

PLAT COMMITTEE

September 9, 2026

Case Number: 2026-PLT-045
Property Address: 4514 E. 79th Street
Location: Washington Township, Council District #3
Petitioner: Justin Kingen
Zoning: D-S
Request: Approval of a Subdivision Plat to be known as Bodem Estates Subdivision, dividing 2.58 acres into two lots for a site that received approval in 2022, through **2022-PCL-828** but not recorded prior to the two-year time limit to record.
Waiver Requested: Waiver of the sidewalk requested along 79th Street and 80th Street.
Current Land Use: Residential
Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first petition for this plat petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated July 22, 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.

PETITION OVERVIEW

SITE PLAN AND DESIGN

This site is zoned D-S for residential uses currently developed with a one residential structure and detached accessory structures. The proposed plat would subdivide the property into two (2) lots. Lot 1 is currently undeveloped and would contain a new single-family residential structure to the north. Lot 2 would contain the existing residential structure with the detached accessory structures. This subdivision would create a one-acre lot on the north frontage and a 1.42-acre lot on the south frontage. Each lot would meet the standards of the D-S district. The site was rezoned from D-A to D-S in 2022 through petition 2022-CZN-828 and received variance approval through petition 2022-CPL-828. However, the required information was not recorded prior to the two-year time limit to record.

STREETS

The proposed Lot Two would be accessed via the existing driveway on 79th Street. The proposed Lot One would be accessed from 80th Street. 80th Street is a developed local street with 50 feet right-of-way. This street is owned and maintained by the Department of Public Works.

SIDEWALKS

Sidewalks do not exist on the subject site's location along 79th Street and 80th Street. However, sidewalks are exempted according to *744-303.B Section 03: Single-and Two-Family Sidewalk Standards* because sidewalks do not exist in the neighborhood. Therefore, a sidewalk waiver is not necessary.

PROCEDURE

This plat petition, if approved, only legally establishes the division of land. Any new developments would be required to meet all development standards of the D-S district and any approved variances, including, but not limited to, setbacks, minimum lot width and frontage, and minimum open space.

