

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CVR-848 / 2025-CPL-848

Property Address: 3001-3065 Sardonyx Street (odd) and 3022 and 3028 Sardonyx Street (Approximate Addresses)

Location: Pike Township, Council District #1

Petitioner: Apex Realty Group, by David A. Retherford

Zoning: D-5

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. Construction of not more than 20% of dwelling units, depending on the home model, at three stories in height (maximum 2.5 stories in height permitted),
- b. Minimum lot size ranging from 4,995 square feet to 4,999 square feet (minimum lot size of 5,000 square feet required),
- c. Side yard setback of four feet for Lots 7 – 8 in Block P and lots 13-22 in Block Q (minimum side yard setback of five feet required),
- d. Corner side yard setbacks of five feet for all corner lots (minimum corner side yard setback of eight feet required),
- e. Construction of some dwelling units, depending on the home model, with front loaded garages of up to 67% of the front façade (maximum 30% of the front façade, if within 12 feet of the front building line, or 45% of the front façade if behind 12 feet of the front building line permitted),
- f. 60% landscaped living material in the front yard (minimum 65% landscaped living material in the front yard required),
- g. Minimum main floor area of 550 square feet of livable space on the main floor of a dwelling over one story in height (minimum 660 square feet of livable space on the main floor of a dwelling over one story in height required).

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 2A, dividing 1.68 acres into 14 lots.

Current Land Use: Undeveloped

Staff Reviewer: Marleny Iraheta, Senior Planner |

PETITION HISTORY

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

Staff recommends that the Hearing Examiner **approves** and find that the plat, file-dated November 20, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provide 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 a Traffic Control Plan compliant with Section 741-203.D of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
14. That a Natural Infrastructure Plan compliant with Section 741-203.E of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
15. That all standards related to 741.305 – Numbering and naming be met prior to recording the Final Plat.
16. 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.
17. That all standards related to 741.310 – Common Areas, Open Space and Public Sites (Compact Context Area) be met prior to recording the Final Plat.

18. That a Monumentation plan compliant with Section 741-312 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
19. 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.
20. That the approval shall be in accordance with the variances requested. |

PETITION OVERVIEW

HISTORY

The subject site contains 14 lots of the Augusta Heights subdivision as recorded in the 1920's. None of the 14 lots have been developed. The original Augusta Heights subdivision consists of 456 lots and extends from Michigan Road on the west, Walnut Drive on the east, 79th Street on the north and Crooked Creek on the south.

Within the portion of the plat that is the subject of this petition, a portion of Sardonyx Street was improved. There are a few existing dwellings that access Sardonyx Street which are not part of the 14 lots within the subject site.

Because the streets were already dedicated as right-of-way and the individual lots were subdivided with the original plat, the purpose of this request is not to subdivide lots or dedicate right-of-way. The developer is planning to construct portions of the undeveloped streets within the existing right-of-way and have them dedicated as public streets. The 14 lots would then be available for development within the D-5 classification.

Staff requested the developer file this plat to add drainage easements that will be needed for some of the lots and to also require the submission of surety bonds for the construction of the infrastructure. Since the right-of-way already exists, the streets could be built and the lots developed without this plat approval, provided the Department of Public Works would accept the streets.

VARIANCES

The grant of the request would allow for deviations from the 2.5 stories in height limitation for 3-story buildings, minimum lot size ranging from 4,995 square feet to 4,999 square feet for up to 14 lots where 5,000 square feet is required, 4-foot side yard setbacks for Lots 7 – 8 in Block P and lots 13-22 in Block Q where five (5) feet are required, 5-foot corner yard setbacks for all corner lots where eight (8) feet are required, some dwelling units with up to 67% of the front façade with front loaded garages which are limited to 30% or 45% based on the front building line, 60% landscape living material where 65% is required, and minimum main floor area of 550 square feet of livable space on the main floor of dwellings over one story in height where 660 square feet are required.

The standards that address setbacks and minimum lot sizes are requested to allow for the existing lots that were previously platted to be maintained and used for residential development.

The requests for the 3-story buildings, garage width increase on the façade, reduced living material, and reduced main floor area are due to the intent to develop the remaining lots with similar products as



**Department of Metropolitan Development
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Current Planning**

was proposed in Phase One in the 2020 plat petition (2020-PLT-042) and Phase 2 and 3 in the 2024 plat petitions (2024-CPL-838A and 2024-CPL-838B).

