

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-040
Property Address: 6115 North Park Avenue (approximate address)
Location: Washington Township, Council District #7
Petitioner: John & Kelly Deahl, by Brent Bennett
Current Zoning: D-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot north side yard setback (five feet required).
Current Land Use: Single-family residential
Staff Recommendations: Staff **recommends denial** of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the construction of an attached garage with a zero-foot north side yard setback (four feet required). Staff would note that the legal notice incorrectly stated that five (5) feet is the required side yard setback when the standard is in fact four (4) feet in D-4 districts.
- The subject site is zoned D-4 (TOD) and is improved with both a single-family residence and a detached garage that were constructed around 1935, according to the property card. The primary residence is located approximately 12 feet from the north side property line while the detached garage is located approximately 0 feet from the north side property line. The 0-foot side yard setback for the garage is legally non-conforming, as it was built prior to the relevant standards. The residence also contains a 1-vehicle garage that is attached to the primary residence and is accessed via the rear alley. The property is approximately 51.5 feet in width, which is 8.5 feet less than the D-4 standard of 60 feet. Additionally, Staff would note that while structures with legally non-conforming setbacks can exist in that non-conforming matter, new construction is required to meet current standards.

- The proposal calls for the partial removal of the detached garage and the construction of a 2-story addition to the primary residence that would be located 0 feet from the north side property line. This addition would result an additional 2-vehicle garage that would be accessed via the rear alley for a total of 4 garage spaces.
- Staff is seriously concerned by this proposal as it relates to the adjacent property to the north. Per the submitted elevations, the proposal calls for a 2-story addition to the primary residence that would be both taller and longer than the existing detached garage structure. Staff finds that this proposal would severely overwhelm and overshadow the adjacent property to the north. Staff finds that building the primary residence up to the side property line to be inappropriate and to be poor practice. Additionally, while legally non-conforming side setbacks are not uncommon in the area, Staff finds the proposal to be out of line with typical detached residential development patterns, especially for new construction, which by definition is meant to be setback from side property lines to maintain open space. Further, Staff finds the proposal to be inconsistent with the Infill Housing Guidelines. While Staff does note that the lot is slightly deficient in lot width, Staff does not find that there is sufficient practical difficulty that warrants constructing an addition to the primary residence up against the side property line. The detached garage containing a 0-foot side yard setback is not a practical difficulty for this new construction and does not allow the petitioner to build the primary structure with the same setback. Likewise, despite the slightly deficient lot width, Staff does not believe that that deficiency precludes the petitioner from constructing an addition that is in compliance with the Ordinance and does not believe the grant of this variance to be necessary. Therefore, Staff recommends denial of this request and strongly suggests that the petitioner revise the proposed plans.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Single-family residential	
Comprehensive Plan	3.5-5 residential units per acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-4	North: Single-family residential
	South: D-4	South: Single-family residential
	East: D-4	East: Single-family residential
	West: D-4	West: Single-family residential
Thoroughfare Plan		
North Park Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit Oriented Development Overlay	
Wellfield Protection Area	No	
Site Plan	8/28/25	
Site Plan (Amended)	N/A	

Elevations	8/28/25
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	8/28/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Envision Broad Ripple Neighborhood Plan (2012)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not applicable 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

- The Infill Housing Guidelines recommends:
 - Leave room for open space and maintenance
 - Reinforce spacing on the block.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY – SITE

