

Board of Zoning Appeals

Meeting Minutes

July 1, 2020

Held in-person and over Zoom Meeting App due to Covid-19 Precautions

Call to Order and Roll Call

MEMBERS PRESENT: Grant Adams, Dan Vail, Steve Duhamel

MEMBERS ABSENT: Corey Karn

OTHERS PRESENT: Ariel Schoen, Attorney; Lyndsay Syrus, Petitioner; Ryan Crum, Director of Planning and Building; Tonya Galbraith, Town Manager; Jennifer Pack, Planning & Building Administrative Assistant.

Agenda Considerations

Mr. Duhamel explained procedures for the Virtual Meeting

Approval of Minutes

Motion by Mr. Adams to approve the minutes from the June 3, 2020 meeting as presented. Second by Mr. Vail. The motion carried 3/0.

Old Business

None

New Business

BZA-20-005, The Studio: A Hair Salon's request for a Special Exception & Development Standards Variances

Ms. Lindsay Syrus, owner of The Studio, described her experience, connection to McCordsville, and her plans for the proposed location. She stated that her plans to move to the Broadway will improve the view along Broadway and bring in more customers to the locally owned business in the immediate area.

Board members asked questions about parking areas, the traffic between the lots, and the plans to pave the lot. Mr. Crum and Ms. Syrus outlined the plans for parking spots, the timeline for paving the drive and parking spots, and a brief review of the landscaping plans. Mr. Crum noted the paving issue is one of the variance requests. Ms. Syrus reiterated her commitment to have the main parking lot paved with asphalt immediately and the drive and front parking areas paved within 24 months. She said that she believes the paving will be done earlier but allowing for 24 months allows for unexpected issues.

Mr. Crum explained that many of the variances requested are a result of the small parcel, noting that the parcels along Broadway were created a long time ago and are smaller than the parcels created now. He then gave a brief explanation of each.

Variance #1 is a setback reduction for the rear parking lot. The petitioner requests that the rear yard setback be reduced to 18 ft from 20 ft and the western side be reduced to one ft.

Variance #2 is a request to not require landscaping against the north and west sides. The north side borders the railroad tracks and the west side is commercially zoned. There would be no impact if that requirement were not enforced.

Variance #3 is a request a 20 ft drive aisle instead of a 24 ft aisle. This request is conditioned on a formal agreement between Ms. Syrus and the neighboring property owner making the drive a legal shared drive.

Variance #4 is a request to delay paving the entire drive and parking lot as discussed above.

Variance #5 is a request to not require a streetlight. Mr. Crum stated that staff is not comfortable requiring a streetlight for this property due to the width of the parcel and questions regarding location and spacing along Broadway.

Variance #6 is a request to not have a small buffer yard between the property and the adjacent property to the northeast. This request is based on the size of the parcel and the size of the existing building.

Variance #7 is a request to not build a sidewalk. According to Mr. Crum, there no adjacent sidewalk for this site so requiring one is not feasible. He also stated the Town needs to develop plans for sidewalk along Broadway, requiring Engineering to look at drainage and curbs. Mr. Crum also stated the variance is conditioned on the petitioner agreeing to give the Town easement access.

Variance # 8 is a modification of the existing parking standards. Code would require 8 – 12 parking spots. The petitioner’s plans show a maximum of 8 parking spots onsite.

Mr. Crum noted that Staff is in full support of the petition. He noted Staff’s only preference is that the front parking spots and drive be paved first with the back parking lot paved last, but understands petitioner’s decision is a customer-friendly decision.

Public Comment

No one on chat; in-person spectator has no comment

Voice Vote for Each Variance Request

Ballot for Variance Request #1

Request: Development Standards Variance #1 - Section 6.02(A) re Setbacks

Conditions to granting this variance:

(1) The minimum setbacks for the rear parking lot shall be as follows: west property line: 1', north property line: 18', and east property line: 5'.

