

**BOARD OF ZONING APPEALS DIVISION II**

**June 10<sup>th</sup> , 2025**

**Case Number:** 2025-DV2-018  
**Property Address:** 5469 North Capitol Avenue  
**Location:** Washington Township, Council District #7  
**Petitioner:** Partick & Jennifer Mikusky  
**Current Zoning:** D-5 (FF)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot rear yard setback (20 feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff is recommending **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 is recommending **approval** of the variance petition.

**PETITION OVERVIEW**

- The petitioner of the variance is requesting for a reduction of the rear setback from twenty (20) feet to five (5) feet to allow addition space for the construction of a single-family dwelling.
- The property is 0.34-acre parcel in a D-5 zoning district and Floodway Fringe (FF).
- For a parcel in a D-5 zoning district, with a small lot size it is required by the Ordinance to have a twenty-foot rear yard setback.
- A setback is a line that establishes the distance a building, structure, or portion thereof, can be located from a lot line or right-of-way line.
- The Infill Housing Guidelines recommends for setbacks of the new construction to be uniform with the neighborhood.
- Staff is recommending **approval** of this variance petition, meeting all development standard and setbacks on the property except that of the rear setback line. The reduction of the rear setback line is consistent with the densely packed surrounding area and will not be a deviation from the designs of the neighborhood.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5 (FF)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	SU-16	North: Rural or Estate Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	SU-1	East: Suburban Neighborhood
West:	D-5	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
Capitol Avenue	Secondary Arterial	60 feet of right-of-way existing and 56 feet proposed.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/9/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	5/8/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	5/9/2025	
<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 Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily

needs are within walking distance. This typology usually has a residential density of 5 to 15 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.

#### **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**

- If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses.
- In some neighborhoods, houses were designed to be situated along a street in a nearly straight line. If setbacks are uniform, the setbacks for new construction should also be uniform.
- Trees and other landscaping can provide shade for windows and roofs, which reduces air conditioning needs and cover for outdoor spaces during the hottest parts of the day. Backyards can also be good places for small vegetable and flower gardens. Consider using permanent permeable materials (such as permeable asphalt or unit masonry systems) for patio areas.

#### **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

- 2001-DV1-021: 5464 North Capitol Avenue
  - Variance of Development Standards of the Dwelling District zoning ordinance to provide for a 27.5-foot tall, two-story detached workshop/garage (maximum height of accessory structures not permitted to exceed 20 feet, being 24 by 30, and creating an accessory building area of 1,531.83 square feet or 164.9% (accessory building area not permitted to exceed 75% of the main floor area of the primary dwelling).
    - Approved
- 2001-DV1-051: 5402 Graceland Avenue
  - Variance of Development Standards of the Dwelling District zoning ordinance to provide for a 1,183 square foot addition to an existing single-family dwelling with a 3.5-foot side yard and 8.2-foot aggregate side yard.
    - Approved
- 2024-DV1-048: 5541 North Kenwood Avenue
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).
    - Approved
- 2024-ZON-085: 5640 North Illinois Street
  - Rezoning of 22.63 acres from the D-2 (FF) district to the SU-16 (FF) district to provide for indoor and / or outdoor recreation.
    - Approved

