

Call to Order

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

Members Present: Kenneth Knartzer, Vickie Peters, Drew Foster, Trent Pohlar, and Josh King. Members attended in-person with the option to use Zoom.

Also in Attendance: Planning Director Dale Davis, Senior Planner Ed Ferguson, City Attorney Shawna Koons, Recording Secretary Stevie Jarrett, and Greenwood IT Department.

Approval of Meeting Minutes

Mr. Pohlar moved to approve the minutes from October 25, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Special Requests/Continuances

None.

Findings of Fact

BZA2021-021

Mrs. Peters move to adopt the written Findings of Fact as presented for BZA2021-021, incorporating the evidence submitted into the record, as the final decision and final action, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Old Business

None.

New Business

BZA2021-023 Development Standards Variance Request – Vanadco Signs on behalf of Clark Pleasant Community School Corp. at 1300 Ray Crowe Way. Petitioner requests to increase the size of a LED monument sign.

The public hearing was opened.

Lauren Overmeyer, 10625 State Road 10, Argos, IN, was administered the oath.

Ms. Overmeyer represented Clark Pleasant Community School Corporation for Ray Crowe Elementary at their location.

Request No. 1 – Increase maximum sign face area from 25 square feet to 47 square feet.

Request No. 2 – Increase maximum square footage for electronic changeable copy screen from 12 square feet to 18.75 square feet.

The Petitioner read through the Statement of Reasons.

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

The sign is far enough from any residential areas that could be affected by the light. The sign also sits forty-two (42) feet from the edge of the road, eliminating any possible visibility issues.

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 school property is adjacent to the sign location. Across the street are tennis courts. The sign is far enough away from any residential homes to cause any problems.

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

The school would have to find another way to get basic messages out to parents. They would also have to find a new location for the sign. There is already an existing brick structure at the proposed location.

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

Not applicable.

Staff recommends approval of the sign variance requests with the following conditions:

1. Monument sign shall substantially conform to the size, height, and style of the exhibit submitted with this petition.
2. Sign structure location shall remain the same as it currently is.

Mr. Davis added that schools and church use the LED monument signs the most as they use temporary signs the most.

The public hearing was closed.

Mr. Ferguson confirmed that all notices were in order.

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 the Zoning Ordinance and Comprehensive Plan, 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #1

Mr. Pohlar moved to approve with the two conditions listed in the staff report, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #2

Mr. Pohlar moved to approve request #2 with the two conditions listed in the staff report, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decision on the variance request presented in Variance Petition Number BZA2021-023 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 our next meeting, seconded by Mr. Pohlar. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

BZA2021-024 Development Standards Variance Request – Emily and Eric Lee at 200 E Broadway Street. Petitioners request to place 6 foot tall wooden privacy fence in the yard facing Washington Street that exceeds the Front Yard requirements of 4 feet in height and 50% opacity.

The public hearing was opened.

Emily Lee, 200 E Broadway Street, was administered the oath.

Ms. Lee requested to install a 6 foot privacy fence with 50% opacity.

The Petitioner read through the Statement of Reasons.

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

The fence is being placed 40 feet off of Broadway Street and not passing the front of the house. Also, it is being placed 8 feet off of Washington Street to allow room for large vehicles such as school buses and firetrucks.

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 fence will be set back from both roads to ensure clear line of sight in all directions.

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

We have large dogs one of which is a Great Dane that can easily jump a shorter fence. Also for security reasons as there has been a history of break-ins and harassment of my children.

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

Not applicable.

Comments, Summary, and Proposed Conditions:

Staff would like to clarify that the yard adjacent to Washington Street is considered a front yard. Staff has no objections to Petitioner's statements of reasons.

Staff recommends approval of the fence with the following conditions:

1. The fence shall substantially comply with the photo and fence site plan submitted with this petition and attached as exhibits to this staff report
2. The fence shall be altered so that it is perpendicular to the house and does not impede the Visibility Triangle. The Visibility Triangle is the triangular space at the intersection of any two right-of-way lines. Measured 35 feet from the intersection along each street right-of-way.

The public hearing was closed.

Mr. Ferguson confirmed that all notices were in order.

Mrs. Pohlar 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 the Zoning Ordinance and Comprehensive Plan, 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. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Mr. King moved to approve the request with the two conditions listed in the staff report, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Mrs. Peters moved that to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2021-024, 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. Pohlar. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

BZA2021-022 Development Standards Variance Request – Tim and Lisa Harper at 495 Carol Dr. Petitioners are requesting the following Dimensional Variances for an Attached Garage:

- i. Reduction of the Side Yard Setback from ten (10) feet to five (5) feet.
- ii. Reduction of the Rear Yard Setback from twenty-five (25) feet to seven and one-half (7.5) feet.
- iii. No mortared masonry used on the street-facing façade. Minimum 36 inches required.
- iv. No fiber cement or engineered wood siding. Request vinyl to match house.
- v. Reduction of eave/roof overhang from twelve (12) inches to approximately seven (7) inches.

The public hearing was opened.

Lisa Harper, 495 Carol Drive, was administered the oath.

Ms. Harper requested to construct a 560 square foot attached two car garage with vinyl siding to match their home.

Ms. Harper submitted for the record 11 letters from the neighbors that showed support for their variance request.

The Petitioner read through the Statement of Reasons.

REQUESTS NO. 1 THROUGH NO. 5:

Petitioner submitted identical statements of reasons for each of the five variance requests. Therefore, to avoid cumbersome redundancy, this report includes only one set of statements that are applicable to each of the five requested variances.

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

Because it is our private property and it would be an improvement to our property make look nicer. Because the intended use of the building is for a garage and storage the building design will meet or exceed similar attached buildings in the immediate area.

