

BOARD OF ZONING APPEALS DIVISION II

October 8th, 2024

Case Number: 2024-DV2-031
Property Address: 2701 N College Ave
Location: Center Township, Council District 8
Petitioner: JBCC Holdings LLC, By David Gilman
Current Zoning: MU-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a surface parking lot with four spaces (11 required) and a zero-foot front yard setback from 27th Street (50-foot setback, location behind building required).
Current Land Use: Commercial
Staff Recommendations: Staff **recommends denial** of this variance request.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of this variance request.

PETITION OVERVIEW

- This request would allow for a parking reduction by seven spaces, on a surface lot with a zero-foot transitional front yard along 27th Street.
- The 6,260 sqft building is to be converted to have two apartments on the second floor while the first floor will have two office spaces totaling 1,550 sqft of leasable area each.
- The site plan includes three parking spaces onsite (one being an ADA parking location), with four on-street parking spaces parallel to the site along East 27th Street, and two along North College Avenue.
- Specifically, Staff is concerned about the feasible maneuverability of the proposed on-site surface lot and the proximity to a residential structure directly east of the site. While Staff acknowledges that this residential use is within the C-3 District, if the abutting site were zoned appropriately, a 15-foot landscaped transitional yard would be required.

- Staff would note that Section 744-401.H allows for any legal on-street parking spaces parallel to a properties front lot line may count towards the sites minimum required parking. Given the linear length of these lot lines, at least seven parking spaces may be provided under this provision. Given the low intensity of the proposed use, Staff believes these spaces would be sufficient while affording a reasonable buffer between the commercial use of the site and the residential use to the east.
- Such a parking layout would also allow the area where the proposed parking would be located to be used as amenity space for both the office and dwelling units while preserving the buffer space between the subject site and the abutting site to the east.

GENERAL INFORMATION

Existing Zoning	MU-2	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-3	North: Two-Family Dwelling
South:	C-1	South: Multi-Family Residential
East:	C-3	East: Two-Family Dwelling
West:	D-8	West: Exempt/Religious Uses
Thoroughfare Plan		
College Ave	Primary Arterial	62 foot right-of-way existing and 78 foot right-of-way proposed
27 th Street	Local Street	41 foot right-of-way existing and 48 foot right of way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	08/11/2024	
Site Plan (Amended)	08/21/2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/11/2024	
Findings of Fact (Amended)	N/A	

Comprehensive Plan

- City of Indianapolis Consolidated Zoning / Subdivision Ordinance
- Red Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- According to the Consolidated Zoning Plan personal or commercial services including consumer services or repair of consumer goods, hair and body care salon or service, financial and insurance services (banks and check cashing or validation services), laundromats, printing services and tattoo parlors need to have a minimum off-street vehicle parking space count of five spaces or one per 350 sqft, whichever is greater (pg 515).
- As required by the Consolidated Zoning Plan off street ADA parking spaces shall be provided, in the case of a location with 0-25 parking spaces the location will need to have at minimum of one ADA reserved space (pg 518)
- Setback requirements in the Consolidated Zoning plan for a MU-2 zoning, includes: (pg 477)
 - Front Yard Setback
 - 5ft-20ft
 - Front Transitional Yard
 - 20 ft
 - Side Transitional Yard/Abutting Alley
 - 15/10ft
 - Rear Transitional Yard/Abutting Alley
 - 15/10ft

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The study area for the Red Line corridor centered around the Central Business District, Meridian and College Avenue corridor, Shelby Street corridor and the Marion County/Johnson County line. The study assessed land use and market characteristics of the region and the proposed corridors in relation to each other using methodology based on research and approaches developed by the Center for Transit Oriented Development (CTOD) (pg 5).
- According to the Red Line plan north of downtown Indianapolis, the strongest stations were located along the College Avenue corridor. Stations in the CBD had the strongest market strength scores while station at Virginia and New Jersey and Meridian and 34th and 28th Street had high TOD readiness scores (pg. 6).

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)

- Indy Moves plans state that it is needed to adjust parking regulations and management of vehicle storage. The parking requirements incorporated in zoning codes are one of the most important determinants of which buildings get built, how they get built, and the transportation choices of those who inhabit them. Zoning ordinances dictate how many parking spaces a certain type of development must have, thereby inducing travel demand (by making it easier to drive) or reducing travel demand (by making it more difficult and encouraging walking, biking, and transit use as alternatives). Zoning codes can also encourage development patterns that are compact and walkable or spread out and difficult to connect without a car. Indy's recent zoning code update re-evaluated parking requirements and introduced parking maximums in some places, and the City should continue to consider further changes to avoid over parking in an era in which parking demand could drop dramatically (pg .

