

# Town of Whitestown Board of Zoning Appeals



Meeting Date: May 2<sup>nd</sup>, 2024

(317) 769-6557 

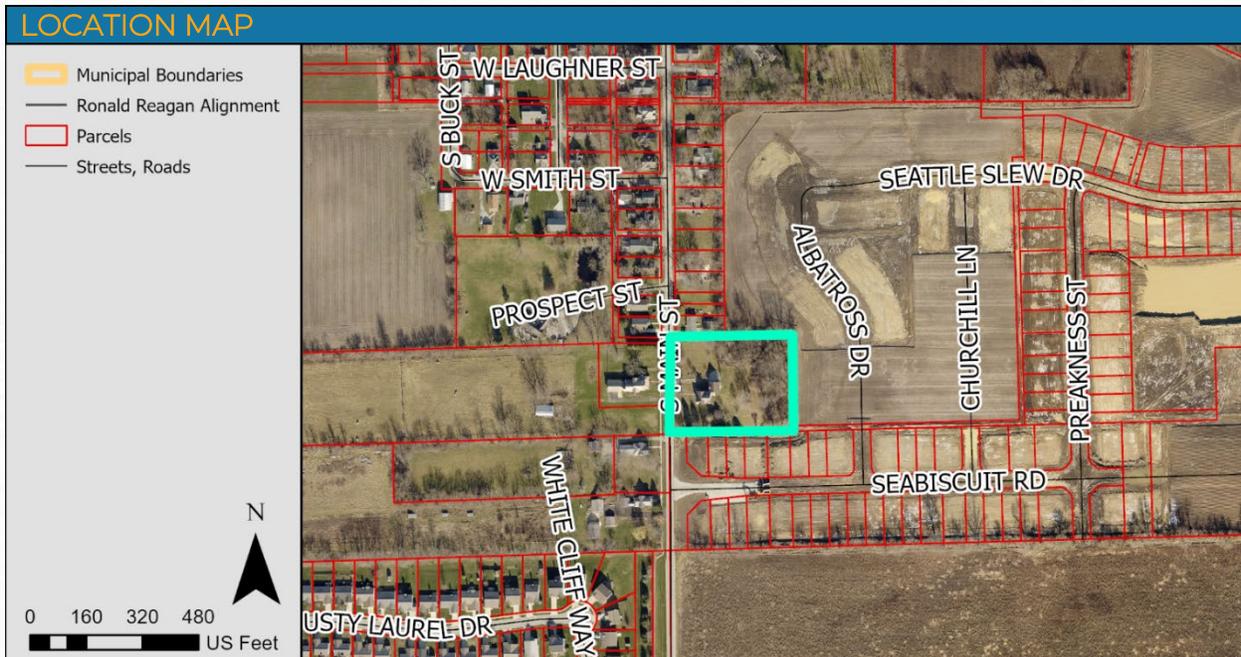
6210 Veterans Drive 

Whitestown, IN 46075 

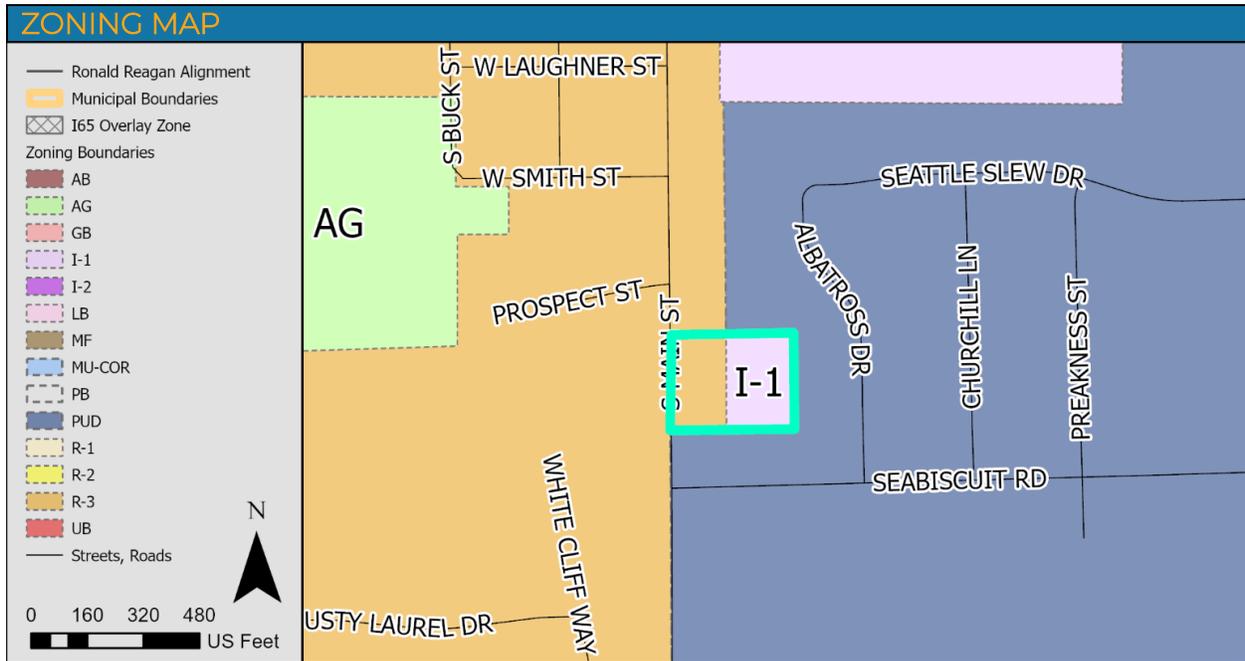
## BZA24-002-VA

Request	Development Standards Variance from UDO 7.10			
Location	607 South Main Street			
Applicant	Kirra Sutton, Hattie's Coffee House			
Property Owner(s)	Mario Claretto			
Land Area (Size)	1.97 acres			
Applicable Ordinance	Whitestown Unified Development Ordinance Section 7.10			
Property Zoning	R3	Medium-density Single-Family and Two-family Residential		
Adjacent Zoning	North	East	South	West
	R-3	PUD	R-3	R-3
Adjacent Land Use	Residential	Residential	Residential	Residential
Staff Reviewer	Allan Henderson; <a href="mailto:ahenderson@whitestown.in.gov">ahenderson@whitestown.in.gov</a>			
Staff Recommendation	Staff recommends <b>approval</b> of this request with conditions.			

### LOCATION MAP



The property is located on the east side of Main Street, just north of Seabiscuit Road, between the Legacy Core downtown and Bridle Oaks residential development. Most of the surrounding area is characterized by single family residential uses.



