

BOARD OF ZONING APPEALS DIVISION III

January 6, 2025

Case Number: 2025-DV1-061
Property Address: 9000 Shetland Lane (*approximate address*)
Location: Pike Township, Council District #1
Petitioner: Rebecca Bolton and David Padrick, by David Gilman
Current Zoning: D-A
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory residential structure on a lot that is not developed with a primary building and lacks street frontage (accessory structures on lots without primary buildings not permitted; minimum 125-foot street frontage required).
Current Land Use: Undeveloped
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 9000 Shetland Lane is a parcel comprised of around 7.3 acres at the border of Marion County and Hendricks County that lacks direct access to street frontage (access currently comes from the northwest via a private access drive). Surrounding land uses include the I-65 freeway to the southwest and residences to the southeast and north. The property is owned by the same owners of 9104 Paddock Court about 150 feet to the north of the subject site (separated by an undeveloped common-property parcel owned by a homeowner's association).
- In 2024, clearing of trees was conducted at the northwest corner of the subject site per aerial photography. This cleared area is accessible solely by a private drive located within the adjacent county and is comprised of a gravel lot where several vehicles are stored. Site photographs within the below Exhibits showed the parking of a boat, flatbed trailer, open-wheel race car, and recreational vehicle being stored at the site. It is unclear if any heritage trees were removed to allow for placement of the gravel lot and vehicle storage area.

- This petition is seeking permission to allow for the placement of a storage building within the currently existing cleared area, per the below site plan. The structure would be utilized for accessory storage of a personal nature per application documents, would have a size of approximately 6325 square feet, and would have three (3) separate garage doors (presumably for storage of vehicles already on site). Two Variances of Development Standards would be required to allow for placement of this structure: **(a)** development of a lot that lacks street frontage (125 feet would be required for the D-A zoning district); and **(b)** placement of an accessory residential building on a lot not developed with a primary structure.
- The required side setback for accessory structures within this zoning district would be 15 feet, and the typical maximum height for accessory structures here would be 24 feet (although 1 additional foot of height would be allowed for each additional foot of building setback). For these reasons, the proposed structure height of 28.5 feet would only be permissible with a setback of 20 feet from the western property line. The provided site plan doesn't clearly indicate this setback, and grant of this variance would not allow relief from that standard.
- Similarly, approval of this variance would not allow for any operations or vehicle storage related to commercial or contractor uses at the site, and Ordinance limitations on the outdoor parking of personal recreational vehicles (743-306.AA) would be enforceable regardless of the final disposition of the variance request.
- This site is zoned D-A to allow for either agricultural uses or for large estate development of single-family dwellings. The subject site has not been a part of previous plat petition or set aside for inclusion within residential subdivisions to the southeast or north. Similarly, the site is recommended to the Rural or Estate Neighborhood typology by the Comprehensive Plan to allow for low-density residential development. The Plan also places the site within an Environmentally Sensitive overlay designed for the protection of natural areas such as woodlands.
- Staff would note that the most direct path to accessing the subject site would involve utilizing Thoroughbred Boulevard as accessed from Lafayette Road within Marion County to the north (access point shown within Photograph 10 of the Exhibits). This is a narrow single-lane road with high levels of grade change not conducive to safe passage of boats or other recreational vehicles. If approved over staff's recommendation, a commitment should be in place restricting access to come from the wider and flatter access road off Lafayette Road within Hendricks County (North County Road 1071 East, per the aerial photograph below).
- Findings of Fact provided by the applicant indicate that strict application of the terms of the zoning ordinance would result in practical difficulty of the use of the property due to the lack of street frontage making residential development less likely and the storage building creating benefit for the property owner and neighborhood while discouraging trespassers. Staff would note the existence of a small parcel between the subject site and Shetland Lane to the southeast which could feasibly allow for an alternate point of site access and for residential development. Additionally, it is unclear how the storage structure would result in neighborhood benefit or discouraging trespassers. Submitted Findings do not meet the State criteria for variance approval.