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:

It's on private property. Because the proposed addition will add value to the property, therefore adding value to the surrounding homes with comparable features.

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

Will result in practical difficulties in use of property because under new ordinance a new garage cannot be constructed because of development ordinance.

Northern Park was originally developed over 20 years ago prior to the adoption of the more stringent development standards that are in place today.

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

Not applicable.

Comments, Summary, and Proposed Conditions:

Staff Comments Regarding Petitioner's Statements of Reasons as they Pertain to Each of the Five Variance Requests:

Variance Request No. 1 – Reduce side yard setback distance from 10 feet to 5 feet.

Variance Request No. 2 – Reduce rear yard setback distance from 25 feet to 7.5 feet.

Variance requests No. 1 and No. 2 are related from the perspective that both requests are due to petitioner's desire to place the attached garage as far back into the rear corner of the lot as possible. The 6-foot side yard distance and the 8-foot rear yard distance were selected by the petitioner to be immediately outside of the boundaries of existing utilities easements along the respective lot lines.

The existing dwelling is not parallel with the lot lines. It is angled toward the street corner. This is a corner lot with two front yards. Because of the angle of the dwelling the minimum setback distances requested would occur at the rear corners of the proposed garage. The setback distance gradually increases as one moves toward the front of the garage.

The precise location of the garage is the key determinant for Requests No. 1 and No. 2. The proposed garage could be moved forward and thereby significantly reduce the variance request or possibly eliminate the need for a side yard variance. There are three windows on the side yard side of the house that would be covered (or removed) if the garage were to be moved forward. But the garage could be narrower in design with a breezeway connecting to the house, thereby preserving those windows.

The north setback at six feet is outside the five-foot easement and the east setback at eight feet is outside the seven and a half foot easement. **Staff has struck the remainder of this paragraph as an exemption in the building code allows for a 10-foot unbuildable easement to fulfill the separation requirement, which the utility easement fulfills.**

As most structures have one-foot overhangs and building locations are not typically surveyed at construction, the narrowest setback adopted by Greenwood has been 10-feet, except where common wall structures are permitted.

The Northern Park subdivision was platted and built in the post-World War II era – 1950's and 1960's. The subject dwelling has been used continuously as a single-family residence for the past 60 years or more. The terms of the zoning ordinance will NOT result in practical difficulties in the use of the property as a single-family residence.

It is staff opinion that petitioner's statements of reasons in response to the three statutory criteria are insufficient as they pertain to Variance Request No. 1 and Variance Request No. 2.

Should the Board of Zoning Appeals grant this request, staff recommends setbacks of no less than eight feet to the north property line and ten feet to the east property line.

Variance Request No. 3 – Request relief from design standard requiring minimum 36-inch mortared masonry on the street-facing façade. Petitioner requests vinyl siding to match the existing dwelling.

There is no mortared masonry material on the existing dwelling. The entire exterior is clad in vinyl siding. Petitioner requests no mortared masonry because it will not match the existing dwelling.

As this structure is to be attached, not detached, staff has no objection to petitioner's statements of reasons as they relate to Variance Request No. 3.

Variance Request No. 4 – Residential building design standards require the use of fiber cement board or engineered wood siding. Petitioner requests use of vinyl siding to match the existing dwelling.

As stated previously, the entire exterior of the existing dwelling is clad in vinyl siding. Petitioner requests relief from the requirement of fiber cement board or engineered wood siding. The UDO was recently revised, after this variance request was submitted, to allow the existing primary material of the home to be utilized on accessory structures.

Staff has no objection to petitioner's statements of reasons as they relate to Variance Request No. 4.

Variance Request No. 5 – Residential building design standards require minimum roof overhang of twelve (12) inches. Petitioner requests approval of approximately 7-inch overhang to match the existing dwelling.

Few, if any, dwellings in the Northern Park neighborhood have 12-inch roof overhang. Vast majority are 6-inch, more or less. Petitioner requests approximately 7-inch overhang to match the existing dwelling.

Staff has no objection to petitioner's statements of reasons as they relate to Variance Request No. 5.

Mr. Davis stated that there are three architectural changes. Staff doesn't believe that the statements provided address the unique circumstances of the property. There's room on the site for the garage just not where it is being proposed. There's about 18 feet between the corner of the garage and the set back line. A garage is typically 20 feet wide so that is where there would be an issue. The Ordinance just precludes this design.

Ms. Harper stated that neighbors around the neighborhood have also done the same thing. Ms. Harper stated that they are willing to amend the petition to provide a ten (10) foot setback from the rear lot and an eight (8) foot setback from the side lot line. The Board concurred with the Petitioner's revision to requests #1 and #2.

The public hearing was closed.

Mr. Ferguson confirmed that all notices were in order.

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 the Zoning Ordinance and Comprehensive Plan, 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. Pohlar. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #1

Mr. King moved to approved request #1 as amended to reduce the side yard to eight (8) feet, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #2

Mrs. Peters moved to approve request #2 as amended to reduce the rear yard to ten (10) feet, seconded by Mr. Pohlar. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #3

Mr. Pohlar moved to approve request #3 with no conditions, seconded by Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #4

Mrs. Peters moved to approve request #4, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Request #5

Mr. Pohlar moved to approve request #5, seconded by Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Mr. Pohlar moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2021-022, 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. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**


Announcements

Mr. Knartzer will be not able to attend the next meeting.

Mr. Pohlar might be attending virtually.

Adjournment

Mr. Knartzer adjourned the meeting at 6:36PM.



for Kenny Knartzer, President



Stephanie "Stevie" Jarrett, Recording Secretary