

Staff Report – Board of Zoning Appeals

Docket #:	BZA2024-001 Development Standards Variance	Hearing Date:	February 12, 2024
Applicant:	Gene Perkins, 1521 Demaree Road, Greenwood		
Owner:	Rodney Viar, 1249 W. Stones Crossing Road, Greenwood		
Subject Property:	1249 W. Stones Crossing Road		
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 10-02-13. Residential Large Lot Zone (A) Development Standards. Accessory Building Location, and Sec. 10-03-13 (C) Accessory Structures, (10) to allow an accessory structure in a front/side yard
2. Section 10-02-13. Residential Large Lot Zone (A) Development Standards. Accessory Building Height, to allow an accessory structure in excess of twenty (20) feet in height, not to exceed thirty (30) feet

Location:

The subject property is located on the south side of W. Stones Crossing Road, just west of the Honey Creek Road roundabout.

Parcel ID # 41-04-13-011-013.000-040

Exhibit A – Aerial Map and Exhibit F – Legal Description

Existing & Surrounding Zones/Land Uses:

Existing: Residential Large (RL), Single Family Residential
North: Residential Large (RL), Single Family Residential (Cobblestone)
South: Residential Large (RL), Single Family Residential (Stoneridge)
East: Residential Large (RL), Honey Creek Church
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 an accessory structure in a side/front yard

Greenwood Code References: Unified Development Ordinance, Section 10-02-13 (A) Development Standards, Accessory Building Location, Rear Yard, 10 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/setback and the accessory building, and Section 10-03-13 (C) Accessory Structures, (10) Accessory structures must be located in a rear yard.

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:

The proposed placement/location of the accessory garage is well within the confines of the site and far exceeds any dimensional minimum setbacks as outlined in the RL Standards. All structures on the site (existing and proposed) are for private use and are located within a fenced/gated street-front, with existing landscape screening, at Stones Crossing Road.

Staff Comment: Staff agrees with petitioner's statement. The proposed placement would be partially in the west side yard and partially in the front, but is still well over 100 feet from the front property line and is screened by a number of trees.

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 subject property is 7.24 acres and is accessed via a private gated driveway. The proposed location of the accessory garage is well within the confines of the site. The minimum proposed dimension to building setbacks/property lines is 107'-0". Due to the size of the property, existing dense landscape screening, and the arrangement of existing and proposed structures on the site - site lines and privacy of all adjacent properties are maintained.

Staff Comment: Staff agrees with petitioner's statement.

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

Due to the arrangement of existing structures on the site, the placement of the accessory garage is limited in relation to the existing driveway. The proposed placement of the garage makes the best practical use of the existing driveway while allowing the garage to function in a way that best meets the needs of the homeowner.

Staff Comment: Staff agrees with petitioner's statement. In addition, the attached flood hazard map (Exhibit D) shows that most of the available side and rear yards are either in the floodway or floodway fringe.

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 in excess of twenty (20) feet in height, but less than thirty (30) feet

Greenwood Code References: Unified Development Ordinance, Section 10-02-13 (A) Development Standards, Accessory Building Height, maximum 20 feet.

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:

All structures on the site (existing and proposed) are for private use and are located within a fenced/gated street-front, with existing landscape screening, at Stones Crossing Road. While the proposed building height exceeds current limitations as set forth in the RL Standards (due to the placement on the site as well as the topography) the roof ridge of the garage will be approximately +/-10'-0" below the highest roof ridge of the existing residence.

Staff Comment. Staff agrees with petitioner's statement. The purpose of this regulation is to prevent accessory structures from becoming larger than the primary structures. In this particular situation, even with the increased height, it will still be easily identified as an accessory structure.

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 subject property is 7.24 acres and is accessed via a private gated driveway. The proposed height of the accessory garage is in keeping with the scale of other existing accessory structures on the site. Due to the size of the property, existing dense landscape screening, and the arrangement of existing and proposed structures on the site - site lines and privacy of all adjacent properties are maintained.

Staff Comment. Staff agrees with petitioner's statement.

