

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-011	Hearing Date:	April 10, 2023
Applicant:	Matt Davis, P.O. Box 553 Bargersville, IN & Jeff Lasiter, 1696 Ashwood Drive, Greenwood, IN		
Owner:	MAL Real Estate, LLC, Bargersville & DW Lasiter, LLC, Greenwood, IN		
Subject Property Address:	711-713 Fry Road, Greenwood, IN (Parcel ID: 41-02-30-041-059.000-026)		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

Petitioner is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (D); Side & Rear Elevations, 1. Side elevations shall be fully clad in the predominant material of the front elevation. Petitioner requests materials other than the dominant material on the sides and rear of the building.
2. Section 10-03-14 (G); General Design Standards, 8. All sides of a structure shall be architecturally similar with no blank facades. Petitioner requests a blank facade on a side wall.

Location:

The subject property is located at 711 & 713 Fry Road. Parcel ID # 41-02-30-041-059.000-026

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: Commercial, Medium (CM)
- B. North: Commercial, Large (CL), Circle K
- C. South: Commercial, Medium (CM), Gordon Food Service
- D. East: Commercial, Medium (CM), Avis/Budget
- E. West: Multi-Unit Complex (RMC), Auburn Place

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 material other than predominant front façade material on the sides/rear of building

VARIANCE #2: To allow a blank façade on a side wall

Greenwood Code References:

Unified Development Ordinance, Section 10-03-14 (D), Commercial Building Design Standards; Side Elevations and Rear Elevations shall be fully clad in the predominant material of the front façade and Section 10-03-14 (G), General Design Standards (8), there shall be no blank facades on any exterior wall.

See Exhibit C: Building Elevations

PETITIONER'S DETAILED STATEMENTS OF REASONS

Staff Comment – Because the variance requests are related, 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:

The siding is safe and will improve the appearance of the building. The siding is very similar to other commercial buildings nearby. The current cement block siding is very porous and is leaking water through the walls causing the drywall inside to fall apart and grow mold. Sealing the leaks will improve both inside and outside appearances and allow for remodeling of the interior.

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 building needs improvement now. Installing new siding will make the building more eye appealing and well-kept to the community. Property that is well kept deters crime. We have already had vandalism in the back of the building (graffiti and attempted break-ins). The siding is very similar if not the same as many of the surrounding commercial buildings. This improvement should help increase surrounding property values.

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

It would be cost prohibitive to brick the sides and the back of the building like the front. The current leaking walls are inhibiting our tenant from improving the 711 Fry Rd. portion of the building. The drywall had to be torn out because it was wet all of the time. Without a variance it will be hard to find an affordable repair for the building. It will continue to deteriorate, remain partially vacant, and eventually have to be torn down.

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 disagree with the applicant's statements of reason in general, but it should be pointed out that financial considerations do not constitute a practical difficulty. The building as it currently stands does pose a safety concern if the exterior walls are not addressed. It is of staff opinion that this does fall under a practical difficulty as the damage to the exterior walls will not allow the walls to support any amount of masonry and requires a more lightweight façade. Although metal siding is not the ideal material in most situations, this situation is a bit unique and the metal siding would be an upgrade over the current concrete block.

The second variance is in regard to an existing blank wall. Considering the current state of the concrete block, it would be difficult to cut any features into this wall and would hesitate to add any additional features to the exterior materials as it could further stress the concrete blocks. In addition, the blank wall is minimally noticeable from any public right-of-way.

Summary and Proposed Conditions:

Staff provides a positive recommendation for Variance 1 with one condition:

1. A faux brick veneer or similar material is used on the side and rear elevation to give the appearance of the predominate material of the front elevation.

Staff provides a positive recommendation for Variance 2 with no conditions.

Attachments:

Exhibit A: Aerial Location Map

Exhibit B: Zoning Map

Exhibit C: Building Elevations

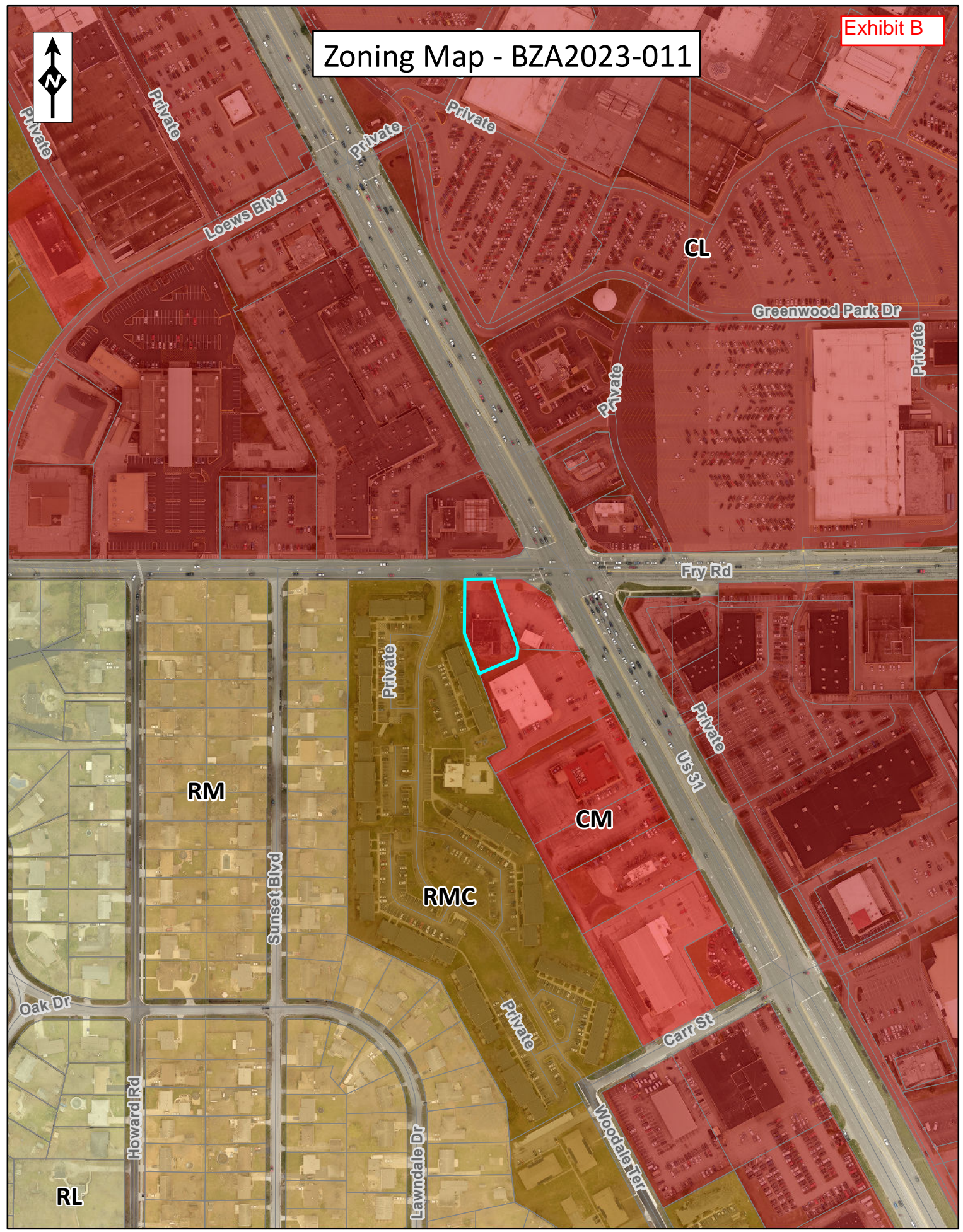
Exhibit D: Legal Description

Aerial Map - BZA2023-011

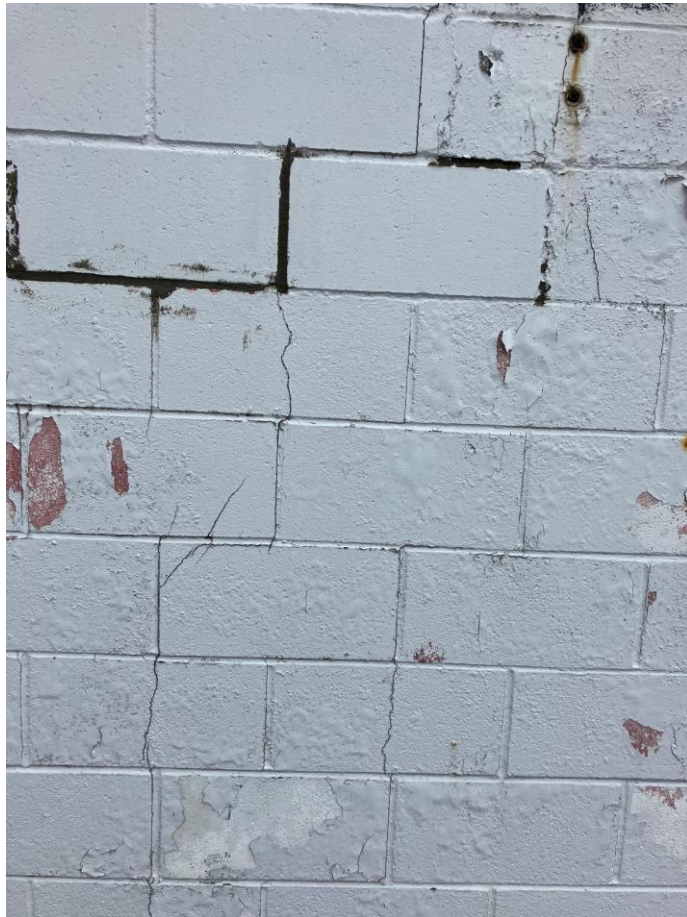


1 inch = 100 feet

Zoning Map - BZA2023-011



1 inch = 300 feet





A part of the East Half of the Southeast Quarter of Section 30, Township 14 North, Range 4 East of the Second Principal Meridian, described as follows:

Beginning at a point on the North line of said Half Quarter Section that is 810 feet East of the Northwest corner thereof; thence South on a right deflection of 90 degrees 134.80 feet; thence South 20 degrees 35 minutes 00 seconds East 62.15 feet; thence East 110.88 feet to the Southwest corner of the piece of property leased by the Shell Oil Company; thence North with the West line of said Shell Oil Company Property 168.38 feet; the North 39.33 feet to the North line of said Half Quarter Section; thence West with last said line 65 feet to the Place of Beginning, containing 0.33 acre, more or less, subject to all legal rights-of-way and easements.

Commonly known as: 711-713 Fry Road, Greenwood, Indiana 46142