

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-053 Dev. Standard Variance	Hearing Date:	February 12, 2024
Applicant:	Adam & Lynsey Stanford, 827 W. Main Street, Greenwood		
Owner:	Adam & Lynsey Stanford, 827 W. Main Street, Greenwood		
Subject Property Address:	827 W. Main Street		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5230		

Request:

Petitioner is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-13 (C) Accessory Structures, (5) to allow an accessory structure under 300 square feet in size to be constructed of steel
2. Section 10-03-13 (C) Accessory Structures, (10) to allow an accessory structure in a side yard

Location:

The subject property is located on the south side of W. Main Street just east of the Howard Road intersection. Parcel ID # 41-02-31-041-001.000-026

Exhibit A – Aerial Vicinity Map and Exhibit E – Legal Description

Existing & Surrounding Zones/Land Uses:

Existing: Residential Large (RL), Single Family Residential

North: Open Space (OS), Westside Park

South: Residential Large (RL), Single Family Residential

East: Residential Large (RL), Single Family Residential

West: Residential Large (RL), Single Family Residential

Exhibit B – Existing Zoning Map

Indiana Code Reference(s): Section 36-7-4-918.5 (Development Standards Variances)

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): 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 allow steel as a permitted exterior material

Greenwood Code References: Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (5) Accessory structures under 300 square feet shall be made of wood, fiber cement, masonry or the same materials as the primary structure. In no instance shall steel be utilized.

VARIANCE #2: To allow an accessory structure in a side yard

Greenwood Code References: Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (10) Accessory structures must be located in a rear yard.

Staff Comment: Only one set of answers was provided to cover both variance requests. It should also be noted that Staff has received a remonstrance letter (Exhibit F).

Petitioner's Detailed Statements of Reasons and Staff Comments:

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

Placement, construction material, and color of building will not be harmful in any way to above mentioned community.

Staff Comment: Staff generally agrees with petitioner's statement. The proposed placement on one of the most level areas of the property meets this requirement and the proposed material should not have a significant effect on the general welfare of the community. Additionally, the City does not regulate color.

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:

Only involving property deeded to Adam and Lynsey Stanford.

Staff Comment: This is factually correct, but does not adequately address the question. The location and materials of the accessory structure will be seen by adjacent properties, and as such, should be held to the minimum standard of the UDO. Also, because the adjacent properties are set at varying angles, the accessory structure will be visible regardless of placement, so the building materials should carry extra scrutiny.

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

Backyard location has very elevated land and would not be practical to be placed on such elevation conditions.

Staff Comment: Staff agrees with petitioner's statement in regard to location. The attached contour map (Exhibit D) shows that the most level part of the yard is south-southeast of the pond. However, there is not a reason given for why the exterior materials cannot meet the UDO requirements, nor does there appear to be any practical difficulty in achieving the current UDO regulations

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

Not applicable

Recommendation and Proposed Conditions:

Variance #1 – To allow steel as a permitted exterior building material

The petitioner has made no argument as to why steel should be allowed over an already permitted material. Staff recommends denial of the variance request.

Variance #2 – To allow an accessory structure in a side yard

Staff finds that the slope of the property does constitute a practical difficulty in placing the structure in the rear yard. Staff recommends approval with the following conditions:

1. Accessory structure shall be placed in conformance with the approximate location depicted in Exhibit D.
2. The petitioner shall complete the building permit process and have the structure and location approved by the Building Division.

Attachments:

Exhibit A – Aerial Vicinity Map

Exhibit B – Zoning Map

Exhibit C – Site Plan

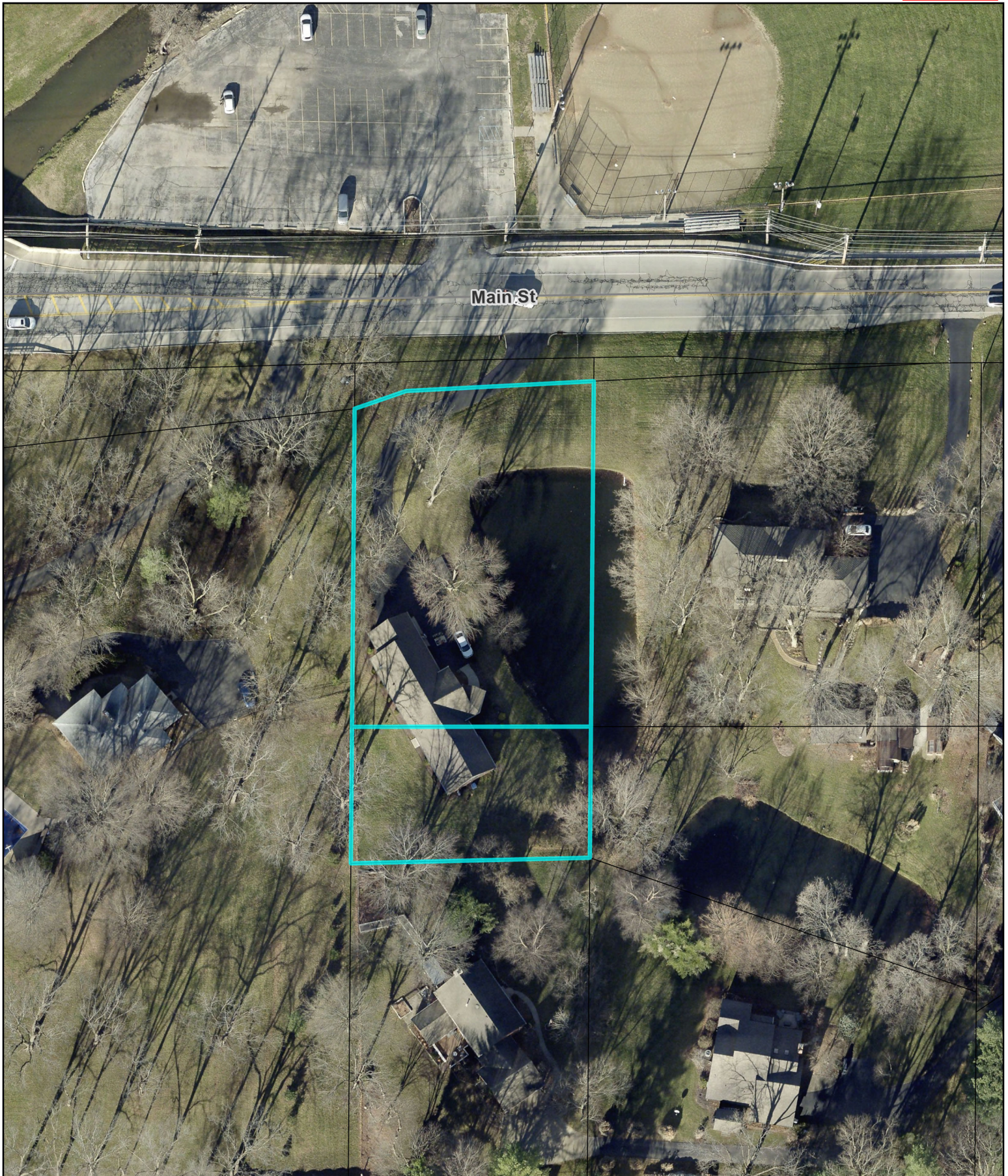
Exhibit D – Contour Map

Exhibit E – Legal Description

Exhibit F – Remonstrance Letter

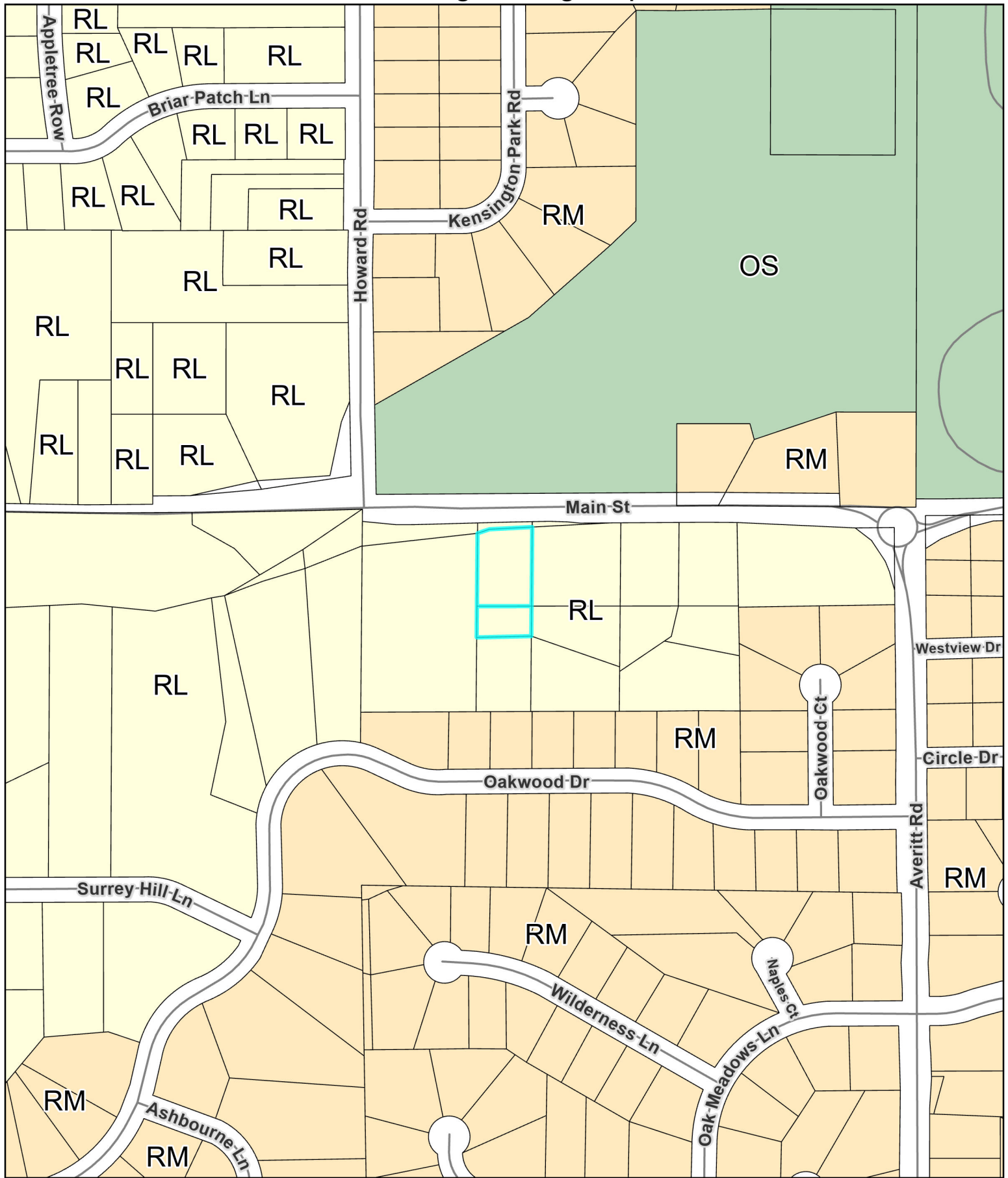
Aerial Map

Exhibit A



Existing Zoning Map

Exhibit B



AC - Airport	IC - Interstate Commercial	OS - Open Space	RMC - Residential Multi-Unit Complex
AG - Agriculture	IL - Industrial Large	PUD - Planned Unit Development	RMH - Residential Mobile Home
CL - Commercial Large	IM - Industrial Medium	RL - Residential Large Lot	
CM - Commercial Medium	OT - Old Town	RM - Residential Medium Lot	
CS - Commercial Small	OTR - Old Town Residential	RA - Residential Attached Single-Family	



Exhibit C

MAIN ST

41-02-31-041-001.002-026

41-02-31-041-001.000-026

SCHMALFELDT PAMELLA

827 W MAIN ST

0.56 Acres Value \$298,800

View: [Parcel Report](#) | [Pictometry Im](#)

41-02-31-041-001.000-026

Greenwood

41-02-31-041-001.001-026



Exhibit D

827 W. Main
One-Foot Contours



Approximate Shed Location

Legal Description

Lot number 1 in the Anthony Subdivision, an addition in Pleasant Township as per plat thereof, recorded in Plat Book 4, Page 52, in the office of the Recorder of Johnson County, Indiana. Commonly known as 827 W. Main Street, Greenwood, IN 46142.

RE: Docket # BZA2023-053

Variance request for 827 W MAIN STREET, GREENWOOD, IN 46142

Project - Shed

I strongly oppose the request for variance to Sec. 10-03-13. Accessory Uses and Structures, based on the following:

- The exterior finish materials do not visually match in type, and color of the exterior finish materials of the primary dwelling.
- High winds and extreme weather can pose problems for metal sheds where a woodshed would be fine.
- Metal sheds are also easily dented or dinged by impacts that would have no effect on a wooden structure.

Greenwood Resident