

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-016	Hearing Date :	May 8 th , 2023
Applicant:	Stephen Causseaux, F.A Wilhelm Construction Company 3914 Prospect St. Indianapolis, IN 46203		
Owner:	Brian Miesse, Eli Lily and Company 2441 Main Street Greenwood, IN 46143		
Subject Property Address:	2441 Main Street, Greenwood, IN 46143		
Staff Contact:	Gabriel Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

Petitioner requests a variance from Section 10-03-09 Fences and Screens, C. Height, 2. to permit placement of a 6 foot tall security fence in the front yards of their property on the corner of Main Street and Commerce Parkway East Drive. Due to this being a corner lot both the north and west sides of the property are considered front yards and by code are restricted to a 4 foot height maximum.

History:

The property has been subject in the recent past to break-ins and a 4 foot fence would not be a sufficient deterrent in the opinion of the applicant to stop this from occurring again in the future.

Location:

The subject property is addressed as 2441 E. Main Street located on the southeast corner of Main Street and Commerce Parkway Drive East. Legally described as Block 8, in Precedent South Business Center - Section Five, as per plat thereof recorded August 1, 2007, as Instrument Number 2007-018595, in Plat Book "D", page 717 A&B, in the office of the Recorder of Johnson County, Indiana.

See attached Exhibit A – Aerial Location Map

Indiana Code Reference(s):

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

Surrounding Land Uses:

- A. Existing: IL-Industrial Large, Warehouse
- B. North: RMC – Residential Multifamily, Apartments
- C. South: IL-Industrial Large, Warehouse
- D. East: IL-Industrial Large, Warehouse & PUD, Single Family Residences
- E. West: IC- Interstate Commerce, Funeral Home & IL-Industrial Large, Vacant Lot

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.

Greenwood Code References:

Unified Development Ordinance, Section 10-03-09 Fences and Screens, C. Height, 2.

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 fence is just slightly higher than allowed. The higher fence is just to provide more security.

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 area is currently mostly warehouse type buildings. A slightly taller fence would have no impact. Many of the neighbors currently have installed taller fences.

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

The shorter fence does not deter crime as much. We have had several incidences on this property that motivated us to file this variance.

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

Not applicable.

Comments and Findings:

Staff agrees with the petitioner that the 4' height restriction imposes an undue burden in their attempt to minimize criminal impact on the property and would meet the character of the area which is primarily industrial in nature with other 6' fencing that erected prior to the update to the Unified Development ordinance prohibiting such fencing of this height.

Summary and Proposed Conditions:

Staff provides a **favorable** recommendation.

Proposed condition:

- Location of the fence and fence material type shall substantially conform to what is shown in Exhibits B and C. Minor alteration to the fence location in order to accommodate Engineering and Stormwater concerns is permissible.

