

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: City Planner Kevin Tolloty, City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and Exos IT Director Steven Crook.

Election of Officers

Mr. Mull nominated Mr. Knartzer as BZA President, seconded by Mrs. Peters.

Mr. King moved to nominate Mrs. Peters as BZA Vice President, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Approval of Meeting Minutes

Mrs. Peters moved to approve the minutes from December 9, 2024, 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

BZA2024-041 Development Standards Variance, Eric Prime, on behalf of Taylor Morrison, for property located at the Southern terminus of Airport Parkway and Jackson Boulevard, approximately 108 acres in total

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 BZA2024-041, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-047 Use Variance, Petitioner, Justen Hochstetler, on behalf of CrossRoad Engineers, for property located at 822 North State Road 135

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 BZA2024-047, seconded by seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-048 Development Standards Variance, Petitioner, Justen Hochstetler, on behalf of CrossRoad Engineers, for property located at 822 North State Road 135

Mr. Mull 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 BZA2024-048, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-051 Development Standards Variance, Petitioner, Kristi Spencer, for property located at 521 Northgate Drive

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 BZA2024-051, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

New Business

BZA2024-052 Development Standards Variance, 2234 Sheek Road, Petitioner, Mike Bhinder, on behalf of Athwal Investments Group, 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 increase the maximum lot size from 100,000 to 182,000 square feet

Mr. Tolloty 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.

Mr. Knartzer explained the purpose of this variance public hearing. This hearing is to discuss the maximum lot size of this property. The testimonies need to be related to the variance.

The public hearing was opened.

Donna Smithers, North Pointe Engineering, 1621 South East Street, Indianapolis, was administered the oath.

Ms. Smithers explained the church sits on six acres. Her client has purchased around four acres. The variance was filed on behalf of the client. The next step would be primary plat to create the

two parcels. The maximum lot size is 100,000 square feet. They are requesting 200,000 square feet.

VARIANCE #1: To increase the maximum lot size from 100,000 square feet to 182,000 sq. ft.

Greenwood Code References: Unified Development Ordinance, Section 10-02-19 (A) Commercial Medium Format Zone Development Standards, Maximum Lot Size of 100,000 square 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:

Although the parcel size exceeds the ordinance requirement, the intended use aligns with the zoning commitments established with PC2004-057 and the comprehensive plan for the area. Therefore, it will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Comment: Staff agrees with the petitioner's statement. Staff notes that the existing lot currently exceeds the ordinance requirement with no negative impact on public health, safety, morals, and general welfare.

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 intended use aligns with the zoning commitments established with PC2004-057 and the comprehensive plan for the area.

Staff Comment: Staff agrees with the petitioner's statement. Although no specific uses have been approved for the site, it will be required to meet all other zoning requirements and commitments.

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

The parcel was originally part of the overall parcel owned by the Light of Life Lutheran Church. The Church split its parcel and sold the 4.18-acre parcel to the current owners. The intent is to develop the parcel as is and not further subdivide it. This would not be possible if the variance is not approved.

Staff Comment: As it appears part of this lot may have been sold already, without this being properly platted, it would create an illegal lot which could not be built upon. The applicant is

proposing to properly plat this lot, but is held back by the lot size restriction. Although lot size has some correlation to the use of a property, the zoning district will limit the permitted uses. Most of the uses permitted in the CM zone can fit neatly within the prescribed maximum lot size, however, the current lot size maximum may limit the potential for growth and development in commercially zoned properties.

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

Not applicable

Exhibit C – Site Plan

Recommendation and Proposed Conditions:

Staff will be providing a favorable recommendation. The current lot size far exceeds the maximum area allowed in the Commercial Medium (CM) zone. The proposed lot split will allow the current property owner to sell off a portion of land for a commercial development and bring the lots closer to compliance.

Staff recommends **approval** of the variance with no conditions.

Ms. Smithers explained they will come back with the primary plat after variance approval.

Bruce Ryman, 1140 Harrier Lane, was administered the oath. Mr. Ryman explained his patio home was built 12 years ago. They were told by the builder that the City of Greenwood would make this a wet land. He explained it has been a nice buffer for their lot. He asked if there ever was a plan to make this a wetland.

Kathleen Rash, 1143 Harrier Lane, was administered the oath. Ms. Rash is on the HOA. Her concerns are with possible retail. She contacted GPD and asked about the accidents at the roundabout of Worthsville Road and Sheek Road. She stated GPD told her there have been 22 accidents. Worthsville Road is a corridor. Mr. Knartzer explained the BZA has no jurisdiction over the zoning. Tonight is simple to discuss the lot size. Ms. Rash continued to discuss her concerns.

