

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-018	Hearing Date :	May 8 th , 2023
Applicant:	Eric W. Prime on behalf of Dexios Food Ventures LLC. 4639 Hickory Ridge Row Greenwood, IN 46143		
Owner:	CGM Capital, LLC. 5332 N. Temple Ave. Indianapolis, IN 46220		
Subject Property Address:	Lot Address: 5901 N STATE RD 135 Greenwood, IN 46143 Suite Address: 5867 N. State Road 135 Greenwood, IN 46143 (Part of Lot 3 in Secondary Plat of Lone Pine Commercial Subdivision)		
Staff Contact:	Gabriel Nelson nelsong@greenwood.in.gov, 317-887-5231		

Request:

The petitioner requests to vary from Unified Development Ordinance, Section 10-03-09 Fences and Screens. G. Mechanical Equipment 1. to use vinyl privacy screening in lieu of the same material as the predominant material of the building which is masonry/stucco, in order to screen mechanical equipment (walk-in cooler) associated with the restaurant on site.

Location:

The subject property lot is addressed as 5901 N STATE RD 135 Greenwood, IN 46143. The subject property suite is addressed as 5867 N. State Road 135 Greenwood, IN 46143. The property is legally described as per the attached legal description.

See attached Exhibit A – Aerial Location Map

See attached Exhibit E – Legal Description

Indiana Code Reference(s):

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

Surrounding Land Uses:

- Existing: Commercial Medium (CM) – Commercial Strip Center
- North: Commercial Medium (CM) – Kroger Grocery Store
- South: Commercial Medium (CM) – Vacant Commercial Lots & Residential Multi-family Complex (RMC)- Redwood Apartments
- East: Residential Multi-family Complex (RMC)- Redwood Apartments
- West: Commercial Medium (CM) – Various Standalone Commercial Buildings (Carwash, Fast-Food, Etc.)

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 9-21-10-3 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.

Greenwood Code References:

Unified Development Ordinance, Section 10-03-09 Fences and Screens. G. Mechanical Equipment 1.

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 approval of this request to allow for the use of quality vinyl fencing for the purpose of screening mechanical equipment will not affect the public health, safety, morals and general welfare of the community because the proposed deviation will not create any adverse visual impairments.

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 adjacent properties would not be substantially affected because approval of this petition is consistent with commercial development in the area. The addition of high quality vinyl fencing for the purpose of screening mechanical equipment will not diminish the value of adjacent properties.

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

The Unified Development Ordinance as adopted requires that mechanical equipment be screened from public view with 100% opaque screen of the same material as the predominant material of the building. The strip center in which the Antilogy Restaurant is located was originally constructed in 2016 of predominantly masonry and traditional or synthetic stucco. Petitioner is a tenant within the strip center and Petitioner's lease restricts improvements that are permanent in nature. Petitioners proposed vinyl fencing provides adequate screening at a reasonable cost and can be removed upon termination of Petitioner's lease. Petitioner originally tried to place the cooler internally, but public acceptance and demand requires more kitchen space. An internal cooler is impractical.

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

Not applicable.

Comments and Findings:

Staff notes that the mechanical equipment is located at the functioning rear of the building. The subject property is surrounded by public ways on the front, rear, and side. The cooler height is 7 ½ feet and the screening will be 8 feet in height.

Summary and Proposed Conditions:

Staff agrees with the petitioner's statement of reasons (aside from references to reasonable cost, as financial hardship does not constitute a practical difficulty).

Proposed condition:

- Screening and screening location shall substantially conform to Exhibit B and Exhibit C.

Attachments:

Exhibit A – Aerial Location Map

Exhibit B – Screening Depiction

Exhibit C – Cooler Location

Exhibit D – Cooler

Exhibit E– Legal Description

ATTACHMENT A – AERIAL LOCATION MAP



Parcel ID	41-04-24-022-013.000-040	Alternate ID	41-04-24-022-013.000-040	Owner Address	CGM CAPITAL LLC
Sec/Twp/Rng	n/a	Class	Com Neighborhood shopping cntr		5332 N TEMPLE AVE
Property Address	5901 N STATE RD 135	Acreage	6.894		INDIANAPOLIS, IN 46220
	GREENWOOD				
District	040				
Brief Tax Description	LONE PINE COMMERCIAL SUB LOT 3				
	(Note: Not to be used on legal documents)				

ATTACHMENT B – SCREENING DEPICTION

BEAUTY IS ON THE OUTSIDE.



