

## Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-017	Hearing Date:	May 8, 2023						
Applicant:	James Coop & Jenny Coop, 1088 Sweetbriar Drive, Greenwood								
Owner:	Sequoia Financial Services, 1088 Sweetbriar Drive, Greenwood								
<b>Subject Property Address:</b>	Subject Property Address: 1387 W. Stones Crossing Road, Greenwood IN.								
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 10-03-13 (C) Accessory Structures, (6) to remove the requirement for a 36-inch wainscot of mortared masonry for accessory structures over 300 square feet.
- 2. Section 10-03-13 (C) Accessory Structures, (7) to allow a 4,608 square foot accessory structure exceeding the UDO maximum of 150% of the enclosed square footage of the primary structure.
  - 3. Section 10-03-02 (F) Parking Area Surfaces, (4) to allow a gravel driveway extension

### Location:

The subject property is located at 1387 W. Stones Crossing Road, Greenwood IN. Parcel ID # 41-04-13-012-013.000-040

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

### Indiana Code Reference(s):

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

### **Surrounding Land Uses:**

A. Existing: Residential, Large (RL), Large Lot Residential
B. North: Residential, Large (RL), Large Lot Residential
C. South: Agriculture (AG), Large Lot Residential
D. East: Residential, Large (RL), Large Lot Residential
E. West: Residential, Large (RL), Large Lot Residential

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 remove the requirement for mortared masonry wainscot

### **Greenwood Code References:**

Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (6) Accessory structures over 300 square feet shall have a 36-inch tall mortared masonry wainscot.

See Exhibit D: Building Elevations

### 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:

It will be located roughly 50 yards behind our property. The structure will be very nice looking and will be very similar or above quality to all of the pole barns in the surrounding area and neighbors.

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 pole barn will be located solely on our property as well as the ingress/egress to said pole barn will be located solely on our property and within building setback lines, easements, etc.

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

Adding brick to the front of the pole barn would cause the cost of the build to be raised outside of our overall budget on the rehab of the home and barn combination.

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

Not applicable.

# VARIANCE #2: To allow an accessory structure larger than 150% of the primary structure

### **Greenwood Code References:**

Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (7) Residential accessory structures shall not exceed 150 percent of the enclosed square footage of the primary structure.

See Exhibit C: Site Plan and Exhibit F: Property Report Card

### 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:

It will be located roughly 50 yards behind our property. The structure will be very nice looking and will be very similar or above quality to all of the pole barns in the surrounding area and neighbors.

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 pole barn will be located solely on our property as well as the ingress/egress to said pole barn will be located solely on our property and within building setback lines, easements, etc.

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

The size of the barn will be needed to store our boat, trailers, RV, off road vehicles, classic cars, etc. inside.

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

Not applicable.

### **VARIANCE #3: To allow a gravel driveway extension**

### **Greenwood Code References:**

Unified Development Ordinance, Section 10-03-02 (F), Parking Area Surfaces

See Exhibit C: Site Plan

### 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 gravel drive will be consistent with current driveways adjacent and around our property including the long driveway extending past our property to the east.

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 driveway will be solely on our property and within building set back lines.

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

We are making additional improvements to the new construction on the primary home. We will be using and storing large equipment over the next several years as we make additional improvements. Asphalt/Concrete will not be conducive to the weight of the equipment as we make the improvements.

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, it is not clear that these rise to the necessity of variances. The surrounding neighborhood consists of larger lots with large accessory buildings and a mix of gravel and asphalt driveways. Although the requested variances are not necessarily out of character for the neighborhood, there are concerns over whether the applicant's justifications are sufficient to warrant a variance. Also, please note that financial hardship does not constitute a practical difficulty.

