

Call to Order

The meeting was called to order at 6:00PM by Mr. Knartzer.

Members Present: Kenneth Knartzer, Vickie Peters, Josh King, Chris Mull, and Steve Milbourn.
Members attended in-person with the option to use Zoom.

Also in Attendance: Planning Director Gabriel Nelson, City Planner Alyssa Liebman, City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and Exos IT Technician Chrissy Anderson.

Approval of Meeting Minutes

Mr. Milbourn moved to approve the minutes from November 25th, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Special Requests and Continuances

None.

Findings of Fact

BZA2024-045 Development Standards Variance, Petitioner, Ron Courtney, on behalf of Midwest Signs, for property located at 838 North US 31

Mrs. Peters moved to adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as the final decision and final action for Variance Petition Number BZA2024-045, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-046 Development Standards Variance, Petitioners, Timothy & Renee Trotter, for property located at 1077 Honey Creek Road

Mr. King moved to adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as the final decision and final action for Variance Petition Number BZA2024-046, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Old Business

- A. **BZA2024-041 Development Standards Variance**, Southern terminus of Airport Parkway and Jackson Boulevard, approximately 108 acres in total, Petitioner, Eric Prime, on behalf of Taylor Morrison, is requesting relief from the following sections of the Unified Development Ordinance:
1. Section 10-02-15 (A) Development Standards, Lot Width, to reduce the minimum lot width from 24 feet 20 feet for the Townhomes only
 2. Section 10-02-15 (A) Development Standards, Lot Size, to reduce the minimum lot size from 5,400 square feet to 4,200 square feet for the Cornerstone and Edge Series
 3. Section 10-02-15 (A) Development Standards, Side Yard Setback, to reduce the minimum setback from eight (8) feet to five (5) feet for the Simplicity and Edge Series
 4. Section 10-02-15 (A) Development Standards, Side Yard Setback, to reduce the minimum setback from eight (8) feet to one (1) foot for the Cornerstone Series
 5. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, Non-Monotony (B), to allow single family homes to have the same front setback for the Townhomes and the Cornerstone and Edge Series
 6. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, Non-Monotony (D), to waive requirement for no blank exterior walls for the Townhomes and the Cornerstone and Edge Series
 7. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, General Design (A), to increase the total percentage of garage to overall facade from 60% to 67% for the Simplicity Series (two-story)
 8. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, General Design (A), to increase the total percentage of garage to overall facade from 50% to 61% for the Simplicity Series (ranch)
 9. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, General Design (A), to increase the total percentage of garage to overall facade from 60% to 93% for the Townhomes
 10. ~~Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, General Design (H), to increase the amount a garage can extend forward of the house from eight (8) feet to ten (10) feet for the Simplicity Series~~
****Variance #10 Withdrawn by Petitioner**
 11. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, General Design (C), to allow a primary front entrance on a side elevation for the Cornerstone Series

- ~~12. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, Exterior Materials, Path 1, to reduce the minimum gauge vinyl siding allowed from 0.046 to 0.044~~

****Variance #12 Withdrawn by Petitioner**

13. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, Exterior Materials, Path 1, to reduce the amount of mortared masonry required from 50% to the bottom of the first-floor window on all facades in which mortared masonry is required

- ~~14. Section 10-03-14 (B)(1) Single Family Residential Building Design Standards, Exterior Materials, Path 1 (D), to allow vinyl siding on an enclosed porch~~

****Variance #14 Withdrawn by Petitioner**

Mr. Nelson explained there has already been a public hearing. Mr. Knartzer will recuse himself. The public hearing will not be reopened.

Mr. Nelson explained there are three variances that have been withdrawn. Common Council's commitment will not allow vinyl siding. Mr. Nelson explained the redlined staff report. The lot size reduction minimum is 4,700 square feet. Mr. Nelson explained it needs to be the minimal deviation.

Eric Prime, Van Valer Lawn Firm, 225 S Emerson Avenue, was present for questions.

Mr. Mull asked about the traffic study. The traffic study has been requested. Mr. Mull asked about smaller lot sizes affecting placement of fire hydrants, mailboxes, and trash pickup. Mr. Prime explained engineering questions will be answered at the platting stage. Mr. Prime presented the configuration of the homes.

Mrs. Peters asked about the alleyway for the Edge series. Mr. Prime presented the Edge series configuration.

There was discussion about the setbacks.