Staff is supportive of the variances as requested.

STREETS

Vehicular access would be via West 78th Street, Walnut Drive, Sardonyx Street, Diamond Avenue, Amethyst Avenue, and Sapphire Boulevard. Portions of two (2) previously platted public streets would be constructed with this plat petition.

All the interior streets included in the plat are local streets. Sapphire Boulevard intersects with Michigan Road to the west and Amethyst Avenue and Walnut Drive connect to 78th Street to the north. Walnut Drive continues further north to connect to 79th Street.

SIDEWALKS

Sidewalks would be required along all internal streets.

STAFF ANALYSIS

The proposed plats for Phases 2A would consist of an additional 14 lots to the overall subdivision. The new subdivision plat would not trigger the requirement of additional amenity space and would be covered by the previously approved amenity spaces in Augusta Heights, Phases Two and Three since it does not meet the 30-dwelling unit threshold.

Staff recommends approval of the plat petition. |

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| Existing Zoning | D-5 | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | North: | Undeveloped/Single-family dwellings |
| | South: | Single-family dwellings |
| | East: | Single-family dwellings |
| | West: | Single-family dwellings |
| Thoroughfare Plan | | |
| Sardonyx Street | Local Street | 50-foot proposed and existing right-of-way. |
| Amethyst Avenue | Local Street | 50-foot proposed and existing right-of-way. |
| Diamond Street | Local Street | 50-foot proposed and existing right-of-way. |
| Petition Submittal Date | October 28, 2025 | |

Final Plat Submittal
Date

November 20, 2025

SUBDIVISION PLAT REGULATIONS

741-203 Required
Documents for
Approval

EVALUATION

741.201.A-C – Primary Plat Requirements:

- 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.

Not Satisfied.

741-203.D – Traffic Control Plan

- 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.

Not Satisfied

741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)

- 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)

Not Satisfied

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| | <p>741-205 – Waivers</p> <ul style="list-style-type: none"> The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property 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 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; 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 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. | None Requested |
| 741-300 Design and Installation Standards | 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. | EVALUATION |
| | <p>741-302.A – Lots:</p> <ul style="list-style-type: none"> Comply with zoning district and any cluster approval or variance grant. Lots must have positive drainage away from buildings. No more than 25% of lot area may be under water. Side lots lines at right angles to streets or radial to curving street line. Layout of lots with numbering and dimensions. Floodway/Floodplain Delineation. Topographic Map. | Not Satisfied |
| | <p>741-302.B – Frontage and Access:</p> <ul style="list-style-type: none"> Through lots should be avoided except where necessary for primary arterial separation and topography challenges. Triple frontage lots are prohibited. Lots abutting alleys must have vehicular access exclusively from alley. Lots shall not have direct access to arterial streets. 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. | Satisfied |

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| | <p>741-302.C – Blocks:</p> <ul style="list-style-type: none"> Shall not exceed maximum block lengths per Table 741-302.1 If exceeded, it must be demonstrated that: <ul style="list-style-type: none"> There are improved pedestrian easements at intervals of 400 feet or less. Adequate traffic calming provisions are made. The block length must be exceeded because of physical conditions of the land. | Satisfied |
| 741-303 Streets and Connectivity | 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. | EVALUATION |
| | <p>741-303.A – General:</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. | Satisfied |
| | <p>741-303.B – Through Connectivity (Metro Context Area):</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. | Satisfied |
| | <p>741-303.D – Cul-de-sacs (Metro Context Area):</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. | Satisfied |

