

# Staff Report – Board of Zoning Appeals

<b>Docket #:</b>	BZA2023-017	<b>Hearing Date:</b>	May 8, 2023
<b>Applicant:</b>	James Coop & Jenny Coop, 1088 Sweetbriar Drive, Greenwood		
<b>Owner:</b>	Sequoia Financial Services, 1088 Sweetbriar Drive, Greenwood		
<b>Subject Property Address:</b>	1387 W. Stones Crossing Road, Greenwood IN.		
<b>Staff Contact:</b>	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



# Aerial Map - BZA2023-017

Exhibit A



Stones Crossing Rd/W 700 N



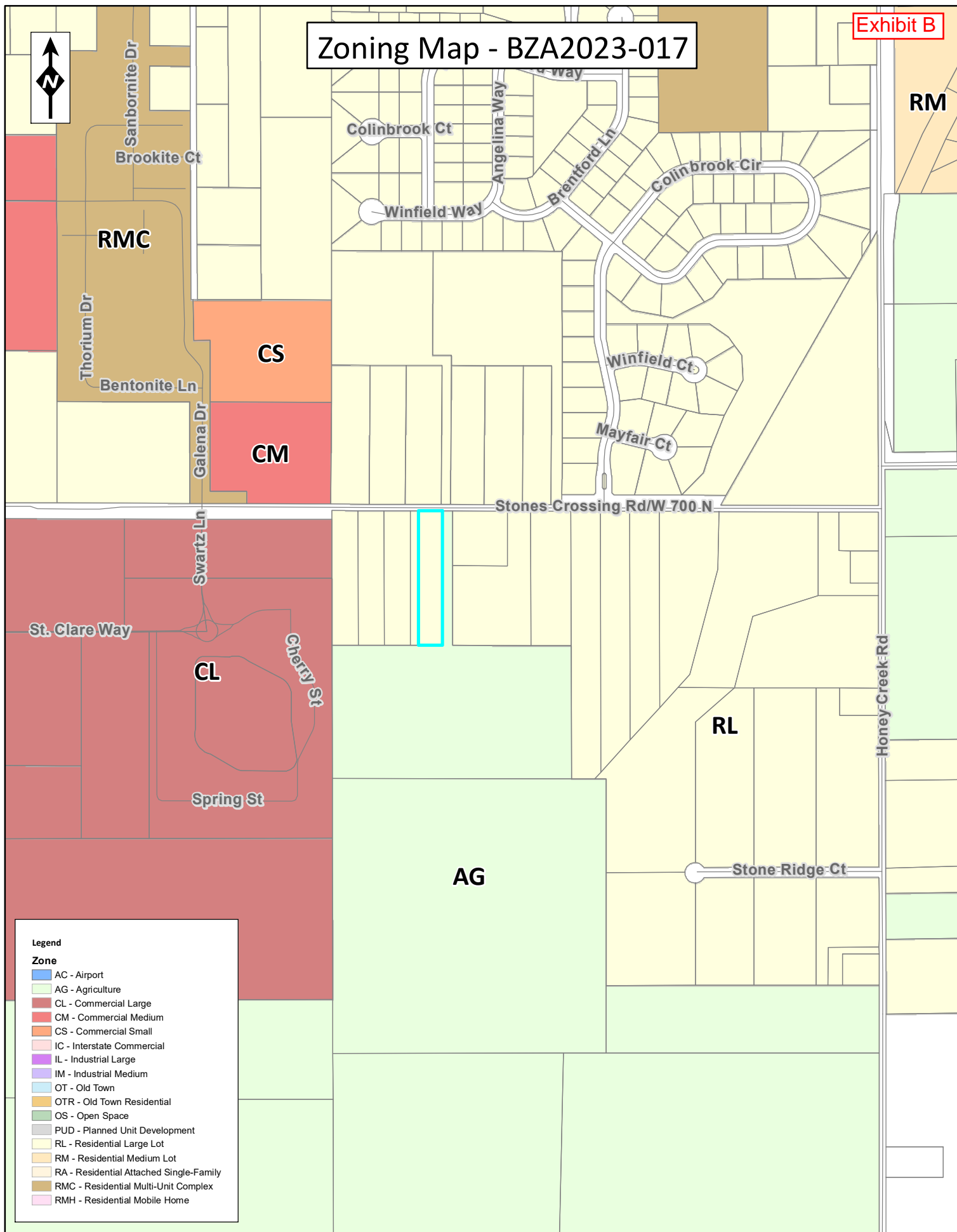
Legend

1 inch = 100 feet

CDS, City of Greenwood  
5/3/23



# Zoning Map - BZA2023-017



1 inch = 600 feet





9929 E US HWY 50  
CANNELBURG, IN 47519  
(812)486-4299  
www.dcmetal.com

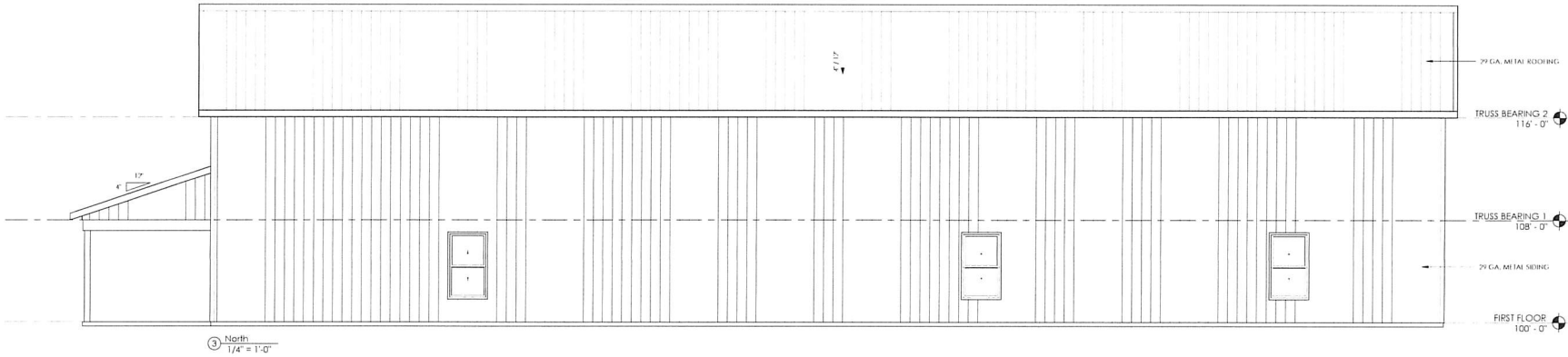
