

# Staff Report – Board of Zoning Appeals

<b>Docket #:</b>	BZA2025-013 Development Standard Variance	<b>Hearing Date:</b>	April 28, 2025
<b>Applicant:</b>	Thomas W. Vander Luitgaren, 1640 W. Stones Crossing, Greenwood, IN 46143		
<b>Owner:</b>	Emmanuel Church of Greenwood, Inc., 1640 Stones Crossing, Greenwood, IN 46143		
<b>Subject Property:</b>	1640 Stones Crossing, Greenwood, IN 46143		
<b>Staff Contact:</b>	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5230		

**Request:**

Petitioner is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-19 (A)(1) Commercial Medium Format Zone, to increase the maximum lot size from 100,000 square feet to 273,102 square feet
2. Section 10-03-13 (C)(6) Accessory Structures, to allow an accessory structure over 300 square feet to not have a 36" masonry wainscot.

**Location:**

The subject property is located at the southeast corner of Grove Crossing Blvd and Hearth Grove Dr. Parcel ID # 41-04-12-033-025.000-041

Exhibit A – Aerial Map and Exhibit D – Legal Description

**Existing & Surrounding Zones/Land Uses:**

Existing: Commercial Medium (CM) / Emmanuel Church of Greenwood  
 North: Commercial Medium (CM) / Senior Apartments  
 South: Residential Large (RL) / Emmanuel Church of Greenwood  
 East: Residential Multi-Unit Complex (RMC) / Apartment Complex  
 West: Commercial Medium (CM) / Vacant Land

Exhibit B – Existing Zoning Map

**Indiana Code Reference(s):** Section 36-7-4-918.5 (Development Standards Variances)

**Statutory Criteria:**

- Indiana Code Section 36-7-4-918.5 Dimensional/Development Standard Variances may be approved only upon a determination in writing that:
  1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  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;
  3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.
- Indiana Code Section 8-21-10-3 No Hazard to Air Navigation: **If applicable**, the structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered.

**VARIANCE #1: To increase the maximum lot size from 100.000 square feet to 273.102 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:**

The approval of this request to allow for a larger lot size will not affect the public health, safety, morals, and general welfare of the community because the proposed lot 4 will remain in contiguous ownership with the parcels owned by the Petitioner situated to the south. The proposed deviation will not create any adverse visual impairments or safety concerns.

*Staff Comment:* Staff agrees with the petitioner's statement. Staff notes that the parcel 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 use of the adjacent properties would not be substantially affected as larger lot sizes allow for additional buffering between uses. The majority of the "excess" acreage abuts the church's property to the south (1640 W. Stones Crossing Rd.). The proposed Lot 4 will be tied together with such property so that Lot 4 must be sold, if ever, with it.

*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.

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

The Unified Development Ordinance as adopted requires that parcels zoned CM not exceed 100,000 square feet in size. Given the unusual shape and configuration of Block 2 after the Town of Bargersville's acquisition of a portion of the parent tract, its limited road frontage, and the drainage easement situated in the northwest corner, Block 2 is not suited for the creation of any more lots.

*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 #2: To allow an accessory structure over 300 square feet to not have a 36" masonry wainscot.**

**Greenwood Code References:** Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (6) Accessory structures over 300 square feet shall have a 36-inch tall mortared masonry wainscot and shall utilize wood, fiber cement, masonry, steel or the same materials as the primary structure for the balance of the façade.

**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 approval of this request to eliminate the required masonry wainscot will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation is very minor and will not create any adverse visual impairments. The presence of the wainscotting is for aesthetic purposes and the accessory structure is intended to be a shelter house used for outdoor church activities, where it is scarcely visible from Stones Crossing Road, Hearth Grove Drive and Grove Crossing Blvd.

*Staff Comment:* Staff agrees with the petitioner's statement, that the presence of the wainscoting will not affect public safety or the general welfare of the community.

**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 use of the adjacent properties would not be substantially affected because the accessory structure (a shelter house) is situated north of and is utilized by the church in connection with its campus located at 1640 W. Stones Crossing Rd. Petitioner has agreed to place a use restriction on the parcels to the south that the church owns providing that the accessory structure will always be a part of the overall church campus.

