

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**April 10, 2025**

**Case Number:** 2024-CVR-855 / 2024-CPL-855

**Property Address:** 1527 East 12th Street (Approximate Address)

**Location:** Center Township, Council District #13

**Petitioner:** Tyler and Natalie Sadek, by Paul Lambie

**Current Zoning:** D-8 (FF) (FW)  
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the Stream Protection Corridor (not permitted).  
Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three (3) lots.

**Current Land Use:** Undeveloped

**Staff Recommendations:** **Split recommendation**

**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM APRIL 10, 2025**

This petition was continued from the March 27, 2025, hearing to the April 10, 2025, hearing.

**ADDENDUM MARCH 27, 2025**

This petition was continued for cause from the **February 27, 2025**, hearing to the **April 10, 2025**, hearing to allow additional time to review the building plans.

A variance request was added to allow the building within 60 feet of the Stream Protection Corridor.

**ADDENDUM FEBRUARY 27, 2025**

This petition was continued from the January 23, 2025, hearing to the February 27, 2025, hearing.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the Variance request to allow an increase in the front building line.

Staff recommends **denial** of the Variance request from to allow for construction in the stream protection corridor.

Staff recommends **approval** to the Hearing Examiner and find that the plat, file-dated 3/19/2025, 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.

## PETITION OVERVIEW

### LAND USE

The 19.89-acre subject is currently an undeveloped lot within the Near Eastside neighborhood. The surrounding zoning designations and land uses are residential.

### VARIANCE REQUEST # 1

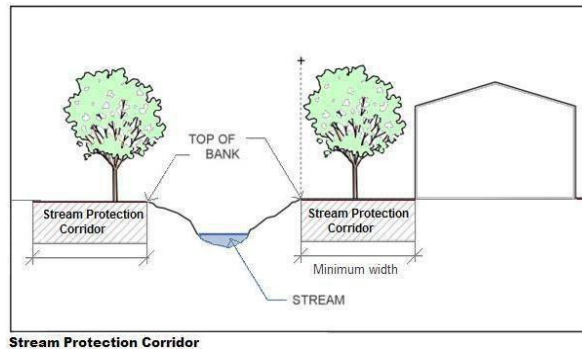
- **Request:** To provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet. (Front Building Line "Build to Range" 10'-19.9')
- **Ordinance:** Sec 744-701. C. Table 744-701-2.

### Findings

Staff finds the property has a unique layout, a third of the subject parcel contains the Pogue's Runs Stream. The property features only one public street frontage, as the rest board two. The site benefits from natural amenities including the stream, and woods. Additionally, the property characteristics make aligning with the Infill Housing Guidelines difficult without the use of a variance in some manner. The petitioner's request to plat for three (3) lots represents a minimal density as opposed to the typical D-8 density. Given the property's unique conditions, which limit development options, staff recommends **approval** of the development standards variance.

## VARIANCE REQUEST #2

- **Request:** To build within 60 feet of the Stream Protection Corridor
- **Ordinance:** Per Sec. 744-205 Table 744-205-2



Stream Protection Corridor

Table 744-205-1: Stream Protection Corridor Widths		
	Category One Streams	Category Two (Other Mapped Streams)
Compact Context	60 feet	25 feet
Metro Context	100 feet	50 feet

## Findings

The petitioner has submitted a second variance request, which seeks permission to build within 60 feet of the Stream Protection Corridor. According to Sec. 744-205 Table 744-205-2, the required Stream Protection Corridor width varies depending on the classification of the stream and the surrounding context. In the Compact Context, a Category One Stream requires a 60-foot buffer. The function of the Stream Protection Corridor is to control erosion, improve water quality, provide flood storage, and preserve habitat and aesthetics.

Staff recommends **denial** of the intrusion into the Stream Protection Corridor. There is no hardship as petitioner can still develop the property without intrusion. see Petitioner Exhibit B,

## PLAT

The plat would replat Milligan's Park Lane Addition L29, dividing 1.878 acres into three (3) lots. The proposed plat would meet the standards of the D-8 district except for development standards induced in the companion variance request.

## SIDEWALKS

Sidewalks are existing along 12th Street.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Large-Scale Park	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-8	Residential (Single-family dwellings)
South:	D-3	Residential (Single-family dwellings)
East:	D-8	Residential (Single-family dwellings)
West:	D-8	Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
12 <sup>th</sup> Street	Local Street	48-foot existing right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/10/2024	
<b>Site Plan (Amended)</b>	3/19/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/10/2024	
<b>Findings of Fact (Amended)</b>	3/19/2025	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends **Large-Scale Parks** are generally over 10 acres in size.
  - Due to the nature of this typology, it does not have any recommended land uses.

