

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 Kevin Tolloty, Corporation Counsel Sam Hodson, Recording Secretary Stevie Jarrett, and Exos IT Technician Chrissy Anderson.

Approval of Meeting Minutes

Mrs. Peters moved to approve the minutes from January 27, 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

BZA2024-054 Development Standards Variance, Petitioner, Bill Blocher, on behalf of Blue Escapes Pools, for property located at 491 W. Main Street

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 BZA2024-054, seconded by seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES**

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

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 BZA2024-055 #1, #2, and #4, seconded by seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. Milbourn. (4-0). Mr. King abstained. **MOTION CARRIES**

BZA2024-057 Development Standards Variance, Petitioner, Harley Miles, on behalf of Rottmann Collier Architects, for property located at 1251 US 31 North

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 BZA2024-057, seconded by seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES**

BZA2024-058 Development Standards Variance, Petitioner, Michelle Affronti, on behalf of AMAROK LLC, for property located at 2157 Stacie's Way

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 BZA2024-057, 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

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:

1. 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

Mr. Nelson explained the petitioner is here if there were any relevant questions. The public hearing has been closed. This time is to vote on the request. Mr. King stated he does believe the bypass line is necessary. Traffic is a problem at other locations.

Mrs. Peters moved to deny this request, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Milbourn. Nay: Mr. Mull. (4-1). **MOTION CARRIES.**

Mr. Nelson explained the petitioner will need to evaluate the site plan and resubmit.

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 BZA2024-059 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.**

New Business

BZA2024-059 Development Standards Variance, 5983 N State Road 135, Petitioner, Chad Mayes, on behalf of Kimley-Horn & Associates, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (D), Commercial Building Design Standards, Front Elevation, (1) Exterior Materials, to reduce the minimum mortared masonry on a front (west) façade from 50% to 38%
2. Section 10-03-14 (D), Commercial Building Design Standards, Front Elevation, (2) Transparency, to reduce the minimum required transparency on a front (east) façade from 30% to 8%

3. Section 10-03-14 (D) Commercial Building Design Standards, Side Elevations (1), to allow exterior materials other than the predominant front façade material on the side/rear façades

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

The public hearing was opened.

Chad Mayes, Kimley-Horn, 500 E 96th Suite 300, Indianapolis, was administered the oath.

Mr. Mayes explained he is requesting three variances. Mr. Knartzer confirmed the statutory criteria was included in the staff report. This project is located in the southeast corner of Smokey Row Road and SR 135. The proposed project is a Chase Bank with 28 parking spaces. The north façade faces Smokey Row Road. The south façade faces the undeveloped parcel and Burger King.

The first request is to below 50% masonry requirement. Mr. Mayes presented the elevations.

The 2nd request is for the east façade. This will face the Kroger. This side will not have transparency due to security.

The third request is for the south façade. The drive-up portion is clad in same finish as entry tower. Mr. Mayes noted the equipment will be on this side of the building.

Mr. Tolloty stated staff is in favor of all three variances. Mr. Tolloty read the condition.

The public hearing was closed.

VARIANCE #1: To reduce the front elevation mortared masonry requirement from 50% to 38% on the west facade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (D) Commercial Building Design Standards, Front Elevation (1), Front elevations shall be comprised of any one or any combination of the following materials: stone, brick, fiber cement siding, stucco, wood, engineered wood siding, pre-cast concrete, aluminum composite panels, or insulated metal panels provided that a minimum of 50% of the front elevation shall be clad in mortared masonry.

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 materials are high quality, long lasting, and durable against weather exposure.

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 non-masonry cladding material reflects a modern durable aesthetic that is sustainable as the cladding is made from recycled materials and is designed to reduce waste.

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:

Given the small dimension of the West elevation, it is not feasible to provide a minimum of 50% masonry construction that allows for clean interfacing between two dissimilar materials (masonry and fiber cement board).

Staff Comment: Staff agrees with petitioner's statement.

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

Not applicable

VARIANCE #2: To reduce the front elevation transparency requirement from 30% to 8% on the east façade

Greenwood Code References: Unified Development Ordinance, 10-03-14 (D) Commercial Building Design Standards, Front Elevation (2), The front elevation shall comply with the minimum transparency requirements of 30 percent.

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 East elevation as proposed provides adequate screening of critical bank operations and personnel. This will deter potential break-ins and other criminal activities, as well as provide safe and secure areas for critical functions such as the Bank's servers, restrooms, and utility rooms where visibility to the outside is not desired.

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:

This variance will prevent the adjacent properties from having unnecessary exposure to the branch's back of house operations.

