



LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE

DOCKET #: 24 LSV03

ADDRESS OF PREMISES AFFECTED: 10751 Birch Tree Court, Lawrence, IN 46236

STREET ADDRESS CITY STATE ZIP

NAME OF PETITIONER(S): Sarah E. Black PHONE: 317.590.4226

PETITIONER(S) E-MAIL: seblack@icloud.com

PETITIONER(S) ADDRESS: 10751 Birch Tree Court, Lawrence, IN 46236

STREET ADDRESS CITY STATE ZIP

AGENT: PHONE:

AGENT E-MAIL:

AGENT ADDRESS:

STREET ADDRESS CITY STATE ZIP

NAME OF OWNER(S): PHONE:

IF DIFFERENT FROM PETITIONER(S)

OWNER(S) E-MAIL:

OWNER(S) ADDRESS:

STREET ADDRESS CITY STATE ZIP

IS/ARE THE PETITIONER(S) THE OWNER(S) OF ONE HUNDRED PERCENT (100%) OF THE ARE INVOLVED IN THE PETITION?
YES [checked] NO []

LEGAL DESCRIPTION (CHECK ONE):
[] COMPLETE METES & BOUNDS WITH LEGAL DESCRIPTION ATTACHED
[checked] PLATTED SITE WITHIN A RECORDED SUBDIVISION WITH COPY OF PLAT MAP ATTACHED
SUBDIVISION NAME: SECTION:
LOT NUMBER(S):

IS THIS PROPERTY THE SUBJECT OF ANY CODE ENFORCEMENT ACTION? YES [] NO [checked]

WAS THIS PROPERTY THE SUBJECT OF ANY PREVIOUS PETITION(S)? YES [] NO [checked]
IF YES, LIST THE DOCKET NUMBER(S):

CURRENT ZONING: Residential TOWNSHIP: Lawrence ACREAGE: 0.49

EXISTING USE OF THE SUBJECT PREMISES: Residential

THE VARIANCE REQUEST IS FOR A VARIANCE OF:
[] USE [checked] DEVELOPMENT STANDARDS
[] USE AND DEVELOPMENT STANDARDS [] SPECIAL EXCEPTION
[] ReZoning

PROVIDE A DETAILED DESCRIPTION OF THE PROPOSED USE: STATE THE SPECIFIC ORDINANCE(S), STANDARDS(S), AND/OR REGULATION(S) SOUGHT TO BE MODIFIED (ATTACH ADDITIONAL PAGES, IF NECESSARY).

Residential screened porch constructed in exact footprint of existing rotting deck is restricted as an addition because it is 21 ft. from the property line with the steps from this 2nd level to end 15.5 ft. from the property line. Code states there should be a 25 ft. setback.

Sarah E. Black
10751 Birch Tree Court
Indianapolis, IN 46236

Parcel No. 49-01-29-113-014.000-407
Section 3
Lot #70
Land Use Residential
Lot Area 21,344 SF (0.49 Acres)

Dear Planning and Zoning Members,

The petitioner is requesting a variance for the above address to seek relief of the required 25' rear yard setback for the reasons detailed below. The proposed rear yard setback would allow the property owner to replace the current rotted deck built with the house in 1994 with a new screened in porch that would be in character with the adjacent homes along Birch Tree Court and Elm Ridge Drive.

1. Due to the awkward shape and depth of the lot placement on the cul de sac combined with the required rear setback of 25 feet, the project would not meet the setback code. The strict application of the requirements of this applicable zoning chapter would deprive the owner of the rights and privileges currently enjoyed in this neighborhood, including by adjacent neighbors in this same zoning district. The petitioner is requesting a reduction in the required rear setback to 20 feet from the porch to the property line and 15.5 feet from the bottom steps to the property line. The footprint would remain exactly as the current footprint of the existing deck and steps.
2. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located and the current deck and steps are located.
3. The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner not just a casual / discretionary inconvenience to the property owner/petitioner.
4. The requested variance would be consistent with the spirit and purpose of this chapter and the city of Lawrence's Comprehensive Plan text as the new porch being built would blend the house and porch with other homes in the neighborhood and would be within the spirit of the street and the community.

Thank you for your consideration,

Sincerely,

Sarah E. Black
Owner/Petitioner

THE ABOVE INFORMATION, TO MY KNOWLEDGE AND BELIEF, IS TRUE AND CORRECT.