#### **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 - Vicinity

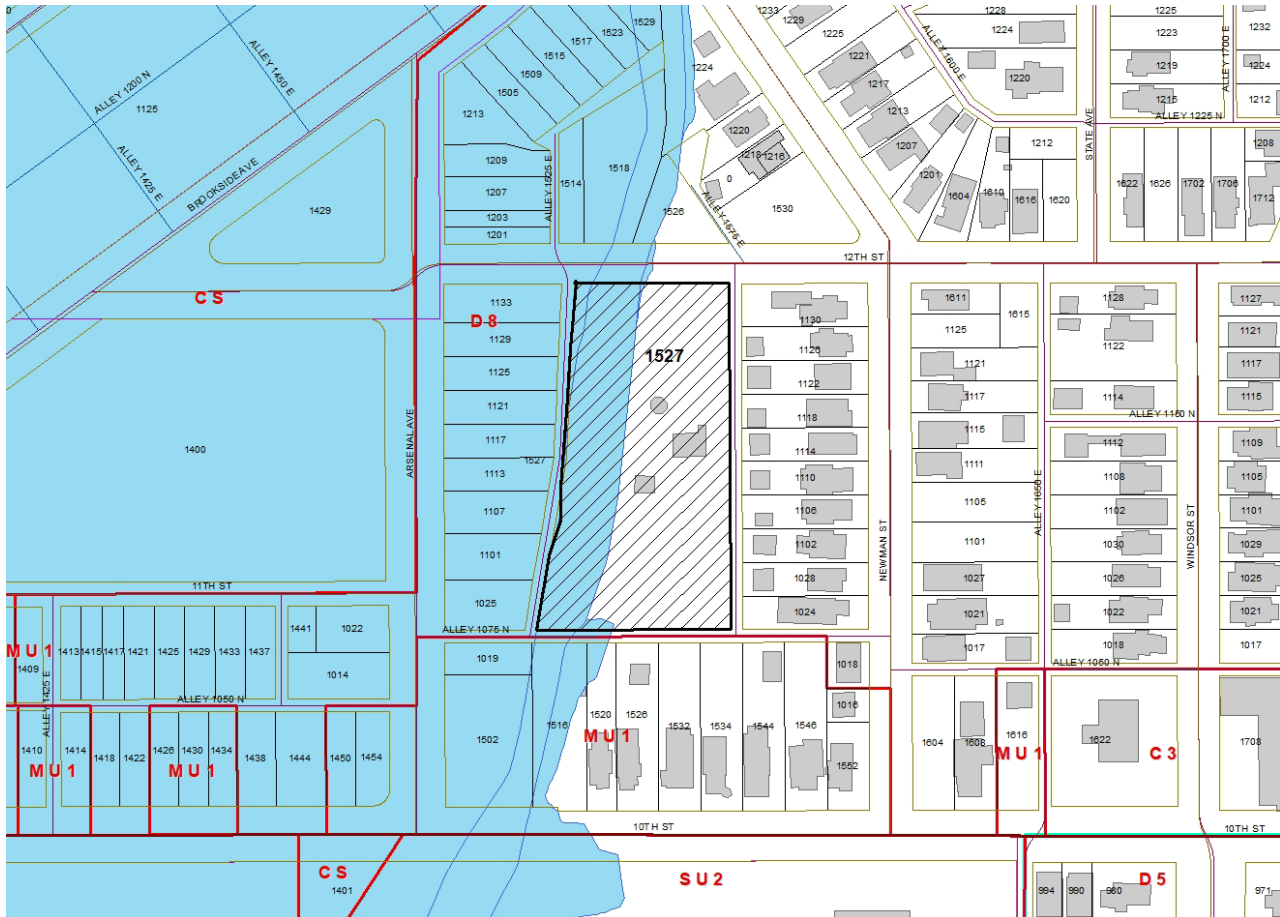
**2020ZON027; 1018 Newman Street** (southeast of site), Rezoning of 0.06 acre from the MU-1 district to the D-8 district, **approved**.

**2019CN801; 1436 E 10th Street** (west of site), Rezoning of 0.27 acre from the MU-1 district to the D-8 district to provide for the construction of three single-family dwellings, with detached garages, **approved**.

**2018ZON124; 1604 E 10th Street** (southeast of site), Rezoning of 0.37 acre from the MU-1 district to the D-8 classification, **approved**.

