

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 Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and IT Director Steven Crook.

Approval of Meeting Minutes

Mr. King moved to approve the minutes from September 9, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Special Requests/Continuances

BZA2024-036

Mr. Nelson explained petitioner, Kipp Cain, will not be in attendance. There was discussion about the agenda for October 14th.

Mr. Mull moved to continue BZA2024-036 to October 14th, seconded Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-022

Donna Smithers presented this request for a continuance to October 26th.

Mr. Milbourn moved to continue this docket to October 26th, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Findings of Fact

BZA2024-035 Development Standards Variance, Petitioner Robin Peck, behalf of Valvoline, for property located at the Southeast corner of the U.S. 31 and Worthsville Road intersection

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 BZA2024-035, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

New Business

BZA2024-037 Development Standards Variance, 1153 Madrid Road, Petitioner, Bryan Courtney, is requesting relief from UDO Section 10-03-13 (C)(6) Accessory Structures, to allow an accessory structure over 300 square feet to not have a 36" masonry wainscot

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.

The public hearing was opened.

Bryan Courtney, 1153 Madrid Road, was administered the oath.

Mr. Courtney requested a variance from the 36-inch wainscoting requirements. Mr. Courtney stated he has seven daughters so it is quite a large family. They would like more room. The building will not be seen from the road.

VARIANCE #1: To allow an accessory structure over 300 square feet to not have a 36" masonry wainscot.

Greenwood Code References: Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (6) Accessory structures over 300 square feet shall have a 36-inch tall mortared masonry wainscot and shall utilize wood, fiber cement, masonry, steel or the same materials as the primary structure for the balance of the façade.

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 appearance of the building will look as though it will have wainscoting. I am doing two tone metal walls to enhance the look of the building. I am also doing wood posts versus metal to give it a better look.

Staff Comment: Staff agrees with 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 design of this structure is such that it will only make the value of the property increase. It will provide a clean look and additional enclosed parking adding value to the home and therefore the area.

Staff Comment: Staff agrees with petitioner's statement. The primary structure has very minimal masonry, and only on the front facade. The surrounding accessory structures have no accessory wainscoting.

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

It will increase the cost substantially to build, therefore making the property way over costs for the area.

Staff Comment: The wainscoting requirements make more sense when they can actually be seen by the public at large. In this case, the accessory structure will be located almost directly behind the existing home and will primarily be hidden from public view. Staff notes that cost should not necessarily be a determining factor for a practical difficulty.

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

N/A

Recommendation and Proposed Conditions:

Staff is providing a favorable recommendation. This location of this structure in a back yard that is partially surrounded by privacy fences and the almost entirely behind the primary structure makes it hard to justify the necessity for wainscoting. The purpose of the wainscoting as a decorative feature is lessened by the location and any other benefit of the wainscoting is negligible.

Staff recommends **approval** of this variance request with the following condition:

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

Mr. Nelson explained that they are favorable of this request. Mr. Nelson stated the primary residence doesn't have the 36-inch wainscoting. The surrounding neighbors do not have it either. This variance will fit the character of the area.

The public hearing was closed.

Mrs. Peters asked about parking in the structure and if there were plans to construct a driveway. Mr. Courtney explained he has a concrete driveway on the west side of the property. This will continue into the garage area.

Mr. Mull 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 Mrs. Peters. 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 condition as listed in the staff report, seconded by Mr. Mull. Ayes: Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0).

MOTION CARRIES.

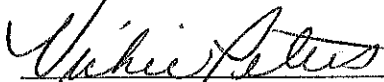
Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-037 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for 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 Mr. Mull. Ayes: Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

✓ Announcements

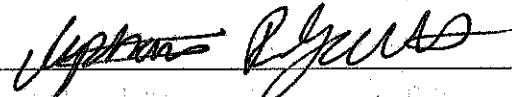
There are agendas for the next two weeks.

✓ Adjournment

Mr. Knartzer adjourned the meeting at 6:13PM.



for Ken Knartzer, President



Stephanie R. Jarrett, Recording Secretary