

## STAFF REPORT

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

**Case Number:** 2023-CVR-854 / 2023-CPL-854 (Amended)  
**Address:** 7805 West 96th Street (Approximate Address)  
**Location:** Pike Township, Council District #1  
**Petitioner:** Marilyn B. and Paul J. Knapp, by Pat Rooney  
**Zoning:** D-A (FW) (FF)  
**Requests:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-acre lot with zero-feet of public street frontage (125 feet required) and 226.33-foot lot width (250 feet required).

**Approval of a Subdivision Plat to be known as Knapp Acres, dividing 50.45 acres into two lots.**

This petition was continued from the October 12, 2023 hearing to the November 16, 2023 hearing at the request of a remonstrator and to amend the request and provide amended mailed notices.

### **RECOMMENDATIONS**

Staff recommends **approval of the rezoning** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 6, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, 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.

(Continued)

## **STAFF REPORT 2023-CVR-854 / 2023-CPL-854 (Continued)**

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 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 is developed with a single-family dwelling and associated accessory structures including a garage, solar panels, and a barn to be demolished where the proposed five-acre lot will be located.
- ◇ The initial request noted a 50.15-acre site, but the acreage was corrected to 50.45.
- ◇ This petition would provide for a Subdivision Plat to be known as Knapp Acres subdividing 50.45 acres into two lots with Lot One containing 45.45 acres and Lot Two containing 5 acres. Lot Two would be developed with a single-family detached dwelling.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow Lot Two to have zero feet of public street frontage where 125 feet is required and would measure 226.33 feet in lot width where 250 feet is required.
- ◇ Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-acre lot with zero-feet of public street frontage (125 feet required) and 226.33-foot lot width (250 feet required).

#### **PLAT**

- ◇ The plat would subdivide the subject site into two lots. The proposed plat meets the standards of the D-A zoning classification except for the required street frontage and lot width deviations as requested with the companion variance of development standards.

#### **TRAFFIC / STREETS**

- ◇ The proposed lots would front on 96<sup>th</sup> Street and will share the existing driveway to a point where two driveways will separate at a 25-foot-wide ingress / egress access easement for Lot 2.

(Continued)

**STAFF REPORT 2023-CVR-854 / 2023-CPL-854 (Continued)**

**SIDEWALKS**

◇ Sidewalks do not exist along 96<sup>th</sup> Street.

**GENERAL INFORMATION**

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

D-A	Metro	Residential (Single-family dwelling)
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**SURROUNDING ZONING AND LAND USE**

North	N/A	Undeveloped / Boone County
South	D-A	Residential (Single-family dwellings)
East	D-A	Residential (Single-family dwelling)
West	D-A /D-S	Residential (Single-family dwelling)

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Rural or Estate Neighborhood development.

**FLOODWAY/FLOODWAY FRINGE**

The site is located in the 100 and 500-year floodplains of Paddle Creek.

**OVERLAY**

This site is located within an environmentally sensitive overlay, specifically woodlands and the Forest Alliance Woodlands.

**THOROUGHFARE PLAN**

96<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 21-foot existing half right-of-way and a 63-foot proposed half right-of-way.

**PRELIMINARY PLAT**

File-dated August 6, 2023.

**FINDINGS OF FACT**

File-dated August 6, 2023.

**ZONING HISTORY – SITE**

**EXISTING VIOLATIONS**

None.

(Continued)

## **STAFF REPORT 2023-CVR-854 / 2023-CPL-854 (Continued)**

### **PREVIOUS CASES**

**2013-UV1-006; 7805 West 96<sup>th</sup> Street** (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling and to permit the eventual replacement of the existing single-family dwelling with guest house (two single-family dwellings not permitted), **granted**.

### **ZONING HISTORY – VICINITY**

**2019-DV3-013; 7645 West 96<sup>th</sup> Street** (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 25.7-foot tall, 48-foot by 71-foot pole barn, located in the front of yard of the primary dwelling (maximum 24-foot tall, accessory building cannot be larger than the primary building and cannot be located within the front yard), **granted**.

