



**Board of Zoning Appeals Staff Report
Department of Planning and Building
Town of McCordsville**

July 1, 2020

Project: The Studio: A Hair Salon, BZA-20-005

Petitioner: Lindsay Syrus

Location: 6300 W. Broadway (Alice's Antiques)

Request: The petitioner's request seeks a multiple Development Standard Variances to allow a hair salon to be operated on the property.

Staff Review: Background: This property has been operated as an antique store for many years. It is part of one of the oldest plats in McCordsville.

Existing Conditions: The site is developed as an antique store. Vehicular access to the property is shared with the parcel to the east. The property is zoned Neighborhood Commercial (CN).

Surrounding Land Use & Zoning: The surrounding land uses are as follows:

- North: Across the railroad tracks is developed (SLBC & Trax BBQ) property zoned CN
- East: Developed (Second Stories) and a single-family home both zoned CN
- South: Across W. Broadway is developed (used car lot & UMC) property zoned Old Town (OT)
- West: Developed (GT Services) property zoned CN

The petitioner is requesting approval of eight (8) Development Standards Variances from the Sections listed below.

Variance #1 – Section 6.02(A)

The setbacks in the CN District are front-yard: 50', side-yard: 10', and rear-yard: 20'. The existing building is considered legal, non-confirming and since there is no change to the building's location in relation to the ROW, the petitioner is in compliance in regard to the front-yard setback. The petitioner is proposing reductions in both the side-yard and rear-yard setbacks to provide for on-site parking.

Variance #2 – Section 6.10(B)(4)(a)

This section requires a solid shrub row and trees, planted 50' on center, along the perimeter of all parking lots that are visible from a street or abut a side or rear property line. The petitioner is proposing an alternate landscape plan, due to the reduced setbacks that would not include all the required plantings.

Variance #3 – Section 6.05(E)(1)(b)(iii)

This section requires a minimum driveway width of twenty-four (24') feet. The petitioner is proposing a minimum twenty (20') feet driveways due to the size of the lot and proximity of existing buildings.

Variance #4 – Section 6.05(E)(2)

This section requires a hard-surface for all parking spaces and drive-aisles. The petitioner is proposing to install asphalt for the rear parking lot, while leaving the main drive and front parking spaces gravel for up to twenty-four (24) months.

Variance #5 – Section 6.12(D)(1)

This section requires a streetlight every 125' on center along W. Broadway. The petitioner is not proposing to install a streetlight due to the width of the property (62') and questions regarding location and spacing.

Variance #6 – Section 6.11(A)(2)

This section requires a small buffer-yard between any commercial use and a residential use. The petitioner is not proposing a small buffer-yard between their property and the adjacent residentially used property to the northeast.

Variance #7 – Section 5.02(E)(6)(a)

This section requires a sidewalk along the front façade of the building and a connector sidewalk out to a perimeter sidewalk. The building currently includes a concrete patio, which essentially functions as the façade sidewalk.

Variance #8 – Section 5.02(E)(6)(a)

This section requires one (1) parking space for every employee (on largest shift) and one (1) space per 300 square feet. Depending upon the number of stylists on shift at one time, the code would require anywhere from 8-12 parking spaces. The petitioner's plan currently shows 8 parking spaces on-site, plus some additional spaces either off-site or accessed off-site.

Staff Comments:

The parcel is less than a 1/3 of an acre. This parcel has been existence in this configuration for decades, and is considered legal, non-conforming. The petitioner proposes no changes to the parcel itself. Much of the variance requests below are directly related to the size of the parcel. The site does not feature its own dedicated vehicular entrance, and much of the existing parking for the site is located off-site. This is fairly common for development of this age; however, it presents challenges for modern day redevelopment/rehabilitation. More detailed staff comments related to each variance request are denoted below.

Variance Request #1

The only location to add parking to the site is to the rear of the building. This location is preferred by our Zoning Ordinance. The petitioner's concept plan seeks to add seven (7) parking spaces to the rear of the building. In order to provide said parking and the necessary drive aisle, setback variances are necessary. The petitioner proposes a 2' side-yard parking setback along the west property line, a 5' side-yard parking setback on the east property line, and an 18' rear-yard parking setback. While historically some parking has been off-site, there are no formal, written agreements amongst the various owners. Staff has recommended the petitioner seek to add their own parking on-site. The petitioner's concept plan shows this parking, and staff is in full support of the setback variances necessary to add this parking. This parking is necessary to make this redevelopment/rehabilitation possible.

Variance Request #2

The Town's standard landscape package around the perimeter of parking lots is not possible due to the reduction of the setbacks necessary to add the parking. Again, in attempting to modernize this property, and thus make it possible to give it new life as a hair salon, or frankly any other commercial use, the parking is necessary, which in turn makes the setback and landscape variances necessary. Without the parking, redevelopment of this parcel is simply not possible. The petitioner is proposing a 5' setback adjacent to the residentially used parcel, this will allow for a solid shrub row to be installed which can provide some screening.

Variance Request #3

Historically access to the property has been done in a few ways. There has been a shared access point between this parcel and the parcel to the east. There is gravel drive across the rear of this property and the adjacent properties, and more recently as the curb line of W. Broadway has become mostly non-existent the entire frontage is used for access. In order to modernize the development, staff has requested the following: (1) a shared access point and drive aisle between this parcel and the parcel to the east. This shared access would need to be memorialized as a legal, written agreement between the owners. (2) The rear access drive can remain, but unless there are formal written agreements, the Town would not recognize that as a "legitimate access point" and therefore we can not get involved in any future disputes over that drive. (3) The "free-for-all" access across the entire frontage is not acceptable to the Town moving forward. It's simply not safe.

