

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-013	Hearing Date:	April 10, 2023
Applicant:	Jim Hill, 6733 McFarland Road, Indianapolis		
Owner:	Jim Hill, 6733 McFarland Road, Indianapolis		
Subject Property Address:	398 S. Emerson Avenue, Greenwood		
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 10-02-18 Commercial Small Format Zone (A), Front Yard Setback, and Section 10-02-19 Commercial Medium Format Zone (A), Front Yard Setback, to increase the maximum building setback from 50 feet (CS) and 80 feet (CM) to 141 feet
2. Section 10-02-18 Commercial Small Format Zone (A), Parking Location, and Section 10-02-19 Commercial Medium Format Zone (A), Parking Location, to allow parking in a front yard

Location:

The subject property is located at 398 S. Emerson Avenue.

Parcel ID # 41-02-33-041-020.001-026 and 41-02-33-041-020.001-026

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) & Commercial, Small (CS) |
| B. North: | Commercial, Medium (CM), Mixed Commercial |
| C. South: | Commercial, Small (CS), Professional Offices |
| D. East: | Residential, Multi-Unit Complex (RMC) & Interstate Commercial (IC), Mixed Uses |
| E. West: | Planned Unit Development (PUD), Valle Vista |

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 increase the maximum front setback to 141 feet

Greenwood Code References:

Unified Development Ordinance, Section 10-02-18 Commercial Small Format Zone (A), Front Yard Setback, maximum building setback 50 feet, and Section 10-02-19 Commercial Medium Format Zone (A), Front Yard Setback, maximum building setback 80 feet.

See Exhibit C: Site Plan

PETITIONER'S DETAILED STATEMENTS OF REASONS

Staff Comment – Although there are two sections of the UDO listed in this request, they shall be considered as one variance as the building will span across both the Commercial Small (CS) and Commercial Medium (CM) zones.

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

The variance allows for the design and development of a commercial expansion that is complimentary to the existing surrounding buildings, and would allow for business expansion and growth.

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 building is not changing, but the value will be increased for the lot and improvements.

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

The expansion would not be feasible and not be able to adjoin the existing infrastructure.

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

Not applicable.

VARIANCE #2: To allow parking in a front yard

Greenwood Code References:

Unified Development Ordinance, Section 10-02-18 Commercial Small Format Zone (A), Parking Location, side/rear yards, and Section 10-02-19 Commercial Medium Format Zone (A), Parking Location, side/rear yards.

See Exhibit C: Site Plan

PETITIONER'S DETAILED STATEMENTS OF REASONS

Staff Comment – Although there are two sections of the UDO listed in this request, they shall be considered as one variance as the parking area will span across both the Commercial Small (CS) and Commercial Medium (CM) zones.

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

The parking lot is a private lot and sized for existing use of the building, and will maintain an existing access lane for the shared access to the parcel to the north. Also, the layout preserves a portion of the existing asphalt and reduces the cost for additional asphalt and infrastructure for the parking on the side and rear of the building.

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 parking is necessary for the proposed business expansion and growth, and would add value to the property.

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

One row of parking in front of the building would not meet the desired and required parking count for this type of commercial building. A redesign of the parking to add required parking on the side and rear and reduce frontage parking would add additional asphalt and infrastructure cost to the project.

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

Not applicable.

Comments and Findings:

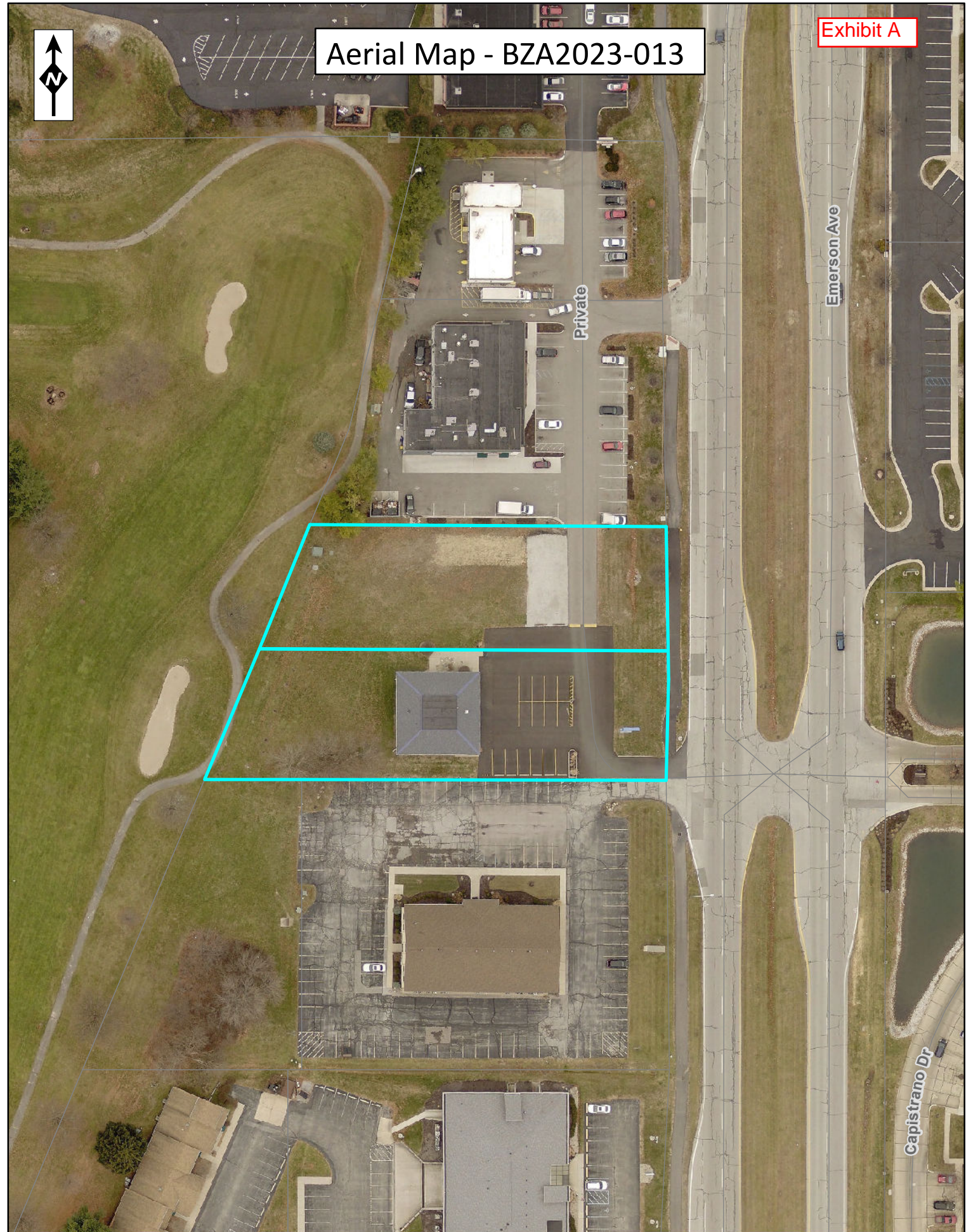
Staff does not disagree with the applicant's statements of reason. As this is a legal non-conforming structure, it would not need to be brought up to current standards, but for the significant expansion of the business. If the current code were to be followed, the addition would need to be located in either the existing or proposed parking areas, which would in turn make access to parking quite difficult. This is clearly a case where the continuation of the existing site layout is by far the most practical solution.

Summary and Proposed Conditions:

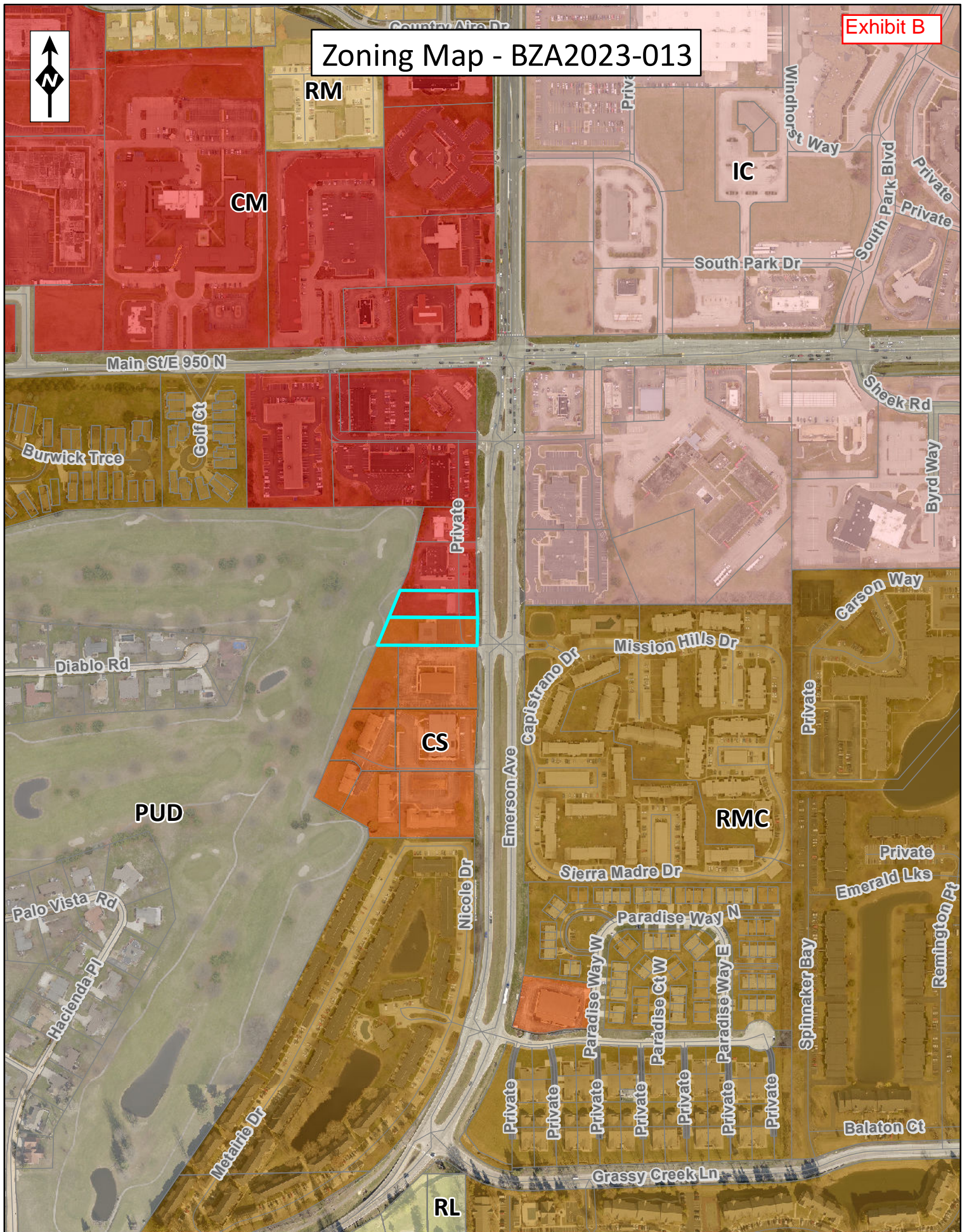
Staff provides a positive recommendation for both variances with no conditions.

Attachments:

- Exhibit A: Aerial Location Map
- Exhibit B: Zoning Map
- Exhibit C: Site Plan
- Exhibit D: Legal Description



