

Staff Report – Agenda Item # 1

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------|--------------------------|
| Case number | BZA-2025-04 | Property size | 0.14 ac |
| Property address | 825 Main Street | Property zoning | C2 (Downtown Commercial) |
| Applicant(s) | Dave Montgomery, kRM Architects | | |
| Property owner(s) | Brownsburg East 56 th Street, Inc. | | |
| Requested action: | | | |
| UDO V 7.2.15.B Approval of Variance of Development Standards to permit the waiving of the requirement to provide off-street parking. | | | |
| Recommendation: | | | |
| APPROVE with conditions | | | |

Exhibits:

1. Location map and site plan
2. Zoning map
3. Submittal
4. Staff presentation to Plan Commission on parking requirements in C2 district

ABOUT PROJECT

Location

The subject site is the State Bank building and former Town Hall located at 825 Main Street (see Figure 1 here and Exhibit 1. Vicinity Map). The base zoning is Downtown Commercial (C2). To the north, east, and south are more of the C2 district; and to the west is a R2 Traditional Neighborhood district.

Proposal

The petitioner would like the requirement to provide off-street parking for bank employees and visitors to be waived.

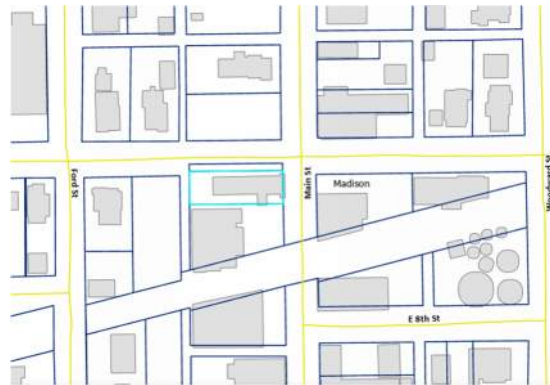


Figure 1. Project Site Location

ANALYSIS

V7.2.15.B of the Lapel UDO requires that commercial developments in the Downtown Commercial district provide 1 parking space for each employee working the longest shift in addition to between 0.5 and 1.5 parking spaces based on the size of the business or the expected number of occupants. State Bank anticipates having 6 full-time employees at this location, so that is 6 spaces. The bank must also provide 0.5-1.5 spaces per 300 square feet of gross floor area. The gross floor area of the bank after its renovation will be 2520 square feet (see Exhibit 3), so the bank must provide at least 5 spots in addition to the 6 for employees for a total of at least 11 spots. These parking spaces must also be provided off-street, meaning either on the same parcel as the building or on another property within 700 feet of the building

The parcel containing the bank itself contains a small parking lot behind the building with space for two vehicles, but there is no more space on the property for additional off-street parking spaces. There is an additional on-street parcel directly north of the bank that has space for 5-6 parking spaces, which together with the 2 spaces in the rear of the building would be close to meeting the code's total requirements except that these spaces are not off-street. These spaces are not in the public ROW so they can be reserved for employees or visitors to the bank. There are also about 7 more on-street spaces on the sections of 9th Street and Main Street immediately adjacent to the bank. On-street spaces are well-suited to visitor parking as visitors rarely remain at the bank for long periods of time, so the spaces will have high turnover and will not sit occupied for the whole day. When the building served as Town Hall, visitors and even Town employees and contractors regularly parked on the street with no issue, and there is no reason to expect that this would become an issue now.



Figure 2. Conformity with C2 Parking Standards. Red indicates parcels that have no ability to conform. Orange indicates parcels that do not conform with design and use standards. Yellow indicates parcels that do not conform with design standards but may have enough space to provide required parking.

There is also a parking lot on the other side of the alley behind the bank. This parking lot is not owned by the owners of the subject property and thus a written parking agreement would be required for any of those off-street spaces to count for the bank. It would be possible for the bank to come to such an agreement, but it has been shown that this problem is not unique to the bank and that the majority of properties in this district would have to come to similar agreements (see Figure 2). There aren't enough off-street parking spaces within 700 feet of all district properties to accommodate proper enforcement of this standard, and staff has already recommended to the Plan Commission that they consider amending the C2 parking standards for this very reason (see Exhibit 4).

Variance of Development Standards Criteria

In order to approve a variance of development standards, the BZA needs to find that three (3) criteria are met. The applicant proposes their findings to these criteria in the submittal (Exhibit 3, page 2). Staff proposes their findings of fact below.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

If the Board should decide to APPROVE the requested Variance of Development Standards, please use the following findings of fact:

The Lapel Board of Zoning Appeals is authorized to approve or deny Variances of Development Standards by Indiana Code 36-7-4-918.5 and by Lapel UDO V1.6.3. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved upon a determination in writing that the following three (3) criteria are met (V1.6.9.A):

- **The approval will NOT be injurious to the public health, safety, morals, and general welfare of the community:**

The requested variance would allow the status quo with respect to parking to continue, and this status quo has not been shown to be injurious to the public health, safety, morals, and general welfare of the community.

- **The use and value of the area adjacent to the property included in the variance will NOT be affected in a substantially adverse manner:**

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

- **The strict application of the terms of this Ordinance WILL result in a practical difficulty in the use of the property.**

It is physically impossible for the property to meet the off-street parking requirements without reaching a shared parking agreement with neighboring property owners. This presents a practical difficulty because it makes the ability for the property owner to make any use of the property dependent on the cooperation of other property owners who are under no obligation to cooperate.

