

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-001	Hearing Date:	February 13, 2023
Applicant:	Derek Snyder, CrossRoad Engineers, 115 N. 17 th Ave, Beech Grove		
Owner:	Amanda Cottingham Johnson, 1464 W. Stones Crossing Road		
Subject Property Address:	1464 W. Stones Crossing Road		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

Petitioner is requesting variances from UDO Section 10-02-19 (A) Commercial Medium Format Development Standards, to reduce the side yard setback from 20' to 0', and Section 10-03-13 (C) Accessory Structures (10) to allow an accessory structure in a side yard.

Location:

The subject property is located at 1464 W. Stones Crossing Road. Parcel ID #41-04-12-034-054.000-041

See attached Exhibit A – Aerial Location Map

Indiana Code Reference(s):

- Section 36-7-4-918.5 (Dimensional Variances)

Surrounding Land Uses:

- A. Existing: Commercial, Medium (CM), Large Lot Residential
- B. North: Commercial, Small (CS), Barn at Bay Horse Inn
- C. South: Commercial, Large (LC,) Undeveloped Land
- D. East: Residential, Large (RL), Large Lot Residential
- E. West: Residential, Large (RL), Undeveloped Land

See Exhibit B: Zoning Map

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)
 1. 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 reduce the side yard setback from 20' to 0'

Greenwood Code References:

Unified Development Ordinance, Section 10-02-19 Commercial Medium Format Zone, Side Yard Setback. See Exhibit C: Site Plan

PETITIONER'S DETAILED STATEMENTS OF REASONS

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

The accessory barn is an existing nonconforming structure that has been in place since 2013-2014 and has not been injurious to the public health, safety, morals, or general welfare to date. Furthermore, allowing the structure to remain in place and be incorporated into the redevelopment of the property will not be injurious because it does not negatively impact proposed public or private utilities, vehicular movements, morals, or general welfare of the proposed Shiloh's Corner development.

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 accessory barn is an existing nonconforming structure that has been in place since 2013-2014 and has not adversely impacted the use and value of the adjacent area to date; therefore, allowing the structure to remain in place and be incorporated into the redevelopment of the property will not adversely impact the adjacent area. Although the existing barn encroaches onto the adjoining property, the owner owns both properties and is working with the buyer/developer on an agreement to allow the existing barn to remain in place as part of the redevelopment.

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

The intent is for the existing nonconforming structure to be re-used and incorporated into the redevelopment of the site into Shiloh's Corner (proposed commercial subdivision). In order to comply with the UDO, the barn would have to be reconstructed or relocated outside the setback. The age (less than 10 years old) and condition (excellent) of the existing barn do not necessitate a costly reconstruction or relocation; therefore, the strict application of the UDO would result in a practical difficulty.

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

Not applicable.

VARIANCE #2: To allow an accessory structure in a side yard

Greenwood Code References:

Unified Development Ordinance, Section 10-03-13 Accessory Uses and Structures, C. Accessory Structures, 10. Must be located in a rear yard. See Exhibit A: Aerial Location Map

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

The accessory barn is an existing nonconforming structure that has been in place since 2013-2014 and has not been injurious to the public health, safety, morals, or general welfare to date. Furthermore, allowing the structure to remain in place and be incorporated into the redevelopment of the property will not be injurious because it

does not negatively impact proposed public or private utilities, vehicular movements, morals, or general welfare of the proposed Shiloh's Corner development.

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 accessory barn is an existing nonconforming structure that has been in place since 2013-2014 and has not adversely impacted the use and value of the adjacent area to date; therefore, allowing the structure to remain in place and be incorporated into the redevelopment of the property will not adversely impact the adjacent area. Although the existing barn encroaches onto the adjoining property, the owner owns both properties and is working with the buyer/developer on an agreement to allow the existing barn to remain in place as part of the redevelopment.

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

The intent is for the existing nonconforming structure to be re-used and incorporated into the redevelopment of the site into Shiloh's Corner (proposed commercial subdivision). In order to comply with the UDO, the barn would have to be reconstructed or relocated outside the setback. The age (less than 10 years old) and condition (excellent) of the existing barn do not necessitate a costly reconstruction or relocation; therefore, the strict application of the UDO would result in a practical difficulty.

