

Call to Order

The meeting was called to order at 6:00PM by Mr. Knartzer.

Members Present: Kenny Knartzer, Vickie Peters, Josh King, Chris Mull, and Steve Milbourn. Members attended in-person with the option to use Zoom.

Also in Attendance: Planning Director Gabriel Nelson, City Planner Kevin Tolloty, City planner Alyssa Liebman, City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and IT Technician Chrissy Kevoian.

Approval of Meeting Minutes

Mrs. Peters moved to approve the minutes from August 26, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Findings of Fact

BZA2024-033 Development Standards Variance, Petitioner Chris Thompkins, behalf of On-Stage LIVE, for property located at 916 E. Main Street

Mrs. Peters moved to adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as the final decision and final action for Variance Petition Number BZA2024-033, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-034 Development Standards Variance, Petitioner David Gilman, behalf of Joseph & Brittney Hubbard, for property located at 1177 Curry Road

Mr. King moved to adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as the final decision and final action for Variance Petition Number BZA2024-034, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

New Business

BZA2024-035 Development Standards Variance, Southeast corner of the U.S. 31 and Worthsville Road intersection, Petitioner, Robin Peck, behalf of Valvoline, from UDO Section

10-03-14 (D) Commercial Building Design Standards, Side Elevation (2), to allow multiple overhead doors on a front façade

Mr. Nelson confirmed that all notices were in order and in the file. Mr. Swihart submitted certified copies of the Comprehensive Plan and Unified Development Ordinance into the record.

Michael Mihalik, CESO, 360 Digby Road, Suite 300, Dayton, OH 45342, was administered the oath.

The building will be brick material and three bays. The variance request is to allow for three bay doors. The frontage will be on Worthsville Road and there will be an access road to the west side.

VARIANCE #1: To allow multiple overhead doors on a right-of-way facing elevation

Greenwood Code References: Section 10-03-14 (D) Commercial Building Design Standards, Side Elevations (2), Right-of-way facing elevations shall not contain any loading docks or overhead doors unless such overhead doors are used in connection with an eating establishment. A single overhead door for entering a parking garage, carwash, or an automotive dealership service department entrance is permitted.

Petitioner's Detailed Statements of Reasons and Staff Comments:

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

The overhead service bay doors allow for safe ingress and egress of customer vehicles to have the quick-oil services safely performed within an enclosed structure. The overhead doors keep the building climate controlled and allow for staff to safely perform services on the vehicles using their standard facilities and tools. Customers awaiting services can remain outside of the building within the comfort and safety of their vehicles. The overhead doors are almost fully transparent with an attractive, modern design.

Staff Comment: Staff agrees with the petitioner's statement.

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 proposed Valvoline Instant Oil Change facility is the latest prototype and as such, it consists of an overall modern design with quality materials and attractive architectural elements. In addition, the site will contain attractive landscaping with an automated irrigation system. The proposed Valvoline facility will fit nicely within the upcoming overall

commercial development proposed at US-31 & E. Worthsville Rd.

Staff Comment: Staff agrees with the petitioner's statement. The adjoining property to the east is a lift station and additional vehicle-oriented businesses proposed to the south and west.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Article 10-03-14, D, Side Elevations #2 states that only one (1) overhead door is allowed to face a ROW. We are seeking three (3) overhead doors.

Staff Comment: Staff agrees with the petitioner's statement. In this instance, the practical difficulty is that it would be near impossible to not have multiple overhead doors facing a right-of-way on this location as it is a corner lot. The nature of this type of building requires overhead doors on opposing walls, and with this being a corner lot, one of the walls will be fronting a road.

4. The structure is/is not regulated under Indiana Code 8-21-10-3 for hazard air navigation.

Not applicable

Recommendation and Proposed Conditions:

VARIANCE #1: To allow multiple overhead doors on a right-of-way facing elevation

Staff recommends approval of this variance. There are no viable alternatives short of creating a 90 degree turn within the building, but that would be impractical. Many of our current zoning and building standards are based on the premise of a lot with only one front façade, but with the current state of development, those types of lots are much fewer than in historic developments. The current development designs which incorporate access and frontage roads lead to many of the individual lots having two and sometimes even three building frontages.

In addition, our current UDO does not sufficiently address the layout requirements of different types of buildings, specifically vehicle-oriented businesses in which the customer drives in one side and out the opposite. The petitioner has put significant effort into meeting the remainder of the building standards, but unfortunately, this variance request was unavoidable.

In consideration of the above findings, Staff recommends **approval** of all the variance with the following conditions:

1. The final plans shall substantially conform to the site plan depicted in Exhibit C and building elevations depicted in Exhibit D.

Mr. Nelson stated staff recommend approval with one condition. The hardship is that this is a corner lot. The petitioner was in agreement of this condition.

Mrs. Peters moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of Comprehensive Plan and Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. Mull. Ayes: Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with the conditions as listed in staff report, seconded by Mr. Mull. Ayes: Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. Mull moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-035 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mrs. Peters. Ayes: Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Announcements

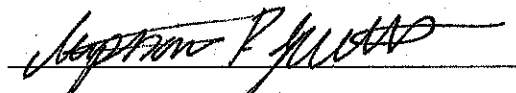
The Plan Commission will be hearing the Comprehensive Plan at 7PM.

Adjournment

Mr. Knartzer adjourned the meeting at 6:10PM.



Ken Knartzer, President



Stephanie R. Jarrett, Recording Secretary