

Staff Report – Plan Commission

Docket #:	PC2025-002, 003	Hearing Date:	May 12, 2025
Applicant:	Vip Patel, 1275 Jesse Court, Greenwood, IN		
Owner:	Jeff West Homes, 3613 Eaglet Court, Greenwood, IN		
Subject Property:	Parcel ID # 41-04-12-031-050.001-041 and Parcel ID # 41-04-12-031-050.000-041 Approximately 1455 Damaree Road		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317.887.5230		

History of waivers:

The initial application for PC2025-002 and PC2025-003 (Patel Subdivision Minor Plat) was to establish a two (2) lot subdivision. On January 27, 2025 Plan Commission granted the following waivers:

1. A waiver of Section 10-06-01 (A)(4)(c), to eliminate the need to provide minor street access to each parcel of land to adjoining undeveloped tracts **with the condition that a maximum of two lots are provided in the subdivision and is described on the final plat.**
2. A waiver of Section 10-06-03 (F)(3), to exceed the lot depth in relationship to width, to a portion of more than 3.5 to 1. The width of the lot at the front setback minimum is only 50' however it widens to 246' for a majority of the subdivision.
3. A waiver of Section 10-06-03 (E), to allow a flag lot. The development of anything beyond creating a road using the 50' width as right-of-way would have difficulty meeting this requirement.
4. A waiver of Section 10-06-03 (D), to eliminate the need for every lot to have sufficient frontage and access to a public street **with the condition that an easement describing maintenance and access is provided on the final plat.**

Request:

The Patel Subdivision Minor plat is now desiring to create **three lots** (instead of two), which would require an additional waiver to the waivers approved on January 27, 2025. This is due to the previous waivers having a condition that a maximum of two lots are provided.

1. A waiver of Section 10-06-01 (A)(4)(c), to eliminate the need to provide minor street access to each parcel of land to adjoining undeveloped tracts. **Now proposing three lot, the applicant is seeking a waiver of Section 10-06-01 (A)(4)(c) with no condition attached.**
2. A waiver of Section 10-06-03 (F)(3), to exceed the lot depth in relationship to width, to a portion of more than 3.5 to 1. The width of the lot at the front setback minimum is only 50' however it widens to 246' for a majority of the subdivision. **This waiver is to remain in place as approved with no changes**
3. A waiver of Section 10-06-03 (E), to allow a flag lot. The development of anything beyond creating a road using the 50' width as right-of-way would have difficulty meeting this requirement. **This waiver is to remain in place as approved with no changes.**
4. A waiver of Section 10-06-03 (D), to eliminate the need for every lot to have sufficient frontage and access to a public street **with the condition that an easement describing maintenance and access is provided on the final plat.** **Now proposing three lot, the applicant is seeking this waiver to be applied to the third desired lot as well.**

Location:

The subject properties are located on the south side of Damaree Road with an approximate address of 1455 Damaree Rd. Parcel IDs are # 41-04-12-031-050.001-041 and 41-04-12-031-050.000-041

Existing & Surrounding Land Use:

Existing:	Residential Large (RL), Vacant Land
North:	Residential Large (RL), Single Family Residential
South:	Commercial Small (CS), Barn at Bay Horse Inn
East:	Residential Large (RL), Single Family Residential (Cobblestone)
West:	Residential Large (RL), Single Family Residential and Vacant Land

Recommendations:

Currently there are two parcels # 41-04-12-031-050.001-041 and #41-04-12-031-050.000-041 involved in the minor plat; however, this request is increasing the total number of parcels to 3 lots in the minor plat.

1. Staff recommend **denial** of a waiver of Section 10-06-01 (A)(4)(c), to eliminate the need to provide minor street access to each parcel of land to adjoining undeveloped tracts. This land is currently two parcels and adding a third parcel brings the land further out of compliance. Instead, staff recommends the construction of a cul-de-sac to enter the Patel subdivision, which would allow for proper emergency service access as well as sufficient space for subdivision infrastructure.
2. While the approved waiver of Section 10-06-03 (F)(3) does not request any changes, it is noted that incorporating a cul-de-sac to access the three parcels would also remove the necessity of the previously approved waiver of Section 10-06-03 (F)(3).
3. While the approved waiver of Section 10-06-03 (E) does not request any changes, it is noted that incorporating a cul-de-sac to access the three parcels would also remove the necessity of the previously approved waiver of Section 10-06-03 (E).
4. Staff recommend **denial** of a waiver of a waiver of Section 10-06-03 (D), to eliminate the need for every lot to have sufficient frontage and access to a public street. Again, with the construction of a cul-de-sac, this waiver would no longer be applicable because all three lots would have sufficient frontage to a street.

