

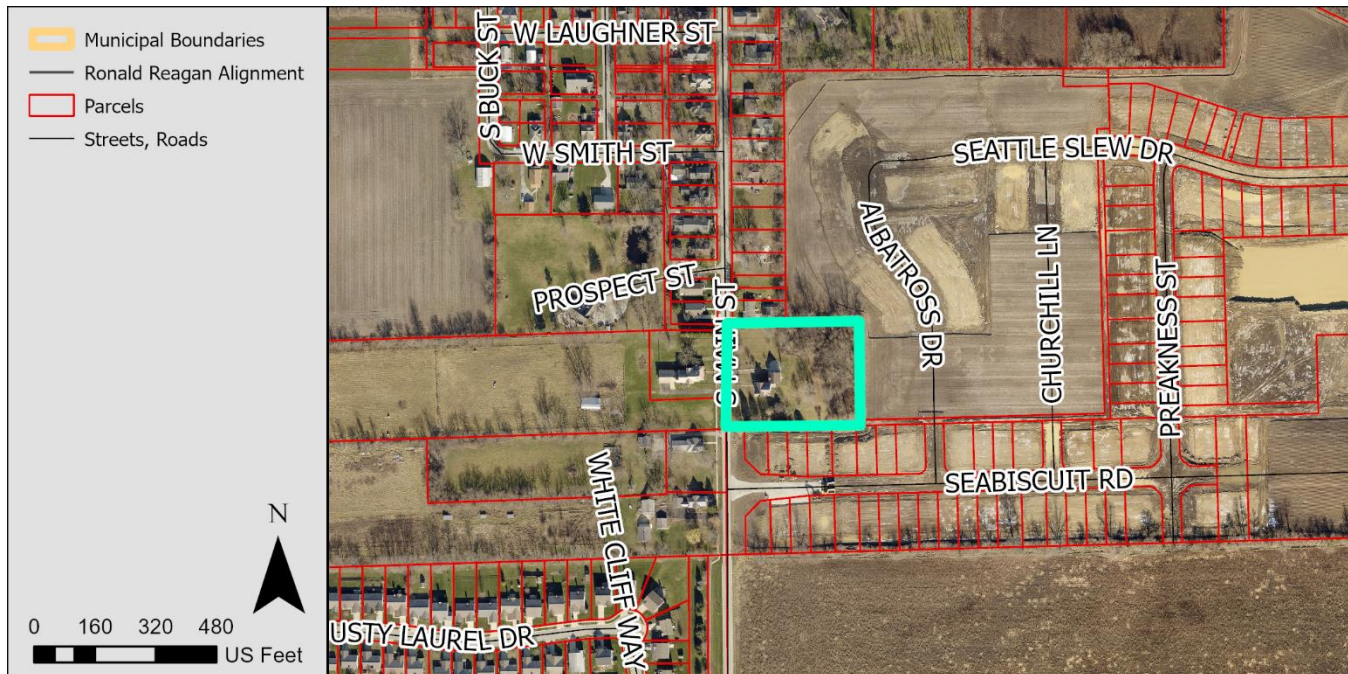


Staff Report BZA23-001-UV

Coffee Shop/Photography Studio Use Variance

Meeting Date: March 2, 2023

Docket BZA23-001-UV Coffee Shop/Photography Studio Use Variance. The applicant is requesting a Use Variance to permit a Coffee Shop under the Restaurant Class B use and a Photography Studio under the Retail Sales, Personal Service, and Repair use within an existing single-family residential dwelling. The area in which the uses would be conducted is located in the Medium-density Single-family and Two-family Residential (R-3) Zoning District and this zoning district does not permit these uses. The property is located at 607 S Main Street in Whitestown. The applicant is Kirra Sutton on behalf of owners Mario Claretto and Robert Rogers.