The site is approximately 1.97 acres. Part of the property, 0.70 acres, is zoned R3 – Medium Density Single-Family and Two-Family Residential and the remaining. R3 is a medium-density single-family district, which may include two-family dwellings with development plan approval. Development in this district typically ranges from 1.75 to 3.00 dwelling units per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities. 1.27 acres zoned I1 – Light Industry. The coffee shop operates on the portion of the property zoned R3. Development in the R3 district is typically residential of which the property is completely surrounded by residential.

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.

### RELEVANT HISTORY

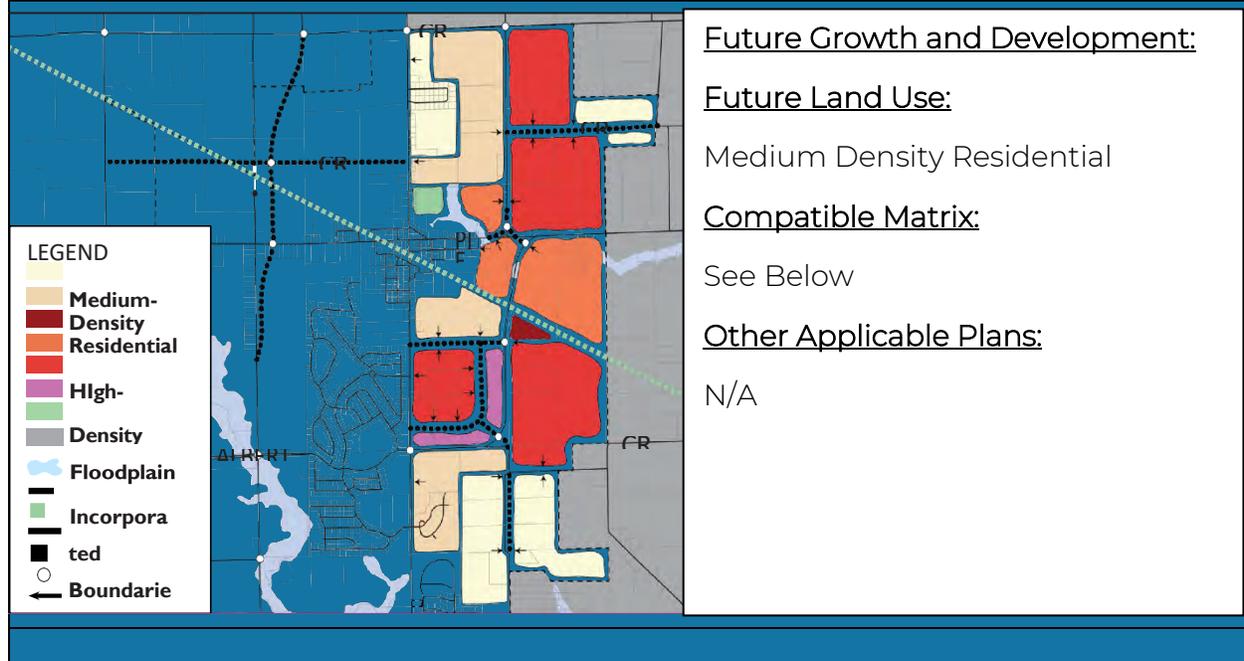
The applicant is requesting relief from development standards variance of UDO 7.10 to allow for an increase in the max number of off-street parking spaces. The property is located at 607 South Main Street and is currently being operated as Hattie’s Coffee Shop. In 2023, the applicant applied for and received a Use Variance to allow for a Class B Restaurant and Photography Studio at the address. In allowing

