

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: September 6, 2023

PETITIONER: Rachel Ferryman

PETITION: BZA-23-014 (Seasons of Life Flowers)

EQUEST: Petitioner requests approval of a Special Exception and Development Standard Variances for an expansion of a legal, non-conforming structure.

LOCATION: The property is located at 6468 W Broadway.

ZONING: The property is zoned Commercial Neighborhood (CN) Zoning District.

<u>Zoning</u>	<u>Land Use</u>
North: CN	Restaurant/Brewery
South: OT	Bank
East: CN	Computer Repair Shop
West: CN	Auto Sales

STAFF REVIEW: The proposed use, as noted above, is a commercial use inside what once was a single-family residential structure. The petitioner is the business owner, and it is their intent, if approved, to operate a +/- 1,580 square foot retail flower shop at this location.

Special Exception – 154.183(A)(2)

Special Exception: The existing home was built prior to the adoption of the Town's Zoning Ordinance. It does not meet the Town's front-yard setback, or the side-yard setback (along the east property line). The petitioner is re-building a portion of the structure and expanding the structure to include porches. The proposed land use is permitted in the CN zoning district. Additionally, staff feels the proposed land use for this location is appropriate and represents a great opportunity for re-development of this parcel. While the addition of the front porch will bring the structure closer to the right-of-way, the front porch will also greatly increase the character and attractiveness of the structure. If approved, the porch will be approximately 25' from the curb-line of W Broadway. This depth of setback is not uncommon in Old Town, and in fact is further from W Broadway than the computer repair shop immediately east. Staff is in support of the Special Exception.

Variance #1 – 154.111(A)

FY Setback: Staff is in support of the Front Yard Setback variance for the reasons noted above.

Variance #2 – 154.111(A)

SY Setback: The existing structure encroaches into the Side Yard Setback (on the eastside of the property). Additionally, the drive aisle along the westside of the property will likely encroach into that Side Yard Setback. This is a very small parcel – approximately 0.25 acres. There are established businesses on both sides of this parcel. While combining small parcels for redevelopment purposes is many times ideal, that does not appear to be a realistic opportunity for this project. Staff strongly feels this land use is the highest and best use, and therefore, staff is in support of the petitioner maximizing the parcel by encroaching into the Side Yard Setbacks.

Variance #3 – 154.111(A)

RY Setback: The petitioner is proposing placing parking 15' into the 20' Rear Yard Setback. Again, due to the size of the parcel, encroachments are necessary to make a commercial establishment work on this property. Staff is in support.

Variance #4 – 154.114(E)(5)

Parking: The building at build-out is proposed to be 1,580 SF. The code requires 1 space per 300 SF + 1 space per employee on largest shift, which would create a requirement for 6-7 parking spaces (depending upon employee count). Staff is currently working with the petitioner on parking plan tweaks. We believe the site can provide at least 6 parking spaces. Assuming we can get to at least 6 spaces, staff is in support of this variance.

Variance #5 – 5.04(D)(5)(a)(2) (uncodified Overlay citation)

Foundation Plantings/Sidewalk: The new Overlay includes a requirement for 12' wide area along all front facades and facades featuring parking for foundation sidewalks and planting beds. The petitioner is proposing beds on the north and south sides of the building but will not have foundation sidewalks in the traditional sense. Due to the small front-yard and proximity of the sidewalk along W Broadway, an additional foundation sidewalk is not needed and frankly over-kill. Staff is in support.

Variance #6 - 5.04(D)(5)(c) (uncodified Overlay citation)

Crosswalks: The new Overlay requires a paver or stamped crosswalk across drive aisles. The drive aisles on this site will not feature enough traffic to warrant paver or stamped crosswalks. Staff is in support.

Variance #7 - 5.04(D)(13)(4) (uncodified Overlay citation)

Streetlight: The Code requires streetlights along W Broadway. Consistent spacing of streetlights is vitally important, and currently the Town has not extended any streetlights in the nearby vicinity. This makes estimating spacing and intervals extremely difficult. In addition, this parcel is +/- 100' wide. The streetlight spacing is 125', so depending upon how the intervals spaced out, a streetlight might not even be located adjacent to this parcel. Therefore, the Town would be better served to support a variance for the streetlight.

Variance #8 – 154.148(A)(2)

Ground Signage: The Town's ground sign standards include a requirement for a masonry base. The petitioner has not designed a ground sign at this time but is seeking a variance from the masonry base requirement. All other aspects of the Town's ground signage regulations would remain in place.

STAFF RECOMMENDATION:

Staff is in support of the requested Special Exception and Variances, so long as the following conditions of approval are accepted by the petitioner and approved by the Board of Zoning Appeals.