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

Due to the size of the proposed accessory building footprint and the needed eave height, the default roof ridgeline dimension is required in order to create a proper roof slope and design features which tie it into the aesthetics of the existing structures on-site.

Staff Comment. Staff agrees with petitioner's statement. The overall design and placement of this accessory structure meets the spirit of the UDO and will be an aesthetically pleasing addition.

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 an accessory structure in a side/front yard

Staff recommends approval with the following condition:

- Accessory structure shall be placed in conformance with the approximate location depicted in Exhibit D

Variance #2 – To allow an accessory structure in excess of twenty (20), but less than thirty (30) feet in height

Staff recommends approval with the following condition:

- Accessory structure shall conform to building elevations depicted in Exhibit D.

Attachments:

Exhibit A – Aerial Map

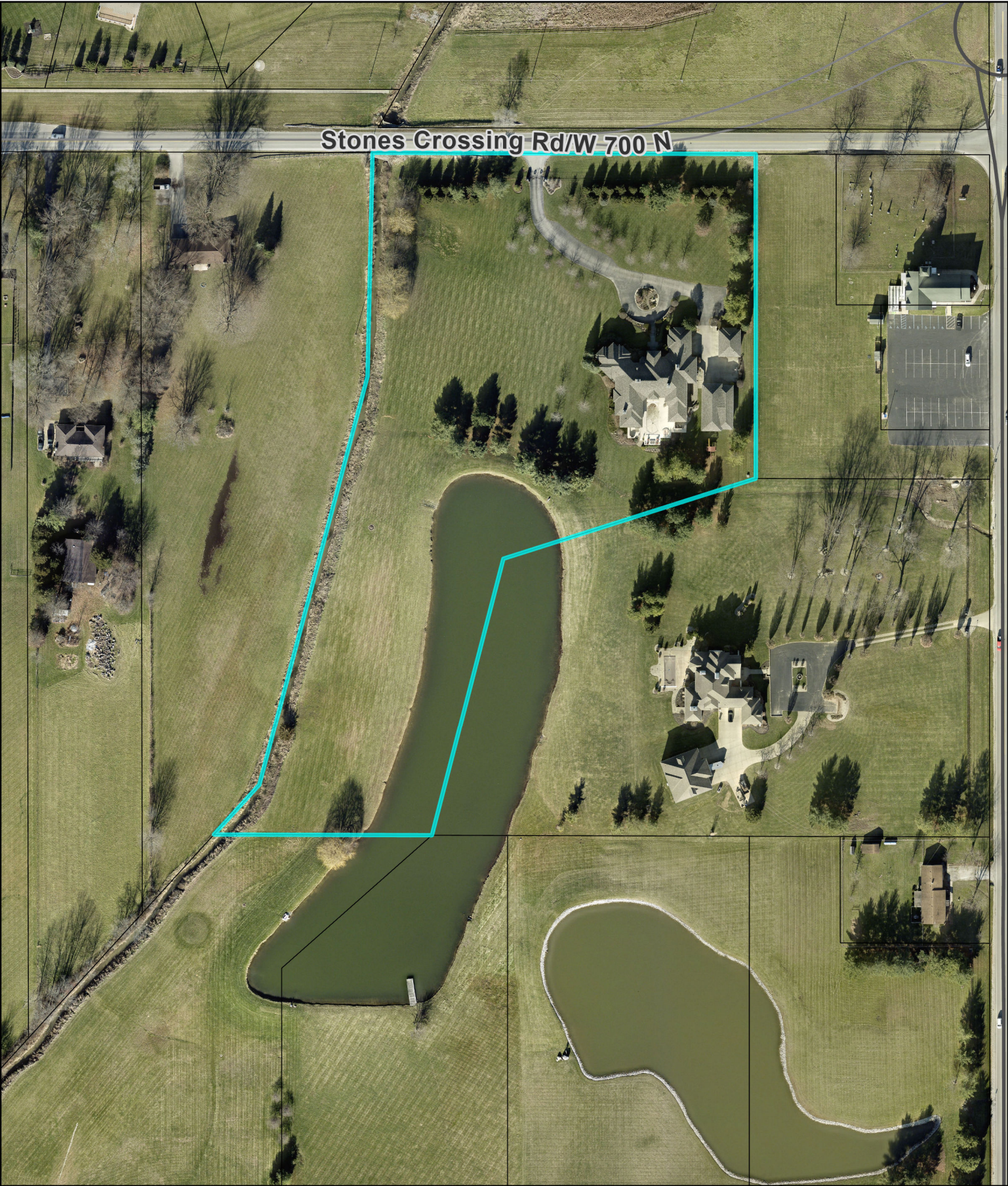
Exhibit B – Existing Zoning Map

Exhibit C – Site Plan

Exhibit D – Building Elevations

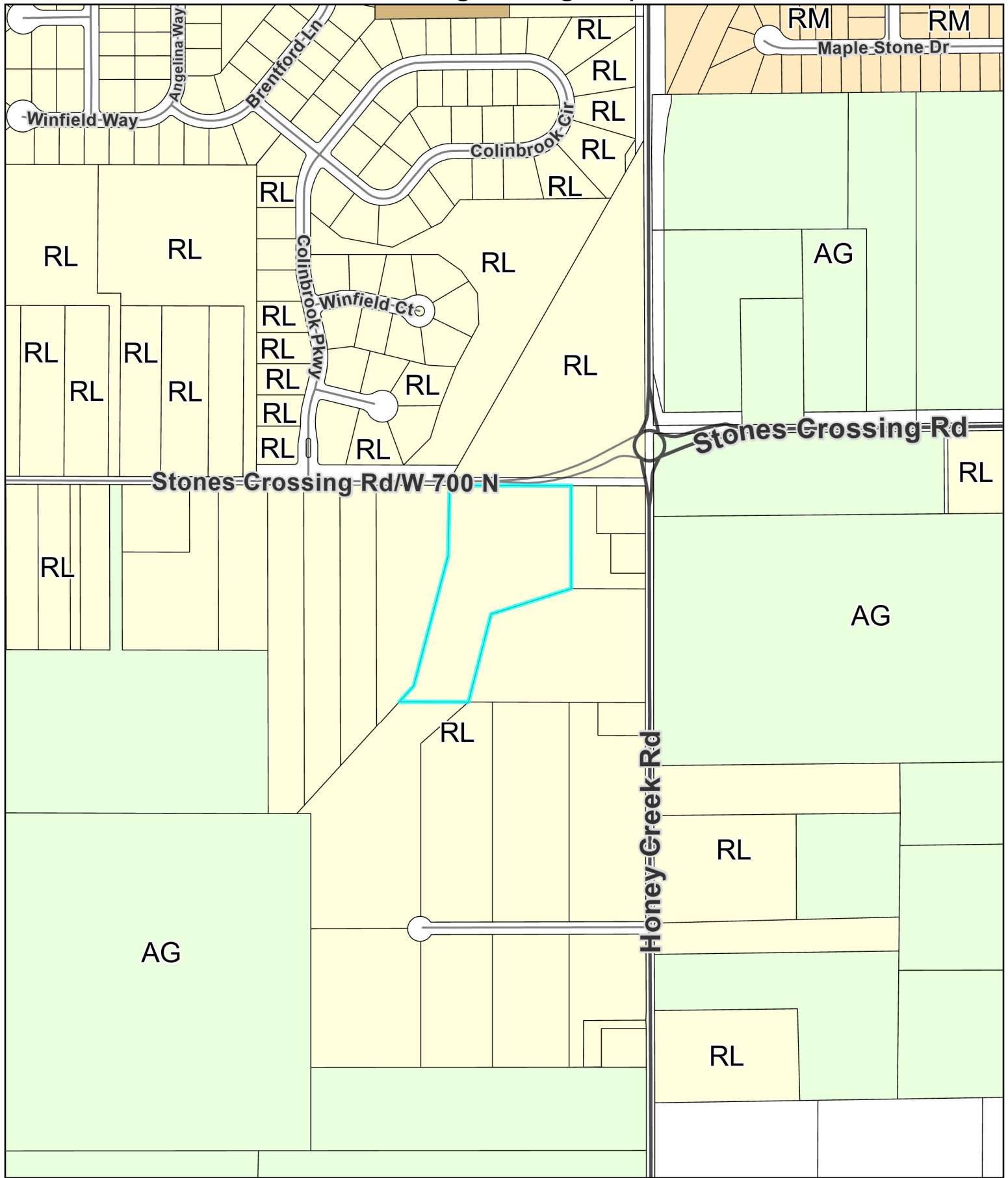
Exhibit E – Flood Hazard Map

