

# Staff Report – Board of Zoning Appeals

|                          |   |                      |              |
|--------------------------|---|----------------------|--------------|
| <b>Docket #:</b>         | BZA2025-017 Development Standard Variance             | <b>Hearing Date:</b> | May 12, 2025 |
| <b>Applicant:</b>        | Zachariah Sims, 709 Orchard Lane, Greenwood, IN 46142 |                      |              |
| <b>Owner:</b>            | Zachariah Sims, 709 Orchard Lane, Greenwood, IN 46142 |                      |              |
| <b>Subject Property:</b> | 709 Orchard Lane, Greenwood, IN 46142                 |                      |              |
| <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 10-03-02 (F) Parking Area Surfaces, to allow gravel as a permitted driveway surface
2. Section 10-03-13 (C) Accessory Structures, (2) to allow a total of four (4) accessory structures on a single property
3. Section 10-03-13 (C) Accessory Structures, (6) to remove the requirement for a mortared masonry wainscoting on an accessory structure over 300 square feet
4. Section 10-03-13 (C) Accessory Structures, (7) to allow the total square footage of accessory structures to exceed 150% of the square footage of the primary structure

Exhibit C – Site Plan

## Location:

This parcel is located 500 feet east of the intersection of Averitt Road and Orchard Lane.

Parcel # 41-02-32-033-029.000-026

Exhibit A – Aerial Map and Exhibit D – Legal Description

## Existing & Surrounding Zones/Land Uses:

Existing: Residential Medium (RM), Single Family Residential (Greenwood Orchard)  
 North: Residential Medium (RM), Single Family Residential (Greenwood Orchard)  
 West: Residential Medium (RM), Single Family Residential (Greenwood Orchard)  
 South: Residential Medium (RM), Single Family Residential (Greenwood Orchard)  
 East: Residential Medium (RM), Single Family Residential (Greenwood Orchard)

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: **Not applicable**

### **VARIANCE #1: To allow gravel as a permitted driveway surface**

**Greenwood Code References:** Unified Development Ordinance, Section 10-03-02 (F) Parking Area Surfaces, All driveways and parking areas for all uses shall be paved with concrete, asphalt, pavers, or pervious pavers. Porous pavement should be used to the greatest degree possible.

#### **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:**

It will be properly constructed to minimize dust, erosion, and runoff. Gravel is a permeable material that promotes better stormwater management than impervious surfaces. Additionally, similar driveways exist in the area.

*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 professionally installed and properly maintained to prevent displacement, dust, or drainage issues. Its visual appearance will be neat and compatible with surrounding properties.

*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:**

Requiring a concrete surface would impose an unnecessary financial burden. Gravel is still a safe, functional, and environmentally responsible alternative.

*Staff Comment:* Staff agrees with the petitioner's statement, however, this does not in itself meet the requirement for a practical difficulty. The majority of the existing driveway is concrete.

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

N/A

### **VARIANCE #2: To allow a total of four (4) accessory structures on a single 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, d. Shed or Barn

#### **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:**

It will be intended solely for personal use. The design will adhere to safety code standards. The structure will enhance the property appearance.

*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 construed in a manner consistent with the character and aesthetics of the neighborhood. It will not obstruct views, reduce privacy, or interfere with the use and enjoyment of neighboring properties. It may contribute positively to the overall desirability of the area.

*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 prevent the construction of a space that is essential for secure vehicle storage, protection of personal property, and overall site functionality. The existing structures do not provide adequate space for these needs. The lot is sufficient in size to accommodate the proposed garage without overcrowding.

*Staff Comment:* Staff cannot confirm or deny the petitioner's statement. While this may be true for the petitioner, it is not up to Staff to determine how much space one needs. Additionally, the number or types of accessory structures are secondary to the amount of space actually occupied by the accessory structures. Variance #4 addresses the total amount of space allotted to accessory structures.