Suggested Conditions of Approval:

Special Exception:

- Vinyl siding shall be prohibited. Siding materials shall be limited to fiber cement, brick/stone, and/or other materials approved by the ARC. Brick/stone shall not be required.
- The general architectural character and quality shall be in keeping with the elevations provided.
- Sconce or accent lighting shall be installed on the front façade.

Front Yard Setback

- The building, including the front-porch, shall be no closer than 25' from the existing curb-line of W Broadway.
- Wall signage shall not exceed 30 square feet and shall not be internally illuminated.

Side Yard Setback

- Side Yard Setback encroaches shall be as presented.

Rear Yard Setback

- A minimum 5' wide landscape area shall be provided along the north property line. This landscape area shall feature shrub plantings at a rate of 1 shrub per 4 lineal feet.

Parking

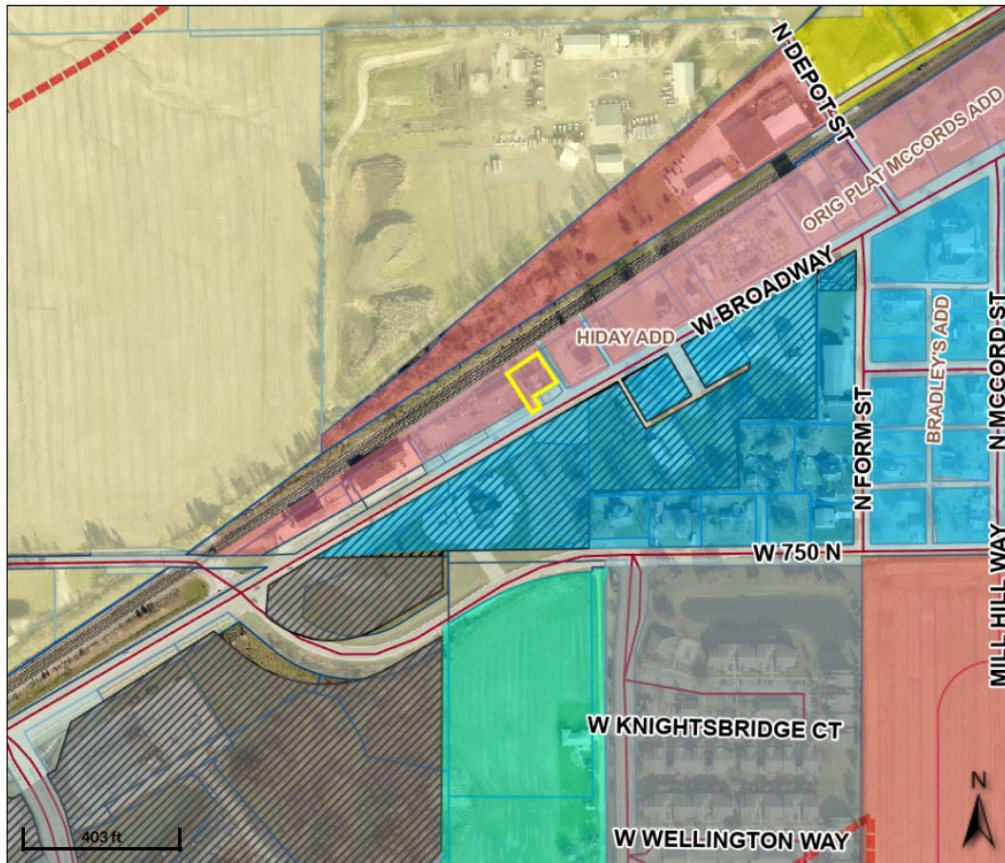
- A minimum of 6 parking spaces shall be provided.

Foundation Sidewalk/Planting Area

- A foundation sidewalk shall not be required, so long as there is a paved pedestrian connection from the front porch to the drive aisle and to the perimeter sidewalk.
- Foundation planting beds shall be required along the north and south building facades.
- The petitioner has committed to providing a small foundation planting bed along the east façade, if the drive aisle can be located in a manner which allows the bed. The Zoning Administrator shall be charged with determining whether this is possible based upon review of the site plan and taking into account vehicle access and maneuverability needs.

Ground Signage

- The Town of McCordsville ground signage standards will apply, except a masonry base shall not be required.



Overview







Legend

Commercial within PUDs

-  Bay Creek Commercial
-  Berkshire Commercial
-  Gateway Crossing Commercial
-  Old Town Commercial
-  Villages at Brookside Commercial

Corporate Limits

Roads

-  I
-  S
-  U
-  <all other values>

Subdivisions