

Call to Order

Members Present: Kenneth Knartzer, Vickie Peters, Josh King, Chris Mull, and Steve Milbourn.

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

The meeting was called to order at 6:00PM by Mr. Knartzer.

Approval of Meeting Minutes

Mr. King moved to approve the meeting minutes from April 28, 2025, seconded by Mr. Mull.

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

Findings of Fact

BZA2025-013 Development Standards Variance, Petitioner, Thomas W. Vander Luitgaren, for property located at 1640 Stones Crossing

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 BZA2025-013, seconded by Mrs. Peters Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0).

BZA2025-014 Development Standards Variance, Petitioner, Troy P. Franklin Jr., for property located at 1408 Griffith Road

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 BZA2025-014, seconded by Mrs. Peters Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, Mr. Mull, and Mr. Milbourn (5-0) **MOTION CARRIES.**

New Business

BZA2025-015 Development Standards Variance, 530 Oakridge Way, Petitioner, David Norris, is requesting relief from the following sections of the Unified Development Ordinance:

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

The public hearing was opened.

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

David Norris, 530 Oak Ridge Way, Greenwood, was administered the oath. Mr. Norris asked for a variance from the 36-inch masonry wainscoting on accessory structure.

Mr. Knartzer confirmed that Mr. Norris submitted the statement of reasons. Mr. Knartzer discussed the staff conditions.

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:

Masonry wainscoting only provides an aesthetic purpose to the building. It does not affect public health, safety, morals, or general welfare of the community.

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:

It is not part of the neighborhood façade. The neighborhood was built in 1976 and there is no HOA. It would be difficult to see the new building from the street.

Staff Comment: Staff agrees with the petitioner's statement. The structure will be located in the rear yard, mostly out of view from the 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:

Masonry wainscot would not match the property façade and would add excessive cost that would not add value and would add delays to the build.

Staff Comment: Staff agrees with the petitioner's statement. The mortared masonry wainscoting requirement in this case provides little in the way of benefit, but does create a practical difficulty in the construction of the structure.

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. This standard is meant for primarily aesthetic purposes with perhaps some increased material protection, although that is debatable. In this instance, the petitioner has also stated that the mortared masonry would not match any of the existing accessory structures and would look more out of place than add any real value to the property.

Staff recommends **approval** of this variance with no conditions.

Mr. Tolloty stated that staff was favorable of this variance. Mr. Nelson explained the UDO text amendments will be presented at 7PM at the Plan Commission meeting directly after this meeting. The masonry wainscoting requirement is proposed to be modified which could make future variances unnecessary.

The public hearing was closed.

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) **MOTION CARRIES.**

Mr. King moved to approve request #1 with the two conditions listed in the staff report, 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 BZA2025-015 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.**

BZA2025-016 Development Standards Variance, 142 Easton Point Way, Petitioners, James Reagan & Marki Warrick, are requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03- 09 (C) Fence Height (3), to allow an eight-foot-tall fence in a residential zoning district

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

Marki Warrick, 142 Easton Point Way, was administered the oath.

Ms. Warrick explained the house to the north sits much higher. Ms. Warrick explained that the fence is falling down and that is why they are replacing it. She explained that she just wants more privacy.

Mr. Knartzer confirmed that Ms. Warrick submitted the statement of reasons.

VARIANCE #1: To allow an eight foot tall fence in a residential zoning district.

Greenwood Code References: Unified Development Ordinance, Section 10-03-9 (C) Fence Height, (3) No fence shall exceed six (6) feet in height; provided, however within the IM and IL zones, fence heights may not exceed 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:

An eight (8) foot fence is not a public health issue. No one will be adversely affected by increasing the height of our current fence by two (2) feet. It will remain a privacy fence as it has always been.

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:

We already have an existing privacy fence in place. The neighbors on each of us are already used to a privacy fence being in place.

Staff Comment: Staff agrees with the petitioner's statement. The additional height should not substantially affect property values.

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

Our current privacy fence does not allow us the privacy that we would prefer at this time. While in our house, from our first floor, and while in our backyard, we are able to see our neighbors and they are able to see us as we are each going about our own business. We would like, for example, to sit outside in our pajamas and drink our morning coffee with privacy. Our current six (6) foot fence does not give us that option.

Staff Comment: Staff does not disagree with the petitioner's statement, but it is questionable as to whether this would be a practical difficulty. While privacy fences imply a certain amount of privacy, they are not designed to convey privacy from all surrounding elevations.