If approved, staff request the **condition that an easement describing maintenance and access is provided on the final plat.**

Attachments:

Waiver Request
Petitioner Findings of Fact
Minor Plat Subdivision Conceptual Plan
Zoning Map

Attachment P: Subdivision, Site Development, Parking and or Landscape Waiver Request

Project Patel Minor Plat

Docket PC2025-002 & 003

Waivers from these Regulations.

Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision, site development, and or parking regulations so that substantial justice may be done and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of these regulations. Such waivers may be granted upon written request of the applicant stating the reasons for each waiver and may be waived by two-thirds (2/3) of the regular membership of the Plan Commission. (Sec. 10-501: Subdivision Control); (Sec. 10-460: Site Development); (Sec. 10-103: Parking); (Sec. 10-472: Landscape)

The Plan Commission may, in its discretion, authorize and approve waivers from the requirements and standards of these regulations upon finding that the following five criteria have been justified:

- (1) The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request.
- (2) The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.
- (3) The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.
- (4) The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

Attach a separate sheet that thoroughly itemizes, explains, and justifies how each Waiver Request meets the Waiver Guidelines outlined above.

I respectfully request consideration by the Greenwood Plan Commission to waive the requirements established by the following Section(s) of the Greenwood Municipal Code for the Subdivision Control Ordinance, Site Development, Zoning Ordinance as it relates to parking requirements, and Landscaping requirements for the City of Greenwood: (Staff can assist) **NOTE: Do not use this form if requesting a Waiver from the Stormwater Drainage and Sediment Control Ordinance. Contact the City Engineering Department to discuss drainage waiver requests.**

Minor Streets should be designed to have connectivity to existing streets. Requesting to have

1. Section 10- 06-01A.4c: private drive for 3 residences.
2. Section 10- 06-03F3: Lots has not exceed a depth to width proportion of 3.5:1. Requesting to have a lot 15:1 (GRANTED)
3. Section 10- 06-03E: Flag Lots are expressly prohibited. Requesting to have one flag lot (GRANTED)
Every lot shall have sufficient frontage. Requesting for 2 lots to have no frontage and to have
4. Section 10- 06-03D: access provided by a shared driveway.

I submit that this request is not in conflict with the Plan Commission's guidelines for review of waiver requests outlined above.



Signature of Applicant

PATEL MINOR PLAT

STREET FRONTAGE

FINDINGS OF FACT

Sec. 10-06-03D: Every lot or parcel shall have sufficient frontage and access to a public street designated, designed and improved in accordance with the terms of this Ordinance; provided, however, the Plan Commission may modify this requirement to include a private street. Frontage for lots facing a cul-de-sac turnaround shall be as approved by the Plan Commission.

The Request is to have no street frontage for 2 lots. The lots will be provided access to them through a shared driveway. The parcel is an existing parcel and the parcel along the front only has 50 feet of frontage.

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because

the request is to only not have road frontage on 2 lots. The lots will have access to Demaree Road by the shared driveway between the three lots. Not having frontage and a shared driveway will reduce the number of driveways on to Demaree Road reducing the number of access points for cars on to Demaree Road making it safer for drivers on Demaree Road.

2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.

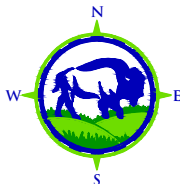
The requirement to provide frontage for the 2 rear lots is created by the existing overall parcel only having a 50 foot strip as road frontage. This does not allow for a practical way to provide frontage to the rear lots.

3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.

The existing parcels were created in 1957 and therefore creating the small street frontage for 2 parcels well prior to the current owner and applicant. One of the existing parcels already does not have frontage and the request is to only have 1 more lot without frontage.

4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

The intent of the standard is to make sure all lots have access to a public right-of-way to make sure there is access to the lots. There will be a platted access easement over the shared driveway to provide access to the lots and therefore giving access to these lots indefinitely and meeting the intent of the ordinance.