RECOMMENDATION

APPROVE the requested Variances of Development Standards based upon the following findings of fact:

- The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community;

- The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner;
- The strict application of the terms of this Ordinance **will** result in a practical difficulty in the use of the property.

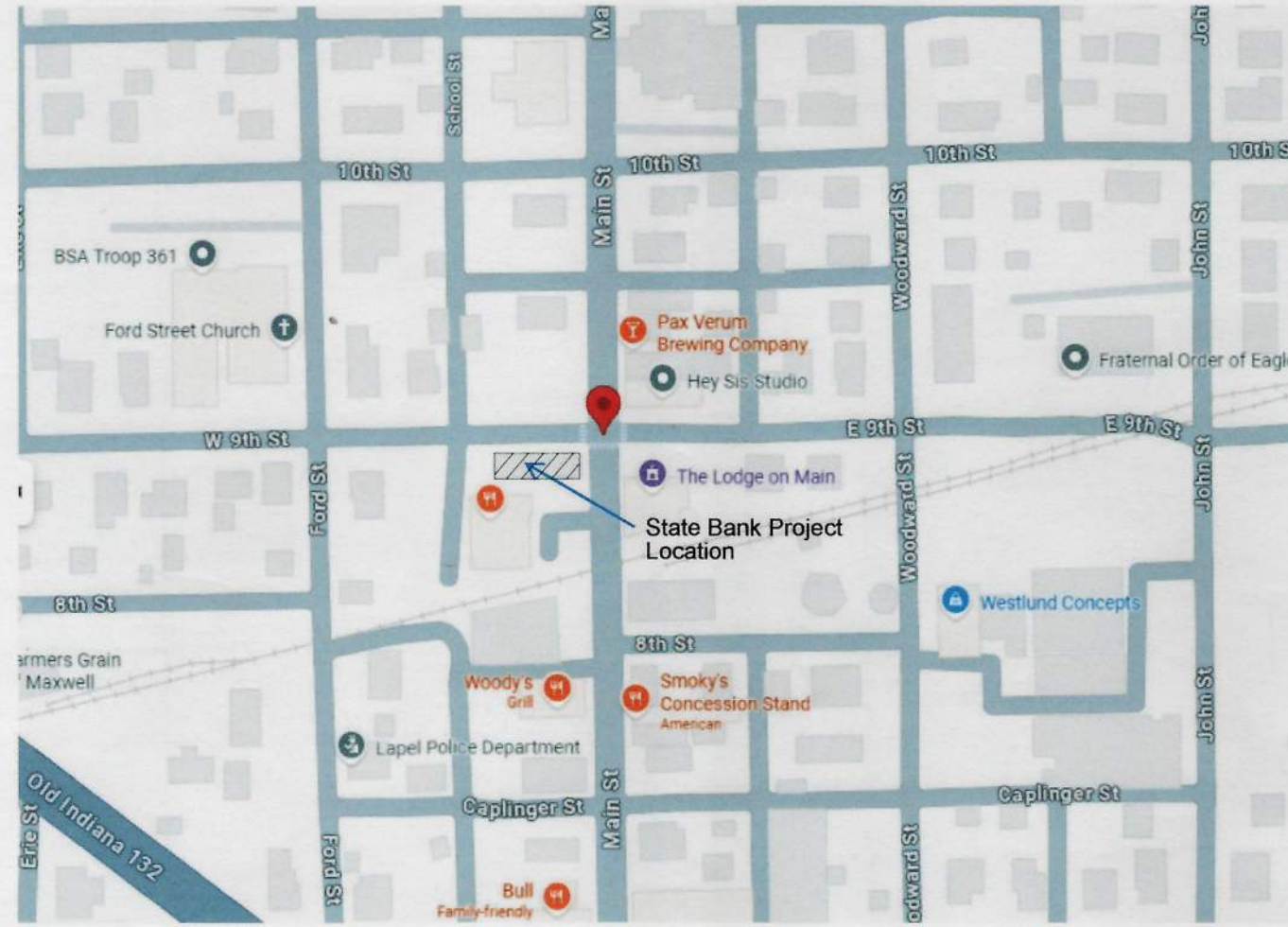
With the following specific conditions:



1. The Applicant shall sign the Acknowledgement of Variance of Development Standards/Special Use document prepared by the Lapel Planning Staff within 60 days of this approval. Staff will then record this document against the property and file of stamped copy of such recorded document shall be available in the Lapel Town Hall.
2. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

