

Staff Report – Board of Zoning Appeals

Docket #:	BZA2024-052 Development Standard Variance	Hearing Date:	January 13, 2025
Applicant:	Mike Bhinder, Athwal Investment Group, 1127 Beverly Place, Greenwood, IN		
Owner:	Light of Life Evangelical Lutheran Church, 2234 Sheek Road, Greenwood, IN		
Subject Property:	2234 Sheek Road, Greenwood, IN		
Staff Contact:	Kevin Tolloty, tolloty@greenwood.in.gov, 317-887-5230		

Request:

Petitioner is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-19 (A) Commercial Medium Format Zone, (1) Development Standards, to increase the maximum lot size from 100,000 square feet to 182,000 square feet

Location:

The subject property is located at the southwest corner of Sheek Road and Worthsville Road.
Parcel ID # 41-05-10-032-005.002-030

Exhibit A – Aerial Map and Exhibit D – Legal Description

Existing & Surrounding Zones/Land Uses:

Existing: Commercial Medium (CM), Light of Life Church
 North: Residential Medium (RM)/Commercial Medium (CM), Central Park Subdivision/Circle K
 South: Residential Attached (RA), Meadows at Bainbridge Subdivision
 East: Commercial Medium (CM), Mixed Commercial Strip Center
 West: Open Space (OS), Friendship Church

Exhibit B – Existing Zoning Map

Indiana Code Reference(s): Section 36-7-4-918.5 (Development Standards Variances)

Statutory Criteria:

- Indiana Code Section 36-7-4-918.5 Dimensional/Development Standard Variances may be approved only upon a determination in writing 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.
- Indiana Code Section 8-21-10-3 No Hazard to Air Navigation: **If applicable**, 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.

VARIANCE #1: To increase the maximum lot size from 100,000 square feet to 182,000 sq. ft.

Greenwood Code References: Unified Development Ordinance, Section 10-02-19 (A) Commercial Medium Format Zone Development Standards, Maximum Lot Size of 100,000 square feet.

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:

Although the parcel size exceeds the ordinance requirement, the intended use aligns with the zoning commitments established with PC2004-057 and the comprehensive plan for the area. Therefore, it will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Comment: Staff agrees with the petitioner's statement. Staff notes that the existing lot currently exceeds the ordinance requirement with no negative impact on public health, safety, morals, and general welfare.

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 intended use aligns with the zoning commitments established with PC2004-057 and the comprehensive plan for the area.

Staff Comment: Staff agrees with the petitioner's statement. Although no specific uses have been approved for the site, it will be required to meet all other zoning requirements and commitments.

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

The parcel was originally part of the overall parcel owned by the Light of Life Lutheran Church. The Church split its parcel and sold the 4.18-acre parcel to the current owners. The intent is to develop the parcel as is and not further subdivide it. This would not be possible if the variance is not approved.

Staff Comment: As it appears part of this lot may have been sold already, without this being properly platted, it would create an illegal lot which could not be built upon. The applicant is proposing to properly plat this lot, but is held back by the lot size restriction. Although lot size has some correlation to the use of a property, the zoning district will limit the permitted uses. Most of the uses permitted in the CM zone can fit neatly within the prescribed maximum lot size, however, the current lot size maximum may limit the potential for growth and development in commercially zoned properties.

