

Call to Order

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

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

Also in Attendance: Planning Director Gabriel Nelson, City Planner Kevin Tolloty, City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and Exos IT Director Steven Crook.

Approval of Meeting Minutes

Mr. Milbourn moved to approve the minutes from January 13, 2025, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Special Requests and Continuances

Findings of Fact

BZA2024-052 Development Standards Variance, Petitioner, Mike Bhinder, on behalf of Athwal Investments Group, for property located at 2234 Sheek Road

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 BZA2024-052, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, , Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

BZA2024-053 Development Standards Variance, Petitioner, Wilfredo Hernandez, on behalf of Scout Services, for property located at 895 South 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 BZA2024-053, seconded by seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

BZA2024-056 Development Standards Variance, Petitioner, Daniel Simon, for property located at 966 Woodgate Lane

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 BZA2024-056, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

New Business

BZA2024-054 Development Standards Variance, 491 W. Main Street, Petitioner, Bill Blocher, on behalf of Blue Escapes Pools, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (D) Commercial Building Design Standards, to waive the requirement that any alterations to the front elevation shall require the entire building come into compliance

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.

Bill Blocher, 491 W Main Street, was administered the oath.

Mr. Blocher explained he had purchased this building for pool supplies. He builds pools and has a showroom. Mr. Blocher is also a homebuilder. He removed the front door and filed for the permits. He requested to remove the door that faces US 31 and have a single door without bringing the rest of the building up to the current UDO standards.

Mr. Knartzer confirmed that the statement of reasons were submitted to the Planning staff. Mr. Blocher stated he feels that he has improved the building.

VARIANCE #1: To waive the requirement that any alterations to the front elevation shall require the entire building come into compliance

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (D) Commercial Building Design Standards, the following table (Commercial & Mixed Use Design Standards Table) sets forth required design standards for all new structures containing a commercial use, all new additions to structures containing a commercial use, and alterations to the front elevation of structures containing a commercial use.

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:

Removing one door does not pose any risk to the public health, safety, morals, or general welfare. This will not have any adverse impact on the community whatsoever.

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 this business and improvements being made, including the two (2) doors in question will only improve surrounding values.

Staff Comment: Staff agrees with the petitioner's statement. The property has been in a state of disrepair for quite a while and the overall improvements to the property will be beneficial to the area.

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

Having two doors creates confusion whether entering or exiting the building. In retail, you monitor product leaving out the door. Having two doors allows the ease of theft and more resources monitoring both doors.

Staff Comment: Staff does not disagree with the petitioner's statement. However, there is not a code that states removing a door is allowed/not allowed, it is a matter of the door removal on a front façade triggers the requirement that the entire building must be brought into compliance with the UDO.

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 to improvements that bring the property closer to compliance to the UDO. This project will rehabilitate a delinquent property at a prominent intersection in the heart of Greenwood. Although Staff would prefer this to be entirely brought up to UDO standards, it is a significant improvement over the previous state of the property and should help initiate further rehab projects in the area.

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

1. The addition of a 36-inch mortared masonry wainscot along the front (east and south) facades to bring the property closer to our current front elevation design standards
2. There shall be no outdoor storage of materials or equipment.

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. Nelson explained staff has no issue with the number of doors. He explained that alteration of front elevations be brought up to current standards. Staff does provide a favorable recommendation as they want to encourage improvements. Mr. Nelson stated they would prefer

that it's brought up to current standards. Mr. Nelson explained the 36-inch mortared masonry condition. The nature of business is retail.

Mr. Blocher and Mr. Nelson discussed the mortared masonry requirement. Mr. Blocher explained that masonry is not sustainable. It doesn't have the correct footing. He has already invested over a million dollars into this building. He would like to open this in April. Mr. Blocher presented the front elevation and sign to the BZA.

Mr. Nelson stated they have had many meetings and discussions about this project. There are options including thin veneer. Mr. Nelson and Mr. Blocher discussed the meetings.

Mr. Knartzer explained he understands both parties.

Mr. Blocher stated he spent a lot of money on the siding. He explained he only has intentions to take care of this property.

The public hearing was closed.

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, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to approve request #1 with no conditions, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **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 BZA2024-054 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, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

BZA2024-055 Development Standards Variance, Northwest corner of I-65 and E. Main Street, Petitioner, Joseph Latimer, on behalf of Chick-Fil-A, is requesting relief from the following sections of the Unified Development Ordinance:

2. Section 10-02-27 (A), Interstate Commerce District, (1) Development Standards, to reduce the side/rear yard setback from twenty (20) feet to four (4) feet
3. Section 10-02-27 (A), Interstate Commerce District, (1) Development Standards, to allow parking in a front yard

4. Section 10-03-05 (C), Drive Thru, Stacking Lane Requirements, (3) Bypass Lanes, to waive the requirement for a by-pass lane whereby vehicles may circulate around the structure separate from the drive-thru lanes
5. Section 10-03-14 (D), Commercial Building Design Standards, Front Elevation, (2) Transparency, to reduce the minimum transparency on a front façade from 30% to 10%

The public hearing was opened.

