

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-009	Hearing Date:	March 27, 2023
Applicant:	Bill Anderson, 1800 Parkway Place, Suite 700, Marietta, GA		
Owner:	CF MH Greenwood, LLC, 31200 Northwester Hwy, Farmington Hills, MI		
Subject Property Address:	Lots 68 & 71, W. Acree Drive, Greenwood, IN		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

Former Zoning Ordinance, Section 10-117; Administration and Enforcement Procedures for Mobile Home Parks, Table M, minimum front setback is 20 feet. Petitioner requests to reduce the front setback on Lot 71, Murry Street side to 15 feet, and Lot 68, York Street side to 10 feet.

See attached Exhibit C: Site Plan

Location:

The subject property (parcel 41-05-05-043-034.000-026) is an 11.69 acre property located on the north side of Stop 18 Road, east of U.S. 31. Lots 68 and 71 are located on W. Acree Drive within the Greenwood Farms Mobile Home Park.

See attached Exhibit A: Aerial Location Map and Exhibit D: Legal Description

Surrounding Land Uses:

- The Site: Residential, Mobile Home (RMH), Greenwood Farms
- North: Commercial, Large (CL), Auto Dealership
- East: Residential, Mobile Home (RMH), Greenwood Estates
- South: Residential, Mobile Home (RMH), Greenwood Estates
- West: Residential, Multi-Unit Complex (RMC), Yorktowne Farms

See Exhibit B: Zoning Map

Indiana Code Reference(s):

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

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.

Greenwood Code References:

Former Zoning Ordinance, Section 10-117; Administration and Enforcement Procedures for Mobile Home Parks, Table M, minimum front setback of 20 feet

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

The approval of the aforementioned setback variances will not be injurious to the community, as similarly dimensioned front setbacks are currently utilized successfully at the existing Greenwood Estates community to the east of the redevelopment area. Furthermore, the 20' "side" setback requirement between the home and the street within the RHM Zoning Designation has since been removed from the City of Greenwood Zoning Ordinance upon recent ordinance updates. Lastly, the posted speed limit within the Greenwood Estates community is 15 MPH. The 15 MPH speed limit is 10 MPH lower than the typical residential speed limit of 25 MPH, thus further enhancing the safety of the public and improving stopping sight distance concerns within the development. Adding to safety, no driveways will be installed on the reduced setback side, as all driveways will be constructed with the typical 20' setback from the internal street frontage (West Acree Drive).

Staff Comment: This project was approved prior to the adoption of our current UDO. The setbacks in question were part of the approval of the site plan in accordance with the prior zoning ordinance. Because of this, the variance is from the former zoning ordinance.

Exhibit C: Site Plan

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:

Surrounding communities adjacent to the property requesting the variance will not be adversely affected as similar setbacks are utilized in older adjacent communities. Once again, similar front setbacks are utilized in the existing Greenwood Estates community adjacent to the redevelopment subject area. Furthermore, Lots 68 and 71 meet the required front setback of 20' measured between the front of the proposed homes and West Acree Drive. The approval of this variance will have no effect on the functionality of the Greenwood Estates manufactured housing community, and thus no adverse effects to any surrounding properties. Finally, the setback variances are internal to the community.

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

The strict application of the Zoning Ordinance here would result in the loss of an affordable housing manufactured home lot and require the reconstruction of three others. During the permitting process over the last 3 years with the City of Greenwood, the problem with the required setbacks was never mentioned through the process of over five (5) reviews of the plans by the City. Furthermore, during the redevelopment process of Greenwood Estates, the number of units has been drastically reduced in order to meet the drainage requirements of the City. The unexpected loss of another lot due to previously unannounced setback concerns could greatly limit the viability of this affordable housing project that will be a positive for the community.

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 variance. The setbacks at issue in this case are no longer required in the current UDO as the mobile home lots are not separate parcels. The reason for this variance is that the setbacks in question were specifically called out in the site plan approval and are therefore binding. A reduction in these setbacks should cause no harm and have minimal impact on the development.

