

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2022-CZN-863 / 2022-CVR-863  
**Address:** 4437 Clark Drive and 4532 Northeastern Ave (*Approximate Address*)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** David A. Retherford, Trustee of the Russell E. Flagle Revocable Trust  
**Request:** Rezoning of 2.05 acres from the D-5 (FF) and C-S (FF) districts to the D-5 (FF) district.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero feet of street frontage and lot width (minimum 25 feet of street frontage and 50 feet of lot width required).

This petition was continued from the December 29, 2022 hearing to the January 12, 2023 hearing to accommodate a scheduling conflict.

The petitioner has submitted the following commitment: Prior to the time that the presently vacant home on the subject property is occupied, the property owner will install a sign at the end of the drive where it intersects with the right of way, which contains the new street address for the property. If the drive is relocated in the future, then the address sign shall be relocated along with the drive. Staff supports the inclusion of the commitment.

This petition was continued from the December 15, 2022 hearing to the December 29, 2022 hearing to provide additional time for the submission of commitments.

This petition was continued from the December 1, 2022 hearing to the December 15, 2022 hearing to provide additional time for the petitioner and staff to negotiate.

### **RECOMMENDATION**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ Historic aerial photography indicates that a dwelling has stood on this site since at least 1941. However, the historic house appears to have been demolished and a new dwelling constructed on the site in the mid-1990s. The existing dwelling sits about 250 feet from

Harrison Street. The driveway for the dwelling extends southwest from the intersection of Harrison Street and Clark Drive.

(Continued)

**STAFF REPORT 2022-CZN-863 / 2022-CVR-863 (Continued)**

- ◇ The 2018 Comprehensive Land Use Plan recommends Village Mixed-Use for the historic town of Wanamaker generally and for the subject site particularly. This typology envisions village centers with a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development with surrounding residential development. Historic Wanamaker is a classic example of the typology.

**ZONING**

- ◇ This petition requests a rezoning to the D-5 district. The D-5 district permits single-family and two-family dwellings and multi-unit houses. This is a commonly-found district in the historic parts of Wanamaker.
- ◇ This petition would combine a parcel and a portion of an abutting parcel under one zoning district. The east parcel, 4532 Northeastern Avenue, is already zoned D-5. It shares an address with the abutting parcel to the east, although it is under different ownership. Although addressed off Northeastern Avenue, the subject parcel doesn't have access from that street.
- ◇ 4437 Clark Drive is an approximately 38-acre parcel that is mostly undeveloped. This petition would rezone approximately one-and-a-quarter acre in the southeast quadrant of the parcel to D-5. The portion being rezoned contains the existing dwelling.
- ◇ D-5 is an appropriate district for residential areas in a Village Mixed-Use area generally and for this locale specifically. As such, staff recommends approval of this rezoning request.

**VARIANCE**

- ◇ Variances of development standards have been requested to provide for a lot with zero feet of street frontage where a minimum 25 feet of street frontage is required and for zero feet of lot width where 50 feet of lot width is required. Access to the site would be via an approximately 200-foot long, 30-foot wide access easement from the intersection of Clark Drive and Harrison Street.
- ◇ Lots without public street access are not permitted by the Ordinance. The purpose of this prohibition is that it generally creates a situation where one dwelling sits behind another

dwelling. The front dwelling typically blocks the view of the back dwelling from the street. This creates difficulty in quickly and efficiently locating the back dwelling. This can be an annoyance to visitors and delivery people. More importantly, it can be life-threatening in the case of emergency response.

(Continued)

**STAFF REPORT 2022-CZN-863 / 2022-CVR-863 (Continued)**

- ◇ The petitioner has indicated that the remainder of 4437 Clark will likely be rezoned to accommodate a revised development plan that would include a row of dwellings along Harrison Street as extended to the west. Reconfigured access to the subject site would be provided at that time. The proposed row of dwellings along Harrison Street would be a logical and desirable extension of Wanamaker's street grid and development pattern.
- ◇ The dwelling on this site is currently visible from Harrison Street and Clark Drive. However, upon construction of dwellings along Harrison Street, the existing dwelling will no longer be obvious to those on Harrison Street or Clark Drive. Access to the dwelling should be clearly and obviously marked to facilitate quick wayfinding.