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

Not applicable

Exhibit C – Site Plan

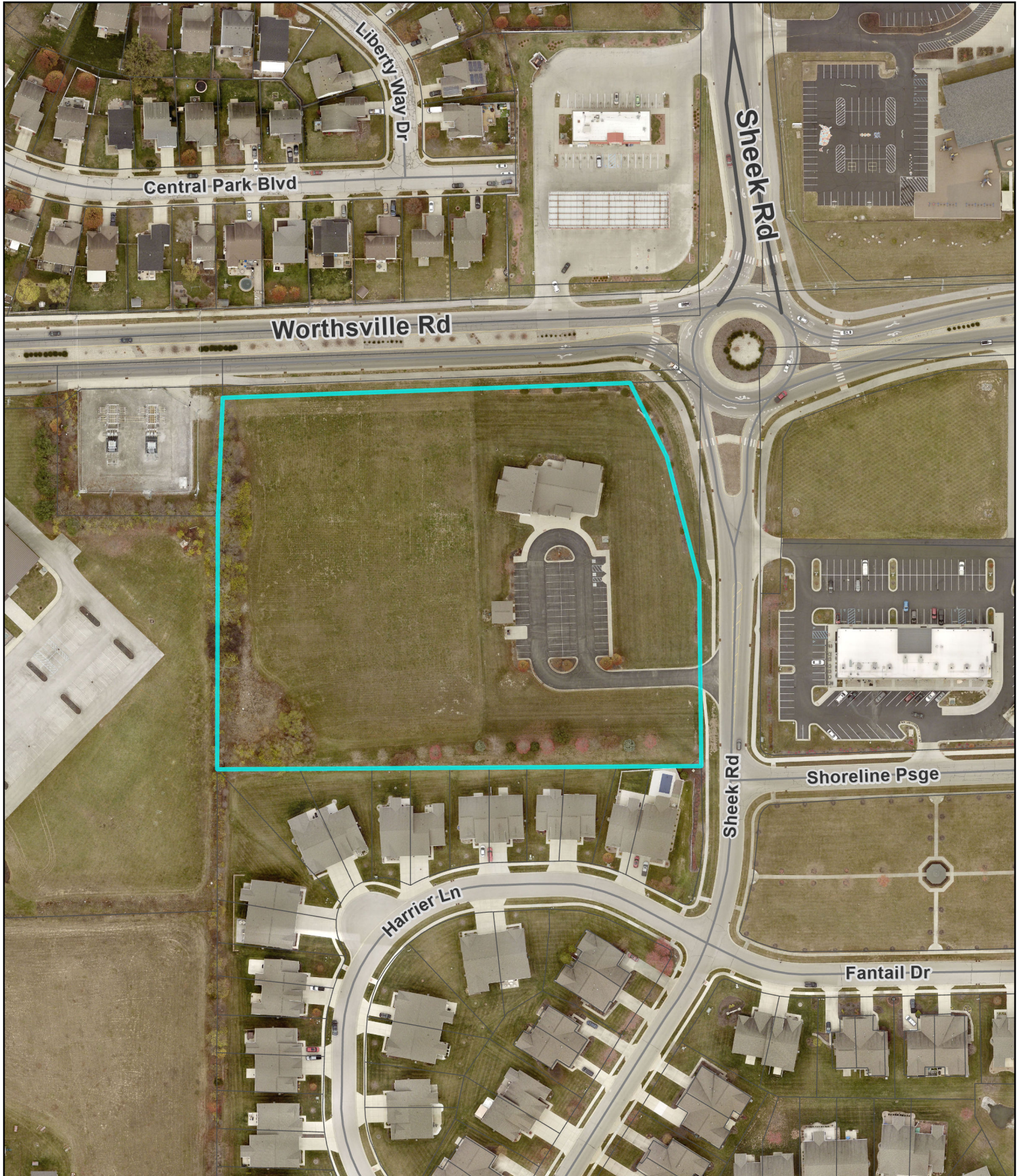
Recommendation and Proposed Conditions:

Staff will be providing a favorable recommendation. The current lot size far exceeds the maximum area allowed in the Commercial Medium (CM) zone. The proposed lot split will allow the current property owner to sell off a portion of land for a commercial development and bring the lots closer to compliance.

Staff recommends **approval** of the variance with no conditions.