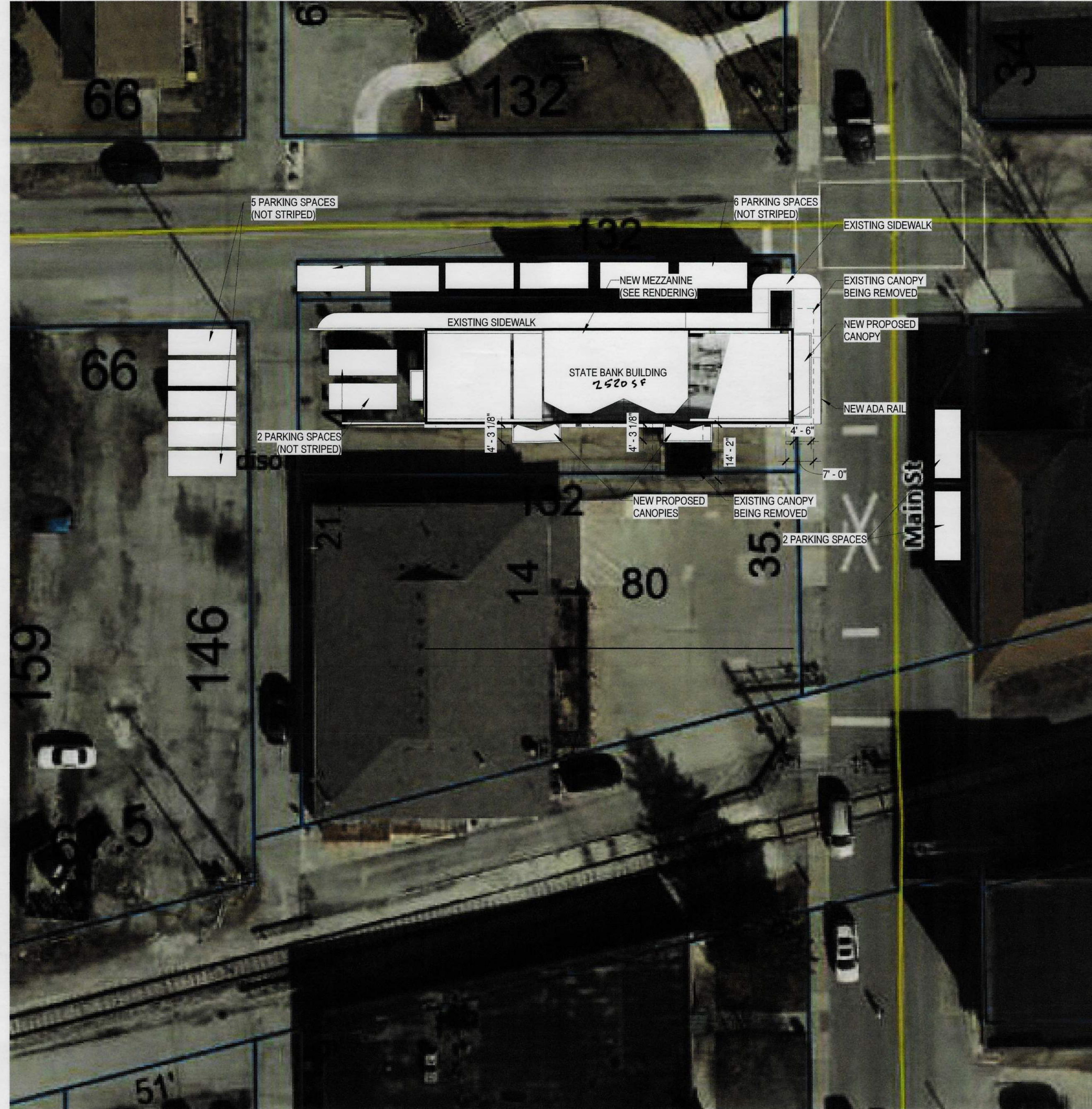
MOTION OPTIONS

- Motion to **approve** the Variance of Development Standards to waive the off-street parking requirements for the subject real estate as per submitted application BZA-2025-04 based upon the findings of fact {listed by the applicant, and/or presented by staff, and/or any other findings of fact added during the BZA discussion} with specific conditions proposed by staff.
- Motion to **deny** the Variance of Development Standards for the subject real estate as per submitted application BZA-2025-04 because... (List reasons, findings of fact)
- Motion to **continue** the review of the application BZA-2025-04 until the next regular meeting on *October 2, 2025*, because ... (list reasons).

EXHIBIT 1. LOCATION MAP AND SITE PLAN



  VICINITY MAP LOCAL
SCALE: 1 1/2" = 1'-0"



  **SITE PLAN**
SCALE: 1" = 20'-0"

PLAN NOTES - SITE PLAN



REVISIONS

25017 - 2025 Lapel Branch Renovation

10111 Main St, Lapel, IN 46051

PRICING SET

NOT FOR CONSTRUCTION

PRICING SET
07/23/25
krM JOB NO.
25017
DRAWN BY
AMJ

DRAWING NAME
**ARCHITECTURAL
SITE PLAN**

DRAWING NO.

AS1-1

EXHIBIT 2. ZONING MAP

Lapel Interactive Zoning Map

Overview AG R1 R2 R3 C1 C2 IS IL IG PO

Introduction

This Unified Development Code shall serve to guide future development in accordance to the goals and objectives outlined in the Town of Lapel's Comprehensive Plan. Specifically, its primary purpose to protect the general health, safety, and welfare of residents. The regulations and standards of the Code are meant to create stability within zoning districts, such that each zoning district allows a predictable range of compatible uses and building types.

