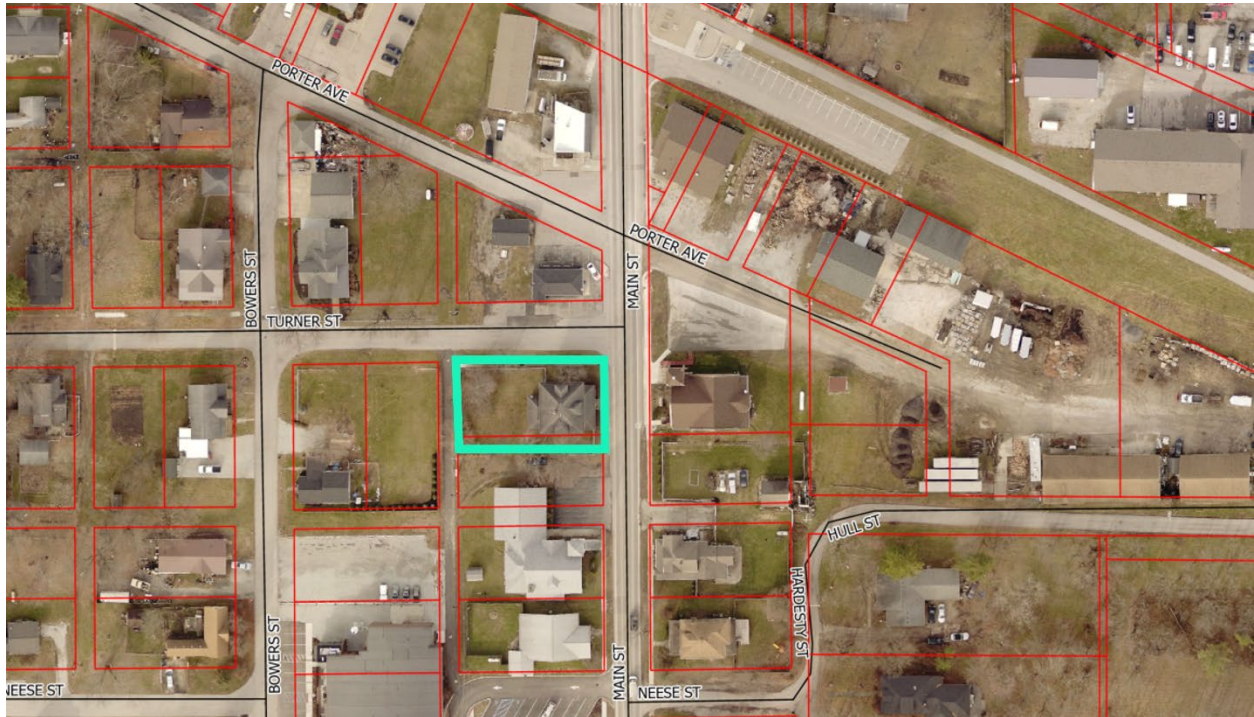




Staff Report BZA21-009-UV

202 S Main Street Use Variance

Docket BZA21-009-UV at 202 South Main Street Use Variance. The applicant is requesting a Use Variance to permit a Retail Sales, Services, & Repair use for the purpose of operating a Hair Salon establishment within the Medium-Density Single-Family and Two-Family Residential District (R-3). The property is located at 202 South Main Street in Whitestown. The applicant is A Campbell Properties, LLC per Charles Campbell on behalf of owners Robert and Chris Fulton.