- MAINTENANCE FREE MATERIALS
- PROFESSIONAL GRADE EXTRUDED ALUMINUM FRAME
- EASY INSTALL, NO SPECIAL TOOLS REQUIRED

Elegant, durable and long lasting screening for today's modern businesses, Covrit® provides a complete line of screening solutions to hide, protect, or partition anything on your property.

Our modular, made-to-order system is available in a wide variety of styles and colors and can be customized to fit any size space.

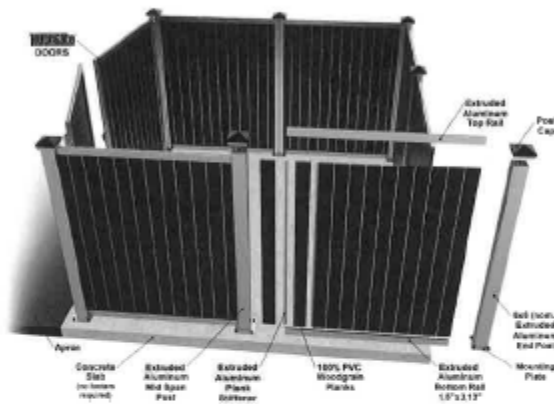


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SCREENING SYSTEMS

CityScapes
ARCHITECTURAL INNOVATIONS

Designed by our in-house engineering team and manufactured in our state-of-the-art facility, our professional grade screen wall systems and gates have transformed property at big box retailers, shopping centers, restaurants, community parks, apartment complexes, and more. We are your ideal partner for all your screening needs.

PLANKWALL™ SYSTEM



We mount our planks using professional grade aluminum posts and rails to complete the finest modular wall system on the market. A proprietary aluminum stiffener is integrated between each plank, providing an attractive reveal while reinforcing the screen wall structure, eliminating the need for horizontal stringers.

PlankWall™ is completely maintenance-free and comes with a 20-year fade and stain resistance warranty.