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4800 WEST SMITH VALLEY ROAD, SUITE O * GREENWOOD, IN 46142
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PATEL MINOR PLAT

MINOR STREET CONNECTIVITY

FINDINGS OF FACT

Sec. 10-06-01A.4C: Minor Streets should be designed to provide access to each parcel of land within a subdivision or development, to adjoining undeveloped tracts, and in a manner that will encourage connectivity with the existing street network but discourage heavy use by traffic. They should be planned so that future expansion will not require the conversion of minor streets to arterial routes.

The Request is to have a shared drive that only provides access to the 3 lots within the proposed Minor plat and have no connection to any future developments.

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because

the request is to only have one shared driveway for 3 lots. This will not be built to the standard of a road and would not be able to handle any traffic except for the traffic to the 3 single family residences.

2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.

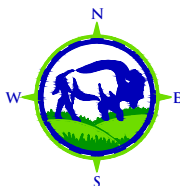
The minor plat being proposed is only for 3 single-family residences to be constructed on 3 lots and for those lots to share their access via a shared driveway. There is only a 50-foot wide strip onto DeMaree Road, therefore not giving sufficient frontage for multiple drives. The proposed Minor plat is for a private subdivision with no public cross through traffic. Since there is no public traffic and there are only 3 single-family residences, a full public road is not warranted. This driveway will also be gated making it private.

3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.

The existing parcels were created in 1957 and this minor plat is only being prepared to allow the construction of 3 single-family residences. The existing parcel layout is setup for a simple shared driveway for access to the lots. A public road being proposed between the existing 2 residences along DeMaree Road in a 50-foot strip would be a burden to those residences. Whereas a shared drive with only the traffic for the 3 single-family homes would be less of a burden.

4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

The existing parcel is already laid out to have a shared driveway the same as what is being proposed. The ordinance also states this is for Minor Streets however this is not a street but a shared private driveway for 3 single-family residences. Therefore since this is not actually a Minor Street it is a small deviation from the ordinance.



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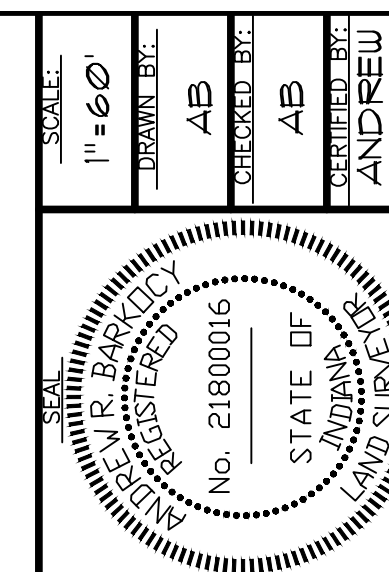
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1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OR VERIFYING THAT ALL PERMITS AND APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY AND STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES AND UTILITIES LOCATED OUTSIDE OF THE CONSTRUCTION AREA PRIOR TO STARTING ANY CONSTRUCTION.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY FOR NOTIFICATION AND COORDINATION WITH ALL CONTRACTS WITH RESPECTIVE UTILITY COMPANIES, PRIOR TO STARTING ANY CONSTRUCTION.
3. ALL CONSTRUCTION ACTIVITY ON THIS SITE SHALL BE PERFORMED IN COMPLIANCE WITH APPLICABLE O.S.H.A. STANDARDS FOR WORKER SAFETY.
4. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING THE MOST UPDATED SET OF CONSTRUCTION PLANS PRIOR TO COMMENCING CONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT INFORMATION TO THE ENGINEERING DIVISION FOR COMPARISON TO THE ORIGINAL CONSTRUCTION.