- Staff would note that two (2) Ordinance regulations have potentially been violated at this site in the recent past (removal of heritage trees without Administrative Approval; parking of more than two recreational vehicles parked outdoors on the same lot), and that the current site conditions of cleared trees and recreational vehicles being parked on-site should not be used as justification for relief from two *additional* Ordinance rules. Staff also notes that the size of the proposed structure would be larger than the size of the single-family residence with common ownership of this site by approximately 40%. For these reasons, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-S	North: Residential
	South: D-A / D-S	South: Interstate / Residential
	East: D-S	East: Residential
	West: Hendricks County	West: Interstate
Thoroughfare Plan		
No Public Frontage	n/a	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/12/2025	
Site Plan (Amended)	N/A	
Elevations	11/12/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/12/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- 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 exceptional natural features – such as rolling hills, high-quality woodlands, and wetlands – that make these areas unique.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.

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)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2006DV2008 ; 9140 Lafayette Road (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on a lot without access to a public street (not permitted), and to legally establish a single-family dwelling on a second lot with a street frontage and lot width at the required setback of 80 feet (minimum 125 feet of frontage required, minimum 250-foot lot width required), without direct access to a public street (not permitted), with a zero-foot north side yard setback (minimum 30-foot setback required), **approved**.

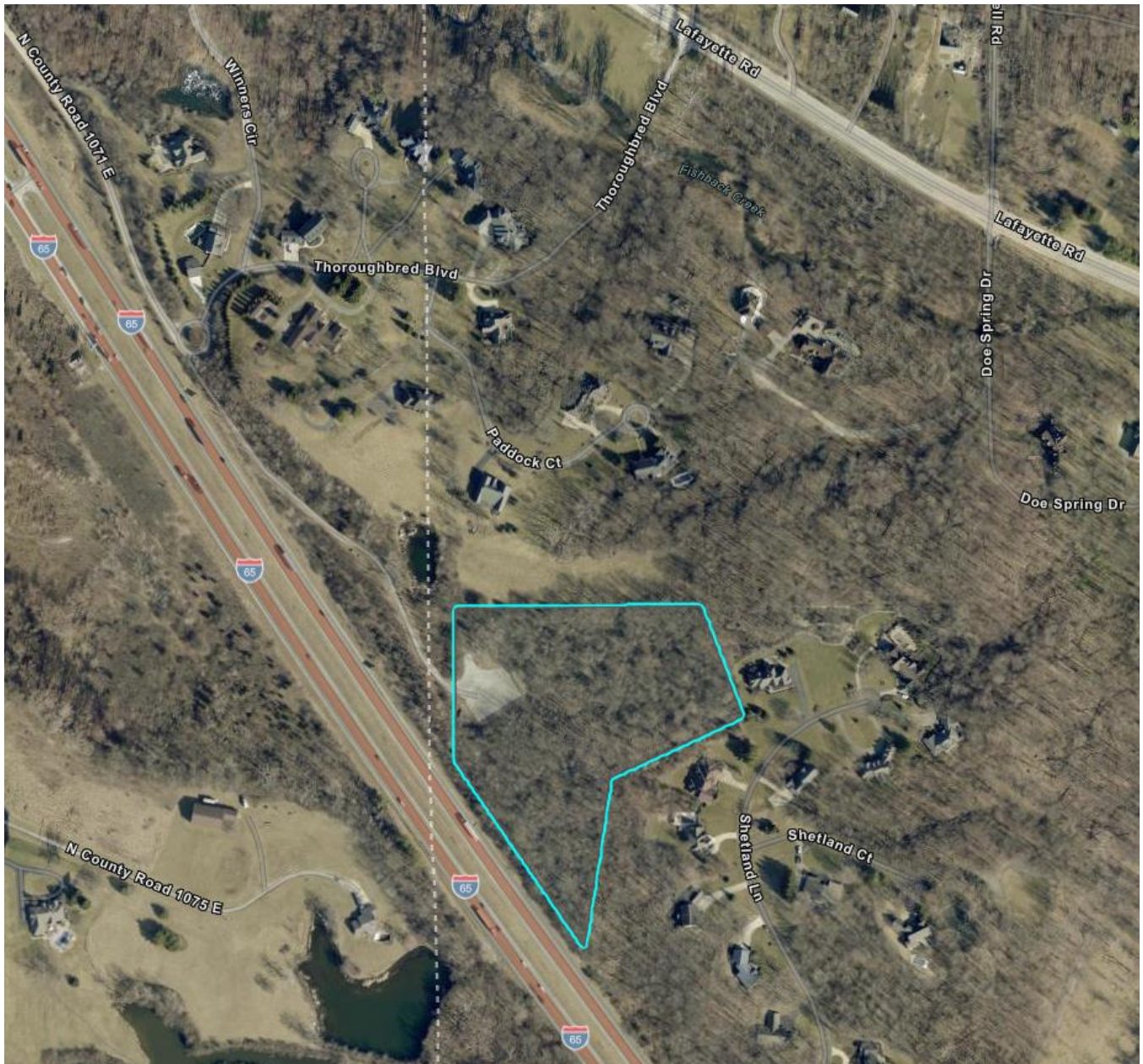
96-V2-87 ; 8819 Shetland Lane (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a multi-game court for an existing single-family residence located in the front yard along Shetland Lane, **approved**.

