



Address: 10751 Birch Tree Ct
Parcel # 4035810
Docket # 24LSV03
Hearing Date: October 15, 2024
Council District # 5 (Zach Cramer)

Petitioner/Owner: Sarah Black
seblack@icloud.com
317-590-4226

Application:

Variance of Development Standards of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, Table 742-103-4, D-2 District Dimensional Standards, to allow a rear setback of 20' (25' required).

Analysis:

The deck for this property was built when the home was built in 1994. The only portion of the deck that is within the setback is the bottom few stairs. This will not affect drainage or impact neighboring properties.

Opinion:

It is the opinion of this review that the Petition for Variance of Development Standards meets the requirements of the Findings of Fact.

Recommendation:

It is our recommendation that this variance be approved.

Christopher Wilburn
Christopher Wilburn (Oct 15, 2024 11:19 EDT)

Director, Christopher Wilburn

Summary of the Subject Property Zoning Standards

Current Zoning Designation:	D2
Surrounding Property Zoning	
North:	D2
South:	D2
East:	D2
West:	D2
Comprehensive Plan Land Use Designation:	Suburban Neighborhood
Current Land Use:	Residential
Compact Context Area:	Metro
Relevant Code Sections:	Table 742-103-4 D-2 District Dimensional Standards



**TABLE 742-103-4
D-2 DISTRICT
DIMENSIONAL STANDARDS**

LOT STANDARDS		
Minimum lot area, single-family	15,000 sq. ft.	
Minimum lot area, two-family	20,000 sq. ft.	
Minimum lot width, single-family	80 ft.	
Minimum lot width, two-family	120 ft.	
Minimum street frontage	40 ft.	
Minimum open space	75%	
SETBACKS		
	METRO	COMPACT
Minimum depth front yard	See Table 744-201-1	
Minimum width of side yard	7 ft.	7 ft.
Minimum width of side yard (aggregate)	19 ft.	14 ft.
Minimum depth of rear yard	25 ft.	25 ft.
BUILDING STANDARDS		
Maximum height of primary building	35 ft.	
Maximum height of accessory building	24 ft.	
Minimum main floor area (1-story)	1 200 sq. ft.	
Minimum main floor area (above 1-story)	800 sq.ft.	

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

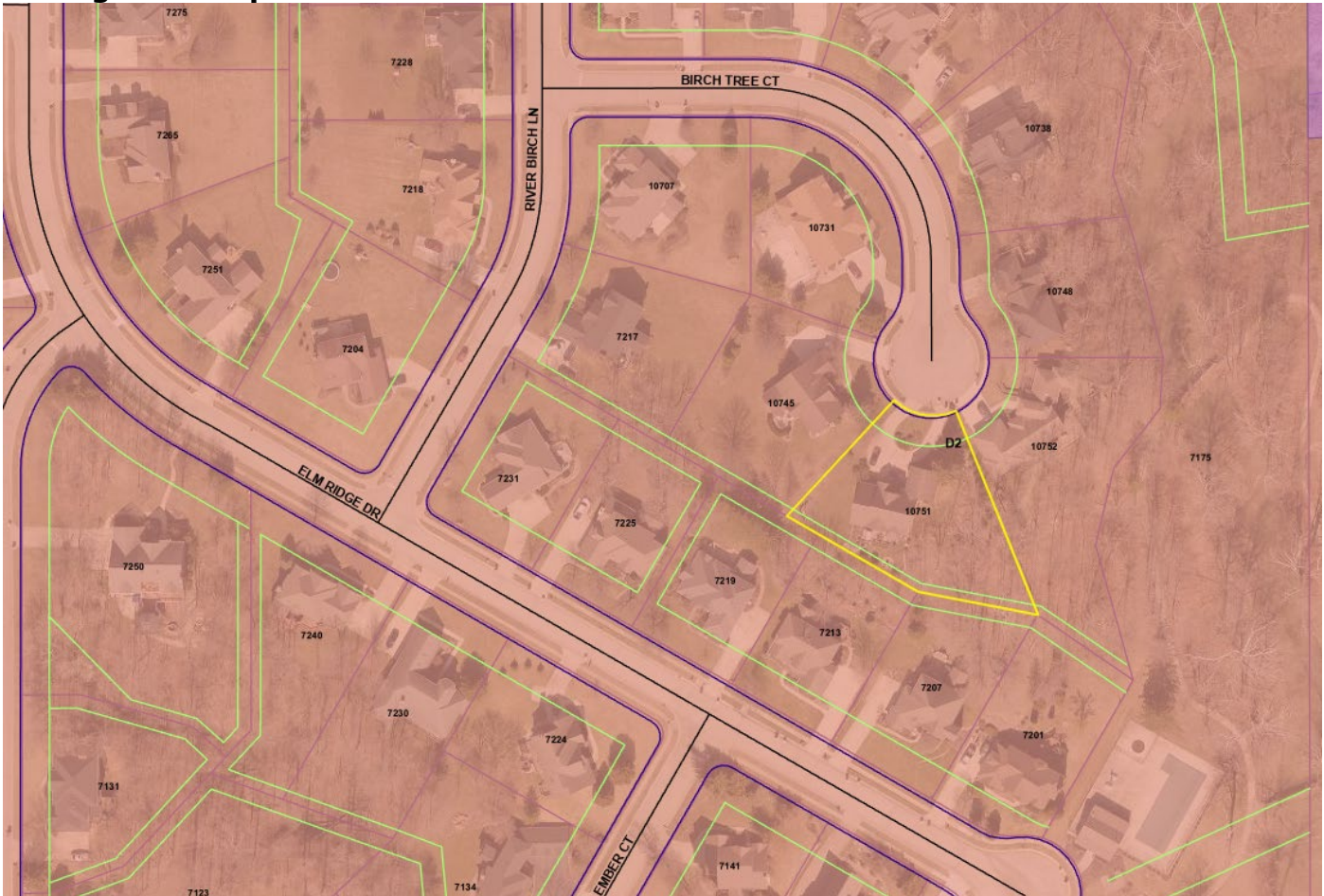


Aerial:





Zoning Base Map:





Site Plan:



Parcel No. (APN) 49-01-29-113-014.000-407
 Land Use RESIDENTIAL
 SINGLE FAMILY RESIDENCE
 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.





Elevation:

MAIN ELEVATION

NEW CONSTRUCTION:

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





Findings of Fact (as provided by applicant):

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 built 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.







Birch Tree Ct 10751_Staff Report

Final Audit Report

2024-10-15

Created:	2024-10-15
By:	Renea Rafala (rrafala@cityoflawrence.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA80E8K4RiXrE9Qsy5mn11LT3XcgjN7mq1

"Birch Tree Ct 10751_Staff Report" History

-  Document created by Renea Rafala (rrafala@cityoflawrence.org)
2024-10-15 - 2:54:42 PM GMT
-  Document emailed to cwilburn@cityoflawrence.org for signature
2024-10-15 - 2:54:47 PM GMT
-  Email viewed by cwilburn@cityoflawrence.org
2024-10-15 - 3:19:30 PM GMT
-  Signer cwilburn@cityoflawrence.org entered name at signing as Christopher Wilburn
2024-10-15 - 3:19:56 PM GMT
-  Document e-signed by Christopher Wilburn (cwilburn@cityoflawrence.org)
Signature Date: 2024-10-15 - 3:19:58 PM GMT - Time Source: server
-  Agreement completed.
2024-10-15 - 3:19:58 PM GMT