

**BOARD OF ZONING APPEALS DIVISION II**

**March 11<sup>th</sup>, 2025**

**Case Number:** 2025-DV2-002

**Property Address:** 2430 Northview Avenue (Approximate Address)

**Location:** Washington Township, Council District #3

**Petitioner:** Tyler Kalachnik, by Timothy Ochs and Jennifer Milliken

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage with four-foot side yard setbacks (five feet required).

**Current Land Use:** **Residential**

**Staff Recommendations:** Staff recommend **approval** of this variance petition.

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing of this variance petition.

**STAFF RECOMMENDATION**

Staff recommends approval of this variance petition.

**PETITION OVERVIEW**

- The petitioner is requesting for the already constructed primary dwelling unit (west side) and detached garage (east side) to have a four (4) foot-side yard setback.
- The subject site is 0.14-acre and is within a D-5 zoning district.
- The required side yard setback for a D-5-zoned property is five (5) feet from the property line.
- Staff recommends approval of this variance petition. The proposed four-foot variance does not significantly deviate from the required setback and will not negatively impact the neighboring properties or the neighborhood's overall appearance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Suburban Neighborhood
	South:	South: Community Commercial
	East:	East: Suburban Neighborhood
	West:	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
Northview Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	02/04/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	02/04/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is

recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg 17).

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.”

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Side Setback: This is the distance between the side lot line and buildings or other structures (pg 12).
- New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block (pg 12).
- Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders (pg 12).
- As neighborhoods evolve, new types of housing may appear. Though new types of developments may not match existing housing in every way, addressing some of the following factors could help increase the blend between old and new:
  - Massing
  - Height
  - Public Door Placement
  - Setbacks
  - Materiality (pg 29)

### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

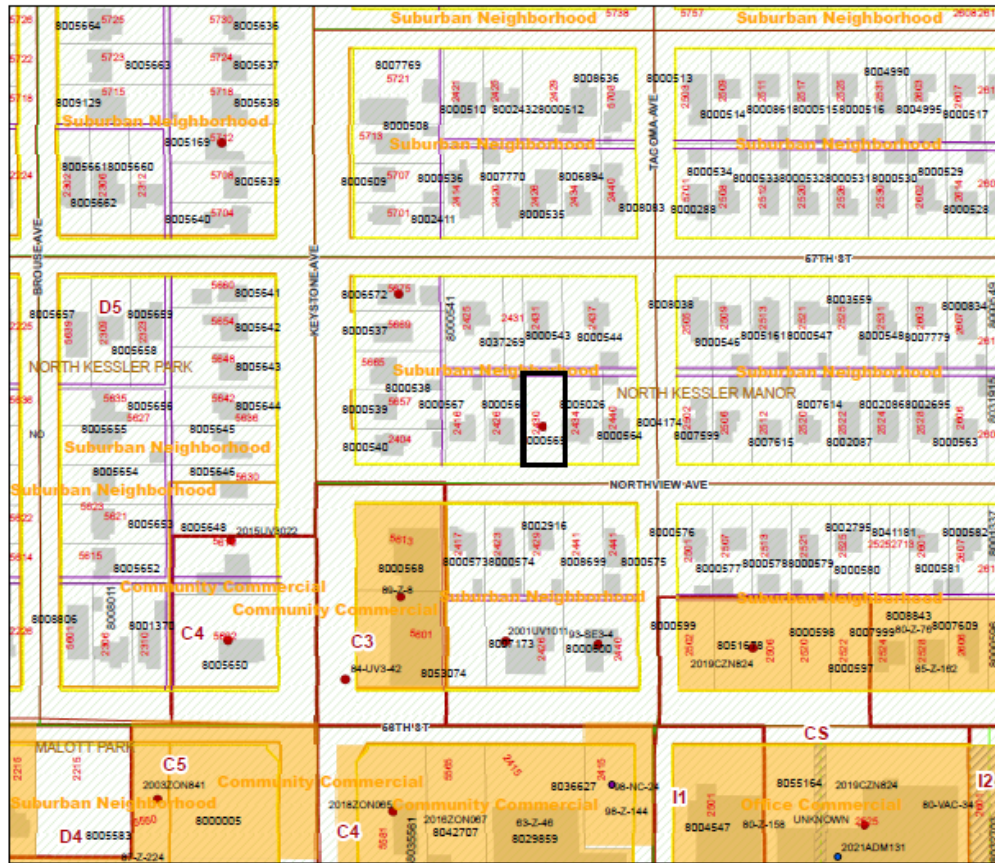
- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2014-ZON-048: 2121 East 56<sup>th</sup> Street
  - Rezoning of 0.85 acre from the D-4 (W-5) District to the C-4 (W-5) classification to provide for commercial uses.
    - Withdrawn
- 2014-ZON-049: 2121 East 56<sup>th</sup> Street
  - Rezoning of 1.3 acres from the D-4 (W-5) district to the C-4 (W-5) classification to provide for commercial uses.
    - Withdrawn
- 2015-UV3-022: 5616 North Keystone Avenue
  - Variance of Use of the Commercial and Dwelling Districts Zoning Ordinances to provide for a contractor (not permitted), with outdoor storage of construction equipment (not permitted), a parking lot, a gravel outdoor storage area and a trash container enclosure (not permitted in a dwelling district), with said storage enclosed by a 10-foot tall fence (maximum six-foot tall fence permitted in a dwelling district).
    - Approved
- 2016-ZON-067: 5565 North Keystone Avenue
  - Rezoning of 0.447 acre, from the D-4 (W-5) district, to the C-4 (W-5) classification.
    - Approved
- 2018-UV1-014: 2525 East 56<sup>th</sup> Street
  - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile, motorcycle and light vehicle service repair and indoor/outdoor recreation and entertainment, with respect to the storage and renovation of classic vehicles, with shows/displays of classic vehicles (not permitted).
    - Approved
- 2018-UV1-027: 5565 North Keystone Avenue
  - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish three roof signs (not permitted) and a pylon sign with a three-foot front setback from Keystone Avenue (15-foot front setback required).
    - Approved
- 2018-ZON-065: 5581 North Keystone Avenue
  - Rezoning of 0.3 acre from the D-4 (W-5) district to the C-4 (W-5) classification.
    - Approved
- 2019-CVR-824: 2525 East 56<sup>th</sup> Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition (2525) with a six-foot west side setback and to legally establish the zero-foot west side setback and three-foot front setback for the on-