JEFF WEST HOMES, LLC
3613 EAGLET COURT
GREENWOOD, IN 46143

RESIDENTIAL LARGE (RL) SETBACKS		
	MINIMUM	MAXIMUM
FRONT	30 FEET	N/A
SIDE	10 FEET EACH SIDE YARD	N/A
REAR	25 FEET	N/A

11.9 Acres
3 Lot
0.25 Lots/Acre
ZONED RL

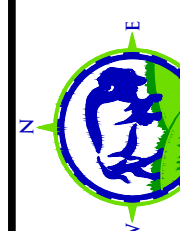
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PROJECT NAME: **PATEL MINOR SUBDIVISION**
DEMAREE ROAD
GREENWOOD, INDIANA

 SHEET NAME:

PRIMARY PLANT

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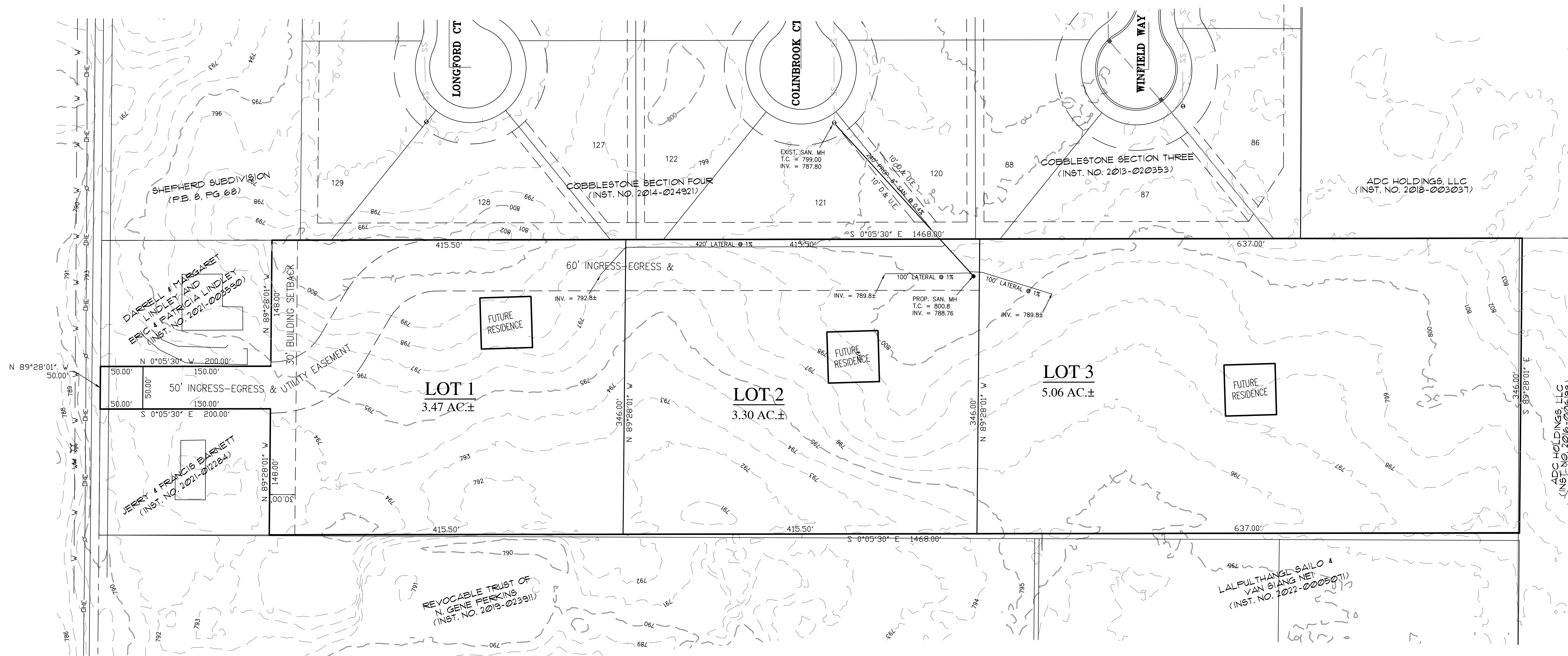
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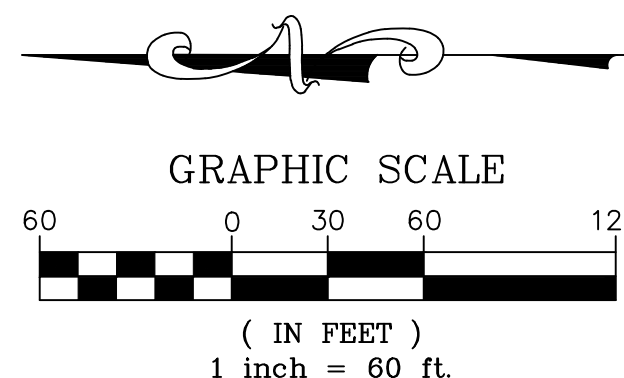
FEBRUARY 17, 2025