Exhibit F – Legal Description



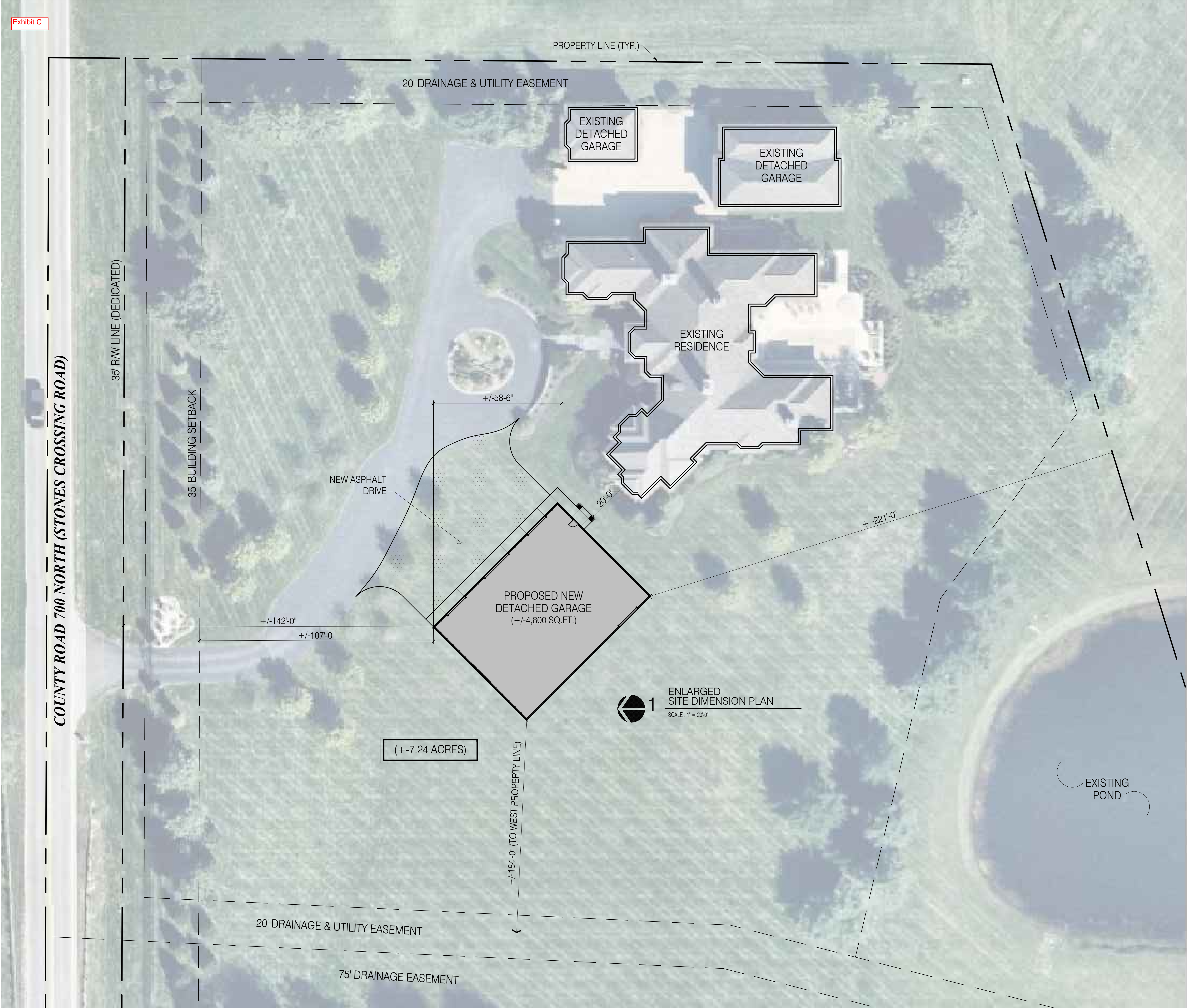
Existing Zoning Map

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	





SCOPE DOCUMENT

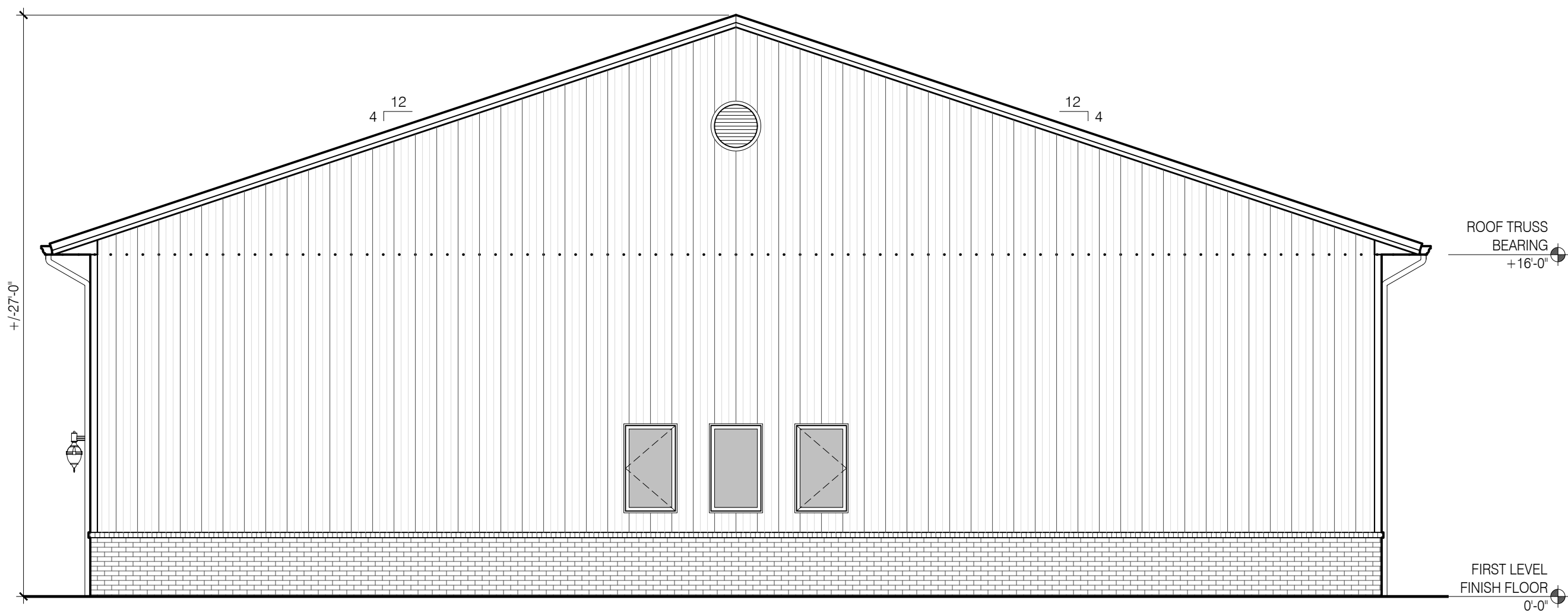
THESE DOCUMENTS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL, ELECTRICAL SYSTEMS. THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, THE TRADE CONTRACTOR SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK.