Summary and Proposed Conditions:

Staff provides a positive recommendation for the variance with no conditions.

Attachments:

Exhibit A: Aerial Location Map

Exhibit B: Zoning Map

Exhibit C: Site Plan

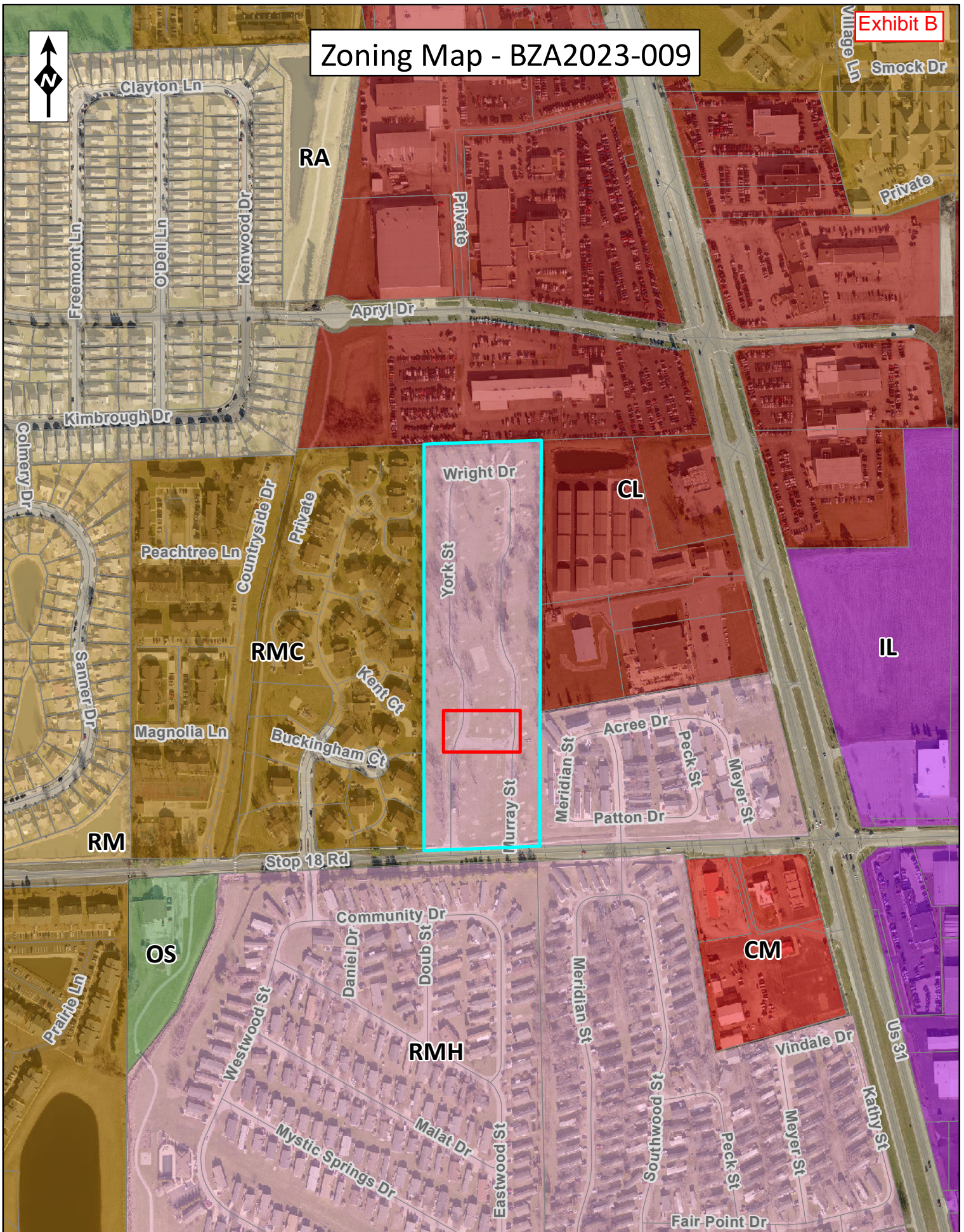
Exhibit D: Legal Description


Aerial Map - BZA2023-009



1 inch = 200 feet

