

**Call to Order**

The meeting was called to order at 6:00PM by Mrs. Peters.

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

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. Milbourn moved to approve the minutes from September 23, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

**Special Requests/Continuances**

None.

**Findings of Fact**

**BZA2024-037 Development Standards Variance**, Petitioner Bryan Courtney, for property located at 1153 Madrid 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 BZA2024-037, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

**Old Business**

**BZA2024-036 Development Standards Variance**, 530 Howard Road, Petitioner, Kipp Cain, is requesting 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.

Kipp Cain, 530 Howard Road, was administered the oath.

Mr. Cain explained he was requesting a variance for the wainscotting on a carport.

**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 structure is on the side of the house with an empty residential lot directly adjacent. The lack of a mortared masonry wainscot will not be injurious to the public health, safety, or general welfare of the community.

*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 proposed structure will not impact the use or value of adjacent properties. None of the adjacent properties have wainscoting.

*Staff Comment:* Staff agrees with petitioner's statement. The wainscoting would only be required on the bottom 36 inches of the posts which would be hardly noticeable from adjacent areas.

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

Wrapping the small columns would be unreasonable and create an end product that would look unnatural.

*Staff Comment:* The wainscoting requirements are a good idea in theory, but do not work well in many real-world scenarios. In this particular case, the wrapping of smaller posts with masonry is not practical, or a normal practice in almost any context. The aesthetic result of the wainscoting requirement may even detract from what it would look like without the masonry.

**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 accessory structure will be shielded from Howard Road by a large tree and a privacy fence in the rear. In this situation, the wainscoting requirement will likely do my harm than good and does not add to the aesthetics of this project.

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

1. Landscaping shall be installed as stated below:
  - a. Three (3) shrubs shall be planted on the north facing side.
  - b. Shrubs shall reach a minimum of 36 inches in height within three (3) years.

The public hearing was closed.

Mr. King 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. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with the conditions as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **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 BZA2024-036 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. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

**New Business**

A. **BZA2024-038 Development Standards Variance**, 122 Totten Drive, Petitioner, Gordon Carpenter, is requesting relief from the following sections of the Unified Development Ordinance:

1. Sec. 10-02-14 (A) RM Development Standards, to reduce the accessory structure setback to two feet

2. Sec. 10-03-13 (C)(2) Accessory Structures, to allow two accessory structures of the same type

Mr. Tolloty 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.

Gordon Carpenter, 122 Totten Drive, was administered the oath.

Mr. Carpenter explained he requesting a variance for a second shed. It is hard for him to use a push mower so he purchased a riding mower. The shed will be to store the riding mower.

**VARIANCE #1: To reduce the accessory structure setback to two (2) feet**

**Greenwood Code References:** Unified Development Ordinance, Section 10-02-14 (A) Residential Medium Development Standards, Accessory Building Location, Rear Yard, min. 8 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/ front setback and the accessory building.

**VARIANCE #2: To allow for a second accessory structure of the same type**

**Greenwood Code References:** Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (2) Two accessory structures of differing types shall be permitted per property. Types shall be defined as:

- a. Detached Garage, b. Accessory Dwelling Unit, c. Pool house, d. Shed or Barn

*Staff Comment:* Petitioner has provided one set of answers for both variances.

**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 accessory structure will be a simple 10x10, 100 square foot shed, similar to the existing shed in the rear yard. The new shed will be no closer to the side property line than the existing shed.

*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 new shed will complement the existing shed and is entirely contained within the back yard. It will have no effect on surrounding property values.

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

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

The practical difficulty is the arbitrary denial of additional storage by the UDO.

*Staff Comment:* Staff agrees with petitioner's statement. There is currently only one accessory structure on the property, an eighty (80) square foot shed. The UDO allows for two accessory structures, but only one per type (Detached Garage, Accessory Dwelling Unit, Pool house, or Shed or Barn). The other permitted types of accessory structures are not possible in this location, nor would any of those be practical.

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

Not applicable

**Recommendation and Proposed Conditions:**

It is of Staff opinion that both requests meet all of the applicable provisions to be granted. The location of the new shed with a similar setback to the existing shed should pose no harm to surrounding properties, and will be screened by fencing on all sides. Additionally, the limit of two accessory structures seems reasonable, but the requirement that they must be differing types seems arbitrary and does not do much to encourage good planning.

Staff provides a **favorable recommendation** with the following proposed condition:

1. The final plans shall substantially conform to the site plan depicted in Exhibit C.
2. A building permit be obtained prior to installing the new shed.
3. No additional accessory structure of any type shall be permitted nor shall a variance be considered for any additional accessory structure.

Mr. Tolloy stated that staff is in favor of both variances. There are several conditions listed in the staff report.

The public hearing was closed.

Mr. King 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. Milbourn.

Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with the conditions as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #2 with the conditions as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **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 BZA2024-038 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. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

**B. BZA2024-040 Development Standards Variance, 345 S. Oakwood Drive, Petitioner, Megan Ciaccio, is requesting relief from the following sections of the Unified Development Ordinance:**

1. Sec. 10-03-13 (C) Accessory Structures (6), to allow an accessory structure over 300 square feet to not have a 36" masonry wainscot
2. Sec. 10-02-14 (A) Residential Medium Lot Zone, (1) Development Standards, to allow accessory structures in a front yard
3. Sec. 10-03-14 (G) General Design Standards, (1) to allow concrete block (any type) on a column.

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.

Hunter Kaiser, 2940 Oleander Drive, Wilmington, NC, was administered the oath.

**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.

**VARIANCE #2: To allow accessory structures in a front yard**

**Greenwood Code References:** Unified Development Ordinance, Section 10-02-14 (A) Residential Medium Lot Zone, (1) Development Standards, Accessory Building Location, Rear

Yard, min. 8 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/ front setback and the accessory building.

**VARIANCE #3: To allow concrete block (any type) on a column**

**Greenwood Code References:** Unified Development Ordinance, Section 10-03-14 (G) General Design Standards, (1) Concrete block shall not be permitted on any exterior elevation. Split-faced concrete block shall not be used on any front elevation but may be used on a side and rear elevation of a building containing a commercial use so long as the elevation does not face a street or public way.

*Staff Comment:* Petitioner has provided one set of answers for all three variances.

**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 mortared masonry is a decorative code requirement. Additionally, although it would be in a front yard, the new accessory structure would be located over 100 feet from the road, behind a stand of mature trees.

*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:**

There remains substantial wooded enclosure of the accessory structure against all neighboring plot lines.

*Staff Comment:* Staff agrees with the petitioner's statement. The location of the proposed accessory structure will make it difficult to be seen from the road or neighboring properties.

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

It would not be architecturally cohesive with the existing structure and it will force substantial, unnecessary financial investments and project hardship on the owner.

*Staff Comment:* Staff agrees with the petitioner's statement. This is a unique lot in that it is a corner lot with a deep setback from the road due to a large drainage easement. This creates a

situation in which there are limited areas to expand the current structure and locate an accessory structure.

Exhibit E – Plat Map

- 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 an accessory structure over 300 square feet to not have a 36" masonry wainscot**

Staff recommends approval of this variance. The primary purpose of this requirement is aesthetics, and the petitioner is proposing a vertical and diagonal, board and batten pattern that will match the existing home. It appears the petitioner is meeting the general spirit of this requirement, if not meeting the restrictive masonry wainscoting, that does not always provide a better end product.

**VARIANCE #2: To allow accessory structures in a front yard**

Staff recommends approval of this variance. The topography of this property is quite different than a typical urban/suburban lot, for which this requirement is primarily intended. Almost all of the buildable areas on this lot are located in the southwest corner, with the majority of that area considered a front yard. Although the accessory structure is technically in a front yard, it will be in a straight line with the front of the house. However, the house is oriented at a diagonal toward the northwest corner of the lot, which causes anything added onto the southwest portion to be closer to the road than the front line of the house. The petitioner has made a genuine effort to meet the UDO to the extent possible and still position the accessory structure in a practical location.

**VARIANCE #3: To allow concrete block (any type) on a column**

Staff recommends denial of this variance. The statutory criteria primarily addressed the accessory structure and not as much the columns. There is little evidence to support this variance, although with the proposed addition being shifted from the north to the south side of the house, the columns may no longer be necessary.

In consideration of the above findings, Staff recommends **approval** of variances #1 & #2 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.

Staff recommends **denial** of variance #3.

Mr. Tolloty explained that staff is favorable of variances #1 and #2. They recommend denial of #3. Mr. Kaiser state they will withdraw variance #3. There is a very large drainage easement that



is necessitating where the addition and structure can be placed. The columns are no longer necessary.

Pat Stump, 411 S. Oakwood Drive, was administered the oath.

Mr. Kaiser explained the variance is specifically for the structure. The addition meets all setbacks and requirements. Mr. Nelson explained the site plan. This is a corner lot.

Ms. Stump explained that she was against the addition.

The public hearing was closed.

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 Mr. King. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with the conditions as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #2 with the conditions as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **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 BZA2024-040 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. King. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

### **C. 2025 BZA and PC Meeting Schedule Calendar**

Mr. Nelson presented the 2025 meeting schedule. This calendar will include training sessions. The agenda distribution did switch to Thursdays.


Mr. King moved to approve the calendar, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

**Announcements**

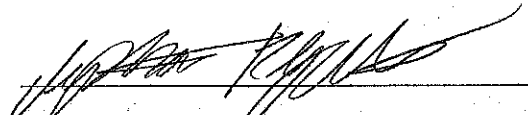
None.

**Adjournment**

Mrs. Peters adjourned the meeting at 6:47PM.



Ken Knartzer, President



Stephanie R. Jarrett, Recording Secretary