

Staff Report – Board of Zoning Appeals

Docket #:	BZA2025-018 Development Standard Variance	Hearing Date:	June 9, 2025
Applicant:	Kathryn Woodward, 202 W Wiley St, Greenwood, IN 46142		
Owner:	Kathryn Woodward, 202 W Wiley St, Greenwood, IN 46142		
Subject Property:	202 W Wiley St, Greenwood, IN 46142		
Staff Contact:	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 10-03-13. Accessory Uses and Structures (B)(2), Swimming pools are permitted in the side or rear yards only and must be set back at least 10 feet from side and rear property lines.

Exhibit C – Site Plan

Location:

This parcel is located on the northwest corner of N Smart Street and W Wiley Street in Old Town.

Parcel # 41-02-32-012-095.000-026

Exhibit A – Aerial Map and Exhibit D – Legal Description

Existing & Surrounding Zones/Land Uses:

Existing:	Old Town Residential (OTR), Single Family Residential
North:	Old Town Residential (OTR), Single Family Residential
West:	Old Town Residential (OTR), Single Family Residential
South:	Old Town Residential (OTR), Single Family Residential
East:	Old Town Residential (OTR), Single Family Residential

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 a pool in the front yard and reduce the setback to 5 feet.

Greenwood Code References: Section 10-03-13. Accessory Uses and Structures (B)(2), Swimming pools are permitted in the side or rear yards only and must be set back at least 10 feet from side and rear property lines.

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 project does not introduce conditions that could pose risks of injury to public safety. There is a privacy fence and auto lock/close gate. Being behind a privacy fence, the pool would not be seen by the public, protecting community aesthetics. The size is the smallest option in order to minimize impact to the property, limiting number of simultaneous uses and subsequent noise or shadows that may negatively affect neighboring properties.

Staff Comment: The petitioner will need to apply for a pool permit to ensure all safety regulations are met.

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 pools construction/placement will not negatively affect the use and value of nearby properties as it backs up to Smart Street and my driveway. It will not create undue noise or diminish the quality of life or significantly disrupt the enjoyment of surrounding properties. Being behind a privacy fence the pool would be concealed and therefore the variance would not disrupt the character, density, and style of the neighborhood.

Staff Comment: Staff agrees with petitioner's statement. The pool will not be visible from the public right-of-way.

Exhibit F – View from public right-of-way

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

The allotted space and access points between the house, garage, driveway and sidewalk, coupled with permit requirements (zoning) make it virtually impossible to install a pool within the standard zoning regulations. It is not possible to reasonably utilize the property for a pool without the respectfully requested variance.

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.

N/A

Recommendation and Proposed Conditions:

The subject property is located on a corner lot, which presents unique challenges due to the absence of a true rear yard; instead, it has two front yards. The parcel is also limited in size, totaling just 0.13 acres with approximately 230 square feet of open space. Given the required ten-foot setback, it would not be possible to accommodate a 15x15-foot pool, thereby restricting the functional use of the property. During a site visit, Staff observed a newly constructed 6-foot privacy fence. This fence is in violation of three zoning regulations in Section 10-03-09:

- Fences must be located at least two feet behind the sidewalk,
- Fences in front yards are limited to 4 feet in height, and
- Fences in front yards must be at least 50% transparent

Regarding the variance request, Staff recommends **approval** with the following conditions:

1. The existing fence violations must either be corrected, or the petitioner must apply for additional variances, which would require approval from the Board of Zoning Appeals,
2. A pool permit is granted from the Building Division

Attachments:

Exhibit A – Aerial Map
Exhibit B – Zoning Map
Exhibit C – Site Plan
Exhibit D – Legal Description
Exhibit E – View from public right-of-way
Exhibit F – Fence