It was moved and seconded to accept the condition. The motion to accept the condition passed 3/0

Questions on the ballot:

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #1 is approved.

Ballot for Variance Request #2

Request: Development Standards Variance #2 - Section 6.10(B)(4)(a) re Parking Lot Plantings

Conditions to granting this variance:

(1) 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 grows in a narrow, but upright fashion, to create the best screening possible.

(2) 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 receive hard surface.

(3) The petitioner commits to converting the gravel area along the frontage into turf grass along with the initial site work. 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, generally as shown on the Concept Plan.

It was moved and seconded to accept the conditions. The motion to accept the conditions passed 3/0

Questions on the ballot

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #2 is approved.

Ballot for Variance Request #3

Request: Development Standards Variance #3 - Section 6.05(E)(1)(b)(iii) re Drive Width

Conditions to granting this variance:

(1) The petitioner commits to securing an agreement along their eastern property line from the landowner to the east for the purpose of creating a shared access drive. This agreement needs to be a legal, written agreement, executed prior to permits being issued for any site work.

(2) The petitioner confirms they understand the rear access drive, at the north end of the property, to the Town's knowledge, is not currently memorialized by a legal, written agreement and therefore the Town will not be involved in any disputes between the property owners.

(3) The minimum access drive and drive aisle widths, for two-way traffic shall be twenty (20') feet. It was moved and seconded to accept the conditions.

It was moved and seconded to accept the conditions. The motion to accept the conditions passed 3/0

Questions on the Ballot

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #3 is approved.

Ballot for Variance Request #4

Request: Development Standards Variance #4 - Section 6.05(E)(2) re Parking & Drive Surface

Conditions to granting this variance:

As the petitioner has voluntarily committed to asphaltting the rear parking lot initially and the side and front within 24 months, there are no conditions on this variance.

Questions on the ballot

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #4 is approved.

Ballot for Variance Request #5

Request: Development Standards Variance #5 - Section 6.12(D)(1) re Streetlights

Conditions to granting this variance:

There are no conditions attached to this variance request.

Questions on the Ballot

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #5 is approved.

Ballot Request for Variance Request #6

Request: Development Standards Variance #6 – Section 6.11(A)(2) re Bufferyard

Conditions to granting this variance:

There are no conditions attached to this variance request.

Questions on the Ballot:

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #6 is approved.

Ballot for Variance Request #7

Request: Development Standards Variance #7 - Section 5.02(E)(6)(a) re Sidewalk

Conditions for passing this variance:

(1) The petitioner commits to dedicating to the Town public access easement across the frontage for the purpose of allowing the Town to construct a sidewalk and other infrastructure in the future that would be used by the general public. The dedication would be required upon the Town's request.

It was moved and seconded to accept the conditions. The motion to accept the conditions passed 3/0.

Questions on the ballot:

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #7 is approved

Ballot for Variance Request #8

Request: Development Standards Variance #8 - Section 6.05(E)(5) re Parking Spaces

Conditions for granting this variance:

(1) The minimum number of legal parking spaces shall be no less than seven (7). For the purposes of this petition, 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 right to access said space.

(2) The petitioner understands that any parking spaces accessed from another property, where a legal, written agreement is not executed, does not constitute a legal parking space, and therefore the Town will not be involved in any disputes between property owners.

It was moved and seconded to accept the conditions. The motion to accept the conditions passed 3/0.

Questions on the ballot:

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

Roll Call Vote: Yes 3/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Roll Call Vote: Yes 3/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Roll Call Vote: Yes 3/0

Variance Request #8 is approved

Motion by Mr. Vail if the variances are approved, they are subject to the conditions recommended by staff. Second by Mr. Adams. Motion carried 3/0.

Announcements

Mr. Crum announced that to date, 103 single-family building permit applications have been approved. He noted that Planning & Building approved 105 single-family building permit applications total for 2019.

Adjournment

There being no further business, meeting was adjourned.