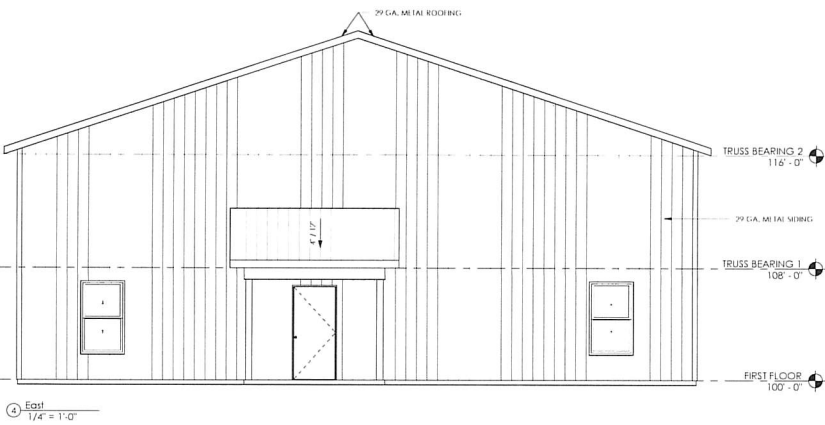
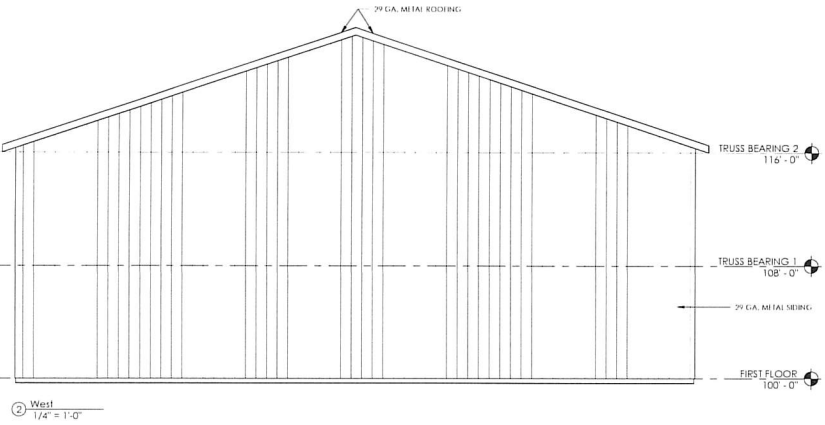
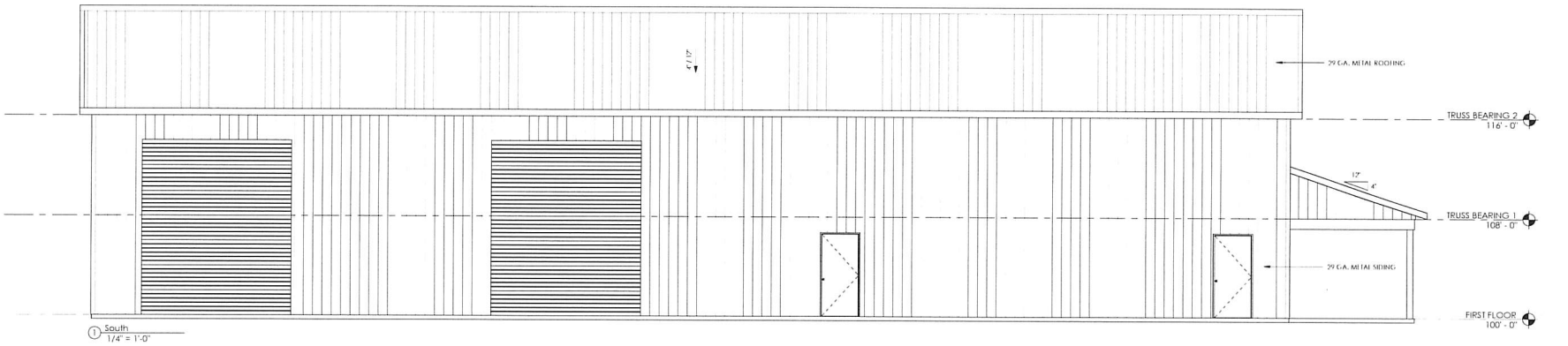
These drawings are not produced by an architect or engineer's firm. Before construction, owner should consult a contractor, architect, or engineer to determine if building codes, zoning regulations, and other applicable laws and codes are met. The contractor or subcontractor is responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable laws and codes. The designer, manufacturer, and sales representatives are not responsible for any errors or omissions in these drawings. The drawings are not to be reproduced or copied for any purpose without the expressed written permission of D&M Metal Sales, Inc.