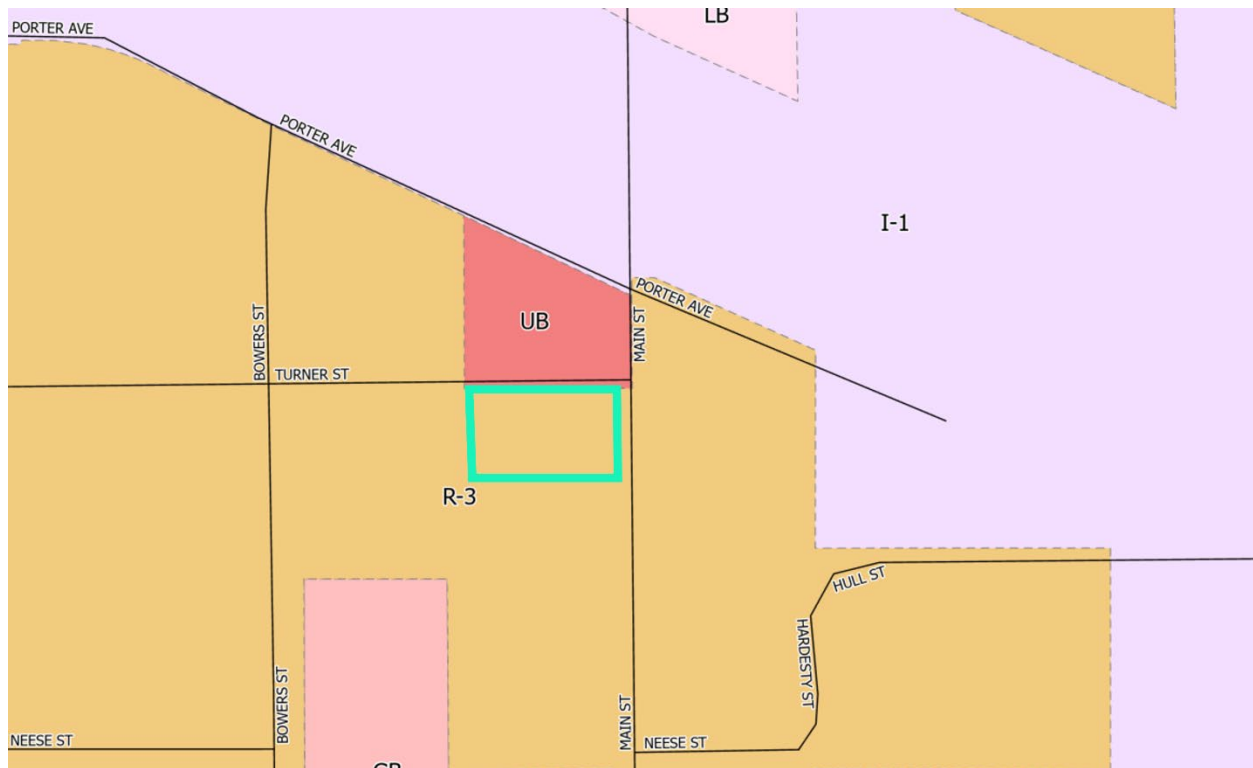


Site Location

The site in question is located within the Legacy Core at the southwest corner of the intersection of Main Street and Turner Street. The surrounding area is characterized by commercial (State Farm Insurance agency and a hair salon) to the north institutional (Church) to the east and south, and residential uses to the west.

Zoning

The site is zoned R-3. The R-3 District is “a medium-density single-family district, which could include two-family dwellings with development plan approval. Development in this district typically ranges from 1.75 to 3.00 dwelling units per acre.” Permitted uses within this district include single and two-family dwellings, government buildings, and farms. The R-3 Zoning District does not permit Retail Sales, Services, & Repair uses or Hair Salon use specifically.



Background and History

1. In 2018 the Legacy Core Redevelopment Plan was adopted which includes the site in question. Although no specific recommendations were made for the site the overall vision of the plan recommends:
 - District-wide revitalization. The Legacy Core District will be revitalized into a unique and attractive Live/Work/Play destination through an appropriate mix of existing housing rehabilitation, infill development, and new construction activity.
 - Destination development. Legacy Core District revitalization efforts will be enhanced by making it a well-known and unique destination in Whitestown for living, working, shopping, and dining.
 - Economic development. Increased and ongoing private investment increase will be encouraged through the application of creative and effective tools for local implementation of economic development strategies.

Proposed Development

The applicant is requesting a Use Variance to permit a Retail Sales, Services, & Repair use for the purpose of operating a Hair Salon within the Medium-Density Single-Family and Two-Family Residential District (R-3).

The applicant has submitted materials that indicate the following:

- Existing two-story structure where the building footprint is approximately 1,812 square feet and the total building square footage is approximately 2,732 square feet;
- Minor interior renovations and no structural changes;
- Approximately 3 employees;
- Proposed 5 standard parking stalls and 1 ADA parking stall;

- For uses not listed in the Permitted Use Table the Administrator determines the parking requirement and finds the proposed parking is sufficient.
- Parking will be accessed off of Turner Street.
- Proposed dumpster enclosure on the south side of the property;
- Approximately 38.71% lot coverage composed of future parking and the existing structure;
 - The maximum permitted lot coverage in the R-3 Zone is 60%.

Decision Criteria

Per the Unified Development Ordinance Section 11.14 F. the Board of Zoning Appeals shall use the following five decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.5, when taking action on all variance requests:

1. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The need for the variance arises from some condition peculiar to the property involved.
4. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property seeking the variance.
5. The use does not interfere substantially with the Comprehensive Plan.

Staff Recommendation

Staff recommends the Use Variance be approved with the following finding of facts for the variance request:

1. The use will not be injurious to the public health, safety, morals, and general welfare of the community. **Similar uses are located in the general vicinity and a different hair salon use is located approximately 155 feet to the north. The size, scale, and scope of the proposed use is low intensity.**
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. **Although the use will be categorized as commercial, the physical structure on site will remain residential in nature. The proposed use will not negatively detract from the adjacent areas. Similar parking style is located on the opposite side of Turner Street.**
3. The need for the variance does not arise from some condition peculiar to the property involved. **The site in question and structure are typical of other residential uses in the surrounding area.**
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship as applied to the property for which the variances are sought. **Similar uses are permitted within the general area. The uses directly adjacent to the north are commercial uses, the proposed use is a continuation of the commercial segment of the Legacy Core.**

5. The approval does not interfere substantially with the comprehensive plan. **The Legacy Core land use designation in the Comprehensive Plan encourages ‘investment in both housing and commercial redevelopment and infill projects.’ Additionally, the proposed use meets the vision of the Legacy Core Redevelopment Plan where private investment is encouraged through the application of creative tools and economic development.**

Future signage will need to be reviewed and approved by the Building and Planning Department. Future paving for parking will need to apply for permitting through the Public Works Department. Future building renovations will need to be reviewed and approved by the Building Department.