The petitioner has agreed to work with the property owner to the east, to secure a written agreement confirming the shared access drive. The petitioner understands the Town's view of the rear access drive, and they understand our perspective on the frontage access issue. The petitioner has committed to creating two parking spaces immediately in front of the building, running parallel to the roadway and then installing grass between those spaces and the

road right-of-way. This assures the Town that the “free-for-all” access across the frontage will go away, while also adding aesthetic value to the streetscape.

Variance Request #4

The petitioner is proposing to asphalt the rear parking lot during the initial redevelopment/rehabilitation of the property. They are seeking to keep the gravel for the shared access drive and the two (2) front parking spaces. They have voluntarily committed to that gravel only staying temporarily for a maximum of twenty-four (24) months, at which point they would asphalt those areas as well. Staff has some concerns over this. Our preference would be to asphalt the driveway and the two front parking space initially, with a 24-month window for the rear parking lot.

Variance Request #5

There are currently no decorative streetlights along this stretch of W. Broadway. The nearest lights are, to the east in front of CVS, and to the west, in front Gateway Crossing. Ideally, the Town would have a detailed spacing and layout plan for streetlights. We currently do not have anything more detailed than the spacing requirement in the Zoning Ordinance. At this time, staff does not feel it is wise to require the petitioner to install a single streetlight on their parcel’s frontage. The Town prefers to wait until we have a more detailed plan and schematics. Additionally, the Town is going through some potential changes to our streetlight style, which may further impact streetlight spacing in the future, not to mention potentially create different light styles in the same area.

Variance Request #6

A small buffer-yard is required between commercial and residential land uses. However, much like Variance #2, this landscaping is simply not feasible, due to the parcel size. If the Town wants to modernize development on this site with adequate parking this variance is necessary.

Variance Request #7

There is no pedestrian infrastructure in this area of Old Town. While adding that infrastructure is a goal of the Town, it will be a lengthy and challenging process to do so. We do not believe forcing this petitioner to install a sidewalk prior to having a more detailed plan, and legitimate curbs in place is wise. Therefore, staff has requested the petitioner commit to providing the town with a public pedestrian access easement across the frontage, so when the town does take on a larger pedestrian infrastructure project, we can do so without the need to acquire easement on this property.

Variance Request #8

The petitioner is still determining the exact number of chair and stylists she may have. Ultimately, this site probably maxes out at 8-9 parking spaces, plus whatever shared parking agreements can be worked out in the future by the petitioner. Is the proposed parking ideal, probably not; however, due to the size of the parcel, ideal parking is simply not plausible. A hair salon is a fairly low parking generator and therefore we see this use (aka its parking) as a good

option for this property. Ultimately, if the petitioner is very successful here, she may at some point have to move onto a bigger property, but this redeveloped/rehabilitated property will still be in better position for the next user. Additionally, this limited parking may become, in the future, an issue for a few of our businesses in Old Town as new uses move in and drive more customers to the area. At some point, the Town may have to consider acquiring land for public parking in Old Town.

In summary, staff is supportive of the petitioner's request. As noted above, we would prefer a different phasing of the asphalt work and we would like to see some discussion regarding that issue during the meeting. However, overall, this is a really good proposal, that will make a positive impact on Old Town. Following any discussions/questions from the Board, and the public hearing, staff would be supportive of the project, with the following suggested conditions of approval:

- The petitioner commits to dedicating to the Town a public pedestrian access easement across their frontage for purpose of allowing the Town to construct a sidewalk in the future that would be used by the general public. This dedication would be required upon the Town's request.
- The petitioner commits to converting the gravel area along the frontage into turf grass along with the initial work on-site. This area shall be maintained as grass in perpetuity. This does not exclude the petitioner from having a maximum of two parking spaces and an access drive, both as generally shown on the Concept Plan.
- The petitioner secures a shared access easement along their eastern property line from the landowner to the east for the purpose of creating a shared access drive. This would need to be a legal, written agreement, executed prior to permits being issued for any site work.
- The petitioner understands that the westernmost of the two front parking spaces is not accessed via their parcel and if they cannot secure a legal, written agreement for said access, the Town will not be involved in any disputes between the property owners.
- The petitioner understands the rear access drive is not currently memorialized by any legal, written agreement and therefore the Town will not be involved in any disputes between the property owners.
- The petitioner commits to installing perimeter parking lot shrub plantings, in accordance with the Town's Zoning Ordinance along the two front parking spaces at the time those spaces are asphalted.
- The petitioner commits to installing perimeter parking lot shrub plantings, in accordance with the Town's Zoning Ordinance along the property line adjacent to the residentially used parcel. The petitioner shall work with the Town to utilize a hardy shrub species that can grow in a narrow, but upright fashion, to create the best screening possible.
- The minimum number of legal parking spaces shall be no less than seven (7). For the purposes of this discussion, legal parking spaces shall

mean any space located on or off-site that the owner has a legal, written right to use and legal, written way to access said space.

- The minimum setbacks for the rear parking lot and drive aisle are as follows:
 - West property line: 1'
 - North property line: 18'
 - East property line: 5'
- The minimum access drive and drive aisle widths, for two-way traffic, shall be twenty (20') feet.

The BZA may include conditions of approval noted above, and if so, those conditions should be incorporated into the ballots. They may be amended, added to, or removed by the BZA. The petitioner also has the right to request them to be amended, added to, or removed until the time the BZA has made a motion on the conditions.

Decision Criteria:

The BZA has four (4) options in considering this request; the Board may approve, approve with modifications, deny, or continue this petition.

Existing Conditions

THE TOWN OF
McCORDSVILLE



Next Stop  McCordsville



Zoning

THE TOWN OF
McCordsville



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