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:

Due to the bank use, incorporating more glazing along the east façade will negatively impact the functional operation of the bank as more transparency in a private area would negatively impact the well-being of branch staff. It is not feasible to add any additional glazing than what is proposed. Windows in a toilet are uncommon and is a safety concern. Adding windows to an ATM equipment room that houses an automatic teller machine, and an after-hours deposit will become a security liability.

Staff Comment: Staff agrees with the petitioner's statement. The proposed building has three architectural fronts and it is unreasonable to require 30% transparency in the private areas described above.

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

Not applicable

VARIANCE #3: To allow materials other than the predominant front elevation material on the side (south) façade

Greenwood Code References: Unified Development Ordinance, Section 10-03-14 (D) Commercial Building Design Standards, Side Elevation (1), Side elevations shall be fully clad in the predominant material of the front elevation.

Petitioner's Detailed Statements of Reasons and Staff Comments:

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

All proposed materials are long-lasting and durable against weather exposure.

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 cladding material reflects a cohesive design that is aesthetically pleasing and welcoming.

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:

Planning Staff has determined that our site has three front elevations and the predominant material changes on each elevation.

Staff Comment: Staff agrees with petitioner's statement.

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 all three (3) variance requests.

1. The final plans shall substantially conform to the building elevations depicted in Exhibit D.

Mr. Milbourn asked if this would be similar to the other locations. Mr. Mayes confirmed. Mrs. Peters asked about the drive-thru. There was discussion about the drive-thru lane. Mr. Mayes explained there is a bump out.

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 condition as listed in 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 condition, 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 #3 with the same condition, 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 BZA2024-059 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.**

BZA2024-060 Development Standards Variance, 562 Winding Trail, Petitioners, Janice & Bruce Fletcher, are requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-13 (A) Residential Large Lot Zone, Development Standards, to reduce the side yard (accessory) setback from ten (10) feet to three (3) feet

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

The public hearing was opened.

Mrs. Fletcher was unable to present. Mr. Nelson stated the BZA could move forward without a presenter. Mr. Knartzer explained there are two options. They can proceed based on only evidence or this meeting can be continued. Mr. Knartzer confirmed Mrs. Fletcher waived her ability to provide additional testimony.

Mr. Nelson explained the staff report was favorable. This is a small shed located behind a 6-foot privacy fence. This will be a minimal impact on the surrounding community.

The public hearing was closed.

VARIANCE #1: To reduce the side yard (accessory) setback from ten (10) feet to three (3) feet.

Greenwood Code References: Unified Development Ordinance, Section 10-02-13 (A) Residential Large 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:

No impact on community.

Staff Comment: Staff agrees with the petitioner's statement. Most of the shed is not visible from outside the fenced in backyard.

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 to the far side of the neighbor's backyard. The placement of our shed is fine with the neighbor to whom it is closest.

Staff Comment: Staff agrees with the petitioner's statement. The shed will not be seen by surrounding property owners.

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

There are other things in our yard that makes placing inconvenient, e.g. a strawberry garden and herb garden. Placing it 10' inside would place it nearly in the center of the yard.

Staff Comment: Staff agrees with the petitioner's statement. Placing the shed 10 feet inside of the property line would greatly limit the usability of the petitioner's 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 a **favorable recommendation**. Due to the privacy fence currently placed around the property, Staff feels that an additional 10-foot setback for the shed would be arbitrary as the shed is mostly not visible from outside the property.

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

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 no conditions, seconded by Mr. Mull. 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 BZA2024-060 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. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

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

The public hearing was opened.

Mr. Nelson explained this is a similar variance. Mr. Knartzer explained he would prefer to continue this hearing. There was discussion about confirming. Mr. Tolloty asked for a five-minute recess. Mr. Knartzer stated they will resume at 6:35PM.

Mr. Knartzer recommended that this be continued to the next meeting. The next available meeting will be in about two months, unless they want to exceed the three docket limit. There was discussion about the agendas. Mr. Nelson recommended moving this to the February 24th meeting.

Mr. Mull moved to continue this docket to February 24th, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn. (5-0). **MOTION CARRIES.**

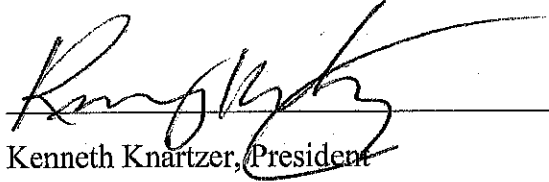
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Announcements

None.

Adjournment

Mr. Knartzer adjourned the meeting at 6:39PM.


Kenneth Knartzer, President


Stephanie R. Jarrett, Recording Secretary