**92-Z-138/ 92-CV-18; 1125 Brookside Avenue** (west of site), Rezoning of 16.7 acres, being in the I-4-U, PK-1, C-2, and D-8 Districts, to the C-S classification to provide for manufacturing, receiving, storage, distribution, and offices within an existing building, **approved**

EXHIBITS







View look at the ally access



Looking at the residence across from subject site





From the ally looking at subject site



From the ally looking at subject site From the 12th street looking west





View of trees, from 12<sup>th</sup> street looking at subject parcel



View from alley looking at 12<sup>th</sup> street.

**STREAM PROTECTION CORRIDOR VARIANCE**

**METROPOLITAN DEVELOPMENT COMMISSION**

**HEARING EXAMINER**

**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:**

significant mature trees and vegetation will remain in the stream protection corridor and supplemental plantings will be added as warranted to mitigate any impact from the proposed building encroachments.

**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 proposed development will be consistent with the development pattern of the neighborhoods where buildings set back less than sixty feet (60') from the top of the stream bank are commonplace.

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

it would render more than half of the nearly two-acre site unbuildable and would either require the site to remain as one parcel, which is an unrealistically large size for an urban residential parcel, or it would require multiple homes to be all built along the far eastern side of the property with limited or no visibility from a public street.

**FRONT BUILDING LINE VARIANCE**

**METROPOLITAN DEVELOPMENT COMMISSION**

**HEARING EXAMINER**

**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 proposed dwelling will be in the general longstanding historical location of a previous dwelling, and dwellings to be built on the two adjacent lots to be platted will be built at the required build-to range, so that the resulting development will give the appearance that is intended by the zoning ordinance.

**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:**

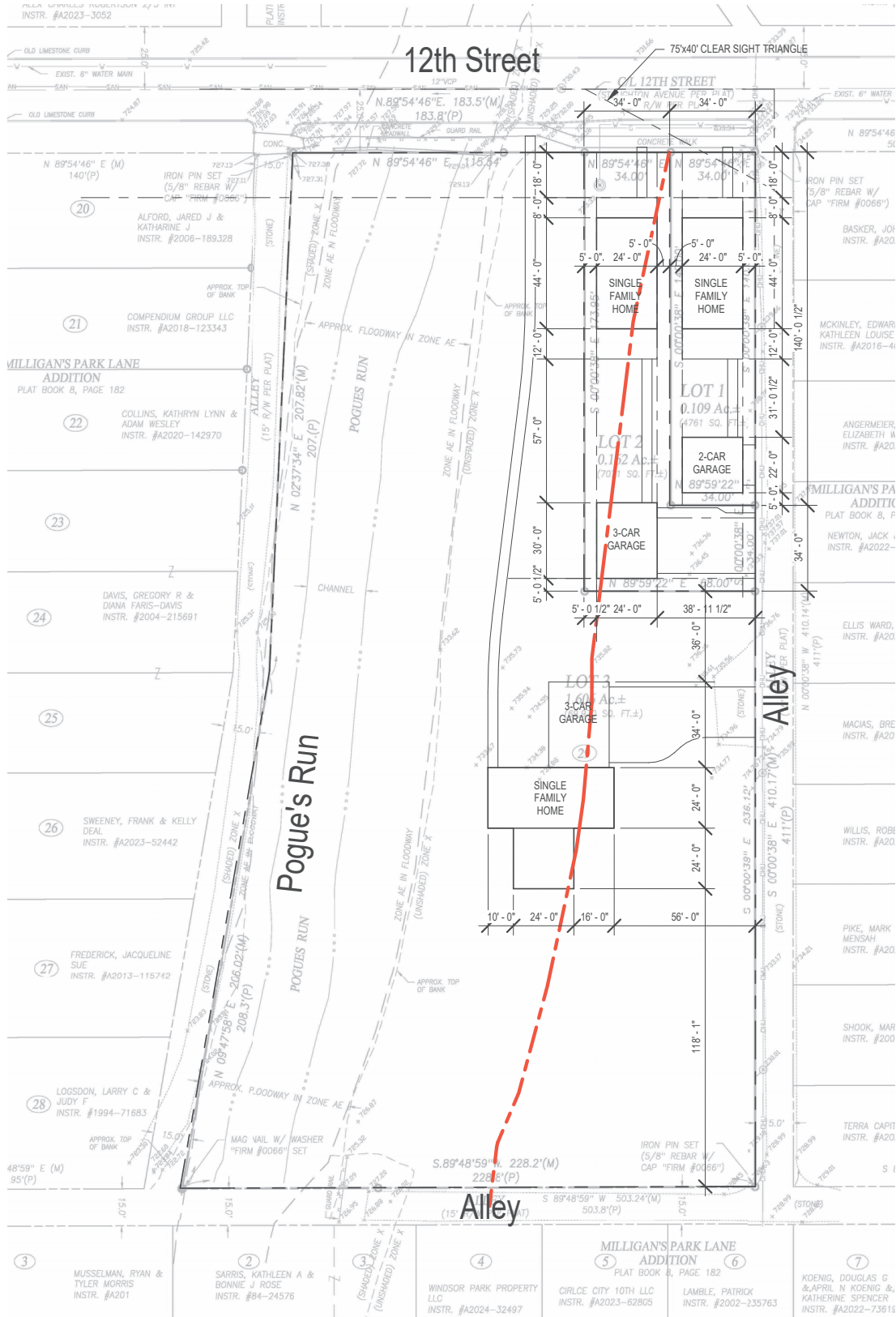
the location of the proposed dwelling will be generally consistent with the longstanding location of the previous dwelling on uniquely shaped and sized property.