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.

Mike Timko, Kimley Horn, 500 E 96th Street, was administered the oath.

Mr. Timko explained they are looking to potentially develop I-65 and E Main Street. They requested four different variances. The variances include reduction in setbacks, parking in front yard, bypass lanes, and reduction in transparency.

Mr. Timko presented the site plan. This site is unique as it is a triangle shape. There are also limited access points due to the interchange. A private shared drive is to the north. There is an easement that allows them to connect. They are very restricted in the vehicle access connections.

Best Western does share the dead-end drive.

Mr. Timko stated they do feel like they have a practical difficulty.

Mr. Timko explained the drive-thru is fully staffed and there are safety concerns.

Mr. Timko presented building and dumpster elevations. He explained it is not feasible to have that much transparency.

Mr. Knartzer confirmed the statements of reasons were submitted to Planning staff.

VARIANCE #1: To reduce the side/rear yard setback from twenty (20) feet to four (4) feet

Greenwood Code References: Unified Development Ordinance, Section 10-02-27 (A), Interstate Commerce District, (1) Development Standards, to reduce the side/rear yard setback from twenty (20) feet to four (4) feet.

Petitioner's Detailed Statements of Reasons and Staff Comments:

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

The canopies have been placed on site in such a way that drive-thru capacity is maximized. Maximizing the drive-thru capacity will help prevent the back-up of cars into the parking lot.

Staff Comment: Staff agrees with petitioner's statement.

6. 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 drive-thru has been designed to minimize the back-up of cars into the parking lot and adjacent property. This will help minimize traffic concerns for the surrounding properties.

Staff Comment: Staff agrees with the petitioner's statement.

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

It would lead to a reduced drive-thru size, thereby reducing the drive-thru capacity and increasing the likelihood of traffic build-up into the parking lot and surrounding properties.

Staff Comment: Staff agrees with the petitioner's statement.

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

Not applicable

VARIANCE #2: To allow parking in a front yard

Greenwood Code References: Unified Development Ordinance, Section 10-02-27 (A), Interstate Commerce District, (1) Development Standards, to allow parking in a front 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 site has been laid out in such a way that parking and drive-through stacking are maximized. This design will provide additional parking in the parking lot and will help contain traffic on site.

Staff Comment: Staff disagrees with the petitioner's statement. Parking hidden behind the building can help maintain a more attractive streetscape. A building fronting Main Street would be more aesthetically pleasing.

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 site has been designed to help best prevent traffic from spilling onto adjacent property, and to prevent the need to park on adjacent parcels and walk to the Chick-Fil-A.

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:

It would lead to a smaller parking lot and drive-through. Thereby reducing the drive-through and parking lot capacity, which will increase the chances of traffic issues both on site and off site.

Staff Comment: Staff agrees with the petitioner's statement.

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

Not applicable

VARIANCE #3: To waive the requirement for a bypass lane whereby vehicles may circulate around the structure separate from the drive-thru lanes

Greenwood Code References: Unified Development Ordinance, Section 10-03-05 (C), Drive Thru, Stacking Lane Requirements, (3) Bypass Lanes, to waive the requirement for a bypass lane whereby vehicles may circulate around the structure separate from the drive-thru lanes.

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 drive-through has been designed to handle the necessary amount of cars for Chick-Fil-A, and adequate drive-through signage will be placed on site before the drive-through entrance to alert customers that may not want to drive into the drive-through.

Staff Comment: Staff disagrees with petitioner's statement. Signage alone will likely not prevent customers from mistakenly driving into the drive-through. Vehicle stacking will block any option for turning around in the event of a mistake. Vehicle stacking will also likely block parking stalls, leaving customers unable to park or leave.

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 site has been designed with adequate drive-through stacking. A bypass lane would have to

be designed in the form of an escape "curb-cut", which would send Chick-Fil-A traffic onto adjacent property.

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:

The bypass would have to be designed in the form of an escape "curb-cut". It has been made clear by adjacent property owners that any Chick-Fil-A traffic sent onto their property would be unwelcome and they would be unwilling to extend any existing access easements.

Staff Comment: Staff disagrees with petitioner's statement. This is not a practical difficulty due to the City's zoning ordinance. The lot is not large enough to accommodate the proposed use. Selecting a site that is too small to meet required setbacks and accommodate features like building setbacks, a drive-through and a bypass lane may not be considered a "practical difficulty" in the context of zoning ordinances.

