



Board of Zoning Appeals Hearing Officer (October 24, 2023) Meeting Agenda

Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, October 24, 2023

Time: 10:00 AM

Location: Room 1808, 18th Floor, City-County Building, 200 E. Washington Street

Business:

Special Requests

Petitions for Public Hearing

PETITIONS REQUESTING TO BE CONTINUED:

NEW PETITIONS:

- 1. 2023-HOV-005 | 10542-10712 Maidenhair Drive**
Franklin Township, Council District #25, Zoned D-4
M/I Homes of Indiana, L.P., by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings and two-family dwellings on various lots with no less than 57 percent open space (65 percent open space required).

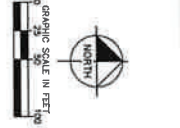
Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

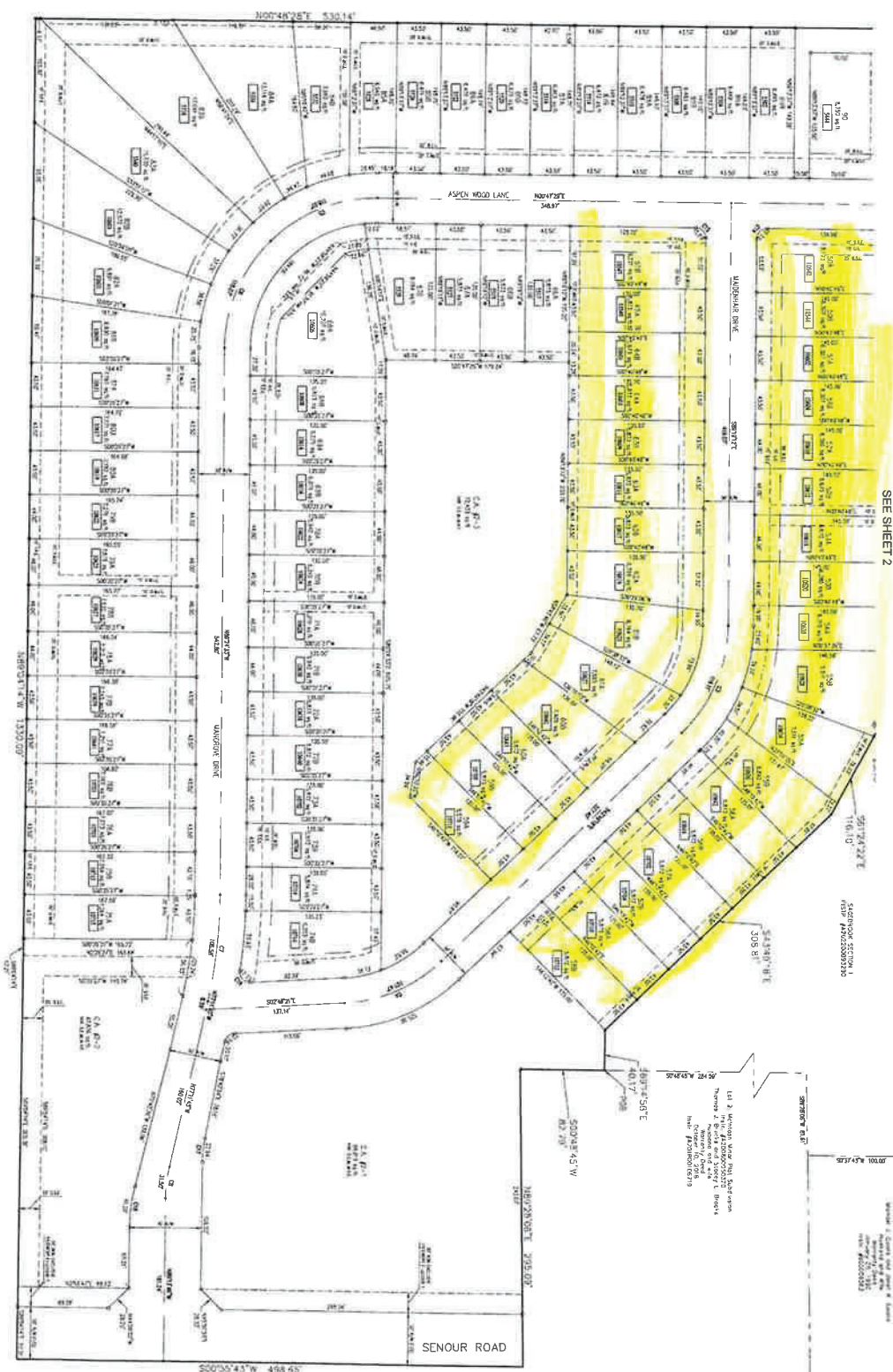
OWNER: M/I HOMES
PROJECT: SAGEBROOK WEST - SECTION 2
SHEET: PRELIMINARY PLAT

LEGEND

21	LOT NUMBER
22	PROPOSED DRAINAGE
23	PROPOSED PAVING
24	PROPOSED DRIVEWAY
25	PROPOSED SIDEWALK
26	PROPOSED CURB
27	PROPOSED OPEN SPACE
28	PROPOSED OPEN SPACE
29	PROPOSED OPEN SPACE
30	PROPOSED OPEN SPACE
31	PROPOSED OPEN SPACE