EXHIBITS

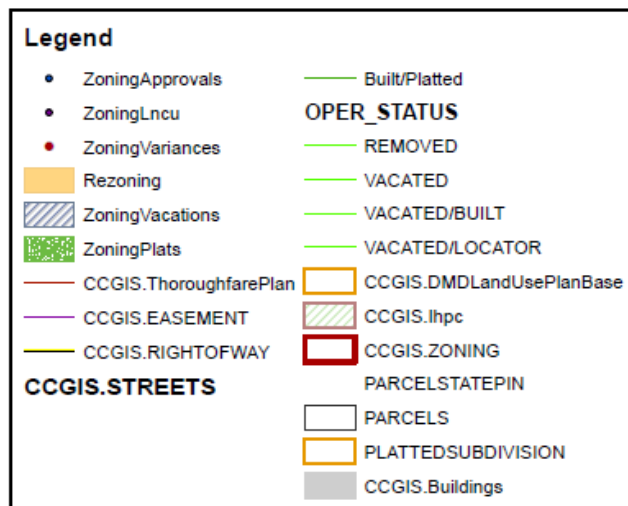
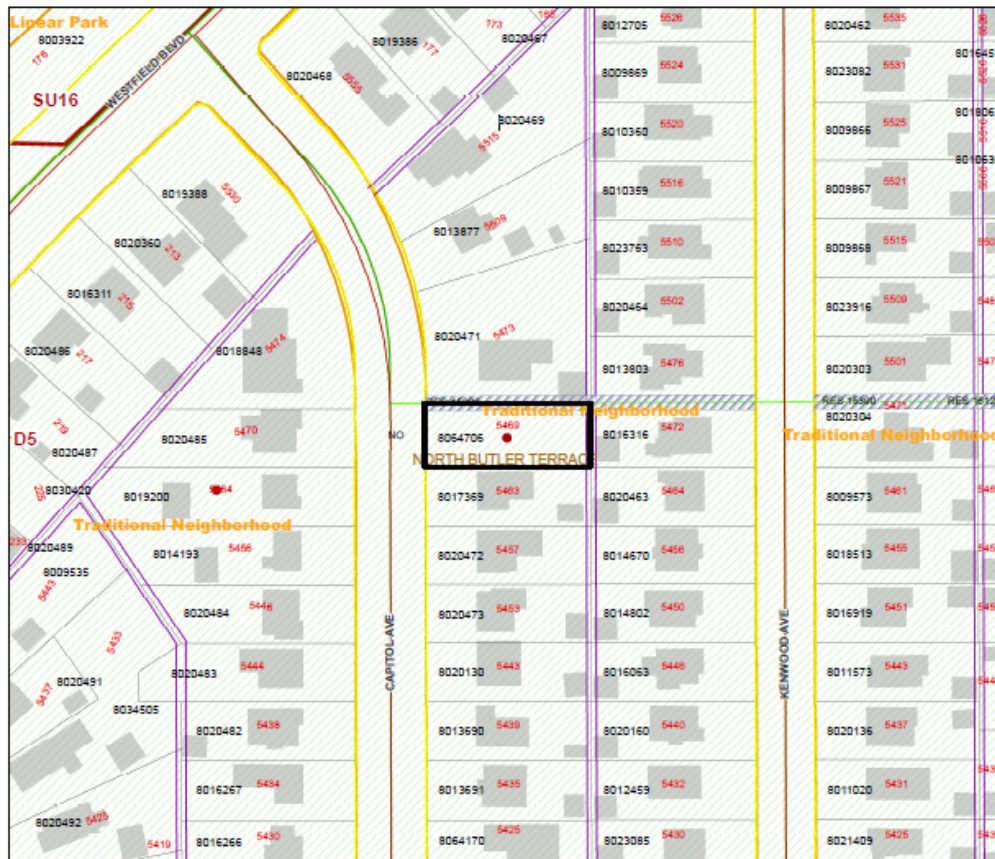


Exhibit 1: ArcGIS map of the subject site and surrounding area.



