

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: March 26, 2025

PETITIONER: Star Financial Bank

PETITION: BZA-25-002

REQUEST: Petitioner requests approval of an extension to the previously approved Special Exceptions and Development Standard Variances approved in 2020 for the ITM.

LOCATION: The property is located at 5857 W Broadway.

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

<u>Zoning</u>	<u>Land Use</u>
North: R-2 & CO	Office
South: McCord Square PUD	Mixed-use
East: McCord Square PUD	Undeveloped
West: CN	Retail

STAFF REVIEW: The subject property currently features an ITM with a drive thru. The ITM use was approved in 2020 by the BZA via two (2) Special Exceptions and four (4) variances to enable the construction of an accessory use on a parcel without a primary structure, as presented by the petitioner. A copy of the certification letter from that BZA action is enclosed as Exhibit B.

The petition requests to extend the previous approvals for a period of two (2) years, by which date, the bank branch would be completed. The petitioner has included schematic drawings of the bank branch and site plan in their packet.

The previous approval did include a few conditions, two of which staff feel need to be re-addressed in review of the extension request.

1. A previous condition required the existing ITM to be incorporated into the bank branch. That does not appear to be petitioner's intent, based upon the schematic site plan provided.
2. A previous condition denoted that parking shall not be closer than 28' from the proposed right-of-way line. Staff would like to further clarify this requirement that it be from a future right-of-way line or pedestrian access easement. In the event that

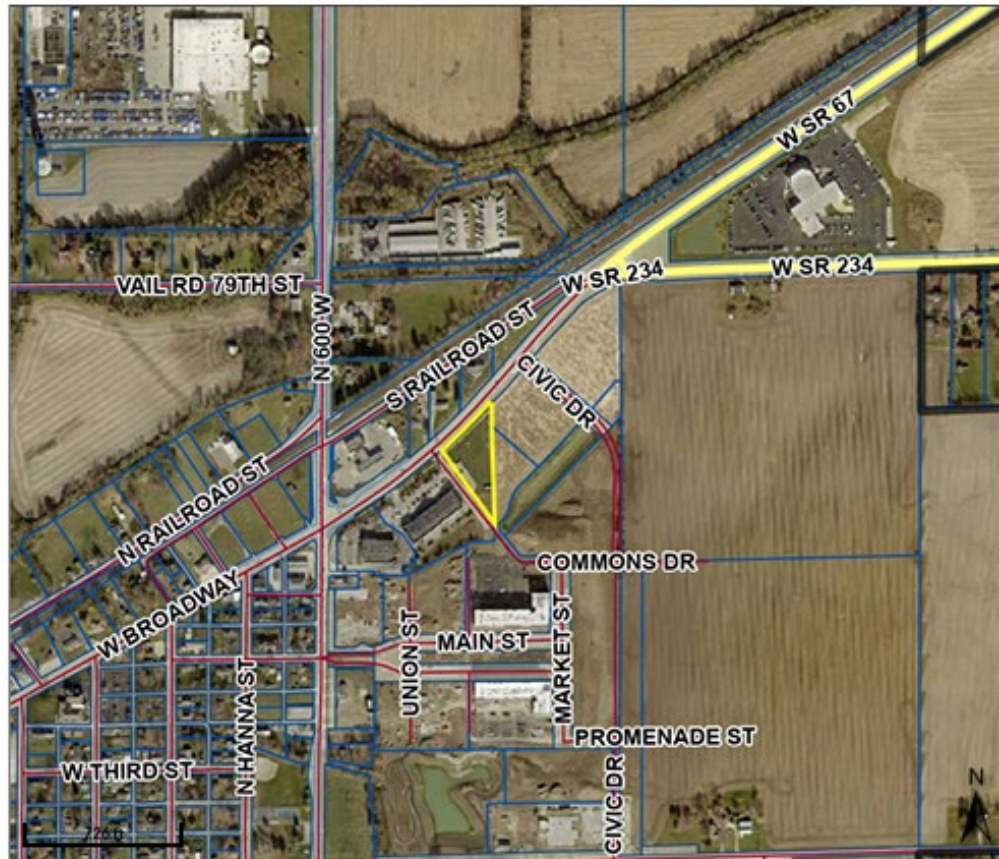
additional right-of-way for the path is not dedicated to INDOT, the Town shall be provided a pedestrian access easement for the path from the edge of right-of-way to 1' off the backside of the path. This has been noted as a suggested condition of approval.

BZA AUTHORITY: § 154.203 states: A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this subchapter for granting a special exception. The petitioner has completed public notice and a public hearing must be held prior to taking action on the extension request.

STAFF RECOMMENDATION: Staff recommends approval of the extension request contingent upon the suggested conditions of approval below.

