

# Staff Report – Board of Zoning Appeals

|                                  |                                                               |                      |              |
|----------------------------------|---------------------------------------------------------------|----------------------|--------------|
| <b>Docket #:</b>                 | BZA2023-019                                                   | <b>Hearing Date:</b> | May 22, 2023 |
| <b>Applicant:</b>                | MashCraft Brewing, 1140 N State Road 135, Greenwood           |                      |              |
| <b>Owner:</b>                    | Warstler Realty, 4525 E 82 <sup>nd</sup> Street, Indianapolis |                      |              |
| <b>Subject Property Address:</b> | 1140 N State Road 135, Greenwood                              |                      |              |
| <b>Staff Contact:</b>            | Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231           |                      |              |

## Request:

Petitioner is requesting relief from the following sections of the Unified Development Ordinance:

1. Section 10-03-13 (C) Accessory Structures, (2) and (3) to allow more than three accessory structures on a property;
2. Section 10-03-13 (C) Accessory Structures, (6) to remove the requirement for a 36-inch wainscot of mortared masonry for accessory structures over 300 square feet;
3. Section 10-03-13 (C) Accessory Structures, (10) to allow an accessory structure in a front yard.

## Location:

The subject property is located at 1140 N State Road 135, Greenwood, Parcel ID # 41-03-26-011-062.002-040

See attached Exhibit A: Aerial Location Map and Exhibit E: Legal Description

## Indiana Code Reference(s):

- Section 36-7-4-918.5 (Dimensional Variances)

## Surrounding Land Uses:

- |              |                                                                        |
|--------------|------------------------------------------------------------------------|
| A. Existing: | Commercial, Medium (CM), Multi-Unit Shopping Center                    |
| B. North:    | Commercial, Medium (CM), Medical/Professional Offices                  |
| C. South:    | Commercial, Medium (CM), Medical/Professional Offices                  |
| D. East:     | Commercial, Medium (CM), Luciana's/Crache Auto                         |
| E. West:     | Residential, Medium (RM), Single Family Residential (Meridian Meadows) |

See Exhibit B: Zoning Map

## 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 (if applicable)
  1. The structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered.

## **VARIANCE #1: To allow more than three accessory structures on a 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, and (3) Properties greater than two acres may have one additional accessory structure per acre of land

Exhibit A: Aerial Location Map

## **VARIANCE #2: To remove the requirement for mortared 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

Exhibit D: Pergola Rendering

## **VARIANCE #3: To allow an accessory structure in a front yard**

### **Greenwood Code References:**

Unified Development Ordinance, Section 10-03-13 (C), Accessory Structures, (10) Accessory structures must be located in a rear yard

See Exhibit C: Site Plan

### **PETITIONER'S DETAILED STATEMENTS OF REASONS**

Staff Comment –The petitioner has offered the same set of answers for each request.

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

Agreed. This project will be a property improvement and a safe structure.

**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:**

This addition will improve the façade of the building leading to increased value and visual appeal.

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

The strict application of this code would be excessive given the small scope of the project. Also, this will be a project to improve MashCraft for the future as we provide a place for the community to gather and grow Greenwood tourism.

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

Not applicable.

**Comments and Findings:**

Staff agrees with the applicant's statements of reason. The several accessory structures already on the property are owned by other tenants within the shopping plaza. In addition, the masonry wainscot could only be applied to the posts since there are no walls and would add little to the design other than unnecessary bulkiness. Finally, the reason for this accessory structure (pergola) is to provide additional seating which would be impractical in the rear of the property, as would be required by the UDO. Each of these variance requests are necessary to allow the construction of this pergola in a manner to benefit the business.

**Summary and Proposed Conditions:**

Staff provides a favorable recommendation for all three variance requests, as they will allow a local business to provide new amenities. Staff recommends the following condition for all three variances:

1. The final plans shall substantially conform to the site plan depicted in Exhibit C and pergola rendering depicted in Exhibit D.

**Attachments:**

Exhibit A: Aerial Location Map  
Exhibit B: Zoning Map  
Exhibit C: Site Plan  
Exhibit D: Pergola Rendering  
Exhibit E: Legal Description



AerialMap - BZA2023-019

Exhibit A



Meridian Meadows Ct

Meridian Meadows Rd

Sr 135

Private

Stonegate Dr

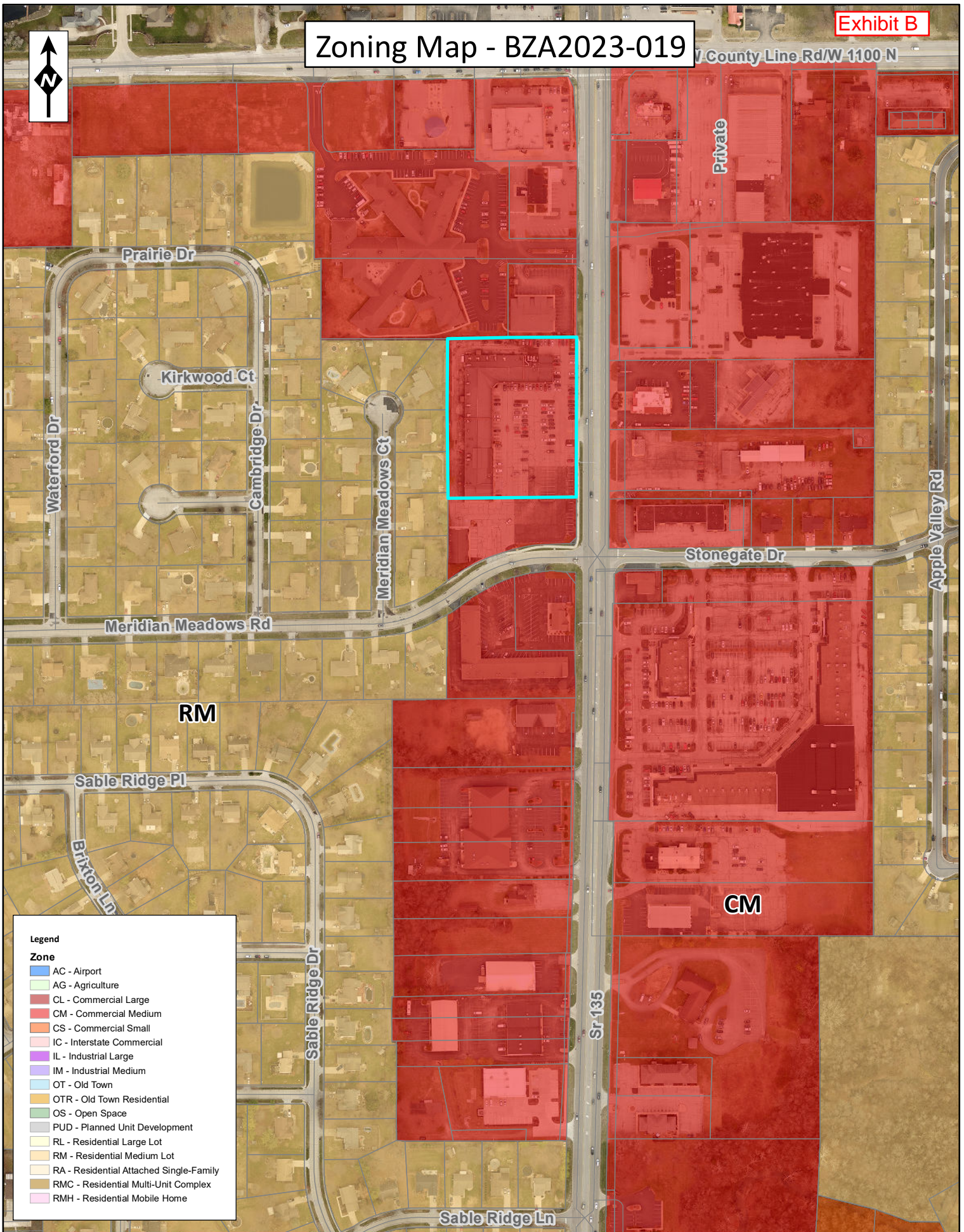
Legend

1 inch = 100 feet

CDS, City of Greenwood  
5/15/23

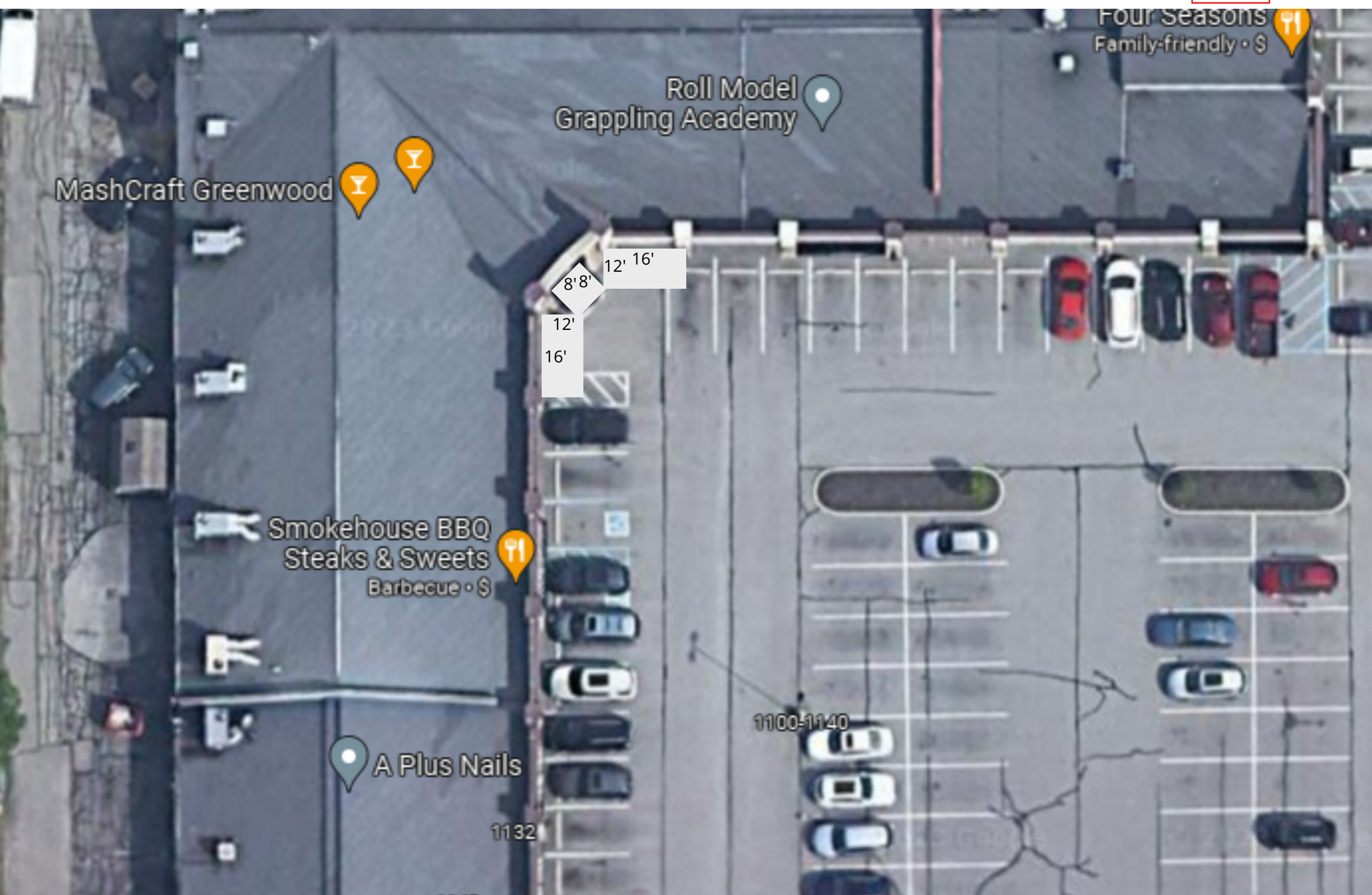


# Zoning Map - BZA2023-019

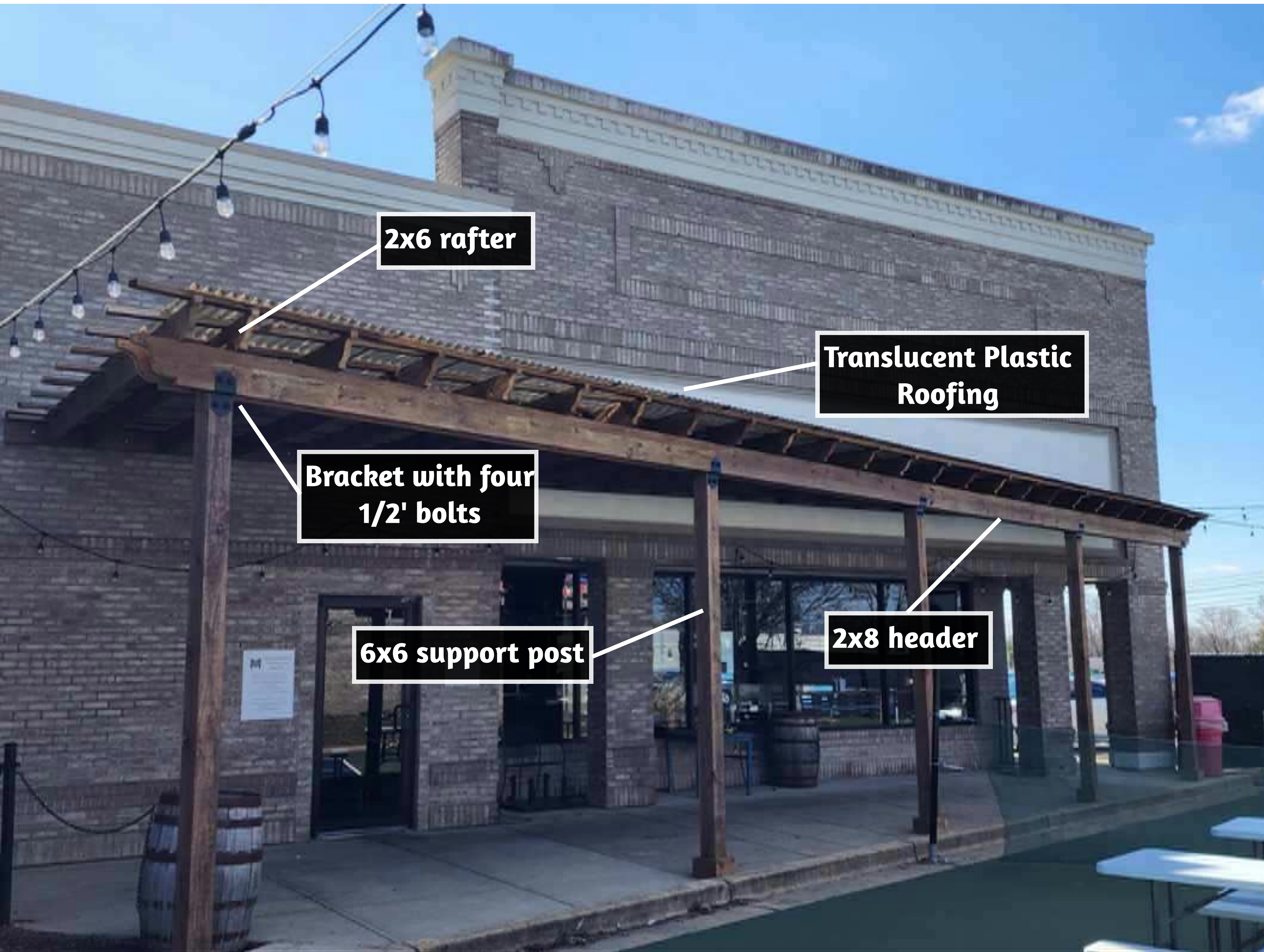


1 inch = 300 feet









**2x6 rafter**

**Translucent Plastic  
Roofing**

**Bracket with four  
1/2" bolts**

**6x6 support post**

**2x8 header**



EXHIBIT "B"

Exhibit E

A part of the Northeast Quarter of Section 26, Township 14 North, Range 3 East of Second Principal Meridian, in Greenwood, Johnson County, Indiana, Described as follows:

Beginning at a point of the East line of said Quarter Section 688.00 feet South 00 degrees 00 minutes West (assumed bearing) from the Northeast corner thereof; thence continuing South 00 degrees 00 minutes West on the East line of said Quarter Section, 507.00 feet; thence south 88 degrees 41 minutes West, 110.80 feet to the beginning of a curve which has a left deflection angle of 360.95 feet; thence on and along said curve 214.90 feet to 17 seconds West 46.86 feet; thence North 00 degrees 00 minutes East 595.40 feet: thence North 88 degrees 41 minutes East 350.00 feet to the place of beginning, containing 4.17 Acres, more or less.