

July 9, 2025

From:

Judy and Mel DuVall
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To:

Kathleen.Blackham@indy.gov, DMD Staff Planner
BTuohy@tbmattorneys.com, Petitioner's agent
Cb7801@aol.com, Cathy Burton, Chair, Land Use Committee

Re: Case number 2025-ZON-046 Proposed Subdivision at 10010 and 10440 Pentecost Road, council district 25

We, Judy and Mel DuVall, have owned our home at 4206 Senour Road, at the north west corner of Senour and Pentecost, over 35 years. We respectfully request the following concerns and conditions be considered during your review and approval process, and formal, written, enforceable commitments, put in place prior to approval of the above referenced subdivision.

1. We request the subdivision be designed to enable nearby existing homes (including ours at 4206 Senour) to connect to the city water and sewer lines in the new subdivision. The developer shall consult Citizens Energy and install connection stubs compliant with Citizens Energy requirements for hookup along subdivision boundaries and within easements to facilitate connection to city water and or sewer for all existing homes included in the notice area. Fees to connect city water and or sewer for existing homes will not exceed fees charged to new subdivision homes. This represents a rare, probably only, opportunity to improve utility

access and environmental health for surrounding existing properties.

2. Access Lots and Maintenance Responsibility

The subdivision property includes two access lots between existing homes, one between 4166 and 4156 Senour, and one between 10630 and 10650 Pentecost. The petitioner has indicated these lots will remain unused by the subdivision. We request the developer commit to developing and permanently maintaining these lots in the same manner as other common areas in the subdivision, and to commit to doing so during development of the first section/phase of the subdivision.

Without a formal commitment, these areas may be neglected or become dumping grounds, as no other party would be authorized or responsible to maintain or improve them. Without a commitment to do this during development of section/phase one, this commitment may not be addressed until who knows when.

3. Drainage, Stormwater Management, Flood Risk

Rainwater from the subdivision property drains significantly to and off the southeast boundary. The addition of large impervious areas could increase the risk of flooding for nearby homes.

We request the subdivision plan include a clear commitment to retain and manage all rain and stormwater entirely within the subdivision property. This includes ensuring that all water—whether from rain, runoff, or ponds—remains on-site and does not flow onto surrounding properties.

We ask that retention ponds be designed with adequate water circulation and turnover to prevent stagnation, algae growth, and mosquito breeding.

We request all drainage ditches be designed to fully drain to prevent standing water which can become stagnant, attract mosquitoes, and create unsanitary conditions.

4. Privacy Buffer and Berm

Install a landscaped earth berm along eastern and southern perimeters, planted with tall evergreen trees for year-round screening. Preserve existing mature perimeter trees where possible.

5. Fencing

We request the developer commit the subdivision and HOA to the following restrictions for all fences in the subdivision, or at least to fences for houses whose rear faces any subdivision perimeter boundary.

No wooden or vinyl fences or fence parts, including posts or gates. These materials are difficult to keep looking good over time and tend to lower the overall appearance and value of the area.

Only black chain link or black wrought iron will be allowed as fence materials. These materials are more durable, lower-maintenance, and visually consistent.

All fences must be installed in a “tabletop” style, meaning the tops of the fences are aligned in a straight, even line.

All fences must be kept in good condition, free from visible damage or disrepair. If a fence becomes broken or poorly maintained, it should be repaired promptly or removed promptly.

6. HOA Maintenance Commitments

We request the developer formally commit the HOA to permanent, timely, ongoing maintenance of all common areas, including access lots, berms, trees, evergreens, shrubs, grass plantings, sidewalks, walking paths, ponds, and ditches, to include repairs and replacements as necessary, mowing, weeding, litter and debris

removal (this is often neglected), and replanting of trees, shrubs, and grass as needed to maintain the original design intent.

7. Commitment enforcement

We are concerned about the effectiveness of enforcing commitments included in newly approved subdivisions. We are aware of commitment violations by other recent subdivision homeowner(s) who did not seek or receive HOA approval. Despite the city, HOA, and homeowner all acknowledging the violation, the violations remain after multiple years. This lack of enforcement calls into question the value of such commitments and whether they are truly binding. As the city considers this and future developments, we ask that stronger mechanisms for enforcement be required, so that commitments made during the approval process are upheld and neighboring communities can rely on them in good faith.

8. Construction damage to existing roads and property

Existing narrow rural roads require protection from construction damage. The developer shall instruct all drivers to keep all wheels on pavement, monitor construction crews, report and repair property damage, and conduct regular inspections during construction.

Thank you for considering these requests.

Sincerely, Judy and Mel DuVall