

**BOARD OF ZONING APPEALS DIVISION I**

**October 1<sup>st</sup>, 2024**

**Case Number:** 2024-DV1-029  
**Property Address:** 9540 Maze Road  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Terry Johnson, Represented by David A. Retherford  
**Current Zoning:** D-A  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a ten-acre lot, with one lot containing the existing primary building with a 27-foot east side yard setback (30 feet required) and having a lot width between 78 and 196 feet (250-foot lot width required) with the proposed second lot containing a 130-foot lot width.  
**Current Land Use:** Agricultural  
**Staff Recommendations:** Staff recommends **approval** of this variance request.)  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this variance request.

**PETITION OVERVIEW**

- This variance of development standards will allow for the subdivision of the 10-acre parcel at 9540 Maze Road into two lots, with one lot containing 7.146 acres. The second lot, which contains the existing dwelling will constitute the remaining three-acres.
- The proposed lot containing the existing dwelling would remain eligible for exceptions in the Zoning Ordinance to allow for new constructions and expansions to maintain 15-foot side and rear yard setbacks. However, the proposed newly created, undeveloped lot, would not be eligible for this exception and would require minimum 30-foot side yard setbacks, for an aggregate of a 75-foot setback. A 75-foot rear yard setback would also be required.

- Finally, this variance would allow the lot with the existing building to have a lot width between 78 and 196ft, when the ordinance requires the lot width to be at least 250ft. While Staff acknowledges that the request represent a significant deviation, Staff would note that the request is intended to address an exception within the Ordinance to bypass the Subdivision Regulations.
- Given that Staff recommended that this property be rezoned to a district that would be reflective of the new lot characteristics, and was rebuffed by the applicant, Staff would consider any potential practical difficulty associated with a variance of development standards from these regulations to be self-imposed and would likely recommend denial.
- Staff recommends **approval** for this variance of development standards, largely in part, based on the expectation that future development of these lots will comply with D-A development standards.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Rural or Estate Neighborhood
	South:	South: Rural or Estate Neighborhood
	East:	East: Rural or Estate Neighborhood
	West:	West: Rural or Estate Neighborhood
<b>Thoroughfare Plan</b>		
Maze Road	Secondary Arterial	25 ft right-of-way existing and 80 ft right-of-way proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	08/16/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/16/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

- Infill Housing Guidelines

#### **Pattern Book / Land Use Plan**

The Rural or Estate Neighborhood typology applies to rural, agricultural, and historic, urban areas with estate-style homes on large lots. This typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space. (pg 17)

#### **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**

- New construction should meet open space standards on lots that meet the minimum lot size standards. Development that does not meet these standards may not fit the character of the surrounding neighborhood or the development goals of the neighborhood. (pg 14)

#### **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 – SURROUNDING AREA

- 2004-DV3-035 – 8936 Maze Road
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the addition of a 770-square foot attached garage on to an existing single-family dwelling resulting in a seven-foot east side yard setback and a 23-foot aggregate side yard setback, and to legally establish a 530.66-square foot above ground pool with a deck, with a zero-foot east side yard setback resulting in 2,240.06 square feet of accessory use area or 113 percent of the total floor area of the primary dwelling. **AP**
- 2004-DV3-045 – 9407 Maze Road
  - 2-Ton Commercial vehicle, excessive accessory structure. **AP**
- 2006-UV2-013 – 8401 Kapp Road
  - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 4,000 square foot building and parking for a kennel use (not permitted), with 32 outdoor pens for animals. **AP**.
- 2008-DV1-048 – 9526 Maze Road
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a lot with 33 feet of street frontage and lot width at the required front setback (minimum 150 feet of street frontage required, minimum 250 feet of lot width required), and to provide for an 85-foot-tall wind turbine structure (maximum 45-foot height permitted). **AP**.
- 2011-HOV-022 – 8936 Maze Road
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 813-square foot in-ground pool and deck, with a five-foot east side setback (15-foot minimum setback required), creating an accessory use area of 3,641 square feet or 184% of the total floor area of the primary dwelling (maximum 99.9% of the total floor area of the primary dwelling or 1,978 square feet permitted). **Approved**.
- 2014-DV3-020 – 8840 S Mitthoefer Road
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: a) the construction of 1,728-square foot, 27-foot tall pole barn (maximum 20-foot height permitted, accessory buildings cannot be taller than the primary dwelling), b) with a 13-foot south side setback (30-foot side setback required), c) creating an accessory building area of 2,034 square feet or 124.7% of the main floor area of the primary dwelling and accessory use area of 2,952 square feet or 159.7% of the total floor area of the primary dwelling (maximum accessory building area of 75% of the main floor area or 1,386 square feet permitted, maximum accessory use area of 99.9% of the total floor area of the primary dwelling or 1,846 square feet permitted). **Approved**.
- 2017-DV2-004 – 9343 Maze Road



