

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-010	Hearing Date:	March 27, 2023
Applicant:	Chris Magness, 1287 S. Honey Creek Road, Greenwood		
Owner:	Greg Bowling, 1338 W. Curry Road, Greenwood		
Subject Property Address:	1338 W. Curry Road, Greenwood		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

Petitioner is requesting variances from UDO Section 10-03-14 (B), Single Family Residential Building Design Standards; Exterior Materials, Path 2 (B) to allow the use of metal siding; and from 10-03-14 (B), Single Family Residential Building Design Standards; Trim, to allow the use of metal trim.

Location:

The subject property is located at 1338 W. Curry Road. Parcel ID # 41-04-01-013-013.000-041

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

Indiana Code Reference(s):

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

Surrounding Land Uses:

- A. Existing: Residential, Medium (RM), Large Lot Residential
- B. North: Residential, Medium (RM), Large Lot Residential
- C. South: Residential, Medium (RM), Large Lot Residential
- D. East: Residential, Medium (RM), Large Lot Residential
- E. West: Residential, Medium (RM)/ Multi-Unit Complex (RMC), Large Lot Residential/The Gables

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 allow the use of metal siding

VARIANCE #2: To allow the use of metal trim

Greenwood Code References:

Unified Development Ordinance, Section 10-03-14 (B), Single Family Residential Building Design Standards; Exterior Materials and Trim.

See Exhibit C: Building Elevations

PETITIONER'S DETAILED STATEMENTS OF REASONS

Staff Comment – Because the variance requests are quite similar, the petitioner has offered the same set of answers for each request.

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

It is only a visual element.

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:

There are currently like type structures on adjacent properties that utilize prefinished metal siding.

Staff Comment – A variance (BZA2021-016) was approved to allow a metal pole barn at 1311 W. Curry Road

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

The proposed home will be built using post & beam construction and metal siding is utilized for its light weight, ease of installation, cost, and extreme durability and longevity.

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 necessarily disagree with the applicant's statements of reason, however, there does not appear to be any evidence that the house cannot be built in compliance with the UDO. The current UDO is quite strict in its building standard requirements.

The two variance requests are basically asking for the same thing, which is to allow metal to be used as the primary exterior material and to also be used for trim. However, even though the Petitioner's Detailed Statement of Reasons are the same for both, they should be treated as separate variances, as granting of one variance would not prohibit the denial of the other variance (you can have metal siding without metal trim or metal trim without metal siding). The role of the Board is to determine whether or not the variance requests rise to meet the requirements set forth in Indiana Code, specifically that there is something unique about the property that would not allow a house to be built in accordance with the UDO.

Summary and Proposed Conditions:

Staff cannot provide a favorable recommendation as this property could be built in compliance with our residential building design standards. However, if the Board were to grant one or both of the variances, staff recommends the following condition for both variances:

1. The final plans shall substantially conform to the building elevations depicted in Exhibit C.

Attachments:

