

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report
Meeting Date: April 3, 2024

PETITIONER: Michelle Brannon

PETITION: BZA-24-004, In-home Daycare

REQUEST: Petitioner requests approval of a Special Exception for an in-home daycare as a home occupation, and various accompanying Development Standard Variances.

LOCATION: The property is located at 5872 W CR 500N

ZONING: The property is zoned R-3.

The zoning and land use for the surrounding area are noted below:

Zoning

North: I-1

South: Hancock County IBP

East: I-1

West: R-3

Land Use

Landscape Nursery

Industrial

Single-family residential

Single-family residential

STAFF REVIEW: Special Exception

The petitioner seeks to allow an in-home business (daycare) within the residential structure. The petitioner does not seek to make wholesale changes to the property, but essentially maintain the current residential character of the property. Such an in-home business does come with some special requirements, and therefore the petitioner is requesting a few variances. Additionally, the petitioner will need to meet any requirements of state agencies, (ie. Family and Social Services Administration, Dept. of Homeland Security) and the Buck Creek Fire Department.

As a part of the Special Exception the petitioner is also seeking the following variances:

1. **Business Area:** The Zoning Ordinance limits the home occupation to no more than 25% of the overall area of the structure, and the petitioner would like to use more than 25%.

2. Entrances: The Zoning Ordinance does not permit any additional entrances to the dwelling. The petitioner would like the ability to add an entrance, if required by other agencies.
3. Parking: The Zoning Ordinance does not allow additional parking spaces greater than necessary for a residential dwelling.
4. Signage: The petitioner would like the ability to add a ground sign to the property.

If approved, any limitations/restrictions for Home Occupations detailed in the Zoning Ordinance, apply to this in-home business, unless variances are granted. The full list is enclosed as Exhibit A.

STAFF RECOMMENDATION:

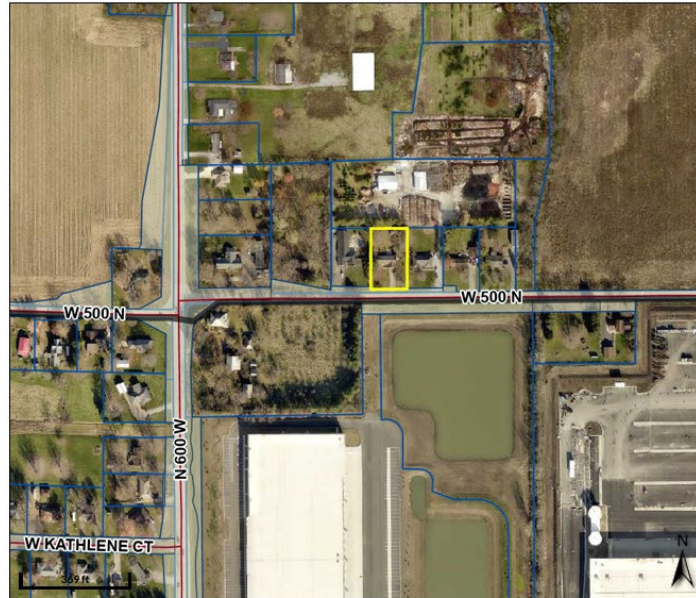
The Town's Zoning Ordinance includes a number of restrictions for home occupations, attached as Exhibit A. Those restrictions are intended to protect the residential character of the home and property. The petitioner has stated they can comply with those regulations, except for the variances listed above.

Staff is in support of both the Special Exception and the variance requests. This property is appropriate for an in-home business use, as it is located along a Collector roadway, in an area that already contains a mix of land uses. Staff has developed a list of suggested conditions of approval, which are denoted below.

1. The primary operator of the in-home daycare shall reside at the home on the subject property.
2. There shall not be more than one on-site employee of the business that is not residing at the home on the subject property.
3. A minimum of two (2) and maximum of three (3) parking spaces shall be installed. These parking spaces shall be perpendicular to the driveway and allow for vehicles to make a 3-point turn on the property, utilizing the driveway, so that vehicles can exit onto CR 500N in a "forward" manner. These parking spaces shall be permitted to be gravel.
4. The maximum ground sign size shall be a sign area of sixteen (16) square feet. The ground sign is not required to feature a brick base but shall be landscaped in accordance with the Town's requirements.
5. This Special Exception shall run with this operator/owner and shall not run with the land.

