

VAR24-02 240 W. Mill St, Depot Street Investments, LLC, The Depot Restaurant requests approval of Variance of Development Standards to allow a temporary gravel parking lot for employees only, until the next phase of the development occurs. Zoned **DT – Downtown District; RTO-Recreational Trail Overlay** .451 acres +/-.

Exhibits:

- 1. Site Plan, Dated 7/13/20
- 2. Photos, Dated 3/11/24

Location and Surrounding Uses:



Aerial Map

North DT-RTO, Depot Street Park
 South DT-RTO, Retail, Country Mark & Terry's Appliance
 East DT-RTO, Public Parking Lot
 West DT-RTO, Vacant Lot

Site History:

This area was historically an industrial area along the Pennsylvania Railroad. This site was home to a grain elevator and grain bins. The buildings reflect minimal design, having sheet-metal siding as the primary visual characteristic tying nearby properties together. The old rail line was repurposed into a walking and biking trail named the Pennsy Trail, and the area encompassing the northern half of this block has been developed into The Depot Street Park.

In 2020 the grain bins, located on the west side of the property, were removed and the elevator renovated into The Depot Restaurant. The building on the east side of the property, once used by Country Mark, was redeveloped in 2023 as a multi-tenant building and public restrooms that enhance Depot Street Park and the Pennsy Trail.

Variance Requested:

The Petitioner requests a Variance from Development Standards to allow for a temporary gravel parking lot to be used for employees only, until the next phase of development occurs on this lot. The gravel lot is located on the west side of the property.

The petitioner has stated that the next phase of proposed development will include a conference/event center and will commence within two years. They acknowledge that the concrete rubble on the southwest corner needs removed and plan to take care of this issue when they are completing the demolition of 225 S. Pennsylvania St. The demolition permit for this project has already been obtained.

The dumpsters located on this lot need to be screened per the Unified Development Ordinance. The petitioner proposes a fence area with gates using materials like those on The Depot building and grey in color.

The application for variance states the existing safety fence will remain in place. However, after discussions with the petitioner they are proposing a permanent screen since this fence is integral to the concert series held at Depot Street Park. The fence along the north line creates part of the barrier around the park required for alcohol sales. It will also keep the gravel lot from being visible in the public park. The petitioner states that they will be presenting proposed fence materials to staff, however they have not been submitted at the time of this writing. They have been advised that the fence/screen will need to be opaque.

Section 155.066.6.B Parking and Loading, Off-Street. "Commercial and Industrial uses may install gravel surface for a period not exceeding six months after the issuance of a certificate of occupancy, where ground conditions are not immediately suitable for permanent surfacing, with approval from the Planning Director."

Section 155.093 (B) of the Zoning Ordinance of Greenfield addresses variances from development standards. "The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Code, unless already heard by the Plan Commission during the platting process. In approving variances, the Board of Zoning Appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of the Zoning Ordinance. If the conditions of the variance are not completely and continuously adhered to after the granting of the variance, the property and/or owner may be subject to enforcement actions and revocation of the terms of approval. A variance may be approved under this section 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.

Findings: The proposal **would not be** injurious to the public health, safety, morals and general welfare of the community. With the addition of a permanent fence/screen along the north side of the lot it will not be visible from the public park. The gravel lot is similar in use to the gravel drive to the west on the vacant property and is compatible with the agricultural retail and fueling use to the south.

(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.

Findings: The proposal **would not** affect the adjacent area in a substantially adverse manner. With the addition of a permanent fence/screen along the north side of the lot it will not be visible from the public park. The gravel lot is similar in use to the gravel drive to

the west on the vacant property and is compatible with the agricultural retail and fueling use to the south. The lot will be temporary as the petitioner states that the next phase of development will begin within two years.

- (3) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Findings: A strict application of the Ordinance **would** result in practical difficulty. The UDO requires a gravel parking lot to be paved within six months of the issuance of a Certificate of Occupancy. This presents a difficulty as this lot is part of an overall larger development being completed in phases over several lots. The required pavement would have to be removed for the next phase of development and the petitioners would be absorbing a loss in the next phase of development.

- (4) There **are** exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.

Findings: Extraordinary conditions **do** exist for this property. This property is extraordinary as it is part of an overall larger development being completed in phases over several lots. The property contains a structure that is in itself unique, a grain elevator. The grain bins that once sat on this lot were removed for safety reasons and the gravel lot put in its place.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort, and convenience (e.g., to ensure compatibility with surroundings.) Variance approval applies to the subject property and may be transferred with ownership of the subject property dependent upon the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

Section 155.093, 2, A of the Zoning Ordinance of Greenfield states that “A variance may be approved under this section only upon a determination in writing that [the above four criteria]” are met in the petitioner’s favor. If the Board does not ascertain findings in the Petitioner’s favor in all criteria, then it may not legally approve the variance.