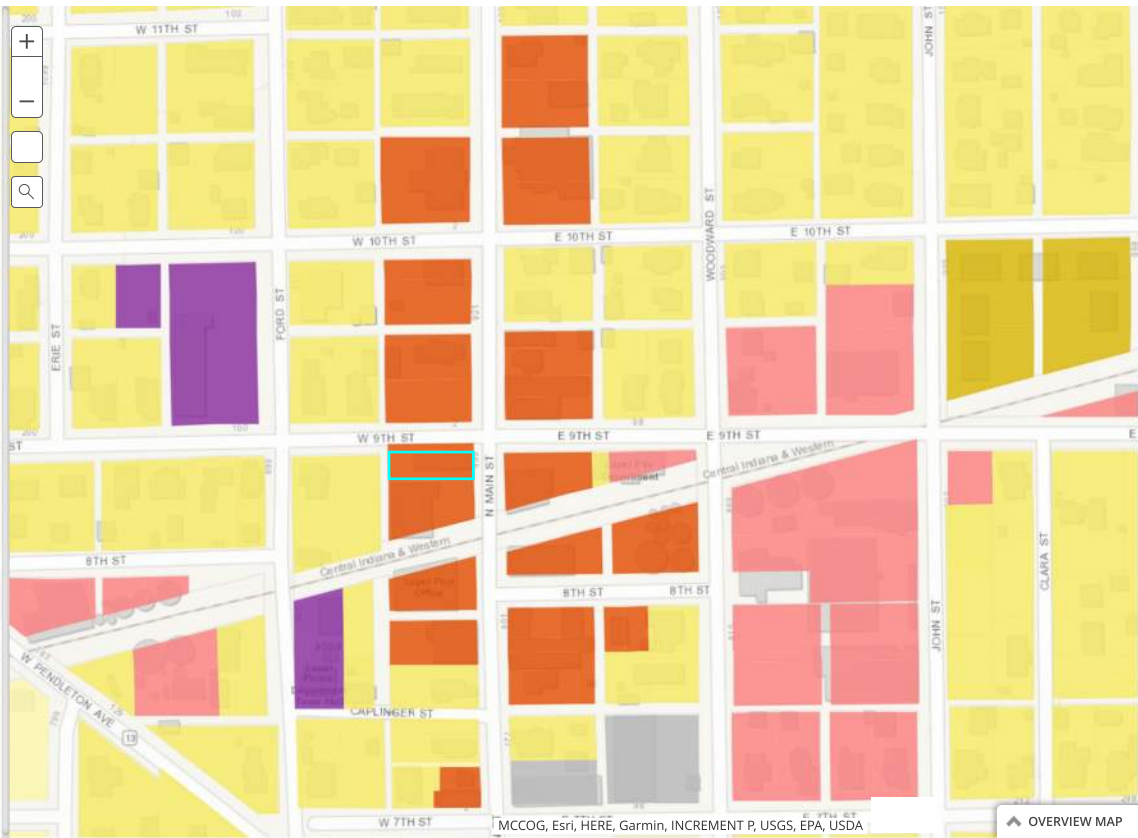
Organization

This interactive map is organized in such a manner as to direct the user to the applicable Volume according to area of interest. For example, if your home is located in an R1 District, you would simply click the R1 tab, above, to navigate to the applicable standards for that district. The interactive map is divided into ten individual zoning districts:

- Ag - Agricultural District
- R1 - Single-family Residential: Suburban Neighborhood
- R2 - Single-family Residential: Traditional Neighborhood
- R3 - Multi-family Residential
- C1 - General Commercial
- C2 - Downtown Commercial
- Is - Institutional and Social
- Il - Light Industrial
- Ig - General Industrial
- Po - Parks and Open Space

Town of Lapel Zoning

-  Ag - Agriculture
-  R1 - Single Family Residential: Suburban Neighborhood
-  R2 - Single Family Residential: Traditional Neighborhood
-  R3 - Multi-Family Residential
-  C1 - General Commercial
-  C2 - Downtown Commercial
-  Is - Institutional and Social
-  Il - Light Industrial
-  Ig - General Industrial
-  Po - Parks and Open Space



OVERVIEW MAP

EXHIBIT 3. SUBMITTAL



TOWN OF LAPEL
1011 Main St., Lapel, IN 46051
planadmin@lapelindiana.org

BZA APPLICATION

* Required sections to fill out

Application type*:

- ☒ Variance of Development Standard(s)
☐ Special Use
☐ Administrative Appeal

For office use only:

App No: BZA-2025-04
Date received: 07-25-2025
App fee: \$225
Fee paid by: ☐ Cash ☒ Check
Check #: 26408

PROPERTY INFORMATION*

Address/Location: 825 ~~1011~~ Main Street Lapel Indiana 46051
Parcel(s) ID(s): 48-1028-104-121.000-032
Current use: Bank Current zoning: C2 Downtown Commercial
Request code reference: V7.2.15.B Project total size: Acres .14
Request description: Waive off-street parking requirements.

PROPERTY OWNER INFORMATION*

Name: Brownsburg East 56th Street, Inc
Mailing address: 900 E. 56th Street
City/Town: Brownsburg Zip code: 46112
Email: jfenwick@statebank1910.bank Phone #: 317-858-6186

APPLICANT INFORMATION* ☐ Same as owner

Name: Dave Montgomery Title: Designer
Company name: krM Architects
Mailing address: 1020 Jackson Street
City/Town: Anderson, In. Zip code: 40016
Email: dmontgomery@krmarchitecture.com Phone #: 765-620-4079

NOTE: The person listed as applicant will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.

COMPLIANCE WITH VARIANCE OF DEVELOPMENT STANDARDS CRITERIA*

The Lapel Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

No the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the property, The remodeled building will be getting an upgrade, offering both aesthetic and functional improvements while preserving the building's history and reducing waste compared to new construction. These upgrades will revitalize the space, and downtown area of Lapel. Adapting it for modern needs while maintaining its unique character.

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

Revitalizing an older building can attract new businesses, create jobs, and increase property values in the surrounding area.

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

The strict application of zoning ordinances can create practical difficulties due to unique property characteristics or unforeseen circumstances, making it impossible to develop or use the property as intended without a variance. There is currently a lot of downtown parking within 700 feet. It won't be a hindrance to the downtown area.

APPLICANT AFFIDAVIT

STATE OF Indiana
COUNTY OF Madison S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: Dave Montgomery

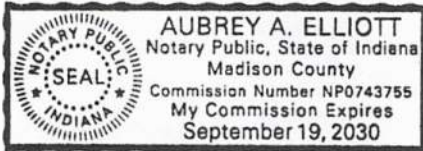
Applicant signature: Dave Montgomery

Subscribed and sworn to before me this 25 day of July, 20 25.

• Notary printed name: Aubrey A. Elliott

Notary signature: Aubrey A. Elliott

My commission expires: Sept. 19, 2030



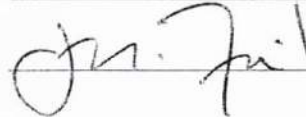
OWNER AFFIDAVIT

STATE OF Indiana
COUNTY OF Madison S.S.

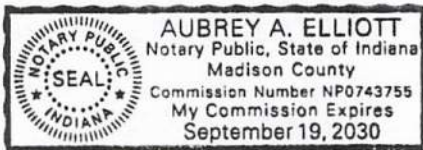
The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Brownsburg East 56th Street, Inc
Owner printed name**: Jason Fenwick - Treasurer

Owner signature**:



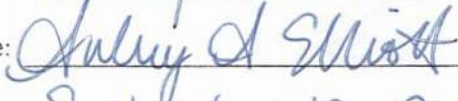
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application. Subscribed and sworn to before me this 25 day of July, 20 25.



Notary printed name:

Aubrey A. Elliott

Notary signature:



My commission expires:

September 19, 2030

*** A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

PLANNING IN LAPEL

C2 District Parking Requirements

Contents

1. C2 Zoning District Intent
2. C2 District Map (Annotated)
3. C2 Parking Requirements
4. C2 Parking Design Standards
5. Parking Requirements Conformity
6. Existing Off-Street Parking
7. Existing On-Street Parking
8. Further Recommendations
9. References and Further Reading

C2 Zoning Intent

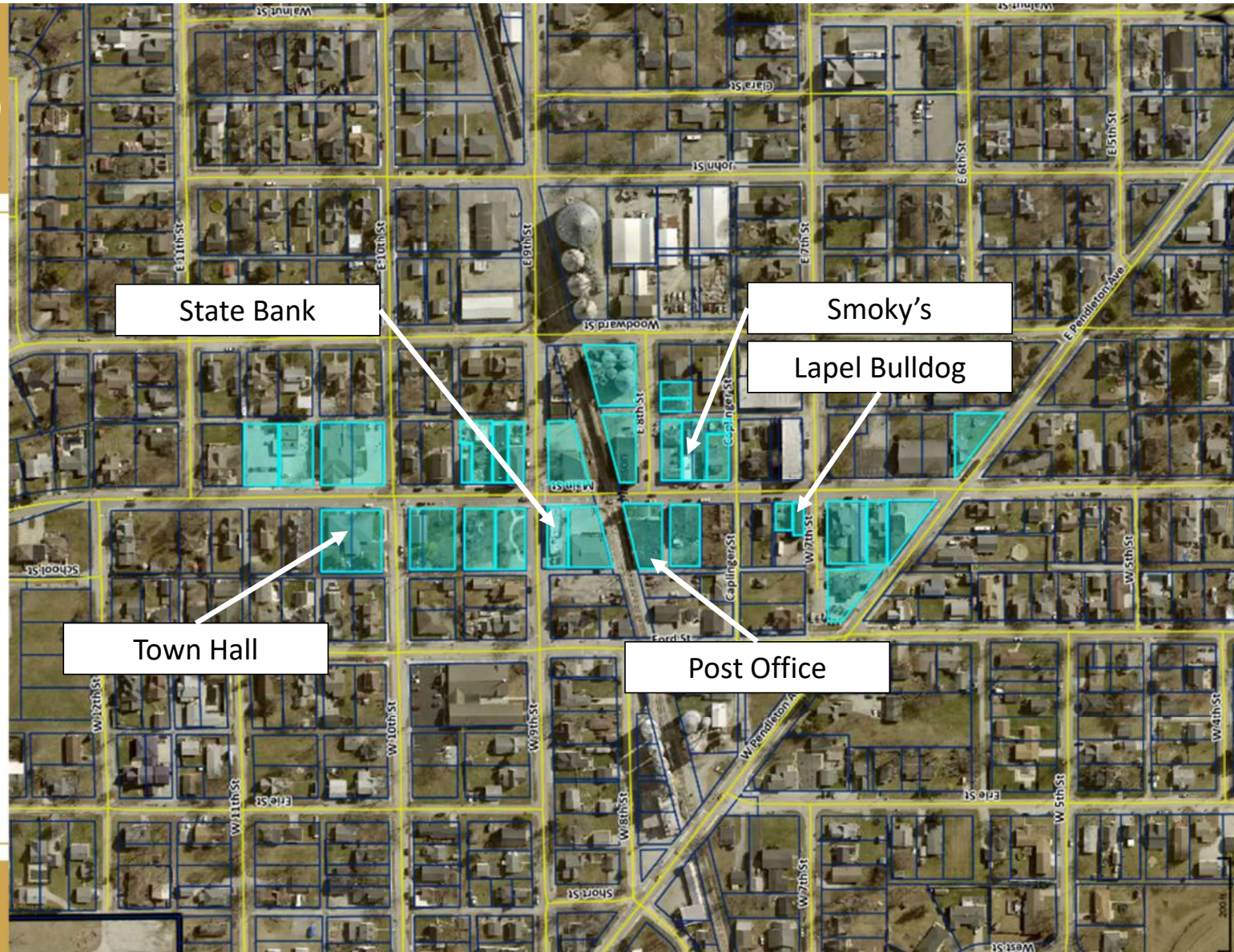
The "C2", Downtown Commercial District is intended to provide for the **continued viability** of the historic central business district. This district is also intended to **accommodate and support the use of existing structures within the downtown**. It is further intended to permit the continued, contextually appropriate, development of the area through re-use, infill, and mixed-used development.