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

Not applicable.

Comments and Findings:

Staff finds no issue with the applicant's statements of reason. The two variance requests are basically asking for the same thing, which is to allow the existing barn to remain in its current location after the property is redeveloped. The attached site plan provides an idea of where the barn will be situated in relation to the planned development, where it will serve as an accessory structure. The property to the north is under the same ownership, so it will not cause any hardship to the nearest neighboring property.

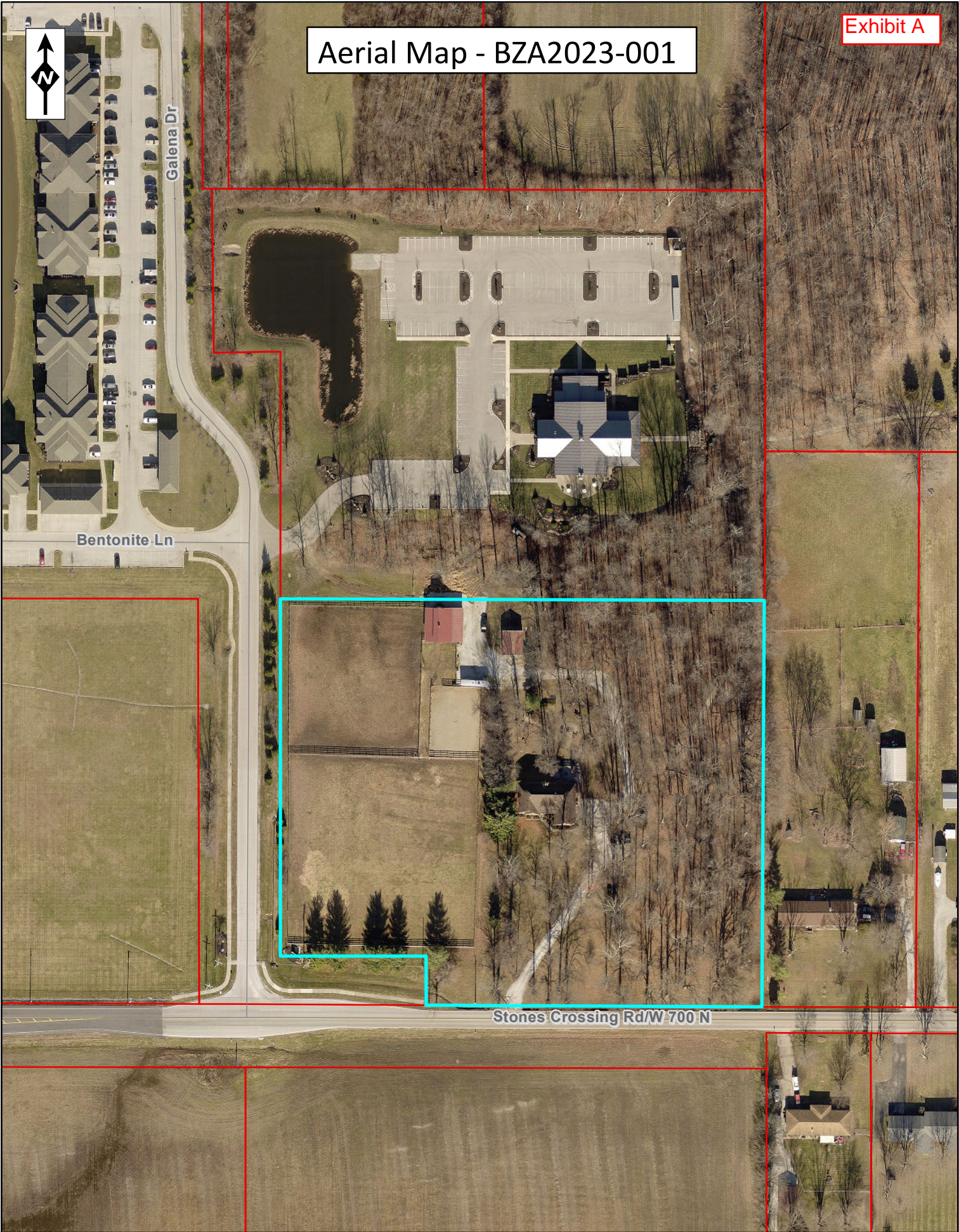
Summary and Proposed Conditions:

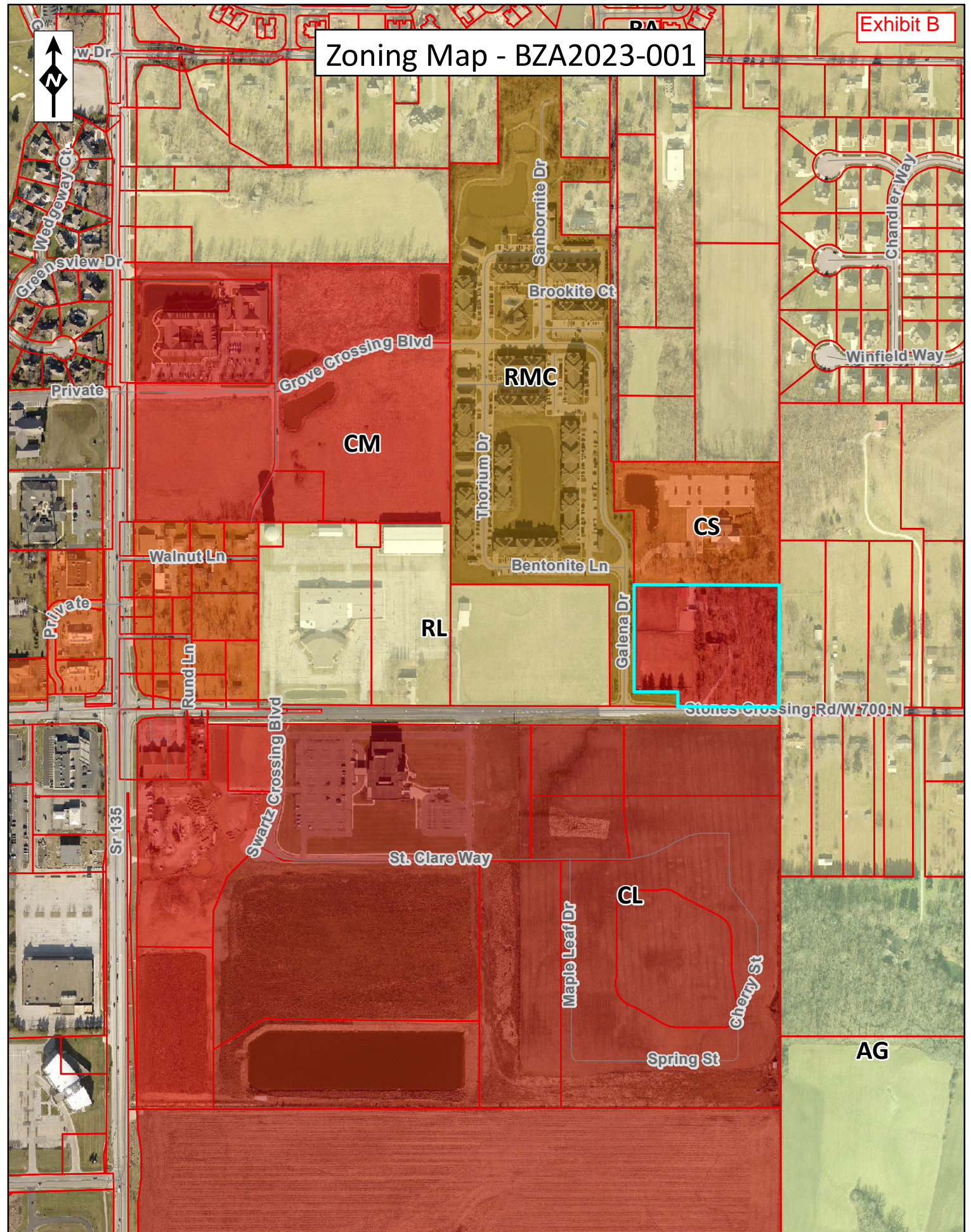
Staff provides a positive recommendation for both variances with no conditions.

