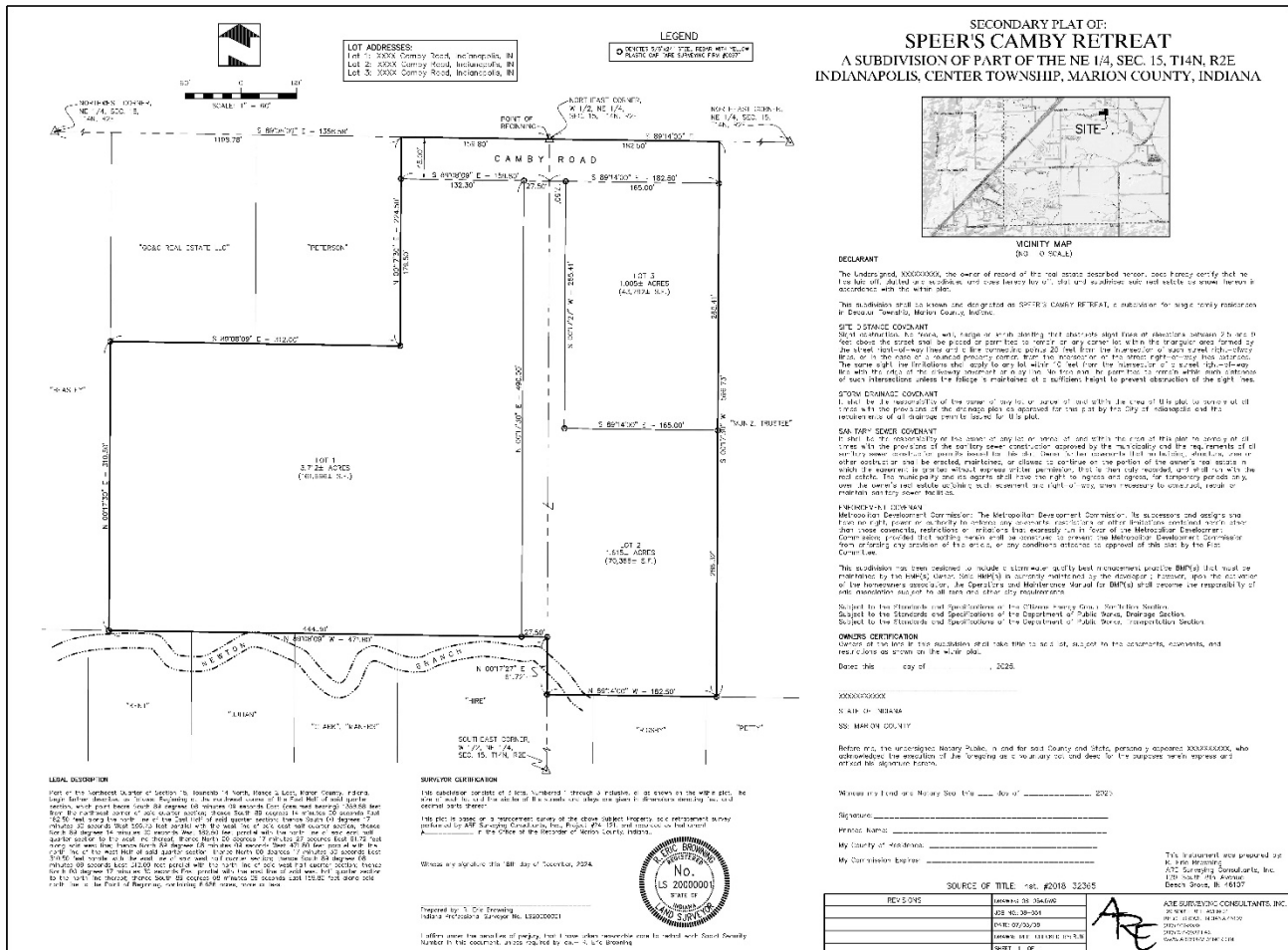


Figure 2 Proposed Plat

I affirm under the penalties of perjury that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. — R. Eric Branning