Zoning Map - BZA2023-009





Know what's below.
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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SECTION 19 & 20
TOWN 2 SOUTH, RANGE 5 EAST
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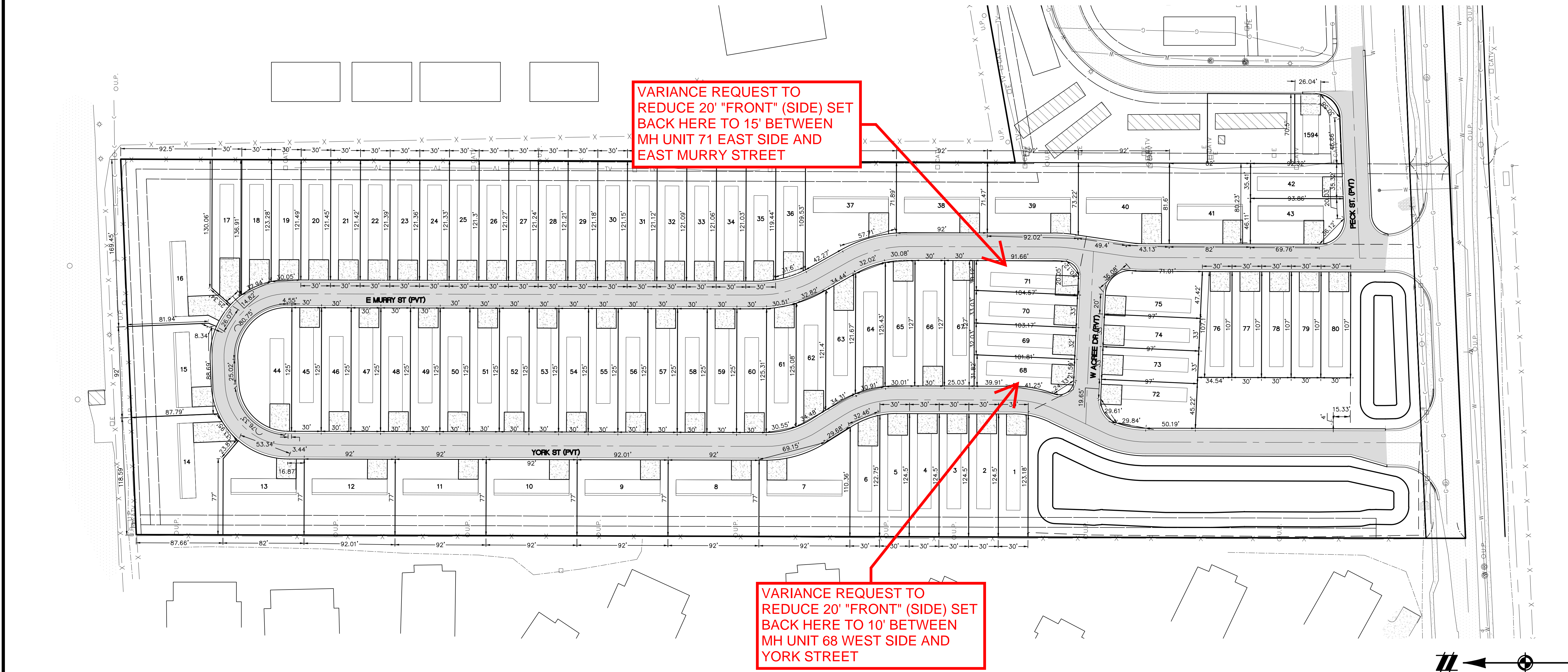
**GREENWOOD ESTATES
VARIANCE EXHIBIT**

