



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

DOCKET #: \_\_\_\_\_

ADDRESS OF PREMISES AFFECTED: 12102, 12104, 12106 E 79th St Indianapolis IN 46236  
STREET ADDRESS CITY STATE ZIP

NAME OF PETITIONER(S): David & Joanna Sweet PHONE: \_\_\_\_\_

PETITIONER(S) E-MAIL: dsweet@gomwr.com

PETITIONER(S) ADDRESS: 12110 E 79th St Indianapolis IN 46236  
STREET ADDRESS CITY STATE ZIP

AGENT: Russell L Brown, Clark Quinn Law PHONE: 317-637-1321

AGENT E-MAIL: rbrown@clarkquinnlaw.com

AGENT ADDRESS: 320 N Meridian St, Suite 1100 Indianapolis IN 46204  
STREET ADDRESS CITY STATE ZIP

NAME OF OWNER(S): Same 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 ☒ NO ☐

LEGAL DESCRIPTION (CHECK ONE):

☒ COMPLETE METES & BOUNDS WITH LEGAL DESCRIPTION ATTACHED

☐ 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 ☒

WAS THIS PROPERTY THE SUBJECT OF ANY PREVIOUS PETITION(S)? YES ☒ NO ☐

IF YES, LIST THE DOCKET NUMBER(S): 88-Z-220, 2004-ZON-096, 24-ZON-02, 24-ZON-03

CURRENT ZONING: D-2, SU-1 TOWNSHIP: Lawrence ACREAGE: 15.79

EXISTING USE OF THE SUBJECT PREMISES: Undeveloped

THE VARIANCE REQUEST IS FOR A VARIANCE OF:

☐ USE

☐ USE AND DEVELOPMENT STANDARDS

☐ ReZoning

☒ DEVELOPMENT STANDARDS

☐ SPECIAL EXCEPTION



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

[Signature]  
SIGNATURE(S) OF PETITIONER(S) OR AGENT

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

STATE OF INDIANA, COUNTY OF MARION, SS:

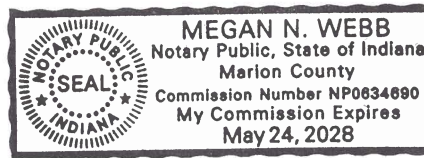
SUBSCRIBED AND SWORN TO BEFORE ME THIS 7<sup>th</sup> DAY OF May, 2025

NOTARY PUBLIC [Signature]

PRINTED NAME Megan N Webb

MY COMMISSION EXPIRES 5/24/28

COUNTY OF RESIDENCE Marion



### ***LEGAL DESCRIPTION***

Part of the West Half of the Southwest Quarter of Section 22, Township 17 North, Range 5 East in Lawrence Township, Marion County, Indiana, said part being more particularly described as follows:

Commencing at a Harrison monument marking the Southwest corner of said Half-Quarter Section; thence North 89 degrees 33 minutes 29 seconds East (North American Datum of 1983, Indiana East Zone) along the South line of said Half-Quarter Section 1140.00 feet to the Southwest corner of an approximate 5-acre tract of land as described in a Corporate Warranty Deed recorded as Instrument Number A202500006388 in the Office of the Recorder of Marion County, Indiana, and being the POINT OF BEGINNING of this description; thence North 00 degrees 09 minutes 06 seconds East parallel with the West line of said Half-Quarter Section 848.12 feet to the Northeast corner of a tract of land described in a Warranty Deed recorded as Instrument Number A198700097682 in the Office of said Recorder; thence South 89 degrees 33 minutes 29 seconds West parallel with the South line of said Half-Quarter Section 291.13 feet to a point 848.84 feet East of the West line of said Quarter Section and being a corner of a tract of land described as Parcel 1 in a Corporate Warranty Deed recorded as Instrument Number A202500006388 in the Office of said Recorder (the next four calls are along the Westerly lines of said Parcel 1);