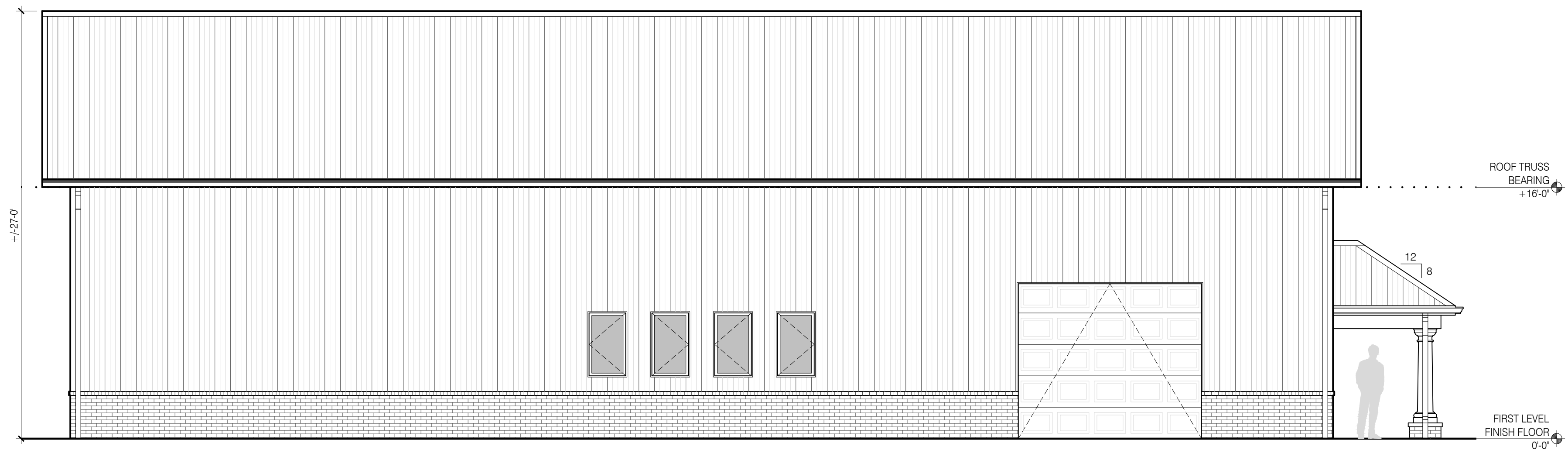
ENLARGED SITE DIMENSION PLAN
VIAR GARAGE
OPTION 'A'
1249 W. STONES CROSSING RD.
GREENWOOD, INDIANA

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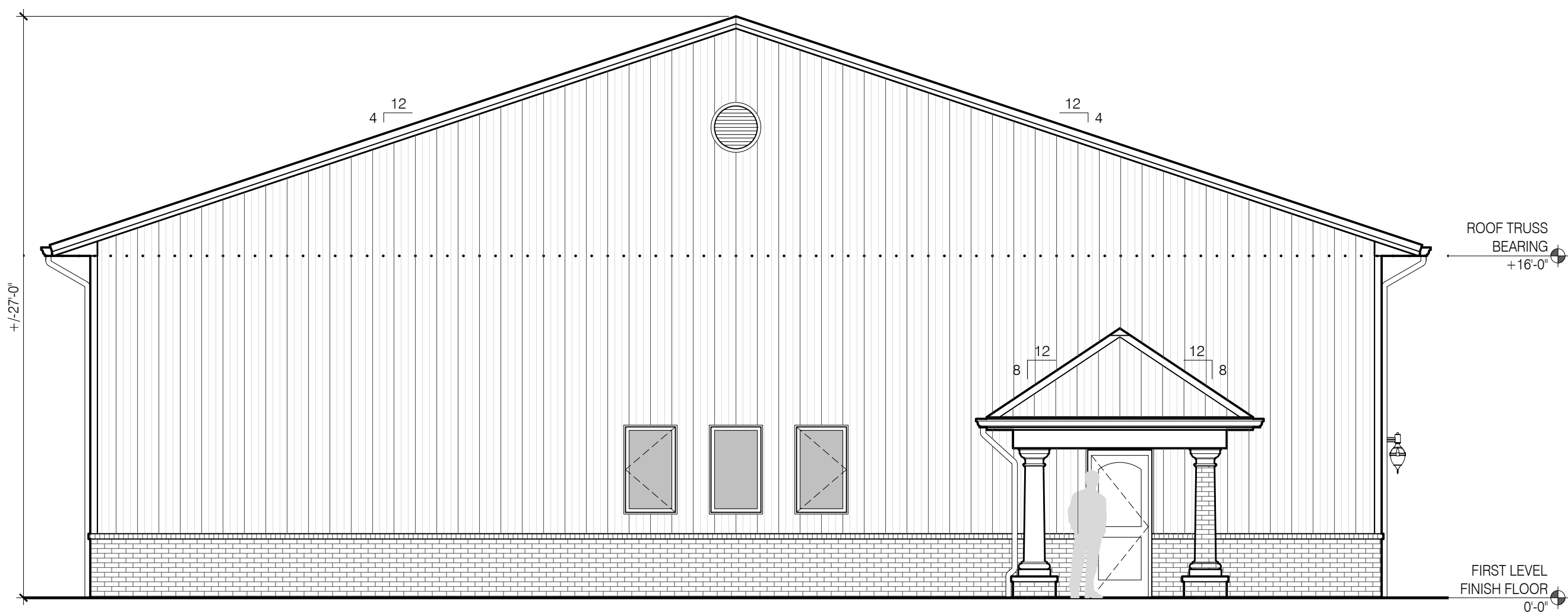
12/19/23