Site Location

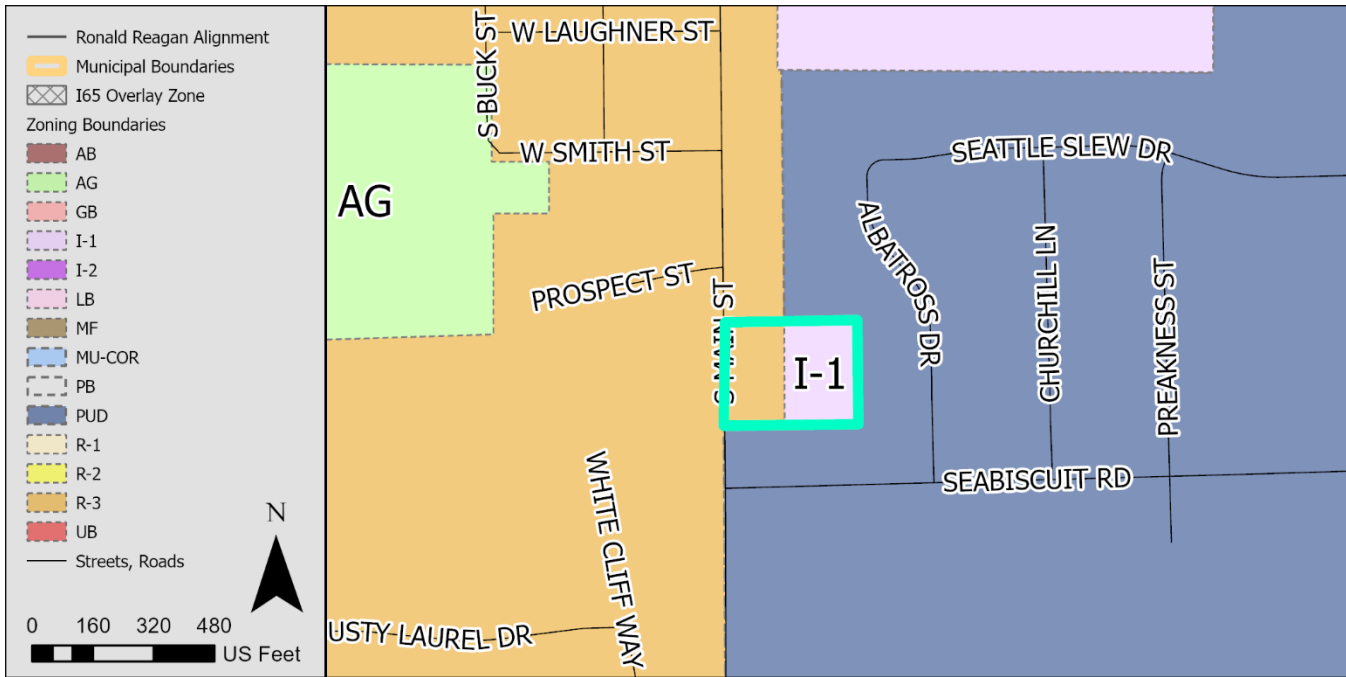
The site in question is located on the east side of Main Street between the Legacy Core downtown and Bridle Oaks residential development. The surrounding area is characterized by single family residential uses.

Zoning

The site in which the use would be located 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 Restaurant Class B or Retail Sales, Personal Services, & Repair uses.

The back side of the site to the far east is zoned Light Industry (I-1). The I-1 District is “established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.” Permitted uses include government buildings, farms, wholesale trade or storage, and others. Restaurants are permitted through a Special Exception in this zone district. Retail Sales, Personal Services, & Repair uses are only permitted up to a percentage of the gross floor area of the structure.

North, west, and south of the site is zoned R-3. East of the site is Zoned Bridle Oaks- Planned Unit Development.



Unified Development Ordinance

Section 2.3 Residential Development Standards and Uses.

There are no explicit definitions for coffee shops or photography studios.

Restaurant, Class B: An establishment whose principal business is the sale of prepared food and/or beverages for consumption on or off the premises. Class B restaurants do not fall within the classification of Class A. Class B have the characteristics of offering food service over a counter or through a drive-through facility, having a limited menu of items already prepared and held for service or prepared quickly.

Retail Sales, Personal Services, & Repair: An establishment primarily engaged in the selling of goods, wares, or merchandise; or providing recurrently needed services to the general public. Specific uses and services include but are not limited to antique shop, apparel shop, bicycle shop, bookstore, barber and beauty shops, nail salons, and diet counseling services.

Proposed Development

The applicant is requesting a Use Variance to convert an existing single-family residence to a coffee shop and photography studio. The submitted plans and materials indicate the following:

- The existing structure:
 - o 2,659 square feet of the house to be used for the coffee shop use
 - o 1,000 square feet of the garage to be used for the photography studio
- Proposed 16 vehicle standard stalls and 1 ADA parking stall
- Proposed bicycle racks on site
- Proposed outdoor dining area
- Proposed hours of operation will be from 7am to 3pm
- Two access drives onto Main Street;
 - o One is currently existing.

Staff Recommendation

Staff is providing an unfavorable recommendation for the Coffee Shop and Photography Studio Use Variance docket BZA23-001-UV to permit the uses in an R-3 Zoning District. Staff is not opposed to the uses in of themselves or conversion of homes to commercial uses, however, at this location the proposed uses are not appropriate given the

conditions. Staff foresees a trend of conversions from single-family structures to small businesses in the Legacy Core, but at this time, this location is not adjacent to any other conversions.