741-304-316

Additional
Development Items

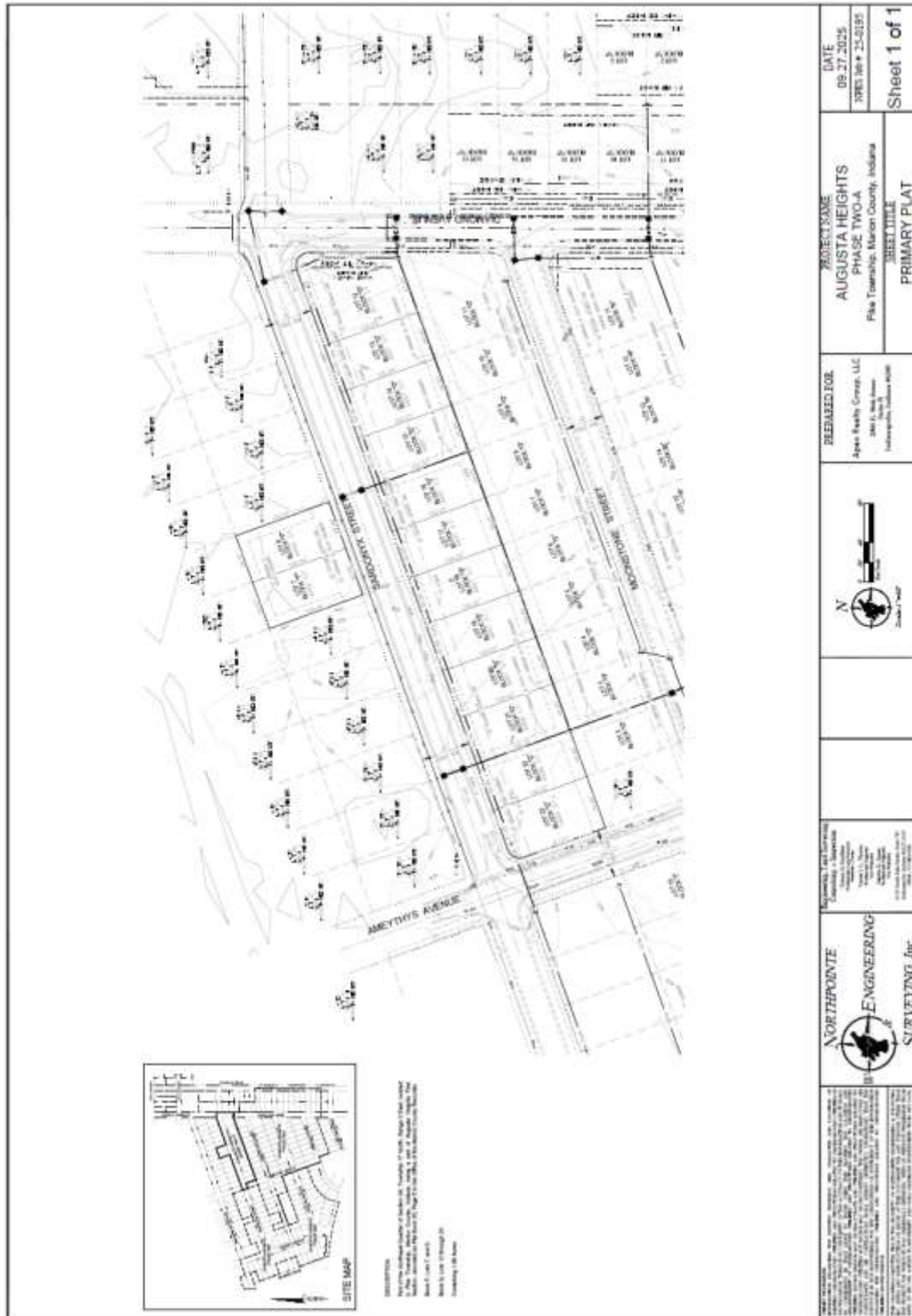
EVALUATION

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| | <p>741.304.A-C – Traffic Control Devices:</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> | Not Satisfied |
| | <p>741.305 – Numbering and naming:</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> | Satisfied |
| | <p>741.306 – Sidewalks:</p> <ul style="list-style-type: none"> • <i>Sidewalks shall be provided along all internal and external streets.</i> | Satisfied |
| | <p>741.307-309 – Easements, Utilities, Stream Protection Corridors:</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> | Satisfied |
| | <p>741.310 – Common Areas, Open Space and Public Sites (Compact Context Area):</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> | Satisfied |
| | <p>741-312 – Monuments</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> | Not Satisfied. |

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| | <p><i>741.313 – 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><i>741.316 – 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>Not Satisfied</p> |

AERIAL MAP

PRIMARY PLAT



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**

742.103.3 – Variances of Lot Area, Bldg. Height, first floor livable space, and side yard setbacks

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The requested variances are necessary simply to permit Phase 2A of this unique redevelopment project to be developed using the same housing product which has been successfully utilized for the first three phases without creating any such injuries; and as result of the redevelopment of this 102 year old subdivision critical missing public and private infrastructure and utilities will be brought to this previously unserved area which have actually improved public safety and the general welfare of the impacted areas without cost to the City.

