

VAR24-04 115 School St, 8 of 9, LLC., petitioner for Kadzooks Frozen Custard and Café requests approval of Variance of Use to allow for a café in the **RU – Residential Urban District**; .21 acres +/-.

Exhibits:

1. Site Plan, Dated 5/15/2024
2. Renovation Plans, Dated 5/21/2024
3. Floor Plan, Dated 5/21/2024
4. Landscape and Parking Plan, Dated 7/8/2024

Location and Surrounding Uses:



Aerial Map



Zone Map

North RU-Residential Urban, Single Family Dwellings
South RU-Residential Urban, Single Family Dwellings
East RU-Residential Urban, Single Family Dwellings
West RU-Residential Urban, Multi-Family Dwellings

Site History:

This property was originally developed in 1951 with the existing 1,656 square foot commercial structure. Since that time this property has been utilized as a restaurant, church, lodge, and a computer repair business. The computer repair business was the most recent use and was allowed by a variance of use granted by the Board of Zoning Appeals in April of 2011.

Variance Requested:

The Petitioner requests a Variance of Use to allow a café in Residential Urban District. Their proposal includes serving frozen custard, coffee, and baked goods between the hours of 7:00 am and 9:00 pm seven days a week.

The layout of seating in the café indicates that there will be 36 seats and therefore the business will require nine on-site parking spaces. There will also need to be three spaces for the three employees on the largest shift for a total of 12 parking spaces. Their parking plan includes eleven paved spaces and a four-space bike rack along the south side of the building. Section 155.066 Parking and Loading of the UDO state that the Planning Director may grant the reduction of one parking space with the addition of one four-space bike rack on the property. The Planning Director has reviewed and approved the parking plan.

The petition has also submitted a very robust landscape plan. The plan includes a tight screen of arborvitae along the east property line to screen this use from the single-family dwelling that sits close to the property line. The plan also includes leaving the three large existing trees and numerous other plants and shrubs around the perimeter of the lot. The Planning Director reviewed and approved the landscape plan.

Section 155.093.1.A of the Unified Development Ordinance of Greenfield addresses variances of use. "The Board of Zoning Appeals shall approve or deny variances of use from the terms of the Zoning Code. 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. While the proposed land use is not currently permitted in the Residential Urban zoning district, the existing building has been in the neighborhood for more than 70 years. A vacant building has a much higher potential to draw unwanted vagrancy and unsafe building conditions.

(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. The tight screen along the east property line and robust landscaping around the parking lot it will reduce the impact on surrounding properties. The café use is an allowed use in the Traditional Neighborhood district. The properties one block to east and less than one block to the south of this property are zoned Traditional Neighborhood. The area in the vicinity of the property is already zoned for this type of use and impact.

(3) The need for the variance arises from some condition peculiar to the property involved.

Findings: There **are** conditions peculiar to the property that makes it different from other properties located in the Residential Urban district. The structure is of a commercial nature.

(4) The strict application of the term of the Zoning Code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

Findings: The strict application of the terms of the Zoning Code **will** result in an unnecessary hardship. The requirement of unnecessary hardship is generally defined for planning purposes as a property that cannot provide a substantial reasonable return on investment, that the hardship is unique, and that the hardship has not been created by the property owner themselves. The property has set idle for an extended period, and it would be costly to remove or convert the building to a residential use. The property is likely capable of a reasonable return on investment as a café due to its proximity to surrounding residential uses, and the Traditional Neighborhood and Downtown districts nearby. The hardship is not self-created, the structure existed prior to current zoning in the city.

(5) The approval does not interfere substantially with the Comprehensive Plan adopted under I.C. 36-7-4-500 et seq.

Findings: Approval of the proposed use variance **does not substantially** interfere with the Comprehensive Plan. This site is in the vicinity of the Traditional Neighborhood and Downtown districts. Furthermore, a goal of the Comprehensive Plan is to create neighborhood commercial nodes to bring small service providers and food retail into neighborhoods. The plan states that the City of Greenfield wants a community in which its citizens want to live, work and play. Neighborhood commercial nodes are encouraged to pair low impact commercial and daily services with residential uses.

