

BOARD OF ZONING APPEALS DIVISION I

June 4, 2024

Case Number: 2024-DV2-011 (Amended)
Property Address: 4233, 4235 and 4237 Evanston 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 each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25 rear yard setback (maximum 19.9-foot front setback permitted, 20-foot rear setback required), resulting in open space ranging between 51.8 and 59.6 percent (60 percent open space required).
Current Land Use: Vacant
Staff Recommendations: Staff recommends approval of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- **ADDENDUM FOR JUNE 4, 2024 BZA DIVISION I HEARING**
- This petition was continued and transferred from the April 2, 2024 BZA Division I hearing to the May 14, 2024 BZA Division I hearing to allow for revision of the site plan.
- The petition was continued with new notice to the June 4, 2024 BZA Division I hearing to add needed variances to the request.

STAFF RECOMMENDATION

- Staff recommends approval of this petition.

PETITION OVERVIEW

- This petition would provide for the construction of a duplex on each 40-foot-wide lot (60-foot lot width required) containing a minimum lot area of 4,750 square feet (7,200 square feet required) with a front setback ranging from 21 feet to 31 feet and a 7.25 rear yard setback (maximum 19.9-foot front setback

permitted, 20-foot rear setback required), resulting in open space ranging between 51.8 and 59.6 percent (60 percent open space required).

- Duplexes, as well as multi-unit houses up to 4 units, are permitted in the D-5 zoning classification. The petitioner has stated that the houses are to be offered for sale and platted onto individual lots in the future, making the proposed units ineligible for the multi-unit house classification. Therefore, the development standards assigned for the proposal are bumped up to those associated with the duplex classification, including that the minimum lot width becomes 60 feet as opposed to 40-feet for multi-unit houses. 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 width.
- Given that the subject properties have deficient lot area, each being 40-feet wide and under 5000 square feet, a variance of development standards for reduced lot area would be necessary for any residential development, both for single-family and two-family residential. Therefore, Staff does find there to be reasonable practical difficulty with regards to meeting the lot size requirement as well as the open space requirement of 60%. Likewise, the deficient lot size also presents reasonable practical difficulty for meeting the rear yard setback standards. Further, with the subject sites abutting an SU-39 district (water tank) and not residential, the reduced rear setbacks would not present significant negative impact on the adjacent property to the rear. Therefore, Staff is unopposed to the variance for reduced rear setbacks.
- The petitioner has noted that ADA parking spaces will be needed to accommodate future residents at the subject site. For this to be possible, a transportation easement would be established that would push the sidewalk into the subject properties, creating additional road space to allow for the width necessary for ADA parking spaces (see site plan below). Additionally, with Chapter 744, Article IV, Section 1.H. of the Zoning Ordinance permitting legal on-street parking spaces to replace off-street parking requirements in the Compact Context Area, no off-street parking spaces are required for the subject sites.
- The proposal calls for front setbacks of the three duplexes to be between 21 and 31 feet, being beyond the maximum permitted front setback of 19.9 feet. However, with the sidewalk proposed to be pushed back due to the transportation easement, the duplexes would be located no further than 15 feet from the sidewalk, creating a design that would meet the intent of the front setback standard with regards to functionality and aesthetics. Therefore, Staff is unopposed to the request for reduced front setbacks.
- Finally, Staff would note that the proposal would serve to advance two of the Zoning Ordinance's Livability Principles: the first being to expand equitable and affordable housing choices, and the second being to enhance economic competitiveness by locating new housing in proximity to existing employment centers, being Keystone Avenue in this case. For these reasons, Staff does recommend approval of this petition.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1)	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5 (W-1)	North: Single-family residential
	South: D-5 (W-1)	South: Single-family residential
	East: SU-39 (W-1)	East: Water pumping station
	West: D-5 (W-1)	West: Single-family residential
Thoroughfare Plan		
Evanston Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/28/24	
Site Plan (Amended)	4/22/24	
Elevations	5/3/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/28/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

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

- With regards to new housing units, the Infill Housing Guidelines document recommends:
 - For undersized lots, look at the surrounding context for appropriate housing sizes
 - Build within setback range when possible

Indy Moves

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

- The subject sites abut the future Nickel Plate Trail expansion that will connect to the Monon Trail at 42nd Street.
- The subject sites are located under ¼ mile from the Fall Creek Greenway.