Exhibit A: Aerial Location Map

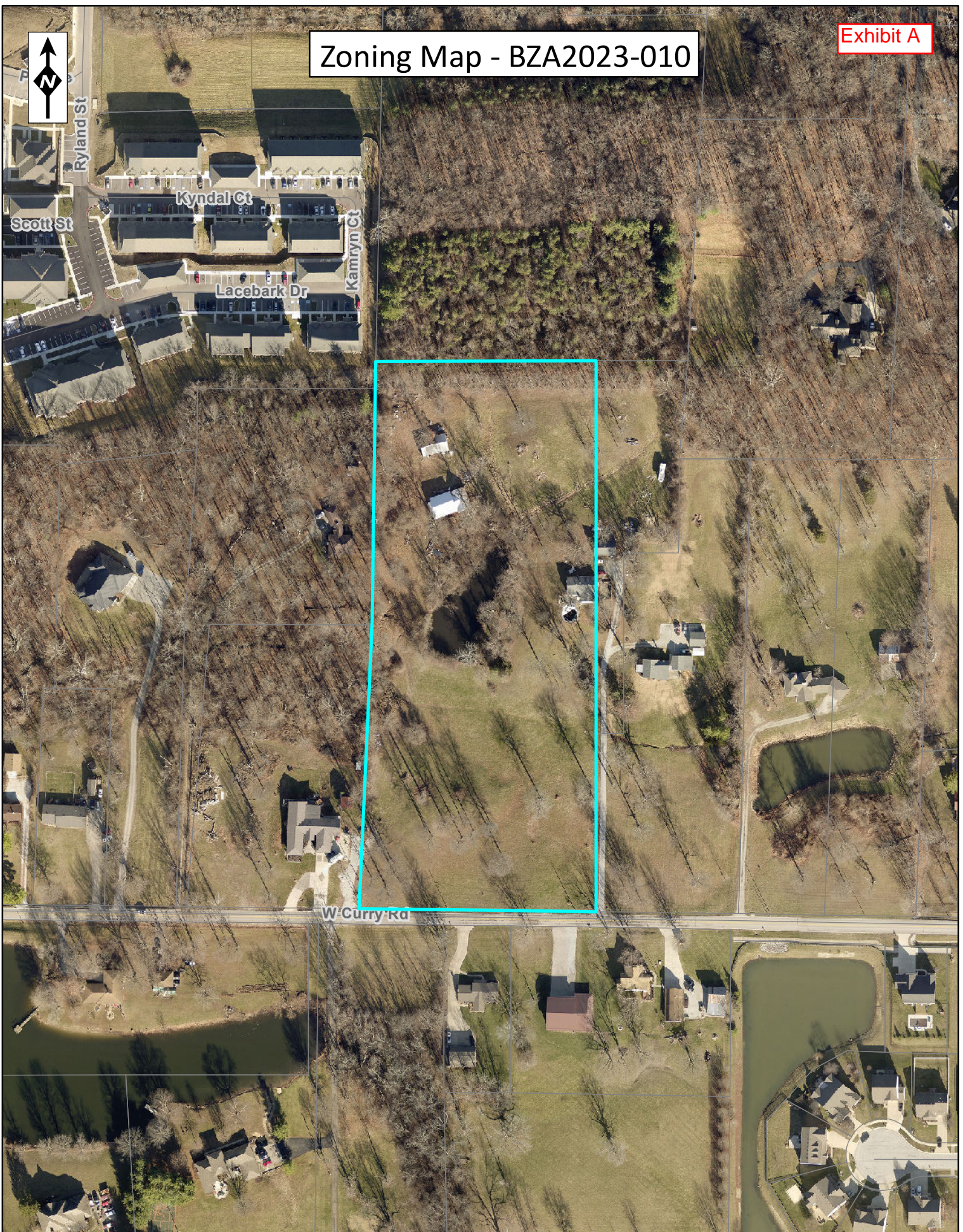
Exhibit B: Zoning Map

Exhibit C: Building Elevations

Exhibit D: Legal Description

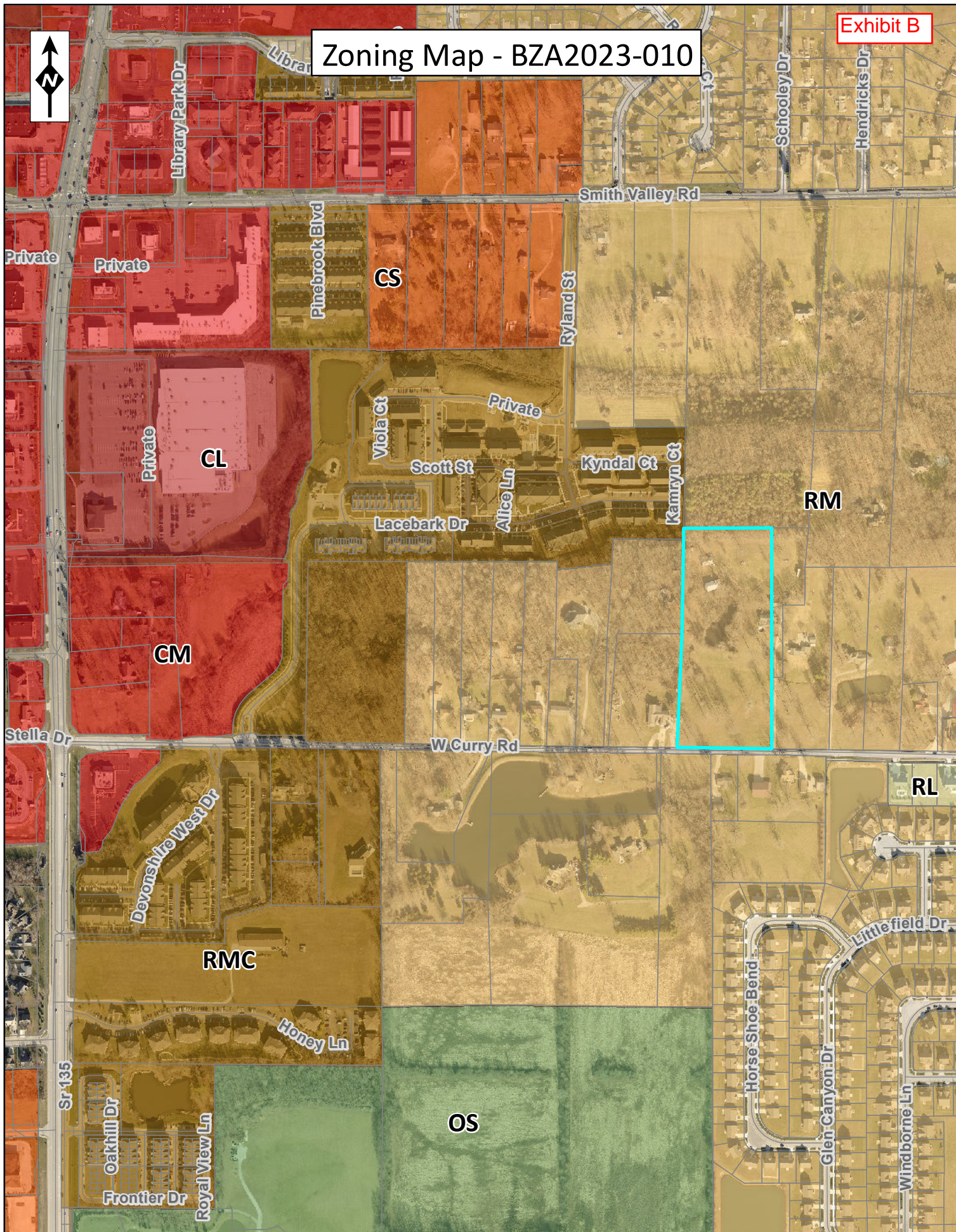
Zoning Map - BZA2023-010

Exhibit A



1 inch = 200 feet

CDS, City of Greenwood
3/21/23

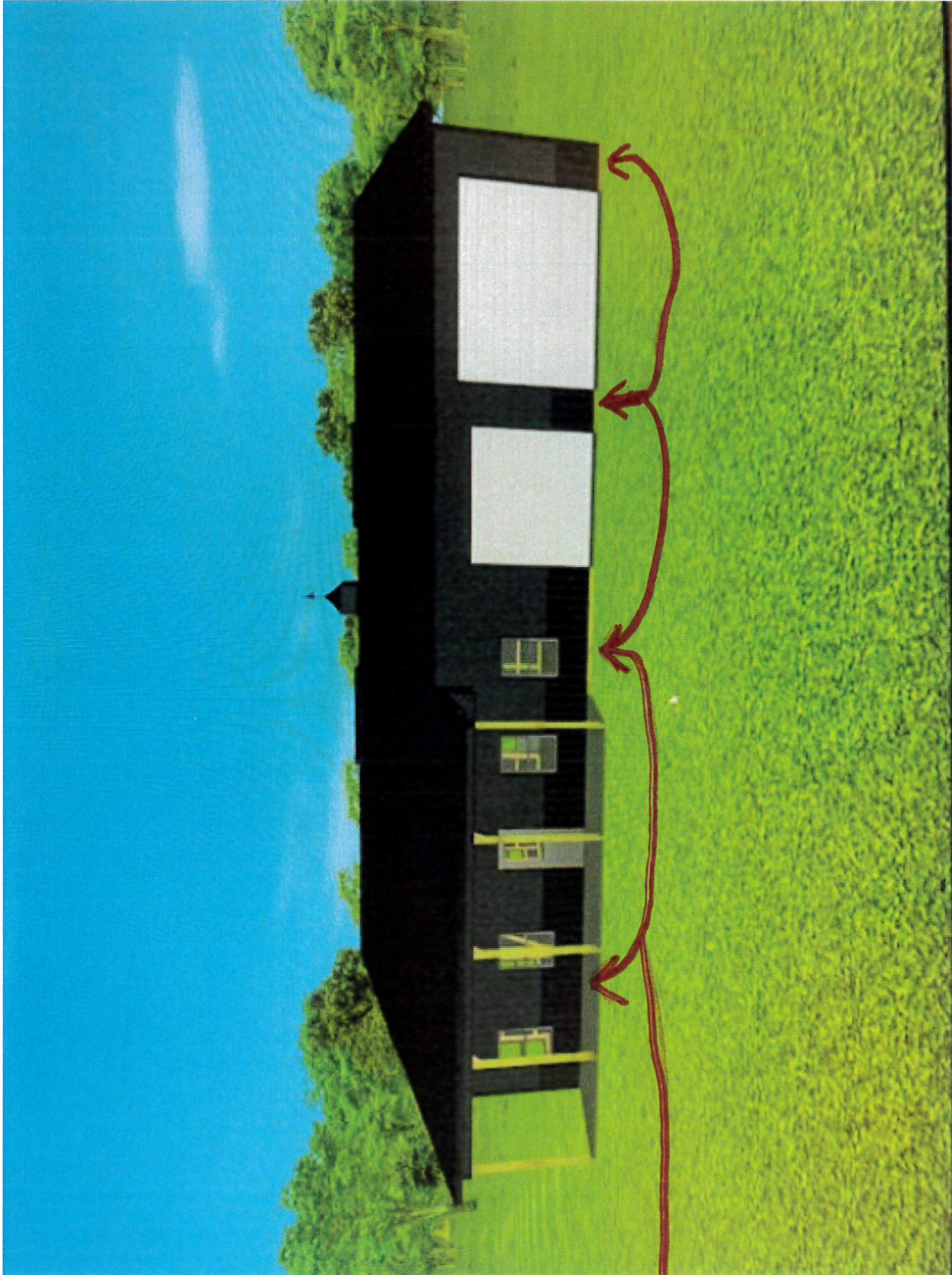


Zoning Map - BZA2023-010

Exhibit B

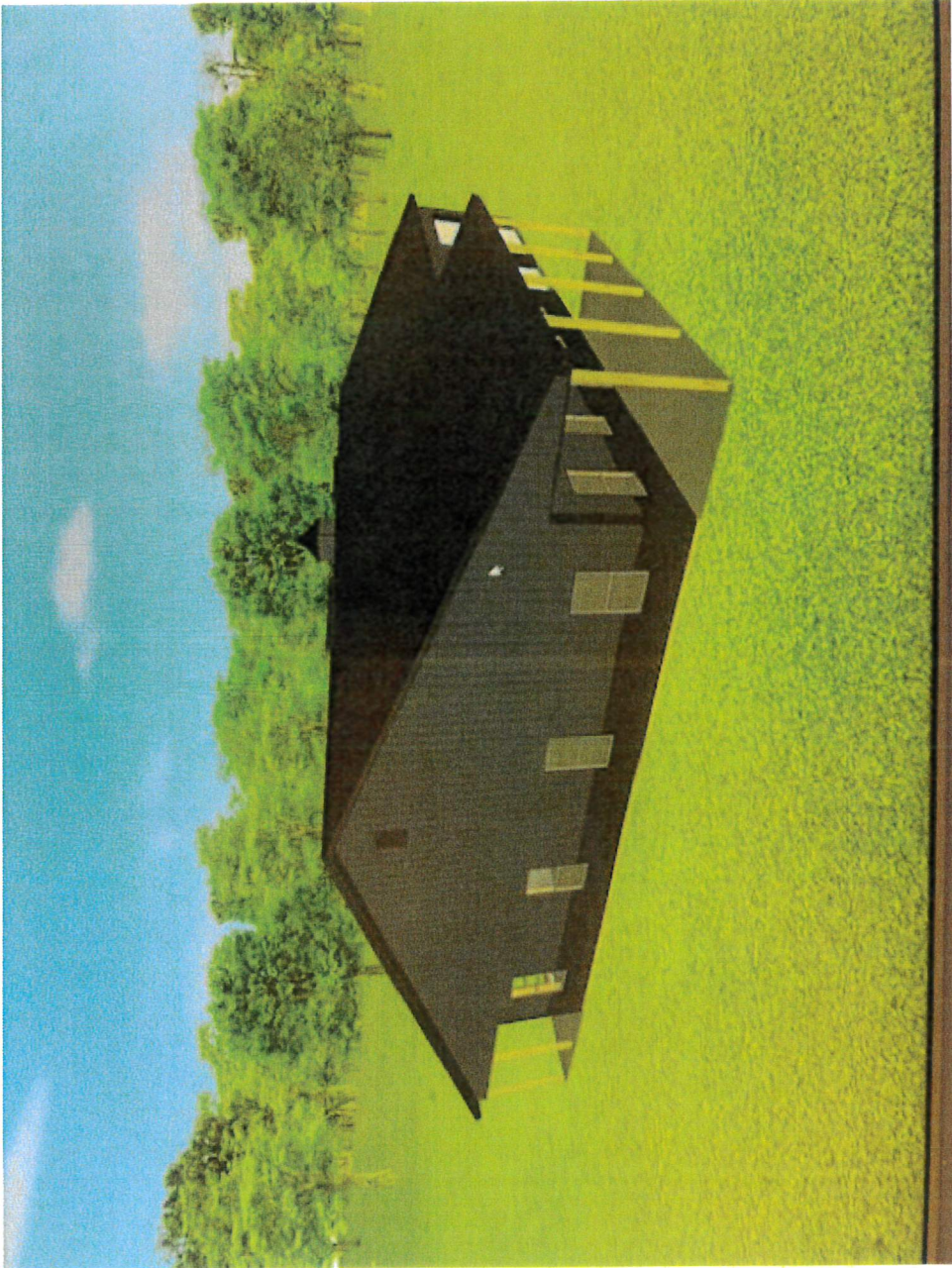
1 inch = 500 feet

CDS, City of Greenwood
3/21/23



FAUX STONE
36" HIGH
ON
FRONT

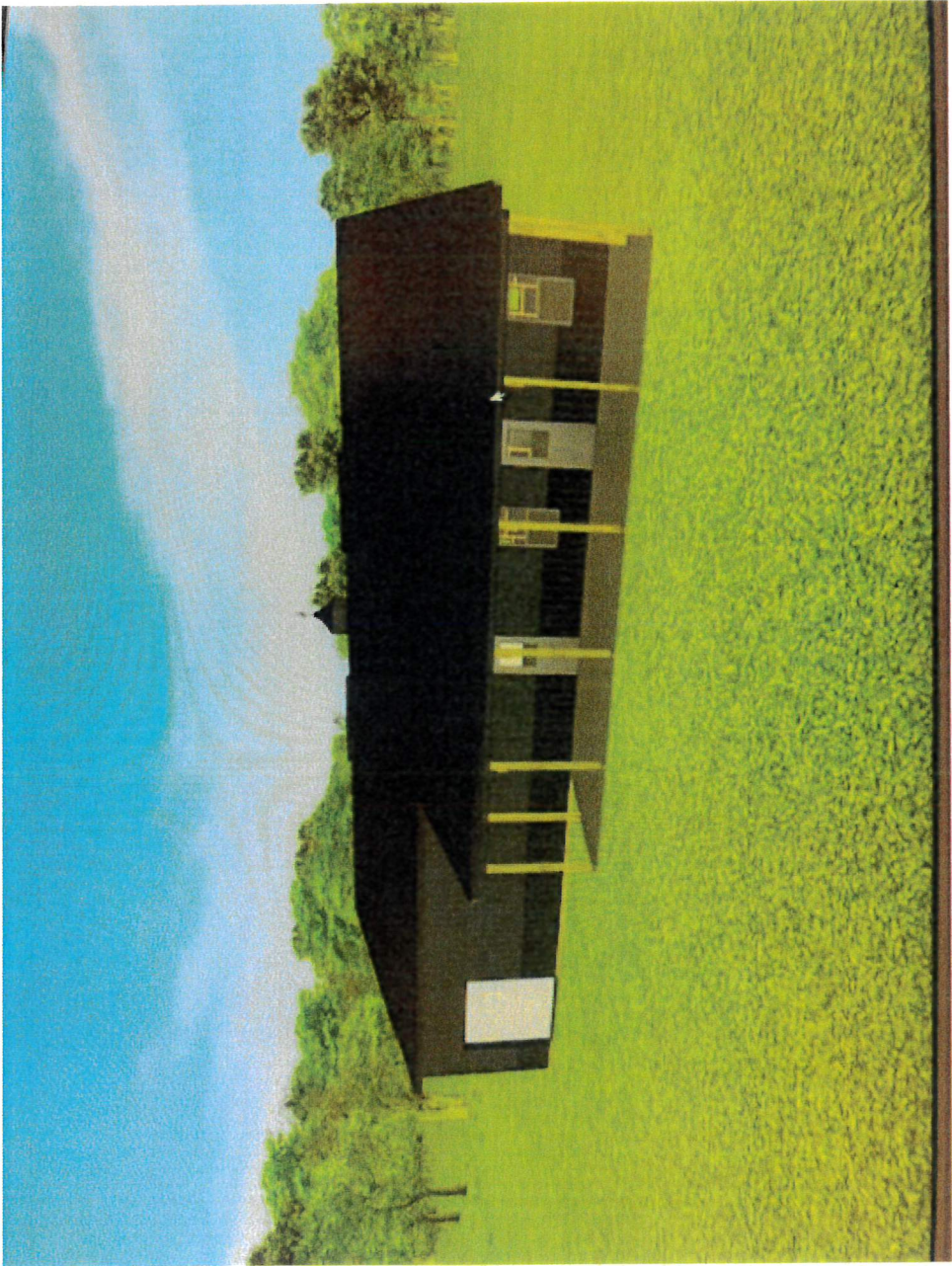
2 ←



2 ↑



N ↑



→ N

C

C

C

LEGAL DESCRIPTION

Legal description from Warranty Deed recorded as Instrument No. 2019-003368 in the Office of the Recorder of Johnson County.