Staff's recommendation to the Board of Zoning Appeals finds the Use Variance does not comply with the following requirements in UDO Section 11.15 F. 1. and denial be based upon:

1. The approval of the use variance will be injurious to the public health, safety, morals, and general welfare of the community because: **There is concern about the quantity of traffic that would accompany this type of use at this location. Entering in and out of the site for anything other than a residential use may 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 be affected in a substantially adverse manner because: **Placing a commercial use at this location would be out of character and adversely affect the use and value of the adjacent properties. The surrounding area is comprised of low and medium density single-family residential dwellings. There are no other commercial uses in the immediate vicinity, the is Moontown Brewery in the Legacy Core.**
3. The need for the variance does not arise from some condition peculiar to the property involved: **The need for the variance arises from the applicant's desire to modify the existing use. The site faces no physical or peculiar condition that would require the residence to be converted to a commercial use or would warrant a commercial use on site instead of a residential dwelling.**
4. The strict application of the terms of the zoning ordinance will not result in unusual and unnecessary hardship as applied to the property for which the variances are sought because: **The desire to convert the existing single-family structure to a commercial use is a result of the applicant's actions, not the Unified Development Ordinance. Strict application of the Unified Development Ordinance does not place an unnecessary or unusual hardship on the applicant because the site is allowed to continue to be used as a single-family dwelling.**
5. The approval does interfere substantially with the comprehensive plan: **The site in question is located within the Mixed-Use Legacy Core Eastern Gateway Special Development Area. The Land Use Plan of the Comprehensive Plan recommends this area as Medium-density Residential. Other goals and objectives of the Comprehensive Plan include having a diversity of housing options and densities. Under the Land Use goals the proposed use variance does not mitigate conflicting land uses or manage transition between land uses.**

If the Board of Zoning Appeals approves the request to allow the Coffee Shop and Photography Studio uses on site, staff recommends adding the following conditions:

1. The north access driveway will be the entrance and the southern access drive will be the exit and include appropriate signage. The flow of traffic will be one-way.
2. Right-of-way in accordance with the Thoroughfare Plan will be dedicated to the Town along Main Street.
3. Public Works Dept. has requested 10 foot path will be constructed by the applicant along Main Street.
4. No plantings are permitted within easements or Right-of-way.
5. The applicant should correspond with the Boone County Surveyors Office to ensure they are in compliance with any necessary grading or drainage requirements.

If approved, future signage will need to be reviewed and approved by the Building and Planning Department. The secondary curb cut will need to be reviewed and approved by the Public Works Department. Future building renovations will need to be reviewed and approved by the Building Department.

NARRATIVE

I would like to open up a coffee shop in the home of 607. S. Main St. in the Legacy Core, with a photography studio in the garage. I believe an older home is a great setting for a coffee shop and have experienced many in towns similar to ours.

The atmosphere I would create for the space would add to the beauty and historical integrity of the Legacy Core that already exists. I believe my desires are in line with the comprehensive plan for the Legacy Core that the town has set forward.

With a desire to serve the community I would be paying special attention to not causing traffic on Main St. by providing a clear path into the parking lot for the coffee shop. I am proposing the parking lot be as hidden from the street view as possible and am also taking into consideration the best place for surrounding neighbors. I anticipate attracting existing ongoing traffic with minimal added traffic.

With the exception of the build out inside centering around converting the existing kitchen into one that's up to health department standards for Boone County and Indiana State I anticipate little construction. I would like to add a patio out back with picnic tables, strung cafe lights but nothing unsightly or intrusive. There'd be signage in the front yard but again I'd pay special attention to the design and aesthetic of that being a contribution to the community.

I plan to begin the coffee shop with 4 employees, myself included. I would sublet the photography studio to a photographer in the area but it would fall under my lease with the landlord.

Attachment F: Standards for Evaluating a Use Variance

Use the following form or attach a separate sheet(s) to explain the Use Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

Coffee Shop and Photography Studio. The coffee shop is the primary use for the house with proposed hours of 7am-3pm. We suggest that the parking lot go on the back south side of the house where it will not be highly visible to ongoing traffic or neighbors. The photography studio will be located in the garage and will have singular use. We expect 4 employees to begin with for the coffee shop and one photographer working in the studio at a time. Any necessary construction is subject to the health department and the only plans we'd have are graveling the parking lot and adding a back deck/patio space.

Standards for Evaluation

1. The approval of the Use Variance will not be injurious to the public health, safety, morals, and general welfare of the community because...
We will strive to create a beautiful space both inside and out. Our neighbors and the community's well being are the core part of who we are as a service business. We will strive to enhance the Legacy Core with a facility that will be enjoyable and a space that will be useful for the town.
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 don't anticipate a significant change to the appearance other than enhancements to the exterior with plants, flowers and a patio/garden that will be attractive from the street. The coffee shop itself should not interrupt any adjacent property.
3. The need for the Use Variance arises from some condition peculiar to the property involved, and is more clearly described as...
The property is currently a single family house. With minimal changes we are proposing a coffee shop retaining the house atmosphere, utilizing the living space as a coffee shop and the garage being converted into a photography studio.
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...
Similarly to #3, current zoning as a residence would prohibit our usage as a coffee shop and photography studio.
5. The approval does not interfere substantially with the Comprehensive Plan because...
As a part of Legacy Core, we anticipate adding value to the community as a coffee shop and adding usable community space as a gathering space as well as providing a business that we don't have in the area by providing a locally owned coffee shop for the residents.