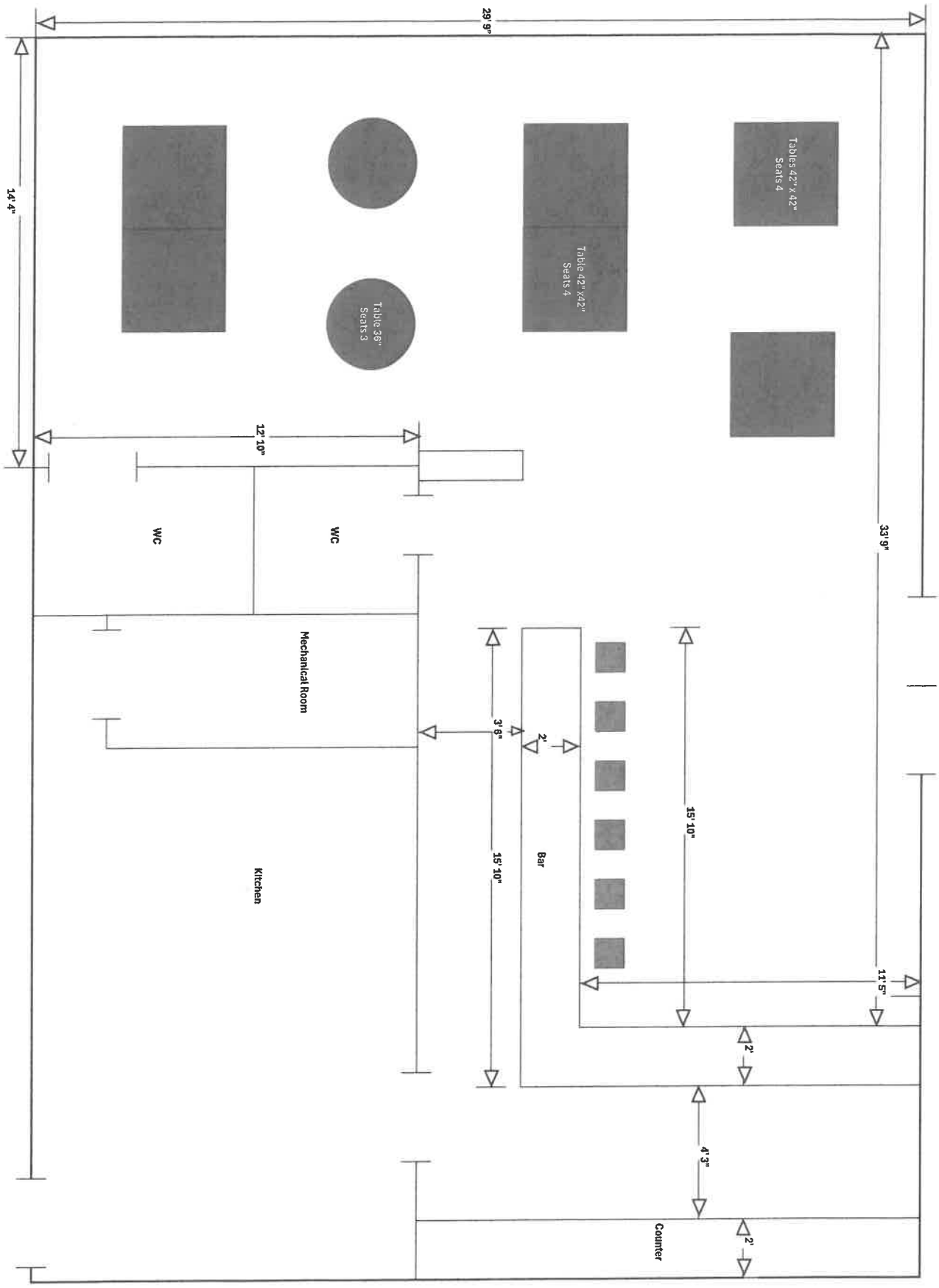
All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort, and convenience (e.g., to ensure compatibility with surroundings.) 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 155.093.1.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 Use to allow a café in the Residential Urban district, with the following conditions:

1. Permits be obtained for the building remodel, parking lot and sign.
2. The dumpster shall be screened with an opaque screen per the UDO.