the Use Variance, the applicant was also allowed to build sixteen (16) parking spaces. The current request is to build an additional eighteen (18) parking spaces. The maximum number of parking spaces allowed by right is twenty-three (23), an increase of seven (7), but the applicant would like a total of thirty-five (35) parking spaces – 12 more parking spaces than would be allowed by right.

### NEIGHBORHOOD MEETING

Meeting Date: Not required.

### COMPREHENSIVE PLAN



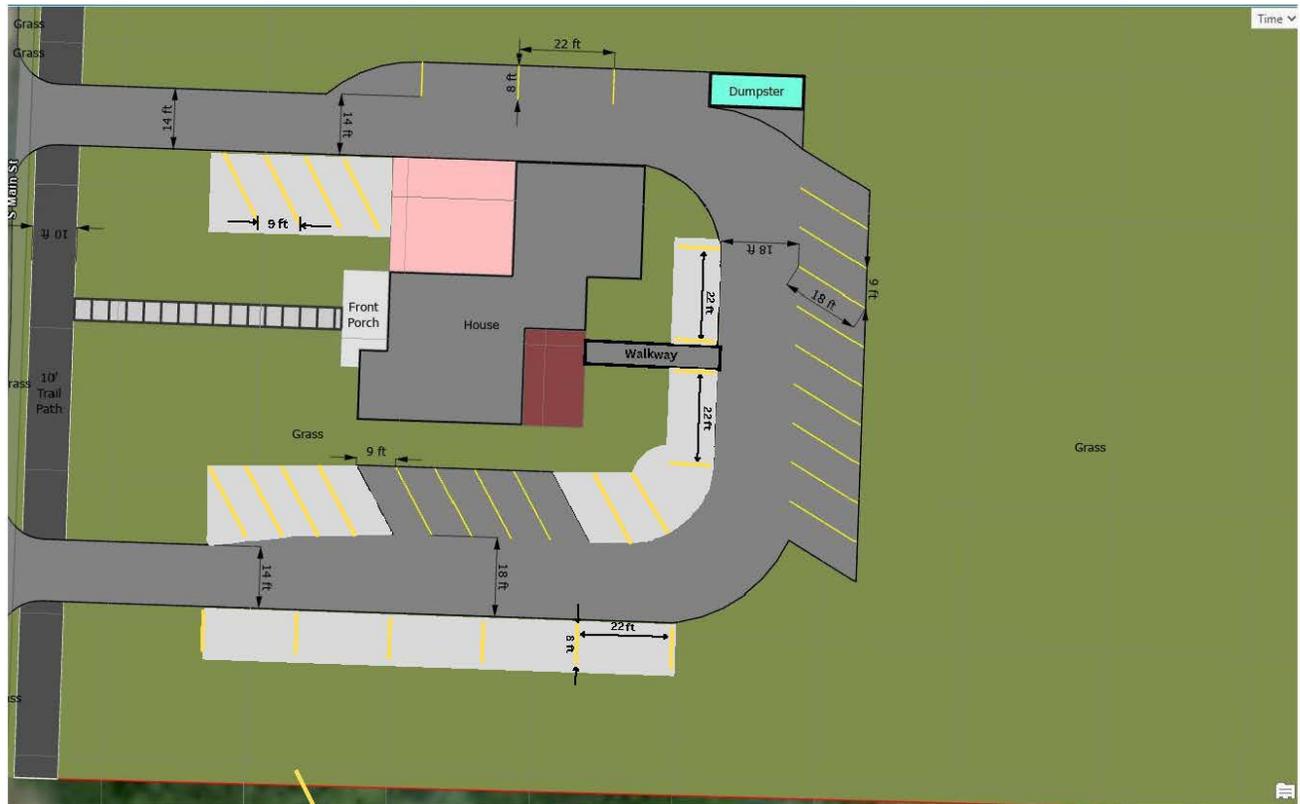
### UNIFIED DEVELOPMENT ORDINANCE 7.10 PARKING AND LOADING STANDARDS

All Types	No requirement	No requirement	No requirement
<b>Eating &amp; Drinking Establishments</b>			
All Types	5/1,000 of GFA	7/1,000 of GFA	1/5,000 of GFA
<b>Lodging Accommodations</b>			
All Types	1/guest room	1.5/guest room	1/20,000 of GFA
<b>Office</b>			
All Types	2/1,000 of GFA	4/1,000 of GFA	1/20,000 of GFA
<b>Retail Sales, Service &amp; Repair</b>			
Animal Sales and Services, Household Pets	2.5/1,000 of GFA	4/1,000 of GFA	1/20,000 of GFA
Animal Sales and Services, All Others	1.5/1,000 of GFA	2.5/1,000 of GFA	No requirement
Food Sales or Market	2.5/1,000 of GFA	4/1,000 of GFA	1/20,000 of GFA
Kennel, All Types	1.5/1,000 of GFA	2.5/1,000 of GFA	No requirement
Pawn Shop	2.5/1,000 of GFA	4/1,000 of GFA	1/20,000 of GFA
Retail Sales, Service & Repair	2.5/1,000 of GFA	4/1,000 of GFA	1/20,000 of GFA

## PROPOSED SITE PLAN

Project Details:

The petitioner is requesting to increase the number of parking spaces from sixteen



(16) to thirty-five (35).

## CRITERIA

The following criteria was evaluated to determine if the Development Standards Variance complies with UDO Section 11.15 F. 1.:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because: An increase of on-site/ off-street parking improves safety by removing vehicles from the public right-of-way and not allowing vehicles to park haphazardly on the side of the street or in front yards.
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: An organized and structured parking area better defines the extent of a business and provides structure and uniformity; in this case parking versus an unstructured system of parking where customers could park anywhere potentially obstructing traffic and creating safety and traffic hazards.