SCALE 0 25 50
1" = 50 FEET

DR. -- CH. --
P.M. MB

JOB 18002063
SHEET NO. 03

CAD FILE: 18003587FSP-LOTDIMS.DWG



LEGEND

- PR. MANUFACTURED HOME
- PR. SETBACK LINE
- PR. LOT/SITE BOUNDARY
- PR. WATER MAIN (8")
- PR. SAN SEWER (8")
- PR. STORM SEWER (VARIES)
- PR. SIGN (NP=NO PARKING; SN=STREET NAME; ST=STOP)
- PR. LIGHT POLE

EXHIBIT A

Legal Description

Land situated in the County of Johnson in the State of Indiana:

Parcel 1: Tax Id: 41-05-08-014-001.000-025, 41-05-09-023-016.000-025

Part of the East half of the Northeast quarter of Section 8 and a part of the West half of the Northwest quarter of Section 9, all in Township 13 North, Range 4 East of the Second Principal Meridian, in Johnson County, Indiana, described as follows:

Beginning at the Southwest corner of the East half of the Northeast quarter of the said Section 8; thence North 87 degrees 44 minutes East on and along the South line thereof 1334.76 feet to the Southwest corner of the West half of the Northwest quarter of the said Section 9; thence North 88 degrees 00 minutes 30 seconds East on and along the South line thereof 344.37 feet to the centerline of the Northbound lane of U. S. Highway 31; thence North 14 degrees 28 minutes 55 seconds West on and along the said centerline, 1305.45 feet; thence South 75 degrees 31 minutes 05 seconds West, 240.01 feet; thence North 06 degrees 32 minutes 34 seconds West, 170.57 feet; thence North 75 degrees 31 minutes 05 seconds East, 216.45 feet to the said centerline; thence North 14 degrees 28 minutes 55 seconds West on and along the said centerline, 727.48 feet; thence South 74 degrees 31 minutes 05 seconds West, 578.48 feet; thence North 08 degrees 58 minutes 26 seconds West, 645.08 feet to the South line of a 35 foot right-of-way dedicated to the public in Deed Record 187, Page 192 in the Recorder's Office of Johnson County, Indiana; thence South 87 degrees 31 minutes 53 seconds West on and along the said South right-of-way line 485.21 feet to the West line of the East half of the Northeast quarter of the said Section 8; thence South 0 degrees 20 minutes 12 seconds East on and along the said West line 2658.57 feet to the Point of Beginning.

Parcel 2: Tax Id: 41-05-05-043-034.000-026, 41-05-05-044-035.000-026

Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southeast quarter of Section 5, Township 13 North, Range 4 East of the Second Principal Meridian, in Johnson County, Indiana, described as follows: Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 5; thence South 87 degrees 21 minutes 11 seconds West on and along the South line thereof 378.73 feet to an existing iron rod; thence North 00 degrees 01 minutes 34 seconds East, 1343.75 feet to the North line of the said quarter quarter Section; thence North 87 degrees 20 minutes 08 seconds East on and along the said North line 380.00 feet to the Northeast corner of the said quarter quarter Section; thence South 00 degrees 04 minutes 47 seconds West on and along the East line thereof 904.83 feet to a point that is 439.10 feet North of the Southeast corner thereof; thence North 79 degrees 54 minutes 28 seconds East, 873.67 feet to the centerline of the Northbound lane of U. S. Highway 3; thence South 14 degrees 34 minutes 55 seconds East on and along the said centerline 567.20 feet to the South line of the Southeast quarter of the Southeast quarter of the said Section 5;

thence South 87 degrees 31 minutes 53 seconds West on and along the said South line 1004.50 feet to the Point of Beginning.