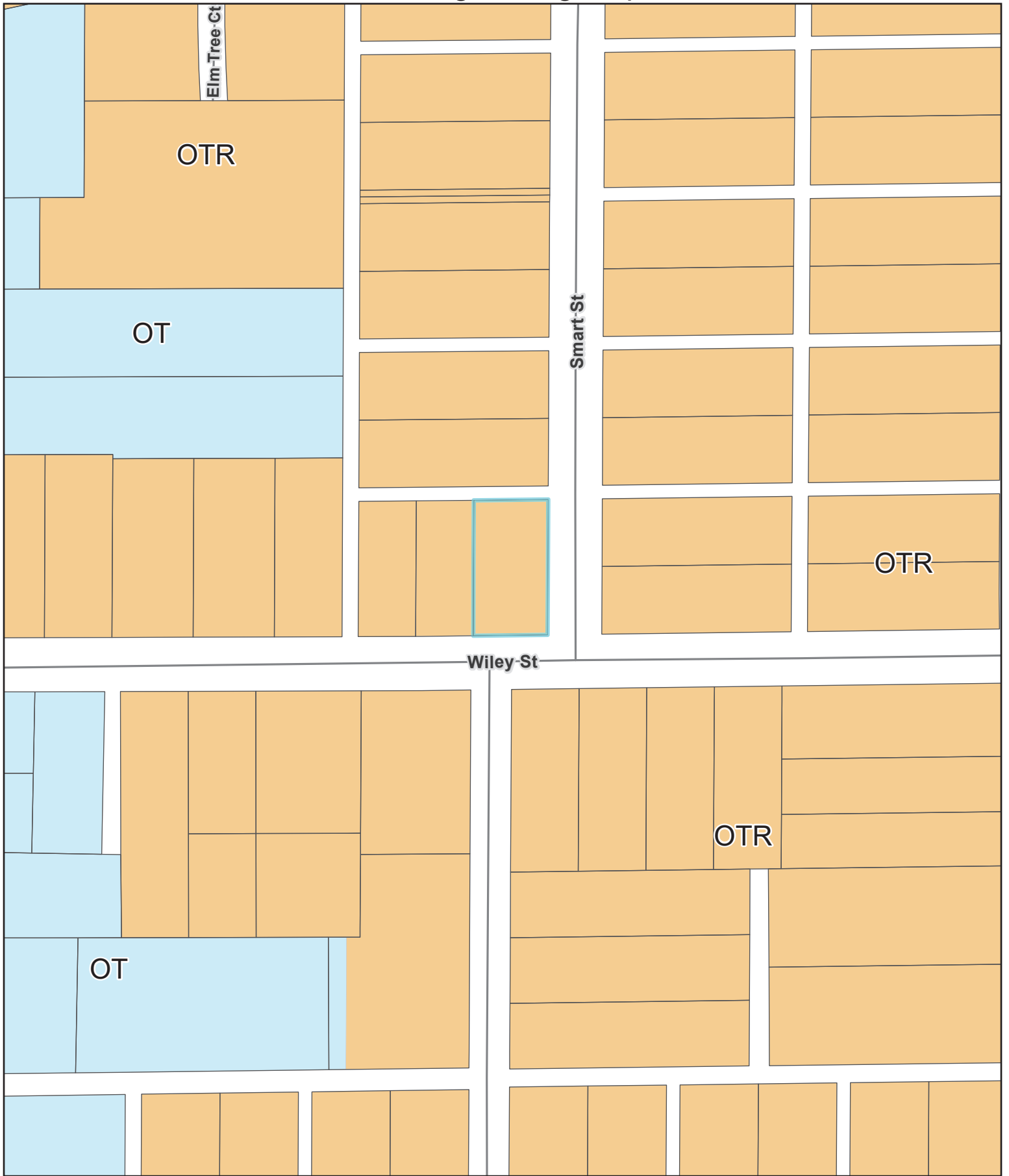
Aerial Map

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	





Duly Entered For Taxation
Subject To Final Acceptance
For Transfer Mar 18 2025
Elizabeth A Alvey
AUDITOR JOHNSON COUNTY, IND.

WARRANTY DEED
(Parcel No. 41-02-32-012-095.000-026)

THIS INDENTURE WITNESSETH, That Timothy Robert Bradley ("Grantor") CONVEYS AND WARRANTS to Kathryn Woodward ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Johnson County, State of Indiana:

55 FEET BY PARALLEL LINES OFF OF THE EAST END OF LOTS NUMBERED 6 AND 7 IN LONGDEN'S FIRST ADDITION TO THE CITY OF GREENWOOD, IN JOHNSON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 91, IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA.

The address of such real estate is commonly known as 202 West Wiley Street, Greenwood, Indiana 46142.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

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Sales Disclosure Approved
Johnson County Assessor



