

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-054 Dev. Standard Variance	Hearing Date:	February 12, 2024
Applicant:	James N. Tompkins, 1423 Demaree Road, Greenwood		
Owner:	James N. Tompkins, 1423 Demaree Road, Greenwood		
Subject Property Address:	1423 Demaree Road		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5230		

Request:

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

1. Section 10-03-13 (C) Accessory Structures, (6) to allow an accessory structure over 300 square feet to have a 36-inch mortared masonry wainscot only on the front façade instead of all four (4) sides.

Location:

The subject property is located on the south side of Demaree Road two tenths (0.2) miles west of the Winfield Parkway intersection.

Parcel ID # 41-04-12-042-065.000-041

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

Existing & Surrounding Zones/Land Uses:

Existing: Residential Large (RL), Single Family Residential

North: Residential Large (RL), Single Family Residential

South: Residential Large (RL), Single Family Residential (Cobblestone Subdivision)

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 reduce the mortared masonry wainscoting to only the front facing facade

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 and shall utilize wood, fiber cement, masonry, steel or the same materials as the primary structure for the balance of the façade.

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:

There is nothing about a façade that would in any way affect public health, safety, morals, or general welfare of the community.

Staff Comment. Staff agrees with petitioner's statement.

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 type of wainscoting on a barn does not affect adjacent properties in any way, and even if it had a small effect (such as "does not look good"), three of the five adjacent properties have an obstructed view of the barn due to a thicket of vegetation between adjacent properties and the barn.

Staff Comment. Staff agrees with petitioner's statement. The front façade, which is most likely to be seen, will meet the UDO requirements.

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

The cost of the wainscoting to be installed on all four sides of the barn is \$10,000. Furthermore, steel pole barns are less susceptible to water infiltration and water damage when the outside wall coverings are consistent metal from top to bottom with no protrusions. Brick and mortar wainscoting is a break in the material and protrudes off the building, making the seal between those two materials susceptible to water damage.

Staff Comment. Staff agrees with petitioner's statement.

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

Not applicable

Recommendation and Proposed Conditions:

At the previous BZA meeting on January 8th, the Board granted essentially the same variance (allowing mortared masonry to only appear on street facing façade). Although this is a larger accessory structure in a less dense area, it would seem the same general principles would apply. In addition, this request appears to meet all three (3) criteria required for approval. Therefore, Staff recommends approval of this variance with the following condition:

1. Structure shall substantially conform to the proposed elevations and site plan (Exhibit C & Exhibit D).

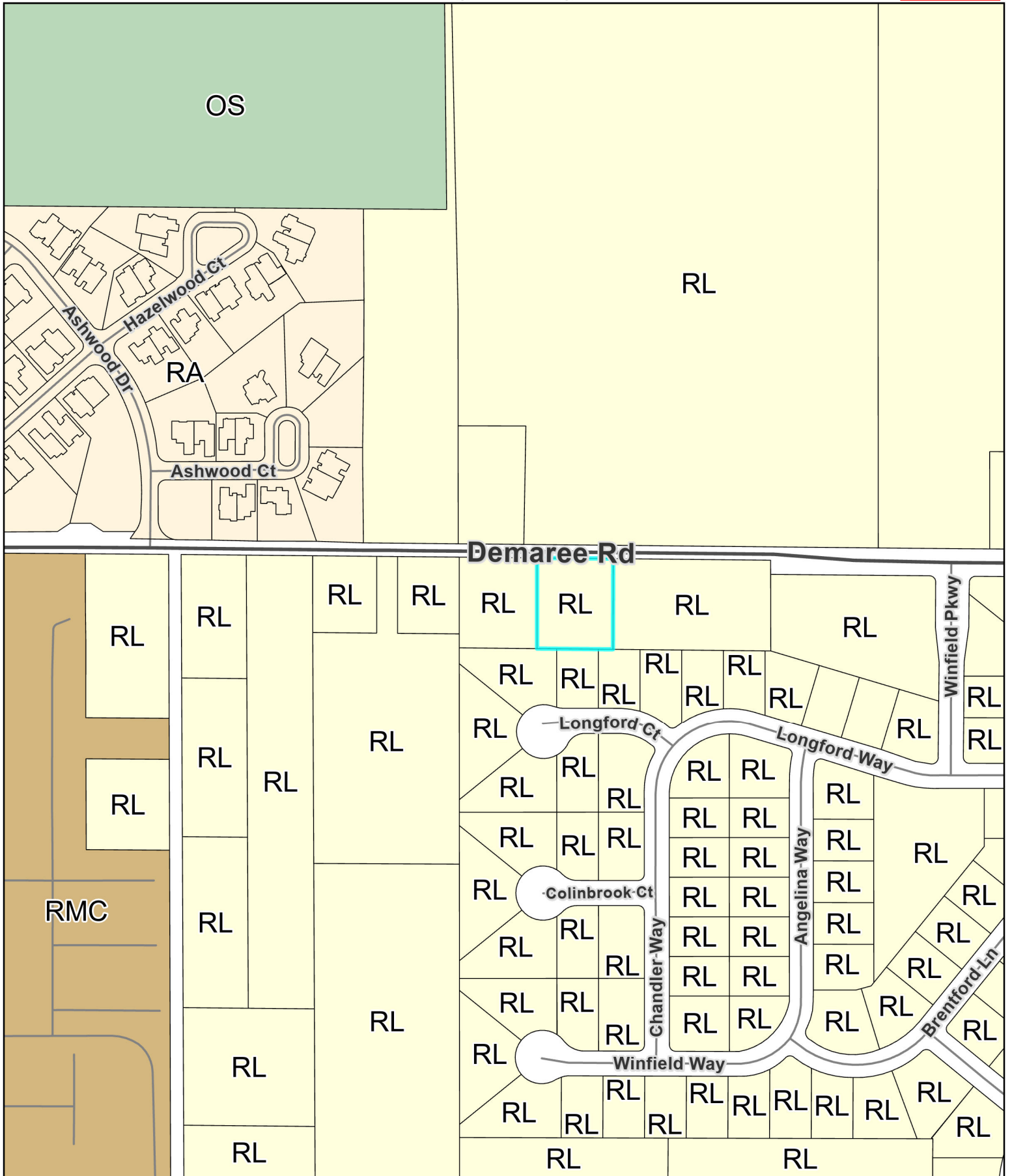
Attachments:

Exhibit A – Aerial Vicinity Map
Exhibit B – Zoning Map
Exhibit C – Proposed Site Plan
Exhibit D – Proposed Elevations
Exhibit E – Legal Description