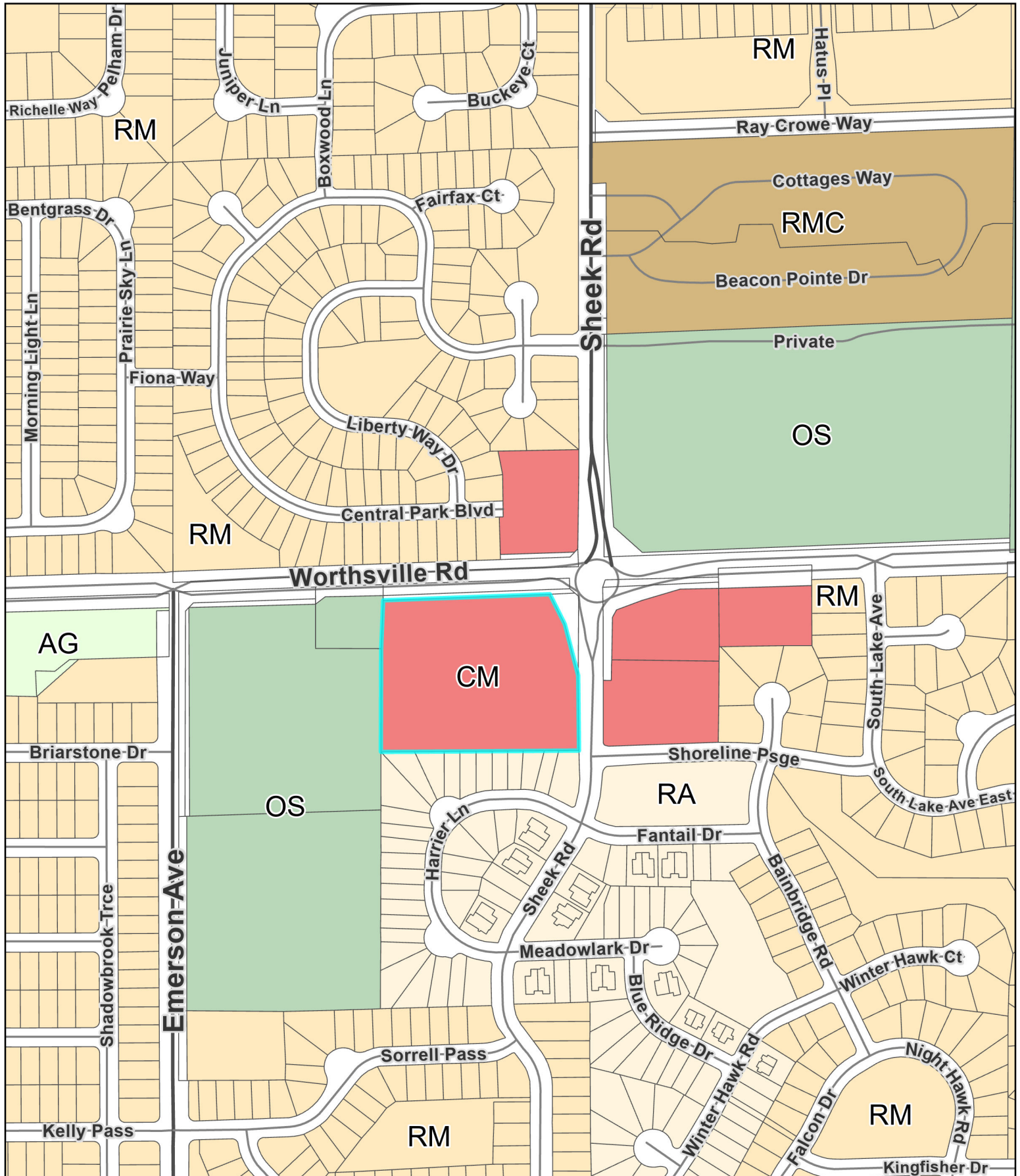
Attachments:

Exhibit A – Aerial Map
Exhibit B – Zoning Map
Exhibit C – Conceptual Site Plan
Exhibit D – Legal Description



Existing Zoning Map

Exhibit B



AC - Airport	IC - Interstate Commercial	OS - Open Space	RMC - Residential Multi-Unit Complex
AG - Agriculture	IL - Industrial Large	PUD - Planned Unit Development	RMH - Residential Mobile Home
CL - Commercial Large	IM - Industrial Medium	RL - Residential Large Lot	
CM - Commercial Medium	OT - Old Town	RM - Residential Medium Lot	
CS - Commercial Small	OTR - Old Town Residential	RA - Residential Attached Single-Family	



