

Call to Order

Members Present: Vickie Peters, Josh King, and Steve Milbourn. Members attended in person with the option to use Zoom. Mr. Knartzner and Mr. Mull were absent.

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

The meeting was called to order at 6:00 PM by Mrs. Peters.

Approval of Meeting Minutes

Mr. King moved to approve the meeting minutes from May 12, 2025, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

Findings of Fact

BZA2025-015 Development Standards Variance, Petitioner, David Norris, for property located at 530 Oakridge Way

Mr. King 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 BZA2025-015, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

BZA2025-016 Development Standards Variance, Petitioner, James Reagan & Marki Warrick, for property located at 142 Easton Point Way

Mr. King 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 BZA2025-016, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

BZA2025-017 Development Standards Variance, Petitioner, Zachariah Sims, for property located at 709 Orchard Lane

Mr. King 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

BZA2025-017, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

New Business

BZA2025-018 Development Standards Variance, 202 W. Wiley Street, Petitioners, Kathryn Woodward, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-26 (A), Old Town Residential Development Standards, to reduce the accessory building setback to 5' from the front property line and to allow a pool in the front yard

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

The public hearing was opened.

Kathryn Woodward, 202 W. Wiley Street, Greenwood, Indiana, was administered the oath.

Ms. Woodward explained that she is seeking relief to reduce the front property line setback and to allow a pool in the front yard. This property is a corner lot that corners Smart Street and Wiley Street. Due to this being a corner lot, it has two front yards. Ms. Woodward explained that the proposed location of the pool would be in the corner at the back of the property. The pool would face Smart Street.

Mrs. Peters confirmed that Ms. Woodward submitted the detailed statement of reasons.

The staff report with the detailed statement of reasons was admitted as evidence and considered by the Board when making its decision.

Recommendation and Proposed Conditions:

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

Ms. Woodward stated that she talked with the surrounding neighbors. She stated that she has not received any negative feedback.

Ms. Liebman stated that a practical difficulty did exist but explained that Planning staff did observe a newly constructed 6-foot privacy fence that was in violation of three different ordinances. Ms. Liebman read the violations that are also listed in the staff report.

Mrs. Peters and Ms. Woodward discussed the fence violations. Ms. Woodward explained that she had just moved into this house in March, and the house was purchased with the fence already constructed. Mr. Nelson confirmed that Ms. Woodward will need to take care of the fence violations, even though it was purchased that way.

Mr. Nelson, Mrs. Peters, and Ms. Woodward discussed resolving the fence violation with a favorable variance approval or by modifying the fence.

The public hearing was closed.

Mr. King 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: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

Mr. King moved to approve request #1 with the two conditions listed in the staff report, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

Mr. Milbourn 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 BZA2025-018 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. King. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

BZA2024-062 Development Standards Variance, 1197 Maple Stone Drive, Petitioner, Avtar Singh, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-02-14 (A) Residential Medium Lot Zone, Development Standards, to reduce the side/rear yard (accessory) setback from eight (8) feet to zero (0) feet

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

The public hearing was opened.

Avtar Singh, 1197 Maple Stone Drive, Greenwood, Indiana, was administered the oath.

Mandeep Singh, 1182 Maple Stone Drive, was administered the oath.

Mr. Mandeep Singh was present via Zoom. Mr. Avtar Singh indicated he spoke very little English, so Mr. Mandeep Singh intended to translate. However, Mr. Mandeep Singh indicated that he completed the application for Petitioner Avtar Singh and was familiar with the facts related to the variance request. Mr. Mandeep Singh ultimately did not translate, but instead testified via on behalf of Petitioner Avtar Singh in favor of the variance request.

Mr. Avtar Singh is a first-time homebuyer and did not know he needed to obtain a permit. The gazebo was installed, but did not meet the setback requirement. There were also issues with the gazebo being constructed within an easement and floodplain. Mr. Mandeep Singh also explained that the backyard has a steep slope, which made it difficult to choose a location for the gazebo. This statement was not included within the original statement of reasons.

Mrs. Peters asked Mr. Mandeep Singh if he was aware of the statutory criteria for the variance. Mr. Mandeep Singh stated that he submitted the statement of reasons to the Planning Division.

The staff report with the detailed statement of reasons was admitted as evidence and considered by the Board when making its decision.

Recommendation and Proposed Conditions:

Staff is providing an unfavorable recommendation. The purpose of granting a variance is to relieve the property owner of a zoning regulation that may be otherwise difficult to meet. In this case, the structure was originally built without a permit, and in turn, there was no review by Staff as to whether this location would be appropriate. It would appear there is ample open space outside of the building setbacks that would accommodate such a structure. Additionally, this request should not meet the requirement of a practical difficulty as it is entirely self-inflicted.

Staff recommends **denial** of this variance.

Mrs. Peters explained that the slope of the property was not included in the original submittal.

Mr. Mandeep Singh explained that Mr. Avtar Singh had used his savings to construct this gazebo and would just like to enjoy it.

Mr. Nelson explained that there was a stop work order issued in October of 2023. This structure was constructed within the floodplain and an easement. The petitioner will also need a local floodplain permit from Mr. Nelson.

Staff did provide an unfavorable recommendation. Mr. Nelson stated that this is a large lot and there are a number of locations to place it. Staff did not feel that there was a practical difficulty.

Mr. Mandeep Singh stated that they did not know that a permit was needed. He explained that the construction company recommended the location of the gazebo.

The public hearing was closed.

Mrs. Peters stated that she drove to this location. She agreed that there is only a small area of level ground. Mr. Nelson stated that without applying for a permit, there was no opportunity to review the site plan. There could have been a location that was leveled for the foundation of the gazebo. Mr. Nelson reiterated that the Planning staff was not given the opportunity to review a building permit. Mrs. Peters stated that the practical difficulty is the slope of the property. She disagreed with Mr. Nelson's comment about possible other locations.

Mr. Nelson stated that the site is 0.33 acres. Mr. Nelson stated that Beacon does show a 1-foot slope throughout the property. Staff would have to do an analysis of the topography of the site, but staff did not have the chance to review this site. Mrs. Peters confirmed that Mr. Avtar Singh did receive an encroachment approval from the Board of Public Works and Safety. DNR issued a letter of authorization in August of 2024. Mr. Nelson reiterated that Mr. Avtar Singh would need a local floodplain permit. Mrs. Peters and Mr. Nelson discussed making the local floodplain permit a condition of approval.

Mr. Nelson could not issue a local floodplain permit if there were any outstanding violations.

Mr. King 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: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

Mr. King moved to approve the request with no conditions, seconded by Mr. Milbourn. Vote: Ayes: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

Mr. King 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 BZA2024-062 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: Mrs. Peters, Mr. King, and Mr. Milbourn (3-0) **MOTION CARRIED.**

Mrs. Peters asked Mr. Mandeep Singh to explain the next steps to Mr. Avtar Singh. Mr. Nelson explained the local floodplain permit will be the next step. There is no fee for that permit.

New Business from the Floor

Mr. Nelson and Mr. Milbourn discussed zoning verification letters. Mr. Nelson explained the banks will often request a zoning verification letter to check for outstanding violations and permits. Mr. Nelson and Mr. Milbourn discussed educating the public on permits.

Announcements

Mr. Nelson stated that there will be an agenda at the next meeting.

Adjournment

Mrs. Peters adjourned the meeting at 6:46 PM.

Vickie Peters, Vice President

Stephanie R. Jarrett, Recording Secretary