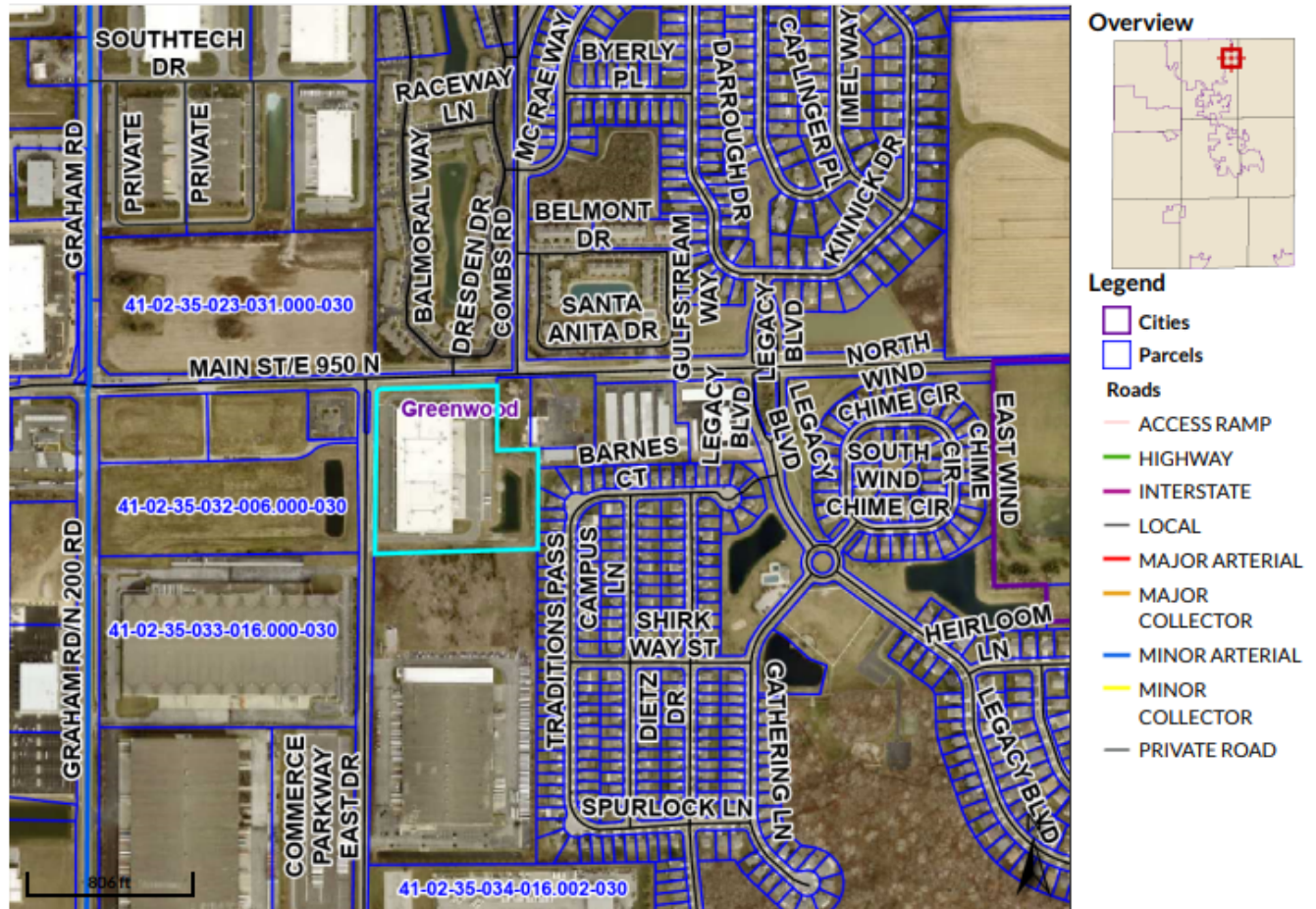
Attachments:

Exhibit A – Aerial Location Map

Exhibit B – Site plan with proposed fence location

Exhibit C – Visual depiction of proposed fence type

EXHIBIT A – AERIAL LOCATION MAP



Parcel ID	41-02-35-031-019.000-030	Alternate ID	41-02-35-031-019.000-030	Owner Address	STAG INDUSTRIAL HOLDINGS LLC
Sec/Twp/Rng	n/a	Class	Industrial Warehouse		ATTN ACCOUNTING DEPT
Property Address	2441 E MAIN ST GREENWOOD	Acreage	11.89		1 FEDERAL ST FL 23 BOSTON, MA 02110
District	030 COUNTYWIDE				
Brief Tax Description	PRECEDENT SOUTH BUSINESS CENTER SEC 5 REPLAT OF BLK 8-BLOCK 8 (Note: Not to be used on legal documents)				

