

**BOARD OF ZONING APPEALS DIVISION II**

July 2, 2024

**Case Number:** 2024DV1020  
**Property Address:** 4521 Norwaldo Avenue (approximate address)  
**Location:** Washington Township, Council District #8  
**Petitioner:** K&D Epic Holdings LLC, by David Gilman  
**Current Zoning:** D-5 (W-1)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot wide, 5,880-square foot-lot (minimum 60-foot lot width and area of 7,200 square feet required) with four-foot side setbacks (five feet required) and a walking path with a zero-foot south side yard setback (two feet required).  
**Current Land Use:** Vacant  
**Staff Recommendations:** Staff recommends **approval** of these variance requests.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of these variance requests.

**PETITION OVERVIEW**

- The subject site is currently zoned D-5 for residential uses and is undeveloped. Surrounding properties are also zoned D-5 and developed with single-family residences. The property is located within the Fall Creek Wellhead Protection Area which would not impact dimensional standards for residential development.
- Grant of this variance request would allow for placement of a duplex and associated paved areas with several zoning non-conformities per the site plan within the Exhibits: the lot itself has deficient width and area for development of a duplex, and side yard setback variances would be needed for the primary structure (four feet) and walking path (zero feet). The initial submittal indicated placement of a 4-car parking pad with deficient side setbacks in the rear yard but this was amended to a 2-car parking area at staff request.

- Duplexes, as well as multi-unit houses up to 4 units, are permitted in the D-5 zoning classification. The petitioner has indicated that the houses are to be offered for sale as individual units in the future, making the proposed structure ineligible for the multi-unit house classification and subject to dimensional standards for duplexes found within Table 742.103.03 of the Zoning Ordinance.
- The D-5 zoning designation is intended for medium and large-lot housing formats, primarily for detached houses but may incorporate small-scale multi-unit building types in strategic locations. Relevant comprehensive plan guidance indicates that duplexes would be optimally placed either on corner lots or on block with fewer than 25% of lots developed with multiunit housing, and that the spacing of buildings should reflect the broader context of surrounding properties.
- The existing lot dimensions would be deficient for construction of duplexes, but construction of a multi-unit house with similar or greater density (2-4 units) would be allowed at this property without the need for variances of lot area and width. Given that multi-unit houses up to 4 units are permitted on lots that are 40-feet wide, and are of similar intensity as the proposal, Staff is unopposed to the request for reduced lot area and width.
- Side setback regulations are in place to ensure adequate and somewhat uniform space between buildings and to allow minimum room for fireproofing and potential maintenance. Staff would consider a reduction from five feet to four feet a minor deviation from ordinance requirements that does not violate Infill Housing Guidelines and would recommend approval of the side setback request for the building.
- The proposed southern walkway would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet. The portion leading to the entrance of Unit 1 would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. Staff feels this would be a minor deviation from ordinance requirements and is supportive of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (W-1)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Single-family Residential
	South:	South: Single-family Residential
	East:	East: Single-family Residential
	West:	West: Single-family Residential
<b>Thoroughfare Plan</b>		
Norwaldo Avenue	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	5/10/2024	
<b>Site Plan (Amended)</b>	06/14/2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	5/10/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Pattern Book
- Infill Housing Guidelines

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommend this site for the Traditional Neighborhood living typology and indicates that duplexes should either be located on corner lots or interspersed with single-family homes at a rate below 25% of the primary structures on the block.

**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**

- The Infill Housing Guidelines indicate that undersized lots should attempt to emulate the surrounding context for appropriate housing sizes and that building spacing should reflect and reinforce the character of spacing found on the existing block while allowing room for maintenance.

**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 – VICINITY

**2021DV3054 ; 4440 Norwaldo Avenue (southwest of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback for the primary structure (20-foot setback required) and to legally establish a 1.5-foot north side setback (three-foot setback required), **approved**.

**2020DV1005 ; 1901 E 46<sup>th</sup> Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a beauty salon, restaurant, and a brewpub with eight parking spaces, with one space within the right-of-way of Norwaldo Avenue, with zero handicapped parking spaces, and to legalize the existing building within the clear sight triangle of the abutting streets (22 parking spaces and one van handicapped space required, parking not permitted within the right-of-way, structures not permitted within clear sight triangles), **approved**.

**2018UV3007 ; 4545 Norwaldo Avenue (north of site)**, Variance of use the Consolidated Zoning and Subdivision Ordinance to provide for an addiction and counseling center, **approved**.

**2005ZON171 ; 1721 E 46<sup>th</sup> Street (northwest of site)**, Rezoning of 0.7 acres from D-5 to SU-1 to legally establish and provide for the expansion of religious worship and related accessory uses, **approved**.

**95-HOV-99 ; 1816 45<sup>th</sup> Street (southwest of site)**, variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a two-family residence with a front setback from East 45<sup>th</sup> Street of 15 feet (minimum front setback of 18 feet required), **approved**.

**95-HOV-97 ; 4455 Norwaldo Avenue (south of site)**, variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family residence with a front setback from East 45<sup>th</sup> Street of six feet (minimum front setback of 10 feet required), **approved**.