Susan E. Black

SIGNATURE(S) OF PETITIONER(S) OR AGENT

SIGNATURE(S) OF OWNER(S) IF DIFFERENT THAN PETITIONER



STATE OF INDIANA, COUNTY OF MARION, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29 DAY OF July, 2024

NOTARY PUBLIC *Reneal Rafala*

PRINTED NAME Reneal L. Rafala

MY COMMISSION EXPIRES 05/22/2027

COUNTY OF RESIDENCE Marion

LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

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 steps and current deck were built with the house 30 years ago in 1994 in the exact same footprint and have not been injurious to the community. There is a woods between the petitioner's property and the three rear adjacent properties and the structure is not totally visual from these properties. In addition, adjacent rear properties all three have screened in porches with either decks or patios attached. The home to the east on Birch Tree Court has decking surrounding the entire rear of the home and the home to the west has an all season addition to the rear.

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:

Four of the five adjacent lots are separated by woods and pine trees. The fifth lot to the west cannot see the deck of the home unless standing far rear towards the adjacent property line. As above, the three adjacent rear homes all have screened porches with decks and/or patios. The adjacent home to the east has decking surrounding the entire rear of the home. The proposed porch would add to the aesthetics of the rear of the subject home and would be professionally well build by licensed professionals. The Home Owners Association of Fox Pointe has already approved this addition.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The current deck and steps in the same footprint as the proposed structure is rotted and must be replaced for safety and aesthetic reasons. The house was originally pushed back on the lot to accommodate the rear walkout and to center the home on the cul de sac as Directed by the developer, Thompson. The kitchen door opens to the deck from the 2nd level or it would be a dangerous drop-off. However, the home owner hopes to upgrade the deck to a screened porch which would not only add value to the home, but would add a quality of living and lengthen the yearly use of the porch. Again, this would remain in the exact footprint of the existing deck and stairs. The area affected would be vertical, adding screen and a roof which match the aesthetics of the existing home. This structure would be very well built and give the rear of the home very nice curb appeal.



DECISION

IT IS THEREFORE THE DECISION OF THIS BODY THAT THIS VARIANCE PETITION IS GRANTED, SUBJECT TO ANY CONDITIONS STATED IN THE MINUTES (WHICH CONDITIONS ARE INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DECISION).

