

### **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.

Also in Attendance: Planning Director Gabriel Nelson, City Planner Alyssa Liebman, Assistant City Attorney Terry Swihart, Recording Secretary Stevie Jarrett, and Exos IT Monty McDougal.

### **Approval of Meeting Minutes**

Mrs. Peters moved to approve the meeting minutes from April 14, 2025, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

### **Findings of Fact**

**BZA2025-011 Development Standards Variance**, 295 Village Lane, Petitioner, Westminster Village Greenwood, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (A) to reduce the amount of mortared masonry to less than 50%
2. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Side Elevation (A) to reduce the amount of mortared masonry to less than 50%
3. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Rear Elevation (A) to reduce the amount of mortared masonry to less than 50%
4. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (B) to reduce the percentage of transparency to less than 30%
5. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Side Elevation (B) to reduce the percentage of transparency to less than 20%
6. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (D) to allow columns to be clad in materials other than stone, brick, or stucco
7. Section 10-03-14 (C) Multi-Family Residential Building Design Standards, Front Elevation (F) to allow metal grills on a front elevation

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 BZA2025-011, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

**BZA2025-012 Development Standards Variance**, 733 Lowes Blvd., Petitioner, Cindy Thrasher, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-08 Signage (L)(2) On Premises Sign Menu: Building Signs, Wall Signs, to allow a wall sign over 200 square feet on a front wall, north elevation
2. Section 10-03-08 Signage (L)(2) On Premises Sign Menu: Building Signs, Wall Signs, to allow a wall sign over 200 square feet on a front wall, south elevation.

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 BZA2025-012, seconded by Mr. Milbourn. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

### **Special Requests/Continuances**

**BZA2025-008 Development Standards Variance**, 800 Block, West Side of Combs Road, Petitioner, Eric Prime, on behalf of Davis Homes LLC, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (B) Single-Family Residential Building Design Standards (1), General Design (A) to allow a garage door to cover up to 85% of the width of the front façade
2. Section 10-03-14 (B) Single-Family Residential Building Design Standards (1), General Design (A) to allow a garage door to cover up to 85% of the front façade area
3. Section 10-03-14 (B) Single-Family Residential Building Design Standards (1), General Design (B) to allow a single window on a front façade

Eric Prime, 225 S Emerson Avenue, Van Valer Law Firm, requested to move this docket to July 14<sup>th</sup>.

Mr. King moved to continue BZA2025-008 to July 14<sup>th</sup>, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

### **New Business**

**BZA2025-013 Development Standards Variance**, 1640 Stones Crossing, Petitioner, Thomas W. Vander Luitgaren, 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.

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

The public hearing was opened.

Thomas W. Vander Luitgaren, Van Valer Law Firm, 225 S Emerson Avenue, was administered the oath.

Mr. Luitgaren presented on behalf of Emmanuel Church. This parcel is just north of Emmanuel Church. Mr. Luitgaren presented the structure. Emmanuel Church is right off Stones Crossing Road and north of 135. Bargersville acquired a piece to put in the water tower. The water tower is Lot 1. There is no current intent to develop Lot 4 and there is no intent to sell it. The water tower is preventing the creation of a 5<sup>th</sup> lot.

Mr. Luitgaren stated they believe all the statutory criteria has been met.

Emmanuel used to have a playground and pavilion. This was sold to Franciscan. There is a summer camp for church kids every summer. This is why they built the pavilion. There is no intent to close the pavilion. It will mostly be used in the summer. Mr. Luitgaren stated it will be used the same way the pavilions are used at the public park.

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

**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.

**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.

**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.

**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:**

**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 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 wainscoting 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.

**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.

**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.

**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 sf.**

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.

Mr. Nelson explained the church has plans to develop on a separate lot, but in front of this pavilion. Mr. Nelson stated he doesn't feel like it met the practical difficulty. The structure was built in 2022 and would have been under the current ordinance. Staff let Emmanuel know it was built without a permit. Staff is looking for a little bit more elaboration as to how it is a practical difficulty.