SAGEBROOK WEST - SECTION 2 SECONDARY PLAT



THIS DESIGN HAS BEEN DESIGNED TO INCORPORATE A SUSTAINABLE QUALITY BEST MANAGEMENT PRACTICE (BMP) THAT MUST BE MAINTAINED BY THE OWNER, THROUGH THE LIFE OF THE PROJECT, TO MAINTAIN THE QUALITY OF THE BODIES OF WATER TO WHICH THE DEVELOPER'S ASSOCIATION, THE OPERATIONS AND MAINTENANCE ASSOCIATION SHALL TO THE FEES AND OTHER CITY REQUIREMENTS.

DATE: 02/11/2022
DRAWN BY: JACOB
CHECKED BY: JACOB

ORIGINAL SCALE: 1/8" = 1'-0"
DATE: 02/11/2022
PROJECT NO.: 22020002
SHEET NUMBER: 3

SAGEBROOK WEST SECTION 2

PRELIMINARY PLAT



SCALE: 1/8" = 1'-0"
DRAWN BY: JACOB
CHECKED BY: JACOB

Kimley-Horn

12132 SAGEBROOK WEST - SECTION 2
SECONDARY PLAT
DATE: 02/11/2022



Legal Notice of Public Hearing Hearing Officer

of the Metropolitan Board of Zoning Appeals
200 East Washington St, Suite 1842, Indianapolis, IN 46204 317-327-5155

TO WHOM IT MAY CONCERN:

You are receiving this notice of a public hearing as a nearby property owner, or as a representative of a registered neighborhood organization, or as an affected City-County Councilor.

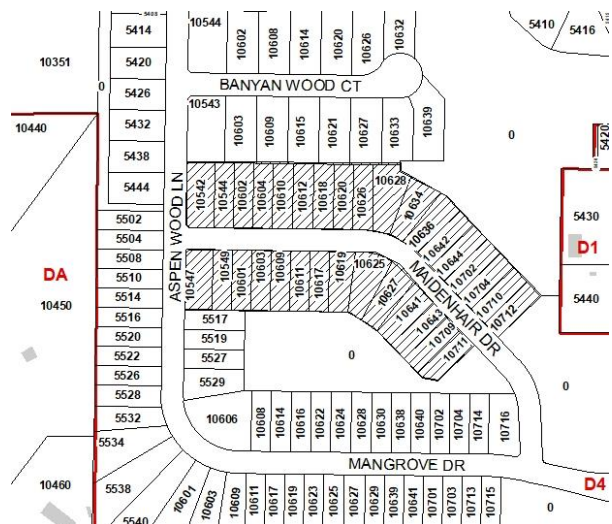
A **Public Hearing** of the Hearing Officer has been scheduled for **Tuesday, October 24, 2023, at 10:00 a.m.** in Room 1842 on the Eighteenth Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana. At this hearing, the Hearing Officer will consider the following petition(s).

Case Number: 2023-HOV-005
Address: 10542-10712 Maidenhair Drive (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-4
Petitioner: M/I Homes of Indiana, L.P., by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings and two-family dwellings on various lots with no less than 57 percent open space (65 percent open space required).

Vicinity Map (approximate location is marked)

The legal description and the details of the proposal are on file in the Department of Metropolitan Development, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, excluding legal holidays.

All interested persons wishing to speak to this petition, either for or against, will be given an opportunity to be heard, in accordance with the Rules of Procedure. Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Board of Zoning Appeals before the hearing at the above address and such comments will be considered.



The hearing may be continued to a future date from time to time when found necessary. Any change in room location will be posted at the Current Planning Office. For special accommodations needed by physically challenged individuals planning to attend, please call at least 48 hours prior to the meeting 317-327-5654.

To ensure a fair hearing, contacting any member of the Metropolitan Board of Zoning Appeals or the Hearing Officer regarding a pending or future proposal is strictly PROHIBITED by the Rules of Procedure and Indiana State statute.