1. The branch shall receive a certification of occupancy by or before April 27, 2027, or the petition shall be deemed in non-compliance, and the Town may take code enforcement action.
2. The approval of this extension does not constitute approval of the designs presented. All aspects of the project must either meet the Town's Zoning & Overlay Ordinance, or otherwise seek approval from the BZA through the Special Exception or Development Standards process, unless otherwise noted below.
3. The previously approved Special Exceptions for a 24-hour business and drive-thru shall apply to the bank branch, so long as it is constructed and receives a certificate of occupancy by or before April 27, 2027, with the following restrictions:
 - a. The 24-hour business allowance shall only apply to the use of an automated teller machine(s). No other use or operation of the business or property shall occur between the hours of 11:00pm and 6:00am.
4. This extension runs with this petitioner, operating a bank or credit union land use, and not with the land.
5. In the event that additional right-of-way covering the path is not dedicated to INDOT, the Town shall be provided a pedestrian access easement for the path from the edge of right-of-way to 1' off the backside of the path.

The BZA can choose to Approve, Deny, or Continue the petition, following a public hearing.



Overview



Legend

-  Corporate Limits
- Roads
 -  I
 -  S
 -  U
 -  <all other values>
-  Rights of Way
-  Parcels

Parcel ID	30-01-25-200-007.002-018	Alternate ID	30-01-25-200-007.002-018	Owner Address	Star Financial Bank
Sec/Twp/Rng	n/a	Class	443 - Drive-up/Walk-up Only Bank		PO Box 10682
Property Address	5857 W Broadway St	Acreage	n/a		Ft Wayne, IN 46853-0682
	McCordsville				
District	MCCORDSVILLE TOWN				
Brief Tax Description	MCCVILLE CMS S-1 L-2 OF 25-17-5 1.385AC				
	(Note: Not to be used on legal documents)				

Date created: 3/21/2025
Last Data Uploaded: 3/21/2025 6:12:27 AM

Developed by  SCHNEIDER
GEOSPATIAL

Exhibit A – Site Photos



Exhibit B – 2020 Certification Letter



Planning & Building Department
6280 W. 800 N.
McCordsville, IN 46055
Phone: 317-335-3604
Fax: 317-335-9120
building@mccordsville.org

April 27, 2020

Gensic Engineering

Ft. Wayne, IN

Attn: Mike Gensic

Re: Star Financial ITM Special Exceptions and Variances

Dear Mr. Gensic,

On April 1, 2020, the McCordsville Board of Zoning Appeals held a public meeting on the four Variance requests and two Special Exception requests made by Gensic Engineering on behalf of Star Financial Bank. The Board of Zoning Appeals voted 3-0 to grant approval for each Special Exception and each Variance. There were conditions to the granting the approvals, as noted below:

- A bank branch is constructed within 3 years or the petitioner will be able to return to request an extension having shown progress toward the completion. The extension would be for a two-year extension.
- A cross-access easement that will either be granted now by the petitioner or granted immediately upon the request of the Town.
- Star Financial commits to enter good-faith negotiations with interested parties to acquire the triangle portion of the property for development only after it has been determined the area is not needed for development of subject parcel.
- Star Financial commits to constructing the required 10' asphalt multi-use perimeter path along W Broadway with the construction and installation of the ITM.
- Landscaping shall be provided along the north, west, and south foundation walls of the ITM structure. This landscaping should be located to not prevent access to service doors. The landscaping shall include, but not be limited to shrubs, annuals, and perennials, and shall be not less than 3 square feet of surface area for every 1 square foot of structure footprint.
- Parking shall be no closer than twenty-eight (28) feet to the future right-of-way line.

Please consider this letter as certification of the Board of Zoning Appeals approval of the two Special Exceptions and four Variances.

Sincerely,

Ryan Crum, AICP
Director of Planning & Building
Town of McCordsville

Exhibit C – 2020 Special Exceptions & Variances (Excerpt from 2020 Staff Report)

The petitioner is requesting approval of two Special Exceptions and four Development Standards Variances from the Sections listed below.

Special Exception #1 – Section 4.08

Any business seeking to permit a drive-thru is required to obtain a Special Exception.

Special Exception #2 – Section 4.09

Any business seeking to allow a 24-hour business is required to obtain a Special Exception.

Variance #1 – Section 4.01(C)

This section requires a primary structure to be constructed on a lot prior to the construction of an accessory structure. The proposed ITM would be considered an accessory structure, and at this time the petitioner is not proposed a bank branch (primary structure).

Variance #2 – Section 4.01(D)(2)(a)

This section requires kiosks to be located so as to minimize visibility from the street. An ITM is considered a kiosk by the Zoning Ordinance's definition, and the proposed location does not minimize visibility.

Variance #3 – Section 6.05(B)(1)

This section prohibits buildings or parking from encroaching upon a front-yard setback.

Variance #4 – Section 7.03(H)

This section prohibits signage on any parcel that does not feature a primary structure.