- 1) North 44 degrees 52 minutes 06 seconds West 266.92 feet;
- 2) North 22 degrees 28 minutes 09 seconds West 117.56 feet;
- 3) North 65 degrees 58 minutes 34 seconds West 30.66 feet;
- 4) North 00 degrees 09 minutes 06 seconds East 158.70 feet; thence North 50 degrees 45 minutes 43 seconds East 424.49 feet to a Southeasterly corner of a tract of land described in a Warranty Deed recorded as Instrument Number A198700101954 in the Office of said Recorder (the next six calls are along said Southeasterly boundary);
- 1) North 50 degrees 45 minutes 43 seconds East 269.00 feet;
- 2) North 28 degrees 32 minutes 12 seconds East 49.55 feet;
- 3) North 32 degrees 13 minutes 51 seconds East 66.40 feet;
- 4) South 80 degrees 10 minutes 05 seconds East 103.56 feet;
- 5) South 66 degrees 18 minutes 54 seconds East 113.05 feet;
- 6) South 88 degrees 24 minutes 54 seconds East 92.34 feet to the East line of said Half-Quarter Section; thence South 00 degrees 08 minutes 29 seconds West along said East line 779.16 feet to a capped 5/8-inch rebar (Accura); thence South 89 degrees 33 minutes 29 seconds West 145.18 feet to a capped 5/8-inch rebar (Accura); thence South 00 degrees 09 minutes 06 seconds West parallel with the West line of said Half-Quarter Section 1052.28 feet to the South line of said Half-Quarter Section; thence South 89 degrees 33 minutes 29 seconds West along said South line 50.00 feet to the Point of Beginning, containing 13.493 acres, more or less.

Subject, however, to all legal highways, rights of way, easements and restrictions of record.



City of  
**Lawrence**  
Indiana

PETITION NO.: \_\_\_\_\_

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:

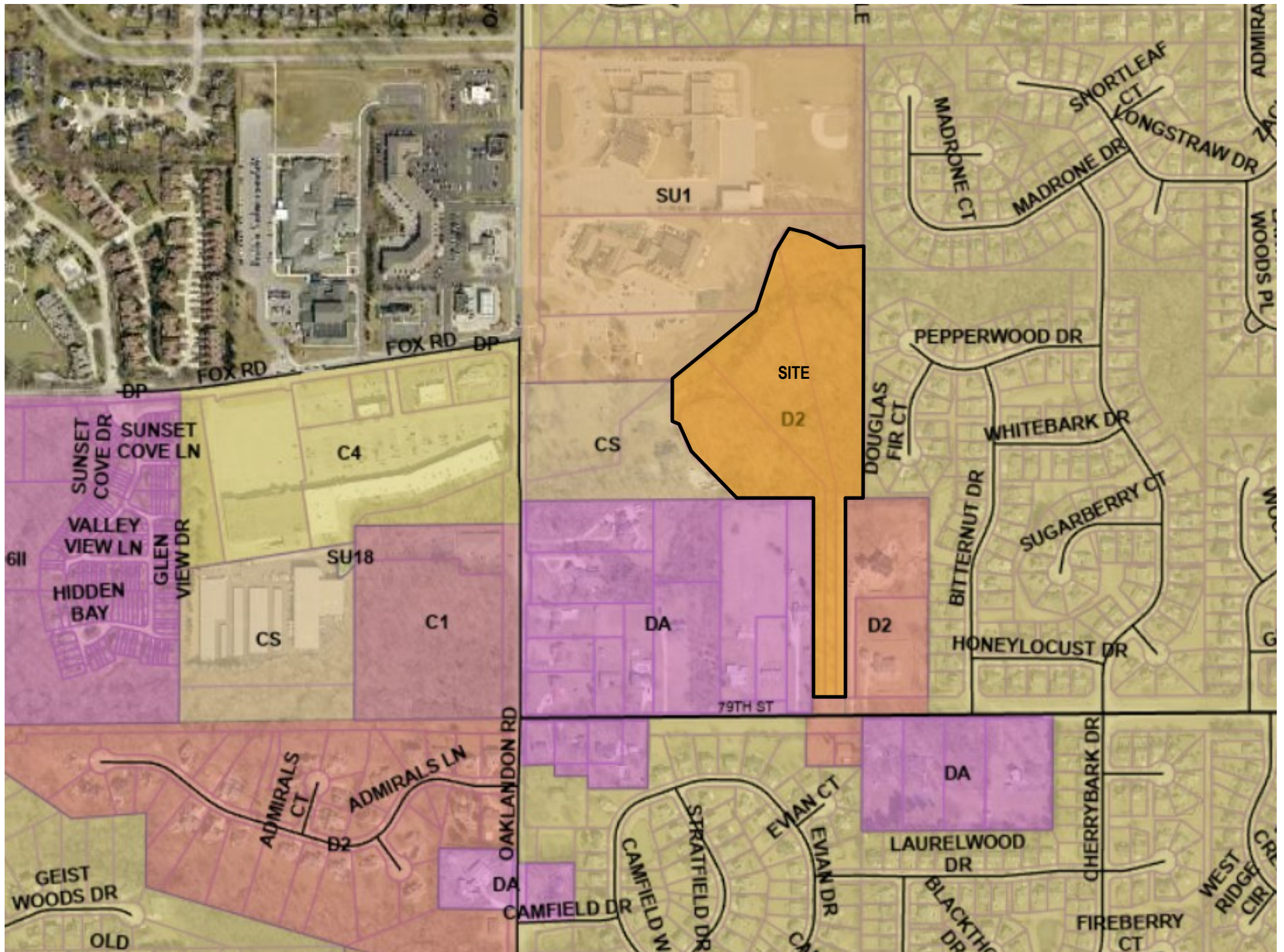
The grant will not be injurious to the public health, safety, morals, and general welfare of the community as the proposed Sweet Family Subdivision provides for home sites for family members of the owner. The proposal is consistent with development patterns in the area as well as the character of the surrounding neighborhood.