MASON PROPERTY
LOT 15 & N. 10', LOT 14,
BUCK'S 1ST ADDITION TO WHITESTOWN
BOONE COUNTY, INDIANA
SITE SKETCH

TURNER STREET (60')

120' (P)

SOUTH EDGE, SIDEWALK

13

ALLEY (16.5' (8.5' WIDE ASPHALT))

60' (P)

SPR

Parking

Parking

Parking

Parking

Parking

15

MASON
 1201600012897

2 STORY FRAME DWELLING

32.2'

2.0'

9.4'

10.9'

12.0'

34.7'

9.4'

32.1'

1.8'

12.0'

28.4'

12.0' (P)

10'

14

WEST EDGE, SIDEWALK

60' (P)

MAIN STREET (42')

GRAPHIC SCALE: 1" = 10'

0 10 20

- DENOTES EXISTING FENCE (WIRE OR VINYL)

JAMES S. SWIFT IN RLS #20200054
 SWIFT LAND CONSULTING LLC
 130 W. MAIN STREET, CRAWFORDSVILLE IN 47933
 765-366-7810 email: swiftsp@zoho.com

CLIENT: CHARLIE CAMPBELL
 PROJECT: SITE SKETCH
 PROJECT FILE NUMBER: 18N08E-19-2111
 FIELD WORK COMPLETED: NOV 2, 2021
 Sheet 2 of 2

8. Narrative.

Rachelle Robinson is married to her husband Jesse Campbell. They have a three-year-old daughter, Chyles and currently live in Lebanon. Rachelle is a business-oriented Hairdresser, located in Carmel In. where she has been an owner-operator for the past 9 years. She operated her business in Zionsville for 8 years prior. Rachelle hopes for Whitestown to be her "forever salon home". Her goal in this Salon Company is to help grow other stylists to their potential behind the chair doing hair and to help them live a financially secure life. Rachelle intends to have 2 employees when the new business in Whitestown opens then grow when the opportunity arises. Her salon company will be one that is involved in the community and will help support other local businesses by attracting a flow of customers. Working with the cosmetology school in Lebanon, Rachelle intends to offer the students free "hands on" experience in her larger space that she hopes will help grow the future of the industry.

202 South Main Street has been used as a single-family residence since its construction. It is bordered by businesses to the north, a church to the south, and a church directly across the street to the east. The house currently has a sidewalk along Main street on the east and along Turner street which borders the north of the property. Unfortunately, there is no off-street parking provided for 202 S. Main. We intend to use the back yard as parking. The back yard is approx. 70 feet from N. to S. and 60 feet from E. to W. We believe there is ample space to provide parking spaces for the current use and any expansion that may occur. We intend to install 6 parking spaces 9 ft. wide and 18 ft. long with a 22 ft. wide drive aisle extending south off Turner street.

We intend to screen trash cans with a privacy enclosure and intend to locate the enclosure on the south side of the property.

Any signage plans will be submitted to the town for approval.

We will submit renovation design to Whitestown Planning Department and the State of Indiana for approval.

We intend to remove all the overgrown shrubbery and replace with appropriate landscaping.

We intend to remove the vinyl siding and either re-furbish the wood siding beneath or install new hardi-plank or smart lap siding and paint. We will consult with a downtown design group for color choices if necessary.

Attachment F. Standards for evaluating a Use Variance

202 S. Main Street, Whitestown, In.

Description: We intend to use the current residential property as a Hair Salon. Our hours of operation will be Tuesday – Friday 8AM-7PM & Saturday 9AM-3PM. Parking will be provided in the rear of the building with a connecting walk to the front door. An ADA ramp may be installed on the south side of the building. Some minor interior remodeling will be necessary and will include plumbing fixtures, painting, floor covering. No structural changes are intended at this time. There will be 3 full time employees.

Standards for evaluation.

1. Approval will not be injurious to the public health, safety, morals, and general welfare of the community because we will be a clean use with no noise, immoral behavior, excessive trash, outdoor storage, and will produce no adverse conditions for the public utilities system.
2. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner because we will be improving the current physical condition of the property and it will be maintained and considering the proposed is family oriented, the there will be no adverse effect.
3. The Use Variance arises from the condition peculiar to the property involved, and is more clearly described as a Hair Salon instead of a single family residence.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and is more clearly described as Hair Salon instead of a single family residence. Although it is a common use in many residential districts, a hair salon is clearly a business and to operate legally a Use Variance is needed. Although 202 South Main street is in a residential zoning district, the majority of uses in the area are not residential.
5. The approval does not interfere substantially with the comprehensive plan because there are very few residential uses in the immediate area of this building. The Comprehensive Plan and the Legacy core plan clearly promotes mixed use development along Main Street.