43

SIDEWALK WAIVER REQUEST

7515 Camby Road

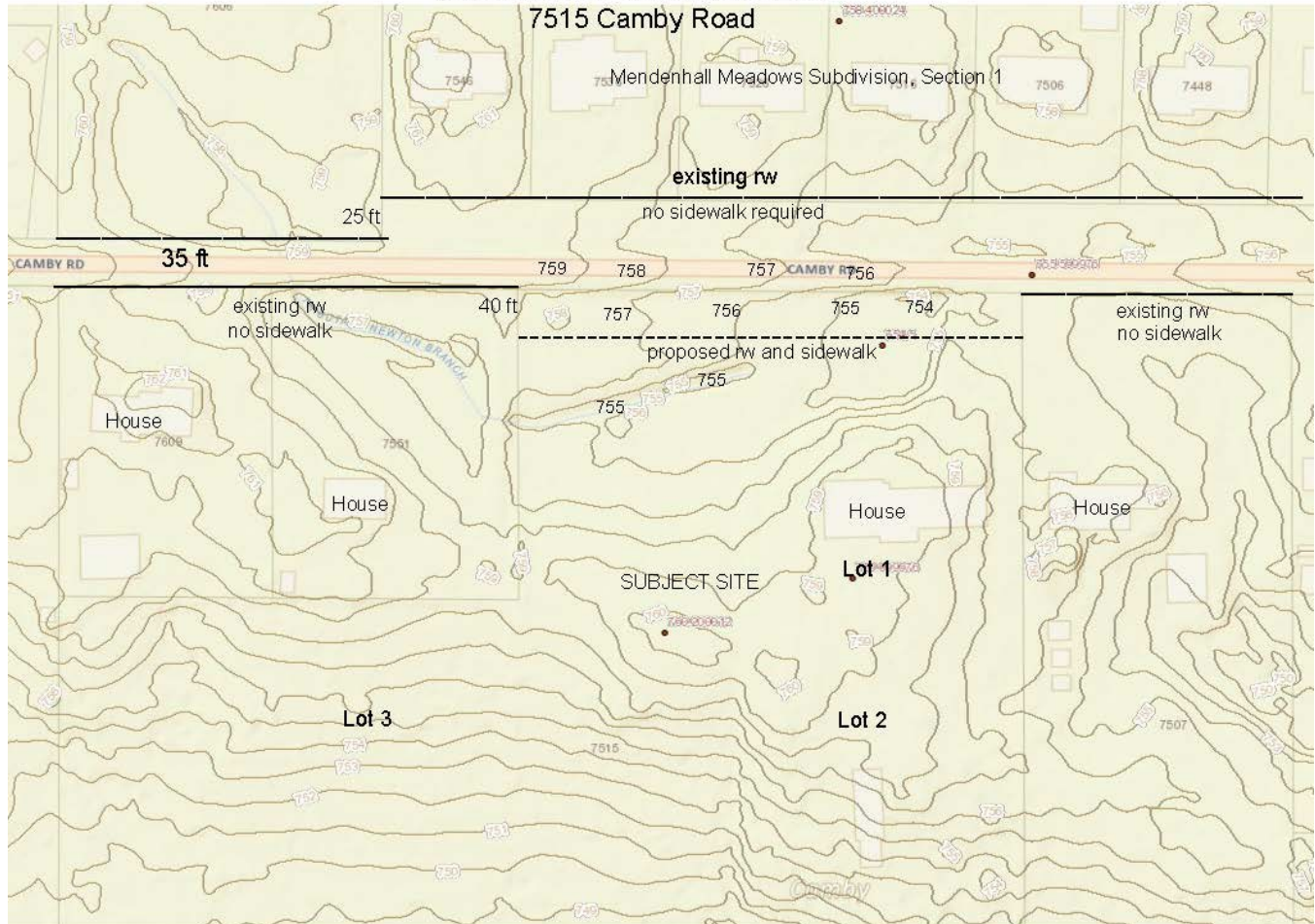


Figure 3 Wavier of Sidewalks FOF

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.



Figure 6 Overview, Credit Google Photos



Figure 7 View of subject Site