

Call to Order

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

Members Present: Kenneth Knartzer, Vickie Peters, Josh King, and Chris Mull. Members attended in-person with the option to use Zoom.

Also in Attendance: Planning Director Gabriel Nelson, Planner Kevin Tolloty, Assistant City Attorney Drew Foster, Recording Secretary Stevie Jarrett, and Greenwood IT Department.

Approval of Meeting Minutes

Mrs. Peters moved to approve the minutes from February 13, 2023, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

Findings of Fact

BZA2022-048 Use Variance, Petitioner, Menard Inc, for the property directly south of 300 S. Marlin Drive

Mrs. Peters 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 BZA2022-048, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

BZA2023-001 Development Standards Variance, Petitioner, CrossRoad Engineers, on behalf of Amanda Cottingham Johnson, for the property located at 1464 W Stones Crossing 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 BZA2022-048, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

BZA2023-002 Development Standards Variance, Petitioner, The Garrett Companies, for the property located at 374 N. Emerson Drive

Mrs. Peters 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 BZA2022-048, seconded by Mr. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

New Business

BZA2023-003 Development Standards Variance, Petitioner, Timothy Crump, 249 N. Madison Avenue, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (F) Old Town Design Standards, Front Elevations (A), to reduce amount of masonry on front elevations from 75% to 10% (Front Building)
2. Section 10-03-14 (F) Old Town Design Standards, Front Elevations (B), to reduce transparency from 60% to 10% (Front Building)
3. Section 10-03-14 (F) Old Town Design Standards, Front Elevations (A), to reduce amount of masonry on front elevations from 75% to 10% (Rear Building)
4. Section 10-03-14 (F) Old Town Design Standards, Front Elevations (B), to reduce transparency from 60% to 10% (Rear Building)
5. Section 10-03-14 (F) Old Town Design Standards, Balconies, to allow natural wood railings

There was some discussion regarding the address of the property. Mr. Nelson confirmed that all notices were in order. Mr. Nelson noted that there are two buildings on one parcel. Mr. Foster submitted certified copies of the Comprehensive Plan and Unified Development Ordinance into the record.

The public hearing was opened.

Attorney Tom Vander Luitgaren, Van Valer Law Firm, 225 S Emerson Suite 101, was administered the oath.

Mr. Vander Luitgaren represented Mr. Crump for these variances. Mr. Vander Luitgaren gave a before-and-after of the buildings from 2020 to the present. He also explained that the buildings are maintained and the appearances have been updated.

VARIANCE #1 MASONRY – FRONT BUILDING

PETITIONER’S DETAILED STATEMENTS 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 decrease the masonry percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the area. The replacement materials are state of the art with wainscoting and a brick skirt.

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 and value of adjacent properties would not be substantially affected because the approval of this petition is consistent with the ongoing redevelopment occurring in the area. The value of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The primary structure is believed to have been constructed between 1880 and 1900. The exterior primary structure was originally constructed entirely of wood. As the project involved a renovation, structurally, the primary structure is not and was not suitable for installation of traditional masonry. It is impractical for the Petitioner to renovate the primary structure with the required masonry percentage. The required masonry as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the primary structure situated at 249 N. Madison Ave.

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

Not applicable.

VARIANCE #2 TRANSPARENCY – FRONT BUILDING

PETITIONER'S DETAILED STATEMENTS 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 decrease the transparency percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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 the adjacent properties would not be substantially affected because approval of this petition is consistent with the ongoing redevelopment of the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The primary structure is believed to have been constructed between 1880 and 1900. The exterior of the primary structure was originally constructed of entirely wood. As this project involved a renovation, structurally, the primary structure is not and was not suitable for installation of additional windows in order to comply with the transparency requirement outlined in the City of Greenwood Unified Development Ordinance. It is impractical for the Petitioner to renovate the primary structure with the required transparency percentage. The required transparency percentage as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the primary structure situated at 249 N. Madison.

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

Not applicable.

VARIANCE #3 MASONRY- REAR BUILDING

PETITIONER'S DETAILED STATEMENTS 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 decrease the masonry percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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 and value of adjacent properties would not be substantially affected because the approval of this petition is consistent with the ongoing redevelopment occurring in the area. The value of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The accessory structure is believed to have been constructed in the 1970s. The exterior of the accessory structure was originally constructed of wood. As the project involved a renovation, structurally, the accessory structure is not and was not suitable for installation of traditional masonry. It is impractical for the petitioner to renovate the accessory structure with the required masonry percentage. The required masonry as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the accessory structure situated at 249 N. Madison Ave.

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

Not applicable.

VARIANCE #4 TRANSPARENCY- REAR BUILDING

PETITIONER'S DETAILED STATEMENTS 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 decrease the transparency percentages will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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 the adjacent properties would not be substantially affected because approval of this petition is consistent with the ongoing redevelopment of the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the accessory structure do not diminish the value of the adjacent properties.

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

The accessory structure is believed to have been constructed in the 1970s. The exterior of the accessory structure was originally constructed of wood. As the project involved a renovation, structurally, the accessory structure is not and was not suitable for installation of additional windows in order to comply with the transparency requirement outlined in the City of Greenwood Unified Development Ordinance. It is impractical for the petitioner to renovate the accessory structure with the required transparency percentage. The required transparency percentage as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate the accessory structure situated at 249 N. Madison Ave.

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

Not applicable.

VARIANCE #5 BALCONY- FRONT BUILDING

PETITIONER'S DETAILED STATEMENTS 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 decrease the utilize natural wood in connection with the construction of the second story balcony will not affect the public health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the primary structure has been reconstructed in harmony with the 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 the adjacent properties would not be substantially affected because approval of this petition is consistent with the ongoing redevelopment of the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the primary structure do not diminish the value of the adjacent properties.

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

The primary structure is believed to have been constructed between 1880 and 1900. The exterior of the primary structure was the primary structure and was constructed entirely of wood. As this project involved a renovation, structurally, the primary structure is not and was not suitable for installation of additional windows or in order to comply with the transparency requirement or traditional brick as outlined in the City of Greenwood Unified Development Ordinance. The second story balcony is an addition to the primary structure and was constructed of natural wood to compliment renovations. It is impractical and out of character and harmony for the Petitioner to construct the balcony with the building materials required under the City of Greenwood Unified Development Ordinance.

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

Not applicable.

Comments and Findings:

Staff is in agreement with the petitioner that due to the age and architectural style of the two buildings on the property that that sizable masonry and transparency requirements are not practical design requirements to be incorporated into the existing buildings. Staff has no objections to Petitioners Statements of Reason.

Summary and Proposed Conditions:

Staff is favorable of the Petitioners request with no additional proposed conditions

Mr. Nelson explained that transparency is not being decreased, but instead increased. The ordinance does not prohibit natural wood for the deck, but it is for the railing.

The public hearing was closed.

Mrs. Peters moved 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 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, and Mr. Mull. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #1, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #2, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #3, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #4, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #5, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decision on the variance request presented in Variance Petition Number BZA2023-003, 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. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

BZA2023-004 Development Standards Variance, Petitioner Thomas Vander Luitgaren, on behalf of Shri Mangalamurti Inc., 1281 Southpark Drive, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-14 (D) Commercial Building Design
2. Section 10-03-14 (D) Commercial Building Design Standards, Front Elevations (6), to allow for the use of thru-air units on a front elevation
3. Section 10-03-09 (G) Screening: Mechanical Equipment (1), to allow for the use of quality vinyl fencing to screen mechanicals on the west side of the building

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

The public hearing was opened.

Attorney Tom Vander Luitgaren, Van Valer Law Firm, 225 S Emerson Avenue, was administered the oath.

Mr. Luitgaren presented before-and-after pictures of the hotel. The hotel is transitioning from La Quinta to Best Western. Everything must comply with the corporate requirements from Best Western. Mr. Luitgaren presented examples of fencing for mechanical screening as well as the rendering of the pole sign.

VARIANCE #1 MASONRY

PETITIONER'S DETAILED STATEMENTS 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 decrease the masonry percentages will not affect the public health, safety, morals and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the hotel has been reconstructed in harmony with the area. The replacement materials are state of the art with stone veneer and high end finishes.

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 the adjacent properties would not be substantially affected because approval of this petition is consistent with the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance.

As such, the upscale renovations completed on the hotel do not diminish the value of adjacent properties.

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

The hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent development standards that are in place today. As this project involved a renovation to re-brand the existing hotel, structurally, the building is not and was not suitable for installation of traditional masonry. It is impractical to rebrand the hotel with the required masonry percentage. The required masonry as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate and rebrand the hotel situated at 1281 Southpark Drive.

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

Not applicable.

VARIANCE #2 THRU AIR-UNITS

PETITIONER'S DETAILED STATEMENTS 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 the use of thru-air units will not affect the health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the hotel has been reconstructed in harmony with the area. The replacement metal grills have been painted to match the surrounding material color.

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 the adjacent properties would not be affected because approval of this petition is consistent with the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the hotel do not diminish the value of adjacent properties.

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

The hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent development standards that are in place today. As this project involved a renovation to re-brand the existing hotel, structurally, the building is not and was not suitable for the installation of a more

traditional HVAC system. It is impractical for the Petitioner to incorporate a more traditional HVAC system in connection with the renovation and re-branding of the hotel. The prohibition on the use of thru-air units as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to renovate and rebrand the hotel situated at 1281 South park Drive.

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

Not applicable.

VARIANCE #3 MECHANICAL EQUIPMENT SCREENING

PETITIONER'S DETAILED STATEMENTS 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 the use of quality vinyl fencing for the purpose of screening mechanicals will not affect the health, safety, morals, and general welfare of the community because the proposed deviation will not create any adverse visual impairments as the hotel has been reconstructed in harmony with the area. The replacement metal grills have been painted to match the surrounding material color.

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 the adjacent properties would not be affected because approval of this petition is consistent with the area. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will bring the recently constructed renovations into legal compliance with the City of Greenwood Unified Development Ordinance. As such, the upscale renovations completed on the hotel do not diminish the value of adjacent properties.

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

The hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent development standards that are in place today. The hotel is three (3) stories in height with the predominant material being stucco. It is impractical for the petitioner to construct the required screening utilizing stucco.

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

Not applicable.

VARIANCE #4 SECOND POLE SIGN

PETITIONER'S DETAILED STATEMENTS 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 for two (2) pole signs will not affect the public health, safety, morals and general welfare of the community because the existing pole signs situated on the Real Estate have been in place for many years and do not create any adverse visual impairments.

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 the adjacent properties will not be adversely affected as approval of this petition simply allows the petitioner to update a pole sign that has existed for many years. The value of the adjacent properties will not be adversely affected as the approval of this petition and resulting variance will allow for a new, updated, and much more aesthetically pleasing pole sign.

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

The I-65 and Main Street corridor was original developed decades ago and has undergone many changes over the years. Signage is a critical part of the marketing, branding, and advertising of a hotel with visibility from major interstates and thoroughfares being of the utmost importance. The hotel was originally constructed in the mid-1990s, prior to the adoption of the more stringent standards that are in place today. Two (2) pole signs have been situated on the Real State for many years, the second being deemed as legal non-conforming upon the adoption of the City of Greenwood Unified Development Ordinance. The limitation of (1) pole sign per business parcel as outlined in the zoning ordinance results in a practical difficulty for the Petitioner to re-brand the hotel situated at 1281 Southpark Drive.

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

Not applicable.

Comments and Findings:

Staff does not find issue with the requested variances. Staff finds that while the renovations have not brought the building up to the full commercial design standards the addition of masonry to the front façade has brought the building into closer compliance with the current code in comparison to its pre-renovation state.

The staff also finds the request to keep and structurally alter the second pole sign on the property is justifiable as the other pole sign on the hotel property is for the surrounding business park, on which the hotel has no signage itself.

Summary and Proposed Conditions:

Staff is favorable of the proposed requests for variances 1-3.

Staff is favorable of the proposed request for variance 4 with the following condition:

1. A sign permit be applied for and issued before alterations to the sign occur as depicted in Exhibit E.

Mr. Tolloty noted that the condition is for a sign permit. He also stated that staff was appreciative that the building was being brought up to standards.

The public hearing was closed.

Mrs. Peters moved 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 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, and Mr. Mull. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #1, seconded by Mrs. Peters. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #2 seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #3, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #4 with the condition as listed in staff report, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decision on the variance request presented in Variance Petition Number BZA2023-004, 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. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

BZA2023-005 Development Standards Variance, Petitioner, Donna Wiggin, 602 Northgate Drive, is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-09 (C) Fence Height, (2) to allow a six-foot fence in a front yard
2. Section 10-03-09 (D) Fence Opacity (1), to allow greater than 50% opacity for a fence located in a front yard

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

The public hearing was opened.

Donna Wiggin, 602 Northgate Drive, was administered the oath.

Ms. Wiggin explained that she didn't know the requirement for the six-foot privacy fence in the front yard.

VARIANCE #1 FENCE HEIGHT

PETITIONER'S DETAILED STATEMENTS OF REASONS

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

The fence was put up correctly with quality materials.

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 fence is constructed well with quality materials.

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

It will not allow the use of my entire yard.

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

Not applicable.

VARIANCE #2 FENCE OPACITY

PETITIONER'S DETAILED STATEMENTS OF REASONS

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

The fence is good quality and helps me enjoy all of my property. The fence does not obstruct vision from the stop sign.

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 fence doesn't block the area and looks beautiful.

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

Because the fence is up and well-constructed and will keep me from full use of my yard were it to be removed.

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

Not applicable.

Comments and Findings

The fence is out of the line of visibility triangle for vehicular traffic along Crestview Drive and Northgate Drive.

Summary and Proposed Conditions:

Staff has no objections to the petitioner's statements of reasons.

Mr. Nelson stated that it is out of the visibility triangle. Mr. Nelson explained that neighbor across the street also received a variance for same style of fence.

The public hearing was closed.

Mrs. Peters moved 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 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. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #1, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request #2, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. Mull, and Mr. King. (4-0). **MOTION CARRIES.**

Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decision on the variance request presented in Variance Petition Number BZA2023-005, 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: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

BZA2023-007 Use Variance, Petitioners, Jaden Feller and La Donna Feller, are requesting approval of a use variance in order to operate a salon at 241 W. Main Street. Salons are not a permitted use in the Old Town (OT) zone.

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

The public hearing was opened.

La Donna Feller, 7321 Franklin Park Lane, Indianapolis, was administered the oath.

Jaden Feller, 7321 Franklin Park Lane, Indianapolis, was administered the oath.

Ms. Feller explained that they are currently leasing a space to run a salon and a clothing boutique.

PETITIONER'S DETAILED STATEMENTS OF REASONS

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

The inclusion of this boutique/personal care services will promote a positive reflection of the community and add to its revitalization. Our purpose is to not just open a storefront, but also be intentional about being involved and giving back to the community. This can be done by connecting with all who walk through the doors as well as working with surrounding businesses to create an inclusive, community-minded atmosphere. This unique setting will generate possible revenue for most businesses in the area. By upholding ourselves to a high standard, this in turn will be reflected throughout our community with regard to public health, safety, morals, and the community's general welfare. The addition of this business will be a positive step in the right direction for Old Town Greenwood.

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 boutique/personal care salon will provide a beneficial impact to the adjacent property owners by attracting a wide range of new clientele to the area. The influx of more foot traffic may increase the economic activity of the surrounding businesses and restaurants. By offering more days and times of operation, there will not be large clusters of groups therefore minimizing congestion as well as not impacting parking.

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

The current zoning does not allow personal health and beauty to be open without an approved use variance. This variance would allow for the clothing boutique to be combined with personal care services, which for most people is appealing and convenient. This concept aligns with the vision of revitalizing Old Town Greenwood.

Staff Comment: Salons and personal care type businesses are precisely the type of businesses that should be located within the OT zoning district and there are no reasons for this not being a permitted use in the OT zone.

4. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought, because:

The owners of this business would not be able to open, forcing them to seek another venue that lies outside of Old Town Greenwood. By doing that, the economic benefit to Old Town Greenwood would be lost. This boutique/personal care salon services encompasses an extensive menu that offers a plethora of choices to the consumer. This increases the number of people coming to the area seeking services, which, in turn, is a benefit to the surrounding businesses.

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

This business would only enhance the revitalization of Old Town Greenwood. By attracting new patrons, this will increase the economic activity to the area. This business will appeal to those looking to improve their self-esteem and mental health as well as their outward appearance. By choosing to visit our business, they will be exposed to all of the other options Old Town Greenwood has to offer.

Comments and Findings

The proposed salon will operate within a multi-tenant building. Visibility will be limited to wall or window signage on the building. Customers typically arrive individually or in small groups. Overall impact should be minimal.

Summary and Proposed Conditions:

Staff has no objections to petitioner's statements of reasons. Staff recommends approval.

Mr. Tolloty explained that staff is in favor of this variance.

The public hearing was closed.

Mrs. Peters moved 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 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, and Mr. Mull. (4-0). **MOTION CARRIES.**

Mr. Mull moved to approve the request, seconded by Mr. King. Vote: Ayes: Mr. Knartzer, Mrs. Peters, and Mr. King. Nays: Mr. Mull. (3-1). **MOTION CARRIES.**


Mrs. Peters moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding the decision on the variance request presented in Variance Petition Number BZA2023-007, 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. Mull. Vote: Ayes: Mr. Knartzer, Mrs. Peters, Mr. King, and Mr. Mull. (4-0). **MOTION CARRIES.**

Announcements

There will be agenda items for next meeting.

Adjournment

Mr. Knartzer adjourned the meeting at 6:58PM.


Kenneth Knartzer, President
Stephanie R. Jarrett, Recording Secretary