ZONING HISTORY

ZONING HISTORY – SITE

- 2023-ZON-092
 - Rezoning of 0.15 acre from the C-3 district to the MU-2 district to provide for mixed-use development. **Approved.**

ZONING HISTORY – SURROUNDING

- 2017-CZN-840: 717 E 27th St (Southeast of Site)
 - Rezoning of 0.06 acre from the C-1 district to the D-8 classification. **Scheduled for CCC.**
- 2019-ZON-032: 2637 N College Ave (South of Site)
 - Rezoning of 0.32 acre from the C-1 district to the D-8 classification. **Approved.**
- 2019-ZON-100: 725 E 27th St (East of Site)
 - Rezoning of 0.5 acre from the SU-1 district to the D-8 district. **Approved.**
- 2019-CPL-845: 2636 N College Ave (Southwest of Site)
 - Approval of a Subdivision Plat to be known as Re-plat of Lots Six and Seven in Losey's College Avenue Addition, dividing 0.32 acre into seven lots. **Approved.**
- 2019-CVR-845: 2636 N College Ave (Southwest of Site)
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four lots with 48% open space (55% required) and to provide for a three-foot south side setback on Lot Seven for the single-family attached dwelling, attached garage and trash container area (four-foot side setback required). **Approved.**
- 2021-CVR-813: 721 E 27th St (Southeast of Site)
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a building into a two-family dwelling (only originally constructed two-family dwellings permitted) and to legally establish and provide for 3.25-foot, four-foot, 6.5-foot and 10-foot rear setbacks for the two-family dwellings and proposed garages (15-foot rear setbacks required). **Approved.**