Adopted this _____ day of _____, 20_____

Chairman

Vice-Chairman

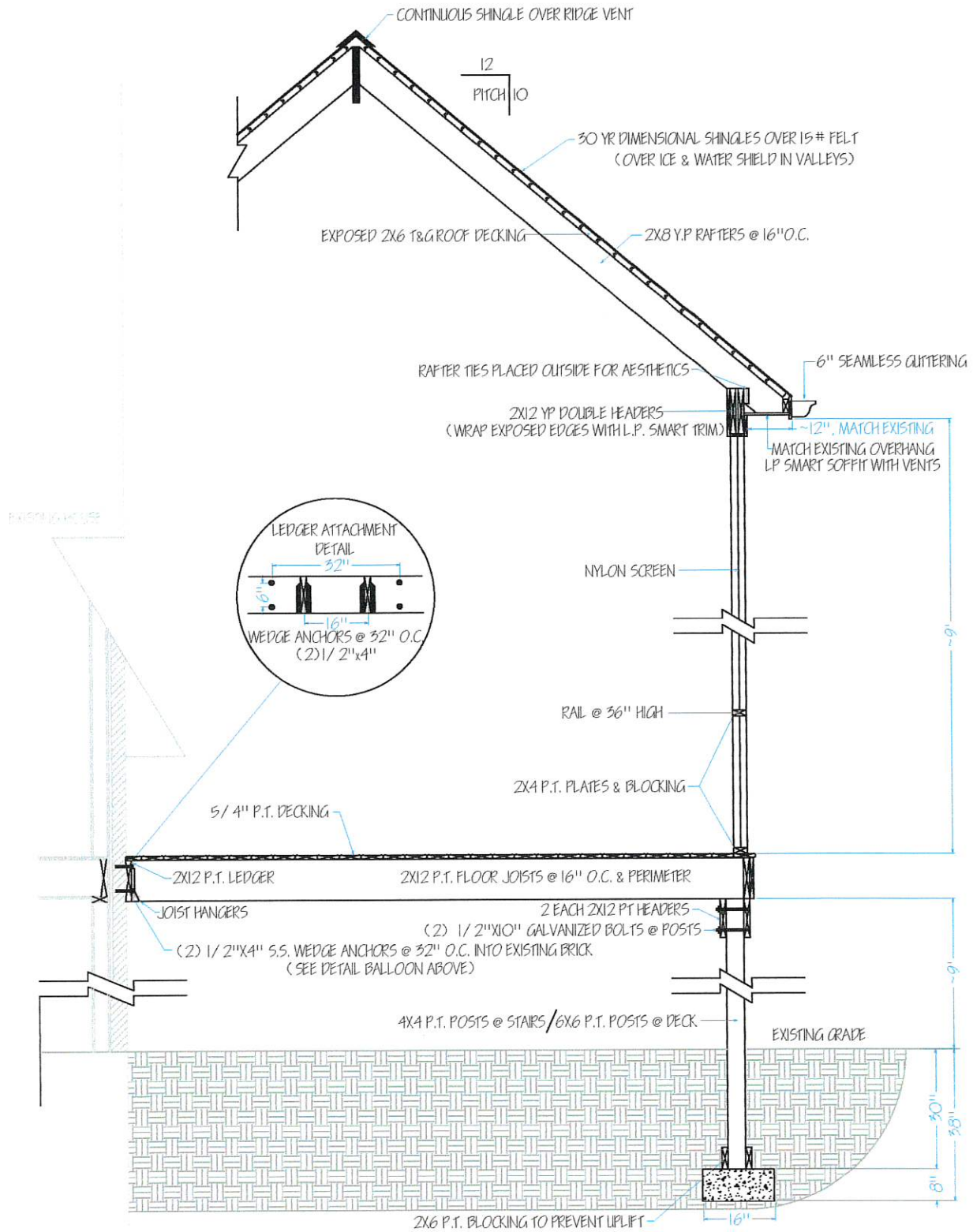
Member

Member

Member

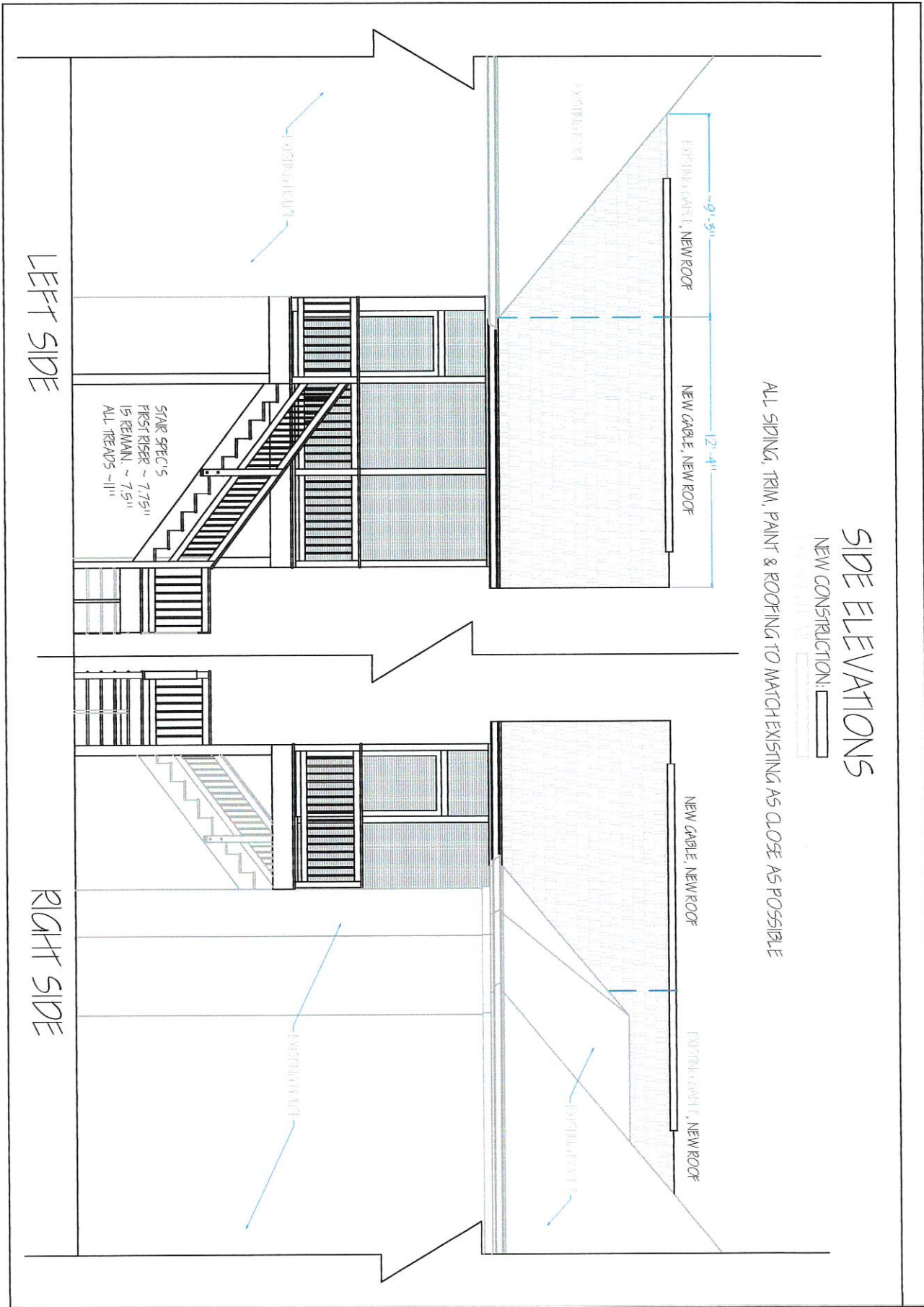
1.75"X9.25" L.V.L. RIDGE BOARD
(WRAP EXPOSED EDGES WITH LP SMART TRIM)