- site parking lot (10-foot setback required), and to provide for a three-story mixed-use building (2502-2520) taller than permitted along the north transitional yard (30-foot height permitted at proposed 15-foot transitional setback) and within the clear sight triangle of the abutting streets (not permitted).
- Approved
  - 2019-CZN-824: 2525 East 56<sup>th</sup> Street
    - Rezoning of 1.81 acres from the D-5 (W-5), I-1 (W-5) and I-2 (W-5) districts to the C-S (W-5) district to provide for restoration, service, storage and sales by internet or appointment only of classic autos on the south property; C-1 uses, MU-1 uses and event center (Gathering place for car clubs, public viewing of classic autos with art viewing only).
      - Approved
  - 2023-DV2-035: 5602 North Keystone Avenue
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through with only one stacking space before the final component (two stacking spaces required) that faces a public right-of-way greater than 30-foot wide, within insufficient stacking maneuverability after the service bay exits (not permitted).
      - Approved

**EXHIBITS**



**Legend**

• ZoningApprovals	— Built/Platted
• ZoningLncu	<b>OPER STATUS</b>
• ZoningVariances	— REMOVED
■ Rezoning	— VACATED
▨ Zoning/Vacations	— VACATED/BUILT
▤ ZoningPlats	— VACATED/LOCATOR
— CCGIS.ThoroughfarePlan	▭ CCGIS.DMDLandUsePlanBase
— CCGIS.EASEMENT	▨ CCGIS.Ihpc
— CCGIS.RIGHTOFWAY	▭ CCGIS.ZONING
<b>CCGIS.STREETS</b>	▭ PARCELSTATEPIN
	▭ PARCELS
	▭ PLATTEDSUBDIVISION
	▭ CCGIS.Buildings



Exhibit 1: ArcGIS map of the surrounding area.





Exhibit 2: Aerial of the subject site.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR 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:

Required side yard setbacks in the D-5 zoning district (a "Walkable Neighborhood Dwelling District") vary from 5 feet to 7 feet, depending on lot width. The address in question is considered a "Detached House - Small Lot" based on its lot width of 50 feet. A D-5 lot with a "Detached House - Small Lot" can be as narrow as 40 feet and have the same 5-foot required setbacks, leaving 30 feet for possible buildings. The lot in question being 50 feet with two 4-foot setbacks results in 42 feet for possible buildings.

Further, looking at the location of the subject buildings versus adjacent lots, the reduced setback on the west is adjacent to the neighbor's driveway, not an indoor or outdoor living space. The reduced setback on the east is separated from the neighbor by the neighbor's fence.

