

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-004	Hearing Date :	February 27 th 2023
Applicant:	Thomas W. Vander Luitgaren, Attorney for Petitioner		
Owner:	Shri Mangalamurti Inc. 110 Sheek Road Greenwood, IN 46143		
Subject Property Address:	1281 Southpark Drive Greenwood, IN 46143		
Staff Contact:	Gabriel Nelson nelsong@greenwood.in.gov, 317-887-5231		

Request:

The petitioner requests variances from the Commercial Building Design Standards in order to allow for a reduction in the masonry requirements, allowance for thru-air vents, mechanical screening and for modifications to an existing second pole sign.

History:

The exterior hotel renovations were discovered by staff as they were being undertaken. Upon making contact with the owner an architectural review of the property was undertaken by staff and the following variances were found to be needed in order to bring the building as renovated into legal compliance with the Unified Development Ordinance. The requested changes to the second pole sign on the property is the only non-completed change at this time.

Location:

The subject property is addressed as 1281 Southpark Drive Greenwood, Indiana 46143. The property is legally described as PT BLOCK A SECONDARY PLAT SOUTH PARK BUSINESS CENTER.

See attached Exhibit A – Aerial Location Map

Indiana Code Reference(s):

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

Surrounding Land Uses:

- A. Existing: IC (Interstate Commercial): Hotel
- B. South: IC (Interstate Commercial): Vacant lot
- C. East: Interstate 65
- D. West: IC (Interstate Commercial): 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:

- **Masonry:** UDO Sec. 10-03-14. Building Design Standards D. Commercial Building Design Standards, Feature- Front Elevation 1
- **Thru Air Units:** UDO Sec. 10-03-14. Building Design Standards D. Commercial Building Design Standards, Feature- Front Elevation 6
- **Mechanical Equipment Screening:** UDO Sec. 10-03-09. Fences and Screens G. Screening: Mechanical Equipment
- **Pole Sign:** UDO Sec. 10-03-08 Sign Menu Table: Pole Sign

VARIANCE #1 MASONARY

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 hotel has been reconstructed in harmony with the area. The replacement materials are state of the art with stone veneer and high end finishes.

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 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 hotel do not diminish the value of 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 hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent development standards that are in place today. As this project involved a renovation to re-brand the existing hotel, structurally, the building is not and was not suitable for installation of traditional masonry. It is impractical to rebrand the hotel with the required masonry percentage. The required masonry as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate and rebrand the hotel situated at 1281 Southpark Drive.

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

Not applicable.

VARIANCE #2 THRU AIR-UNITS

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 allow the use of thru-air units will not affect the health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the hotel has been reconstructed in harmony with the area. The replacement metal grills have been painted to match the surrounding material color.

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 affected because approval of this petition is consistent with 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 hotel do not diminish the value of 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 hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent development standards that are in place today. As this project involved a renovation to re-brand the existing hotel, structurally, the building is not and was not suitable for the installation of a more traditional HVAC system. It is impractical for the Petitioner to incorporate a more traditional HVAC system in connection with the renovation and re-branding of the hotel. The prohibition on the use of thru-air units as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate and rebrand the hotel situated at 1281 South park Drive.

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

Not applicable.

VARIANCE #3 MECHANICAL EQUIPMENT SCREENING

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 allow the use of quality vinyl fencing for the purpose of screening mechanicals will not affect the health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the hotel has been reconstructed in harmony with the area. The replacement metal grills have been painted to match the surrounding material color.

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 affected because approval of this petition is consistent with 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 hotel do not diminish the value of 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 hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent development standards that are in place today. The hotel is three (3) stories in height with the predominant material being stucco. It is impractical for the petitioner to construct the required screening utilizing stucco.

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

Not applicable.

VARIANCE #4 SECOND POLE SIGN

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 allow for two (2) pole signs will not affect the public health, safety, morals and general welfare of the community because the existing pole signs situated on the Real Estate have been in place for many years and do not create any adverse visual impairments.

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 will not be adversely affected as approval of this petition simply allows the petitioner to update a pole sign that has existed for many years. The value of the adjacent properties will not be adversely affected as the approval of this petition and resulting variance will allow for a new, updated, and much more aesthetically pleasing pole sign.

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

The I-65 and Main Street corridor was original developed decades ago and has undergone many changes over the years. Signage is a critical part of the marketing, branding, and advertising of a hotel with visibility from major interstates and thoroughfares being of the utmost importance. The hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent standards that are in place today. Two (2) pole signs have been situated on the Real State for many years, the second being deemed as legal non-conforming upon the adoption of the City of Greenwood Unified Development Ordinance. The limitation of (1) pole sign per business parcel as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to re-brand the hotel situated at 1281 Southpark Drive.

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

Not applicable.

Comments and Findings:

Staff does not find issue with the requested variances. Staff finds that while the renovations have not brought the building up to the full commercial design standards the addition of masonry to the front façade has brought the building into closer compliance with the current code in comparison to its pre-renovation state.

The staff also finds the request to keep and structurally alter the second pole sign on the property is justifiable as the other pole sign on the hotel property is for the surrounding business park, on which the hotel has no signage itself.

Summary and Proposed Conditions:

Staff is favorable of the proposed requests for variances 1-3.

Staff is favorable of the proposed request for variance 4 with the following condition:

1. A sign permit be applied for and issued before alterations to the sign occur as depicted in Exhibit E.

Attachments:

Exhibit A -- Aerial Location Map

Exhibit B –Renovated Elevation Renderings

Exhibit C – Post Renovation Photos

Exhibit D – Screen Fencing Example Types

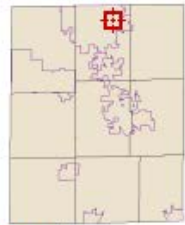
Exhibit E – Mechanical Equipment to Be Screened

Exhibit F – Pole Sing Update Rendering

EXHIBIT A – AERIAL LOCATION MAP



Overview



Legend

- Cities
- Parcels
- Roads
 - ACCESS RAMP
 - HIGHWAY
 - INTERSTATE
 - LOCAL
 - MAJOR ARTERIAL
 - MAJOR COLLECTOR
 - MINOR ARTERIAL
 - MINOR COLLECTOR
 - PRIVATE ROAD

Parcel ID	41-02-34-024-035.002-025	Alternate ID	41-02-34-024-035.002-025	Owner Address	SHRI MANGALAMURTI INC
Sec/Twp/Rng	n/a	Class	Commercial Hotels		110 SHEEK RD
Property Address	1281 SOUTHPARK DR	Acreage	2.31		GREENWOOD, IN 46143
	GREENWOOD				
District	025 PLEASANT TWP				
Brief Tax Description	PT BLOCK A SECONDARY PLAT SOUTH PARK BUSINESS CENTER				
	(Note: Not to be used on legal documents)				

1 RENOVATED FRONT ELEVATION
SECTION 1-1

2 RENOVATED LEFT SIDE ELEVATION
SECTION 2-2

3 RENOVATED RIGHT SIDE ELEVATION
SECTION 3-3

4 RENOVATED REAR ELEVATION
SECTION 4-4

5 RENOVATED DUMPER ELEVATIONS

MATERIAL LEGEND

ITEM	DESCRIPTION
1	EXISTING BRICK
2	RENOVATED BRICK
3	RENOVATED CONCRETE
4	RENOVATED ROOF
5	RENOVATED FLOOR
6	RENOVATED WALL
7	RENOVATED CEILING
8	RENOVATED DOOR
9	RENOVATED WINDOW
10	RENOVATED STAIR
11	RENOVATED ELEVATOR
12	RENOVATED MECHANICAL
13	RENOVATED ELECTRICAL
14	RENOVATED PLUMBING
15	RENOVATED HVAC
16	RENOVATED INSULATION
17	RENOVATED GLASS
18	RENOVATED METAL
19	RENOVATED WOOD
20	RENOVATED PAINT
21	RENOVATED FINISH
22	RENOVATED LANDSCAPE
23	RENOVATED SITEWORK
24	RENOVATED UTILITIES
25	RENOVATED SIGNAGE
26	RENOVATED FURNITURE
27	RENOVATED EQUIPMENT
28	RENOVATED MATERIALS
29	RENOVATED LABOR
30	RENOVATED PERMITS
31	RENOVATED INSURANCE
32	RENOVATED BONDING
33	RENOVATED SCHEDULING
34	RENOVATED COST ESTIMATING
35	RENOVATED PROJECT MANAGEMENT
36	RENOVATED QUALITY CONTROL
37	RENOVATED SAFETY
38	RENOVATED COMMUNICATIONS
39	RENOVATED DOCUMENTATION
40	RENOVATED ARCHITECTURAL
41	RENOVATED ENGINEERING
42	RENOVATED SURVEYING
43	RENOVATED GEOTECHNICAL
44	RENOVATED ENVIRONMENTAL
45	RENOVATED HISTORIC
46	RENOVATED MONUMENTAL
47	RENOVATED CLASSICAL
48	RENOVATED RENAISSANCE
49	RENOVATED BAROQUE
50	RENOVATED ROMANESQUE
51	RENOVATED GOTHIC
52	RENOVATED RENAISSANCE
53	RENOVATED BAROQUE
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96	RENOVATED RENAISSANCE
97	RENOVATED BAROQUE
98	RENOVATED ROMANESQUE
99	RENOVATED GOTHIC
100	RENOVATED RENAISSANCE