Petitioner or Agent for Petitioner Contact Information

Signature: _____
Printed Name: Joseph D. Calderon
Street Address: 11 South Meridian Street
City, State, Zip: Indianapolis, IN 46204
Phone Number: 317-231-7787 FAX: _____
Email: jcalderon@btlaw.com

**General Information about this Legal Notice of the
Metropolitan Board of Zoning Appeals (BZA)**

Why am I getting this?	You are receiving this formal notice for one of three reasons. You are either a property owner within two (2) properties distance or within 660 feet of the property which is the subject of this petition; or you are a neighborhood representative; or you are a City-County Councilor.
Do I need to do anything or go anywhere?	This notice does <u>not</u> require you to attend the hearing or do anything. This notice simply informs you that a petition has been filed pertaining to property near you and that you have the opportunity to be informed and speak to that petition.
What is the Hearing Officer?	The Hearing Officer (HOV) is an official authorized by State Statute and appointed by the Mayor. The Hearing Officer has the authority to grant or deny variance petitions pertaining to developmental standards and limited use variances; Special Exceptions; and approval petitions regarding petitions the Hearing Officer previously decided.
What is a Variance?	A variance is permission to deviate or depart from the zoning ordinance. The zoning ordinance identifies uses that are permitted in various zoning classifications and the basic standards that development must meet, such as height and setback from property lines. The Metropolitan Board of Zoning Appeals has the authority to grant or deny variance petitions.
What do the Zoning Districts mean?	D-4 is Dwelling District Four, for low or medium intensity single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Consult the zoning code for specific details: http://www.indy.gov/dmd
May I contact the petitioner?	Yes. The petitioner's contact information is on the front side of this notice.
May I contact Department of Metropolitan Development Staff?	Yes. While you cannot contact the BZA directly, you may contact DMD staff. A DMD staff planner is available to discuss questions you may have regarding the hearing process or the basis for the staff recommendation as written in the Staff Report. The Staff Planner assigned to this case is Linda Ahlbrand, Principal Planner II. She can be reached at 317-327-4968 or by e-mail at Linda.Ahlbrand@Indy.Gov . Letters of support or opposition to this request can be sent to the planner or to DMDpubliccomments@indy.gov The Mayor's Neighborhood Advocate is Mina Moussa, who can be reached at 317.408.1991 or by email at Mina.Moussa@indy.gov . Neighborhood Advocates serve as a bridge between citizens and city government, acting as ombudsmen and providing a communication link between neighborhoods and the City.
What Is a Staff Report?	The planner assigned to the petition prepares a written Staff Report prior to the hearing that includes an objective planning analysis and recommendation. The Staff Report is available to the public and petitioner six (6) days prior to the hearing date listed on the front side of this notice.
How do I get a Continuance?	A continuance may be requested by letter or in person at the hearing. The Hearing Officer determines whether to continue the hearing of any petition. Continuances move the petition to another regularly scheduled hearing of the Hearing Officer (Tuesdays at 10AM). The Hearing Officer may refer any petition to any Division of the Metropolitan Board of Zoning Appeals (BZA). The Hearing Officer may determine if notification of owners of adjacent parcels, or if notification of additional interested parties shall be required if a petition is referred to one of the Divisions of the BZA. There are no "Automatic Continuances" of petitions scheduled before the Hearing Officer. The person requesting a continuance should notify to all known interested parties and indicate the proposed date. Continuances do not require a fee. The Rules of Procedure are available in the City-County Building, 200 East Washington Street, Suite 1842.
What about Commitments or Conditions?	If the petition is approved, commitments or conditions may be attached to its approval. After the hearing process has been completed, the commitments or conditions may be obtained by mailing a self-addressed, stamped envelope, with the petition number, to the staff planner indicated above at 200 East Washington Street, Suite 1842, Indianapolis, Indiana 46204.
Where can I get more information?	In addition to contacting the petitioner or city staff as indicated above, you might also contact your City-County Councilor, your neighborhood organization, the Indianapolis Neighborhood Resource Center, or the public library. Online resources include: Current Planning (Zoning) office for general information: http://www.indy.gov/dmd Determine the neighborhood organizations in your area: http://maps.indy.gov/Indy.Organizations.Web/ Determine your elected officials, including City-County Councilors: https://www.indy.gov/agency/city-county-council or http://maps.indy.gov/MyNeighborhood/

Petition Number 2023HOV005

**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:

the paired villas are part of a maintenance free section of a subdivision with ample common area, such that residents will be able to meet to
public health, safety and general welfare aspect of the open space requirement without the individual lot meeting it.

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:

there are no adjacent properties abutting the lots which are the subject of the variance, and the site plan and plat have not changed, so
adjacent properties are not being subjected to any sort of new proposal.

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

the zoning ordinance does not allow for common area to be calculated as part of an individual lots open space.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