89-Z-184 ; 9396 Lafayette Road (north of site), rezoning of 22 acres, being in an A-2/FF District, to the D-S/FF classification to provide for residential development, **approved**.

79-Z-43 ; 8802 West 86th Street (east of site), rezoning of 62 acres from the A-2, FW and FP designation to the D-S zoning district to permit low-density, estate-type one-family dwellings, **approved**.

EXHIBITS

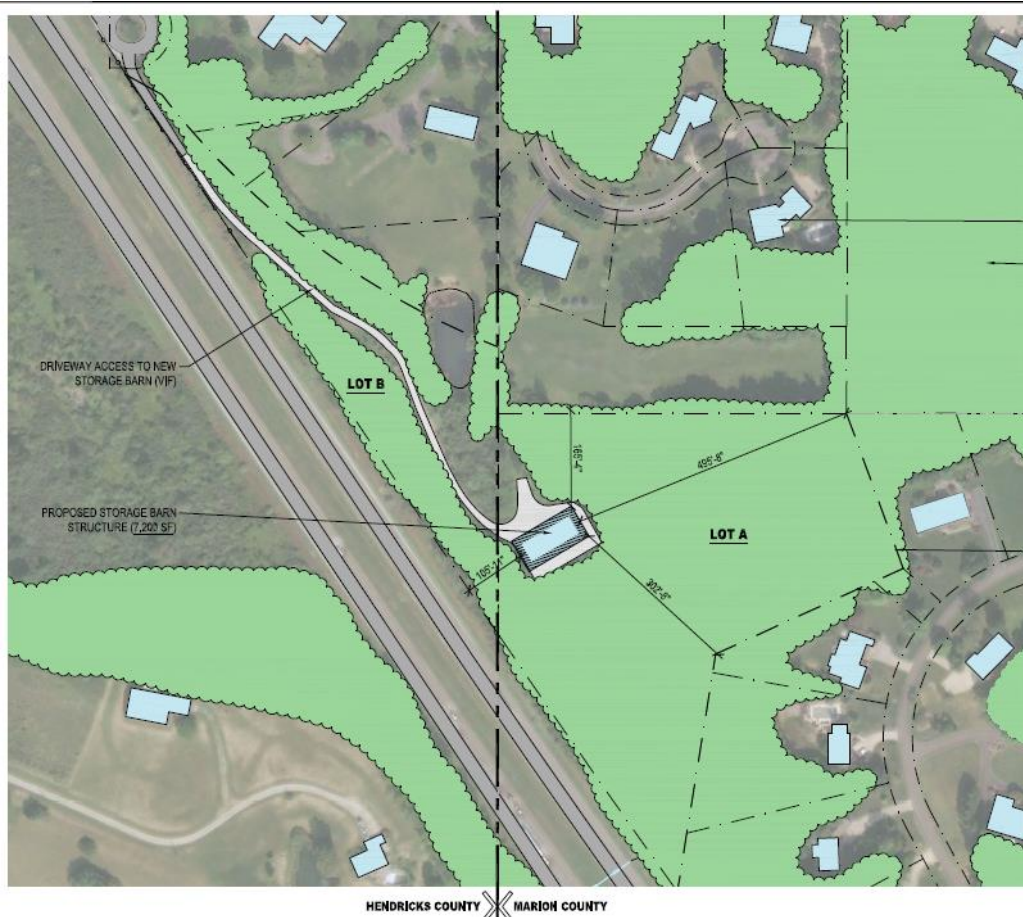
2025DV1061 ; Aerial Map



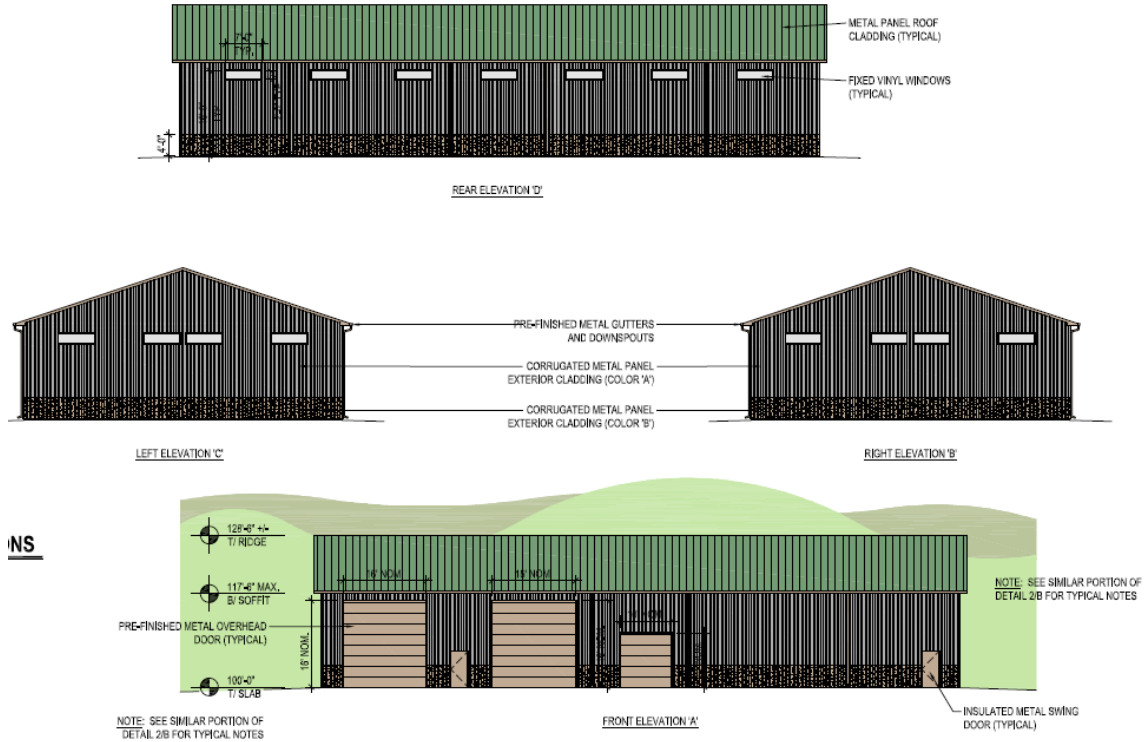
2025DV1061 ; Aerial Map (Zoomed, Early 2024)



2025DV1061 ; Site Plan



2025DV1061 ; Elevations



2025DV1061 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The storage building will be constructed to meet all the applicable building codes. The subject parcel is isolated and often attracts trespassers and illegal dumping. Having a structure on the site with regular site visits and maintenance will help prevent this from occurring.

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 subject site is over seven (7) acres of heavy woodland, and the structure will not be visible by the adjacent residences. The subject structure will be used for private and personal storage only.

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

The subject site was developed on all sides with platted subdivision lots. The site has no street frontage or access to sewer and water services making it difficult to develop for a residence. The site left undeveloped will continue to be subject to trespassers and illegal dumping. The storage building will serve a useful purpose for the owners and the nearby neighborhood.

2025DV1061 ; Photographs



Photo 1: Cleared Portion of Site Viewed from Northwest



Photo 2: Cleared Portion of Site Viewed from Southeast

2025DV1061 ; Photographs (continued)



Photo 3: Area to East of Cleared Portion of Site



Photo 4: Area to North of Cleared Portion of Site

2025DV1061 ; Photographs (continued)



Photo 5: Area to Southwest of Cleared Portion of Site



Photo 6: Area to Southeast of Cleared Portion of Site

2025DV1061 ; Photographs (continued)



Photo 7: Subject Parcel Viewed from Southeast



Photo 8: Fence Across Private Drive Leading to Subject Site from Northwest

2025DV1061 ; Photographs (continued)



Photo 9: Roundabout to Northwest of Subject Site



Photo 10: Thoroughbred Boulevard Access from Lafayette Road to North of Site