

PLAT COMMITTEE

June 11, 2025

Case Number: 2025-VAC-005
Property Address: 5713 Philadelphia Court (*Approximate Address*)
Location: Pike Township, Council District #6
Petitioner: Taru Patel, by Steve Moed
Zoning: D-6II
Request: Vacation of the platted 20-foot rear setback of Lot 10 in Liberty Creek, Section Eight Subdivision, as per plat thereof, recorded as Instrument No. 860023323, in the Office of the Recorder of Marion County, Indiana.
Current Land Use: Residential
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

5/14/25: A timely automatic continuance request was filed by a registered neighborhood organization continuing this petition to the June 11th Plat Committee hearing date.

STAFF RECOMMENDATION

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-005; that a hearing on the Assessment of Benefits be waived; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

SUMMARY

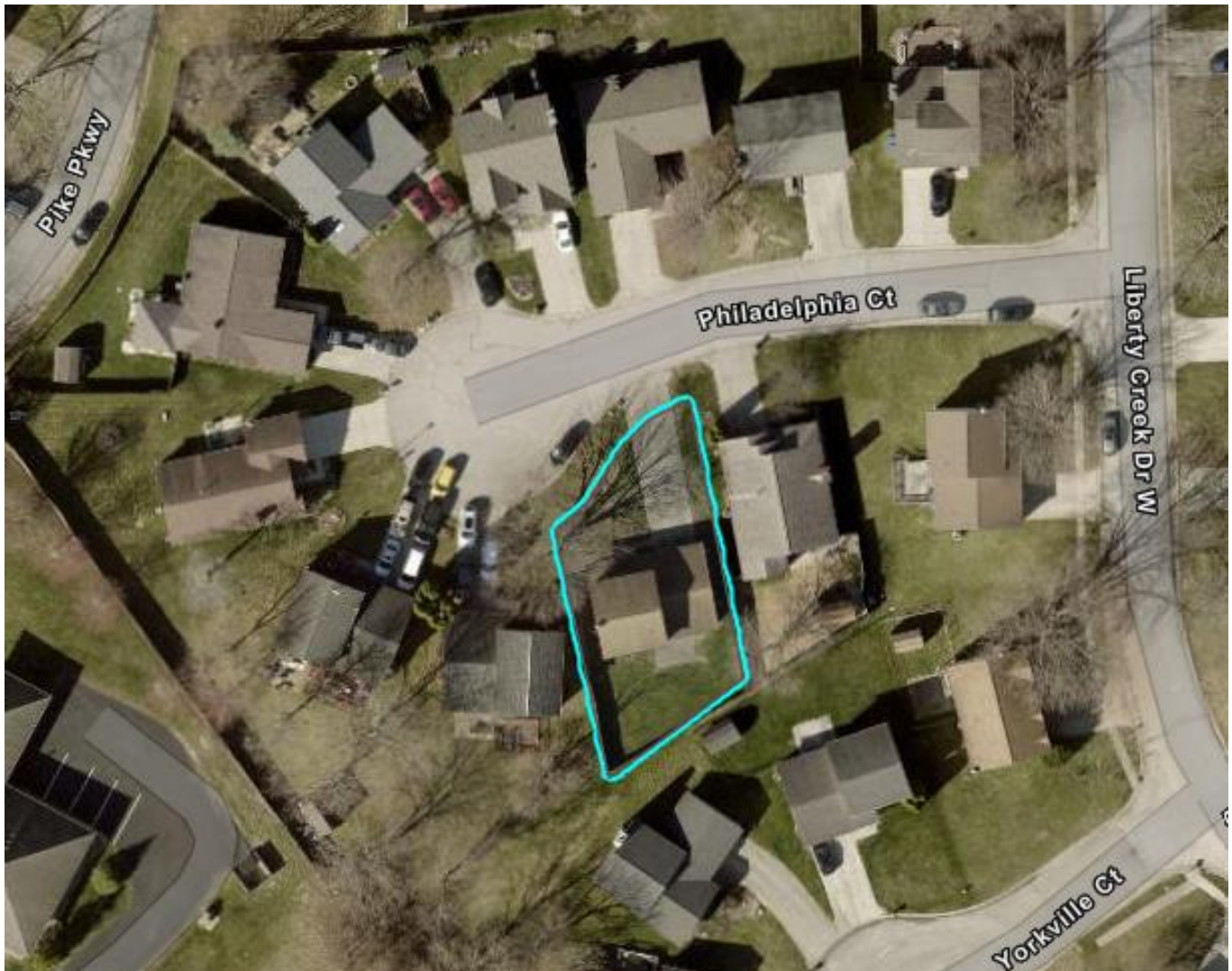
The subject site includes Lot 10 of the Liberty Creek Subdivision, Section Eight. This request would vacate the rear setback line of 20 feet on the original plat to allow for a rear addition with a setback of 11 feet. A platted setback line is distinct from setback requirements in the ordinance, is not enforced by the City and functions more similarly to a covenant between property owners within a subdivision.

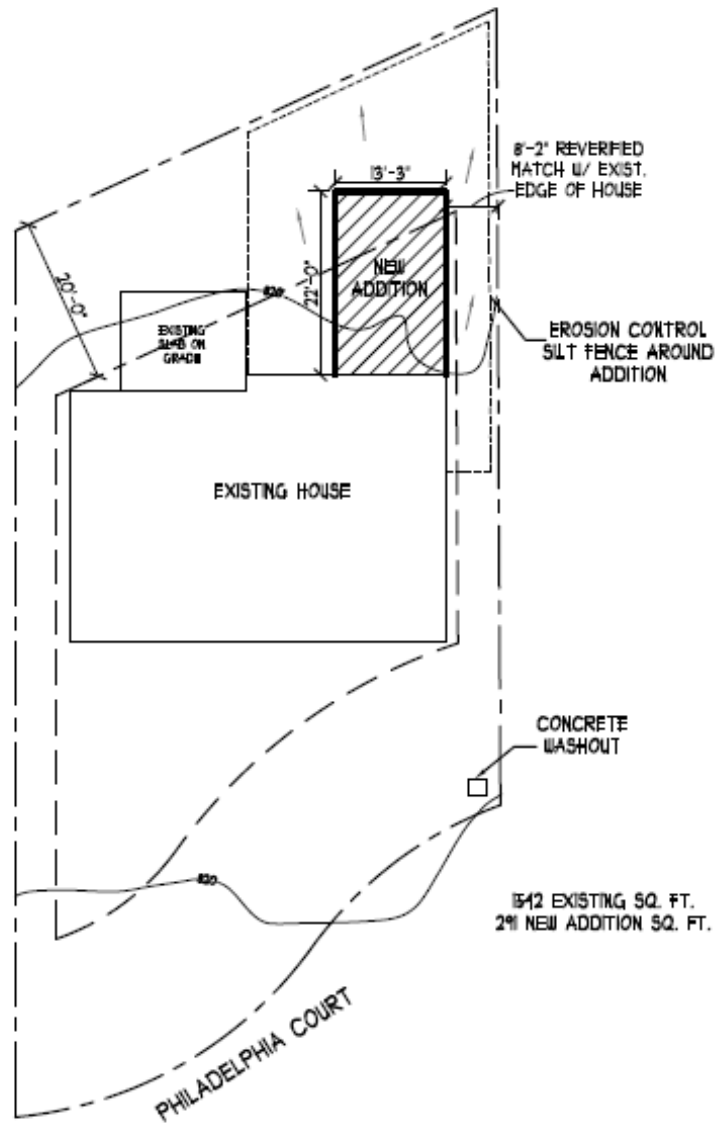
This subdivision section was initially platted in 1986 and developed with single-family dwellings in the late 80s and early 90s. Other than the proposed encroachment, the subject site meets the existing platted setbacks. The variance petition 85-UV2-105 was approved to allow for the development of single-family homes in this subdivision section since the parcel's D-6II zoning does not allow for detached single-family home uses. Since detached SFRs are not currently a contemplated land use for D-6II zoning, the Ordinance does not currently declare an applicable rear setback (though a minimum yard depth of 25 feet would have been applicable at the time of the replat). Since the existing utility does not appear to be related to drainage or utilities and no conflict with existing dimensional standards found within the Ordinance would exist, staff feels that required Findings have been met and recommend approval.