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

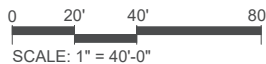
the depth of this longstanding platted parcel is several times deeper than the typical urban lot, and building a dwelling with a greater setback is more typical and desirable for a lot of such depth which is similar to an estate type lot.



# Petitioner Exhibit A

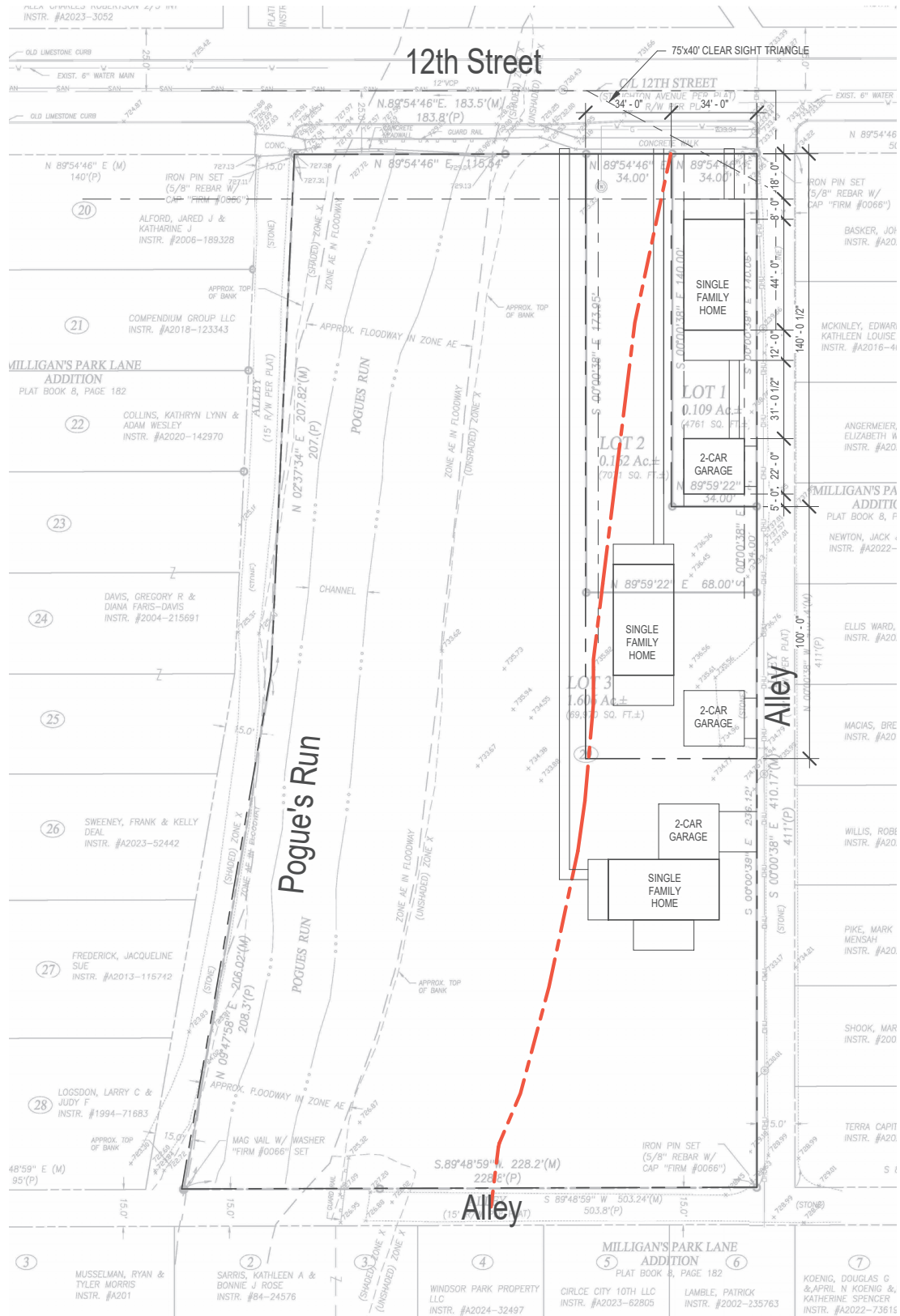


Floor Plan  
**1** Site Plan  
 1" = 40'-0"