EXHIBIT C – POST RENOVATION PHOTOS



Thru-air vents

EXHIBIT D— SCREEN FENCING EXAMPLE TYPES



Styles to suit any home.

Whatever your design needs, Ply Gem Fence and Railing manufactures a full range of vinyl and outdoor products to suit the look of any home and to meet any functional requirement.

- Routed construction means it looks great from any angle
- Supported by nationwide service and distribution
- Backed by a Limited Lifetime Warranty

No wood. No work. No hassle.

More and more homeowners and installers like you are choosing vinyl outdoor products. You're choosing them because you want the classic look of wood without the upkeep or expense.

No need to paint, stain or replace rotted boards damaged by water or insects. Ply Gem Fence and Railing is a sustainable fencing option.

Formulated for exceptional strength and beauty.






Only the best materials go into Ply Gem Fence and Railing products. We use the highest quality raw materials and the most advanced engineering techniques. Why? Because they make our products last longer and look better than other vinyl fence and railing products. Which, over time, makes customers very happy and helps you stand out from the competition.






PRIVACY FENCE
PRODUCT GUIDE

THE PLY GEM PROMISE: Ply Gem is a 70-year leader in pioneering performance home exteriors, with a superior warranty for exactly the home you want for decades to come.


GATES AND ACCESSORIES AVAILABLE

ARCHITECTURAL FINISHES

Color:
Tan, Sandstone, Khaki and White

Weathered Wood®
Natural Cedar, Redwood, Apple Cedar, Weathered Cedar and Chestnut Brown

Cap®s:
Khaki and White



PRIVACY FENCE

**PRIVACY AND SECURITY
THAT'S EASY TO LIVE WITH.**

Nothing finishes off a property like a Ply Gem privacy fence. We have made choosing a privacy fence easy by offering our great-looking selection of fence styles and colors in three price ranges. Even your neighbors will love your fence, because the routed construction means it looks great on both sides. Choose Ply Gem with confidence, knowing our privacy fences are the low-maintenance choice for years to come, backed by one of the best Limited Lifetime Warranties in the business.

OUR COMPLETE RANGE OF PRODUCTS:



Ply Gem Classic - classic style, affordably priced

Ply Gem Performance - the broadest range of styles and colors

Ply Gem Elegance - special products for special homes, our premier line.

ELEGANCE

Ply Gem Elegance Privacy Fence is our premier line, created for special homes that require special designs. Ply Gem Elegance Privacy Fence offers a selection of sophisticated designs, accents and colors, combined with Ply Gem Fence and Railing's legendary durability and attention to detail.