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:

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The proposal provides for 4 lots, all with areas greater than 56,000 sqft (20,000 sqft minimum within the D-2 District). The proposal is consistent with the established residential development to the South and West and substantially larger than lots within the development to the East (The North Woods at Giest).

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

In this instance, the strict application of the terms of the zoning ordinance result in a practical difficulty as the bulk of the property is located more than 800-feet from East 79th Street. The strict application of the 40-foot minimum street frontage requirements serves to perpetuate flag style lots which cause multiple, private, curb cuts to the public roadway. Multiple cuts to the public road provide increased opportunity for traffic collisions. Multiple driveways also complicate property maintenance with vegetation control and pavement maintenance for property owners.



**CITY OF LAWRENCE  
COMMON COUNCIL  
BOARD OF ZONING APPEALS**

**CONSENT FORM**

The undersigned, **David A and Joanna L. Sweet** as the contract purchaser of the property located at 8115 Oaklandon Drive, Lawrence, Indiana, ((Parcels 4034189, 4033615 and 4033614(partial))) hereby authorizes the law firm of **Clark, Quinn, Moses, Scott & Grahn, LLP**, to file land development petitions and rezonings and all other filings necessary for the aforementioned address.

This consent shall remain in effect until revoked by a written statement filed with the City of Lawrence.

**David A. Sweet**

David A Sweet

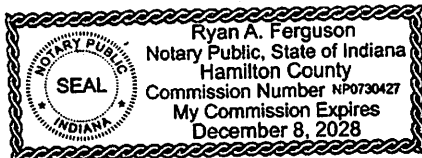
**Joanna L. Sweet**

Joanna L Sweet

DATE

STATE OF INDIANA       )  
  ) SS:  
COUNTY OF Marion       )

Subscribed and Sworn to before me this 3<sup>rd</sup> day of September, 2024.



Signature [Signature]  
Notary Public

Printed Ryan A. Ferguson  
County of Residence Hamilton

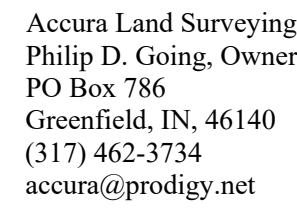
My Commission expires:

12-8-28

My Commission Number:

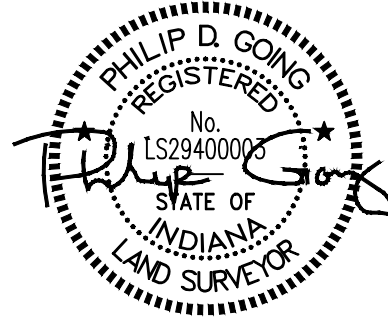
NP0730427

This instrument was prepared by Russell L. Brown, Attorney at law.



LAND SURVEYOR CERTIFICATE  
I, Philip D. Going, hereby certify that I am a Land Surveyor,  
licensed in compliance with the Laws of the State of Indiana, and  
that to the best of my knowledge and belief, the plat within  
represents a survey made under my supervision in accordance with  
Title 865, Article 1, Rule 12 of the Indiana Administrative Code.  
The field work for said survey was complete on March 28, 2025.