### **Summary and Proposed Conditions:**

Staff cannot provide a favorable recommendation for variance requests 1 and 2 as a fairly large (3,200 square feet) accessory structure could be built without a variance and in compliance with our residential building design standards. However, if the Board were to grant any of the variances, staff recommends the following condition for variances 1 and 2:

- 1. The final plans shall substantially conform to the site plan depicted in Exhibit C and building elevations depicted in Exhibit D.
- 2. The structure shall be used for residential purposes only. Commercial activities and uses shall be prohibited.

Staff recommends **denial** of variance 3 for driveway surface. New or expanded gravel drives are not permitted in any zone with in the City.

### **Attachments:**

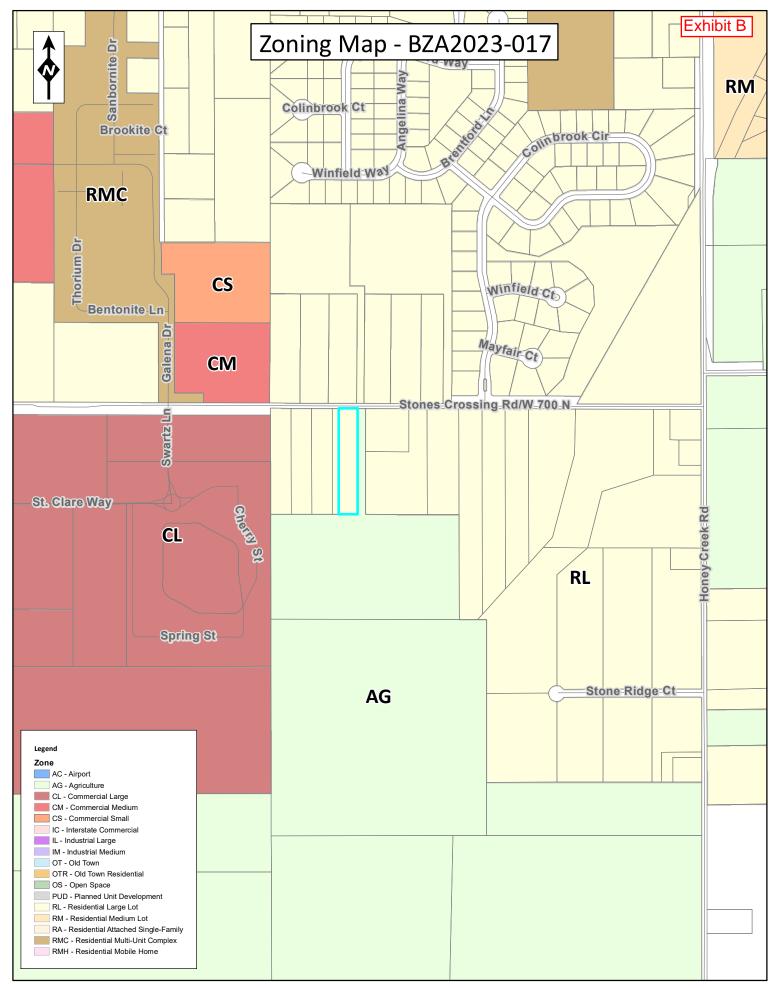
Exhibit A: Aerial Location Map

Exhibit B: Zoning Map Exhibit C: Site Plan

Exhibit D: Building Elevations
Exhibit E: Legal Description
Exhibit F: Property Report Card