WALL SECTION



S100.4	SUMMIT CONSTRUCTION AND REMODELING L.L.C.	SALLY BLACK HOME 10751 BIRCH TREE CT. INDPLS, IN 46236	CONTACT: MIKE JOHNSON 812-865-6183	DRAWN DATE: 06/11/2024	DRAWN BY: TODD RANNEY	SCALE: 1/2" = 1'
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ALL DRAWINGS & PLANS ARE THE PROPERTY OF SUMMIT CONSTRUCTION AND REMODELING L.L.C. & CANNOT BE REUSED WITHOUT PERMISSION



SIDE ELEVATIONS
 NEW CONSTRUCTION: 

ALL SIDING, TRIM, PAINT & ROOFING TO MATCH EXISTING AS CLOSE AS POSSIBLE

LEFT SIDE

RIGHT SIDE

STAIR SPEC'S
 FIRST RISER ~ 7.75"
 15 RISES ~ 7.5"
 ALL TREADS ~ 11"

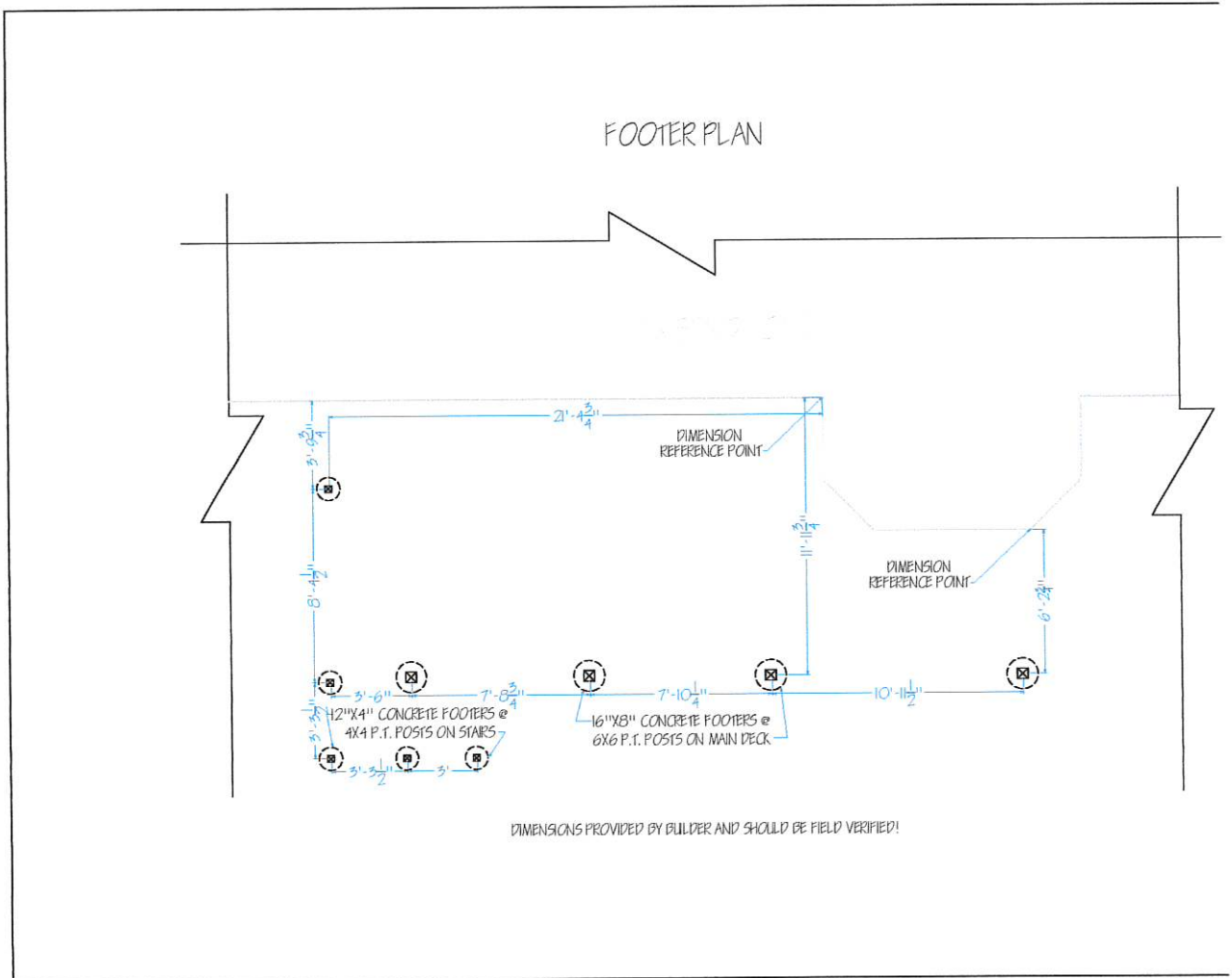
AO10.2	SUMMIT CONSTRUCTION AND REMODELING L.L.C.	SALLY BLACK HOME 10751 BRCH TREE CT. INDIAN, IN 46236	CONTACT: MIKE JOHNSON 812-865-6183	DRAWN DATE: 06/11/2024	DRAWN BY: TODD RANNEY	SCALE: 1/4" = 1'
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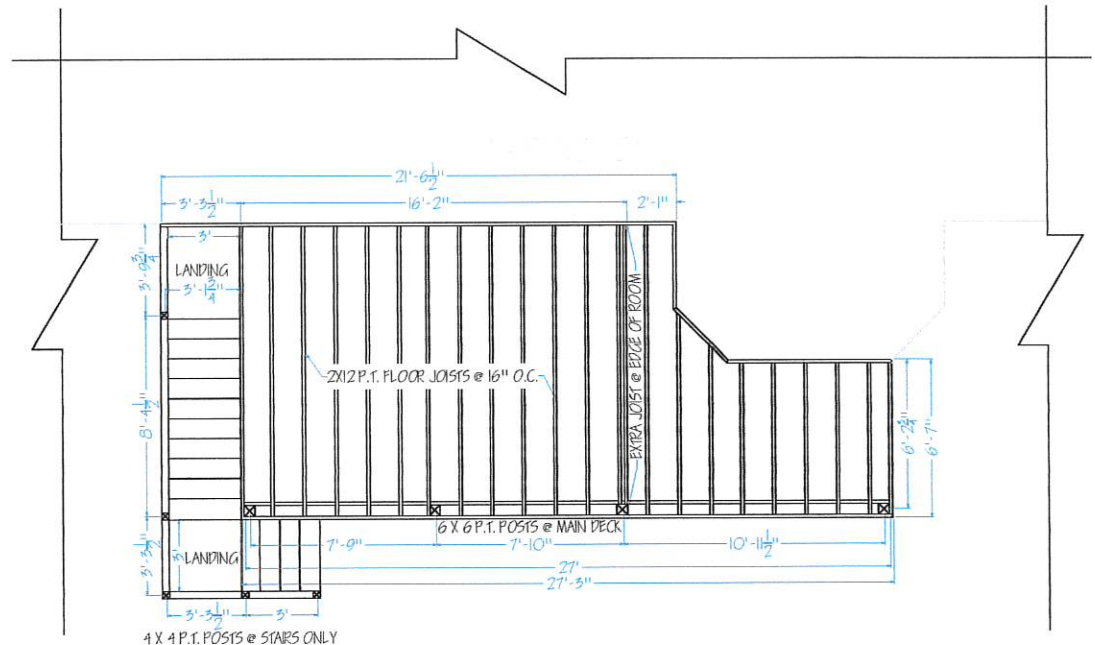
From: Mike Johnson mike@scrindy.com
Subject: deck specs
Date: Jul 25, 2024 at 8:31:39 AM
To: Sarah Black seblack@icloud.com

Please see the attached.