Philip D. Goings  
PHILIP D. GOING, Registered  
Land Surveyor, LS29400003



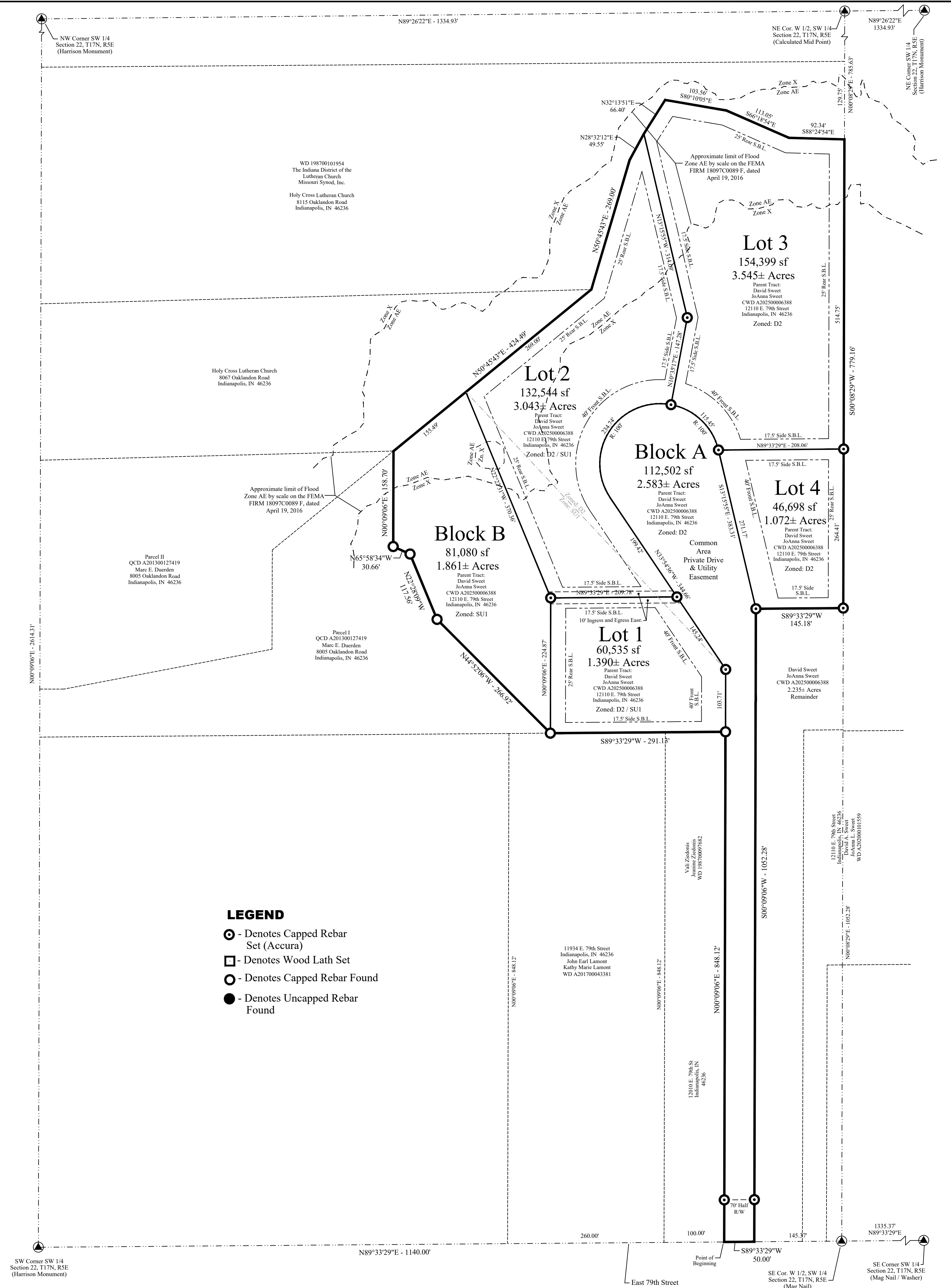
  
 Scale 1" = 100'  
 Date: 03/28/2025  
 Project #: 02-25-1034  


## Area Map

Scale 1"=300'



- ⊙ - Denotes Capped Rebar Set (Accura)
- - Denotes Wood Lath Set
- - Denotes Capped Rebar Found
- - Denotes Uncapped Rebar Found



## LEGAL NOTICE OF PUBLIC HEARING

### LAWRENCE BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA

Notice is hereby given that the undersigned has filed a petition with the Lawrence Board of Zoning Appeals of Marion County, Indiana, requesting the following:

<hr/>	12102, 12104, 12106 E 79th Street
Docket Number	Address of subject property

#### REQUEST:

Development standards variance from the requirements of Table 742-103-4 (D-2 District Standards) requiring a minimum of 40-feet of lot frontage onto a public street in order to develop a 4 lot subdivision with access from a private drive.

#### LEGAL DESCRIPTION:

See Attached

This petition and all exhibits and plans filed therewith may be examined in the Board's office at the Lawrence Government Center, 9001 East 59<sup>th</sup> Street, Ste #205, between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. Written objections to the petition may be filed with the Secretary to the Lawrence Board of Zoning Appeals before the hearing at the above address and such objections will be considered.

