

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

July 9, 2026

Case Number: 2026-CPL-812 / 2025-CVR-812
Property Address: 4800 Raceway Road
Location: Pike Township, Council District #5
Petitioner: Estate of Lois E. Williams, by John Moore
Current Zoning: D-S

Request: Approval of a Subdivision Plat, dividing 2.4 acres into three partial lots to be known as Williams Minor Plat, a three-lot subdivision, with the remainder of each lot being in Hendricks County
Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots, with reduced lot width (minimum 150-foot required), with reduced street frontage (minimum 75 feet required), reduced lot size (minimum one acre required), to provide for an accessory structure as the primary use on one lot (not permitted) and a five-foot rear setback (minimum 25-foot setback required)..

Current Land Use: Access drive / accessory building

Staff Recommendations: Approval of the Plat and Variances of Use and Development Standards.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the June 11, 2026, hearing to the July 9, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated March 3, 2026, 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
 11. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner
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PETITION OVERVIEW

This 2.4-acre site, zoned D-S, is developed with an access drive and accessory building. It is surrounded by undeveloped land to the north and south, zoned D-S and PK-II, respectively; single-family dwellings to the east, across North Raceway Road, zoned PK-II; and undeveloped land to the west (Hendricks County).

PLAT

Site Plan

This site is located between North Raceway Road and the boundary of Marion County / Hendricks County.

This request would divide 2.4 acres into three partial lots to be known as Williams Minor Plat, with the remainder of each lot being in Hendricks County. Lot 1 would have 0.88 acre in Marion County; Lot 2 would have 0.13 acre in Marion County; and Lot 3 would have 1.20 acres in Marion County.

The Proposal Description, file-dated March 3, 2026, provides details related to these requests, the configuration of the lots and the future development of the three lots, the majority of which is located within Hendricks County. See Exhibit A.

Streets and Traffic

No new streets are proposed as part of this petition.

Waivers

No waivers have been requested.

VARIANCES OF USE AND DEVELOPMENT STANDARDS.

The variance requests include a use variance and four variances of development standards. The area of the plat that is located within Marion County is approximately 850 feet long and a width between 44 feet and 128 feet (2.75 acres). The total area of the plat, including right-of-way, is 29.85 acres.

The variance of use would allow for the existing accessory structure to become the primary use on the narrowest portion of the site (a portion of Lot 3), which is not permitted by the Ordinance. Furthermore, staff believes the configuration of the site in this area would result in a practical difficulty in meeting the required 25-foot rear setback.

The remaining variances of development standards of reduced lot width, reduced street frontage and reduced lot size have a direct relationship to the configuration of the site, with the majority of the plat located to the west in Hendricks County. Because the parcel of land straddles the county line, staff believes a practical difficulty exists and supports the variance of use and all the development standards.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Access drive / accessory building	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-S	Undeveloped land
	South: PK-II	Undeveloped land
	East: PK-II	Single-family dwellings
	West: Hendricks County	Single-family dwelling
Thoroughfare Plan		
North Raceway Road	Primary Collector	Existing 68-foot right-of-way and proposed 106-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	Plat – March 3, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	

Landscape Plan	N/A
Findings of Fact	March 3, 2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Rural or Estate Neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Detached Housing – Rural or Estate Neighborhood Typology

- Should preserve open space.
 - In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible.
 - In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide.
- Denser development is appropriate only if the houses are clustered together and public open space is provided.
- “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided
- Lots should be no larger than one and a half times the adjacent lots.

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

Not Applicable to the Site.

Indy Moves

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

99-CP-40Z / 99-CP-40AP; 4801 North Raceway Road (east of site), requested rezoning of 144.68 acres, being in the D-S district to the PK-II classification to provide for single-family residential development and Park District Two Approval to provide for the construction of a 125 lot residential subdivision on 90-4 acres, or 1.4 units per acre, **approved**.

88-Z-174 / 88-AP-154; 4801 Raceway Road (east of site), requested the rezoning of 137.45 acres being in the D-S district to the PK-II district to provide for single-family residential development consisting of 203 units, **denied by C-C Council**.

88-Z-55; 5001 North Raceway Road, (east of site), requested rezoning of 12.07 acres being in the SU-1 district to the PK-II classification to provide for single-family residential development, **approved**.

EXHIBITS



4800 North Raceway Road

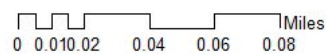


EXHIBIT A

Proposal Description

4800 (aka 4601) N. Raceway Road

Petitioner owns approximately 29.7 acres along Raceway Road which straddles the Marion County / Hendricks County border ("Combined Acreage"). Approximately 2.59 acres are located in Marion County ("Marion County Site") and approximately 27.1 acres are located in Hendricks County ("Hendricks County Site"). The Hendricks County Site does not have street frontage.

The Combined Acreage is currently improved with a single-family residence (on the Hendricks County Site), a detached accessory garage (on the Marion County Site) and a driveway (on the Marion County Site). The only access to the Hendricks County Site is via the driveway on the Marion County Site.