Exhibit E – Greenwood Examples

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

N/A

**VARIANCE #3: To remove the requirement for a mortared masonry wainscoting on an accessory structure over 300 square feet**

**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:**

This variance related solely to the exterior aesthetics and does not affect the structure's safety or functionality. The garage will remain structurally sound and visually consistent with exiting home and surrounding properties, and the absence of masonry wainscot will have no negative impact on traffic, drainage, or property value.

*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:**

The proposed garage will be constructed in a manner consistent with the overall character of the neighborhood, using quality materials that match the primary residence. The absence of masonry wainscot is a minor visual difference that will not detract from adjacent properties, especially given the garage's placement.

*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:**

This requirement will force the use of materials that are inconsistent with the existing home's exterior, creating an aesthetic mismatch and reducing design cohesion. The garage will be a functioning accessory structure with limited visibility, making the masonry requirement an unnecessary burden without providing a meaningful public benefit.

*Staff Comment:* Staff disagrees with the petitioner's statement. The exterior of the home is primarily brick.

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

N/A

**VARIANCE #4: To allow the total square footage of accessory structures to exceed 150% of the square footage of the primary structure**

**Greenwood Code References:** Unified Development Ordinance, Section 10-03-13 (C) Accessory Structures, (7), Residential accessory structures shall not exceed 150 percent of the enclosed square footage of the primary structure. This is aggregate for all accessory structures on the property.

**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 garage will be built to all safety and code standards, will not block visibility or access, and will be well maintained. It will also be located on private property, minimizing any potential impact.

*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 garage will be used for personal storage and will be built to match the character of the surrounding area. It will not create noise, traffic, or other disturbances, and will be well maintained. Neighboring properties are not directly impacted, and structures will be positioned in a way to preserve privacy and aesthetics.

*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 layout of the lot, along with existing structures and topography, it is not feasible to place the garage in a location that meets full setback requirements. The variance would allow for reasonable use of the property without compromising the intent of the zoning ordinance.

*Staff Comment:* Staff agrees with the petitioner's statement. The total space allowed is based on the size of the existing home. The home in this particular instance is on the small side (1,056 square feet), especially compared to many newer homes. This home is also on a much larger lot (0.38 acres) than most newer subdivision homes (typically < 0.25 acres).

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

N/A

## **Recommendation and Proposed Conditions:**

### **VARIANCE #1: To allow gravel as a permitted driveway surface**

It is of Staff opinion that gravel should not be considered an acceptable substitution for a hard surface. Approximately 80% of the driveway, including the portions closest to the right-of-way, is currently concrete. There does not appear to be a practical difficulty. Staff recommends **Denial** of this of this variance.

### **VARIANCE #2: To allow a total of four (4) accessory structures on a single property**

The number of structures is less important than the total area occupied by accessory structures (within reason). Staff recommends **Approval** of this of this variance.

### **VARIANCE #3 To remove the requirement for a mortared masonry wainscoting on an accessory structure over 300 square feet**

Staff is providing a favorable recommendation. This standard is meant for primarily aesthetic purposes with perhaps some increased material protection, although that is debatable. Staff recommends **Approval** of this of this variance with one condition:

1. Landscaping or a privacy fence shall be used as screening along the west side of the proposed garage

### **VARIANCE #4: To allow the total square footage of accessory structures to exceed 150% of the square footage of the primary structure**

The total square footage of all accessory structures, including the proposed garage, would be over 150% of the square footage of the house. This not so much a practical difficulty as the petitioner could propose a slightly smaller garage and stay under the 150% threshold. Staff recommends **Denial** of this of this variance.