PRODUCT NAME	HEIGHT	WIDTH	POST SIZE	RAILING SIZE	PICKET SIZE	AVAILABLE COLORS
CLASSIC						
Pre-fabricated Solid Privacy	5' & 6'	6' & 8'	5" x 5"	1 1/2" x 5 1/2"	1/2" x 11 1/2" T&G 3/4" x 6"	Sandstone, Khaki, White

PERFORMANCE

Solid Privacy (K-28D)**	6'	8'	5" x 5"	2" x 6 1/2"	1" x 8" T&G	Tan, Sandstone, White
Privacy with Lattice (K-31C)	6'	8'	5" x 5"	2" x 6 1/2"	1" x 8" T&G	Tan, Sandstone, White
Semi-Privacy Ribbed Picket	6'	8'	5" x 5"	2" x 6" Ribbed	1/2" x 5 1/2" Ribbed	Sandstone, White
Shadow Box	6'	6'	5" x 5"	3 1/2" x 3 1/2"	1/2" x 5 1/2" Ribbed	White
Shadow Box with Lattice	6'	6'	5" x 5"	3 1/2" x 3 1/2" 2" x 3 1/2" Top	1/2" x 5 1/2" Ribbed	White
Semi-Privacy Pool Fence (K-197)	5' & 6'	8'	5" x 5"	2" x 3 1/2"	1/2" x 3"	Tan, Sandstone, Khaki, White

ELEGANCE

Semi-Privacy Pool Fence (K-197)	5' & 6'	8'	5" x 5"	2" x 3 1/2"	1/2" x 3"	Woodland Select Panels
Solid Privacy (K-28D)**	6'	8'	5" x 5" 2" x 3 1/2" Top	2" x 6 1/2"	1" x 8" T&G	All Colors including Woodland Select Panels
Privacy with Sunburst Accent (K-30F Modified)	6'	6'	5" x 5"	2" x 6 1/2" 2" x 3 1/2" or 1 1/2" x 5 1/2" Top	1" x 8" T&G 1" x 1"	White, Woodland Select Panels
Privacy with Chippendale Accent* (K-298)	6'	8'	5" x 5"	2" x 6 1/2" 2" x 3 1/2" Top	1" x 8" T&G 1" x 1" 1 1/2" x 1 1/2" 1 1/2" x 1 1/2"	White, Woodland Select™ Panels†
Privacy with Dropped Rail (K-83)	6'	8'	5" x 5"	2" x 6 1/2" 2" x 3 1/2" Top	1" x 8" T&G	All Colors including Woodland Select Panels and Rails
Privacy with Rising Rail (K-140)	6'	8'	5" x 5"	2" x 6 1/2"	1" x 8" T&G	All Colors including Woodland Select Panels and Rails
Privacy with Decorative	6'	8'	5" x 5"	2" x 6 1/2" 1" x 3 1/2" Top	1" x 8" T&G	All Colors including Woodland Select Panels Cap Rail (K-28D Modified)
Privacy with Scalloped	6'	8'	5" x 5"	2" x 6 1/2" 2" x 3 1/2" Top	1" x 8" T&G 1 1/2" x 1 1/2"	All Colors including Woodland Select Panels Picket Accent (K-6) Modified)
Privacy with Picket Accent and	6'	8'	5" x 5"	2" x 6 1/2" 2" x 3 1/2" Top	1" x 8" T&G 1 1/2" x 1 1/2"	Tan, White, Woodland Select Panels Decorative Cap Rail (K-84)
Privacy with Lattice (K-31C)	6'	8'	5" x 5"	2" x 6 1/2"	1" x 8" T&G	Tan, White, Woodland Select Panels

FENCE COLORS



WOODLAND SELECT™ COLORS



Due to printing limitations, product colors may not be exactly as shown.

EXHIBIT E – MECHANICAL EQUIPMENT TO BE SCREENED



EXHIBIT F – POLE SIGN UPDATE RENDERING



EXISTING
6'-2 1/2" X 12'-0 3/8"
34'-1" OAH



PROPOSED
33'-6"



PYLON DETAIL
SCALE 1/4" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

DATE

NOTE: Elevation drawings are for customer approval only. Drawings are not to be used as an installation guide. All dimensions must be verified before installation.

Customer BEST WESTERN PLUS	Date 08MAR21	Prepared By JS/SC	<p>Use the accuracy of the information provided in this drawing as a guide only. The information is provided for your reference only. The information is not to be used as a basis for any other purpose.</p>	<p>personasigns.com</p> <p>DESIGNED BY PERSONA SIGN COMPANY 100 The Green Building PO Box 211 Greenwood, IN 46030-0211 1-800-343-8888 www.personasigns.com</p>
Location GREENWOOD, IN	279872 - R4 - GREENWOOD, IN			