EXHIBIT B – SITE PLAN WITH PROPOSED FENCE LOCATION

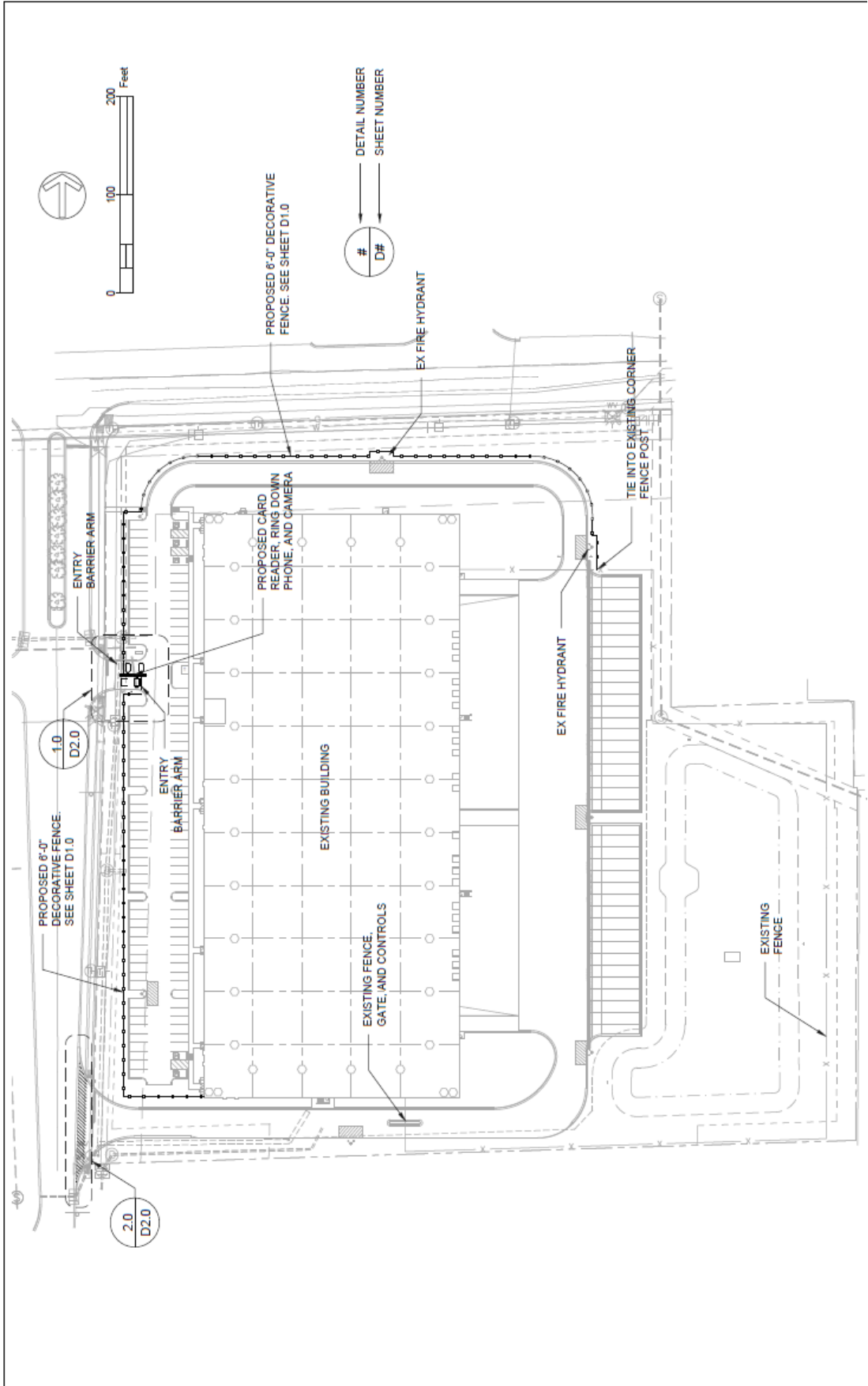




EXHIBIT C – VISUAL DEPICTION OF PROPOSED FENCE TYPE



Residential Aluminum Fence


Installation Instructions

Berkshire
Berkshire Deluxe
Chatham
Cheshire
Eastham
Hempsted
Orleans
Truro




Surround and enhance your home and property with the strength and beauty of IronCraft Aluminum Fence.


Instructions pertain to the installation of the following IronCraft fence lines




Berkshire*




Berkshire Deluxe*




Chatham




Cheshire




Eastham



Hempsted*



Orleans*



Truro

*Some sizes available for pool installation

BEFORE BEGINNING

- Please read installation instructions carefully before installing your fence
- Check local zoning laws and Home Owners Associations regulations. Restrictions on location, style and height of fencing may exist. Permits may be needed before installing
- Check local zoning for required post hole depth. This is based on the frost line for your region
- Contact your local utilities to clearly mark gas, electric and water lines to avoid cutting underground utilities
- Have your property surveyed and property lines clearly marked

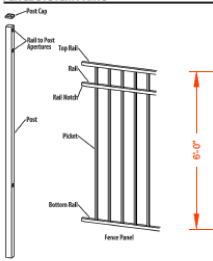
TOOL LIST


- ☐ Hammer
- ☐ Drill or Drive w/ Phillips #2
- ☐ Tape Measure
- ☐ Post Hole Digger
- ☐ Shovel
- ☐ Level
- ☐ Hacksaw
- ☐ Wheelbarrow or Concrete Mixing Tub
- ☐ Rubber Mallet
- ☐ Safety Goggles & Gloves

MATERIAL LIST

- ☐ String Line & Stakes
- ☐ Marking Spray Paint
- ☐ Concrete Mix
- ☐ Gravel
- ☐ Spacer Blocks 2in. High

FENCE SYSTEM PARTS





MRU / CTIC
ELI LILLY WAREHOUSE

2441 MAIN ST
GREENWOOD, IN 46143

No.	Description	Date

DETAILS

Project number	8105-190159	DET-001
Date	12.16.2022	
Drawn by	KMH	
Scale		N/A