## **Attachments:**

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

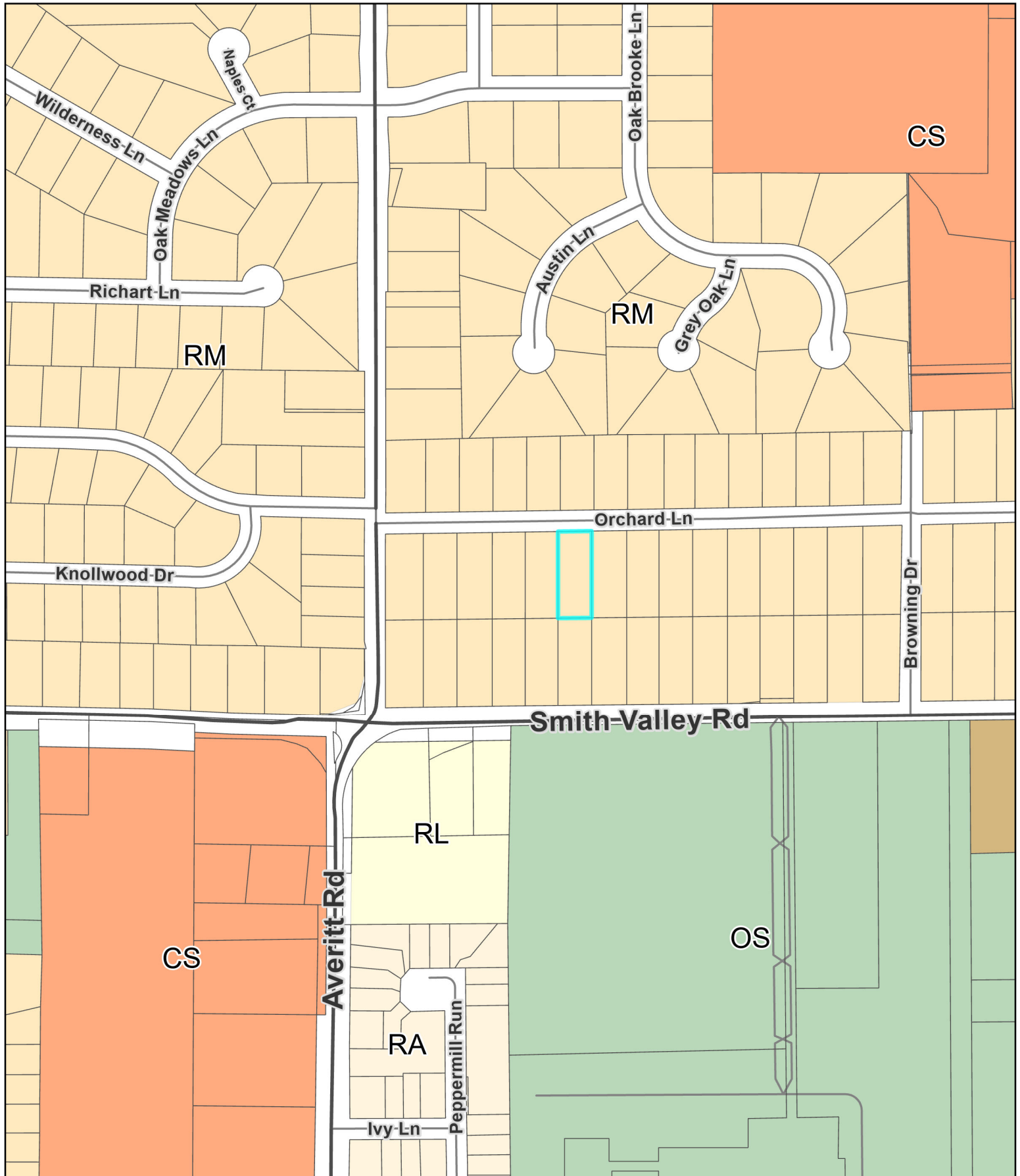
# Aerial Map

Exhibit A



# Existing Zoning Map

Exhibit B

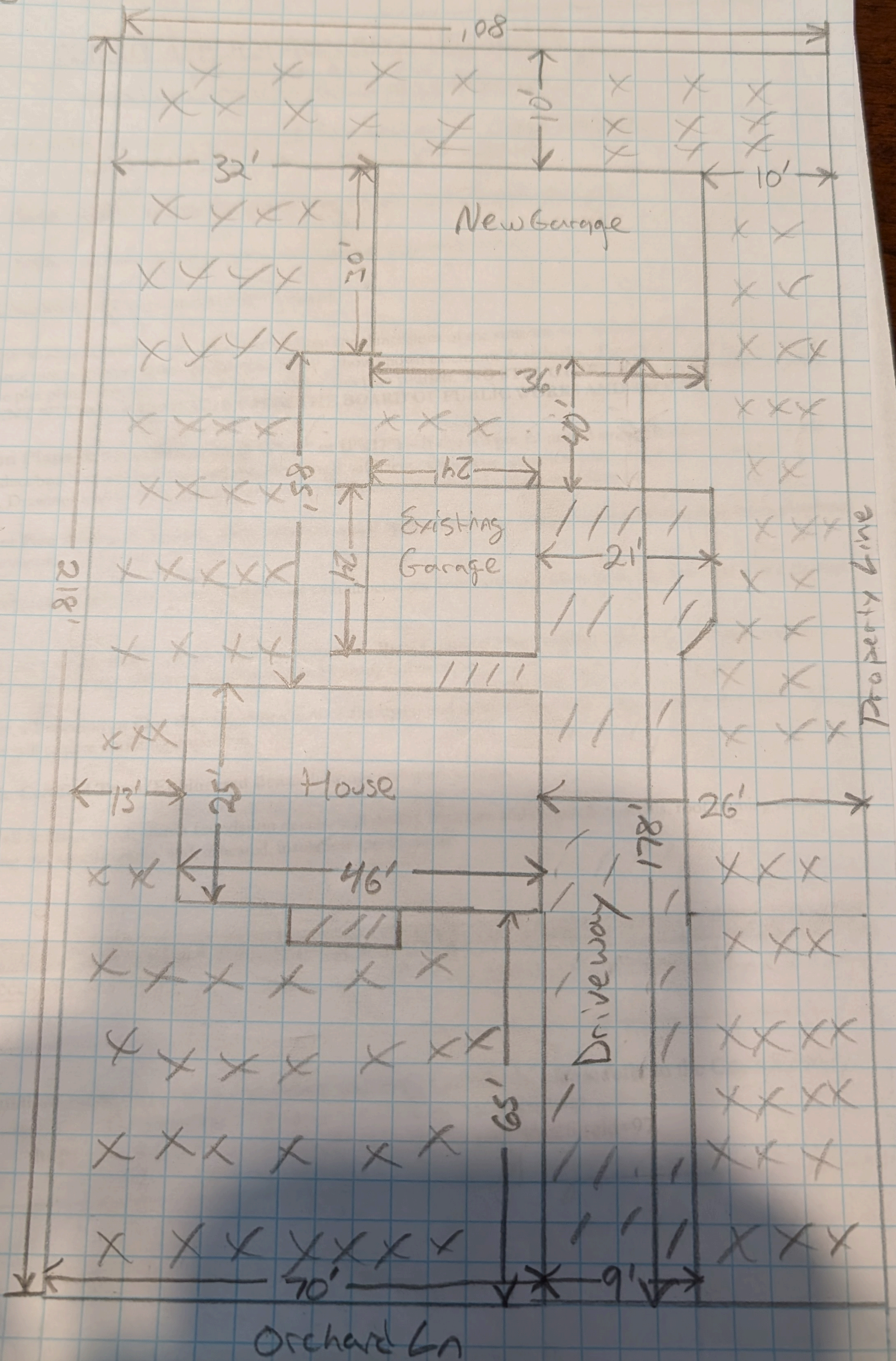


|                        |                            |   |                                      |
|------------------------|----------------------------|---|--------------------------------------|
| AC - Airport           | IC - Interstate Commercial | OS - Open Space                         | RMC - 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             |                                      |
| CS - Commercial Small  | OTR - Old Town Residential | RA - Residential Attached Single-Family |                                      |



Zach Sims 709 Orchard Lane  
 (317) 833-4687 Greenwood In. 46142

/// = Concrete  
 xx = grass



**Legal Description**

Lot Number 25 in Greenwood Orchard, an Addition to the City of Greenwood, as per plat thereof, recorded in Plat Book 4, page 64, in the Office of the Recorder of Johnson County, Indiana.