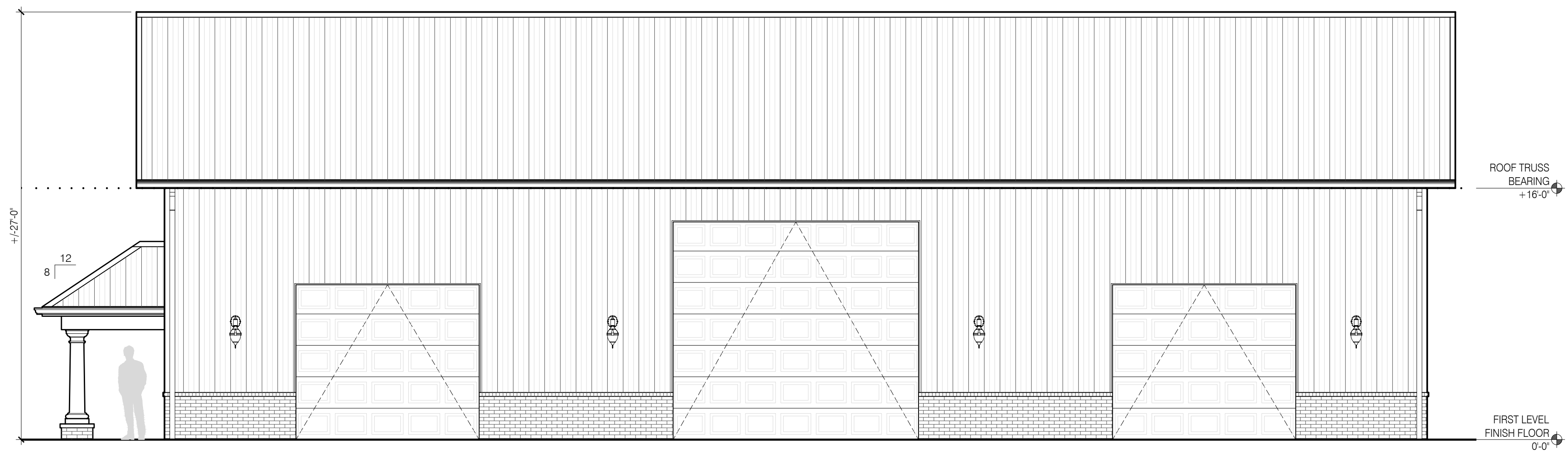
4 WEST
EXTERIOR ELEVATION
SCALE : 3/16" = 1'-0"