**2017-CZN-804 / 2017-CVR-804; 7926 West 88<sup>th</sup> Street** (south of site), Rezoning of 15.466 acre from the D-1 district to the D-A classification to provide for a hobby farm and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a lot with 51 feet of street frontage and lot width (minimum 250 lot width and 125 feet of street frontage required), **approved and granted**.

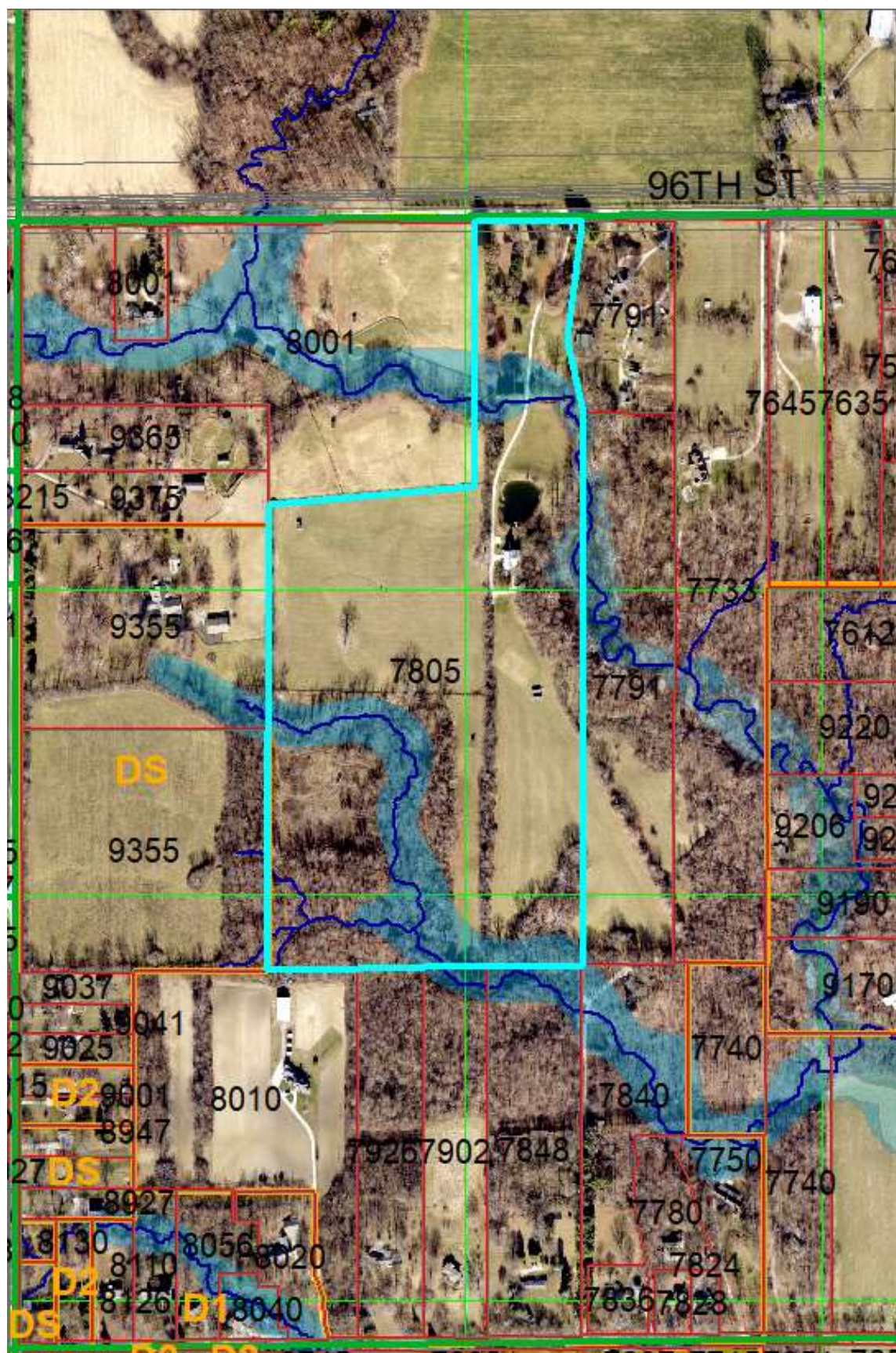
**2017-HOV-081; 8927 Cooper Road** (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 16-foot-tall storage barn (accessory buildings cannot be taller than the primary dwelling), **granted**.