Excepting therefrom the following:

A part of the West Half of the Northwest Quarter of Section 9, Township 13 North, Range 4 East, Johnson County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the Southwest corner of said quarter section; thence North 0 degrees 03 minutes 42 seconds East, 50.03 feet along the West line of said quarter section to the North boundary of Worthsville Road; thence North 88 degrees 10 minutes 38 seconds East, 177.29 feet along the North boundary of said Worthsville Road to the point of beginning of this description designated as point "1001" on said Plat; thence North 37 degrees 32 minutes 49 seconds East, 38.82 feet to the Western boundary of U.S., 31 designated as point "1003" on said Plat; thence South 14 degrees 22 minutes 21 seconds East, 15.55 feet along the boundary of said U.S. 31; thence South 32 degrees 05 minutes 42 seconds West, 17.87 feet along said boundary to the intersection of the boundary of said U.S. 31 and the North boundary of said Worthsville Road; thence South 88 degrees 10 minutes 38 seconds West, 18.03 feet along the North boundary of said Worthsville Road to the point of beginning.

EXHIBIT A

LEGAL DESCRIPTION

Tax Id Number(s): 41-05-05-043-034.000-026, 41-05-05-044-035.000-026, 41-05-08-014-001.000-025, 41-05-09-023-016.000-025

Land Situated in the City of Greenwood in the County of Johnson in the State of Indiana

PARCEL I:

Part of the East half of the Northeast quarter of Section 8 and a part of the West half of the Northwest quarter of Section 9, all in Township 13 North, Range 4 East of the Second Principal Meridian, in Johnson County, Indiana, described as follows:

Beginning at the Southwest corner of the East half of the Northeast quarter of the said Section 8; thence North 87 degrees 44 minutes East on and along the South line thereof 1334.76 feet to the Southwest corner of the West half of the Northwest quarter of the said Section 9; thence North 88 degrees 00 minutes 30 seconds East on and along the South line thereof 344.37 feet to the centerline of the Northbound lane of U. S. Highway 31; thence North 14 degrees 28 minutes 55 seconds West on and along the said centerline 1305.45 feet; thence South 75 degrees 31 minutes 05 seconds West 240.01 feet; thence North 06 degrees 32 minutes 34 seconds West 170.57 feet; thence North 75 degrees 31 minutes 05 seconds East 216.45 feet to the said centerline; thence North 14 degrees 28 minutes 55 seconds West on and along the said centerline 727.48 feet; thence South 74 degrees 31 minutes 05 seconds West 578.48 feet; thence North 08 degrees 58 minutes 26 seconds West 645.08 feet to the South line of a 35 foot right-of-way dedicated to the public in Deed Record 187, page 192 in the Recorder's Office of Johnson County, Indiana; thence South 87 degrees 31 minutes 53 seconds West on and along the said South right-of-way line 485.21 feet to the West line of the East half of the Northeast quarter of the said Section 8; thence South 0 degrees 20 minutes 12 seconds East on and along the said West line 2658.57 feet to the Point of Beginning.

PARCEL II:

Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southeast quarter of Section 5, Township 13 North, Range 4 East of the Second Principal Meridian, in Johnson County, Indiana, described as follows: Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 5; thence South 87 degrees 21 minutes 11 seconds West on and along the South line thereof 378.73 feet to an existing iron rod; thence North 00 degrees 01 minutes 34 seconds East 1343.75 feet to the North line of the said quarter quarter Section; thence North 87 degrees 20

minutes 08 seconds East on and along the said North line 380.00 feet to the Northeast corner of the said quarter quarter Section; thence South 00 degrees 04 minutes 47 seconds West on and along the East line thereof 904.83 feet to a point that is 439.10 feet North of the Southeast corner thereof; thence North 79 degrees 54 minutes 28 seconds East 873.67 feet to the centerline of the northbound lane of U. S. Highway 3; thence South 14 degrees 34 minutes 55 seconds East on and along the said centerline 567.20 feet to the South line of the Southeast quarter of the Southeast quarter of the said Section 5; thence South 87 degrees 31 minutes 53 seconds West on and along the said South line 1004.50 feet to the Point of Beginning.

Commonly Known as: 1598 U.S. Highway 31 South, Greenwood, IN
46143