Mike Johnson
Summit Construction and Remodeling
[317-804-1865](tel:317-804-1865)
mike@scrindy.com

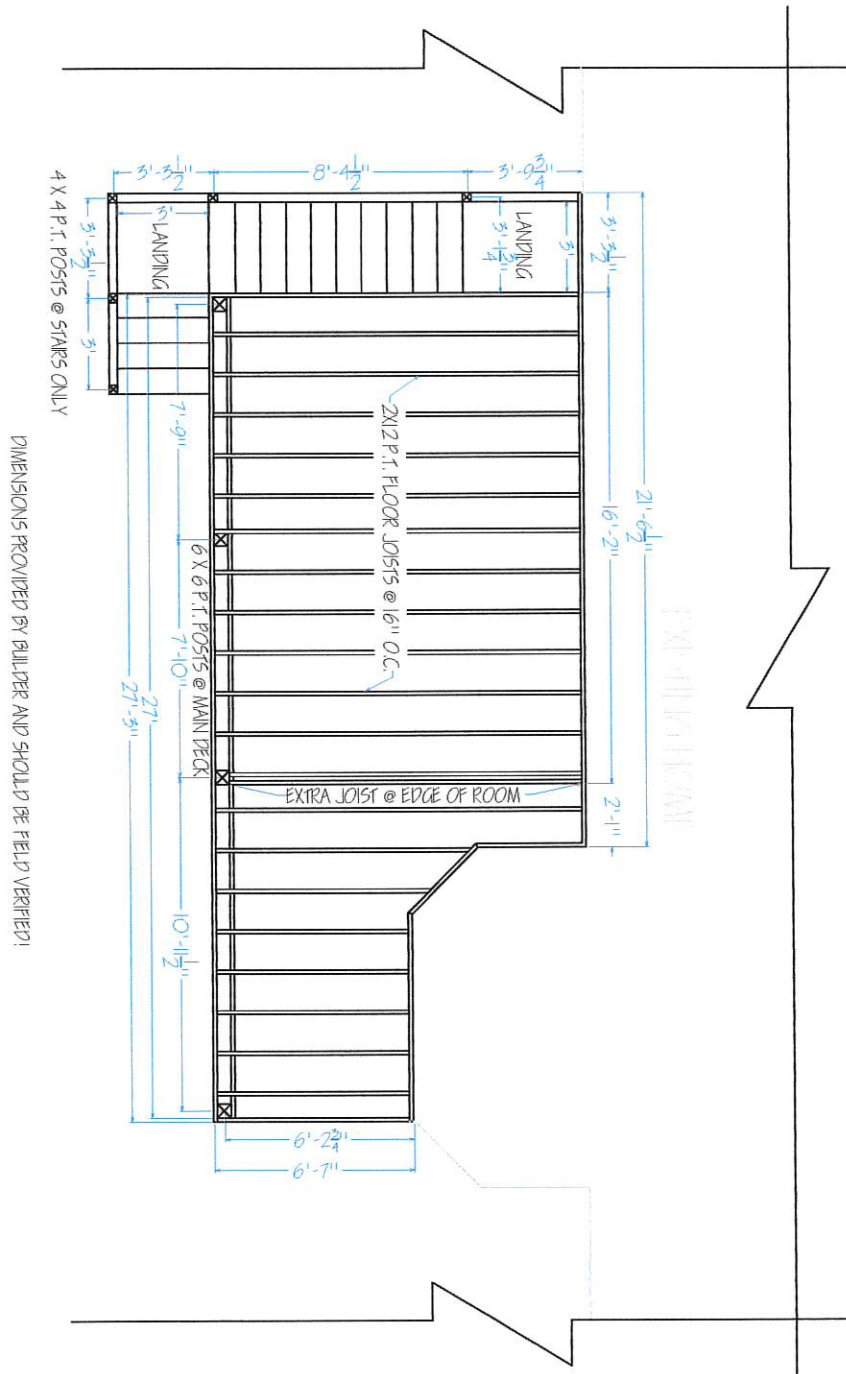


POST & FLOOR JOIST PLAN



DIMENSIONS PROVIDED BY BUILDER AND SHOULD BE FIELD VERIFIED!