*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:**

The Unified Development Ordinance as adopted requires that accessory structures over 300 square feet be constructed with masonry wainscot. Provided that the accessory structure was constructed in 2024, installation of the required masonry wainscot would pose practical difficulties.

*Staff Comment:* The accessory structure was built without proper city approval; therefore this is a self-imposed practical difficulty. Planning requests that the petitioner elaborate on this response.

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

Not applicable

**Recommendation and Proposed Conditions:**

**VARIANCE #1: To increase the maximum lot size from 100,000 square feet to 273,102 sq. ft.**

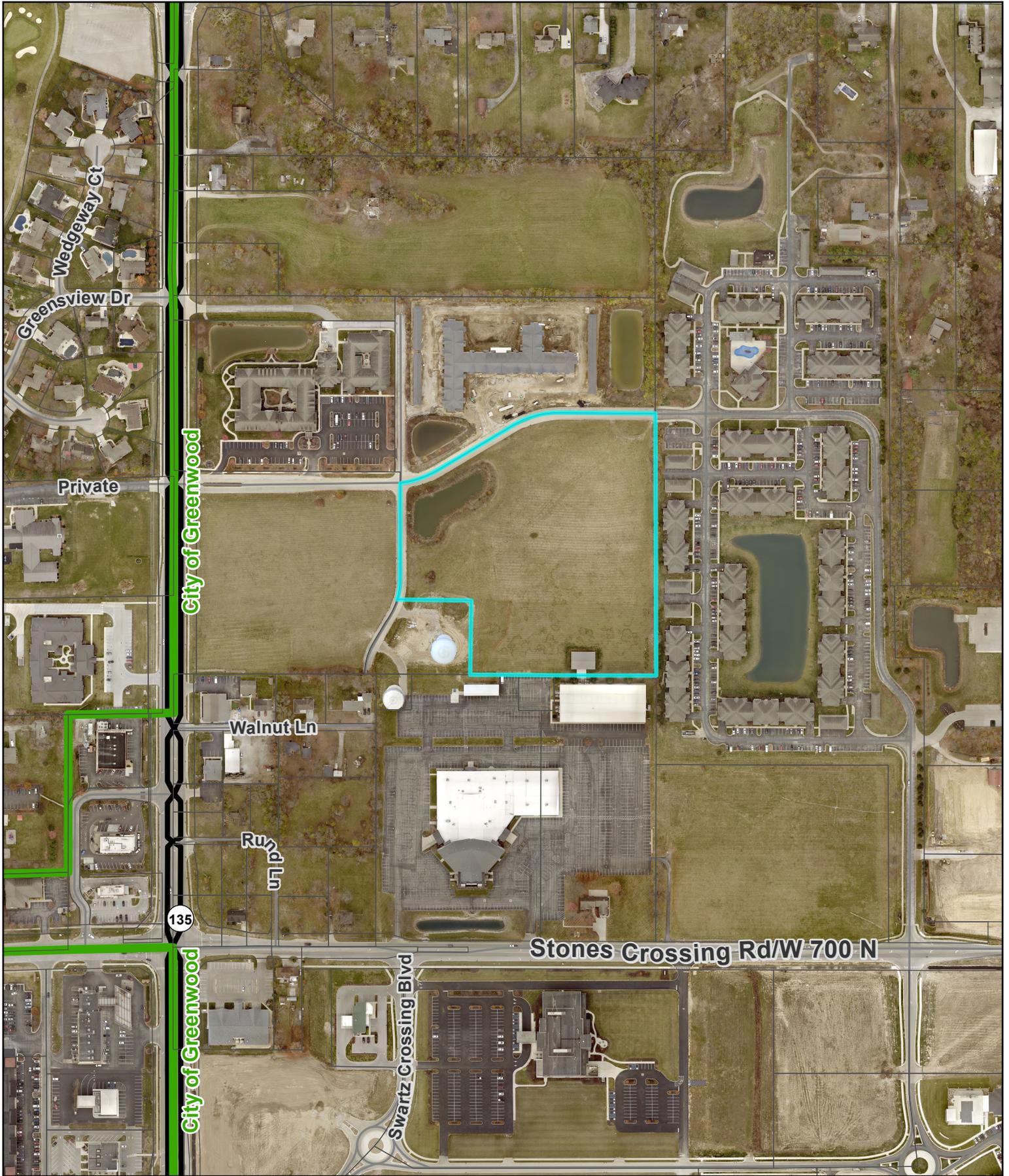
Staff provides a **favorable** recommendation for variance #1.