Gary Grisham, 1170 Meadowlark Drive, was administered the oath. Mr. Grisham represented the HOA. He abuts the church property. They are to the east and the south. He opposed the granting of the variance. He asked if granting the variance is worth the impact to the environment. Is granting the variance worth the impact to the traffic? Mr. Grisham expressed concerns for the traffic and safety.

Mr. Ryman asked if there will come a time for discussion about the zoning.

Mr. Knartzer reiterated the Plan Commission will handle the zoning and primary plat questions. Mr. Knartzer explained again they do not have jurisdiction over the businesses.

Mike Lyons, President of Light of Life Lutheran Church, was administered the oath.

Mr. Lyons asked for the board to clarify the variance. He also asked for the board to explain the purpose of this board. There will be a public hearing to discuss plans at the primary plat stage.

Ms. Smithers explained that there is a 40-foot bufferyard that has to be maintained around the parcel. The intent is to not disturb this area. Traffic complaints and other issues will be brought up at the primary plat stage.

Ms. Rash asked what additional space that they are asking. Ms. Smithers explained that they aren't asking for additional space. They purchased a parcel and it exceeds the maximum lot size.

The existing landscaping will stay. Mr. Ryman questioned Ms. Smithers about the bufferyard and the wetland.

Mr. Tolloty explained that he did receive a letter of remonstrator. The remonstrator was attending by Zoom. Mr. Tolloty explained that this variance is strictly to determine the size of the lot. It is zoned Commercial Medium and it is not changing. Commercial uses are permitted. It only limits the lot size. Mr. Tolloty explained the variance is to allow the lot split into a larger size than what would normally be allowed. He explained technically they could build six acres of commercial right now if they wanted to. The next step would be the platting process. Mr. Tolloty explained these steps. There would be a public hearing for the platting process at Plan Commission. This would be the chance to actually comment on the project.

The 40-foot buffer is required. There are requirements about lighting restrictions. Staff does recommend approval for this.

The public hearing is closed.

Mr. Mull asked about the bufferyard. Is it 40-feet from the property line? Mr. Tolloty confirmed this.

Mr. Knartzer explained he knows this is commercial either way. What would happen if they said no? This could be split into two lots and have commercial on both lots. It could end up even more dense. The reality is that it could turn into two commercial lots.

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. 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. Vote: Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mrs. Peters 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 BZA2024-052 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.**

Mr. Knartzer explained to keep an eye out for the Plan Commission public hearing. Ms. Smithers stated to please reach out to her for any concerns.

BZA2024-053 Development Standards Variance, 895 South State Road 135, Petitioner, Wilfredo Hernandez, on behalf of Scout Services, is requesting relief from the following sections of the Unified Development Ordinance:

2. Section 10- 03-09 (G) Screening: Mechanical Equipment, to allow mechanical equipment to be screened by landscaping

Mr. Tolloty 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.

Wilfredo Hernandez, 490 Quail Ridge Drive, Westmont, Illinois, 60559, was administered the oath. Mr. Hernandez attended via Zoom.

Mr. Hernandez requested to use landscaping and shrubs to screen as opposed to masonry.

VARIANCE #1: To allow mechanical equipment to be screened by landscaping

Greenwood Code References: Unified Development Ordinance, Section 10-03-09 (G) Screening: Mechanical Equipment, (1) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with a 100% opaque screen of the same material as the predominant material of the building with the building and located as not to be visible from any public ways.

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:

We will not impact other businesses by using landscape screening instead of a masonry enclosure.

Staff Comment: Staff agrees with the 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 use of landscape screening instead of a masonry enclosure will not affect the use and value of the area adjacent to the property.

Staff Comment: Staff agrees with the petitioner's statement. The purpose of this regulation is to ensure the conduit and equipment are screened from public view. This can easily be accomplished by landscaping.

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

The aesthetics of the property will be negatively impacted by a masonry wall. It will benefit to use natural landscaping instead of adding brick and concrete to the property in the middle of the greenspace.

Staff Comment: The requirement to use the same material as the primary building material is practical for rooftop mechanical, but less so for other mechanical units. In this case, the use of masonry to create a screen is overkill and will bring more attention to the mechanical equipment than if there was no screening at all.