The BZA may include additional conditions of approval, 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.

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

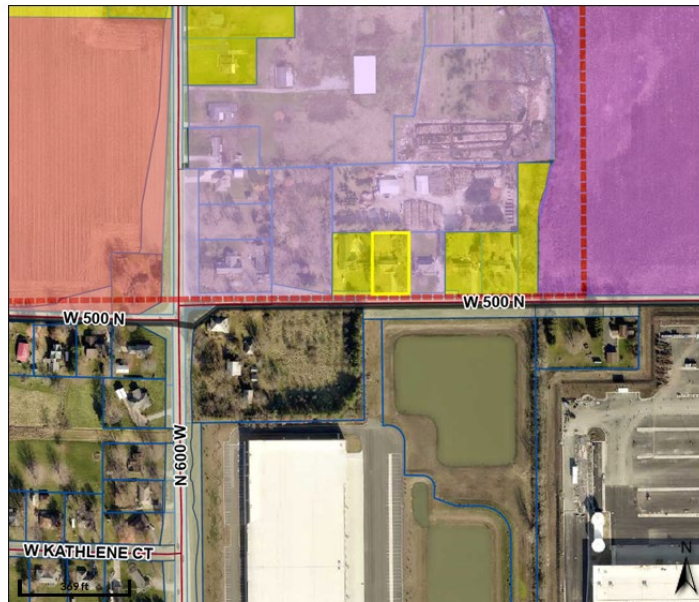


Overview



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



Overview



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- Commercial within PUDs
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 - I
 - S
 - U
 - <all other values>
- Rights of Way
- Parcels

Exhibit A

(A) *Purpose and intent.* The purpose of these home occupation standards is to establish minimum requirements for home-based businesses in order to protect the residential character of the McCordsville Community, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.

(B) *Applicability.* A home occupation may be permitted, subject to Board of Zoning Appeals approval of a special exception use, as an incidental use to any residential dwelling. In order to be considered a permitted home occupation, the use shall comply with the requirements of this section.

(C) *Activities.* The face-to-face wholesale/retail sale of stocked inventories is not permitted, except for incidental sales that do not exceed 25% of total home occupation sales. Mail-order/telephone/internet sales, as well as distribution of sold merchandise, is hereby permitted. Manufacturing activities are hereby expressly prohibited.

(D) *Effects of operation.* There shall be no equipment or process used in the home occupation that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, off the premises (as determined by the Administrative Officer, or his or her designee). There shall be no electrical or mechanical equipment utilized in the home occupation that will create any visual or audible interference with radio or television reception.

(E) *Owner/operator.* At least one person residing within the dwelling must be the primary operator of the home occupation.

(F) *Employees.* The home occupation may not involve the on-site employment or regular on-site gathering of any more than one person, other than those residing at the location of the home occupation.

(G) *Outdoor storage/display.* There shall be no exterior storage of products, equipment or materials that are related to the home occupation.

(H) *Business area.* The home occupation may be located within the dwelling and/or an accessory structure, but shall not exceed a total area of 500 square feet. The home occupation must utilize no more than 25% of the total floor area of the dwelling.

(I) *Structural alterations.* The home occupation must not require any structural or aesthetic alterations to the dwelling and/or accessory structure that changes its residential character as described below:

(1) *Dwelling appearance.* The dwelling and/or accessory structure shall not be altered in its appearance and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.

(2) *Entrances.* The home occupation shall not require any additional entrances to the dwelling and/or accessory structure.

(3) *Utility service.* The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence. Illegal discharge to the town's sanitary or stormwater sewers is expressly prohibited.

(4) *Interior alterations.* There shall be no alterations to the interior of the dwelling to accommodate the home occupation that would render the structure undesirable for residential use, as determined by the Administrative Officer, or his or her designee.

(J) *Parking and business vehicles.* The home occupation shall not involve on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required of the dwelling unit by this chapter. In addition, the on-site storage of business vehicles shall meet the requirements of this chapter.

(K) *Deliveries.* The home occupation must not require the regular use of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers. For the purposes of this chapter a commercial vehicle is any vehicle in excess of 16,000 pounds.

(L) *Signs.* No signs of any type shall be used, other than those permitted in the applicable zoning district by §§ [154.140](#) through [154.148](#), Sign Standards, of this chapter.