3 SOUTH
EXTERIOR ELEVATION
SCALE : 3/16" = 1'-0"



2 EAST
EXTERIOR ELEVATION
SCALE : 3/16" = 1'-0"



1 NORTH
EXTERIOR ELEVATION
SCALE : 3/16" = 1'-0"

EXTERIOR ELEVATIONS

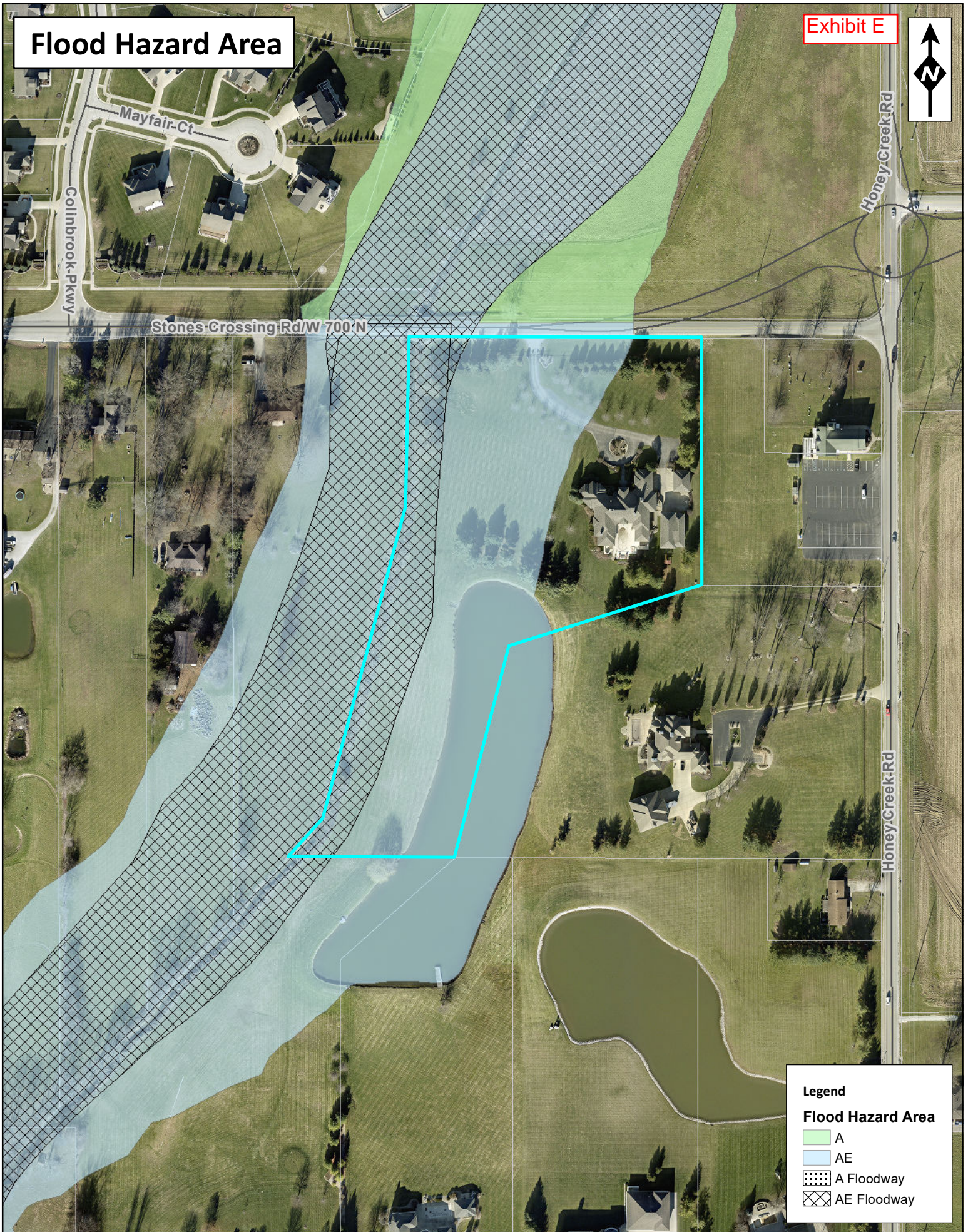
VIAR GARAGE
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12/19/23

Flood Hazard Area

Exhibit E



Legal Description

Lot number 10 in the Stoneridge Subdivision, White River Township, as per plat thereof, recorded in Plat Book D, Page 102 A & B, in the office of the Recorder of Johnson County, Indiana. Commonly known as 1249 W. Stones Crossing Road, Greenwood, IN 46143.