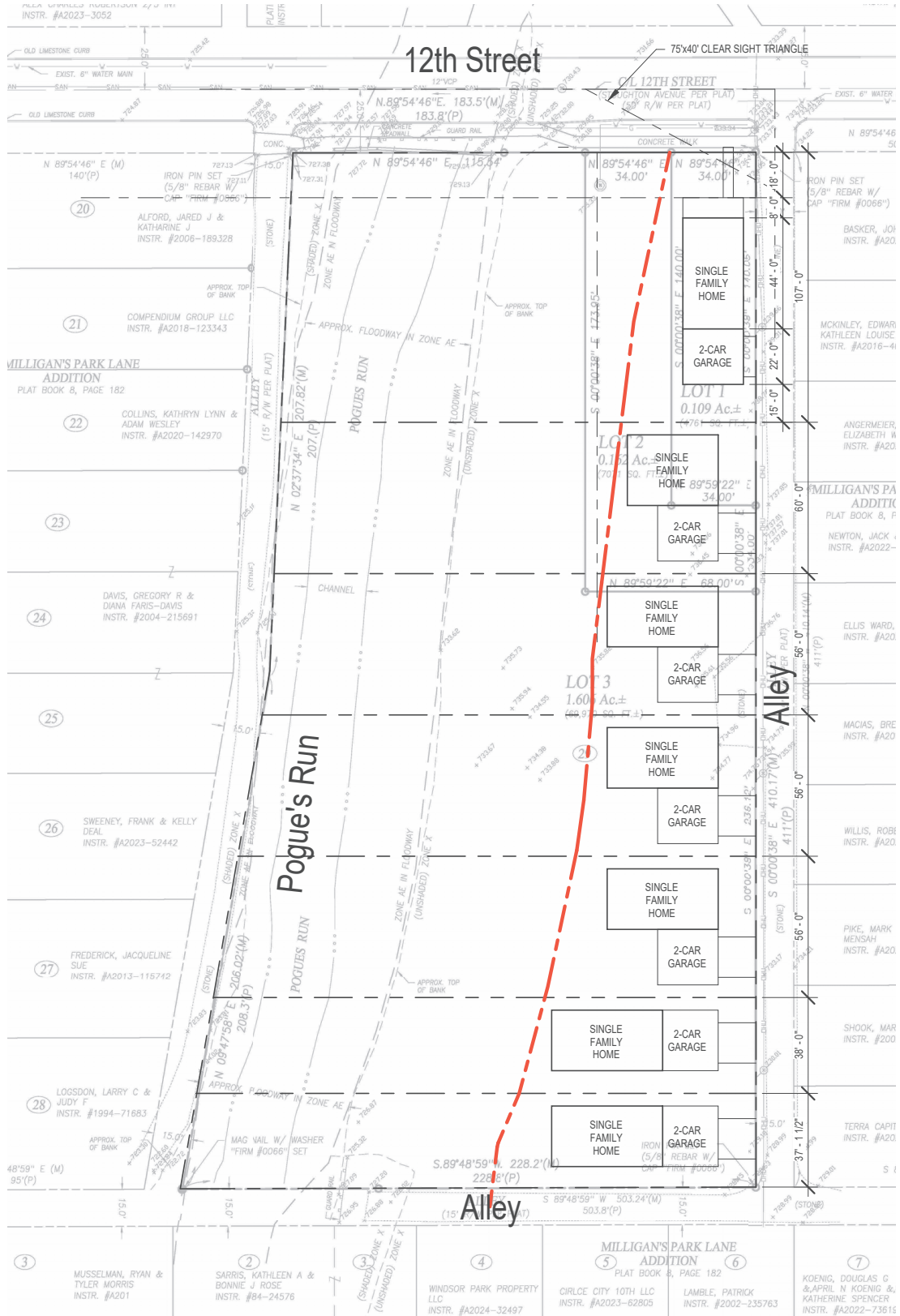
# Petitioner Exhibit B



Floor Plan  
1 Site Plan  
1" = 40'-0"



# Petitioner Exhibit C



Floor Plan  
**1** Site Plan  
 1" = 40'-0"