Mr. Luitgaren stated he didn't get involved until late last year. He explained he has to ask for relief a lot of times after something is built. Mr. Nelson explained there are stand-alone structures that have been wrapped in masonry. Mr. Nelson asked if there was a practical difficulty in wrapping. Mr. Luitgaren stated it doesn't meet the purpose of the structure.

The public hearing was closed.

Mr. Mull asked about the location of the pavilion. There was discussion amongst the board members. Mr. Knartzer stated it seems excessive to wrap the posts knowing this structure intention. Mrs. Peters stated she sees the masonry as a danger to the kids. She stated she could see kids easily running into it. Mr. Knartzer discussed adding a condition that the masonry would be required if the structure was enclosed.

Mrs. Peters moved to admit all the evidence presented in regard to this matter, including the notices, receipts, map, 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 the 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. Mull.  
Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King moved to approve request #1 with no conditions, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King Moved to approve request #2 with two conditions: applicant shall complete permitting process with City and the variance be void should the pavilion be enclosed, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

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 BZA2025-013 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).

**BZA2025-014 Development Standards Variance**, 1408 Griffith Rd., Petitioner, Troy P. Franklin Jr., is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-13 Signage (C)(6) Accessory Structures, to allow an accessory structure over 300 square feet to not have a 36" masonry wainscot.

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

The public hearing was opened.

Troy P. Franklin Jr., 1408 Griffith Road, was administered the oath.

Mr. Franklin requested relief from the requirement of 36" masonry wainscot.

**VARIANCE #1: 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:**

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

The wainscot is cosmetic only and will not affect any of the above.

*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.

**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 is cosmetic only and will not affect any area adjacent to property.

*Staff Comment:* It is unknown how the lack of wainscoting will affect surrounding property values. The intent of the 36 inch masonry wainscoting is to balance the façade of the primary residence. The primary residence is brick, as are most of the surrounding properties. The subject structure is a pole barn which was constructed without proper city approval.

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

The addition of masonry for cosmetic purposes is unnecessary for this type of building. This building looks pleasing without the additional masonry.

*Staff Comment:* The petitioners statement does not identify a practical difficulty resulting from the strict application of the zoning code. It states an opinion that the building looks pleasing without the masonry wainscoting.

**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 provides an **unfavorable recommendation**. The structure was built without proper approval from the city. This structure has four walls and therefore a masonry wainscoting could have been applied. If the Board finds that a practical difficulty exists, Staff recommends the following condition:

1. Petitioner shall install a planting strip with a minimum width of three (3) feet along the full length of the foundation facing the north, to include any of the following: shrubs, flowers, long grasses, shade or evergreen trees at the recommended spacing by plant type.

Ms. Liebman explained this structure was built without City approval. The structure does have four walls and wainscoting could have been applied.

The public hearing was closed.

Mr. Mull asked if they had obtained a building permit. Mr. Nelson explained they are retroactively working on that. Mrs. Peters discussed the intent for landscaping. Ms. Liebman explained wainscoting is aesthetic. Mrs. Peters and Ms. Liebman discussed the building materials of the other pole barns. Mr. Nelson stated the other pole barns should not have any effect. Mr. Knartzer discussed the intention of wainscoting.

Mr. Nelson explained Building looks more at the building safety side. The Planning side is mostly the aesthetic side. Mr. Mull and Mr. Nelson discussed different zoning or distances. Wainscoting is required if it is larger than 300 square feet. The structure is 1,200 square feet.

Mrs. Peters moved to admit all the evidence presented in regard to this matter, including the notices, receipts, map, 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 the 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. Mull.  
Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

Mr. King Moved to approve request #1 with the condition that the applicant complete the permitting process with the City, seconded by Mr. Milbourn  
Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

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 BZA2025-014 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).

### **Announcements**

Mr. Nelson explained that Plan Commission will be updating a few of the applications.

### **Adjournment**

Mr. Knartzer moved to adjourn the meeting at 6:39PM.

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Kenneth Knartzer, President

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Stephanie R. Jarrett, Recording Secretary