

**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 Planner Alyssa Liebman, Assistant City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and Exos IT Director Steven Crook.

**Approval of Meeting Minutes**

Mrs. Peters moved to approve the minutes from February 10, 2025, seconded by Mr. Milbourn.  
Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES**

**Findings of Fact**

**BZA2024-055 Development Standards Variance**, Petitioner, Joseph Latimer, on behalf of Chick-Fil-A, for property located at the Northwest corner of I-65 and E. Main Street, Variance #3

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 BZA2024-055, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES**

**BZA2024-059 Development Standards Variance**, Petitioner, Chad Mayes, on behalf of Kimley-Horn & Associates, for property located at 5983 N 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 BZA2024-059, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES**

**BZA2024-060 Development Standards Variance**, Petitioners, Janice & Bruce Fletcher, for property located at 562 Winding Trail

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 BZA2024-060, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES**

**Old Business**

**BZA2024-061 Development Standards Variance**, 650 E. Park Avenue, Petitioner, Gregory McCart, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-26 (A), Old Town Residential District, (1) Development Standards, to reduce the side yard (accessory) setback from five (5) feet to two (2) feet
2. Section 10-03-13 (C) Accessory Structures, (2) to allow two accessory structures of the same type (shed) on a property

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.

The public hearing was opened.

Gregory McCart, 640 E Park Avenue, was administered the oath.

Mr. McCart explained he is here to seek a variance to build his shed. He does already have a shed on the property.

Mr. Knartzer confirmed that the petitioner submitted a detailed statement of reasons to the Planning Department.

Mr. McCart explained he misunderstood the last meeting.

Mr. Knartzer read the conditions to Mr. McCart. Mr. Tolloty stated staff is favorable of both conditions.

**VARIANCE #1: To reduce the side yard (accessory) setback from five (5) feet to two (2) feet**

**Greenwood Code References:** Unified Development Ordinance, Section 10-02-26 (A) Old Town Residential District, Development Standards, Accessory Building Location, Rear Yard, minimum five (5) feet from any lot line.

**VARIANCE #2: To allow two accessory structures of the same type (shed) on a property**

**Greenwood Code References:** Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (2) Two accessory structures of differing types shall be permitted per

property. Types shall be defined as: a. Detached Garage, b. Accessory Dwelling Unit, c. Pool house, or d. Shed or Barn.

*Staff Comment:* Petitioner submitted one set of answers covering both of the variances.

**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 new shed will not be dangerous in any way and will enhance the alleyway. The additional shed will allow for additional storage on the property which will help keep the property looking neat and tidy.

*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:**

It will be set within the statutes of the laws. The shed will be well kept and add to the property value of this property and surrounding properties.

*Staff Comment:* Staff agrees with the petitioner's statement. Staff assumes that the petitioner is referring to the Building Code when mentioning the 'statutes of the laws,' as it does not comply with the zoning ordinance, which is the reason for the variance request."

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

The restriction on the number of structures per type is rather arbitrary, and does not address the actual issue of the area covered by these structures. The two sheds combined are under 300 square feet, whereas a single shed of 1500 square feet would be permitted by code. In addition, the setback reduction would allow for the existing concrete pad to be used for the

placement of the shed. By not allowing the setback reduction, additional concrete would be needed and further cover the rear yard.

*Staff Comment:* Staff agrees with the petitioner's statement. The fact that the petitioner could "connect" a new shed to the existing shed in a Frankensteinish sort of way would be permitted, but having two well maintained structures occupying the same amount of land area would be prohibited by code does little to advance the overall aesthetic goals of the UDO.

**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 both variance requests. The addition of a second small shed will not have any negative effects on the surrounding area and will actually allow the property to be better maintained. This accessory structure would be permitted if it were described as a garage or a pool house, but a second shed would not be permitted. The purpose of the UDO is to ensure that properties are well maintained and not to allow excess structures or clutter on a property. The use of a second accessory structure should be secondary to the size/materials/location of the structure.

The setback variance is a little less definitive but would be located on the existing pad of a previous legal non-conforming accessory structure. It seems unnecessary to require the new shed to be located elsewhere for the sake of a couple of feet, especially since it will maintain a slightly larger setback than the previous structure.

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

1. The shed shall be located as far east on the concrete pad as possible.
2. The shed shall meet any building code requirements related to materials for a structure within five (5) feet of a property line.

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

Mr. King moved to approve request #1 with the two conditions listed in the staff report, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

Mr. King moved to approve request #2 with the same two conditions, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, 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 BZA2025-061 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

### **New Business**

A. **BZA2025-001 Development Standards Variance**, 1100 Block South Park Drive, Petitioner, Donna Jo Smithers, on behalf of ADITI Real Estate 63 LLC, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-27 (A) Interstate Commerce District Development Standards, Minimum Front Yard Setback, to allow the front setback be reduced from sixty (60) feet to twenty-nine (29) feet

Ms. Liebman 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.

Donna Smithers, North Pointe Engineering, 6125 South East Street, Indianapolis, IN, 46227, was administered the oath.

This variance is for a proposed structure located south of Sam's Club. The variance request would allow the site to work.

Mr. Knartzer confirmed the petitioner submitted a detailed statement of reasons. Staff did provide a favorable recommendation with two conditions. Mr. Knartzer read these two conditions.

**VARIANCE #1: To allow the front setback be reduced from sixty (60) feet to twenty-nine (29) feet.**

**Greenwood Code References:** Unified Development Ordinance, Section 10-02-27 (A) Interstate Commerce District Design Standards, Minimum Front Setback shall be sixty (60) 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:**

The proposed grocery retail structure fits the surrounding uses within the area. The site will be constructed per city ordinances, maintaining public health and safety.

