



City of  
**Lawrence**  
Indiana

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Address: 12102, 12104 and 12106 E 79<sup>th</sup> St  
Parcel #: 4033614, 4034189, and 4033615  
Docket #: 25 LSV 07  
Hearing Date: June 17, 2025  
Council District #: 6 ~ Kristie Krone

Owner/Petitioner: David & Joanna Sweet  
[dsweet@gomwr.com](mailto:dsweet@gomwr.com)  
12110 E 79<sup>th</sup> St  
Lawrence, IN 46236

Agent: Russell L Brown  
Clark Quinn Law  
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317-637-1321  
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**Application:**

Proposed 4 lot major subdivision accessed via a private drive from E 79th St.

**Request:**

Variance from Development Standard - Table 742-103-4: Minimum Lot Frontage within D2 District, proposed 0, required 40'

**Analysis:**

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.

Lot 1 = 1.390 acres  
Lot 2 = 3.043 acres  
Lot 3 = 3.545 acres  
Lot 4 = 1.072 acres  
Driveway/Common Area (Block A) = 2.583 acres

**Common Area (Block B) = 1.861 acres**

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.



It is the intent of the owners to seek rezoning of the property that remains in the SU-1 district (Lot 1, Lot 2) to D2 upon the completion of the platting process to ensure constructability of homes on each lot.

### ***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.



**Opinion:**

It is our opinion that this petition meets the requirements of the finding of fact.

**Recommendation:**

It is our recommendation that this petition be approved.

**Summary of the Subject Property Zoning Standards**

Current Zoning Designation:	D2
Surrounding Property Zoning	
North:	SU1
South:	D2
East:	D3
West:	CS
Comprehensive Plan Land Use Designation:	Residential
Current Land Use:	Rural or Estate Neighborhood
Compact Context Area:	Metro
Relevant Code Sections:	<a href="#">Table 742-103-4</a>