Contacting members of the Lawrence Board of Zoning Appeals regarding a pending petition is prohibited.

A public hearing will be held at the Lawrence Government Center, 9001 E. 59<sup>th</sup> Street on **Tuesday, June 17, 2025**, at **6:00 p.m.** All interested persons will be given an opportunity to be heard in reference to the matters set out in said petition. The hearing may be continued from time to time as may be found necessary. This notice is sent to you as an owner of property adjacent to the property included in said petition, pursuant to the applicable Rules of Procedure.

PETITIONER

DEVELOPER  
(if different from Petitioner)

---

Signature

---

Signature

## AFFIDAVIT OF NOTICE OF PUBLIC HEARING

### LAWRENCE BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA

I/We \_\_\_\_\_ do hereby certify that the Legal Notice of Public Hearing to consider Docket No. \_\_\_\_\_ was sent by certified, registered or first-class mail to the last known address of each of the following persons, they being all persons to whom notice was required to be sent by the rules, regulations and order of the Lawrence Board of Zoning Appeals of Marion County, Indiana:

OWNER'S NAME

ADDRESS

(list attached)

Said notices were mailed by certified, registered or first-class mail on the \_\_\_\_\_, being at least ten (10) days prior to the scheduled public hearing, and that receipts for said certified or registered mailings are attached hereto.

I/We further certify that the notice required by said rules, regulations and order to be posted in a conspicuous place on the property described in Petitioner's petition was posted on the property on the \_\_\_\_\_, being at least ten (10) days prior to the scheduled hearing.

\_\_\_\_\_  
Petitioner, Attorney or Authorized Agent

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

# **NOTICE**

## **City of Lawrence Board of Zoning Appeals**

**Date of Hearing:  
June 17, 2025**

**Location of Hearing:  
Lawrence Gov't Center  
9001 E 59<sup>th</sup> St  
Assembly Room**

**Time: 6:00 pm**

**Petition Number:**

**Petitioner:**  
David & Joanna Sweet

**Petition Address:**  
12102, 12104, 12106 E 79th Street

**Request for Petition:**  
Development Standards Variance - Lot Width

### ***SWEET FAMILY SUBDIVISION – PROJECT NARRATIVE***

In 2024, the current property owner (David & Joanna Sweet) and adjacent owner (Mark Duerden) entered into a purchase agreement with Holy Cross Lutheran School to purchase, what is now, the subject property. The property was requested to be rezoned at the Lawrence City Council on November 20, 2024. The Council, at that time, denied the request of Mr. Duerden to rezone +/- 3.8 acres on the western portion of the subject property to CS and approved the request of the Sweets to rezone +/- 11.70 acres of the subject property to D-2. The result of these petitions provided a D2 zoning for a majority of the property, with a portion remaining in the SU-1 district.

After the Lawrence decision, David and Joanna Sweet proceeded to purchase the subject property (+/- 15.79 acres in total) which was transferred in January of 2025. The owners continue to reside at 12110 E 79<sup>th</sup> St which is immediately adjacent to the proposal. At this time, the owners are proposing to develop the property into a four-lot subdivision to provide an opportunity for their children to construct individual single-family residences nearby.

With the approval, the owners would retain +/- 2.235 acres to combine with the existing homestead. The four lots would access E 79<sup>th</sup> St via a private access drive. Stormwater is intended to be conveyed to either existing infrastructure along E 79<sup>th</sup> St or the existing pond at the Northwest property boundary via open ditches and swales. The access drive, side swale, and utility connections would be contained within a private easement that is anticipated to be governed via CCR's with shared responsibility for maintenance and care of the drive and landscaping within the easement. The area identified on the plat as "Block B" would be sold to Mark Duerden who still owns the property west of the proposal. Block B would not derive access or utilities through the easement and is not anticipated to have additional structures erected.

The configuration of the property, along with the intent to provide a private access drive to the proposed lots, requires a variance from Table 742-103-4 which specifies a minimum of 40-feet of lot frontage onto a public street within the D-2 Zoning District. The petition for a variance from required lot frontage and primary plat approval were, originally, filed with the Indianapolis Department of Metropolitan Development as companion petitions to be heard by the Hearing Examiner. After filing, DMD staff determined that, due to state code, the variance must be heard by the City of Lawrence. It is the family's intention to pursue plat approval with the Indianapolis Plat Committee concurrently with the variance request with the City of Lawrence.

It is the intent of the owners to seek rezoning of the property that remains in the SU-1 district to D2 upon the completion of the platting process to ensure constructability of homes on each lot.