POST & FLOOR JOIST PLAN

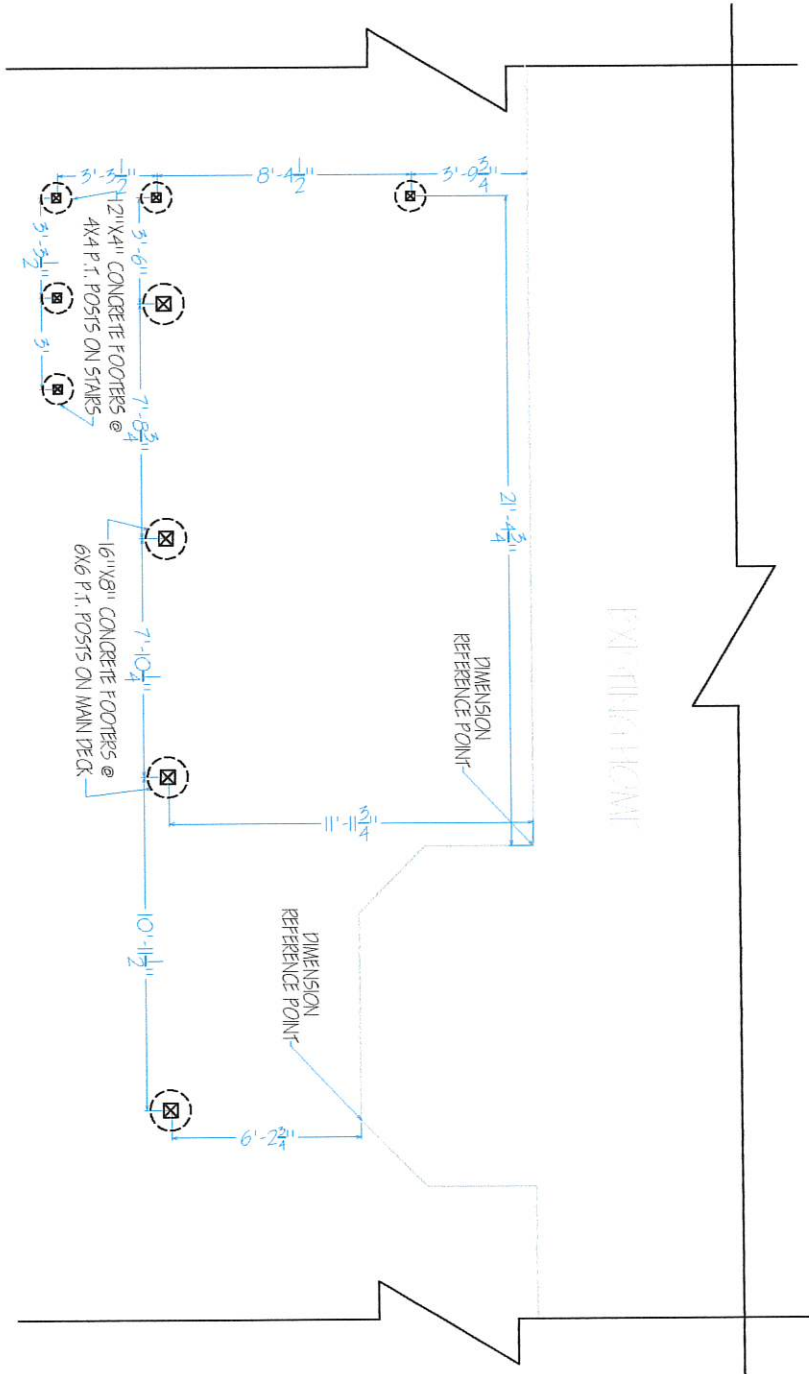


DIMENSIONS PROVIDED BY BUILDER AND SHOULD BE FIELD VERIFIED!