Attachments:

Exhibit A: Aerial Location Map
Exhibit B: Zoning Map
Exhibit C: Site Plan

Aerial Map - BZA2023-001





Zoning Map - BZA2023-001

Exhibit B

1 inch = 500 feet



NOTE: DEVELOPMENT STANDARDS VARIANCES AND/OR WAIVERS MAY BE REQUIRED FOR THE APPROVAL OF THE PRELIMINARY SITE LAYOUT SHOWN HEREON.

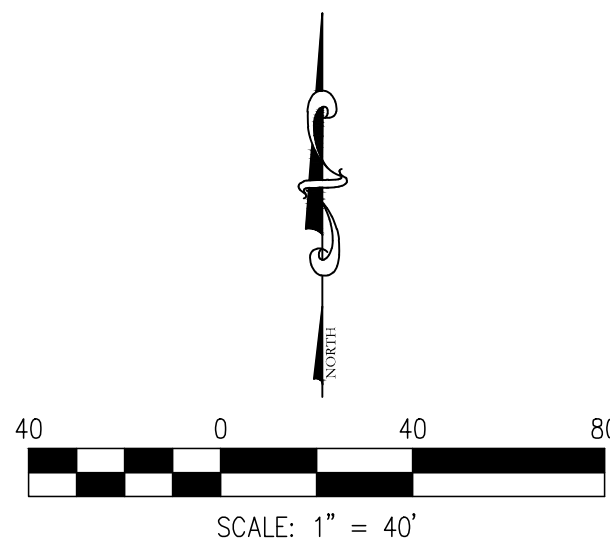
ABBREVIATIONS

R/W
FYS
SYS
RYS
DUE
NAE
AE
SWE
SSD&UE

RIGHT-OF-WAY
FRONT YARD SETBACK
SIDE YARD SETBACK
REAR YARD SETBACK
DRAINAGE & UTILITY EASEMENT
NON-ACCESS EASEMENT
ACCESS EASEMENT
SIDEWALK EASEMENT
SANITARY SEWER, DRAINAGE, AND UTILITY EASEMENT

SITE & ZONING INFORMATION

TOTAL PROJECT ACREAGE = ±6.58 ACRES
THREE (3) COMMERCIAL LOTS
GROSS SQUARE FOOTAGE OF NON-RESIDENTIAL BUILDINGS = ±32,000 SQ. FT.
EXISTING ZONING = CM (SUBJECT LAND)
ZONING OF ADJACENT PROPERTIES:
NORTH = CS
SOUTH = CL
EAST = RL
WEST = RMC
LOT SIZE AND SETBACKS (AS AMENDED IN GREENWOOD U.D.O.):
LOT SIZE = 20,000 SQ. FT. (MIN./100,000 SQ. FT. (MAX.)
FRONT YARD SETBACK = 20' (MIN./80' (MAX.)
SIDE YARD SETBACK = 20' (COMBINED AGGREGATE)
REAR YARD SETBACK = 30'
DECLARATION OF COVENANTS SHALL BE RECORDED AS A SEPARATE DOCUMENT. THIS PROPERTY IS SUBJECT TO THE REZONING COMMITMENTS ADOPTED AS ORDINANCE NO. 21-43 BY THE GREENWOOD COMMON COUNCIL.



EXISTING LEGEND

POWERPOLE	PROPERTY LINE
POWERPOLE W/LIGHT	SECTION LINE
ELECTRIC METER	RIGHT-OF-WAY
GUIDE WIRE	EASEMENT
YARD LIGHT	ADJONER LINE
TELEPHONE RISER	PAVEMENT LINE
FIBER OPTIC BOX	SPLIT RAIL FENCE
WATER VALVE	WIRE FENCE
FIRE HYDRANT	DITCH
WELL	GAS LINE
GAS VALVE	WATER LINE
GAS METER	FIBER OPTIC LINE
CLEANOUT	ELECTRIC LINE
SIGN	OVERHEAD UTILITY LINE
MAILBOX	TREE LINE
STORM CURB INLET	SANITARY SEWER W/ MANHOLE
TREE, BUSH & STUMP	STORM SEWER W/ MANHOLE & END SECTION
TEMP. BENCHMARK	
ASPHALT	CONCRETE
GRAVEL	WOOD
BUILDING	
BRICK	