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 adjacent areas are either vacant lots or lots containing existing single family homes similar to what is proposed by the Petitioner, all of which are within the larger subdivision platted as Augusta Heights in 1923. The development of the subject lots as proposed with the product allowed by the grant of the requested variances is likely to result in critical missing or substandard streets, sidewalks, and utilities being made more available to the adjacent areas which are not part of Phase 2 or 3, which will likely raise their property values and also allow them to be used as fully served residential subdivision lots for the first time.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Applying current development standards for first floor livable area, building area, lot area and side yard setbacks to a partially developed subdivision platted in 1923 results in housing product that will be smaller, less valuable, and less creative than the existing older homes in the subdivision; and without these variances the same successful product used in Phases 1, 2 and 3 could not be used in these remaining Phases. It is not practically possible to solve the lot area and side yard setback non conformances due to the existing platted/dedicated public rights of way granted in 1923, and the fact that vacant and developed lots owned by others already exist sporadically through and abutting the entire larger area being replatted.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____ 202 5



Department of Metropolitan Development
Division of Planning
Current Planning

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

744.701.2 – Variances of Private Frontage Design Standards

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The requested variances are necessary simply to permit Phase 2A of this unique redevelopment project to be developed using the same housing product which has been successfully utilized for the first three phases without creating any such injuries; and as result of the redevelopment of this 102 year old subdivision critical missing public and private infrastructure and utilities will be brought to this previously unserved area which have actually improved public safety and the general welfare of the impacted areas without cost to the City. In addition, the variances permit two car garages to be utilized, decreasing the need for on street parking and improving public safety.
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 adjacent areas are either vacant lots or lots containing existing single family homes similar to what is proposed by the Petitioner, all of which are within the larger subdivision platted as Augusta Heights in 1923. The development of the subject lots as proposed with the product allowed by the grant of the requested variances is likely to result in a nicer and higher valued product, to significantly reduce on street parking by permitting two car garages, and in the larger picture will result in critical missing or substandard streets, sidewalks, and utilities being made more available to the adjacent areas which are not part of Phase 2 or 3, all of which will likely raise the property values and will also allow the abutting area to be used as fully served residential subdivision lots for the first time.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Applying current development standards for the private frontage design standards to this development, which was zoned and platted in 1923, and is already partially redeveloped using single family product with two car front facing garages, results in housing product that will be smaller, less valuable, and less creative than the existing older homes in the subdivision; and without these variances the same successful product used in Phases 1, 2 and 3 could not be used in these remaining Phases. The private frontage design standards for D-5 zoned property were designed more for attached product or alley load garages, which in this case would require only one car garages when the zoning commitments require two car garages; and the three prior Phases are all approved to use 2 car garages to reduce on-street parking.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____ 202 5



Photo looking south along Walnut Drive which is the access street to 79th Street for the subdivision.



Photo looking west along Sardonyx Street towards the existing single-family dwellings north of site.



Photo of Sardonyx Street looking west towards the street extension to connect with Amethyst Avenue.



Photo looking southwest along Sardonyx Street towards 3011 and 3005 Sardonyx Street.



Photo looking east along Sardonyx Street towards the Diamond Street intersection.



Photo looking north towards the undeveloped portion of Diamond Street.



Photo looking south towards the Diamond Street extension proposed.



Photo of the single-family dwelling east of the subject site.



Photo looking west from Diamond Street towards the undeveloped lots to be proposed.



Photo looking north along Diamond Street towards the street extension to Sardonyx Street.



Photo of the subject site looking northwest.



Photo of the single-family dwellings south of the subject site.



Photo of Amethyst Avenue looking north from the Moonstone Street intersection.



Photo of the single-family dwelling north of 3665, 2659, and 3053 Sardonyx Street.



Photo looking east towards the Sardonyx Street extension and subject site to the right. |