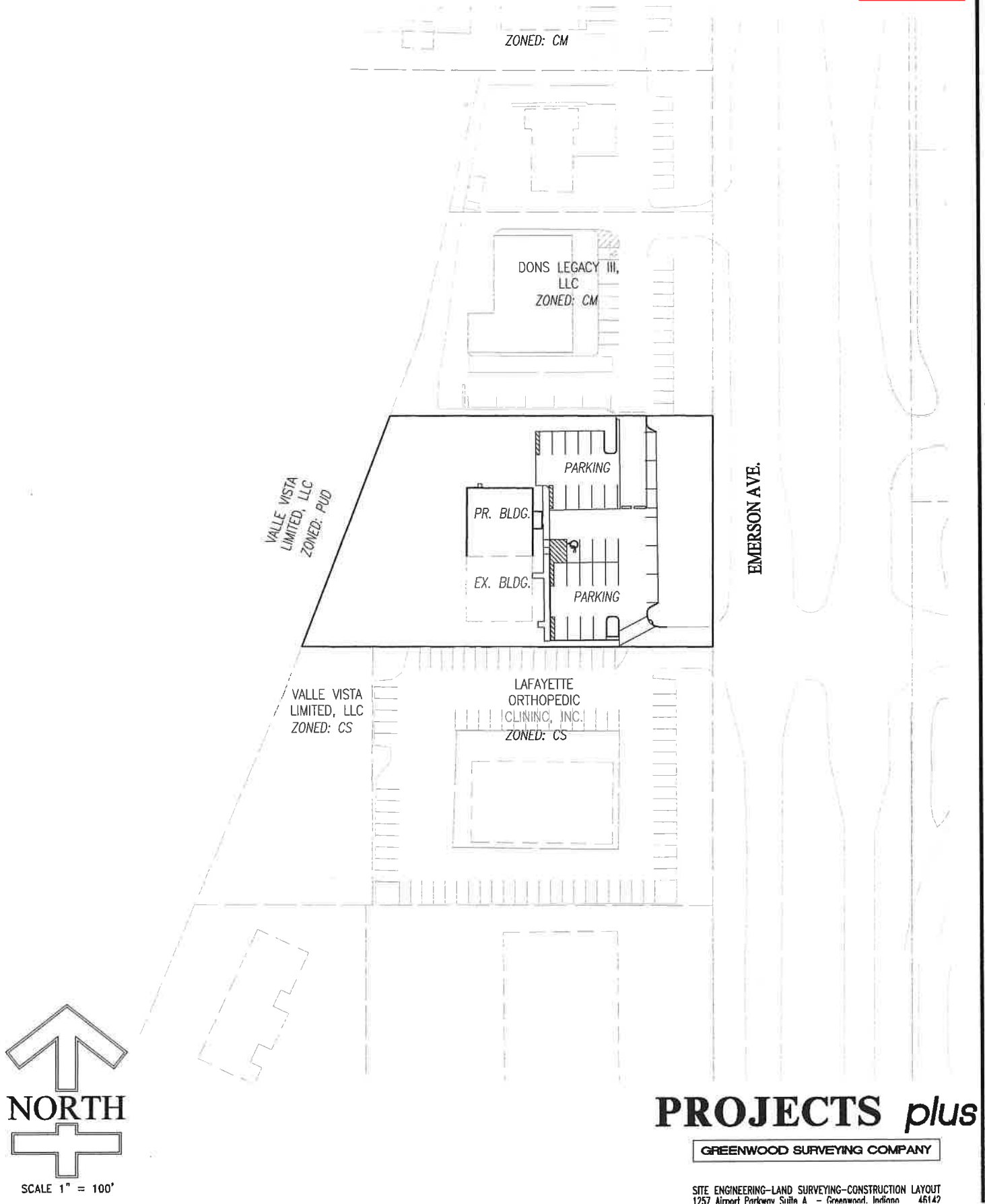
Zoning Map - BZA2023-013



1 inch = 400 feet

VISTA HILLS ANIMAL HOSPITAL EXPANSION

Exhibit C



1.17 Acre Tract

Part of the South Half of Section 33, Township 14 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana described as follows:

Commencing at the Northeast Corner of said Half Section; thence along the North line thereof South 88 degrees 26 minutes 36 seconds West (basis of bearings per State Plane Coordinates) 100.05 feet; thence South 00 degrees 13 minutes 51 seconds West 770.08 feet to the Point of Beginning of this described tract. Said point also being on the West right-of-way line of Emerson Avenue; thence continuing along said West right-of-way South 00 degrees 13 minutes 51 seconds West 179.20 feet to a mag nail with a washer stamped "Sea Group – Firm #10091"; thence North 89 degrees 46 minutes 09 seconds West 319.30 feet to a capped rebar stamped "Sea Group – Firm #10091"; thence North 21 degrees 09 minutes 46 seconds East 191.86 feet to a capped rebar stamped "Sea Group – firm #10091" thence South 89 degrees 46 minutes 09 seconds East 250.76 feet to the Point of Beginning containing 1.17 acres, more or less, subject to all rights-of-way, easements and restrictions.

Prepared by Jeffrey D. Knarr, P.S. Projects Plus 1257 Airport Parkway, Suite "A", Greenwood, Indiana 46143. (317) 882-5003 ex 301.