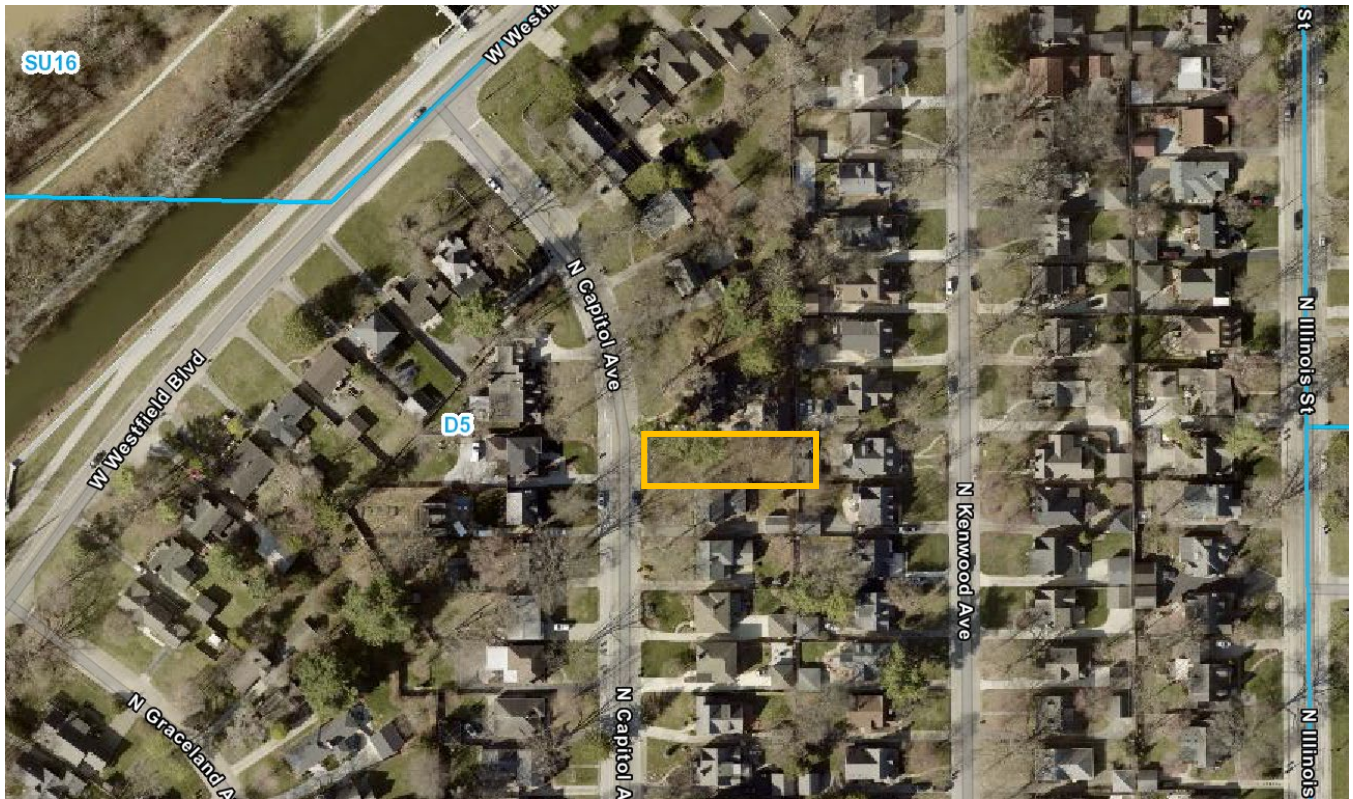


Exhibit 2: Aerial of the subject site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

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:

This grant will be for a single family residence. All neighbors garages are within the 20' primary setback line.  
This garage will be in line with the adjacent neighbor garages. There will be no harm to the public with this location.

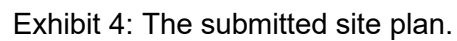

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

Since this garage will be a similar height as the neighboring garages and in the same location, there will not be an adverse affect 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:

Since this is a single floor residence, a detached garage will not physically be possible for a 2500sf house.


Exhibit 3: The submitted Findings of Fact.





