

**BOARD OF ZONING APPEALS DIVISION II**

September 10<sup>th</sup>, 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 first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- This petition requests a variance to allow a property to have less than the required off-street parking spaces and replace them with on-street parking in a Mixed-Use District.
- The proposed 6260 sqft building is to be converted to have two apartments on the second floor while the first floor will have two office space totaling in 1,550 sqft of leasable area each. Currently the one known business that has planned to move into this building is to focus on insurance while the other space is expected to be a similar business office use.
- The site plan includes three parking spaces onsite (one being an ADA parking location), with four off-street parking spaces parallel to the site along East 27<sup>th</sup> Street, and two along North College Avenue.
- East 27<sup>th</sup> street is a local street that already provides parking for the apartment building directly south of 2701 N College. While North College Avenue is a busy five lane street that provides parking for residential buildings both north and south of 2701 N College.

- With this information in mind, staff recommends denial of this petition, the site does not have the space to provide the necessary parking and putting the spaces on the two surrounding street will cause issues for already established residential areas.
- 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.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	MU-2	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
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
<b>Thoroughfare Plan</b>		
College Ave	Primary Arterial	62 foot right-of-way existing and 78 foot right-of-way proposed
27 <sup>th</sup> Street	Local Street	41 foot right-of-way existing and 48 foot right of way proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	08/11/2024	
<b>Site Plan (Amended)</b>	08/21/2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/11/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**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 34<sup>th</sup> and 28<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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