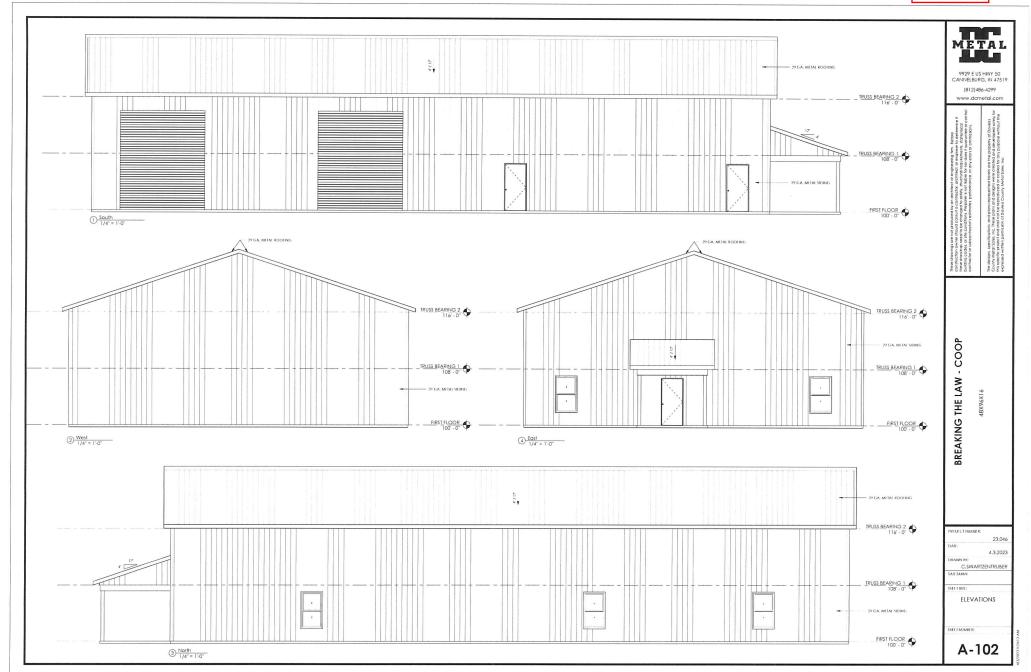
1 inch = 100 feet CDS, City of Greenwood 5/3/23



LEGEND Section countries The contract of the contract o CT. STONES CROSSING ROAD (CO. RD. 700 N.) The Through Down I 
was the transport of the property of the A NOTE THE PERSON OF THE PERSO 5 8951 (90 ), (90) 4,05 (57/0446) Scale: 1"-20" u strón'w (n) 118 ns (new) u 89's 128 - w (w) GRAPHIC SCALE (S) week the company of the control BASIS OF BEARINGS INDIANA STATE PLANE COORDINATES, EAST ZONE In accessions with Tale Sef, Attack 1, Chapter 12 (field 12) of the Indiana Administrator Code (EA) is the following observations and opinions are orbinated regarding the inaccritative in the position of the laws and continue established and or it established or this owners are resolved. LEGAL DESCRIPTION (derived from Instrument No. 2023-000-11) Part of the Sorth Half of the Sorthesst Quarter of Section 13, Foundary 13 North, Burge 3 Last of the Second Pencipal Metaban in Johanni County, Indiana, described as follows: 1) Availability and conduction of reference monuneurs.
2) Carry, and/or architeginty of the record descriptions is used undor the adjoiner's descriptions, and the proposed in the procession flux.
2) Measurements (Rehame Positional Accoracy) Beganing on the North line of the oud Half Quarter Section is a point than is 433.45 seer Lost of the Northwest corner thereof thanks Smith Bild Regiene 15 tomates East parallel to the West line of Swall Half Quarter Section in R.5.25 feet thereis North Bild Regiene 15 minute. East parallel to the and North Intel 11916 of the more North Bild Regiene 15 minute. West in S.3.25 feet in the side North line, those Swalt the algorithm thinties. West our and along the Statt North line 115 (3) feet to the Place of Regional to continue 15 4 acres on over less. Note: There may paid immented rights associated with these uncontaining SURVEYOR'S CERTIFICATE This survey was performed under the direction of the undersigned, and to the best of this surveyer's knowledge and belief was executed according to survey requirements in 863 LC 1.12 for the State of Indians and the field work was completed on March 9, 2021. Altomaticate which control the lines and corners of the surveyed property are as follows: Northwest corner of the Northeast Quarter of Section 13, Toronship 13 North, Range 14 (as). Mag tail with washer found per-folious County Surveys Collifer references. Dated March 18, 2023 2.) Neatherst corner of the Northeast Quarter of Section 13, Township 13 North, Range I Lose Harrison Memorant fourte per Johnson Counts Survivos (Office references). Richard A. O'Brian
Richard A. O'Brian
Richard A. O'Brian, Registered Land Surveyor No. 5/15/00/17
Stole of Industry 3.) Southwest corner of the Southwest Quarter of Section 1.3, Township 1.1 North, Hange 3.1 ast. Rathrold spike found per following Sorveyor's Office references. Removed 4.) 5/8" rebar found (4" up at West side of end 4"x4" wood fence post) at the Southwest corner of the surreyed fract and was accepted as an originally placed monument. GENERAL NOTES 1.84 Ac.+ (D&M-GROSS) 1.) This survey was prepared utilizing information contained in IBA Republic Title Insurance Company Commitment for Title Insurance, with no Committeen No. given and an incomplete legal description, dated November 25, 2012, with Engle Land Title, LLC exting as heir agent. 5.).598" telear found (beat, no cap) at the Southeast conter of the surveyed tract and was occupied as an originally placed insonancin. It is the surveyer's professional opinion that the inserticity in the loss of the surveyed tract due to consist or in electric insumment n = 0.5 (set. 2.] Based upon a scaled interpretation of the FLOOD INSURANT RATE MAD NO. 1980 I (2010) The Johnson County, Indiana, dark diagon 2, 70% the with networked code state 8.0% The week whom 8/pow of Vised Hazard Area and Are Unless noted otherwise, monuments set this survey are 50% diameter v. 24% long return with red cap stamped HRM +0000 placed at gamma feed. 2) Clarity and/or ambiguity of the record description(s) The record descriptions for the adjoining real estine were obtained from the behavior Course Recorde's tiller and machinistically retrieved as a effort to disclose providing pays and/or needing behavior the bias of the surveyor for at and those of the adjoiners. It is this user perfor professional opinion that there were no significant incentration in the lines of the surveyor first estate and those of the adjoiners due to discrepancies in the meant descriptions. 3.) The surveyed premises contains a total of 1 \$4 acres (error), more or less. 4.) Rused upon the on-line Johnson County GIS Mapping (Beacon), on legal (regulated) draws directly affect the surveyed It should be used that current record legal description per bosinisment by 152 (4014) It had omitted the course, and state, and that in definious course, feature is because it had not been been an early in the been added in the been of course, the course in early in the order of the course of th 5.) Passession lines referenced at minimizated corners only. Possession lines may vary between said corners (Such as meandering force lines). 6.) No wattage, gibbet express or implied, is made as to the accuracy or completeness of information provided by governmental authorities and or brind parties, or as it is fitness for any particular purpose or so as, tabulating but on limited to information processed on independant addition, then thank ourse. Sub-stops core, sections, recording information, reusing, and regulated drivins. In or sect or will 18th Survived from the city of processes and or waight for the firm of the firm thank our or we of such authorities. In or case of the firm thank our or we of such authorities. 196 (Beatings based on Indiana State Plane Coordinate System, East Zone, NAD 1983) 11 Occupation of possession lines At the time the field work was completed, physical evidence of the lines and or measureness in the times of occuration of the surveyed tract consorted of the following: SURVEYOR'S REPORT Client: Mike Coop 1.) The North frie of the surveyed trust is along the approximate coinciding of Source Country Bend (it musty Bend 2004 North) and is subject to the right of way thereof, with the approximate. Right of two first thereof beny shound bend upon the Johnson Locative on line fills magning and the operated standard country read full rights of two while it of self (4). Then 48 Job Number: 23-15614 (The clean should assume there is an amount of uncertainty along my line equal or uncounsel on the documents in the location of the lines of processors from the surveyed boxs.) Class of Survey: Subarban Survey (Sp.S IAC 1-12) Field Work Completed March 9, 2023 4) Measurements (Rolative Pasational Accuracy) Location of Survey: 1387 Stones Crossing Road, Greenwood, IN 46143 The Belaine Protocul Accuracy of the correct of the subsect text established to this series is a other the operation in a Solution unity; 17-10. If the table 100 perisp er million to defined to 40-11 (1.1), 2, official to November 2, 2012. It follows to inconsider 2, 2012. It follows to November 2, 2012. It follows to the November 2, 2012. It follows the November 2, 2012. It foll As a result of the above observations, a is this surveyor's professional opinion that the oncortainties in the locations of the large and corners found along the perimeter of the surveyed tract established on this surveyor is toffens. If Due to Varances in reference insugancies, Concerning records after concert. Significance, III Due to Floritzguinces in the coveral descriptions. See, above.

9 Due to Instructuration from line of exceptation concerning glossed analysis. See above.

44 Due to Massachments (Relatine Positional Acceptacy). See above. Discover Lecation HAHN SURVEYING GROUP, INC. SHEET LAND SURVEYORS - Established in 1975 8925 N. MERIDIAN STREET, SUITE 120, INDIANAPOLIS, IN 46260 PHONE: (317) 846-0840 FAX: (317) 846-4298 E-MAIL: INFO@BAHNSURVEYING.COM OF BOUNDARY RETRACEMENT SURVEY 1387 Stones Crossing Road, Greenwood, IN 46143 All Rights Reserved under Copyright by Sahn Surveying Group. Inc.





A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 13 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF THE SAID HALF QUARTER SECTION AT A POINT THAT IS 435.35 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 15 MINUTES EAST PARALLEL TO THE WEST LINE OF THE SAID HALF QUARTER SECTION 678.25 FEET; THENCE NORTH 90 DEGREES 00 MINUTES EAST PARALLEL TO THE SAID NORTH LINE 119.05 FEET; THENCE NORTH 00 DEGREES 15 MINUTES WEST 678.25 FEET TO THE SAID NORTH LINE; THENCE SOUTH 90 DEGREES 00 MINUTES WEST ON AND ALONG THE SAID NORTH LINE 118.05 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.84 ACRES, MORE OR LESS.

### IMPROVEMENT DATA

### PHYSICAL CHARACTERISTICS

Style: 1 Lvl 1940-1984 1000-1999SF Occupancy: Single family

Story Height: Finished Area: 1188 Attic: None Basement: None

ROOFING

Material: Asphalt shingles

FLOORING

Sub and joists 1.0 1.0 Vinyl tile 1.0 Carpet

EXTERIOR COVER Stone

INTERIOR FINISH 1.0 Drywall

ACCOMMODATIONS

Finished Rooms Bedrooms 2 Family Rooms

Fireplaces: 2

#### HEATING AND AIR CONDITIONING

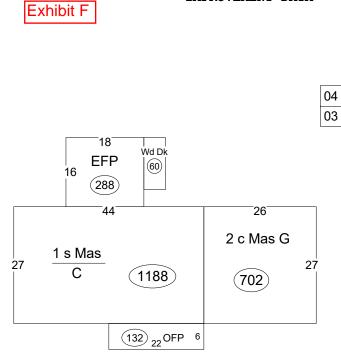
Primary Heat: Central Warm Air Full Part Lower /Bsmt 1 Upper Upper Air Cond 0 1188 0

1.0

#### PLUMBING

3 Fixt. Baths Kit Sink Water Heat TOTAL

#### REMODELING AND MODERNIZATION Amount Date



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(LCM: 100.00)

SPECIAL FEA	ATURES		SUMMARY OF IMPROVEMENTS															
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Data Collector/Date Appraiser/Date Neighborhood Supplemental Cards TOTAL IMPROVEMENT VALUE 207600 504 06/05/2002 CLT 03/01/2002 Neigh 4191001 AV