**VARIANCE #2: To allow an accessory structure over 300 square feet to not have a 36" masonry wainscot.**

Staff provides an **unfavorable** recommendation for variance #2. The structure was built without proper city approval.

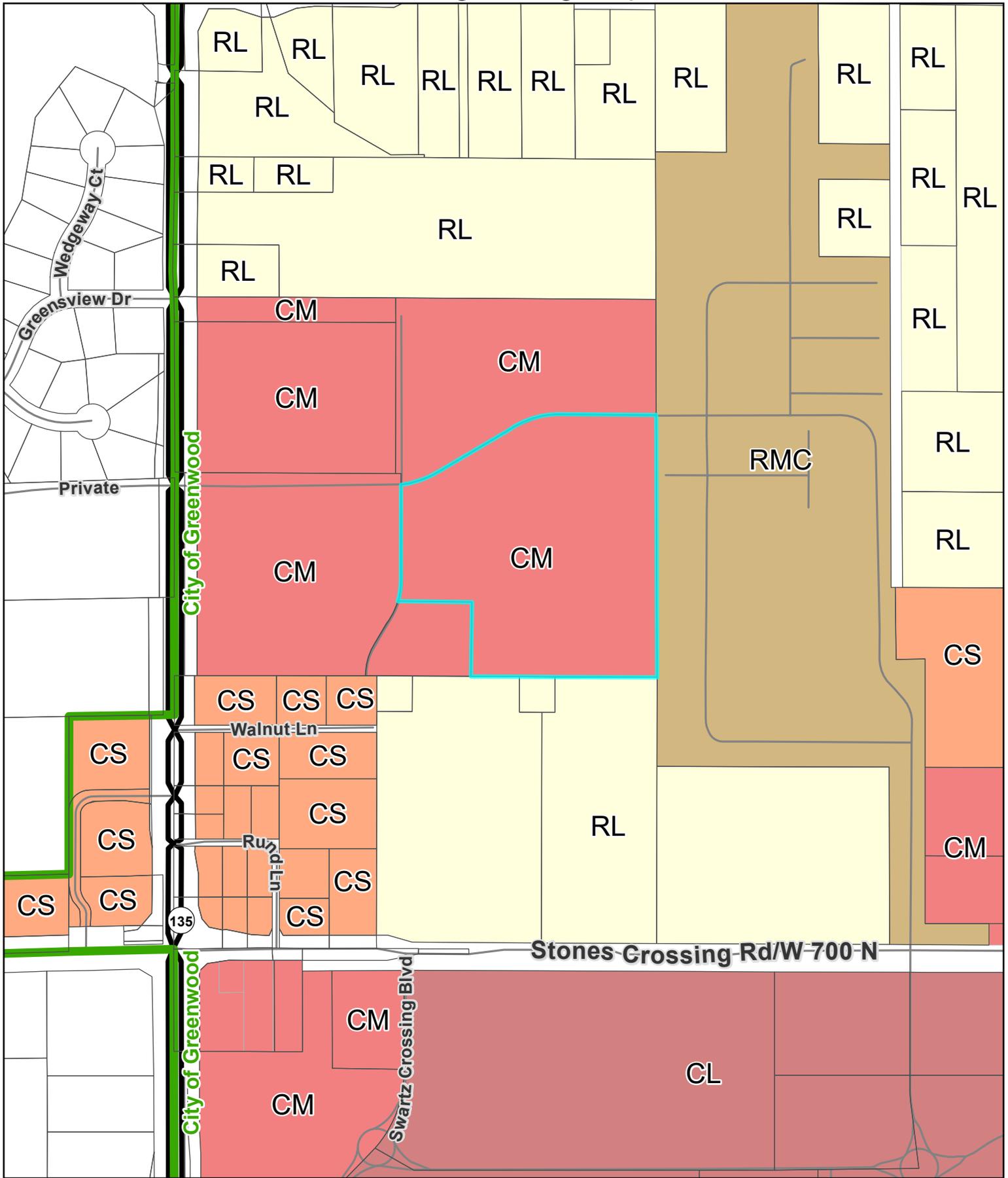
**Attachments:**

- Exhibit A – Aerial Map
- Exhibit B – Zoning Map
- Exhibit C – Site Plan
- Exhibit D – Legal Description



# Existing Zoning Map

Exhibit B



- |                         |                            |                                |   |
|-------------------------|----------------------------|--------------------------------|---|
| Greenwood City Boundary | CS - Commercial Small      | OTR - Old Town Residential     | RA - Residential Attached Single-Family |
| AC - Airport            | IC - Interstate Commercial | OS - Open Space                | RMC - Residential Multi-Unit Complex    |
| AG - Agriculture        | IL - Industrial Large      | PUD - Planned Unit Development | RMH - Residential Mobile Home           |
| CL - Commercial Large   | IM - Industrial Medium     | RL - Residential Large Lot     |   |
| CM - Commercial Medium  | OT - Old Town              | RM - Residential Medium Lot    |   |