Department of Metropolitan Development  
Division of Planning  
Current Planning

- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 3.8-acre and 6.2-acre lots with 125 feet and 200 feet of lot width, respectively (minimum 250 feet of lot width required). **Approved.**

**EXHIBITS**

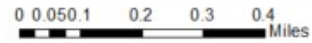
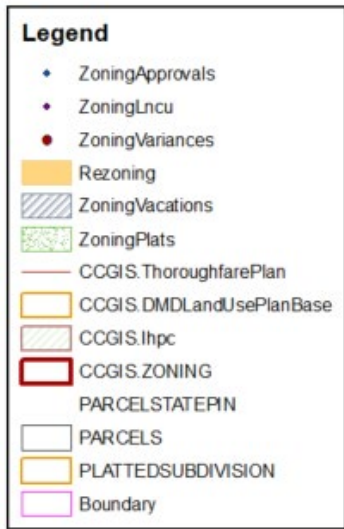
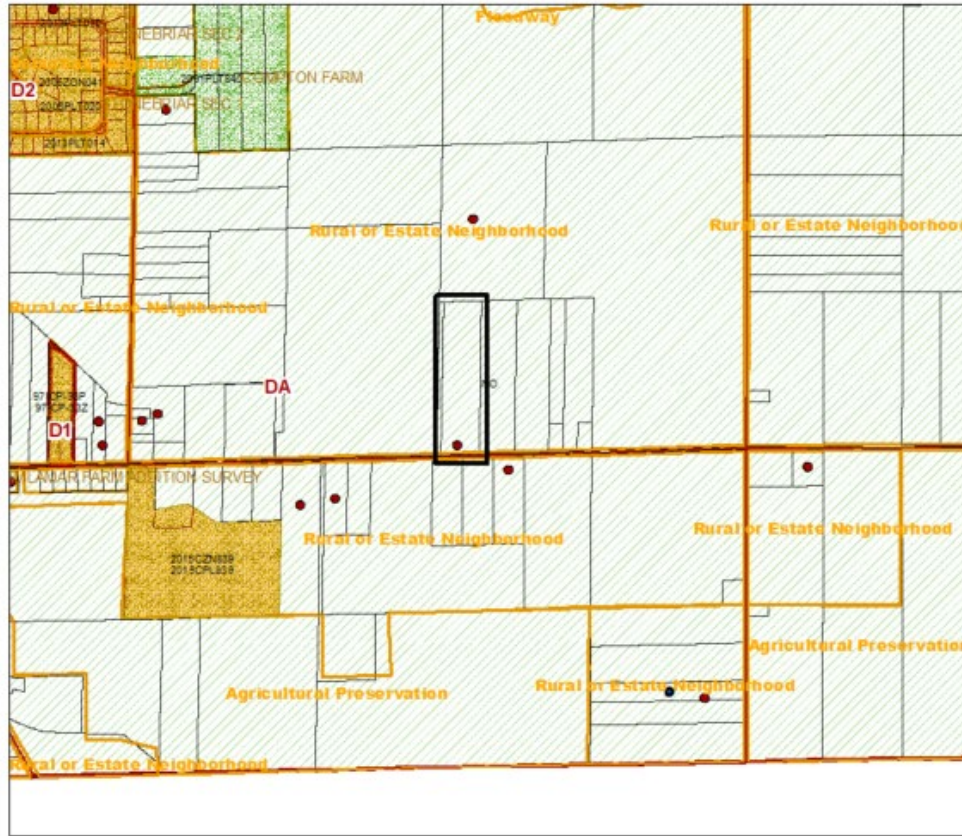