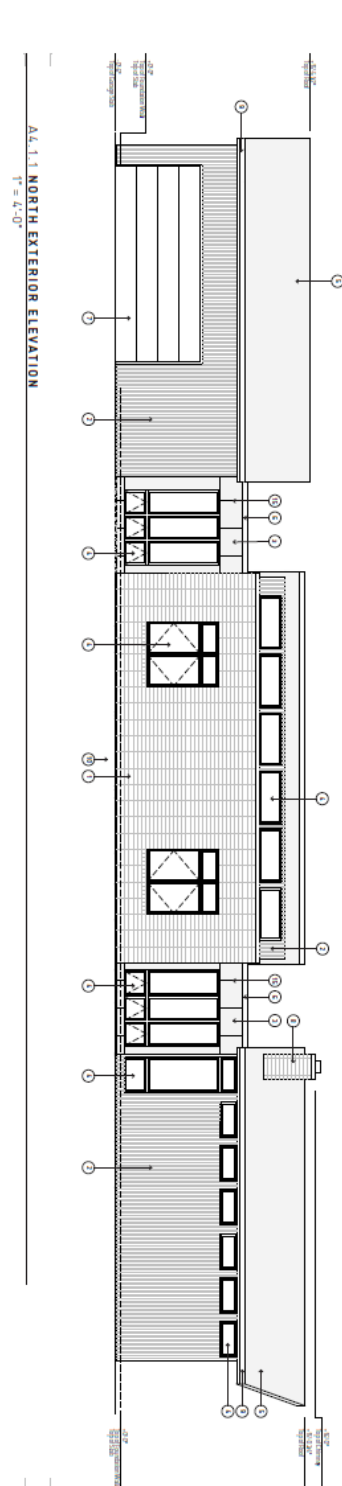


Exhibit 5: North Elevation

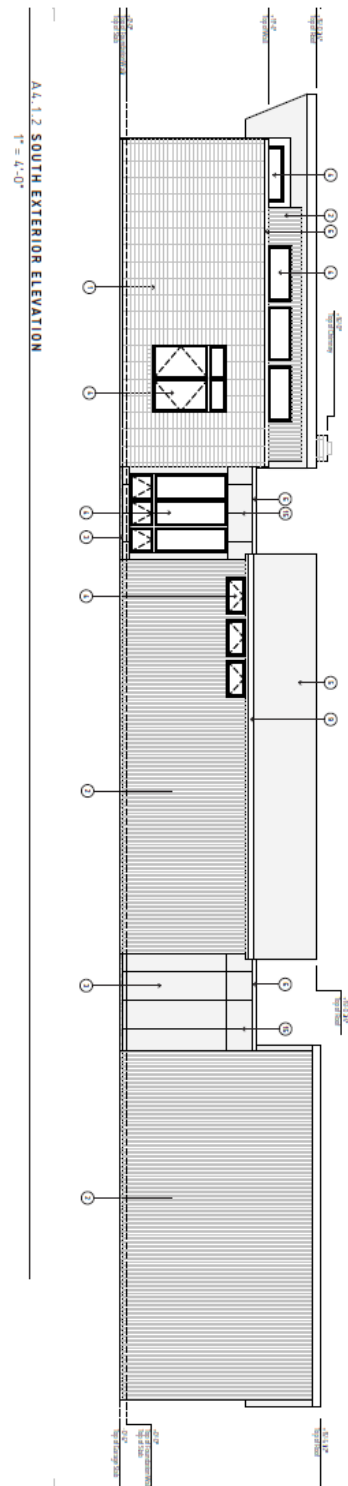
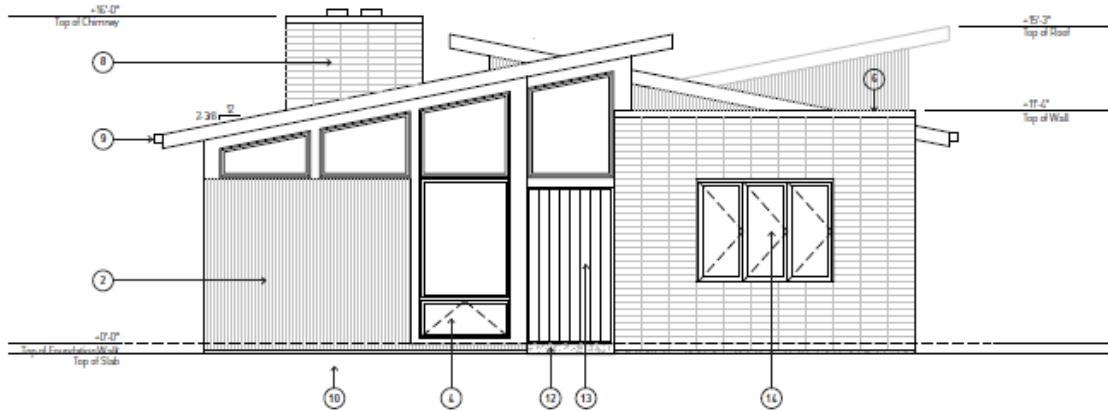


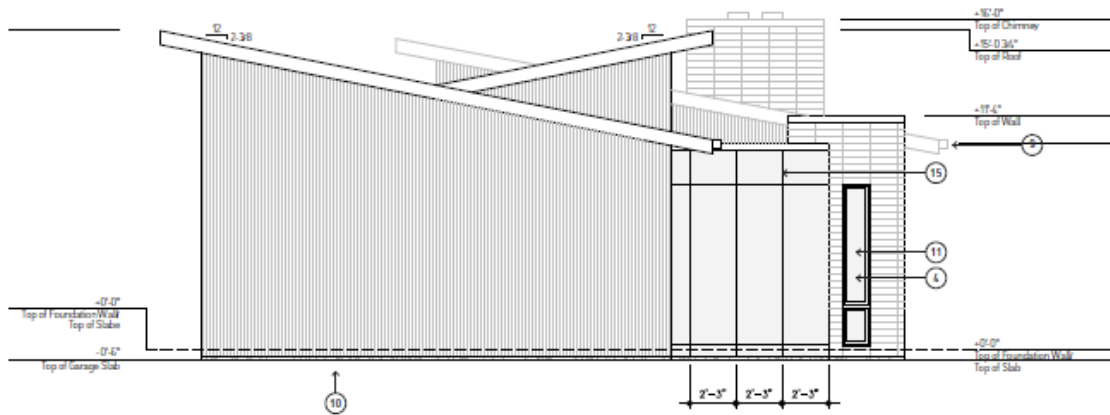
Exhibit 6: South Elevation



**A4.1.1 WEST EXTERIOR ELEVATION**

1" = 4'-0"

Exhibit 6: West Elevation (Front yard)



**A4.1.2 EAST EXTERIOR ELEVATION**

1" = 4'-0"

Exhibit 7: East Elevation (Rear yard)



Exhibit 8: The subject site looking east.



Exhibit 9: The subject site looking west.