*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 proposed grocery retail structure fits the surrounding uses within the area, and the comprehensive plan adding value to the area.

*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:**

Per Instrument Number 1990008919, this site shares access and parking with Sam's Club. The proposed structure is situated to line up with Sam's Club to the north. This also allows for the development of the parking, drive isles, and access to the loading dock at the rear of the structure. With the structure being setback 60' from the front property line, these improvements could not be constructed.

*Staff Comment:* Staff agrees with the petitioner that keeping the building lined up with Sam's Club to the north provides a cleaner sight line along Emerson Avenue.

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

An application has been made with the Federal Aviation Administration (FAA).

**Recommendation and Proposed Conditions:**

Staff is providing a favorable recommendation. This parcel was originally part of a much larger master planned development which allowed shared parking across the entire project (Exhibit F). Although the development has varied from its original form, this proposed portion is intended to meet the spirit, if not directly the requirements of that development.

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

1. The final plans shall substantially conform to the site plan depicted in Exhibit C and building elevations depicted in Exhibit D.
2. Approval is granted by the FAA.

The public hearing was closed.

The front of structure will line up with Sam's. The parking was pushed to the back of the structure because. Mrs. Peters asked what type of business. Ms. Smithers explained this would be a proposed grocery store.

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

Mr. King moved to approve request #1 with the two conditions, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, 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 BZA2025-001 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

- B. BZA2025-002 Use Variance**, 560 N State Road 135, Petitioners, Hosam Qaddorah, on behalf of Xtreme Autos Mall, is requesting approval of a use variance in order to operate a Vehicular Sales - Automobiles use in the Commercial Medium (CM) zoning district.

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.

The public hearing was opened.

Hosam Qaddorah, 1388 Six Points Road, Carmel, was administered the oath.

Mr. Qaddorah explained he was seeking a variance to operate an auto sales company. He stated the empty lot has been getting complaints with people doing donuts.

Mr. Knartzer confirmed that the petitioner submitted a detailed statement of reasons.

Brad Napier, 533 Shady Lane, was administered the oath. Mr. Napier explained there are vagrants and a broken-down carwash. He explained there is a major creek that runs through there. Mr. Napier expressed concerns for the environment.



John Compton, 3004 Fry Road, was administered the oath. Mr. Compton stated the concerns are the same. There are a lot of people that wander around and party. There is also a wildlife life in this area. Mr. Compton explained 135 is a mess. People aren't stopping at the lights. He explained these will be used cars and you get what you pay off. He stated this will be an environmental hazard.

Mr. Qaddorah stated they will be shutting down the tire service. He explained they will be getting less traffic. He explained the used oils and chemicals are disposed by a service.

Dana Compton, 3004 Fry Road, was administered the oath. Ms. Compton asked where would they be test driving the vehicle. Mr. Qaddorah explained they would use 135. Ms. Compton explained this is a quiet neighborhood.

Mr. Napier explained there is a school on Fairview Road and expressed concerns for the traffic and kids.

## **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:**

This approval will not be injurious to the public health, safety, morals or general welfare of the community because the dealership will operate in compliance with all local zoning laws, environmental and safety standards. It will also provide valuable service without causing any harm or disruption.

### **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 dealership will present vehicles in a professional manner. Keeping the lot clean and organized. Also following all zoning laws with the vehicles being properly placed.

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

The need for variance arises because the current lot is well-suited for this type of business. At our current location in Carmel, we have received customer feedback that there is a lack of inventory, because of the selection of vehicles we offer is not available in the Greenwood area. It is also adequate for our vehicle display because the current building is being utilized by unsheltered persons, as it is sitting vacant.

**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:**

Without the variance, the property is not being utilized to its fullest potential. It would limit economic opportunities and prevent the business from operating in a good location.

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

The approval aligns with the city's plan by promoting business growth. It will utilize commercial space

and maintain a clean professional appearance, without disrupting neighborhood properties.

**Comments and Findings**

The property is currently zoned as Commercial Medium (CM) and the intention is to use the northern and western portions of the developed parts of this lot for vehicle sales. At this time, a detailed plan has not yet been proposed. Vehicle sales is only permitted by right in Commercial Large (CL) districts, which is intended due to the large amount of ground needed for this type of business. The State Road 135 corridor does have several areas zoned CL further south, however, it is not recommended to increase the size or intensity of commercial properties in this area of the corridor.

**Summary and Proposed Conditions:**

Staff recommends **denial** of this petition.

Mr. Tolloty stated staff likes to see car sales in Commercial Large, not Commercial Medium. Mr. Tolloty stated traffic is not a concern.

The public hearing was closed.

Mr. Mull asked if they were planning to tear down the car wash. Mr. Qaddorah said no.

Mr. Knartzer understood the concerns, but this is CM. There will be some type of traffic. Mr. Knartzer explained this variance doesn't meet the criteria. There are number of businesses that could be operated without a variance. He would love to see this place cleaned up, but this isn't it.

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

Mr. King moved to deny because criteria 1, 3, and 4 have not been met, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, 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 BZA2025-001 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

**C. BZA2025-003 Development Standards Variance, 560 N State Road 135,**  
Petitioners, Hosam Qaddorah, on behalf of Xtreme Autos Mall, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-16 (R) Excluded Uses within 150 feet of State Road 135, to allow Automobile sales within 150 feet of State Road 135

This variance was withdrawn due to denial of previous variance.

Mr. King moved to withdraw variance BZA2025-003, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

**New Business from the Floor**

**Announcements**

There will be a full agenda next time.

**Adjournment**

Mr. Knartzer adjourned the meeting at 6:36PM.

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Kenneth Knartzer, President

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Stephanie R. Jarrett, Recording Secretary