Mr. Mull moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of Comprehensive Plan and Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. Milbourn. Ayes Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with the one condition as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, and Mr. Milbourn. Nay: Mr. Mull (3-1). **MOTION CARRIES.**

Mr. King moved to approve request #2 with the one condition as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, and Mr. Milbourn. Nay: Mr. Mull (3-1). **MOTION CARRIES.**

Mr. King moved to approve request #3 with the conditions listed in the staff report, seconded by Mr. Mull. Ayes: Mr. King, Mrs. Peters, and Mr. Milbourn. Nay: Mr. Mull (3-1). **MOTION CARRIES.**

Mr. King moved to approve request #4 with the conditions listed in the staff report, seconded by Mr. Mull. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #5 with the conditions listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Milbourn. Nay: Mr. Mull (3-1). **MOTION CARRIES.**

Mr. King moved to approve request #6 with the conditions listed in the staff report, seconded by Mr. Mull. Ayes: Mr. King, Mrs. Peters, Mr. Mull, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #7 with the condition as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. Nelson explained that variances #7, 8, and 9 all deal with garage doors. There are two conditions for variance #9.

Mr. King moved to approve request #8 with the same three conditions as request #7, seconded by Mr. Mull. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #9 with the same three conditions as request #7 and #8, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, and Mr. Milbourn. Nay: Mr. Mull (3-1). **MOTION CARRIES.**

Mr. King moved to approve request #11 with the condition as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. King moved to approve request #13 with the one condition as listed in the staff report, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Variances #10, 12, and 14 were withdrawn by petitioner.

Mr. Mull moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-041 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. Milbourn. Ayes: Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

New Business

BZA2024-047 Use Variance, 822 North State Road 135, Petitioner, Justen Hochstetler, on behalf of CrossRoad Engineers, is requesting approval of a use variance in order to operate a Storage – Contractor use in the Commercial Medium (CM) zoning district

Mr. Nelson confirmed that all notices were in order and in the file. Mr. Swihart submitted certified copies of the Comprehensive Plan and Unified Development Ordinance into the record.

The public hearing was opened.

Justin Hochstetler, CrossRoad Engineers, 115 N 17th Avenue, was administered the oath.

Mr. Hochstetler presented the vicinity map with the highlighted lots. This is about a half mile south of County Line Road. Sable Ridge subdivision is to the southwest. There are two existing lots. One lot is a residential building. It is currently unoccupied. The smaller lot was created when O'Reilly's was platted.

Planning would require both lots be replatted.

Mr. Hochstetler presented the zoning map, street view, and conceptual plan. A drive will connect to the northern retail center drive. There will be two overhead doors on the building that will allow for vehicles to pull in from the north and south. It would require an access easement. There would also be an office space on the southeast corner of the building. 10% of the gross square footage would be used for storage and outfitting service vehicles.

Carter's My Plumber is an existing non-conforming use. Mr. Hochstetler explained this was because it was a special use contractor. The current UDO does not allow storage contractor in the CM- Commercial Medium zone.

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 storage component of the building would be contained within the facility, not visible to the neighboring properties. The storage would serve for plumbing/HVAC materials as part of the daily operations out of the office building.

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 building will appear (meet all building design standards) and function as similar existing uses within the same CM zoning.

3. The need for the variance arises from some condition peculiar to the property involved, because:

The building will primarily be of professional use where customers will frequent the office to get estimates for plumbing/ HVAC /electrical services. 10% (+/-360sft) of the building will be utilized to store appurtenances to perform plumbing/ HVAC /electrical repair.

4. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought, because:

The proposed development is primarily an allowable use with the additional function of providing material storage to aide in the function of the business.

5. The approval does not interfere substantially with the Comprehensive Plan, because:

The proposed development is primarily an allowable use with the added area for storage to aide in the function of the business.

Comments and Findings

Staff cannot confirm or deny the claims made in the petitioner's statement of reasons. At this time, only a general site plan has been provided, making it difficult to assess the building's design or determine whether additional variances would be necessary. Furthermore, Staff is not permitted to enter private property to conduct investigations, so there is no way to confirm that only 10% of the building would be used for contractor storage. A proposed floor plan has not been submitted to clarify this matter.

The property is currently zoned as Commercial Medium (CM) and since the intention is to tear down the existing home and rebuild, there is no reason a permitted use cannot be built on this property. Additionally, because the current structure is residential, a home could be rebuilt in the current footprint, by right. There are no unnecessary hardships in finding a permitted use for this property.

The proposed use is only permitted in industrial districts, which is intentional due to the nature of such uses. Given the property's proximity to the Sable Ridge neighborhood to the south and west and its lack of direct access to State Road 135, the location is not well-suited for a use designated for industrial zoning.

Summary and Proposed Conditions:

Staff recommends denial of this petition.

Mr. Hochstetler emphasized that this fits the area very well.