C2 District Map

N <

Includes:

- 28 buildings
- 21 businesses
- 11 residences
- 1 park
- 1 parking lot



C2 Parking Requirements

V7.2.15. Parking Standards

- 1.5 **off-street** spaces per dwelling unit and 1 visitor parking space for every 2 units
- 1 **off-street** space for every employee working the longest shift (FTE)
- 0.5-1 **off-street** space for each business vehicle on site
- 0.5-1.5 **off-street** spaces according to square footage/seats in an auditorium or dining room

C2 Parking Design Standards

V7.2.15. Parking Standards

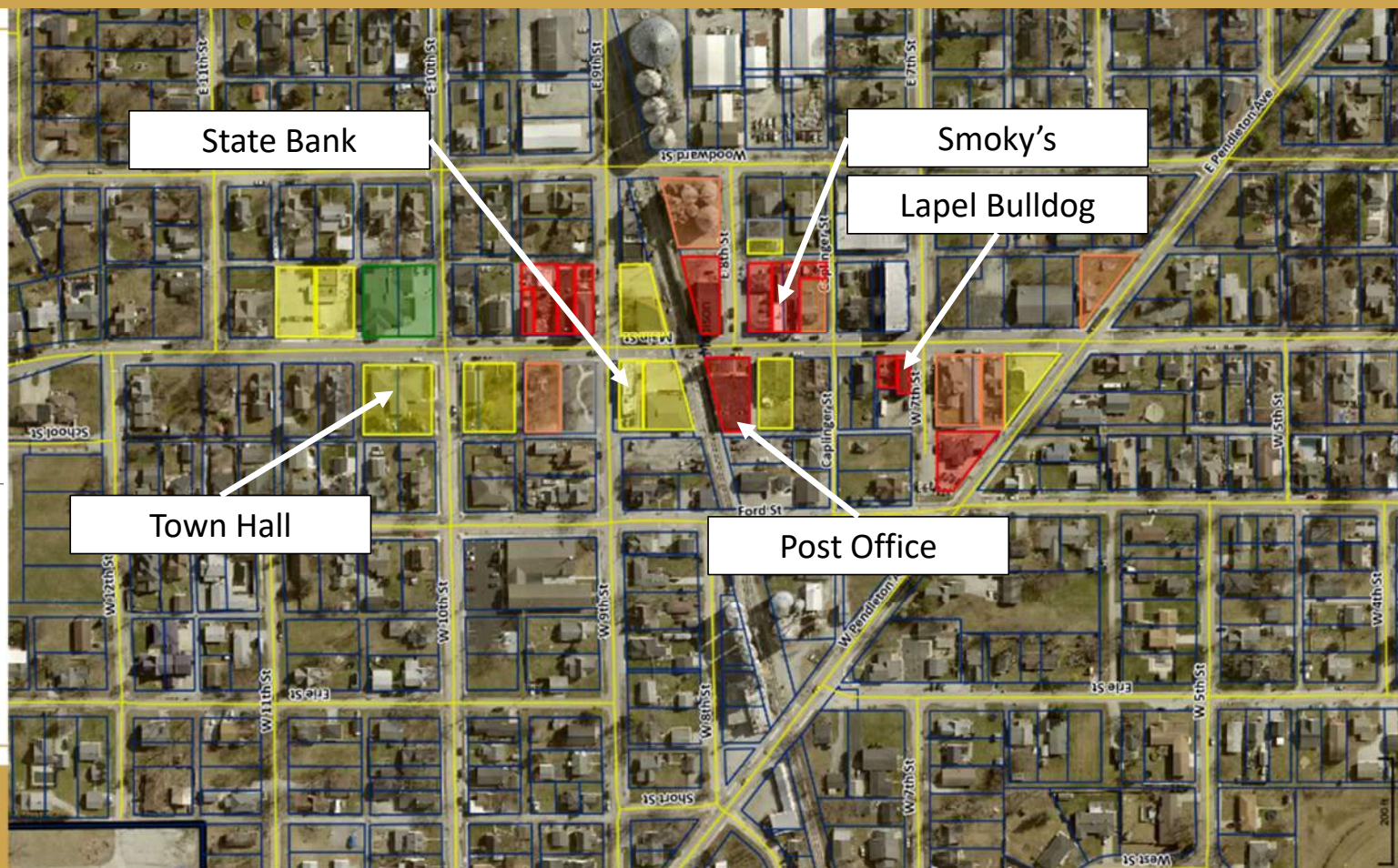
- *Parking lots must be **paved** and **spots clearly marked with paint***
- *Parking spaces shall be placed so that they **do not require vehicles to maneuver in a public ROW or entrance drive***
- *Parking lots must be **fully curbed** and have wheel stops as necessary*
- *Parking lots must have **lighting** and **landscaping** (if 6 or more spaces)*