PARKING REQUIREMENTS	
RETAIL	
1 per 500 sf of gross floor area	
15,600 sf divided by 500 = 31 Spaces Required	
PARKING SPACES REQUIRED = 31	
FOOD SERVICES - CASUAL RESTAURANT	
1 per 200 sf of gross floor area	
3,200 sf divided by 200 = 16 Spaces Required	
PARKING SPACES REQUIRED = 16	
NEIGHBORHOOD GROCERY	
1 per 500 sf of gross floor area	
12,640 sf divided by 500 = 25 Spaces Required	
PARKING SPACES REQUIRED = 25	
OFFICE	
1 per 350 sf of gross floor area	
14,000 sf divided by 350 = 40 Spaces Required	
PARKING SPACES REQUIRED = 40	
TOTAL PARKING SPACES REQUIRED = 112	
TOTAL PARKING SPACES SHOWN = 122	

COVERAGE CALCULATIONS	
4.18 Acres 182,081 Sq. Feet	
70% MAX. IMPERVIOUS COVERAGE=2.93 Acre	
70% MAX. IMPERVIOUS COVERAGE=127,457 SF	
IMPERVIOUS COVERAGE SHOWN=110,749 SF	
30% PERVIOUS COVERAGE=1.25 Acre	
30% PERVIOUS COVERAGE=54,624 SF	
PERVIOUS COVERAGE SHOWN=71,332 SF	

— DENOTES TWO-STORY STRUCTURE AREA

N

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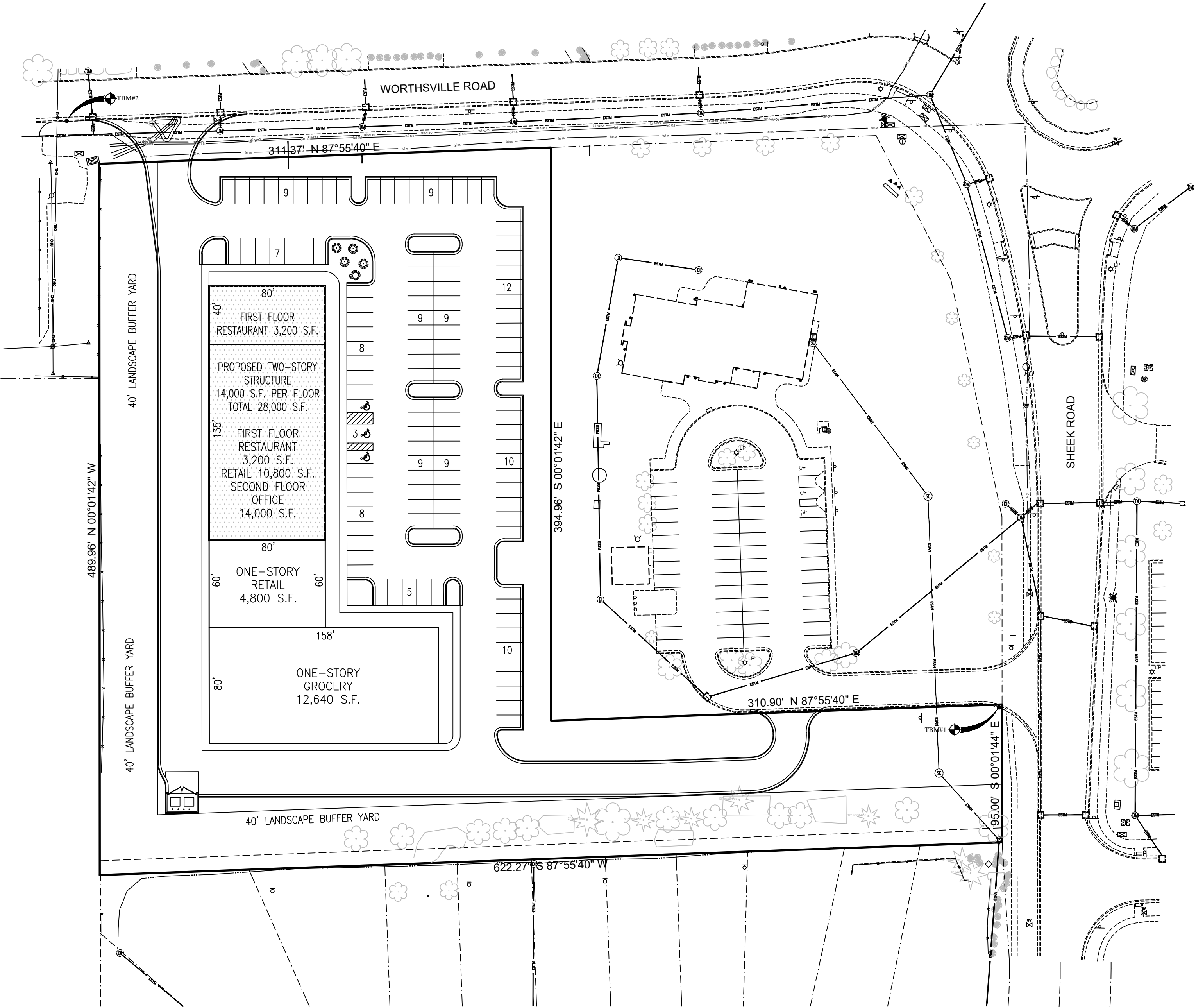
25'