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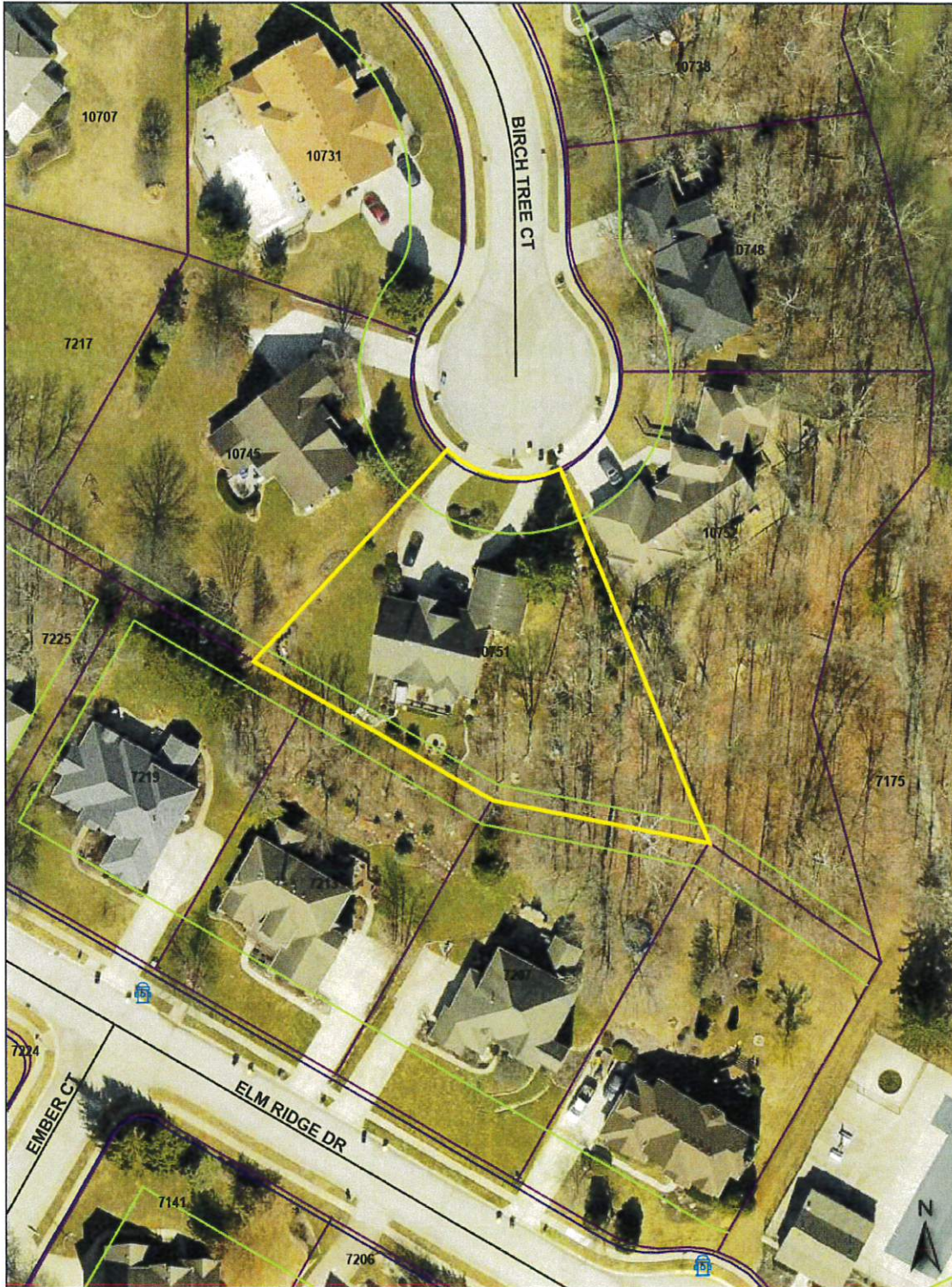
FOOTER PLAN



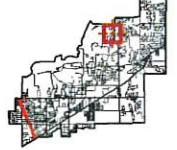
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10751 Birch Tree Ct



Overview





Parcel No. (APN) 49-01-29-113-014.000-407
Land Use RESIDENTIAL
Lot Area 21,344 SF (0.49 ACRES)

ADDRESS: 10751 BIRCH TREE CT
INDIANAPOLIS, IN 46236

Scale: 1"=30'

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE
This work product represents only generalized locations of
features, objects or boundaries and should not be relied upon
as being legally authoritative for the precise location of any
feature, object or boundary.







RECEIPT

Form Prescribed by the Indiana State Board of Accounts for the
City of Lawrence, IN 2010
General Form No. 203

PAYMENT DATE

07/29/2024

COLLECTION STATION

DPW Front Desk

phone 317.549.4804 controllersoffice@cityoflawrence.org

RECEIPT NO.

2024-00096202

CASHIER

Renea Rafala

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
Zoning	Zoning Variance Fees Variance Petition 24LSV03 ~ Hearing 9/17/24 101-002-01 341.002 General Government Zoning Fees \$150.00	\$150.00						
Payments:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Type</th> <th style="width: 60%;">Detail</th> <th style="width: 25%;">Amount</th> </tr> </thead> <tbody> <tr> <td>Check</td> <td>8450</td> <td style="text-align: right;">\$150.00</td> </tr> </tbody> </table>	Type	Detail	Amount	Check	8450	\$150.00	
	Type	Detail	Amount					
Check	8450	\$150.00						
Total Amount:		\$150.00						

RECEIVED FROM: Sarah Black