Staff Recommendation:

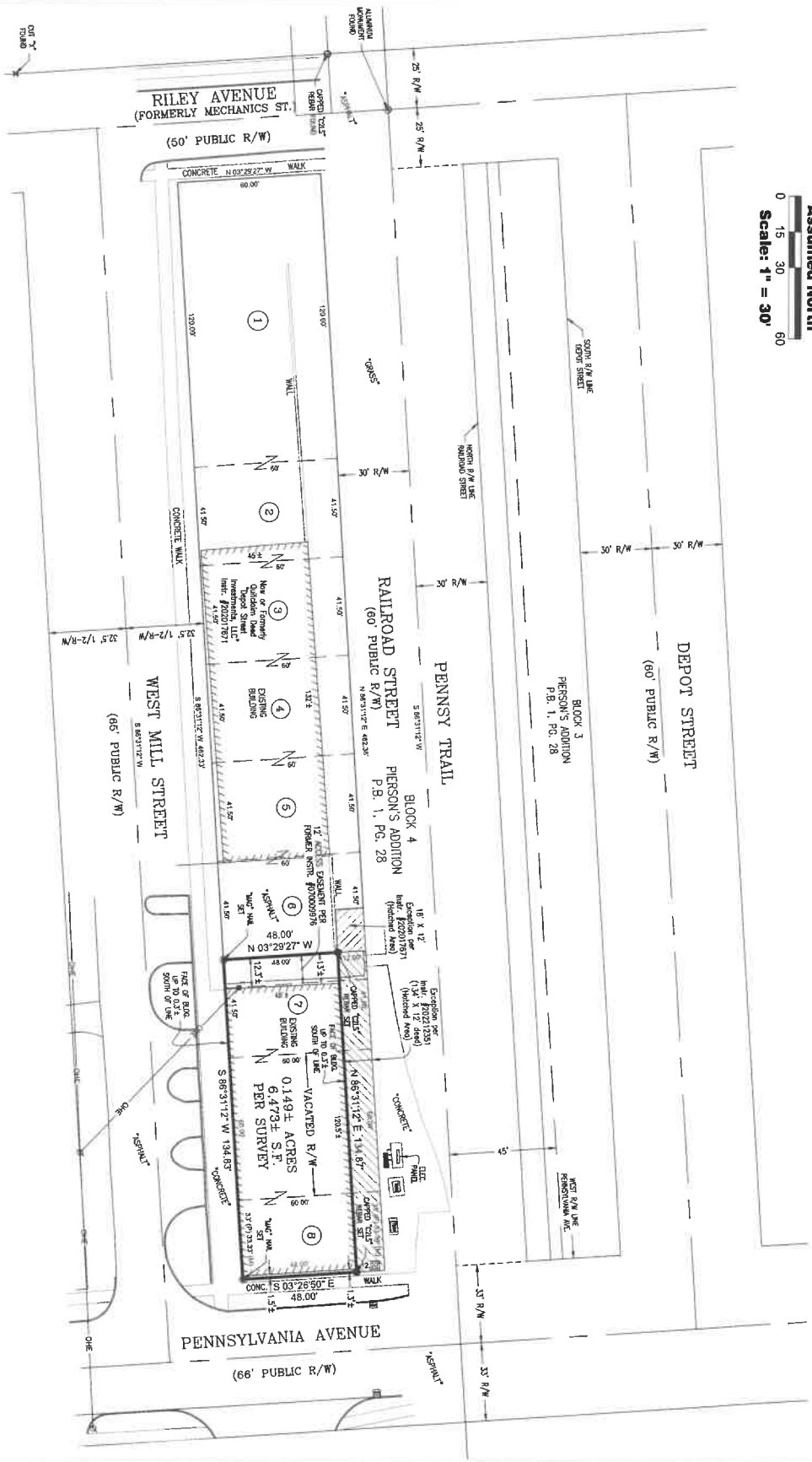
Approve Variance of Development Standards to allow a temporary gravel parking lot for employees only until the next phase of development begins, with the following conditions:

1. Permit be obtained for the fence/dumpster enclosure.
2. The concrete rubble is to be removed during the demolition of 225 S. Pennsylvania St.
3. The dumpster enclosure shall be reviewed for approval by staff and completed within six months of this approval.
4. The fencing material shall be reviewed for approval by staff and completed within six months of this approval and the existing temporary fence shall remain in place until construction begins on the permanent fence.



Assumed North
 0 15 30 60
 Scale: 1" = 30'

RETACEMENT SURVEY
 A PART OF PIERSON'S ADDITION IN THE
 CITY OF GREENFIELD
 CENTER TOWNSHIP, HANCOCK COUNTY, INDIANA



- NOTES**
- 1) ALL LOT DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE INDICATED.
 - 2) INTERIOR IMPROVEMENTS WERE NOT LOCATED AS A PART OF THE WITHIN SURVEY EXCEPT AS SHOWN.



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- LEGEND:**
- O—O—O— Overhead Utility Line
 - U—U—U— Utility Pole
 - E—E—E— Electric Transformer
 - B—B—B— Electric Box
 - S—S—S— Storm Sewer Inlet
 - C—C—C— Curb Inlet
 - M—M—M— Manhole
 - C—C—C— Curb "X"
 - A—A—A— Aluminum Monument
 - 5/8" Capped Rebar Set
 - Marked Casts Found
 - O—O—O— Rebar/Pipe Found

SOURCE OF TITLE:

New or Formerly
 Warranty Deed
 Depot Street Investments LLC*
 Instr. #202212351
 Parcel #30-11-05-10-01300-008

Plot Date: Nov 08, 2022 Plot Time: 12:38pm File Name: Z:\COOR JOBS\Jobs2020\2020-081_DEPOT\2020-081_2022.dwg, Layout: 1 By: COOR

DRAWN BY	MIL
CHECKED BY	CMC
DATE	November 8, 2022
SCALE	AS SHOWN
SHEET	1
JOB NUMBER	2020-081 2022

A PART OF PIERSON'S ADDITION IN THE
 CITY OF GREENFIELD
 CENTER TOWNSHIP, HANCOCK COUNTY, INDIANA

RETACEMENT SURVEY

CLIENT: DEPOT STREET INVESTMENTS LLC
 SITE ADDRESS: WEST MILL STREET, GREENFIELD, IN 46140

COOR
 consulting & land services
 corporation

303 West Main Street, Knightstown, Indiana 46148
 765-245-6042