Exhibit 1: Area map surrounding 9540 Maze Road

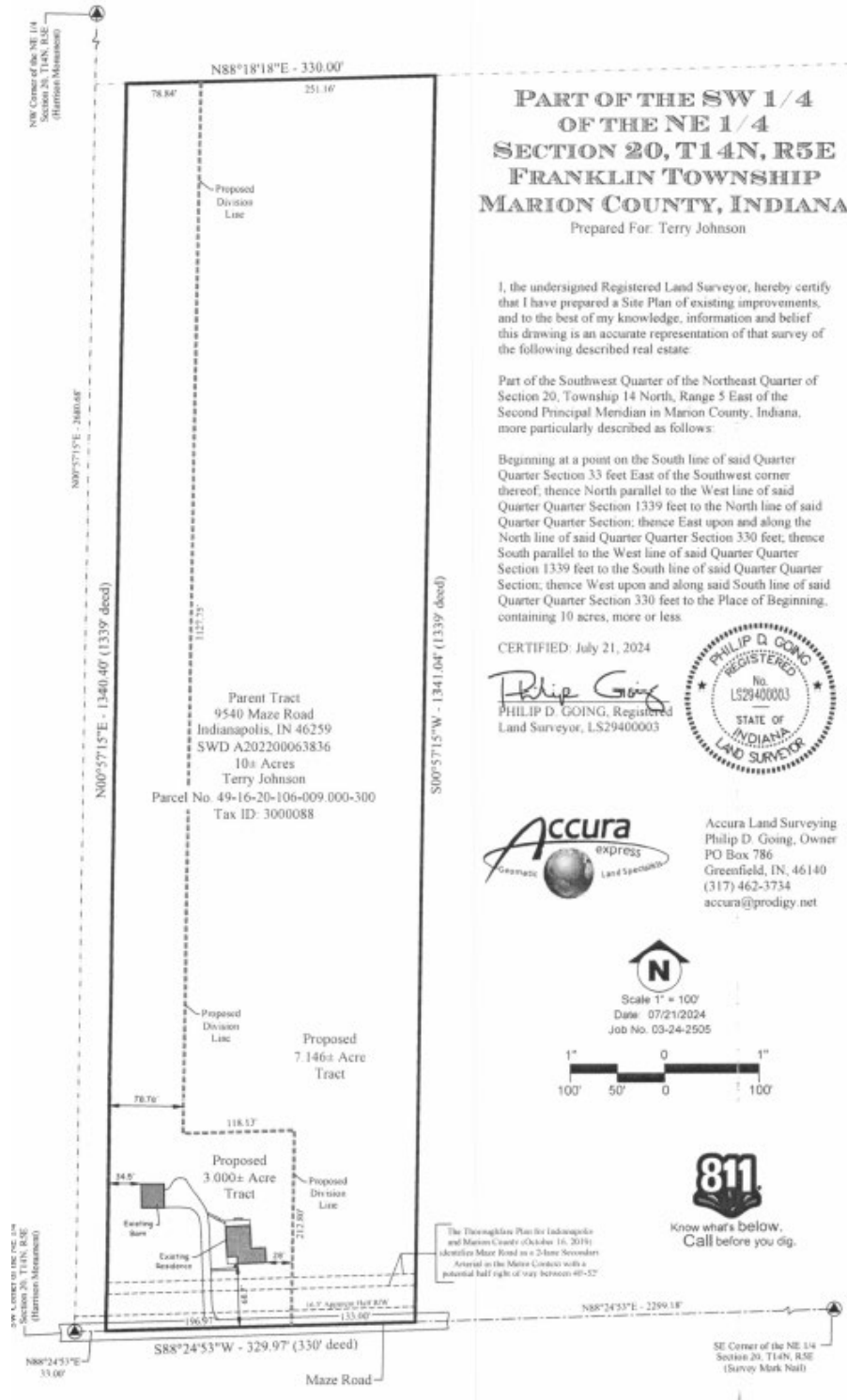


Exhibit 2: Site plan for 9540 Maze Road.



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: Legally establishing the existing residence with a front setback and slightly smaller side yard setback, and also permitting a portion of the lot width on each of the two tracts to be slightly reduced while still complying with the minimum 125 foot of street frontage, is not likely to create the 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 surrounding properties in all directions are all zoned D-A, and are either being farmed or have already been developed with homes on similarly sized lots to what is proposed; and the existing home and barn are being preserved.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The petitioner will be unable to create the desired location for a home on the proposed 7 acre parcel without demolishing the existing home, unless the requested variances are approved.

Exhibit 3: Submitted findings of fact for this variance request at 9540 Maze Road.





Exhibit 4: Existing home on 9540 Maze Road.



Exhibit 5: Area behind existing home at 9450 Maze road that will be split for the creation of the new parcel.



Exhibit 6: 9450 Maze Road with existing home, barn and corn fields.



Exhibit 7: Existing home and corn field that will be split apart.



Exhibit 8: Current front setback from Maze Road.