EXHIBITS

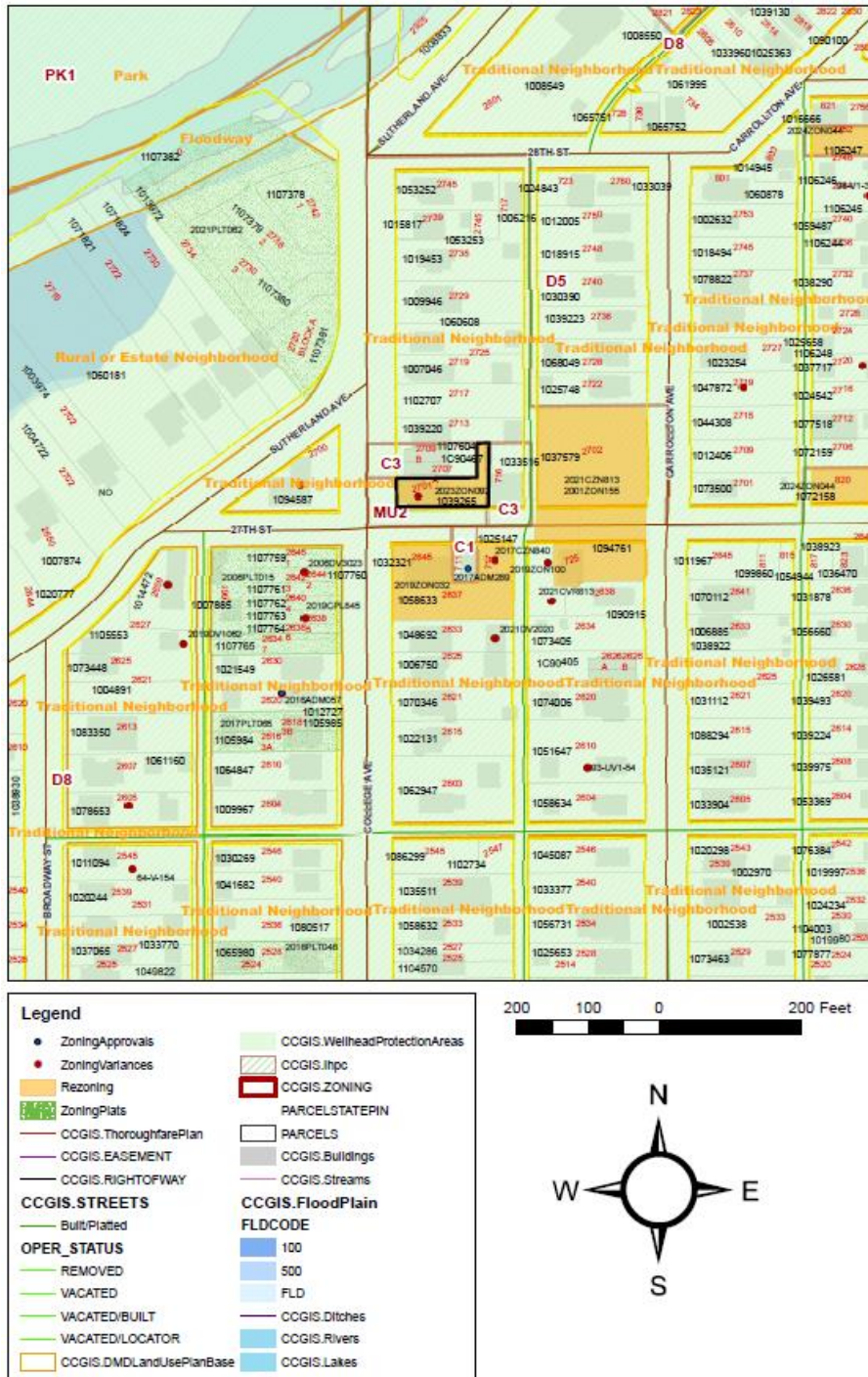


Exhibit 1: Area map around 2701 N College Ave

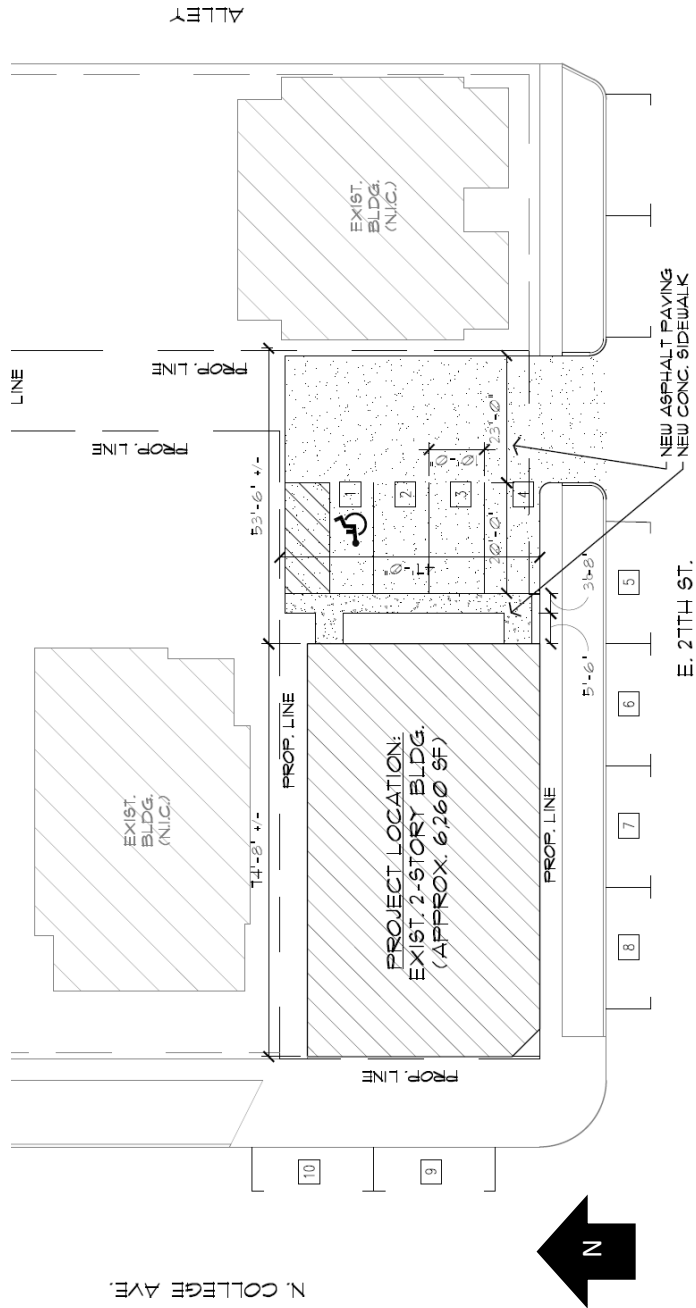


Exhibit 2: Site Plan of 2701 N College Ave



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 site has available parking along the street as well as off-street parking. The parking spaces will meet the required dimensional standards as required by the ordinance. The existing building is constructed on the property line and the proposed parking lot will be align with the established building setback line

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 adjacent uses utilize both street and off-street parking. Many of the existing buildings are constructed to the sidewalk or property line. The surface parking lot will be aligned with the established front setback line along the same block.

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

The required parking will not allow the amount of available space in the existing building that has historically depended on street parking.
The required front setback for a surface parking lot will significantly reduce or eliminate any opportunity for any off-street parking.

Exhibit 3: Findings of Fact submitted by the petitioner for 2701 N College Ave



Exhibit 4: Front of 2701 N College Ave.



Exhibit 5: Back of 2701 N College Ave, where planned parking lot will be built if approved by the BZA.



Exhibit 6: Back of 2701 N College Ave, where planned parking lot will be built if approved by the BZA looking towards neighboring building.