TYPICAL ENCLOSURE SIZES



SINGLE

Hold up to one 10 yard box or slant



DOUBLE

Hold up to two 10 yard boxes or slants



SINGLE WALK-IN

Hold up to one 10 yard box or slant



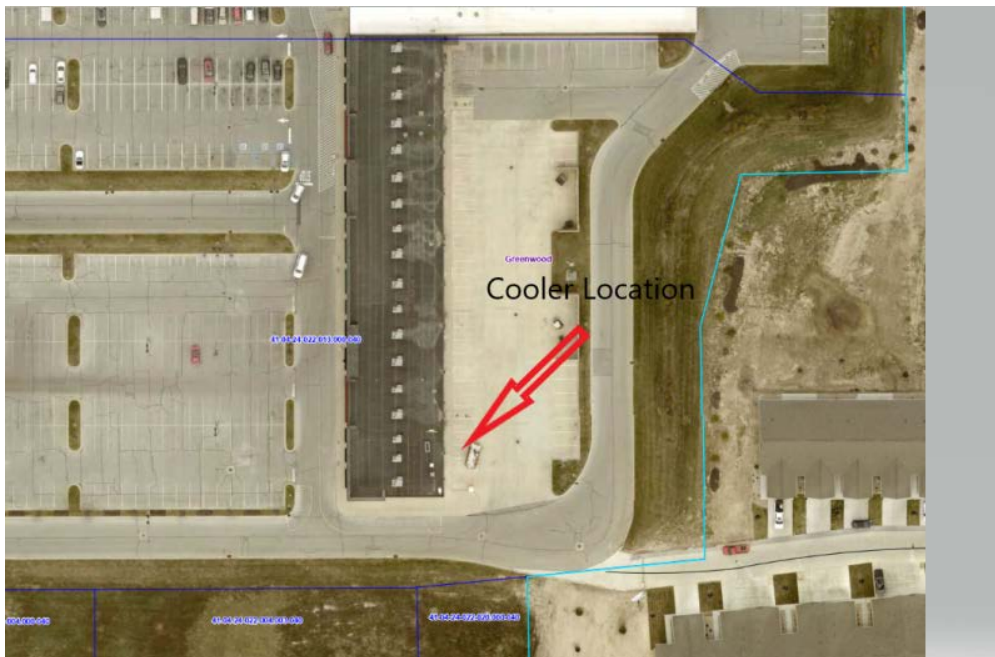
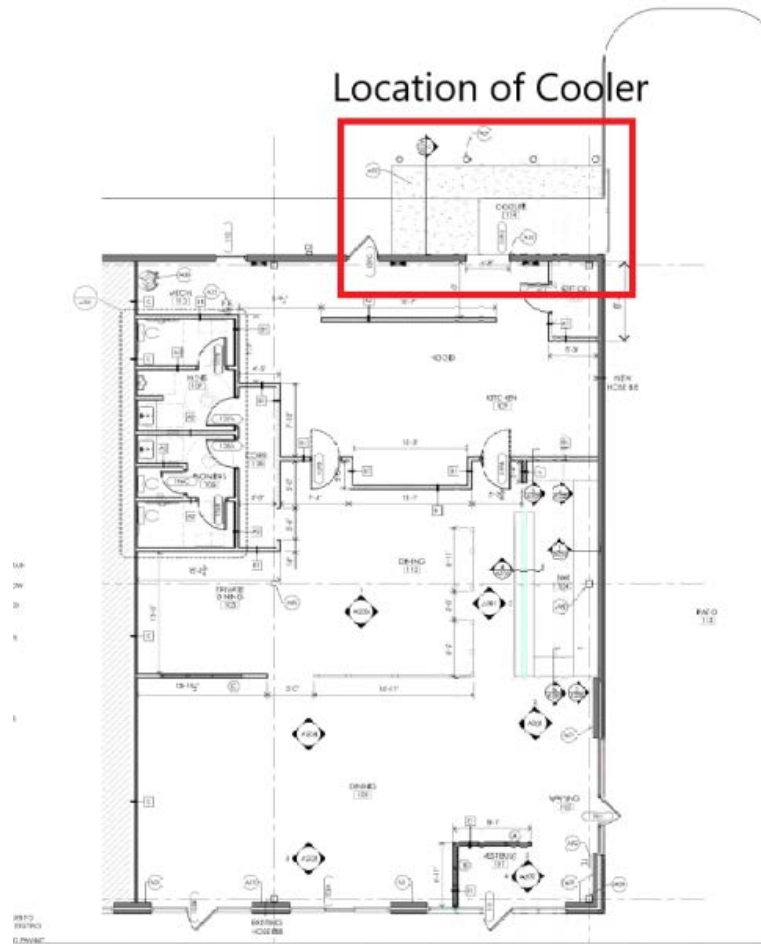
CUSTOM

For multiple unit enclosures, please reach out to a CityScapes Representative

CUSTOM ENCLOSURES

Create a custom enclosure to shield outdoor equipment such as generators or transformers. Use it as a partition for condominiums, restaurant patios or courtyards. Have a special request? No problem. Our made-to-order process enables custom shapes and sizes to suit your unique project requirements. Simply contact us for your custom quote.

ATTACHMENT C – COOLER LOCATION



ATTACHMENT D – COOLER



ATTACHMENT E – LEGAL DESCRIPTION

IMAGE/COPY PROPERTY OF JOHNSON COUNTY, IN. FOR LICENSEE ONLY. NOT FOR RESALE PURSUANT TO I.C. 36-2-7-10.

PARCEL II (B-Shop Parcel)

LOT 3 IN THE SECONDARY PLAT OF LONE PINE COMMERCIAL SUBDIVISION
RECORDED JULY 21, 2016 AS INSTRUMENT NO. 2016-016107 IN PLAT CABINET E PAGE
218-A-G IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA.