

Call to Order

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

Members Present: Kenneth Knartzer, Vickie Peters, Drew Foster, Trent Pohlar, and Josh King. Members attended in-person with the option to use Zoom.

Also in Attendance: Senior Planner Dale Davis, Corporation Counsel Sam Hodson, Recording Secretary Stevie Jarrett, and Greenwood IT Department.

Approval of Meeting Minutes

Mr. Pohlar moved to approve the minutes from October 11, seconded by Mr. Foster. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Special Requests/Continuances

None.

Findings of Fact

None.

New Business

BZA2021-021 Use Variance Request - First Baptist Church of Greenwood, IN, Inc. by Eric W. Prime, attorney. Subject location at the northeast corner of the intersection of Stop 18 and Averitt Road (41-05-05-033-078.000-032). Petitioner requests a use variance to provide childcare services.

The public hearing was opened.

Attorney Eric W. Prime, 225 S Emerson Ave, Greenwood, IN, was administered the oath.

Mr. Prime represented the First Baptist Church of Greenwood. The church requests a variance to create a daycare within their school academy. The school and church would be a permitted use, but the daycare would require a variance. The church has partnered with Lionheart Academy to provide these daycare services. Staff recommended favorable approval.

The petitioner read through the detailed statement of reasons.

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

The approval of the request to allow Petitioner to provide childcare services at the

Children's Academy will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation represents only a portion of the services and intended uses for the new building. There is no indication that the approval of said petition, and resulting variance, would negatively impact the general welfare of the community. The approval of this petition will allow petitioner to utilize the real estate to its fullest potential and maintain the nature of the development area.

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 use of adjacent properties would not be substantially affected because approval of this petition is consistent with the uses and development in the area. Greenwood Middle School is located to the west on Averitt Road. The real estate contains sufficient acreage to provide buffering from the adjoining residential neighborhood to the north. The proposed building will maintain the character and development of the surrounding properties rather than adversely affect the surrounding area.

3. The need for the variance arises from some condition peculiar to the property involved, because:

For over a century Petitioner has utilized the buildings at 99 W. Main Street. At this time the Petitioner has outgrown its current location and needs an affordable, easily accessible, vacant parcel of land large enough to allow for the construction of a new church campus to call home. Petitioner has entered into a contract for the sale of its current location.

4. The strict application of the terms of the Zoning Ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought, because:

Strict adherence to the zoning ordinance, specifically the daycare exclusion, results in a practical difficulty for Petitioner, as this limits the use of the real estate as an overall church campus offering a comprehensive Christian ministry.

5. The approval does not interfere substantially with the Comprehensive Plan, because:

The Petitioner's variance request to allow for the construction of a new Children's Academy complies with the City of Greenwood's goals and intended future land use for the area, as articulated in the 2012 Comprehensive Plan. It is the intent of the Petitioner (and pursuant to City Ordinance), that this Use Variance is intended for the sole use of Petitioner and will not run with the land.

6. The structure is/is not regulated under Indiana Code 8-21-10-3 for Air navigation Hazard.

Not applicable to this petition.

There were no remonstrators.

The public hearing was closed.

Sam Hodson, Corporation Counsel, asked Mr. Prime about the house located on the map. Mr. Prime stated that the house and triangular shape of the church property made single-family development prohibited as the use of the property. Mr. Hodson asked Mr. Prime how many years of experience he had with real estate. Mr. Prime has 30 years of real estate experience.

Mr. Ferguson confirmed that all notices were in order.

Mr. Pohlar moved that to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, 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 Zoning Ordinance and Comprehensive Plan, 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. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Mr. Foster moved to approve the use variance petition with the two conditions recommended in the staff report, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2021-021 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. Pohlar. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0). **MOTION CARRIES.**

Public Meetings by Electronic Means – Establishing procedures to permit Board of Zoning Members to participate in public meetings by electronic means.

The Board discussed different procedures such as participation by audio only. Mrs. Peters stated that it would be unfair to require participation with both audio and visual.

Mr. Knartzer asked Mr. Hodson if it was possible to get a rough draft similar to the Council's, but written specifically to the BZA needs. Mr. Hodson concurred.

The Board agreed to remove the 72-hour notice of being unable to attend.

2022 BZA & PC Meeting Schedule-

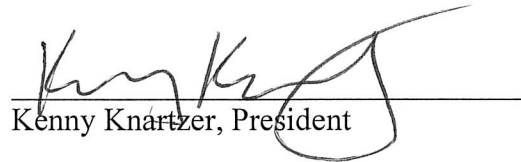
Mr. Pohlar moved to adopt the 2022 meeting schedule as presented by staff, seconded by Mr. Pohlar. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Pohlar, Mr. Foster, and Mr. King (5-0).
MOTION CARRIES.

Announcements

Mr. Ferguson announced there would be meeting items on the next couple agendas.

Adjournment

Mr. Knartzer adjourned the meeting at 6:38PM.


Kenny Knartzer, President


Stephanie "Stevie" Jarrett, Recording Secretary