Occupancy

A Renovation for Brian Woodruff

Architect

Retrofit Design
1450 N Drexel Ave
Indianapolis, IN 46201
ph: 850.320.3446
e: jeremy@retrofit.design
Jeremy Portillo, AIA, LEED AP, Fitwel

Index of Drawings

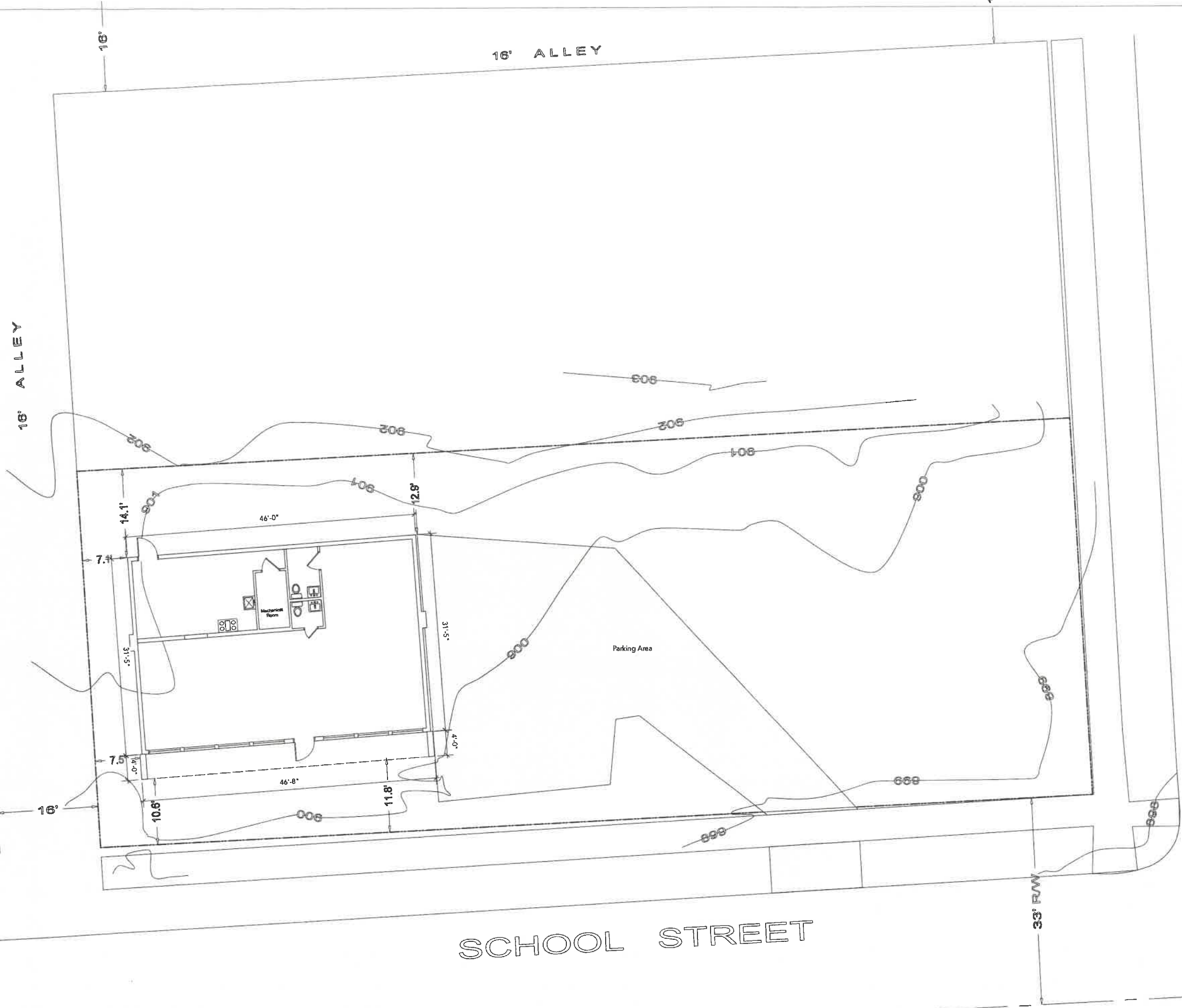
T-1	Site Plan Survey
Ex-1	Existing Plans and Elevations
Ex-2	Existing Photos
A-1	Proposed Plans and Elevations
A-2	Proposed Color Scheme

16' ALLEY

16' ALLEY

NORTH STREET

SCHOOL STREET



A Commerical Renovation for
Brian Woodruff
115 School Street
Greenfield, IN

Date Issued	May 21, 2024 Zoning Variance	Revised
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Seal

T-1
Schematic Title Sheet

1 Site Plan
Scale: 1/8" = 1'-0"



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BOUNDARY RETRACEMENT SURVEY WITH EXISTING CONDITIONS



SURVEYOR'S REPORT:

Survey ordered by: Brian Woodruff
 Owner of Record: 8 of 9, LLC.
 Type of Survey: Boundary Retracement Survey with Existing Conditions
 Purpose of Survey: Define the lines and corners of the Subject Real Estate ("SRE").

BASIS OF BEARINGS:

The lines and corners of the "SRE" were established by GPS-RTK observation on the monuments located for this survey on April 24, 2024.

SOCIAL SECURITY AFFIRMATION STATEMENT:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law IC 36-2-11-15(d).
 Signed: Kenneth Gregory Garrison

PREPARED BY STATEMENT:

Document prepared by:
 Kenneth Gregory Garrison

LEGEND

	SURVEY MARKER SET (5/8" IRON REBAR) WITH M J GIBSON CAP (SEE EXAMPLE TO RIGHT)		SURVEY MARKER FOUND AS NOTED ON PLAT
	BUILDING		SECTION CORNER
	ASPHALT	(M) MEASURED	
	CONCRETE	(C) CALCULATED	
	STONE	(P) PLAT	
		(R) RECORD	
		SRE SUBJECT REAL ESTATE	

NOTES:

- 1) Dimensions on this plat are expressed in feet and decimal parts thereof, and are the measured values.
- 2) Survey monuments set for the survey are 5/8 inch diameter 24 inch long rebar set at grade with "M J Gibson" identification caps, unless otherwise noted on plat.
- 3) A commitment for title insurance was not provided for use on this survey. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- 4) Fence lines, as shown, are for informational purposes only. This survey does not warrant the right of possession or ownership of that part of the within described real estate lying between said fence lines and deed lines.
- 5) Unless specifically shown hereon, this survey does not purport to indicate the presence or absence of storage tanks, asbestos, contaminants, or other hazardous or environmentally injurious materials; and the surveyor expressly disclaims any responsibility or liability for the same.
- 6) A search for easements of record is not to be implied by this survey. Matters of zoning compliance is not expressed or guaranteed by this survey.

UNCERTAINTY IN LOCATION OF LINES AND CORNERS:

- 1) Availability and condition of reference monuments:
 - Curbs, pavement, and walks found and utilized have an uncertainty that is less than 1.5 feet, unless otherwise noted.
- 2) Occupation or possession lines:
 - There was no observable evidence of occupation or possession defining the lines surveyed.
- 3) Clarity or ambiguity of record descriptions used:
 - There does not appear to be any ambiguity in the recorded description.
- 4) The Relative Positional Accuracy (Standard used by the surveyor herein) of the corners of the subject tract established this survey is within the specifications for a Suburban Survey (0.13 feet plus 100 parts per million)

THEORY OF LOCATION:

We began this survey by splitting curbs along North Street to define the center of this street. We offset the centerline northerly the platted right-of-way distance of 33 feet to define the Southern line of the block containing Lot 13. We then split pavement along the alley East of Lot 14 and offset the half-alley distance of 8 feet Westerly to define the Eastern line of Lot 14. We conducted the same method of establishment to define the Northern line of Lots 13 and 14 by splitting the alley North of Lot 13 and 14 and offsetting its half-alley distance of 8 feet Southerly. The pavement used for splitting the alley to the North fell East of the lots shown on this survey. In completing these splits and offsets, the Northern line of Lot 13 and 14, the Eastern line of Lot 14, and the Southern line of Lots 13 and 14 were established. We then held the platted distance of 60 feet West of the Northeast and Southeast corners of Lot 14 to recreate the Southeast and Southwest corners of Lot 13. We held another 60 feet Westerly from the newly established Northeast and Southeast corners of Lot 13 to recreate the Northwest and Southwest corners of Lot 13. Then this method of establishment was utilized, the back of walk along School Street directly West of and adjacent to the West line of Lot 13 fell at the survey corner at the South end and 1.5 feet West of the survey corner at the North end. School Street's location was ambiguous in nature and was not utilized in the recreation of the Lots shown on this survey. M J Gibson capped 5/8" rebar were set where shown on this survey.

DESCRIPTION - INSTRUMENT NO. 202401185:

LOT NUMBER THIRTEEN (13) IN FLETCHER AND MCCARTY'S ADDITION TO THE TOWN, NOW CITY, OF GREENFIELD, IN HANCOCK COUNTY, INDIANA, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 46, IN THE OFFICE OF THE RECORDER OF HANCOCK COUNTY, INDIANA.

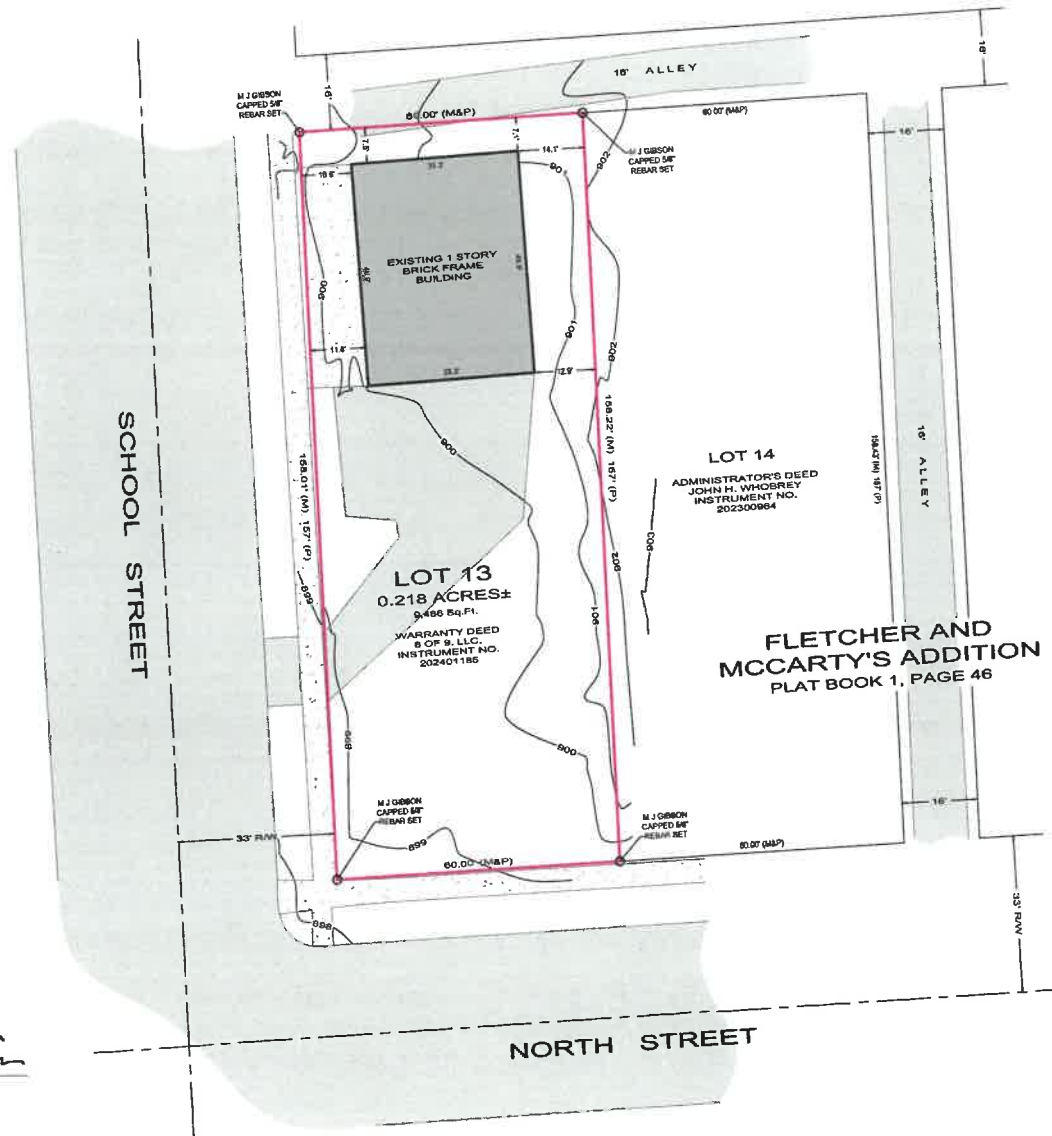
CONCLUSION OF UNCERTAINTIES:

The uncertainty per this survey relative to (1) availability and condition of reference monuments is 1.5 feet, more or less, as relative to (2) occupation or possession lines is negligible, and as relative to (3) clarity or ambiguity of recorded description is negligible.

LAND SURVEYOR CERTIFICATE

I, Kenneth Gregory Garrison, hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana; and that to the best of my knowledge and belief, the plat within represents a survey made under my supervision in accordance with Title 865, Article 1, Rule 12 of the Indiana Administrative Code. The field work for said survey was completed on April 24, 2024.

Survey Prepared by:
 Kenneth Gregory Garrison
 Registered Land Surveyor No. 29300014
 Property address: 115 School Street, Greenfield, Indiana
 Survey and certified: April 24, 2024



REVISION NO:	
DATE:	/ /

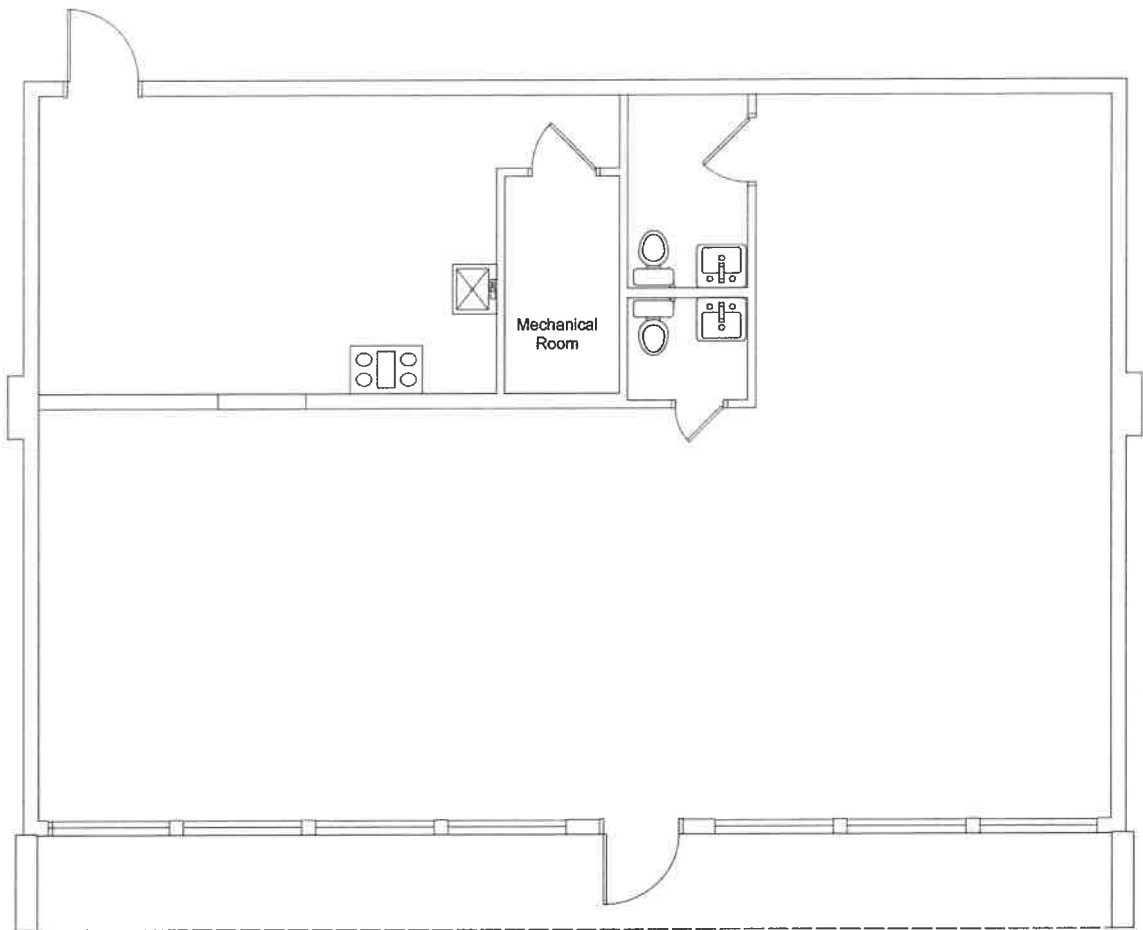
1800 NORTH MERIDIAN ROAD, SUITE A
 GREENFIELD, INDIANA 46140
 OFFICE: 317-462-4055

PREPARED FOR:
 BRIAN WOODRUFF
 115 SCHOOL STREET,
 GREENFIELD,
 INDIANA 46140

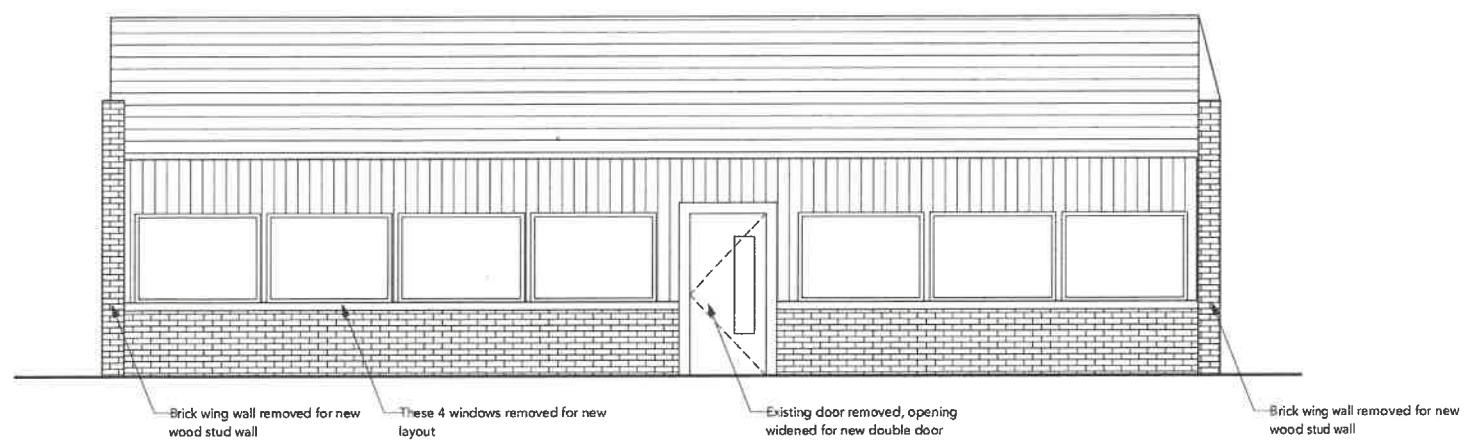
Project Name:
**WOODRUFF BOUNDARY
 RETRACEMENT SURVEY**
 Sheet Title:
DRAWING & REPORT