Parking Requirements Conformity

N <

Current C2 Zoning would require a minimum of **287 off-street spaces**. When the required parking stall and drive aisle dimensions are included, this would amount to over **115,000 sf**.

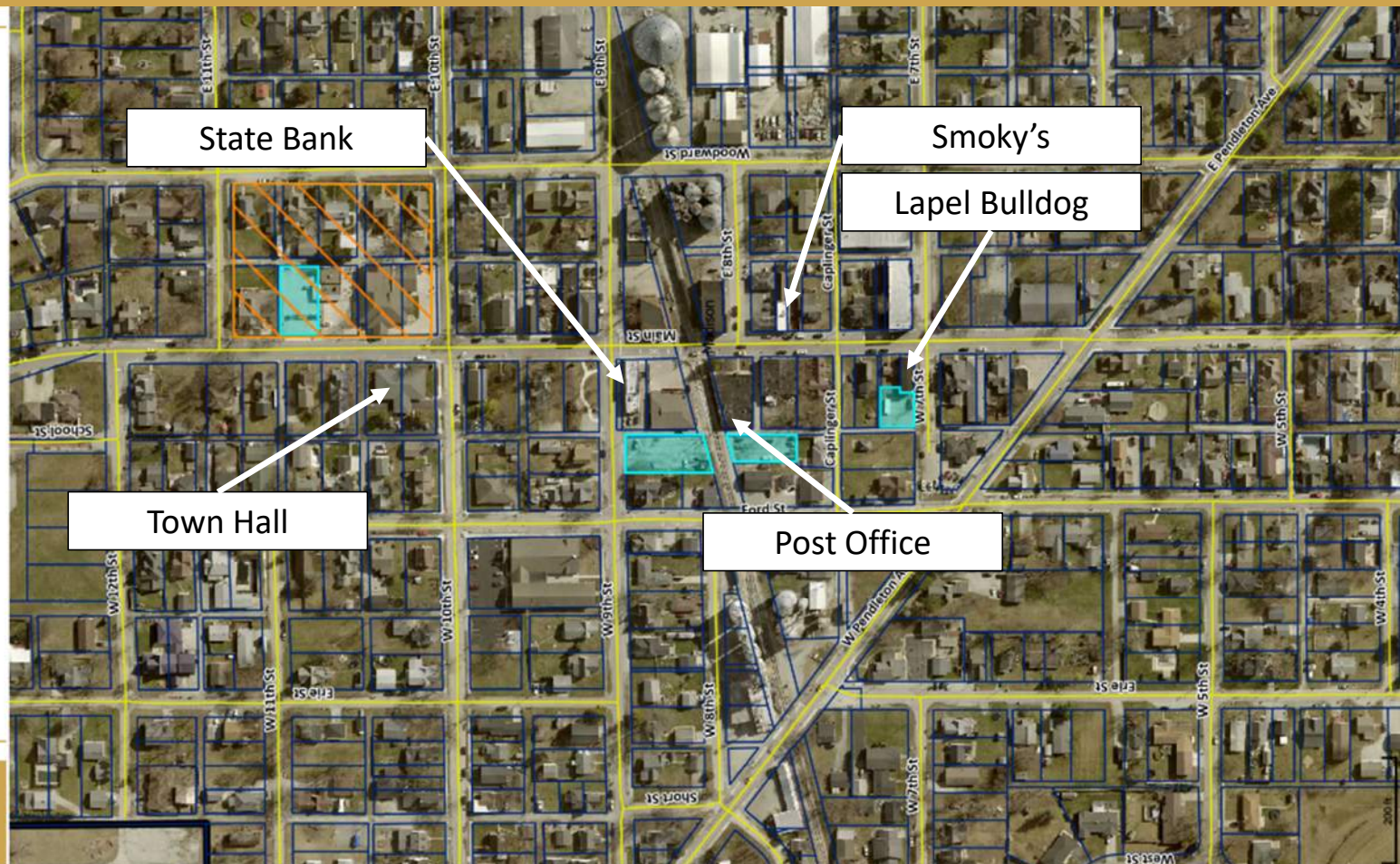
- CONFORMING
- NON-CONFORMING DESIGN
- NON-CONFORMING DESIGN AND USE
- CANNOT CONFORM
- NO REQUIREMENTS



Existing Off-Street Parking

N <

Currently vacant parcels used for parking (cyan) total about 33,976 sf, which is only about **1/3** of the estimated space needed to bring all existing buildings into conformity (orange).