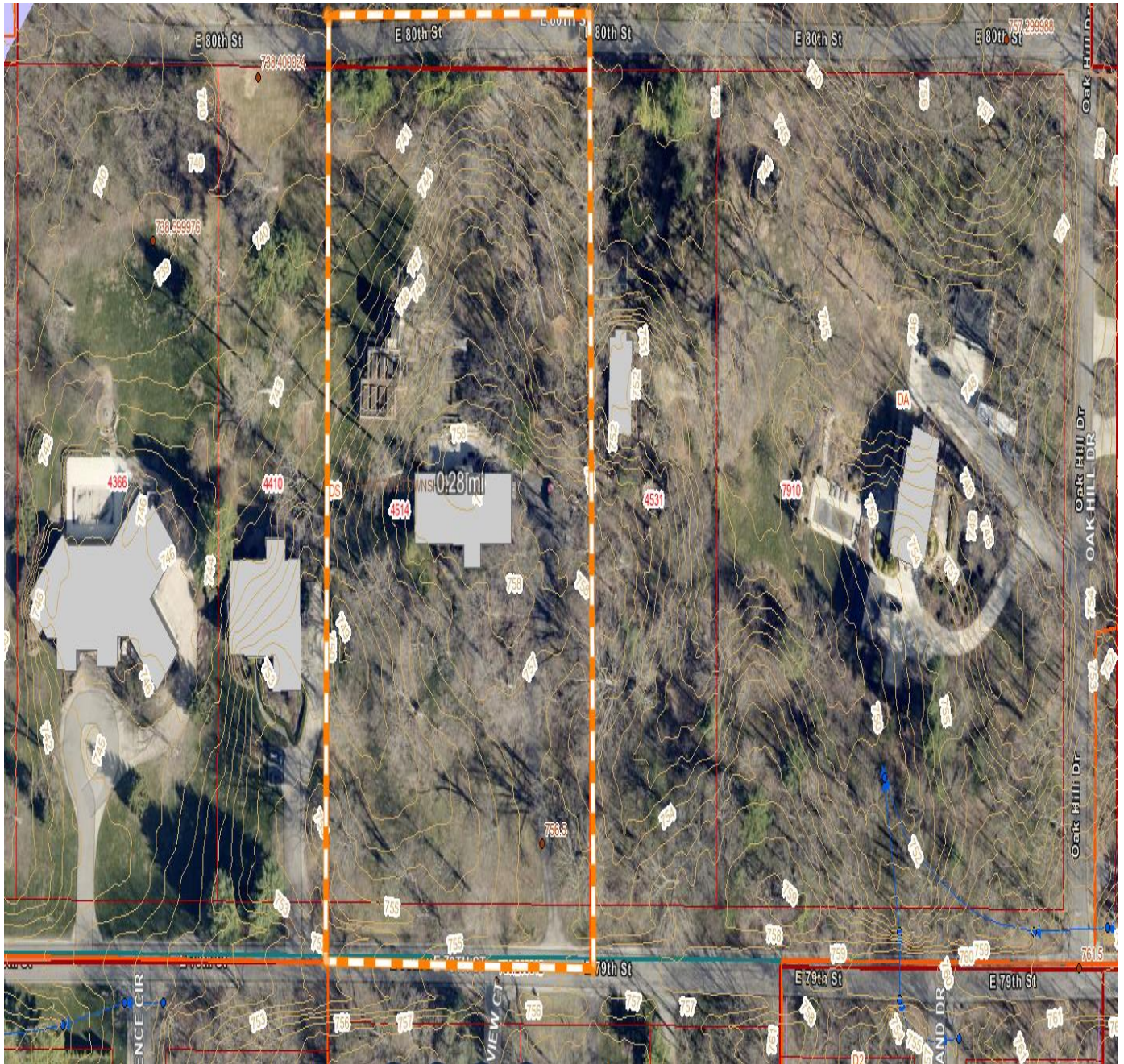


Department of Metropolitan Development
Division of Planning
Current Planning

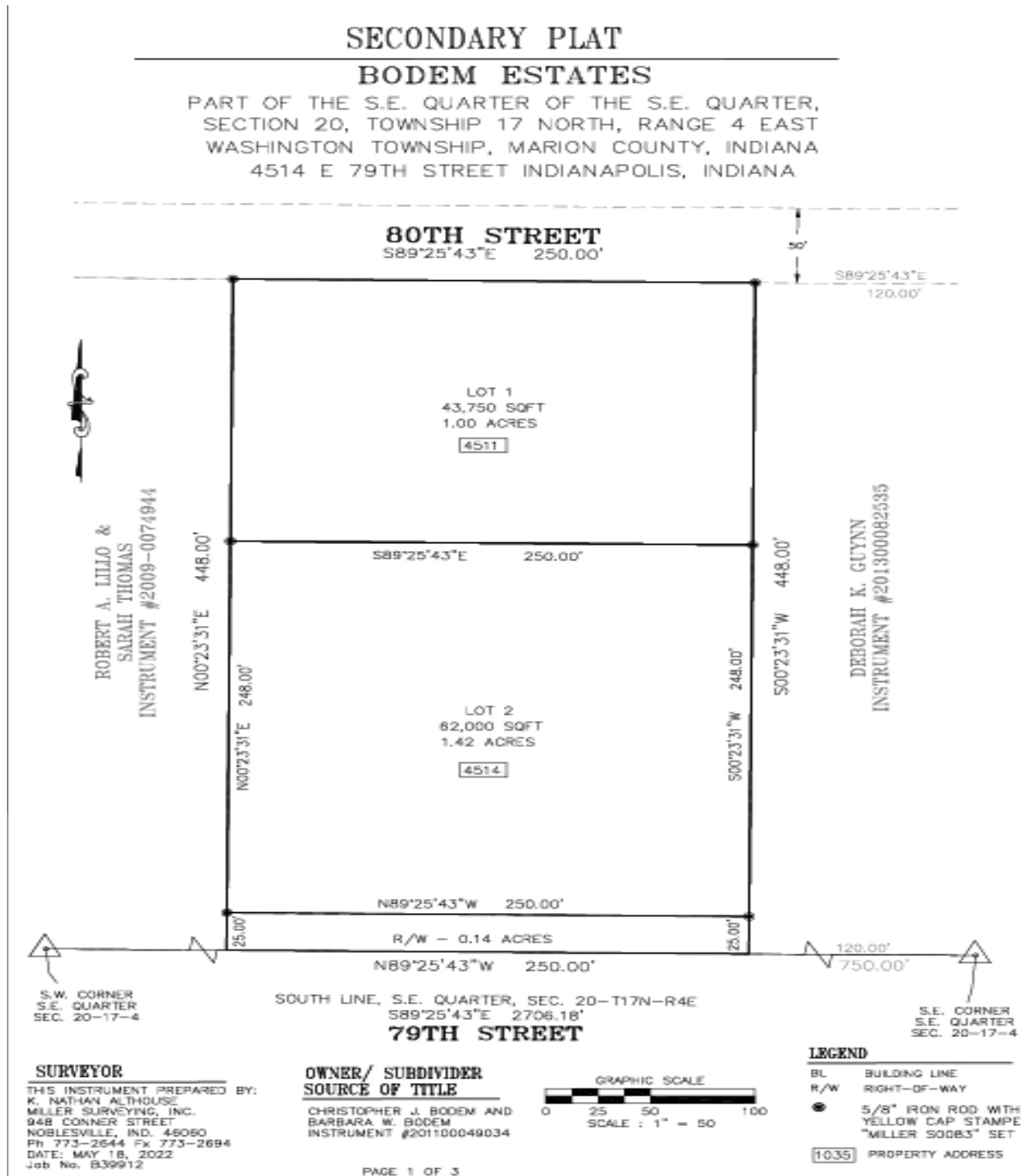
Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A	Residential
South:	D-A	Residential
East:	D-A	Residential
West:	D-A	Residential
Thoroughfare Plan		
79 th Street	Primary Arterial	55-feet existing and 80-feet proposed
80 th Street	Local Street	50-feet existing and 50-feet proposed
Petition Submittal Date	July 22, 2026	
Final Plat Submittal Date	July 22, 2026	

EXHIBITS

2026-PLT-045: Aerial Map



2026-PLT-045: Plat Plan



2026-PLT-045: Findings of Fact

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

The surrounding area along 79th Street consists of large-lot, low-density single-family residences with no existing sidewalk network. Constructing an isolated segment of sidewalk serving only these two lots would not meaningfully improve pedestrian safety and would be inconsistent with the pedestrian infrastructure (or lack thereof) already in place along this corridor.

2. 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:

This is a simple two-lot subdivision of an existing single-family estate lot, not a new development anticipated to generate additional pedestrian traffic. The lack of surrounding sidewalk infrastructure is a condition of this established neighborhood, not something generally true of all subdivisions.

3. 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:

Requiring sidewalk construction here would create a disconnected fragment of sidewalk with no logical connection point to any existing pedestrian path, serving no practical pedestrian circulation function while imposing real construction cost.

4. 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 because:

The subdivision's design otherwise complies fully with applicable standards, and the character and safety of the area remain consistent with its current, established condition.

5. 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 because:

This waiver relates solely to a subdivision improvement requirement and does not seek any change to the zoning classification, use, or official zoning maps.

2026-PLT-045: Photographs

Photo 1: Subject Site of Existing Dwelling



Photo 2: Subject Site Viewed from the North of Lot Two (2) - 79th Street Frontage



Photo 3: Subject Site Viewed from the East of Lot Two (2) - Existing Home



Photo 4: Subject Site Viewed from the West of Lot Two (2) -Existing Home



**Photo 5: Subject Site Viewed of proposed Lot One (1) -80th Street Frontage/
South of Lot Two (2)**



Photo 6: Google Streetview 2009- View of Proposed Lot One from 80th Street