**90-V2-81 ; 2003 E 46<sup>th</sup> Street (northeast of site)**, variance of development standards of the Commercial Zoning Ordinance to provide for an addition to an existing building with a front yard setback of 49 feet from Crittenden Street (60 feet required) and a 4.70 feet rear yard setback (20 feet required) and a total of 14 parking spaces (27 parking spaces required), **approved**.

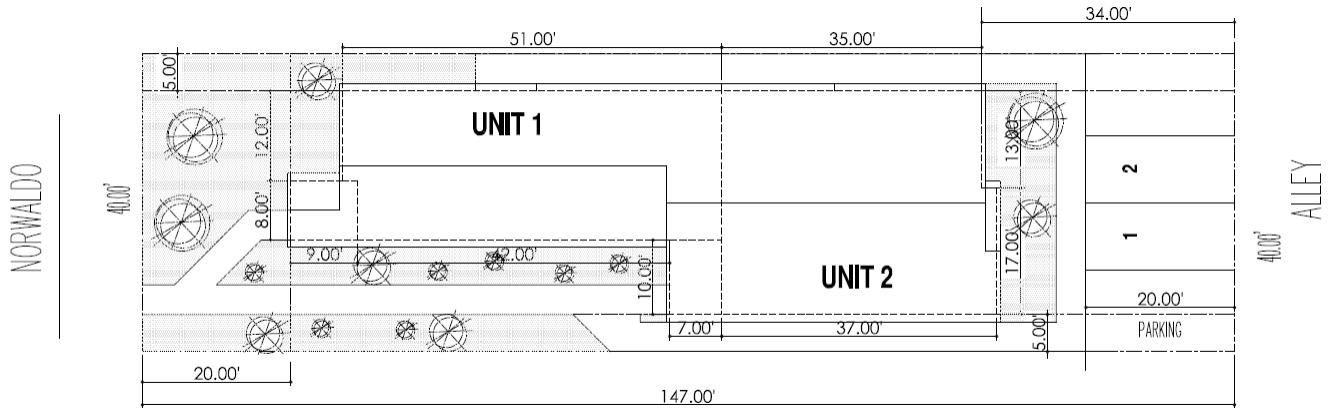


EXHIBITS

2024DV1020 ; Aerial Map



**2024DV1020 ; Site Plan**



**2024DV1020 ; Findings of Fact**

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

All of the proposed dwellings will be constructed to current building codes and health department standards. The site has adequate utilities available and direct access to a public street.

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 area is a mix of small unit housing with a variety of architectural styles. The proposed use will be compatible with the developed neighborhood and the new investment in the area will have a positive impact on the property values.

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

The site is being offered as for sale and affordable to individuals with a some disability. The 2 unit dwellings offer the opportunity to own a home in an environment that is within walking distance or near public transportation to get to needed shopping and professional services. The proposed development does not qualify for a "multi-unit house" since it will be for sale and not as rental dwellings.



**2024DV1020 ; Photographs**



Photo 1: Subject Site Viewed from Norwaldo (West)



Photo 2: Adjacent Property to North



**2024DV1020 ; Photographs (continued)**



Photo 3: Adjacent Property to South

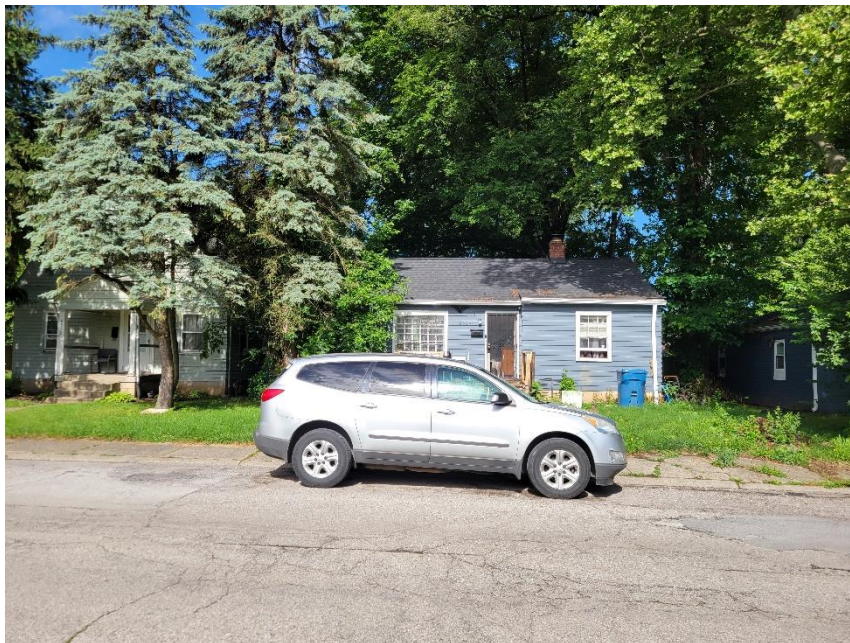


Photo 4: Adjacent Property to West