50'

100'

Bar Scale

Scale: 1"=50'



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PREPARED FOR

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Group, LLC

1127 Beverly Place
Greenwood, Indiana 46131

Seal

PROJECT NAME

2234 SHEEK ROAD
CITY OF GREENWOOD, JOHNSON COUNTY, INDIANA

SHEET TITLE

2024.10.22 LAYOUT-A

DATE

10.22.2024

NPES Job # 24-0128

Sheet 1 of 1

PARCEL I

Part of the Southwest Quarter of Section 10, Township 13 North, Range 4 East, located in Pleasant Township, Johnson County, Indiana being that 4.18-acre tract of land shown on the plat of an original boundary survey of said tract certified by Donna Jo Smithers, PS #LS20100076 on August 14, 2024, as Northpointe Engineering and Surveying, Inc project number 24-0120. All references to monuments and courses herein are as shown on said plat of survey described as follows:

Commencing at the Northwest Corner of said Quarter Section identified by a brass plug; thence South 87 degrees 55 minutes 40 seconds West (basis of bearings being the East Zone of the Indiana State Plane Coordinate System (1301 IN East Zone - N.A.D. 1983), 2011 adjustment) along the north line of said Quarter Section 1391.34 feet; thence South 02 degrees 04 minutes 20 seconds East 50.00 feet; thence South 46 degrees 02 minutes 42 seconds East 34.72 feet; thence South 00 degrees 01 minutes 44 seconds East 384.97 feet to a mag nail with washer stamped NPES FIRM#0127 being the Point of Beginning of the herein described parcel, said point lies on the west right-of-way of Sheek Road as shown on the recorded plat of The Preserve at South Lake, recorded as Instrument Number 2005-034018 in the Office of the Johnson County Recorder; thence continuing South 00 degrees 01 minutes 44 seconds East along said right-of-way 95.00 feet to a 5/8" rebar with cap stamped NPES FIRM#0127; thence South 87 degrees 55 minutes 40 seconds West 622.27 feet; thence North 00 degrees 01 minutes 42 seconds West 489.96 feet to a to a 5/8" rebar with cap stamped NPES FIRM#0127 on the south right-of-way line of Worthsville Road, recorded as Instrument Number 2001-022421 in said Recorder's Office; thence North 87 degrees 55 minutes 40 seconds East along said right-of-way 311.37 feet to a 5/8" rebar with cap stamped NPES FIRM#0127; thence South 00 degrees 01 minutes 42 seconds East 394.96 feet to a 5/8" rebar with cap stamped NPES FIRM#0127; thence North 87 degrees 55 minutes 40 seconds East 310.90 feet to the Point of Beginning, containing 4.18 Acres (181,978 square feet).