

# Staff Report – Board of Zoning Appeals

<b>Docket #:</b>	BZA2023-003	<b>Hearing Date :</b>	February 27 <sup>th</sup> 2023
<b>Applicant:</b>	Thomas W Vander Luitgaren, Esq.		
<b>Owner:</b>	Timothy F. Crump 263 N. Madison Ave. Greenwood, IN 46142		
<b>Subject Property Address:</b>	249 N. Madison Ave. Greenwood, IN 46142		
<b>Staff Contact:</b>	Gabriel Nelson, nelsong@greenwood.in.gov, 317-887-5231		

## Request:

Petitioner requests multiple Old Town building design standards dimensional variances in regards to building façade materials, to reduce mortared masonry from 60% to what is currently present and to reduce transparency from 75% to what is currently present for both renovated buildings on the property and additionally a variance from balcony design standards to allow for natural wood balcony railings for the front building on the property.

## History:

This location was originally renovated without obtaining the proper review and permitting from the Building and Planning divisions of the Department of Community Development Services. Upon retroactively coming into compliance with the building safety requirements it was determined by staff during an architectural review of the completed buildings that the following variances shall be required to make the building legally compliant in its current form.

## Location:

The subject property is addressed as 263 N. Madison Ave. Greenwood, IN 46142 , Rieck's Add Pt Lot 2 and 1

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 office space
- B. North: Old Town (OT) – Commercial office space
- C. South: Old Town (OT) – Commercial office space
- D. East: Old Town Residential (OTR) – single family residential
- E. West: Old Town (OT) – Commercial office space

## 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 9-21-10-3 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.

#### **Greenwood Code References:**

- **75% Mortared Masonry Requirement:** UDO Sec. 10-03-14. Building Design Standards, F. Old Town Design Standards, Old Town Design Standards Table, Feature – Front Elevation A.
- **60% Transparency Requirement:** UDO Sec. 10-03-14. Building Design Standards, F. Old Town Design Standards, Old Town Design Standards Table, Feature – Front Elevation B.
- **Natural wood Balcony Rail Requirement:** UDO Sec. 10-03-14. Building Design Standards, F. Old Town Design Standards, Old Town Design Standards Table, Feature – Balconies A & B

#### **VARIANCE #1 MASONRY – FRONT BUILDING**

See Exhibit B – Post Renovation Photos Front Building

#### **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 approval of the request to decrease the masonry percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the area. The replacement materials are state of the art with wainscoting and a brick skirt.

**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 use and value of adjacent properties would not be substantially affected because the approval of this petition is consistent with the ongoing redevelopment occurring in the area. The value of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The primary structure is believed to have been constructed between 1880 and 1900. The exterior primary structure was originally constructed entirely of wood. As the project involved a renovation, structurally, the primary structure is not and was not suitable for installation of traditional masonry. It is impractical for the Petitioner to renovate the primary structure with the required masonry percentage. The required masonry as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the primary structure situated at 249 N. Madison Ave.

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

**Not applicable.**

#### **VARIANCE #2 TRANSPARENCY – FRONT BUILDING**

See Exhibit B – Post Renovation Photos Front Building

#### **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 approval of the request to decrease the transparency percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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:**

The use of the adjacent properties would not be substantially affected because approval of this petition is consistent with the ongoing redevelopment of the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The primary structure is believed to have been constructed between 1880 and 1900. The exterior of the primary structure was originally constructed of entirely wood. As this project involved a renovation, structurally, the primary structure is not and was not suitable for installation of additional windows in order to comply with the transparency requirement outlined in the City of Greenwood Unified Development Ordinance. It is impractical for the Petitioner to renovate the primary structure with the required transparency percentage. The required transparency percentage as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the primary structure situated at 249 N. Madison.

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

**Not applicable.**

**VARIANCE #3 MASONRY- REAR BUILDING**

See Exhibit C – Post Renovation Photos Rear Building

**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 approval of the request to decrease the masonry percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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:**

The use and value of adjacent properties would not be substantially affected because the approval of this petition is consistent with the ongoing redevelopment occurring in the area. The value of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The accessory structure is believed to have been constructed in the 1970s. The exterior of the accessory structure was originally constructed of wood. As the project involved a renovation, structurally, the accessory structure is not and was not suitable for installation of traditional masonry. It is impractical for the petitioner to renovate the accessory structure with the required masonry percentage. The required masonry as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the accessory structure situated at 249 N. Madison Ave.

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

**Not applicable.**

**VARIANCE #4 TRANSPARENCY- REAR BUILDING**

See Exhibit C – Post Renovation Photos Rear Building

**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 approval of the request to decrease the transparency percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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:**

The use of the adjacent properties would not be substantially affected because approval of this petition is consistent with the ongoing redevelopment of the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the accessory structure do not diminish the value of the adjacent properties.

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

The accessory structure is believed to have been constructed in the 1970s. The exterior of the accessory structure was originally constructed of wood. As the project involved a renovation, structurally, the accessory structure is not and was not suitable for installation of additional windows in order to comply with the transparency requirement outlined in the City of Greenwood Unified Development Ordinance. It is impractical for the petitioner to renovate the accessory structure with the required transparency percentage. The required transparency percentage as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the accessory structure situated at 249 N. Madison Ave.

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

**Not applicable.**

**VARIANCE #5 BALCONY- FRONT BUILDING**

See Exhibit B – Post Renovation Photos Front Building

**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 approval of the request to decrease the utilize natural wood in connection with the construction of the second story balcony will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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:**

The use of the adjacent properties would not be substantially affected because approval of this petition is consistent with the ongoing redevelopment of the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The primary structure is believed to have been constructed between 1880 and 1900. The exterior of the primary structure was the primary structure and was constructed entirely of wood. As this project involved a renovation, structurally, the primary structure is not and was not suitable for installation of additional windows or in order to comply with the transparency requirement or traditional brick as outlined in the City of Greenwood Unified Development Ordinance. The second story balcony is an addition to the primary structure and was constructed of natural wood to compliment renovations. It is impractical and out of character and harmony for the Petitioner to construct the balcony with the building materials required under the City of Greenwood Unified Development Ordinance.

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

**Not applicable.**

**Comments and Findings:**

Staff is in agreement with the petitioner that due to the age and architectural style of the two buildings on the property that that sizable masonry and transparency requirements are not practical design requirements to be incorporated into the existing buildings. Staff has no objections to Petitioners Statements of Reason.

**Summary and Proposed Conditions:**

Staff is favorable of the Petitioners request with no additional proposed conditions

**Attachments:**

Exhibit A -- Aerial Location Map

Exhibit B – Post Renovation Photos Front Building

Exhibit C – Post Renovation Photos Rear Building

Exhibit D – Pre Renovation Photos (2019)

# EXHIBIT A – AERIAL LOCATION MAP



Parcel ID	41-02-32-012-080.000-026	Alternate ID	41-02-32-012-080.000-026	Owner Address	CRUMP TIMOTHY F
Sec/Twp/Rng	n/a	Class	Res 1 fam dwelling platted lot		263 N MADISON AVE
Property Address	249 N MADISON AVE	Acreage	0.3986		GREENWOOD, IN 46142
	GREENWOOD				
District	026				
Brief Tax Description	RIECK'S ADD PT LOT 2 AND 1				
	(Note: Not to be used on legal documents)				



# EXHIBIT B – POST RENOVATION PHOTOS FRONT BUILDING

















# EXHIBIT C – POST RENOVATION PHOTOS REAR BUILDING













# EXHIBIT D – PRE RENOVATION PHOTOS (2019)

