Staff Report – Board of Zoning Appeals

DIMENSIONAL VARIANCE

<table>
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<th>Docket #:</th>
<th>V2019-021</th>
<th>Hearing Date:</th>
<th>October 28, 2019</th>
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<tr>
<td>Applicant:</td>
<td>Crew Carwash, 10251 HAGUE Road, Indianapolis, IN 46256</td>
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<td>Owner:</td>
<td>Dahm No. 52, LLC, 10251 Hague Road, Indianapolis, IN 46256</td>
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Petition Request:

Petition requests reduction of front building setback distance from fifty (50) feet to twenty (20) feet for an accessory canopy for a proposed Crew Carwash facility.

The minimum front yard building setback from a Corridor Street within the I-65 Corridor Overlay Zone is ninety (90) feet as established in Section 10-101, subsection 6.17.14. For the Southpark plat a variance was granted to reduce the front setback along Main Street to fifty (50) feet to accommodate right-of-way dedication for the widening of Main Street at that time. Petitioner’s primary building will comply with the existing fifty (50) foot setback distance. The requested reduction to twenty (20) feet is for the canopy structure only. The canopy will be open on all four sides.

Location/Description:

The subject property is addressed 1151 Southpark Drive. It is located along the north side of East Main Street immediately west of McDonald’s Restaurant. The site was formerly a do-it-yourself car wash, but has been vacant for several years. It is part of the South Park commercial subdivision, legally described as Lot 2 of the replat of Section One – Block B, Southpark Business Center. The property is zoned C-2 Commercial and lies within the I-65 Corridor Overlay Zone.

See Exhibit A -- Aerial Vicinity Map

See Exhibit B -- Aerial Notice Map
Existing & Surrounding Land Use:

North – C-2 Commercial – office, retail, restaurant mix
South – C-2 Commercial – office, retail, restaurant mix
East – C-2 Commercial – office, retail, restaurant mix
West -- C-2 Commercial – office, retail, restaurant mix

See Exhibit A -- Aerial Vicinity Map

Ordinance References:

Article 6, Section 10-101, subsection 6.17.14 -- I-65 Corridor Overlay Zone minimum front yard

Statutory Criteria:

According to Sec. 10-135, 9.08.06 (B) of the Greenwood Municipal Code and pursuant to I.C. 36-7-4-918.5 for granting Dimensional Variances, the Board shall find that:

1. The approval 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 strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property

4. The structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered, because

Comments and Findings:

PETITIONER’S PROPOSED DETAILED STATEMENT OF REASONS
1. **THE APPROVAL WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE COMMUNITY BECAUSE:**

   The dimensional variance, if granted, would not be injurious to the public health, safety, morals, and general welfare of the community. The variance allows for the development of a commercial facility that is complementary to the surrounding business district. The variance is necessary to allow for the flow of traffic to occur in the direction as shown on the site plan provided. The traffic configuration shown discourages stacking of vehicles onto Main Street and provides a small stacking area for overflow traffic along the west side of Southpark Drive, immediately south of the intersection of East Park Drive and South Park Drive.

   *See Exhibit C -- Site Plan*

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 BECAUSE:**

   The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner if the requested variance is granted. The proposed development would result in development on a parcel that is currently under-utilized and undeveloped. The location of this property positions the facility among existing commercial developments, many of which are complementary to the proposed development.

3. **THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:**

   The strict application of the terms of the zoning ordinance would result in practical difficulties in the use of the property due to the configuration of the proposed development. The current configuration was determined through consideration of traffic flow and potential vehicle stacking. While off-site stacking is not likely to occur frequently, the proposed configuration allows for such stacking to occur
on South Park Drive and not Main Street. The canopy for which the variance is requested provides employees with protection from the elements of nature and is crucial to the operation of the facility.

4. THE STRUCTURE IS OR IS NOT REGULATED UNDER INDIANA CODE 8-21-10-3 FOR HAZARD AIR NAVIGATION:

The proposed development is not regulated under Indiana Code 8-21-10-3.

Proposed Conditions:

1. Support columns for canopy shall be wrapped in brick matching the primary building.

Summary:

Staff has no objections to the petitioner’s detailed statements of reasons.

Attachments:

Exhibit A -- Aerial Vicinity Map

Exhibit B -- Aerial Notice Map

Exhibit C -- Site Plan