

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 (Amended)
Address: 4359 and 4361 East 75th Street (*Approximate Address*)
Location: Washington Township, Council District #3
Zoning: D-A
Petitioner: Thomas D. & Cynthia W. Mattingly, by Anthony B. Syers
Requests: Rezoning of 7.194 acres from the D-A district to the D-S district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two existing parcels with zero feet of street frontage and to provide for a subdivision creating a third lot, also without street frontage (125 feet of street frontage required).

Approval of a Subdivision Plat to be known as Mattingly Subdivision, dividing 3.884 acres into two lots.

This petition was automatically continued from the May 11, 2023 hearing to the June 15, 2023 hearing.

RECOMMENDATIONS

Staff recommends **approval of the rezoning and variance** petitions.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated May 26, 2023, 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 the Department of Public Works, 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.

(Continued)

2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 STAFF REPORT (Continued)

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 are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-A and consists of two parcels. Each parcel was developed with a single-family dwelling (the dwelling at 4361 was demolished and is proposed to be re-developed).
- ◇ This petition would rezone both parcels, legally establish the parcels without street frontage, and subdivide the property at 4359 into two lots.

REZONING

- ◇ This petition would rezone this site from the D-A district to the D-S district.
- ◇ The comprehensive plan recommends Suburban Neighborhood development, which has a typical density of one to five units per acre. This D-S district is intended for low-density development, especially estate-type lots. The D-S district has a minimum lot area of one acre. This district would be appropriate for the suburban neighborhood typology.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would legally establish two existing parcels with zero feet of street frontage, and provide for a subdivision creating a third lot, also without street frontage.
- ◇ The two existing parcels are accessed via an existing shared driveway and access easement. These lots would continue to use this private drive, as would the proposed third lot.
- ◇ It is common in this area for estate-type properties to be developed without frontage and be accessible from common driveways. Staff would not be opposed to creation of a lot for an estate-type development where all other standards of the zoning ordinance would be met.

(Continued)

2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 STAFF REPORT (Continued)

PLAT

- ◇ The plat would subdivide the 3.884-acre property at 4359 East 75th Street into two lots. Lot One would contain the existing dwelling, and Lot Two would be a one-acre lot for a future single-family dwelling. The proposed plat meets the standards of the D-S zoning classifications as proposed in the companion rezoning, and per the companion variance.

TRAFFIC / STREETS

- ◇ The proposed lots would be accessed via the existing driveway easement as shown on the plat. This drive provides access to East 75th Street to the north. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are not required for minor plats.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Residential
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SURROUNDING ZONING AND LAND USE

North	D-A	Residential
South	D-2	Residential
East	D-A	Residential
West	D-A	Residential

COMPREHENSIVE LAND USE PLAN	Suburban Neighborhood
THOROUGHFARE PLAN	East 75 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 35-foot existing and an 80-foot proposed right-of-way.

PRELIMINARY PLAT	File-dated May 26, 2023
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FINDINGS OF FACT	File-dated April 6, 2023
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ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2020-DV1-026, 4421 East 75th Street, variance to provide for a detached garage in the front yard of the single-family dwelling, **approved**.

2015-DV3-046, 4357 East 75th Street, variance to provide for a 24.5 by 40.5-foot, 33-foot-tall storage barn and chicken coop, **approved**.

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2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)

2015-UV3-010, 4355 East 75th Street, Variance to provide for 28.7-foot tall, two-story, 24 by 36-foot detached accessory building, with a second-floor dwelling unit, with an 11-foot side setback and an 18-foot rear setback, **approved**.