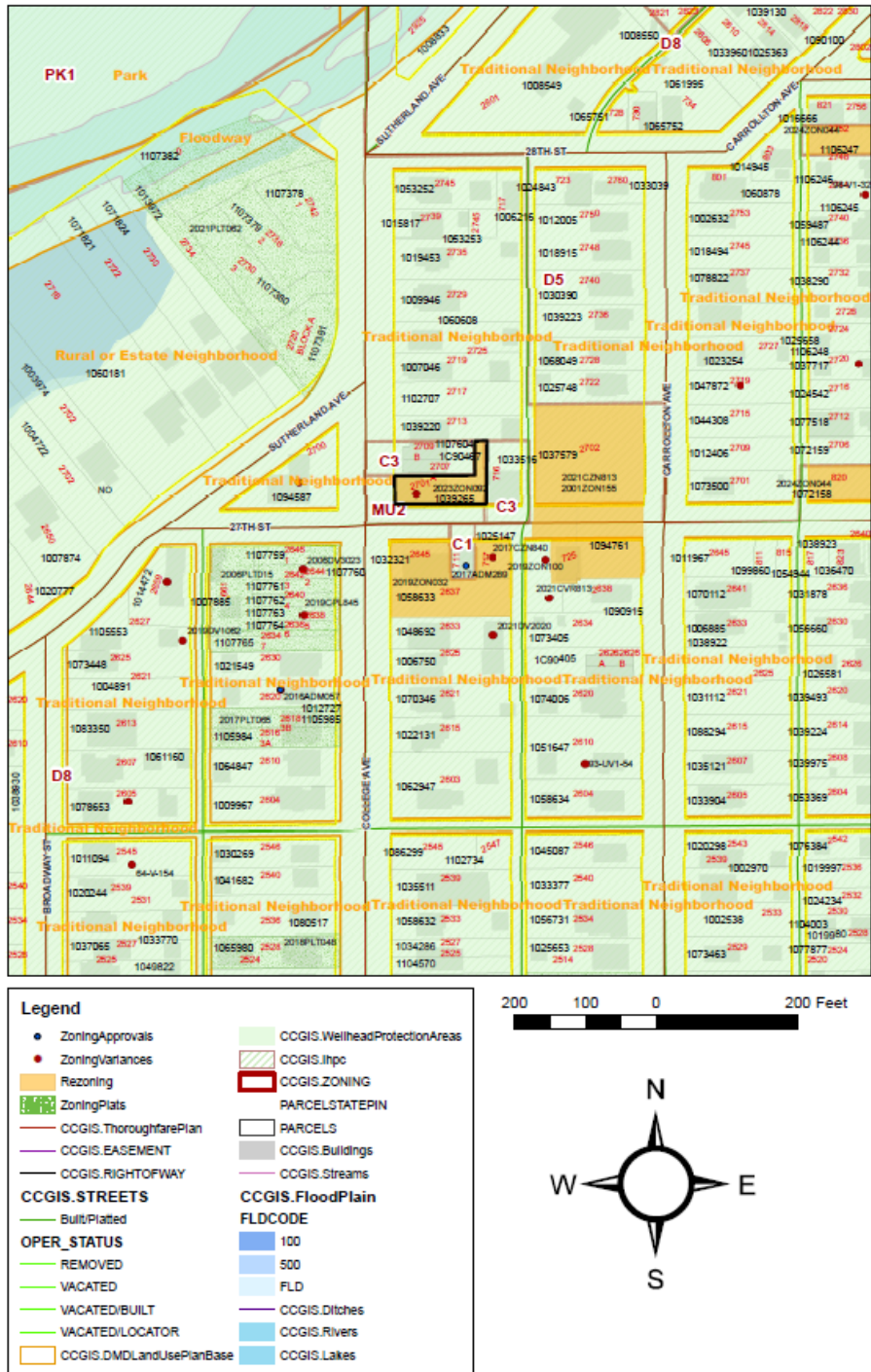


Exhibit 1: Area map around 2701 N College Ave

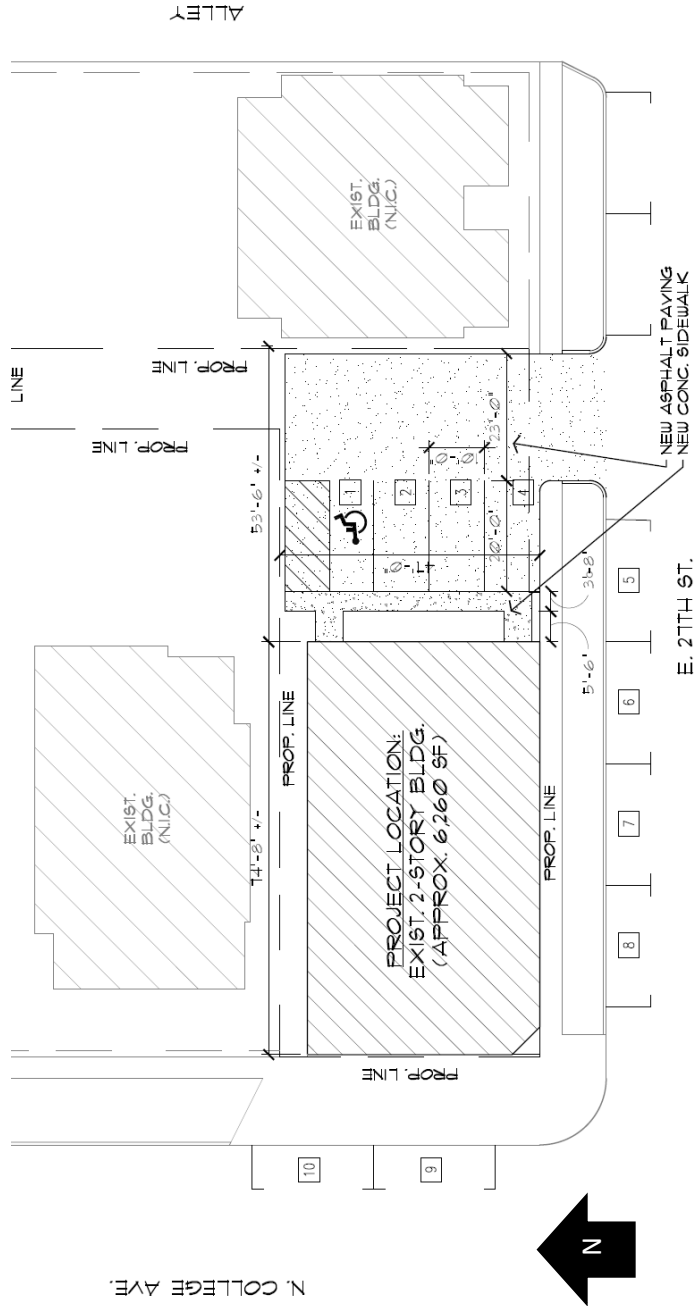


Exhibit 2: Site Plan of 2701 N College Ave





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.