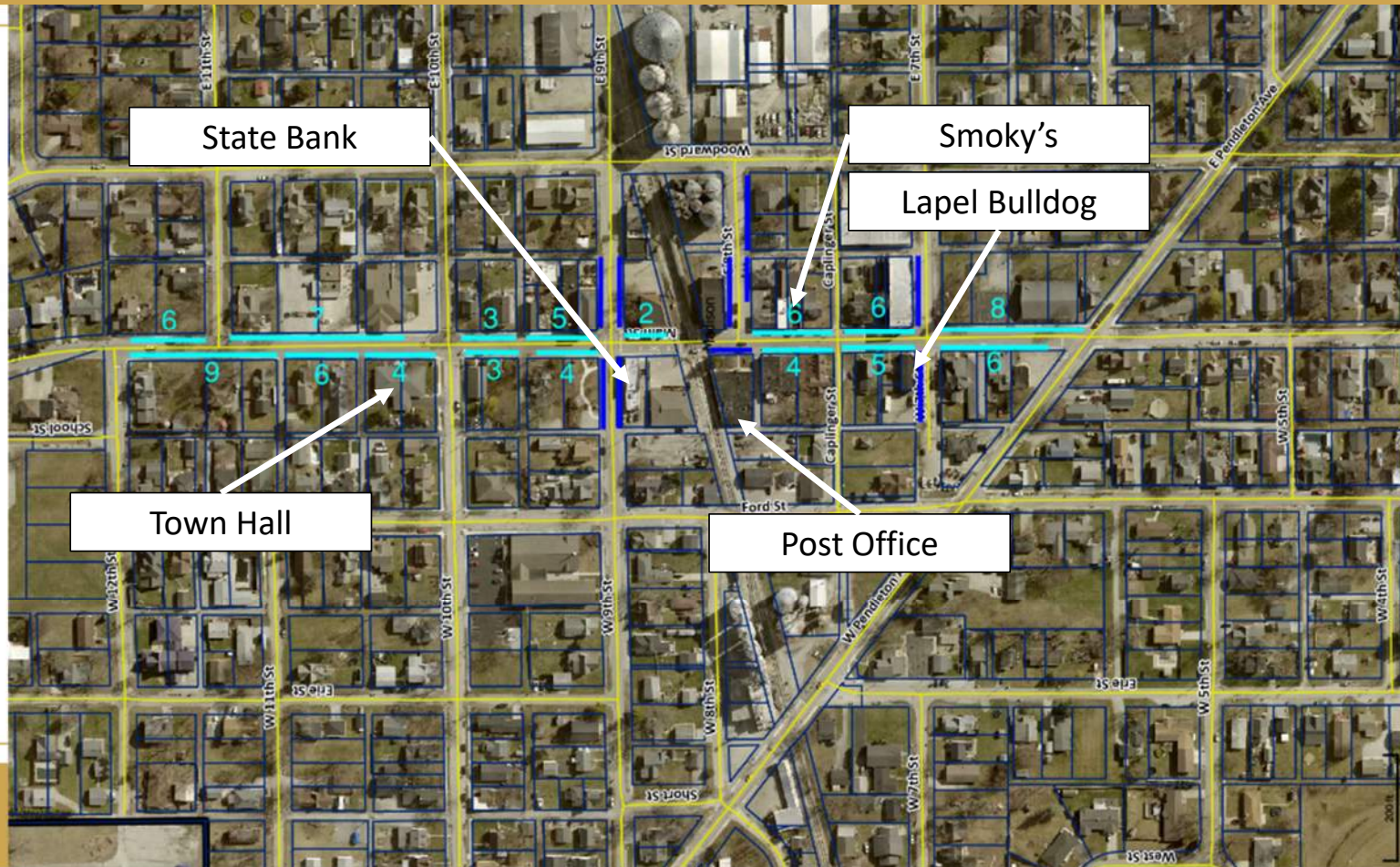
**What can be done to
better align parking
standards with zoning
intent?**

Remove Off-Street Parking Minimums

N <

On Main Street, there are already **84** marked on-street spaces with space in the rights of way on either side to add around **36** more marked and properly paved/maintained spaces.

For standard operations, existing on-street parking is sufficient to meet current demand, and it is unnecessary to require new businesses to provide additional off-street spaces.



Further Recommendations

- Allow on-street parking to be factored into required parking
- “In lieu” fees – charge applicants for each spot they don’t provide
- Fees could be set aside to fund road maintenance or maintenance of on-street parking
- Loosen design standards and encourage greater use of alleys

References and Further Reading

- [Best Practices: Parking Management & Design](#). Des Moines Metropolitan Planning Organization
- [Planning for Whole Communities Toolkit - Parking Management](#). Puget Sound Regional Council
- [Parking Policy Innovations in the United States](#). Urban Land Institute