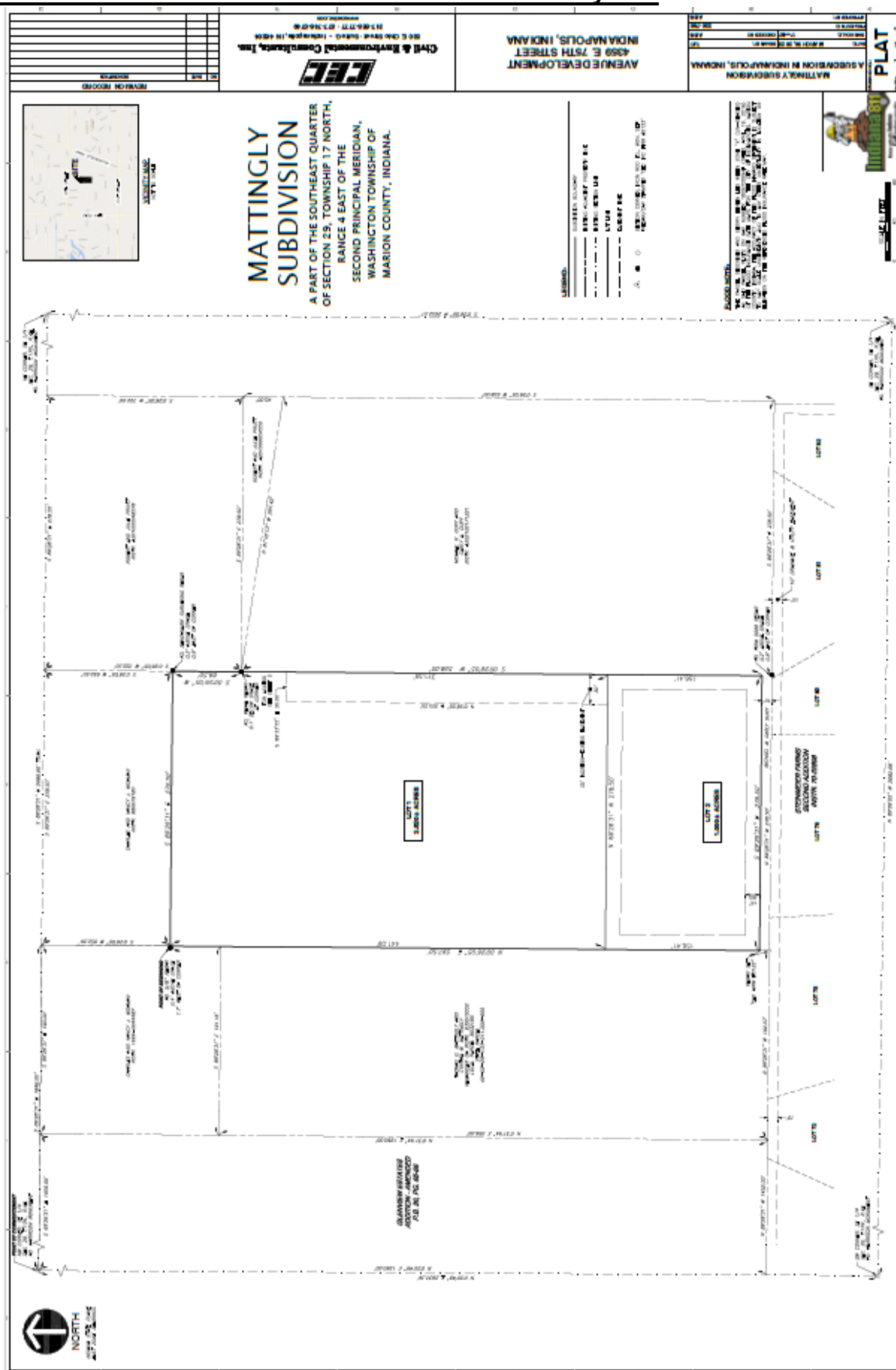
68-P-29, Approval of a subdivision to be known as Steinmeier Farms Estates Second Section, dividing 25.10 acres into 56 lots.

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2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 Aerial Map



2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 Preliminary Plat



2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 Site Photos



View from driveway on 75th Street, looking north



View of driveway from 75th Street, looking south



View of shared driveway for lots 4359 and 4361 East 75th Street, looking east



Proposed Lot Two to be developed, looking west



Proposed property line for Lots One and Two, proposed driveway location, looking north



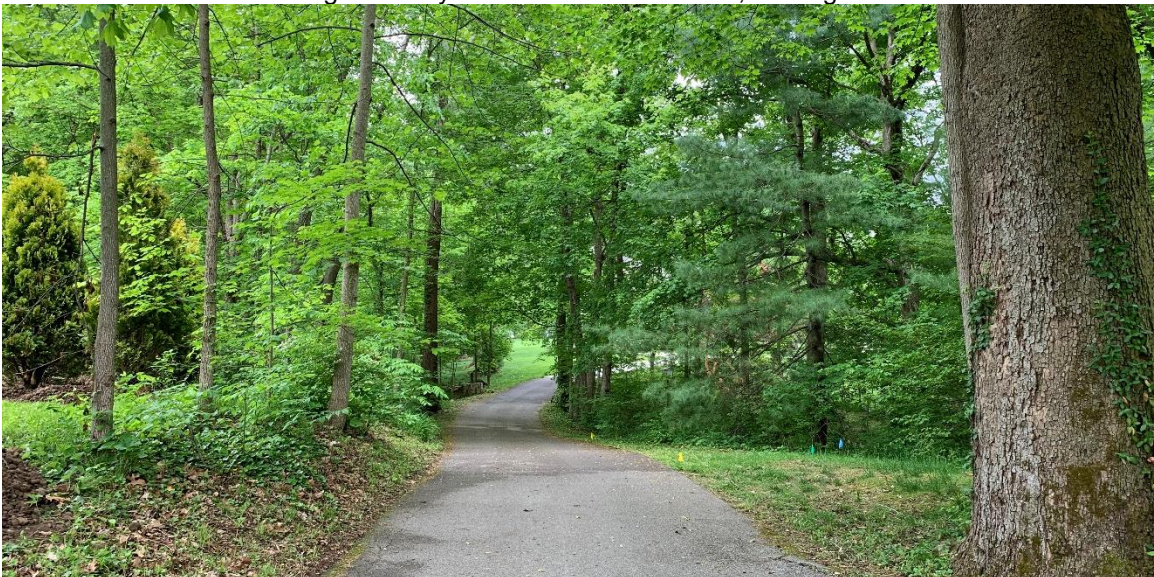
Proposed south side yard, looking south



4361 East 75th Street, looking east



Existing driveway to 4361 East 75th Street, looking south



Existing driveway to 4359 East 75th Street, looking west