GENERAL INFORMATION

Existing Zoning	D-6II	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-6II	Residential
South:	D-6II	Residential
East:	D-6II	Residential
West:	D-6II	Residential
Thoroughfare Plan		
Philadelphia Court	Local Street	50-feet existing and proposed
Petition Submittal Date	March 14, 2025	

EXHIBITS





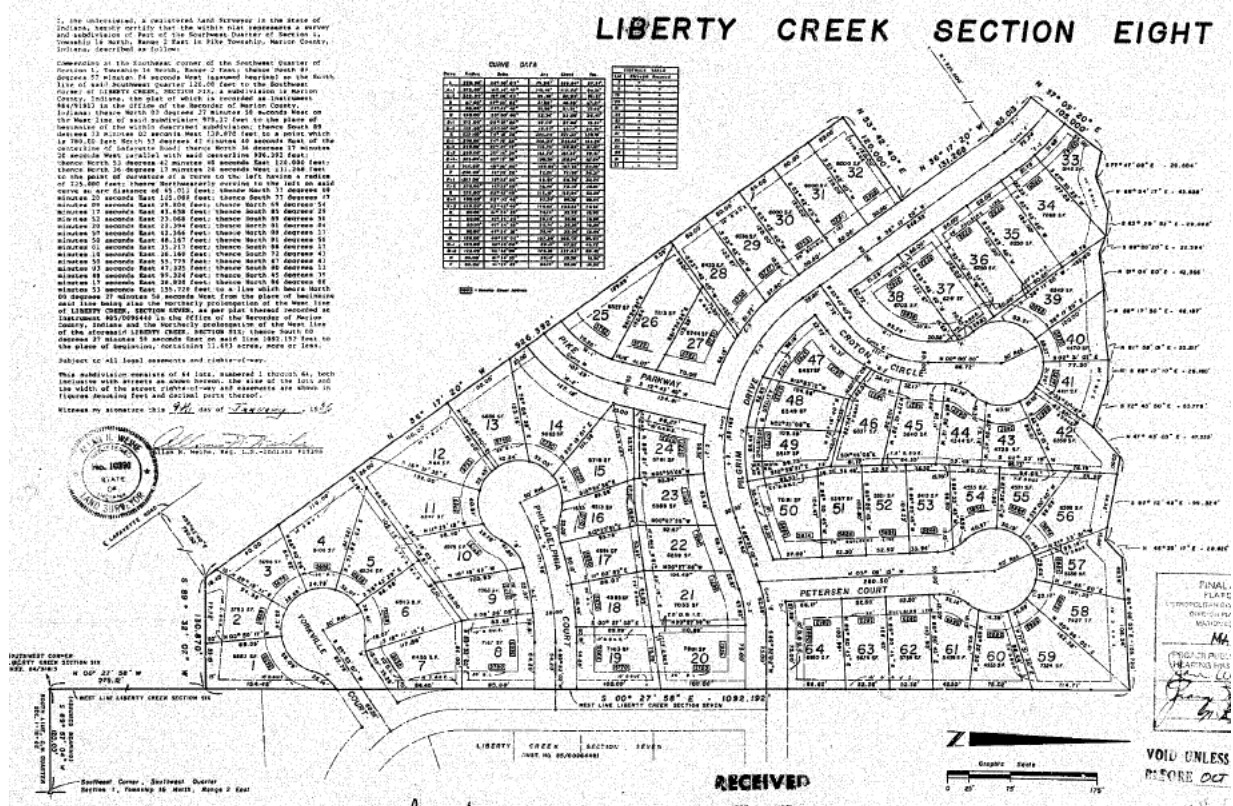
SITE PLAN

SCALE: 1" = 20'-0"

1. NO EASEMENTS PER MAPINDY
2. FINISH FLOOR HOUSE ELEVATION IS 821'-4".



Original Plat (85-P-49) & Findings of Fact



1. THE CONDITIONS IN THE PLATTED AREA HAVE CHANGED SO AS TO DEFEAT THE ORIGINAL PURPOSE OF THE PLAT because:

The petitioner is requesting the rear building setback line to be 11'-0" instead of 20'-0".

2. IT IS IN THE PUBLIC INTEREST TO VACATE ALL OR PART OF THE PLAT because:

The petitioner believes this will increase property value in the subdivision.

3. THE VALUE OF THAT PART OF THE LAND IN THE PLAT NOT OWNED BY THE PETITIONER WILL NOT BE DIMINISHED BY VACATION because:

The home has been in that area for over 30 years and there has been no improvements or changes for utilities behind the home in the easement. The 9'-0" being asked to vacate still maintains a setback of 11'-0" for any potential improvements in the easement.

PHOTOS



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from South (between Lots 5 and 6)



Photo 3: Easement Area Viewed from East (Liberty Creek Dr W)



Photo 4: Adjacent Property to North