ZONING HISTORY

ZONING HISTORY – SITE

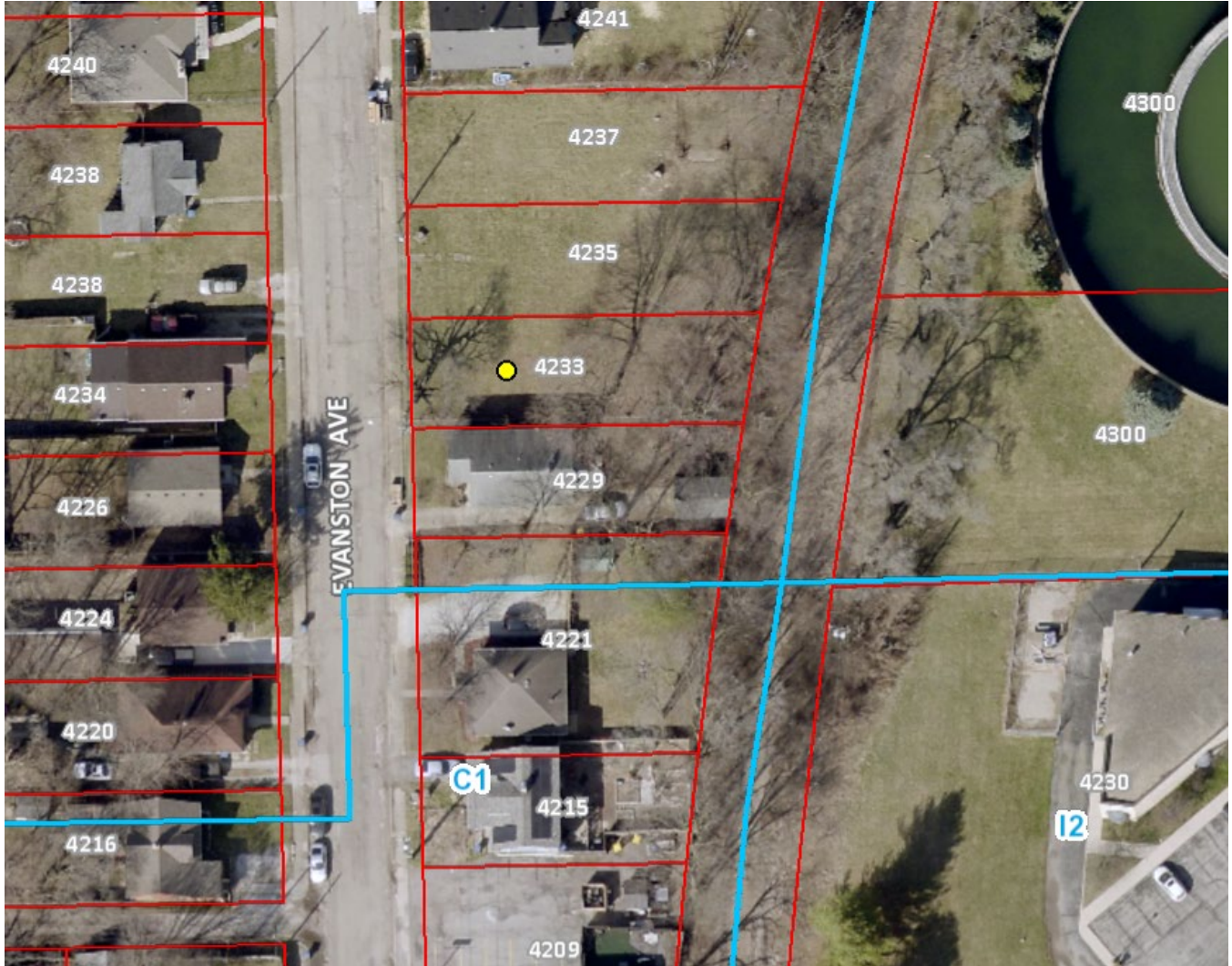
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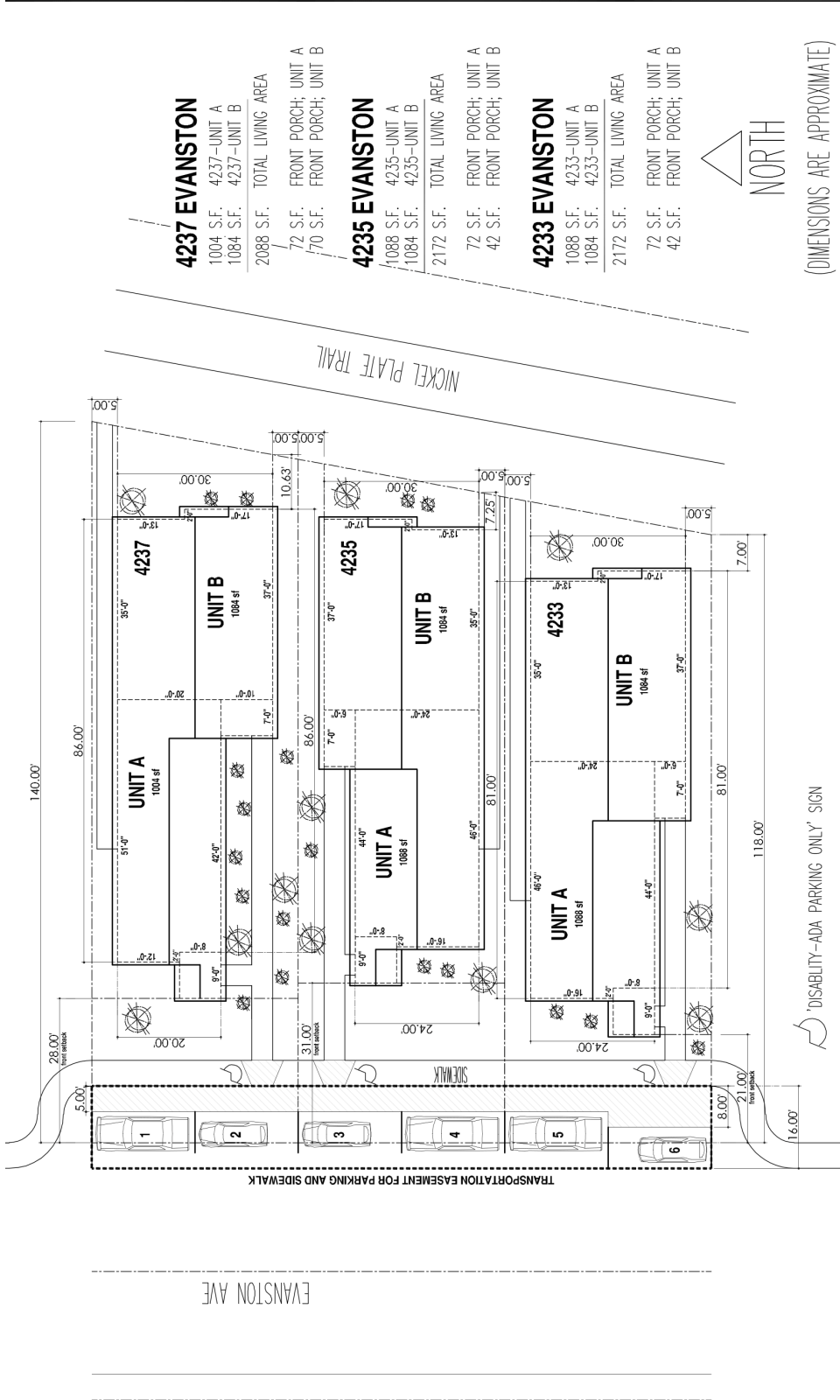
ZONING HISTORY – VICINITY

89-Z-18; 4260 Fall Creek Parkway North Drive (east of site), rezoning of 17 acres, being in the I-2-U district, to the SU-39 classification to conform with the Keystone Avenue Corridor Plan adopted August 1985, **approved.**

83-UV1-121; 4209 Evanston Avenue (south of site), variance of use of the Commercial Zoning Ordinance to provide for a 19' x 24', second-story room addition to an existing restaurant/bar business, **approved.**

EXHIBITS





<p>PARADIGM CONSTRUCTION</p>	<p>NEW 2-PLEX BUILDING FOR: NICKEL PLATE VILLAGE</p> <p>4233-35-37 EVANSTON AVE; INDIANAPOLIS, IN 46205</p>	<p>A04 SITE PLAN</p> <p>1" = 15'-0"</p>
	<p>Project No.: 24D8006 Issue Date: 04.18.2024 Designed By: CSE Drawn By: CSE Checked By: CSE/ PARADIGM © 2024 Total Architecture Interiors</p>	<p>z a i architecture interiors commercial & residential</p> <p>10.900.6467 CINCINNATI, OH 45236 312.237.7320 total@zai.com www.zaiArchitecture.com</p>

Renderings





Site Photos