**GENERAL INFORMATION**

**EXISTING ZONING, CONTEXT AREA, AND LAND USE**

C-S, D-5	Metro	Single-family dwelling
----------	-------	------------------------

**SURROUNDING ZONING AND LAND USE**

Northeast	C-S, D-5	Undeveloped land, single-family dwelling
Southwest	C-S, D-2	Undeveloped land, single-family dwellings
Southeast	D-5	Single-family dwellings
Northwest	C-S	Undeveloped land

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Village Mixed-Use.
-----------------------------	---

THOROUGHFARE PLAN	The subject site doesn't have frontage on any existing or proposed street that is classified in the Official Thoroughfare Plan for Marion County, Indiana.
-------------------	--

FLOODWAY / FLOODWAY FRINGE	The southern portion of this site is located within the floodway fringe of Big Run.
----------------------------	---

WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
-------------------------------	--

STREAM PROTECTION CORRIDOR    The southern portion of this site is located within the 100-foot wide stream protection corridor of Big Run.

(Continued)

**STAFF REPORT 2022-CZN-863 / 2022-CVR-863 (Continued)**

**ZONING HISTORY – SITE**

**2006-ZON-144; 4430 & 4437 Clark Drive and 8621 & 8627 Southeastern Avenue,** requested the rezoning of 41 acres from the D-A district to the C-S district to provide for C-1 uses, C-4 uses, residential uses, I-2 uses, machine shop and the manufacturing, assembly or repair of machinery or machinery parts, **approved.**

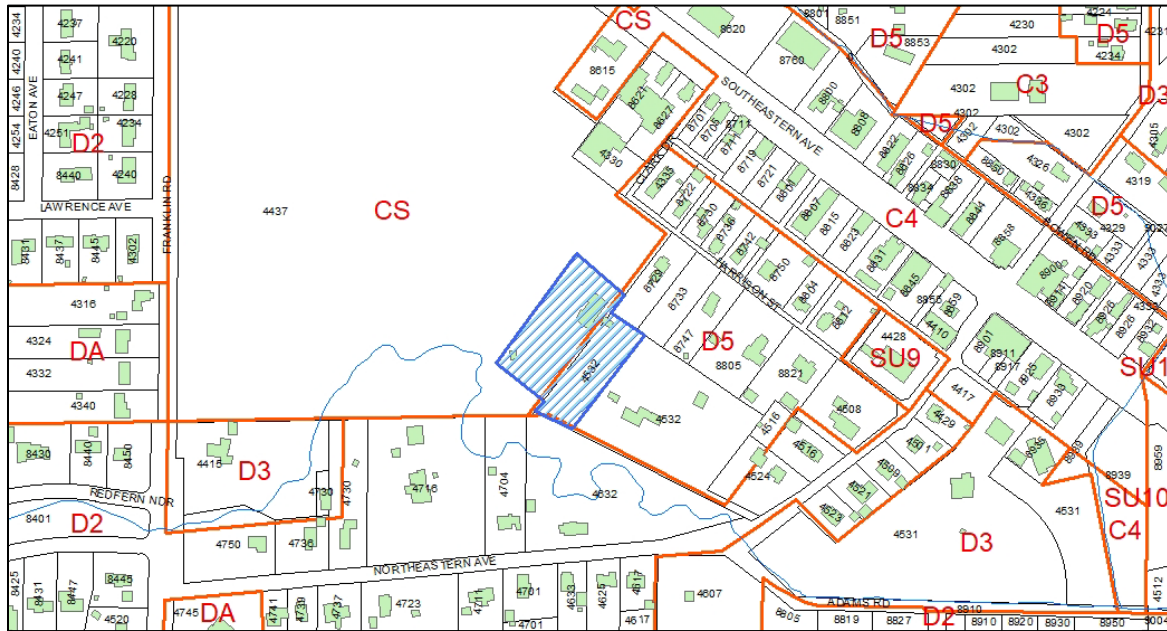
**ZONING HISTORY – VICINITY**

**97-Z-131; various addresses on Callahan Street, Maple Hill Drive, Adams Road, East Thompson Road, South Franklin Road and Northeastern Avenue,** requested a rezoning from the D-a, D-3 and D-5 district to the D-2 district, **approved.**