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

Not applicable

VARIANCE #4: To reduce the minimum transparency on a front façade from 30% to 10%

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (D), Commercial Building Design Standards, Front Elevation, (2) Transparency, to reduce the minimum transparency on a front façade from 30% to 10%.

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 reduced transparency is to screen food prep and restroom areas. Reduced façade transparency in these areas will be less injurious to the health, safety, morals, and 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 requested transparency variance has no impact on the use or value of the adjacent lots.

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 areas being screened by the reduced transparency are sensitive areas of the building that should not have windows. Due to the nature of the parcel, each building façade is considered a “front” façade, which creates a hardship when trying to reduce transparency along parts of the facades near the restrooms and the kitchen.

Staff Comment: Staff agrees with the petitioner’s statement. It would be unreasonable to enforce transparency requirements in private areas such as the kitchen and restrooms.

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

Not applicable

Recommendation and Proposed Conditions:

Sites chosen without consideration of size and the necessary requirements for the intended use, are viewed as a matter of site selection rather than a practical difficulty.

In consideration of the above findings, Staff recommends **approval** of variance requests #1 and #4, and **denial** of variance request #2, and #3.

Vip Patel, 1281 S Pine Drive, was administered the oath.

Mr. Patel explained that he owns the Best Western. He explained this is a shared driveway between multiple businesses. Mr. Patel explained there is an agreement about widening...

Mr. Timko explained the road is at a point in its lifecycle where it does need to be improved.

Mr. Tolloty recommended denial of the drive-thru parking. The issue is that it is an odd shaped lot, but just not conducive. He explained that it may just not fit on this corner very well. Mr. Timko stated he understood the concern, but he believes there is a reason that this lot is not developed.

The public hearing was closed.

Mrs. Peters asked about traffic flow. Mr. Timko explained the route of traffic. Mr. Nelson explained Main Street has a no access easement along the property. Mrs. Peters expressed concerns for people parking and accessing drive-thru.

There was discussion about the number of parking spots. Mr. Timko stated Chick-Fil-A understands how busy 135 and County Line are and they want to take some relief off those locations.

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, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to approve request #1 with no conditions, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to deny request #2, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters. Nays: Mr. Knartzer, Mr. Mull, and Mr. Milbourn. (1-3). **MOTION FAILS.**

Mr. Mull moved to approve request #2 with no conditions, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES**

Mrs. Peters moved to deny request #3, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters. Nays: Mr. Mr. Mull and Mr. Milbourn. (2-2) **MOTION FAILS. CONTINUED TO THE NEXT MEETING.**

Mrs. Peters moved to approve request #4 with no conditions, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mr. Milbourn 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 BZA2024-055 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 Mrs. Peters. Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

BZA2024-057 Development Standards Variance, 1251 US 31 North, Petitioner, Harley Miles, on behalf of Rottmann Collier Architects, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-13 (C) Accessory Structures, (10) to allow an accessory structure (pergola) to be placed in a front yard

Mr. Nelson confirmed 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.

Harley Miles and Todd Rottman, 155 E Market Street, Suite 200, Indianapolis, were administered the oath.

VARIANCE #1: To allow an accessory structure in the front yard

1. **Greenwood Code References:** Unified Development Ordinance, Section 10-03-13 (C), Accessory Structures, (10) Accessory structures must be located in the 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 accessory structure will be outside of the public walking path on the sidewalk, will be a fully permitted structure, and will meet all building codes.

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 accessory structure will be located in front of the applicant's tenant space only. It will not block views of adjacent tenant's storefront or signage. It will match the character of the tenant space exterior and will provide more outdoor seating which can be an attraction bringing more customers to the mall.

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:**

There is no rear yard at the location. The accessory structure provides some shade and seating options for customers and it will increase the character and visibility of the tenant space.

Staff Comment: Staff agrees with the petitioner's statement. Due to the nature of the building, the tenant only has a front. The rear of the building is shared by multiple tenants and is where the mall dumpsters are kept.

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

Not applicable

Recommendation and Proposed Conditions:

In consideration of the above findings, Staff recommends **approval** of the variance request with the following condition:

1. The final plans shall substantially conform to the site plan depicted in Exhibit C.

Mr. Milbourn 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 Mrs. Peters. Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to approve request #1 with one condition as stated in the staff report, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **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 BZA2024-057 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, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

BZA2024-058 Development Standards Variance, 2157 Stacie's Way, Petitioner, Michelle Affronti, on behalf of AMAROK LLC, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-09 (B) (3); Fence Materials; to allow a fence to contain an electric charge
2. Section 10-03-09 (C) (2); Fence Height, to allow a fence up to 10 feet in height in a front yard

The public hearing was opened.

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

Michael Pate, 550 Assembly Street, Fifth Floor, Columbia, South Carolina, was administered the oath.