N/A

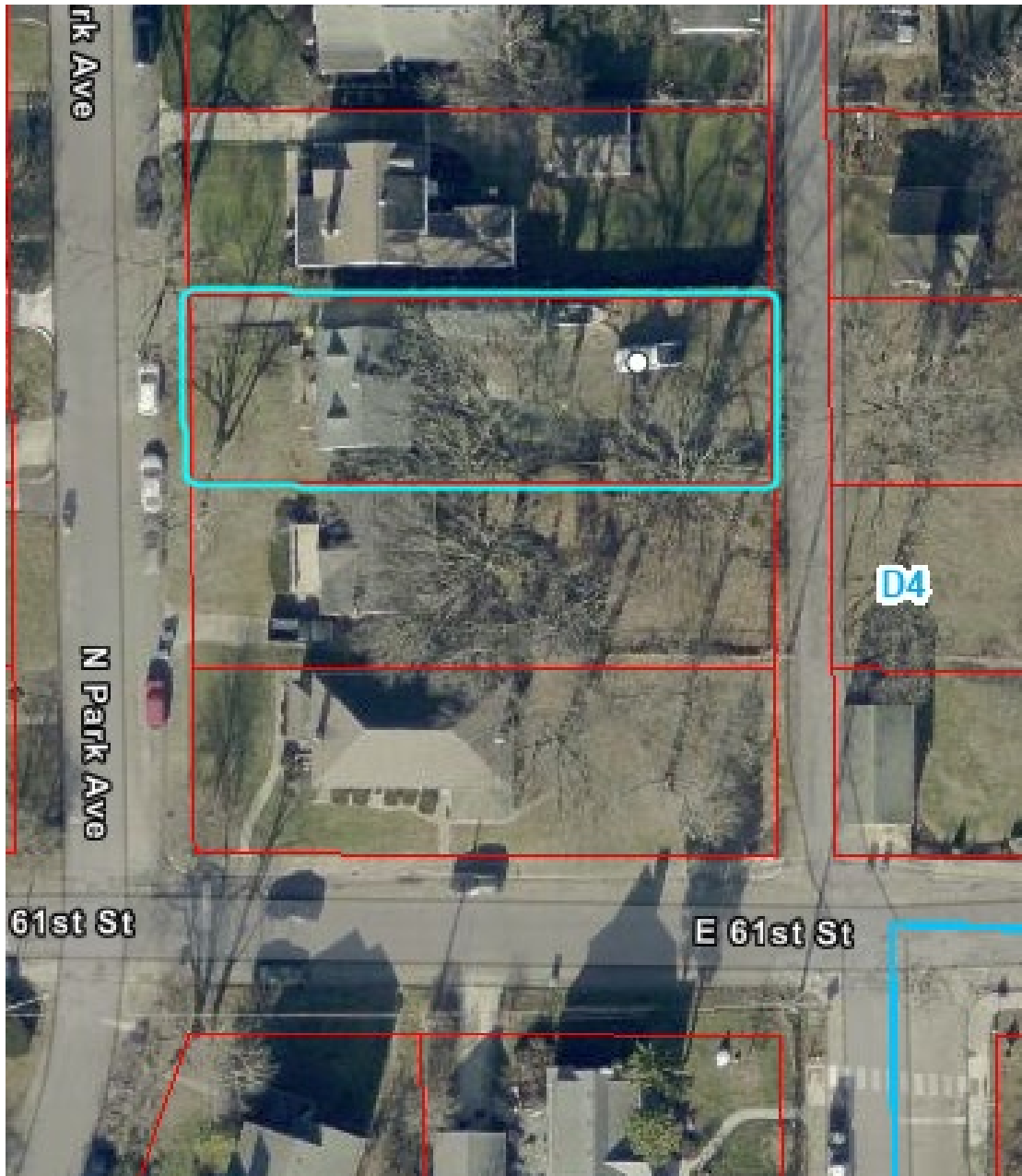
ZONING HISTORY – VICINITY

2008HOV004; 6138 N Park Ave (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 260-square foot detached garage with a 3.5-foot south side setback (minimum five-foot side setback required), **granted**.

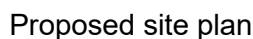
2001UV3031; 6123 N Park Ave (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a second dwelling unit (not permitted) in the second floor of an existing detached accessory building, **denied**.

89-V2-101; 6104 N Broadway Street (southeast of site), Variance of Development Standards of the Dwelling Districts Ordinance to provide for the construction of an addition to an existing detached residential garage that results in total accessory space exceeding the area of the primary residence and front setback of 10 feet from 61st Street (25 feet required), **withdrawn**.