For these reasons, the variances will not be injurious to the public health, safety, morals, and general welfare of the community.

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:

As described above, the width of the lot and building area are still consistent with what is permitted in a D-5 district.

Further, the locations of the reduced setbacks are adjacent to a driveway on the west and a fence on the east.

For these reasons, the variance should not affect the use or value of the adjacent areas in a substantially adverse manner.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The buildings were already constructed by the property owner's building contractor before the property owner became aware of the error in required setbacks. Having to comply with the required side yard setbacks would require the buildings to be moved or reconstructed, which is not financially viable.

Exhibit 3: Findings of Fact submitted by the petitioner.



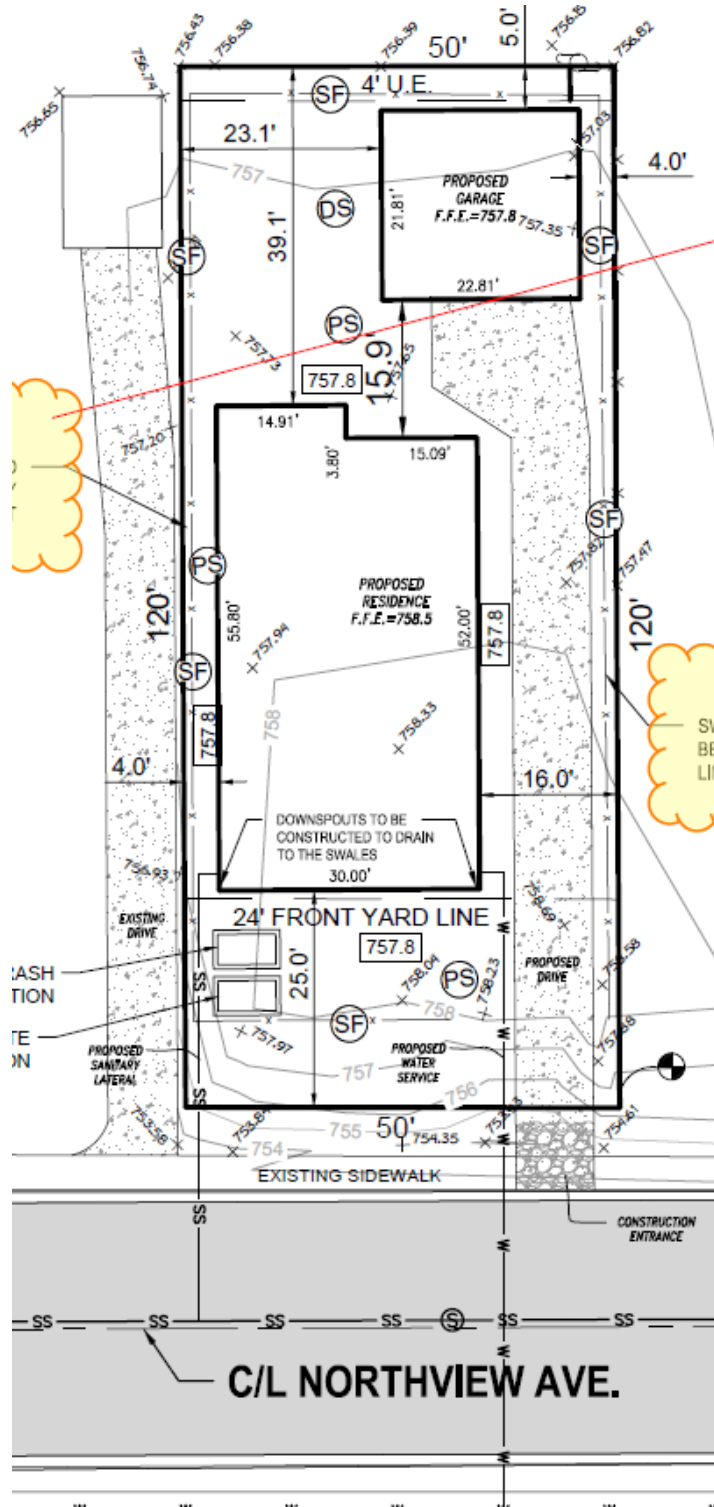


Exhibit 4: Submitted site plan.



Exhibit 5: Front elevation of the primary dwelling unit.





Exhibit 6: Detached garage with 4 foot side yard setback.



Exhibit 7: Four foot side yard setback for the west side of primary dwelling unit.