3. The strict application of the terms of the zoning ordinance will result in unusual and unnecessary hardship as applied to the property for which the variances are sought because: The use of a Class B Restaurant was previously granted for this property. Current UDO Parking Standards allow for a maximum of twenty-three (23) parking spaces. The applicant currently has sixteen (16) parking spaces. The applicant could increase parking by seven (7) spaces, but has demonstrated that there is a need for more than seven (7) parking spaces. The number of available parking spaces is directly tied to the success of the business which directly relates to a hardship on the property owner.

## STAFF RECOMMENDATION

**Approval:** The Staff is providing a **favorable recommendation** to the Board of Zoning Appeals, finding the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. And is consistent with Indiana Code IC 36-7-4-918.5 and **approval** be granted upon:

If the Board of Zoning Appeals approves the request to allow for an increase in parking, the Board should consider:

1. The applicant submits a Development Plan according to UDO 11.8 (H); including but not limited to a drainage plan, a landscaping plan, an evaluation of angled parking versus parallel parking and locating all parking in the rear-yard.
2. The increase in parking will eliminate parallel parking and only utilize angled parking.
3. The increase in parking will only occur in the rear yard. No parking is to be added in the front yard and/or in front of the primary structure.
4. The applicant provided a parking plan showing the 23 spaces and 7 as future parking, at the of need for additional parking, the addition be made administratively.

## RECOMMEND MOTION

I move that Docket BZA24-002-VA in accordance with UDO Section 11.14 F. 2, a request to allow an increase in the number of parking spaces be:

- Approved as presented and described based on:
  1. The Findings in the Staff report and staff recommendations
  2. Submitted findings of Fact
  3. Substantial compliance with the submitted site plan(s)
- Conditional Approved
  1. The Findings in the Staff Report and Staff Recommendations
  2. Submitted Findings of Fact
  3. Substantial compliance with the submitted site plan(s)

- Continued to the June 2024 BZA Meeting
- Denied as presented and described.