

Call to Order

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

Members Present: Kenneth Knartzer, Vickie Peters, Josh King, Chris Mull, and Steve Milbourn.

Also in Attendance: Planning Director Gabriel Nelson, City Planner Alyssa Liebman, Assistant City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and Exos IT Chrissy Anderson.

Approval of Meeting Minutes

Mrs. Peters moved to approve the meeting minutes from March 24, 2025, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Findings of Fact

BZA2025-009

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 BZA2025-009, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

New Business

BZA2025-011 Development Standards Variance, 295 Village Lane, Petitioner, Westminster Village Greenwood, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (A) to reduce the amount of mortared masonry to less than 50%
2. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Side Elevation (A) to reduce the amount of mortared masonry to less than 50%
3. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Rear Elevation (A) to reduce the amount of mortared masonry to less than 50%
4. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (B) to reduce the percentage of transparency to less than 30%
5. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Side Elevation (B) to reduce the percentage of transparency to less than 20%
6. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (D) to allow columns to be clad in materials other than stone, brick, or stucco
7. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (F) to allow metal grills on a front elevation

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

The public hearing was opened.

Benjamin Chung, 1414 Underwood Avenue, AG Architecture, was administered the oath.

Mr. Chung presented the site plan for Greenwood Village South. The intent is to transform and enhance. The new buildings include independent living building, commons building, and new dining venues. Mr. Chung presented the architectural style and the 8-unit hybrid home. They will be using high-quality materials.

Staff is favorable of this variance. There are private streets as well as private courtyards. Mr. Nelson read through the conditions. Mr. Nelson explained they would like to see some landscaping against the blank walls.

The public hearing was closed.

VARIANCE #1: To reduce the amount of mortared masonry to less than 50% on a front façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (A), Front elevations shall be comprised of any one or any combination of the following materials: stone, brick, fiber cement siding, stucco, wood, engineered wood siding, pre-cast concrete, provided that a minimum of 50% of the front elevation shall be clad in mortared masonry.

VARIANCE #2: To reduce the amount of mortared masonry to less than 50% on a side façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Side Elevations (A), Side elevations shall be comprised of a minimum 50% mortared masonry. Remaining areas shall consist of stone, brick, fiber cement siding, engineered wood siding, or stucco.

VARIANCE #3 To reduce the amount of mortared masonry to less than 50% on a rear façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Rear Elevations (A), Rear elevations shall be

comprised of a minimum 50% mortared masonry. Remaining areas shall consist of stone, brick, fiber cement siding, engineered wood siding, or stucco.

VARIANCE #4: To reduce the percentage of transparency to less than 30% on a front façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (B), The front elevation shall comply with the minimum transparency requirements of 30 percent.

VARIANCE #5: To reduce the percentage of transparency to less than 20% on a side façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Side Elevation (B), The total transparency of each side elevation shall be at least 20%.

Staff Comment: The petitioner provided a single set of answers covering these five 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:**

Each residential unit will be provided with enough windows for natural daylight and fresh air, while maintaining typical amounts of privacy and allowing enough space for placement of furniture. The reduction in transparency will not adversely affect residents.

Staff Comment: Staff agrees with the petitioner's statement. The amount of masonry and transparency is sufficient for residential purposes and will not cause any detrimental effects to the public health or 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 because:**

While the 30% transparency requirement is not met on the front elevation & in some cases the 20% transparency requirement is not met on the side elevations, ample windows are still being provided for each residential unit as well as to increase the aesthetic appeal of the building.

Staff Comment: Staff agrees with the petitioner's statement. The petitioner has made reasonable efforts to meet these requirements and have provided elevations showing buildings that should only enhance surrounding property values.

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

Given the nature of the building use, the first floor of the front & side elevations is predominantly garages that serve each of the residential units, this disallows sufficient room to meet the transparency requirements on the front elevation while preserving privacy for the residents.

Staff Comment: Staff agrees with the petitioner's statement. In this particular instance, some of the multi-family buildings are designed to be facing a courtyard and essentially alley loaded, albeit from a private street.

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

N/A

VARIANCE #6: To allow columns to be clad in materials other than stone, brick, or stucco

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (D), All columns, pilasters, and pillars on the front elevation shall be clad in stone, brick, or stucco.

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:

Modifying the requirement that columns on the front elevation be fully clad in brick, stone, or stucco will more appropriately connect the aesthetic appearance of the columns on the front elevation with those on the side and rear elevations. The base of the columns will remain brick up to an elevation of 4'-0" A.F.F. with the upper portion of the columns transitioning to fiber cement - one of the approved materials per the Multi-Family Residential Building Design Standards.

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 mix of brick and fiber cement will create a more residential feel/less institutional feel as well as create a harmonious relationship between the mix of materials throughout the building.