Michelle Affronti, 550 Assembly Street, Fifth Floor, Columbia, South Carolina, was administered the oath.

Mr. Pate explained they guard and protect the perimeters of businesses. This runs off 12 volt batteries that run off solar powered. It takes 1.1 seconds. Mr. Pate explained how this fence works. There are cameras associated with the system as well. He explained the verified alarm system. This is a similar fence to what is at Camping World.

Mr. Knartzer confirmed the statements of reasons were submitted to Planning staff.

VARIANCE #1: To allow a fence to contain an electric charge

Greenwood Code References: Unified Development Ordinance, Section 10-03-09 (B); Fences and Screens, Materials, (3) Fences shall not contain an electric charge except when located in the AG zone or on lots containing a commercial agricultural use.

VARIANCE #2: To to allow a fence up to 10 feet in height in a front yard

Greenwood Code References: Unified Development Ordinance, Section 10-03-09 (C); Fences and Screens, Height, (2) Any portion of a fence that extends along the front lot line, or between the primary structure and the front street which runs parallel to and faces the front of the building, may not exceed four (4) feet in height.

Staff Comment: Petitioner has provided one set of answers covering both requests.

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 security system enhances the health, safety, and welfare of persons by improving workplace safety and discouraging criminals from targeting the subject property and committing other crimes of opportunity in the neighborhood. The utilization of the proposed security system will not be detrimental to the public welfare, nor injurious to property or improvements in the neighborhood. Instead, the safety and general welfare of the neighborhood is enhanced through crime prevention. The system provides an additional benefit of redirection of police resources for life safety issues rather than utilized on property crimes. There is no danger to public health, safety, morals, or general welfare to the community. The AMAROK system is safe and tested meeting National Standards for the operation and installation of the system.

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:

There is no change to the existing use and no new use is being proposed. Therefore, there will be no impact on streets, highways, and pavement type. The areas adjacent to the variance property are zoned IL – Industrial Large, and AG - Agricultural. The security fence will in no way adversely affect the surrounding area. Rather, to the contrary, the security fence enhances the vicinity by effectively deterring crime. Lower crime equals higher property values and safer residents, which in turn increase revenue to the city. Appellant affirms there will be no effect, whatsoever, on the use of adjacent properties. The system is virtually invisible to passing vehicular traffic so there is no impact on aesthetics in the area. The variance request is to allow for a 10' tall, 12V/DC battery powered, pulsed security system/fence behind an existing perimeter fence

Staff Comment: Staff agrees with the petitioner's statement. The fence will be minimally visible and not noticeable for the most part.

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

By preventing the business from having the security they need to keep out criminals and crime, the business risks the safety of employees and risks loss to cargo they are entrusted to transport securely. The appellant is requesting to go to a height of 10' - behind an existing perimeter fence. More than 30 years of security industry experience definitively shows that a height of ten feet effectively deters crime whereas lower heights still allow determined criminals the ability to get over the fence to continue plundering the business. FedEx Ground needs the proposed security system/fence to protect themselves from crime and to ensure the safety of its employees, members of the local community. Transportation companies are increasingly at risk from theft and terroristic activities, all of which endanger the safety of employee and the community alike. We cannot imagine our request not being approved. The system is deployed in thousands of locations across the United States going back more than 30 years. It is a well-known commodity, and we look forward to the city approving this request.

Staff Comment: Staff agrees with the petitioner's statement. Although the UDO does allow for a ten-foot tall fence in industrial zones, is it not allowed in a front yard. Because this is such a large facility, it is surrounded by street on all four sides, and essentially has four front yards and would not be permitted a ten-foot tall fence.

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 no recommendation. This is essentially the same type of fence that was approved by the BZA for Camping World in 2023. Although it is considered by the UDO

to contain an electrical charge, it is a lower intensity charge than a typical electric fence and is relatively unnoticeable when combined with an existing fence.

Staff recommends the following condition if approved:

3. The fence shall be install as shown on the site plan (Exhibit C)

Mr. Tolloty explained this is very similar to what is at Camping World. It is not very noticeable. Mr. Pate agreed with staff.

The public hearing was closed.

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, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to approve request #1 with no conditions, seconded by Mr. Milbourn. Vote: Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **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 BZA2024-058 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 Mrs. Peters. Ayes Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). **MOTION CARRIES.**

Announcements

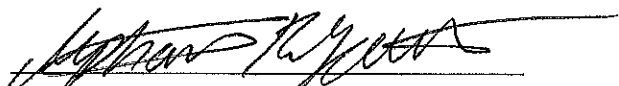
Mr. Nelson explained that staff will be updating the Unified Development Ordinance in hopes to reduce the workload.

Adjournment

Mr. Knartzer adjourned the meeting at 7:08PM.



Kenneth Knartzer, President



Stephanie R. Jarrett, Recording Secretary