**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)	1200 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.



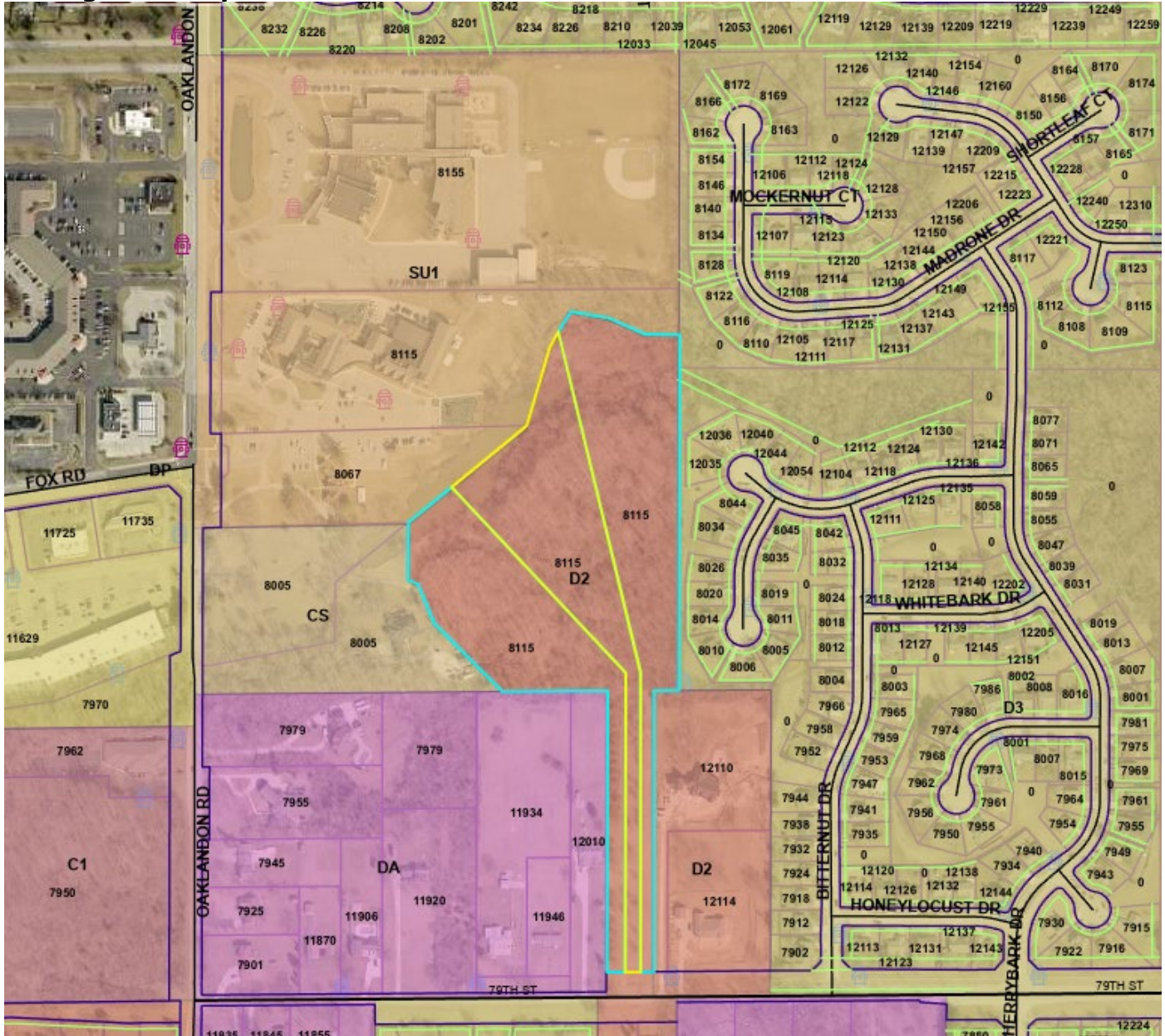
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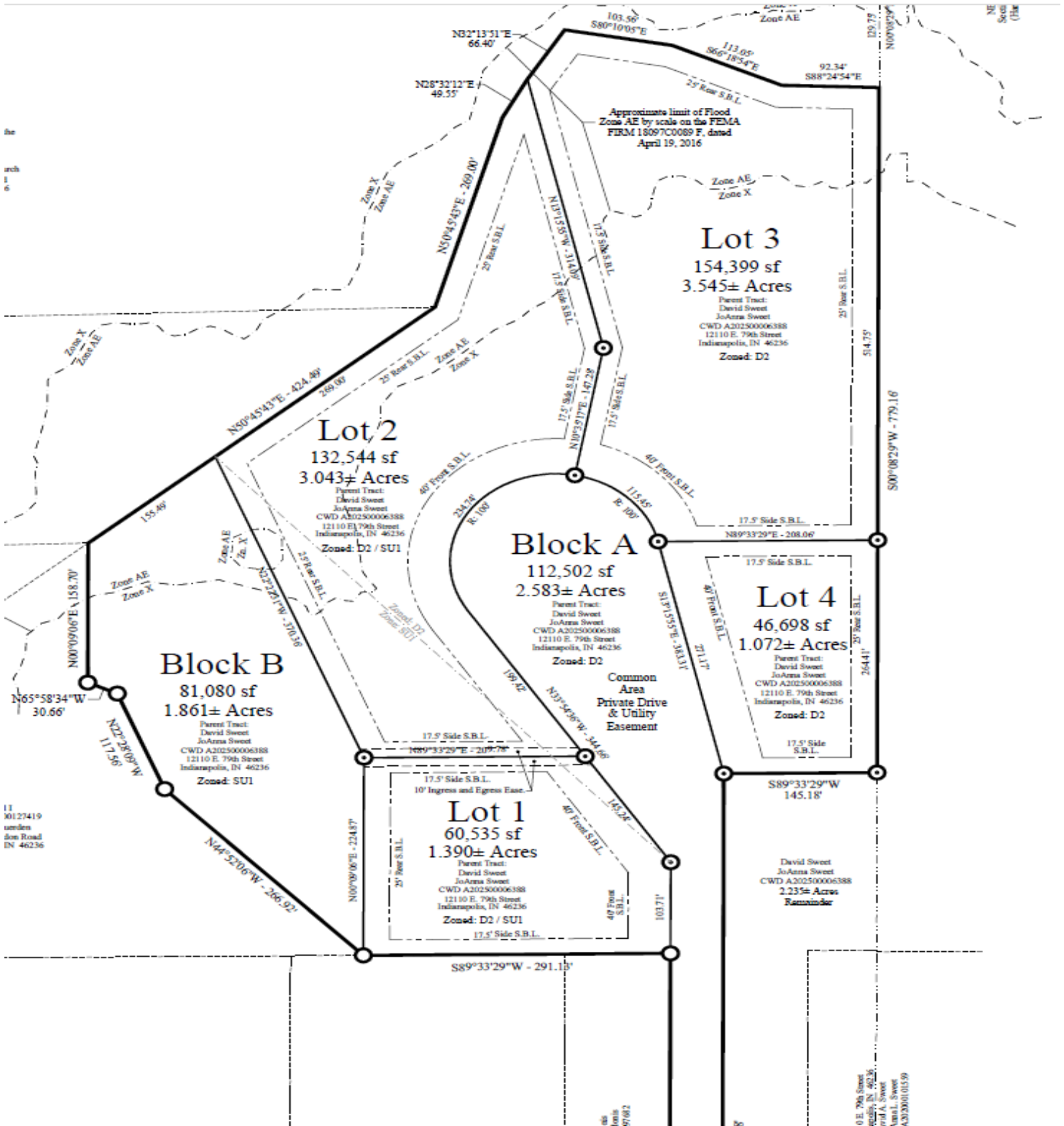
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**Zoning Base Map:**