BREAKING THE LAW - COOP

48X96X16

PROJECT NUMBER:	23.046
DATE:	4.3.2023
DRAWN BY:	C.SWARTZENTRUBER
SHEET NAME:	ELEVATIONS
SHEET NUMBER:	A-102

A-102





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.

## 04

Diagram illustrating a 2D floor plan layout with various rooms and corridors. The plan includes the following labeled areas and dimensions:

- Top Section:**
  - Room labeled **EFP** with area **288** and dimension **18**.
  - Room labeled **Wd Dk** with area **60** and dimension **16**.
- Central Section:**
  - Large room labeled **1 s Mas** with area **1188** and dimension **44**.
  - Room labeled **C** with area **1188** and dimension **27**.
  - Room labeled **2 c Mas G** with area **702** and dimension **26**.
  - Room labeled **27** with area **702** and dimension **27**.
- Bottom Section:**
  - Room labeled **132** with area **132** and dimension **22**.
  - Room labeled **22 OFP** with area **132** and dimension **6**.

## 04

GRADE ADJUSTED VALUE	157110
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Data	Collector/Date	Appraiser/Date	Neighborhood	Supplemental Cards	TOTAL IMPROVEMENT VALUE
504	06/05/2002	CLT 03/01/2002	Neigh 4191001 AV		207600