Mr. Nelson stated he doesn't have much else to add other than what is in the staff report. He explained he didn't receive anything that would verify how much is used as storage. It is currently zoned CM. Contractor storage is allowed in the Industrial zone. It is located next to residential. Mr. Nelson explained the original reason for zoning was to reduce nuisances.

Mr. Hochstetler explained the original intent might have been a miscommunication. He explained it is mostly for vehicular care. Mr. Hochstetler explained the intensity would be very low.

Mr. Nelson explained minor vehicular care is allowed in Commercial Medium. Mr. Nelson explained major vehicular care and that it would be a special exception in this zone. Mr. Hochstetler stated there would be no commercial repair.

The public hearing was closed.

Mr. Knartzer asked for clarification about the vehicular repair.

Jamie Carter, 886 N State Road 135, was administered the oath. Mr. Carter explained the family has owned the business for over 40 years. Mr. Carter explained they don't have room to set up the trucks anymore. The building would be used to store vehicles, stock vehicles with equipment, hold plumbing equipment, and conduct inventory. He stated they take their trucks to mechanics.

Mr. King explained he doesn't see why this is an issue.

Mrs. Peters moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of Comprehensive Plan and Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. Mull. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with no conditions, seconded by Mrs. Peters. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. Mull moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-047 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. Milbourn. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0).
MOTION CARRIES.

BZA2024-048 Development Standards Variance, 822 North State Road 135, Petitioner, Justen Hochstetler, on behalf of CrossRoad Engineers, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-19 (A), Commercial Medium Format Zone, (1) Development Standards, to reduce the front yard setback from twenty (20) feet to ten (10) feet
2. Section 10-03-16 (R) Excluded Uses within 150' of State Road 135, to allow a Construction-Special Trade Contractors use within 150 feet of State Road 135

Mr. Nelson confirmed that all notices were in order and in the file. Mr. Swihart submitted certified copies of the Comprehensive Plan and Unified Development Ordinance into the record.

The public hearing was opened.

Justen Hochstetler, CrossRoad Engineers, was administered the oath.

VARIANCE #1: To reduce the front yard setback (east façade) from twenty (20) feet to ten (10) feet

Greenwood Code References: Unified Development Ordinance, Section 10-02-19 (A) Commercial Medium Format Zone, Development Standards, Front Yard Setback – Minimum 20 feet, Maximum 80 feet.

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

The FYS is not along a street frontage and is adjacent to another CM zoned property so this would normally be considered a SYS, which would require 20' cumulatively on either side of the property, which is met.

Staff Comment: Staff agrees with the petitioner's statement. The reduced setback would be toward the O'Reilly building which is set back close to 90 feet from the rear property line.

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 buffer yard requirements to the western residential properties and other required setbacks will be met.

Staff Comment: Staff agrees with the 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:

The subject property's atypical size, shape and location compared to similarly zoned properties.

Staff Comment: Staff agrees with the petitioner's statement, this is an odd shaped lot and on the smaller side (under 25,000 square feet) for a commercial lot. However, the rear yard setback is five feet over the minimum, which would imply there is five feet to shift this building toward the west, and would bring the building into compliance with the required 20-foot front yard setback.

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

Not applicable

VARIANCE #2: To allow a Construction – Special Trade Contractors use within 150 feet of State Road 135

Greenwood Code References: Unified Development Ordinance, Section 10-03-16 (R) Specific Use Standards, The following uses are excluded for all parcels located within 150' of State Road 135.... Construction – special trade contractors.

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 building would be tucked behind and shielded by the adjacent O'Reilly Auto Parts store. The proposed building will also meet all of the building design standards.

Staff Comment: Staff has not seen building elevations to confirm or deny it will meet all design standards.

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 the proposed building will be similar to adjacent existing uses within the CM zoning.

Staff Comment: Staff disagrees with the petitioner's statement. The only similar use is the applicant's existing legal non-conforming business located directly north of this property. Although not by code definition as this a separate parcel, this would essentially be an expansion of a legal non-conforming use.

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

The combining of the two lots is triggering this portion of the UDO. If the parcels were not to be combined, the lot on which the building will be constructed would not fall within 150' of SR 135 R/W.

Staff Comment: While this is technically correct, the only possible access to this lot is directly from State Road 135, which is how it will be accessed by equipment and service vehicles.

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 reduce the front yard setback (east façade) from twenty (20) feet to ten (10) feet

Staff recommends denial of this variance. First, the request is to reduce the setback to ten feet, even though the site plan shows a sixteen-foot setback. A variance should only be for the minimum needed, as shown in their site plan. Second, this building is a new construction project, and there appears to be sufficient land available to accommodate the proposed 3,600-square-foot structure while meeting both the front and rear setbacks. There is no evidence of a practical difficulty that would justify granting the variance.