STR. DATA
STR. NO. 1
DETENTION POND OUTLET CONTROL STRUCTURE AND 80 LFT OF 12" RCP @ 0.31% RIM=798.10 INV OUT (12"-NW)=793.35
STR. NO. 2
STORM MANHOLE WITH SOLID COVER CASTING AND 260 LFT OF 12" RCP @ 0.30% RIM=796.96 INV IN (12"-SE)=793.10 INV OUT (12"-W)=793.10
STR. NO. 3
STORM MANHOLE WITH SOLID COVER CASTING, CONNECT TO EXISTING STORM SEWER RIM=795.89 INV IN (12"-E)=792.32 INV IN (36"-S)=792.32 INV OUT (36"-N)=792.32
STR. NO. 4
PIPE END SECTION AND 42 LFT OF 36" RCP @ 0.52% INV OUT (36"-N)=793.58
STR. NO. 5
STORM MANHOLE WITH SOLID COVER CASTING, CONNECT TO STORM SEWER RIM=798.90 INV IN (36"-S)=793.36 INV OUT (36"-N)=793.36

STR. DATA
STR. NO. 6
STORM INLET WITH GRATE CASTING AND 96 LFT OF 12" RCP @ 0.50% RIM=798.70 INV OUT (12"-S)=795.53
STR. NO. 7
STORM MANHOLE WITH SOLID COVER CASTING AND 96 LFT OF 12" RCP @ 0.50% RIM=799.18 INV IN (12"-W)=795.05 INV OUT (12"-E)=795.05
STR. NO. 8
STORM MANHOLE WITH SOLID COVER CASTING AND 80 LFT OF 24" RCP @ 0.35% RIM=798.70 INV IN (12"-W)=794.57 INV IN (18"-S)=794.32 INV OUT (24"-NE)=793.82
STR. NO. 9
WQ UNIT WITH SOLID COVER CASTING AND 55 LFT OF 24" RCP @ 0.35% RIM=798.50 INV IN (24"-SW)=793.54 INV OUT (24"-NE)=793.54
STR. NO. 10
STORM MANHOLE WITH GRATE CASTING AND 116 LFT OF 18" RCP @ 0.50% RIM=798.70 INV IN (15"-W)=795.15 INV IN (15"-E)=795.15 INV OUT (18"-N)=794.90

STR. DATA
STR. NO. 11
STORM MANHOLE WITH SOLID COVER CASTING AND 96 LFT OF 15" RCP @ 0.50% RIM=798.85 INV IN (12"-W)=795.88 INV OUT (15"-E)=794.63
STR. NO. 12
STORM INLET WITH GRATE CASTING AND 75 LFT OF 12" RCP @ 0.51% RIM=799.43 INV OUT (12"-N)=796.26
STR. NO. 13
STORM MANHOLE WITH SOLID COVER CASTING AND 76 LFT OF 15" RCP @ 0.50% RIM=799.08 INV IN (12"-S)=795.78 INV OUT (15"-W)=795.53
STR. NO. 14
STORM INLET WITH GRATE CASTING AND 75 LFT OF 12" RCP @ 0.50% RIM=799.32 INV OUT (12"-N)=796.15
STR. NO. 15
STORM INLET WITH GRATE CASTING AND 129 LFT OF 12" RCP @ 0.50% RIM=799.00 INV OUT (12"-E)=795.76