EXHIBITS



Aerial Photo





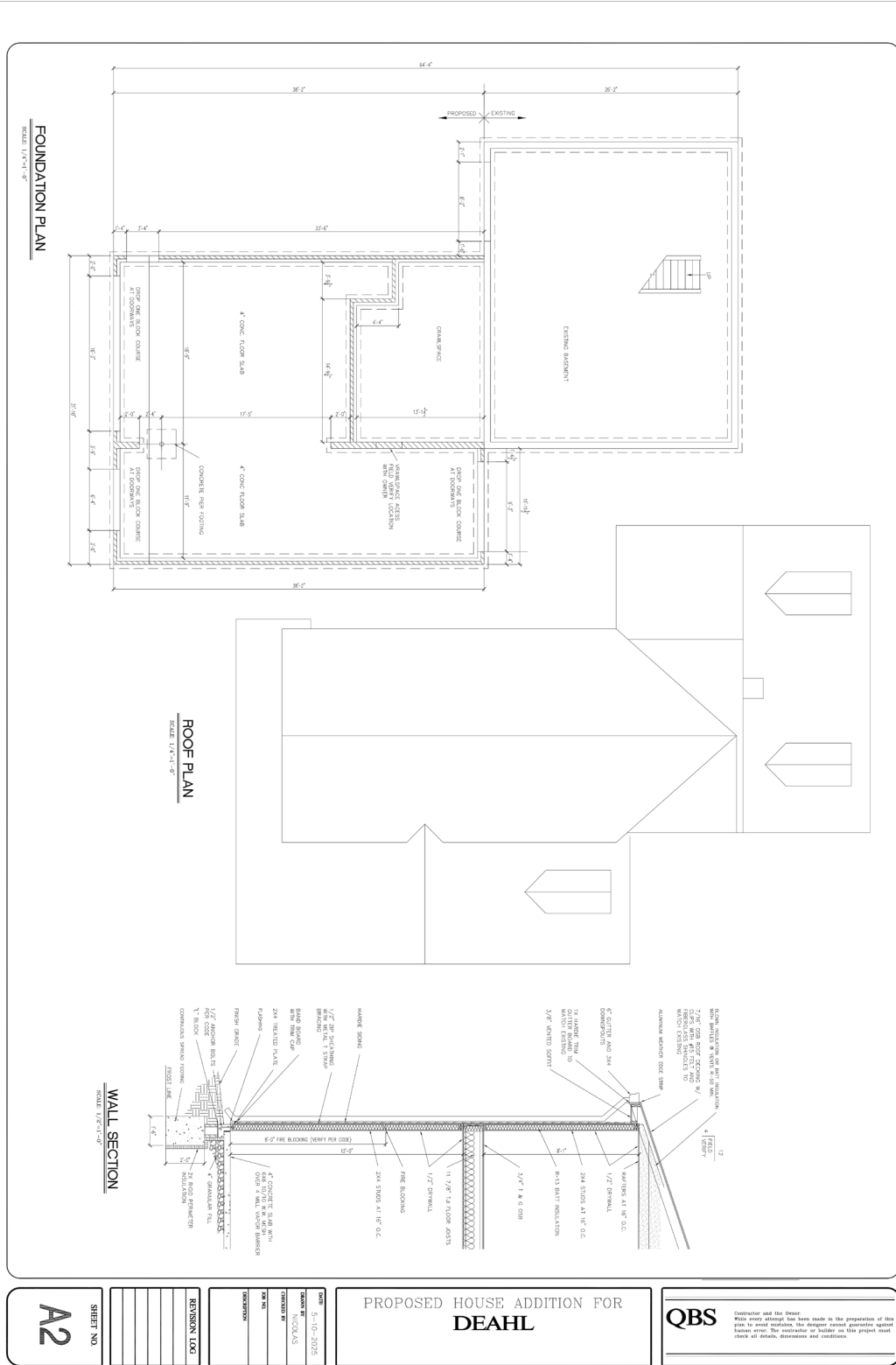
UPPER FLOOR PLAN

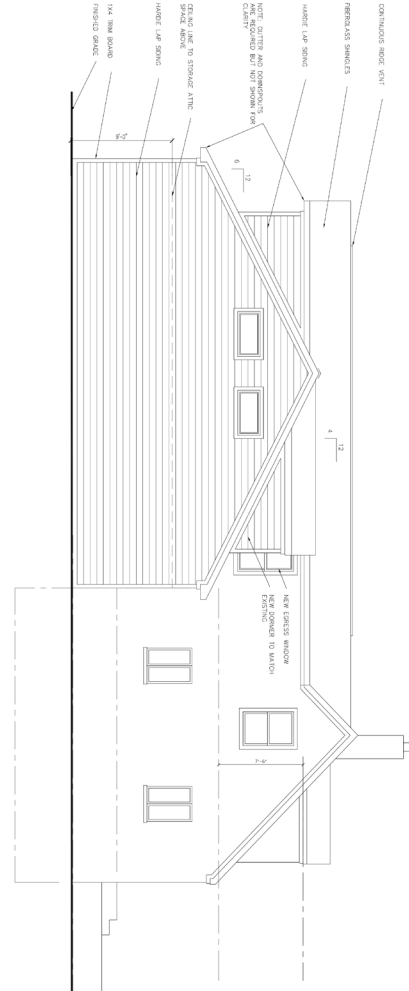
SHEET NO.

PROPOSED HOUSE ADDITION FOR
DEAHL

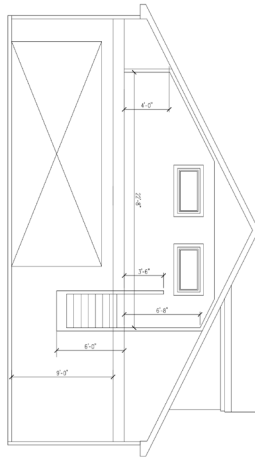
QBS

Contractor and the Owner:
While every attempt has been made in the preparation of this plan to avoid mistakes, the designer cannot guarantee against human error. The contractor or builder on this project must check all details, dimensions and conditions.

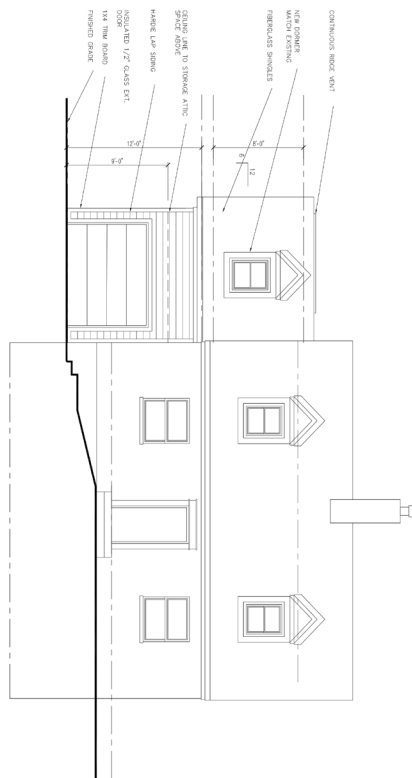




NORTH ELEVATION
 SCALE: 1/4"=1'-0"



GARAGE SECTION
 SCALE: 1/4"=1'-0"



WEST ELEVATION
 SCALE: 1/4"=1'-0"

A4 SHEET NO.	REVISION LOG <table border="1"> <tr><th>NO.</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	NO.	DESCRIPTION							DATE: 2-15-2023 DRAWN BY: NICKLAS CHECKED BY: PLOT NO: DESCRIPTION:	PROPOSED HOUSE ADDITION FOR DEAHL	QBS <small>Contractor and the Owner: While every attempt has been made in the preparation of this plan to avoid mistakes, the drafter, owner, contractor, and/or builder accept the responsibility for any errors or omissions on this project must show all details, dimensions and conditions.</small>
		NO.	DESCRIPTION									

Petition Number _____

**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:

The granting of this request will not be injurious to anyone. The existing garage is currently at the same setback.

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 granting of this request will have no adverse value affect to anyone in the area. The new proposed garage is on the exact same setback as the existing is today. The existing structure is just not built to be able to hold a second floor. The new proposal will add more square feet and therefore more value to this site. Also, with the garage connecting to the rear alley this could help lower congestion on the street via parking.

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

The existing garage is already existing within the setback requirement. The history of how this happened is not known. We were asking for a building permit and were advised it would take a variance for the property setback requirement. It appears the dwelling and garage dates to 1935. I can only assume the setback was not in place at that time.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Subject site showing the existing garage with the zero-foot side yard setback



Adjacent residence to the north



Adjacent residence to the south