**2007-UV2-022; 8130 West 88<sup>th</sup> Street** (southwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish the seasonal retail display and sale of produce not grown on the property (not permitted), utilizing two, 32-square foot, covered tables from May 1st to October 31<sup>st</sup>, **granted**.

**2003-UV2-029; 7791 West 96<sup>th</sup> Street** (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish two dwellings on one lot (one dwelling per parcel permitted), and to provide for a 230.48 square foot addition to the existing 984 square foot dwelling, being the second dwelling on the lot (not permitted), **granted**.

**95-V2-115; 8180 West 88<sup>th</sup> Street (south of site)**, development standards of the Dwelling Districts Zoning Ordinance to permit the construction of a 12-lot residential subdivision with private street, **withdrawn**.

## 2023-CVR-854 / 2023-CPL-854 Aerial Map



**KNAPP ACRES**  
 A PART OF THE 20<sup>TH</sup> & 21<sup>ST</sup> TOWNSHIP  
 THE COUNTY OF KANE, ARIZONA

**LOT 1**  
 10.00 AC

**LOT 2**  
 10.00 AC

**2005 CONTOUR MAP**  
 P-302

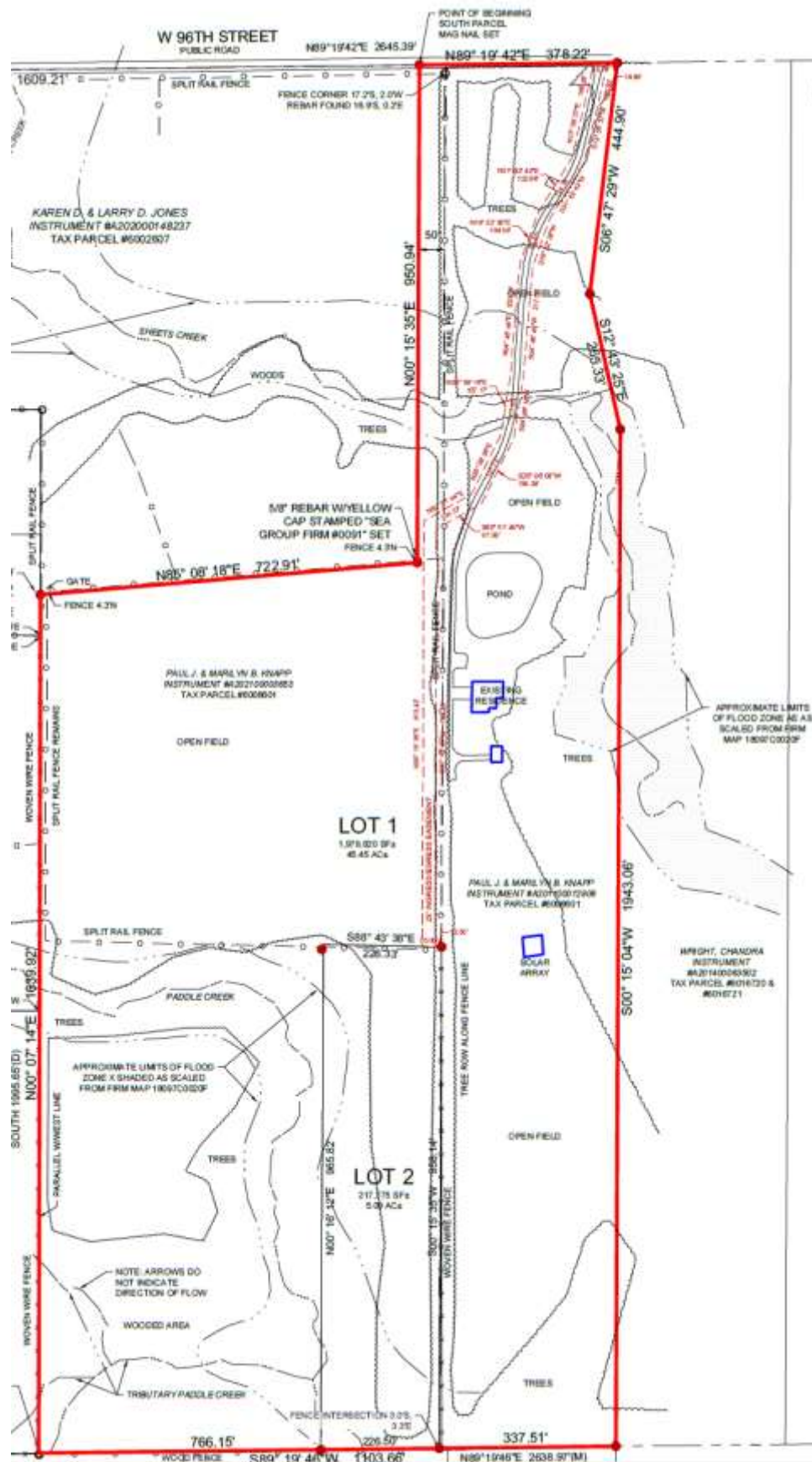
**AREA MAP WITH ZONING**  
 P-1007

**SPANNING LEGEND**

Symbol	Description
[Red line]	Proposed Subdivision Boundary
[Blue line]	Proposed Easement Boundary
[Green line]	Proposed Right-of-Way Boundary
[Yellow line]	Proposed Utility Easement Boundary
[Purple line]	Proposed Access Easement Boundary
[Pink line]	Proposed Encroachment Boundary
[Blue dot]	Proposed Well Location
[Red dot]	Proposed Water Meter Location
[Green dot]	Proposed Fire Hydrant Location
[Yellow dot]	Proposed Utility Pole Location
[Purple dot]	Proposed Access Point Location
[Pink dot]	Proposed Encroachment Location

**Reference #:**  
 20659 VP04  
 Sheet Number: 1 of 1