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

Not applicable

Recommendation and Proposed Conditions:

Staff will be providing a favorable recommendation. As this is a bit of a unique project, the consideration of a variance makes sense. The proposed equipment will be located between the parking lot and State Road 135, and while there is no argument that it should be screened, the issue is the proper screening material for this spot. The UDO requires that it be the same as the building, masonry in this case, however, the screening will be over 300 feet from the building in the landscaped parking lot perimeter. A bulky masonry screen would likely cause a greater visual disturbance than an alternate screening type, such as landscaping.

Staff recommends **approval** of the variance with the following conditions:

1. The landscape screening plan shall be reviewed and approved by the Planning Division.
 - a. Screening made from plants must create a 100% opaque screen during all months of the year. When planted, landscaping should cover 50% of the mechanical equipment and must reach to 100% opacity when fully grown.

Mr. Tolloty explained staff is favorable of this variance. The EV chargers will be close to 135 so the greenery would look better.

Mr. Knartzer read the condition.

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. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **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. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mrs. Peters 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 BZA2024-053 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. M. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

BZA2024-056 Development Standards Variance, 966 Woodgate Lane, Petitioner, Daniel Simon, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-14 (A) Residential Medium Lot Zone, Development Standards, to reduce to setback for an accessory structure from eight (8) to four (4) feet

Mr. Tolloty 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.

Daniel Simon, 966 Woodgate Lane, was administered the oath.

Mr. Simon requested to install a backyard shed. He wanted to have it a little bit closer than the property line.

VARIANCE #1: To reduce the setback for an accessory structure from eight (8) feet to four (4) feet

Greenwood Code References: Unified Development Ordinance, Section 10-02-14 (A) Residential Medium Lot Zone, Development Standards, Accessory Building Location - Rear Yard, min. 8 feet from any lot line.

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:

Shed will be completely contained within residence fenced-in yard. Shed still maintains an appreciable amount of distance from property line and will not adversely affect the neighbor's view. Height of new shed is not excessive due to the design (Lean-to design).

Staff Comment: Staff agrees with the 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:

Shed type chosen adheres to community and HOA standards. Shed paint color and roofing shingles will match the residence house color scheme.

Staff Comment: Staff agrees with the petitioner's statement. The reduced shed setback will be minimally noticeable as a majority of it will be screened by an existing fence.

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

The amount of total backyard space is reduced due to inground pool (pool occupies about 2/3 of total yard width). There are Tree and Stormwater easements in the back of the property that prohibit placement on North side. East side does not have enough room for the shed, which leaves the West side as the only option. An 8' adherence puts the front side of shed at 13' from the fence, which is directly against the rock landscaping of the pool and putting the front side on a much higher slope than rest of shed. This would also reduce the usability of this part of the yard.

Staff Comment: Staff agrees with the petitioner's statement. The existing 30' easement in the rear of the property already greatly restricts the amount of yard available for an accessory structure. This combined with the slope of the back yard, render it nearly impossible to meet the required setback for an accessory structure in the back yard.

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 a **favorable recommendation** for the variance request. The shape and contours of the yard, along with the inground swimming pool, greatly restricts the possible location for a shed. The granting of this variance will allow the petitioner to have a shed meeting the maximum setback available given the conditions.

Staff recommends **approval** of the variance request with no conditions.

Joe King, 985 South Haven Drive, was administered the oath. Mr. King asked if the shed would be in his pool or on his property. Mr. Prime showed Mr. King the plot plan. Nothing is going onto Mr. King's property.

The public hearing was closed.

Mr. Tolloty explained staff is favorable of this variance. This is reasonable and still four feet off the property line.

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. 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. Mull. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

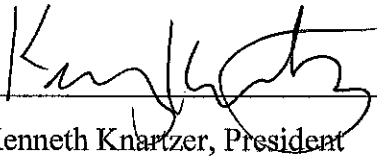
Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decisions on the variance request presented in Variance Petition Number BZA2024-056 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for 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. Mull. Ayes Mr. Knartzer, Mr. King, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

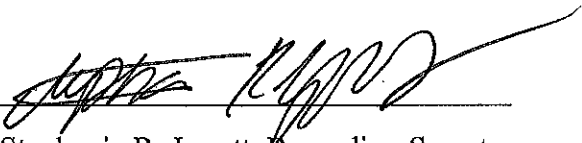
Announcements

Mr. Tolloty stated the next two weeks will be full of agendas. Mr. King and Mr. Mull will not be at the next meeting.

Adjournment

Mr. Knartzer adjourned the meeting at 6:58PM.


Kenneth Knartzer, President


Stephanie R. Jarrett, Recording Secretary