A part of the North half of Section 1, Township 13 North, Range 3 East of the Second Principal Meridian, described as follows:

Beginning 100 feet West of the Southeast corner of Lot #10 as mentioned in the Jacob Dorrell will and running North 869 feet to a point; thence West 400 feet to a point; thence South 869 feet to a point; thence East 400 feet to the place of beginning, containing 8 acres, more or less.

Also: A part of the North half of Section 1, Township 13 North, Range 3 East of the Second Principal Meridian, described as follows:

Beginning 626.7 feet North of the Southeast corner of Lot No. 10 as mentioned in the Jacob Dorrell will and running North 242.3 feet; thence West 100.0 feet; thence South 401.2 feet; thence East 36.8 feet; thence North 158.9 feet; thence East 63.2 feet to the place of beginning, containing 0.690 acre, more or less

Updated Legal Description. The following legal description is intended to be used for Primary and Secondary Platting. It represents the previously deeded lot except the north 35' half right-of-way of Curry Road.

A part of the North half of Section 1, Township 13 North, Range 3 East of the Second Principal Meridian, described as follows:

Commencing at the southeast corner of the said north half section; thence North 89 Degrees 11 Minutes 41 Seconds West, 2442.87 feet along the south line of said north half section to a point; thence North 2 Degrees 20 Minutes 00 Seconds East, 35.01 feet to a capped rebar marked "Bordenet 20100044" on the north right-of-way line of Curry Road and the POINT OF BEGINNING of this description; thence continuing North 2 Degrees 20 Minutes 00 Seconds East, 432.45 feet to an uncapped rebar (found); thence North 89 Degrees 18 Minutes 41 Seconds East, 35.67 feet to an uncapped rebar (found); thence North 2 Degrees 10 Minutes 46 Seconds East, 157.91 feet to an uncapped rebar (found); thence South 89 Degrees 05 Minutes 27 Seconds East, 63.24 feet to a capped rebar marked "Bordenet 20100044"; thence North 2 Degrees 10 Minutes 59 Seconds East, 242.29 feet to a capped rebar marked "Bordenet 20100044"; thence North 89 Degrees 03 Minutes 41 Seconds West, 499.97 feet to a capped rebar marked "Bordenet 20100044"; thence South 2 Degrees 10 Minutes 59 Seconds West, 834.60 feet to the north right-of-way line of Curry Road and a capped rebar marked "Bordenet 20100044"; thence South 89 Degrees 11 Minutes 41 Seconds East, 400.00 feet along said north right-of-way line to the POINT OF BEGINNING of this description. Containing 8.35 acres, more or less.