Staff Comment: Staff agrees with the 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:

If the columns on the front elevation were to be fully clad in stone, brick, or stucco, there would be discontinuity between the aesthetic of the columns on the front elevation with those on the side and rear elevations. We believe that this modification does not lower the design standards of high-quality materials and will not alter or weaken the spirit and purpose of the code but instead will create a more aesthetically consistent and harmonious relationship between all columns throughout building 1, 2, 3, 4, 5, 6, & 8.

Staff Comment: Staff agrees with the petitioner's statement. This is the premise of a practical difficulty. While it is not impossible to have the columns entirely clad in masonry, it is not necessarily practical to do so in all instances. The proposal shows the columns as a mix of masonry and other materials which works toward the spirit of the code.

Exhibit E – Greenwood Examples

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

N/A

VARIANCE #7: To allow metal grills on a front façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (F), Metal grills and thru-air units are not permitted on the front elevation.

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:

Allowing a metal grill of roughly 12 square feet will not be detrimental to the design and will remain in harmony with the spirit and purpose of the code.

Staff Comment: Staff agrees with the petitioner's statement. The vents are necessary for the health of the residents of each particular building.

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:

Allowing a metal grill of roughly 12 square feet will not be detrimental to the design and will have no adverse effect of adjacent properties.

Staff Comment: Staff agrees with the 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:

Given the nature of the building use, the first floor of the building is primarily dedicated to a private parking garage for the building's residents. The garage will be a conditioned space leading to intake and exhaust grills on opposite walls of the garage.

Staff Comment: Staff agrees with the petitioner's statement. It does seem that this can be mitigated even further by a distanced landscape screening that will not affect air flow, but will provide cover to conceal the metal grill.

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

N/A

Recommendation and Proposed Conditions:

VARIANCE #1: To reduce the amount of mortared masonry to less than 50% on a front façade

It is of Staff opinion that the petitioner has made a reasonable attempt to meet the requirement. While not meeting the minimum threshold for masonry, they are still proposing a well thought out and designed product. Staff recommends **Approval** of this of this variance with the following condition:

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

VARIANCE #2: To reduce the amount of mortared masonry to less than 50% on a side façade

It is of Staff opinion that the petitioner has made a reasonable attempt to meet the requirement. While not meeting the minimum threshold for masonry, they are still proposing a well thought out and designed product. Staff recommends **Approval** of this of this variance with the following condition:

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

VARIANCE #3 To reduce the amount of mortared masonry to less than 50% on a rear façade

It is of Staff opinion that the petitioner has made a reasonable attempt to meet the requirement. While not meeting the minimum threshold for masonry, they are still proposing a well thought out and designed product. Staff recommends **Approval** of this of this variance with the following condition:

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

VARIANCE #4: To reduce the percentage of transparency to less than 30% on a front façade

It is of Staff opinion that the petitioner is providing ample transparency for living space and the spaces without transparency (garages) are not amenable to transparency. Staff recommends **Approval** of this of this variance with the following condition:

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

VARIANCE #5: To reduce the percentage of transparency to less than 20% on a side façade

It is of Staff opinion that the petitioner is providing ample transparency for living space and the spaces without transparency (garages) are not amenable to transparency. Staff recommends **Approval** of this of this variance with the following condition:

1. The final plans shall substantially conform to the building elevations depicted in Exhibit D.
2. Foundation plantings shall be required along blank spaces of wall along side elevations.

VARIANCE #6: To allow columns to be clad in materials other than stone, brick, or stucco

It is of Staff opinion that the design of the columns is designed to meet the spirit of our UDO. Full masonry columns can be imposing and bulky, taking away from the residential design element. The petitioner has provided a product that requires only the minimum amount of variance in this situation. Staff recommends **Approval** of this variance with the following condition:

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

VARIANCE #7: To allow metal grills on a front façade

It is of Staff opinion that the metal grills are necessary for proper ventilation of garages. Staff recommends **Approval** of this of this variance with the following condition:

1. Grills shall be screened by landscaping. Landscaping, at full maturity, shall completely screen all grills on front elevations.

Mr. Mull moved to admit all the evidence presented in regard to this matter, including the notices, receipts, map, 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 the 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve variance #1 with the condition as listed in staff report, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve variance #2 with the condition as listed in staff report, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0)

Mr. King moved to approve variance #3 with the condition as listed in staff report, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve variance #4 with the condition as listed in staff report, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve variance #5 with the two conditions as listed in staff report, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve variance #6 with the two conditions as listed in staff report, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve variance #7 with the two conditions as listed in staff report, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

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 BZA2025-011 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

BZA2025-012 Development Standards Variance, 733 Lowes Blvd., Petitioner, Cindy Thrasher, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-08 Signage (L)(2) On Premises Sign Menu: Building Signs, Wall Signs, to allow a wall sign over 200 square feet on a front wall, north elevation

2. Section 10-03-08 Signage (L)(2) On Premises Sign Menu: Building Signs, Wall Signs, to allow a wall sign over 200 square feet on a front wall, south elevation

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

The public hearing was opened.

Cindy Thrasher, was administered the oath.

Ms. Thrasher represented Ashley Home Furniture as they requested to install two, new larger signs. They will be quite larger than what it is already there. The current signs are already out of compliance. They will remove the mattress sign from the east and relocate to the front. They are requesting to change the sign at the rear of the store.

Ms. Liebman recommended denial of these sign variances as there was no practical difficulty. The current sizes are already exceeding the UDO requirement of 200 square feet.

Ms. Thrasher stated she had never noticed the sign. It is barely noticeable on US 31.

VARIANCE #1: To allow a wall sign over 200 square feet on a front wall, north elevation

VARIANCE #2: To allow a wall sign over 200 square feet on a rear wall, south elevation

Greenwood Code References: Section 10-03-08 Signage (L)(2) On Premises Sign Menu: Building Signs, Wall Sign, Signage on a building wall with street frontage shall be permitted four (4) square feet for each lineal foot of building frontage up to a maximum of two-hundred (200) square feet.

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 signs are existing and are only being replaced. These signs will allow the public to locate the business.

Staff Comment: The existing wall signs are 237 square feet each (Exhibits D & E). The petitioner now proposes two wall signs on the north elevation, one measuring 449 square feet and the other 48.5 square feet, for a combined total of 495 square feet. Additionally, a 330* square foot sign is proposed for the

south elevation. To characterize this proposal as a simple replacement is misleading; it constitutes a substantial increase in sign area that far exceeds a like-for-like substitution.

*Staff could not verify size due to scale.

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 signage is existing currently and is only being replaced. It will not affect the adjacent properties in an adverse manner.

Staff Comment: The south elevation directly faces a residentially zoned area. While a 237 square foot illuminated sign may be tolerated, increasing the size by approximately 93 square feet significantly raises the potential for light pollution and visual disruption. Such a substantial increase is not reasonable or justified given the proximity to residential properties.

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

Due to the location of the building sitting back off the road and behind other businesses, the signs need to be larger than allowed. Without the approval of the variance, the business will not be as visible.

Staff Comment: There is an existing multi-tenant sign along US 31, where Ashley already occupies the most prominent panel (Exhibit F). Multi-tenant signs are specifically intended to advertise businesses without street frontage, while wall signs serve to identify the building itself. In this case, staff found no evidence that the business is difficult to locate with the current signage. The fact that the business is set back from US 31 does not, in itself, justify the need for a variance to advertise from the highway.

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 a wall sign over 200 square feet on a front wall, north elevation

Staff recommends denial of this variance request. Staff found no evidence of a practical difficulty warranting signage more than twice the size allowed under the current UDO.

VARIANCE #2: To allow a wall sign over 200 square feet on a front wall, south elevation

Staff recommends denial of this variance request. Staff found no evidence of a practical difficulty warranting a sign 130 square feet larger than allowed under the current UDO.

If the Board determines that a practical difficulty exists, Staff recommends the following condition:

1. Signs must be no larger than their current size of 237 square feet.

The public hearing was closed.

Mr. Nelson stated Exhibit F shows a large, multi-tenant sign. They have the largest sign out of all the tenants. Mr. Milbourn asked if they were within the limit of the original sign. There was discussion about the sign sizes. Mr. Mull asked about square footage. Mr. King and Mrs. Peters discussed the sign and explained they did not see a practical difficulty. Mr. Knartzer agreed. Mrs. Peters asked if there was a record of people not finding the store. Either way, the sign is legally non-conforming.

Mr. Mull moved to admit all the evidence presented in regard to this matter, including the notices, receipts, map, 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 the 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King asked about the ballot. There was discussion about conforming to the ordinance. Could it be approved with conditions? Staff suggested conditions no larger than current size.

Mr. King moved to deny variance request #1, seconded by Mrs. Peters. Vote: Ayes: Mr. King, Mrs. Peters, and Mr. Milbourn. Nays: Mr. Knartzer and Mr. Mull (3-2).

Mr. King moved to deny variance request #2, seconded by Mrs. Peters. Vote: Ayes: Mr. King, Mrs. Peters, and Mr. Milbourn. Nays: Mr. Knartzer and Mr. Mull (3-2).

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 BZA2025-012 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Announcements

None.

Adjournment

Mr. Knartzer moved to adjourn the meeting at 6:38PM.


Kenneth Knartzer, President
Stephanie R. Jarrett, Recording Secretary