VARIANCE #2: To allow a Construction-Special Trade Contractors use within 150 feet of State Road 135

Staff recommends denial of this variance. The setback requirement is intended to encourage higher-intensity commercial uses along this corridor, such as restaurant and retail uses. By definition, this use is directly accessed from SR 135 and therefore subject to the 150-foot setback. The petitioner has not demonstrated a practical difficulty, and as this use is already prohibited in this zoning district, there does not appear to be a compelling reason to approve the variance.

Staff recommends **denial** of both variances.

Dennis Ferguson, 3016 Sable Ridge Drive, was administered the oath. Mr. Ferguson explained that this property floods.

Mr. Knartzer explained this is not the jurisdiction of the BZA.

The public hearing was closed.

Mrs. Peters moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of Comprehensive Plan and Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. Mull. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with no conditions, seconded by Mr. Milbourn. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with no conditions, seconded by Mr. Milbourn. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. Mull moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-048 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. King. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-051 Development Standards Variance, 521 Northgate Drive, Petitioner, Kristi Spencer, is requesting relief from the following sections of the Unified Development Ordinance:

1. ~~Section 10-03-13 (C) to allow an accessory structure over 300 square feet to not have a 36" masonry wainscot~~ – Incorrectly cited as an accessory structure, a re-notice will occur.

1. Section 10-02-14 (A) Residential Medium Lot Zone, Development Standards, to reduce the side yard setback from ten (10) feet to zero (0) feet

Mr. Nelson confirmed that all notices were in order and in the file. Mr. Swihart submitted certified copies of the Comprehensive Plan and Unified Development Ordinance into the record.

The public hearing was opened.

Kristi Spencer, 521 Northgate Drive, was administered the oath.

Ms. Spencer explained she had a carport built was unaware she needed permits. She stated this has been a learning opportunity and thanked Staff for all their help.

VARIANCE #1: To reduce the side yard setback from ten (10) feet to zero (0) feet

Greenwood Code References: Unified Development Ordinance, Section 10-02-14 (A) Residential Medium Lot Zone, Development Standards, side yard setback minimum ten (10) 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:

There will be no impact on the community. The neighbor next to the driveway fully supports the carport.

Staff Comment: Staff notes that there may be negative aesthetic impacts on the character of the neighborhood.

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 property next door is the neighbor's side yard and he is in agreement of the carport on the property line.

Staff Comment: Staff appreciates the communication, but notes that allowing a zero setback could set a precedent for future developments, reducing the setback to zero has aesthetic impacts that could impact the neighborhood. Furthermore, future neighbors may not appreciate a structure built right up to the property line, which could lead to potential access/maintenance issues.

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

The ten foot property line restriction reduces the function of the carport. Without the carport, snow and ice will accumulate on the cars impacting safety in the winter months.

Staff Comment: Staff fails to see how this is a practical difficulty that is unique to this property.

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

N/A

Recommendation and Proposed Conditions:

Staff is providing an **unfavorable recommendation** for the variance request. The proposal to reduce the setback to zero may negatively impact adjacent properties and general welfare, including direct rainwater runoff (the carport slopes towards the neighbor to the south), and potential access/maintenance issues. Additionally, the petitioner has not demonstrated a practical difficulty unique to this property, which already features a garage.

Staff recommends **denial** of the variance request. If the request is approved, staff recommends the following conditions:

1. A minimum of a 1-foot setback to allow for maintenance and rainwater runoff.

Ms. Spencer explained that she didn't know some of these rules. She explained that she has lived in this house since she was two years old. Ms. Spencer explained that the reality is Northern Park is an older neighborhood. She explained it is not her place to judge and she takes pride in her home. She agreed it does need gutters and she will add this. She explained that there are vinyl sheds on the property line all around the neighborhood. Ms. Spencer explained her driveway is 16 feet from the drive.

Ms. Liebman recommended denial, but explained the conditions if approved.

Ms. Spencer explained that she did make a mistake, but wants to make it right.

The public hearing was closed.

Mr. Mull confirmed the driveway was on the edge of the property line. There was discussion about the runoff.

Mrs. Peters moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of Comprehensive Plan and Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other

exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. Mull. Ayes Mr. Knartzer Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. King moved to approve request #1 with no conditions, seconded by Mr. Milbourn. Ayes Mr. Knartzer Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. Mull moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-048 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. King. Ayes Mr. Knartzer Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Announcements

None.

Adjournment

Mr. Knartzer adjourned the meeting at 7:27PM.

Kenneth Knartzer, President

Stephanie R. Jarrett, Recording Secretary