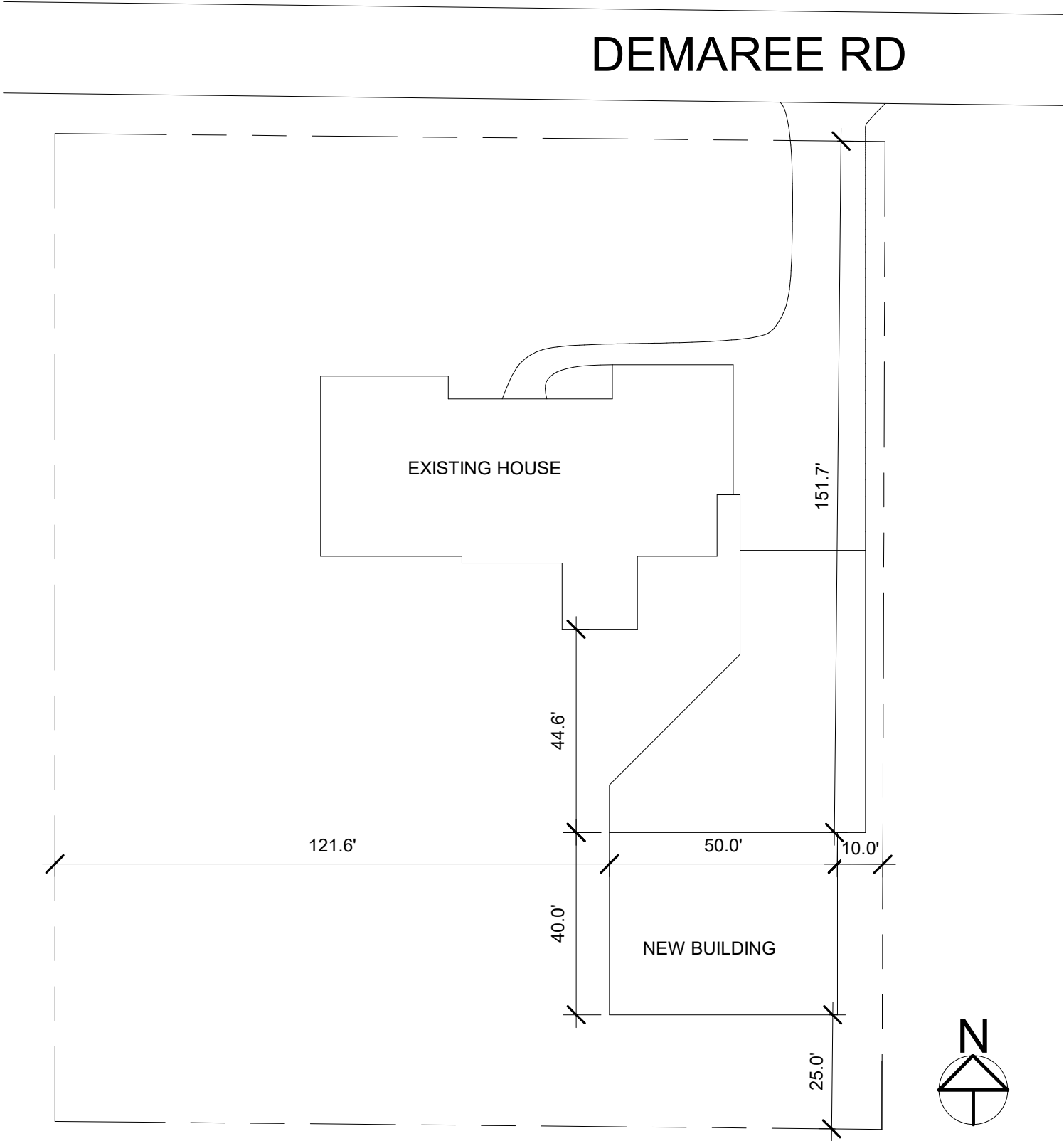
Existing Zoning Map

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 | |





PROPERTY LINES BASED OFF INFORMATION PROVIDED BY OWNER.
IT IS THE RESPONSIBILITY OF THE OWNER TO HAVE SITE BOUNDARIES
VERIFIED BY AN INDIANA LICENSED SURVEYOR BEFORE CONSTRUCTION.

9-18-23



7716 N 900 E
MONTGOMERY, IN
47558
(800) 264-5013

James Tompkins

1423 Demaree Rd
Greenwood, IN 46143

1 SITE PLAN
1" = 30'-0"



Graber Post Buildings, Inc

7716 N 900 E Montgomery, IN 47558 · Phone: (812) 636-7355
<https://www.graberpost.com>

PONumber:	50634
Preparer:	Nelson Wagler
Contract #	50634
Date:	09/21/2023
Page:	2 of 9

Building Contract

COMPLETED DATE: _____

Add-Ons

- Labor
- Concrete--4" Floor w/wire
- Electrical
- Rough-In Plumbing
- Floor Drains--12x12 Box Drains
- Ridge Closures--PROV36 Vented Closures
- Roof Insulation--Therma-Guard
- Wall Insulation--House Wrap
- Gutters--6" Seamless incl. accessories
- Snowguard--1 Row Per Side
- Leafguard--6" On All Guttering

Entry Doors

- 1 - 36" 20 Series white Walk Door LHis-Stock
 - Door Hardware--Door Knob, with Dead Bolt
- 1 - 72" 20 Series White Walk Door LHis-STOCK
 - Door Hardware--Door Knob, with Dead Bolt

Overhead Doors

- 2 - 10x10 C.H.I. 2283 Series ADD WINDOWS
 - Door Track--High Lift Up to 36"
 - Windows--2283 Series - 4 - with inserts
 - Operator--98022MC Jackshaft
 - Color--Standard Polyester Paint - White
- 1 - 12x12 C.H.I. 2283 Series ADD WINDOWS
 - Windows--2283 Series - 4 - with inserts
 - Operator--14' 3/4 HP Com.
 - Door Track--12" Standard Radius
 - Color--Standard Polyester Paint - White

Windows

- 4 - 72"x 24" Pella 250 Series Vinyl Fixed Window w/J & screens
- White

Images/Drawings



3d View for James Tompkins copy 1



3d View for James Tompkins copy 1



3d View for James Tompkins copy 1



3d View for James Tompkins copy 1



Legal Description

Lot number 1 in Shepherd Subdivision No. 2, an addition in White River Township as per plat thereof, recorded in plat book 8, page 76, in the office of the Recorder of Johnson County, Indiana. Commonly known as 1423 Demaree Road, Greenwood, IN 46143.