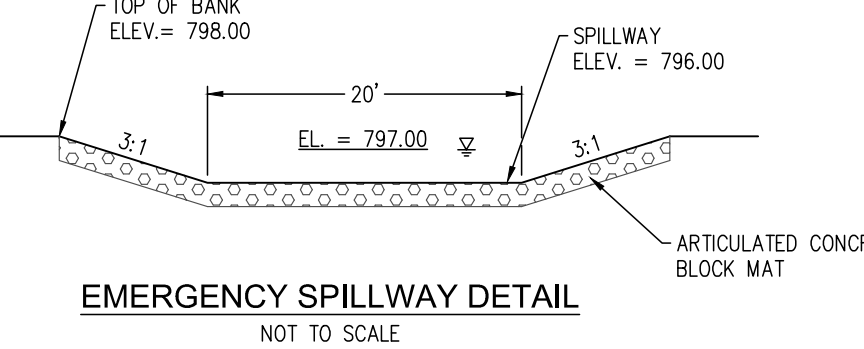
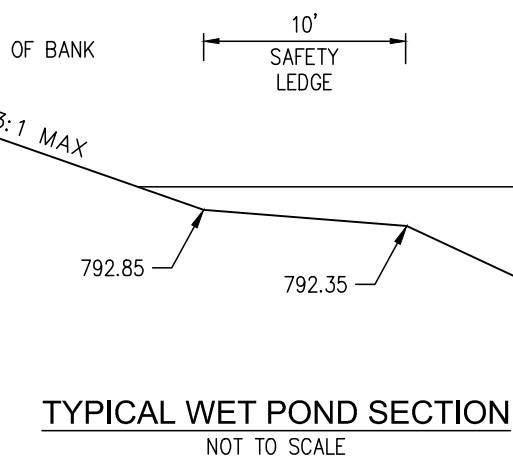
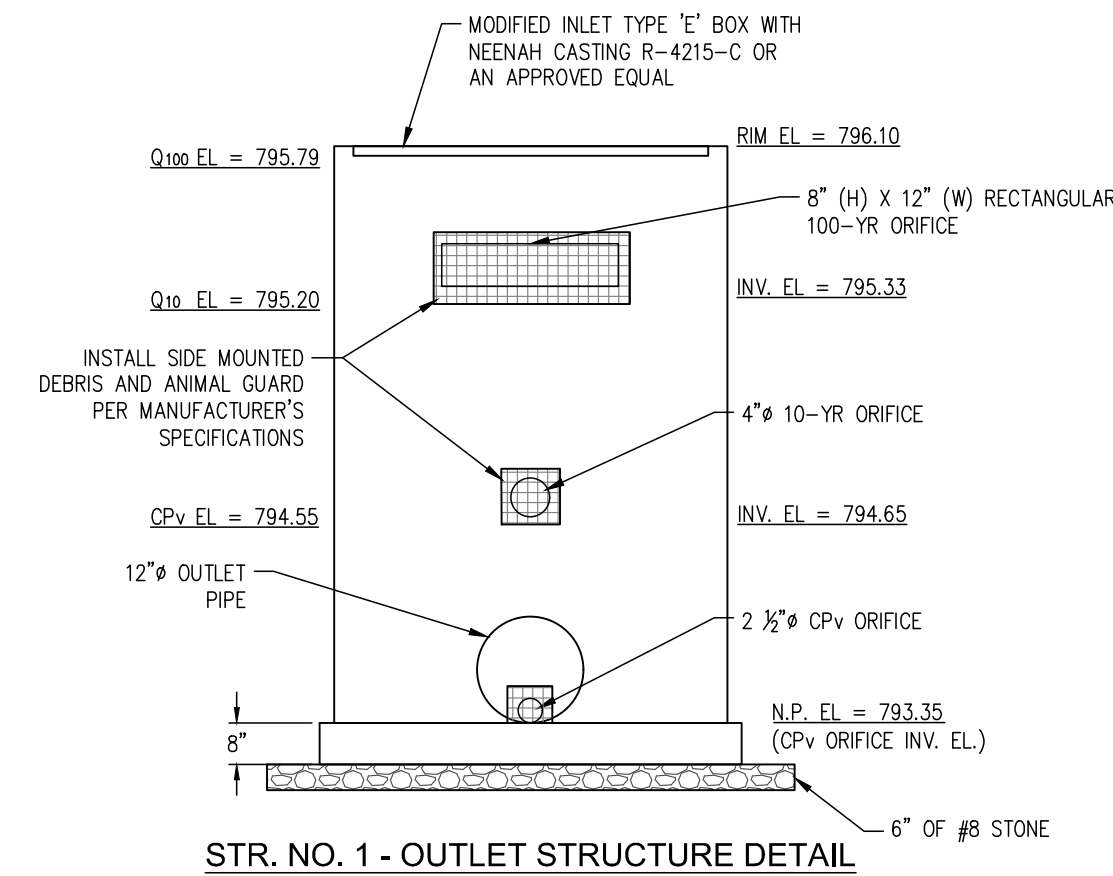
STR. DATA
STR. NO. 16
STORM INLET WITH GRATE CASTING AND 116 LFT OF 18" RCP @ 0.50% RIM=798.85 INV IN (12"-W)=795.11 INV OUT (18"-N)=794.61
STR. NO. 17
STORM INLET WITH GRATE CASTING AND 129 LFT OF 12" RCP @ 0.50% RIM=798.50 INV OUT (12"-E)=795.18
STR. NO. 18
WQ UNIT WITH SOLID COVER CASTING AND 59 LFT OF 24" RCP @ 0.30% RIM=798.35 INV IN (12"-W)=794.53 INV IN (18"-S)=794.03 INV OUT (24"-N)=793.53
STR. NO. 19
PIPE END SECTION AND 144 LFT OF 24" RCP @ 0.35% INV OUT (24"-W)=794.20
STR. NO. 20
STORM MANHOLE WITH SOLID COVER CASTING, CONNECT TO EXISTING STORM SEWER RIM=797.17 INV IN (24"-E)=793.69 INV IN (24"-S)=793.69 INV OUT (24"-N)=793.69

STR. DATA
STR. NO. SS-1
EXISTING SANITARY MANHOLE, CORE AND CONNECT PIPE FROM STR. NO. SS-2 RIM=801.08 INV IN (8"-N)=787.39 INV OUT (8"-W)=787.29
STR. NO. SS-2
SANITARY MANHOLE AND 168 LFT OF 8" PVC @ 0.45% RIM=795.00 INV IN (8"-N)=790.04 INV IN (8"-E)=788.24 INV OUT (8"-S)=788.14
STR. NO. SS-3
SANITARY MANHOLE AND 237 LFT OF 8" PVC @ 0.45% RIM=797.35 INV OUT (8"-S)=791.11
STR. NO. SS-4
SANITARY MANHOLE AND 332 LFT OF 8" PVC @ 0.45% RIM=799.10 INV OUT (8"-W)=789.74

PROPOSED LEGEND

LOT LINE	CONCRETE PAVEMENT/SIDEWALK
SETBACK LINE	ASPHALT PAVEMENT
EASEMENT LINE	HEAVY DUTY ASPHALT PAVEMENT
DITCH LINE	POND SAFETY RAMP
SANITARY SEWER WITH MANHOLE	
STORM SEWER W/MANHOLE	
WATER LINE	
STORM MANHOLES	
STORM INLETS	
STORM CURB INLETS	
FIRE HYDRANT	
STORTZ FDC	
WATER VAULT	

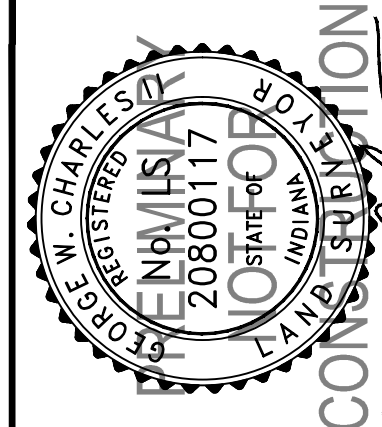
PROPOSED DETENTION POND DETAILS



PROPOSED SITE CONDITIONS

SHILOH'S CORNER

JOB NO.	DRAWN	DESIGNED	DATE	APPR.	CWC	SHEET
20800117	KLF	DMS	DECEMBER 22, 2022			300



BY: [Signature]

APPR.

REVISIONS

DATE

SHEET 300