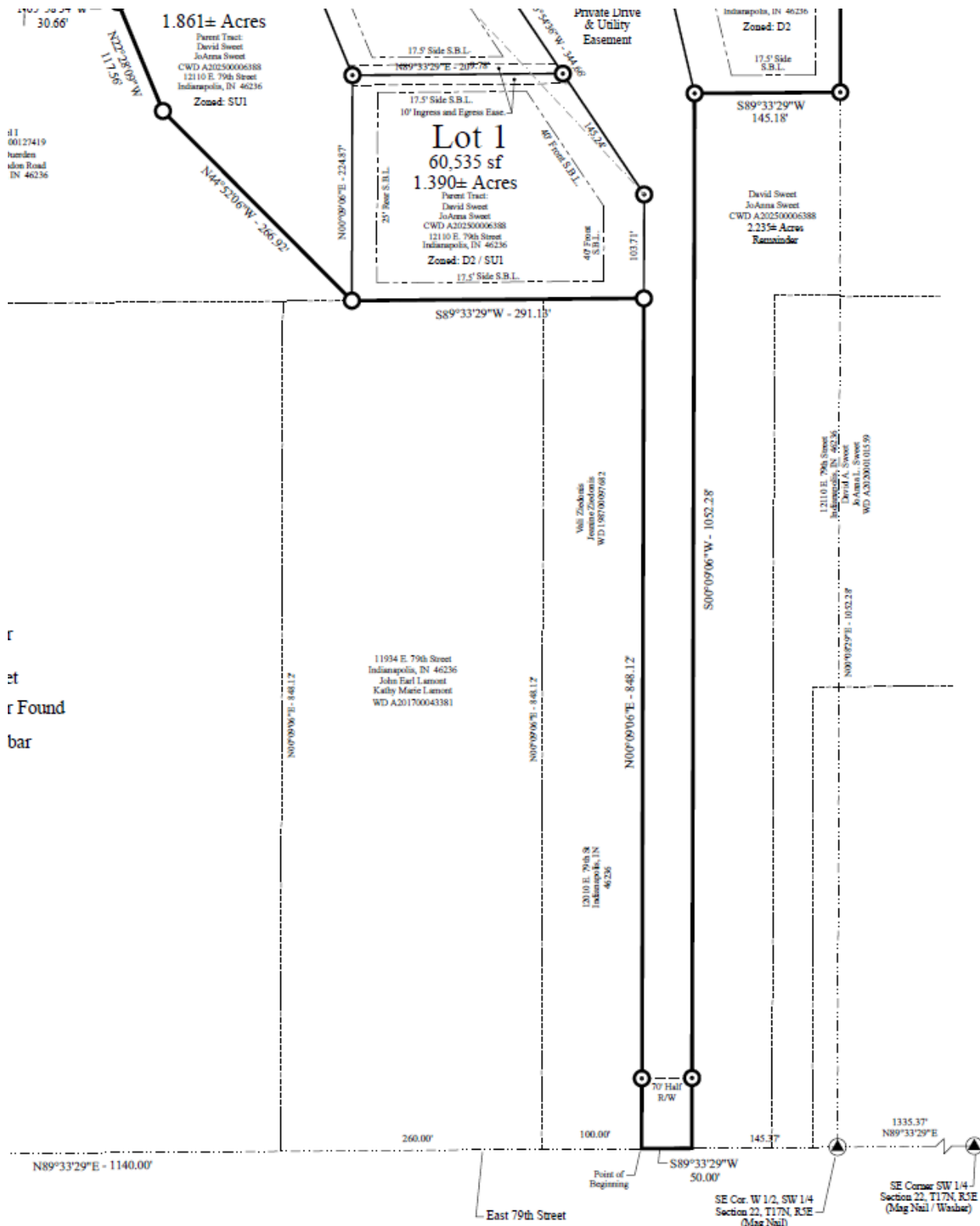


## Site Plan:





City of  
**Lawrence**  
Indiana







**Findings of Fact (as provided by applicant):**

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.