# PLOT PLAN

DRAWING NOT TO BE SCALED - DIMENSIONS PREVALENT

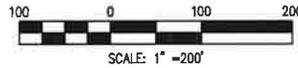
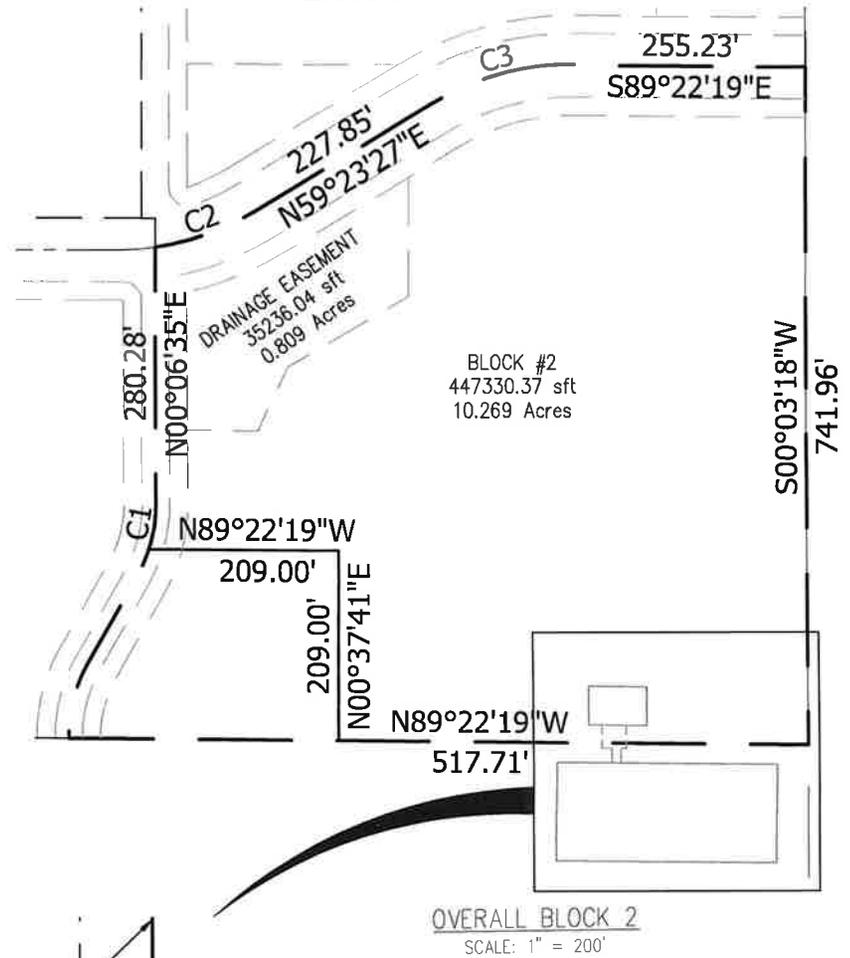
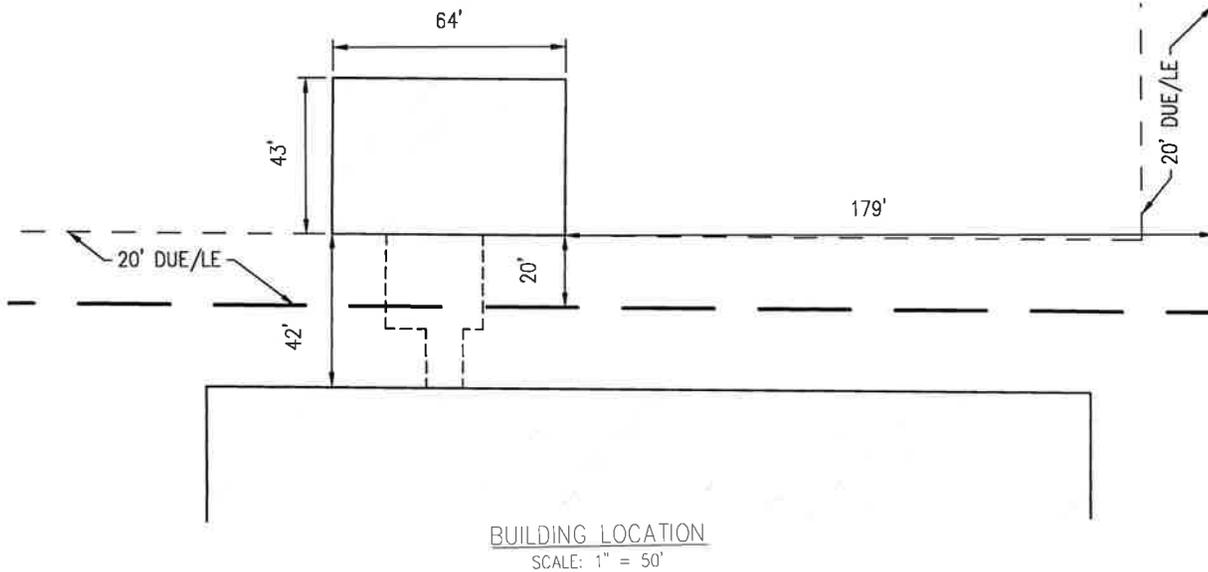


Exhibit C

Boundary Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	52.02'	165.00'	N09°08'29"E	51.80'
C2	116.32'	300.00'	N70°29'55"E	115.59'
C3	163.56'	300.00'	N75°00'34"E	161.54'



**BLOCK 2 - THE GROVE AT STONES  
CROSSING COMMERCIAL SUBDIVISION  
JOHNSON COUNTY, INDIANA  
PREPARED FOR  
EMMANUEL CHURCH OF GREENWOOD, INC  
1640 W. STONES CROSSING ROAD  
GREENWOOD, IN 46143**



**BUILDING LOCATION**  
SCALE: 1" = 50'

**OVERALL BLOCK 2**  
SCALE: 1" = 200'



**Transportation &  
Development Consultants**  
115 N. 17th AVENUE, BEECH GROVE, IN 46107 (317) 780-1555

SEPTEMBER 8, 2023  
SHEET 1 OF 1

Legal Description

Block Number 2 in the Replat of Block Number 2 in the Plat of The Grove at Stones Crossing Commercial Subdivision to the City of Greenwood as recorded in Plat Book E, page 561 A&B as Instrument No. 2022-010618 in the Office of the Recorder of Johnson County, Indiana.