

BOARD OF ZONING APPEALS DIVISION II

August 13, 2024

Case Number: 2024-UV2-012
Property Address: 420 West Michigan Street (approximate address)
Location: Center Township, Council District #12
Petitioner: OZ Business Property II LLC, by Tim Ochs and Jennifer Milliken
Current Zoning: CBD-2 (RC)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the lease of an apartment unit for a general contractor, resulting in four overall multi-family dwelling units (minimum of five required).
Current Land Use: Mixed-Use
Staff Recommendations: Staff **recommends approval** of this petition, subject to the commitment that the use variance terminates after two years of the occupation of the unit.
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition, subject to the commitment that the use variance terminates after two years of the occupation of the unit.

PETITION OVERVIEW

- This petition would provide for the lease of an apartment unit for a general contractor, resulting in four overall multi-family dwelling units (minimum of five required).
- Staff is recommending approval of the variance, subject to the following commitment:
 - The use variance shall terminate after 2 years from the initial date of occupation of the unit by the general contractor
- The requirement to have at least five residential units is to ensure that areas in the CBD-2 have a base level of housing options available to serve Central Business District. The proposal to use one of the residential units for the location of a general contractor for a future nearby development project would be temporary and would last only as long as the duration of the development project. Staff is requesting that the variance not run with the property and terminate at the determined date. With four

residential units remaining available for residents, and with the fifth one set to return back to an available residential unit upon the completion of the adjacent residential project, Staff sees this request as reasonable, and of minor impact. Therefore, Staff is not opposed to the variance request.

GENERAL INFORMATION

Existing Zoning	CBD-2 (RC)	
Existing Land Use	Mixed-Use	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	CBD-2 (RC)	North: Mixed-Use
South:	CBD-2 (RC)	South: Mixed-Use
East:	CBD-2 (RC)	East: Mixed-Use
West:	CBD-2 (RC)	West: Mixed-Use
Thoroughfare Plan		
West Michigan Street	Primary Arterial	90 feet of right-of-way existing and 78 feet proposed
Indiana Avenue	Primary Arterial	90 feet of right-of-way existing and 78 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/26/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/26/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan



- The Marion County Land Use Plan pattern Book recommends the Urban Mixed-Use 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

- Not Applicable to the Site.

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

2004ZON149; 520 Indiana Avenue (north of site), Rezoning of 0.403 acres, being the I-3-U (RC) District, to the CBD-2 (RC) classification to legally establish office uses, **approved.**

EXHIBITS