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 an unfavorable recommendation. The purpose of a privacy fence is to provide some privacy from others at ground level. However, with two plus story homes and differences in ground elevations, it would be impractical to allow fences to climb higher and higher. This would create an unfriendly appearing neighborhood where homeowners are effectively walled off from the outside world.

Therefore, Staff recommends **denial** of this variance.

Rodney Williams, 150 Easton Point Way, was administered the oath. Mr. Williams stated that everyone deserves privacy in the neighborhood. He explained the HOA bylaws allowed chain-link fences, but then over time that changed. Mr. Williams stated he moved into the neighborhood 30 years ago. Mr. Williams explained he stood out in the middle of the yard and took a picture from the swing. Mr. Williams described his POV from his house.

Mr. Williams stated that this fence is excessive.

Ms. Warrick presented her POVs. Ms. Warrick explained she doesn't want to make an enemy with her neighbor. Ms. Warrick explained last night she was watering her grass seed, and she can see right into all her neighbor's backyards because all the yards are elevated. She explained that sometimes it makes her feel uncomfortable. Ms. Warrick explained that Mr. Williams had complained about the previous owner's fence.

Mr. Williams stated a lot of people want to mind their own business but elaborated that this neighborhood has rules. He believes this impacts the value of the neighborhood. He stated he respects the need for privacy.

Mr. Tolloty explained that there needs to be some type of end point for how tall a fence can get. He explained that he can see both sides. Mr. Nelson explained that a fence doesn't give complete privacy.

The public hearing was closed.

Mrs. Peters stated she believes a six-foot fence is reasonable enough. Mr. Knartzer explained there are neighborhoods that don't even allow privacy fences. He does not see the practical difficulty.

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

Mr. King moved to deny the request citing failure to meet criteria, 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 BZA2025-016 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.**

BZA2025-017 Development Standards Variance, 709 Orchard Lane, Petitioner, Zachariah Sims, 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

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.

Zachariah Sims, 709 Orchard Lane, was administered the oath.

Mr. Sims stated that he proposes to build a new garage. The garage will be for storage.

Mr. Knartzer confirmed that Mr. Sims submitted the statement of reasons.

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 existing 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 the minor portion of the new driveway proposed as gravel would be an acceptable substitution so as to not further increase impervious surfaces. Approximately 80% of the driveway, including the portions closest to the right-of-way, is currently concrete. The proposed gravel addition would only cover a small portion that will not be seen from the right-of-way. Staff recommends **Approval** of this of this variance with the following condition:

1. The existing driveway must remain concrete or another approved hard surface
2. The driveway shall be bordered in a way to prevent gravel from being washed away.

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

The carport that is currently on the property is being removed, keeping this at a similar number of accessory structures. Staff recommends **Approval** 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 variance.

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, but would still be in scale with the size of the property. The existing home is only 1,056 square feet which limits the square footage of accessory structures to a smaller number than would be allowed all new homes which are generally larger and on smaller lots. Staff recommends **Approval** of this variance.

Mr. Sims stated it is expensive to pour another 2,000 square feet of concrete.

Mr. Nelson stated that there are four variances here. Mr. Nelson stated they are unfavorable of the gravel driveway. There are other options such as a ribbon driveway. Mr. Nelson explained that they are removing an existing carport. This would bring the property into compliance. Mr. Nelson reminded the BZA that the text amendment will be heard at Plan Commission. Mr. Nelson explained this variance request comes up every meeting. This square footage exceeds the square footage of the primary structure.

Mr. Sims stated he proposed 30x36 square feet. Mr. Sims explained that there are three neighbors that have large garages as well. He stated he would be open to going down in size. He does need a two-car garage.

The public hearing was closed.

There was discussion about the square footage of the structure.

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

Mr. King moved to deny request #1 because statutory criteria has not been met, seconded by Mrs. Peters. 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 no conditions, 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 condition listed in the staff report, 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 #4 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 BZA2025-017 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.**

Announcements

The UDO text amendments will be heard at the Plan Commission meeting. Mr. Nelson explained that there are a couple of different things that will be amended. Mr. Tolloty stated that there will be no BZA meeting on May 28.

Adjournment

Mr. Knartzer adjourned the meeting at 6:49PM.

Kenneth Knartzer, President

Stephanie R. Jarrett, Recording Secretary