**2023-CVR-854 / 2023-CPL-854; Preliminary Plat (Close-up)**



**2023-CVR-854 / 2023-CPL-854; Finding 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:

Petitioner is subdividing the parent tract which is over fifty acres to have a second five acre lot for his daughter and son-in-law to build a home on. Given the size of the parent tract and the new lot and the addition of only one more family using the property and the driveway, there will be no negative impact on the community.

\_\_\_\_\_  
\_\_\_\_\_

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:

this will increase the property value of the subject property and adjacent properties by allowing for the construction of a new modern home on the previously undeveloped land, which will improve the general aesthetic of the area.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Due to the location of the existing home and existing driveway on the parent tract, the new lot will not have any street frontage. However, as shown in the plat, the new parcel will use the existing driveway and then extend said driveway to the rear of the parent tract where the new home will be built.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2023-CVR-854 / 2023-CPL-854; Site Photos**



Photo of the Subject Property: 7805 West 96th Street



Photo of the existing single-family dwelling on Lot 1.



Photo of the proposed five-acre lot (Lot 2) beyond the fence.



Photo of the location of the eastern proposed property boundary for Lot 2.



Photo of an existing shed to be demolished on Lot 2 where the single-family dwelling will be.



Photo of the proposed location of the septic system south of the existing fence.



Photo of Lot 2 looking north towards the proposed front property boundary at the fence.



Photo of the existing garage on Lot 1.



Photo of the back of the single-family dwelling on Lot 1.



Photo of the proposed shared driveway.



Photo of the proposed access easement to the right.



Photo of the proposed access easement location.