To provide for future development of the Hendricks County Site, Petitioner proposes to divide the Combined Acreage into three lots, as approximately depicted on the attached Plat. Portions of each of the proposed lots will be located within Marion County. The Marion County acreage of Proposed Lot 2 contains the existing driveway and will be utilized only for access to a public street by the proposed Hendricks County lots. The Marion County acreage of Proposed Lot 3 is improved with the existing detached accessory garage (while the residence is located on the Hendricks County acreage of proposed Lot 3).

Petitioner respectfully requests approval of the proposed Plat filed herewith dividing the Marion County Site to allow such Marion County acreage to be a portion of each of the three Proposed Lots. Additionally, Petitioner respectfully requests the following variances relating to the Marion County Site:

- Variance of Table 744-201-1 to allow for a lot within the Plat to have a lot width of less than 150 feet;
- Variance of Table 744-201-1 to allow for a lot within the Plat to have street frontage of less than 75 feet;
- Variance of Table 744-201-1 to allow for a lot within the Plat to be less than one acre;
- Variance of Table 744-201-1 and Section 743-306.A.4.b. to allow for the long-existing residential accessory garage to have a rear setback of less than 5 feet; and
- Variance of Table 743-1 to allow for the long-existing residential accessory garage to be the primary use on a lot within the Plat.

[illegible]



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 USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

Real estate owned by Petitioner is split between Marion County and Hendricks County, with the majority of the acreage in Hendricks County.

Existing improvements include a residence and detached garage. The existing garage in Marion County is an accessory use for the

adjacent residence in Hendricks County and has been on the site since the early 2000s with no injury to the community. The variance

will allow for the continued use of the garage by the residence, which will not be injurious to the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The existing detached garage is utilized by the residence in Hendricks County and has not adversely affected the use and value of adjacent

area. The detached garage is a residential use and is compatible with nearby residential uses. The continued use of the detached

garage will not adversely affect the adjacent area.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The existing garage in Marion County is an accessory use for an existing residence in Hendricks County. The split of Petitioner's acreage

into two counties is a condition peculiar to the site. Because only the garage (and not the adjacent residence) is in Marion County it is

considered the primary use of the acreage in Marion County, even though it operates as an accessory use to the adjacent residence in Hendricks County.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The Petitioner's real estate is in two counties. The location of the county line through Petitioner's real estate would prevent the continued use

of a detached garage in Marion County as an accessory to the adjacent residence in Hendricks County. The Marion County zoning ordinance permits detached

garages as accessory uses to residences. The strict application of the terms of the zoning ordinance would prevent the Hendricks County residence from

using an existing garage in Marion County due to the split of Petitioner's real estate in two counties.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The Comprehensive plan recommends rural or estate neighborhood uses for the site. The detached garage is used by a residence.

Due to the residential use of the detached garage, the variance is compatible with the Comprehensive plan.

DECISION

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

Adopted this _____ day of _____, 20 ____

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:

One of the proposed lots includes Marion County acreage that is improved with a driveway. Historical photographs depict the driveway on the site since the 1960s.

The variances will allow for such Marion County acreage (and driveway) to be utilized solely for access to Raceway Road by real estate within Hendricks County that does not have any street frontage. The driveway has existed for over 60 years and has not been injurious to the general welfare of the community. Additionally, the variance relating to the long existing detached garage rear setback will not be injurious. The detached garage, which is located on Marion County acreage, is for the residence that is located on Hendricks County real estate, and such garage appears to have been on the site since the early 2000s with no injury to the general welfare of the community.

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 variances will allow for the continued use of the long existing driveway and garage, which have not adversely affected the use or value

of the area adjacent to the property. The driveway is proposed to be utilized by only three Hendricks County lots, which is a minimal increase in the use of the driveway. The detached garage is utilized by the residence in Hendricks County which is west of the Hendricks County site. The closer rear (west) setback will not adversely affect the use or value of adjacent areas, as the Marion County garage is simply closer to the residence it serves and not other uses.

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

Petitioner owns approximately 30 acres, which is split between Marion and Hendricks counties. Most of the 30 acres are located in Hendricks County. Only a narrow portion of the

Petitioner's property is in Marion County (along Raceway Road) with the majority in Hendricks County. The Hendricks County acreage does not have street frontage. The variances will allow for the Hendricks County lots to have access to Raceway Road by utilizing the existing driveway within the Marion County acreage.

The existing detached garage in Marion County is an accessory use for existing the residence in Hendricks County, which is located

west of the detached garage. If all of the real estate were in one county, the need for the variance relating to the rear setback would not exist.

Due to the unique split of the Petitioner's adjoining acreage between Marion and Hendricks Counties, there is a practical difficulty in developing the real estate within Hendricks County and in the continued use of existing improvements within Marion County.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north across intersection of Forest Willow Drive and North Raceway Road



View looking north along North Raceway Road



View looking north across intersection of West 46th Street and North Raceway Road



View of site looking south from access drive



View of site looking southwest across North Raceway Road



View of site looking west along access drive



View of site looking west across North Raceway Road



View of site looking west across North Raceway Road



View of site looking northwest across North Raceway Road