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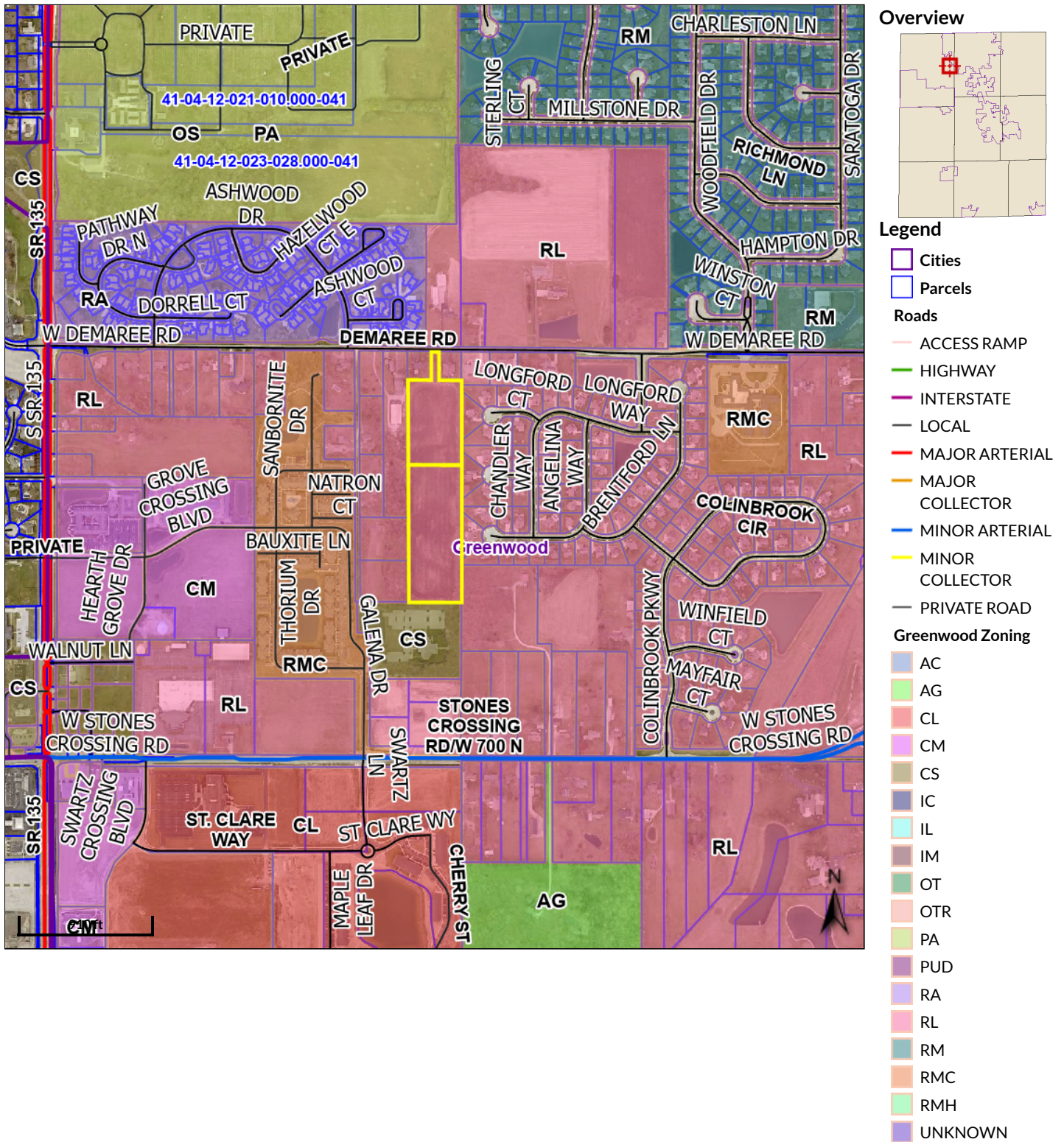
— SS — - SANITARY SEWER
 (S) - SANITARY MANHOLE
 ——— - STORM SEWER
 (I) - STORM INLET
 — W — - WATERLINE
 824 - CONTOUR LINE
 — OHE — - OVERHEAD ELECTRIC



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