klh

\*\*\*\*\*

## STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Location



## STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Aerial photograph (2021)

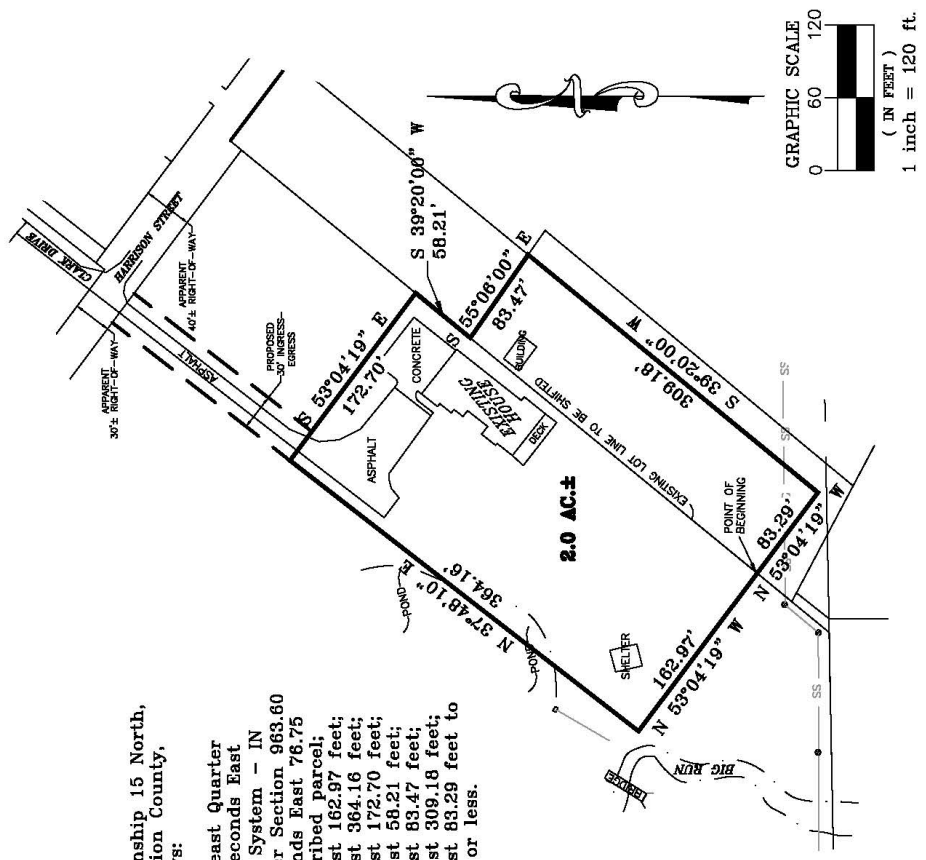


**VARIANCE EXHIBIT**

**LEGAL DESCRIPTION**

A part of the Northeast Quarter of Section 31, Township 15 North, Range 5 East of the Second Principal Meridian, Marion County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest corner of said Northeast Quarter Section; thence North 88 degrees 55 minutes 26 seconds East (Basis of Bearing is Indiana State Plane Coordinate System - IN East) along the South line of said Northeast Quarter Section 963.60 feet; thence North 39 degrees 20 minutes 00 seconds East 76.75 feet to the POINT OF BEGINNING of the herein described parcel; thence North 53 degrees 04 minutes 19 seconds West 162.97 feet; thence North 37 degrees 48 minutes 10 seconds East 364.16 feet; thence South 53 degrees 04 minutes 19 seconds East 172.70 feet; thence South 39 degrees 20 minutes 00 seconds West 58.21 feet; thence South 55 degrees 06 minutes 00 seconds East 83.47 feet; thence South 39 degrees 20 minutes 00 seconds West 309.18 feet; thence North 53 degrees 04 minutes 19 seconds West 83.29 feet to the Point of Beginning, containing 2.0 acres, more or less.



**MAURER SURVEYING, INC.**

4800 W. SMITH VALLEY RD., STE. O, GREENWOOD INDIANA 46142  
OFFICE - 317-881-3898 [www.MaurerSurveying.com](http://www.MaurerSurveying.com)  
LAND SURVEYING, LAND DEVELOPMENT & BUILDERS SERVICES

JOB NO.: 2565  
DATE: NOVEMBER 30, 2022

**STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Findings of Fact**

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 creation of new reconfigured 2.05 acre parcel containing an existing custom home and related improvements, which will continue to access the right of way via the same driveway which has existed for well over a decade creates no reasonable risk of any such injury.
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 approval of this reconfigured tract without direct frontage on the right of way does not change the existing situation where the existing home is surrounded by a lake to the west, a creek to the South, plenty of back yard to the east; and is the largest and most valuable home in the entire area. The trust will continue to own all the land around the new tract.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The existing home and associated improvements needs to be sold of separately from the larger tract around it, as a part of settling an estate. Creating a larger lot which would include the area north of this lot which contains the existing drive would preclude the anticipated redevelopment of that area along the south side of Harrison Street as a part of the vision for the future village center.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 202 2

_____	_____
_____	_____
_____	_____



**STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Photographs**



Looking south at the subject site from Harrison Street.



Looking south on the access drive to the subject site.





Looking southwest from the intersection of Clark Drive and Harrison Street.



Looking north on Clark Drive from its intersection with Harrison Street.





Looking north across Harrison Street to the neighbor to the north.



Looking east on Harrison Street from the site.





Looking west on Harrison Street toward the site.