DATE:	4/24/2024
DRAWN BY:	OO
CHECKED BY:	GG
SCALE:	1" = 20'
PROJECT NO:	24-144

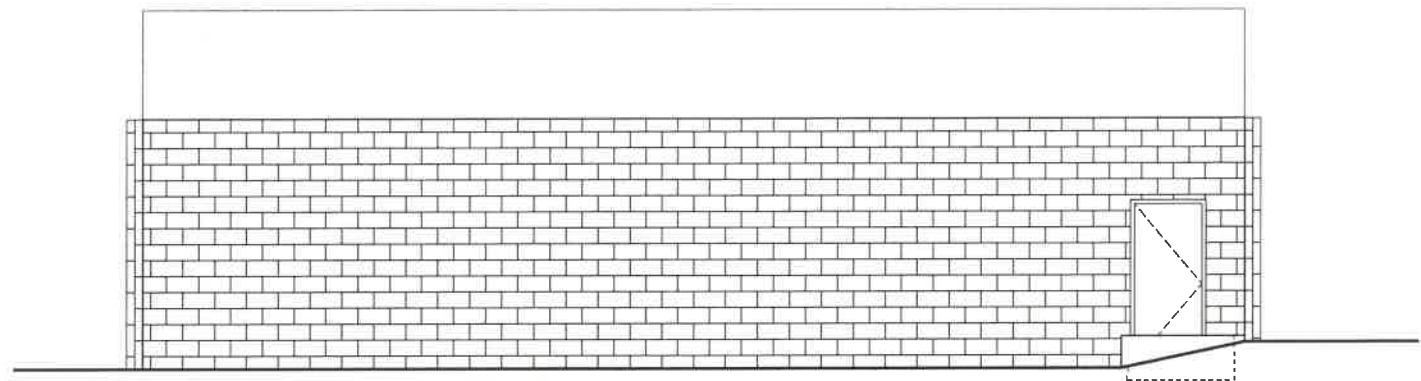
SHEET NO:
 1 / 1



1 Existing Floor Plan
Scale: 1/4" = 1'-0"



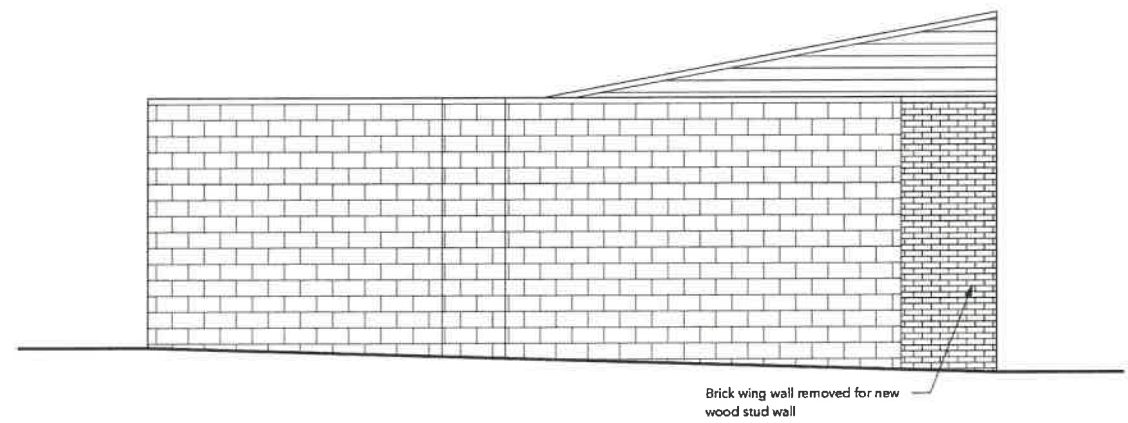
2 Existing Front Elevation (West)
Scale: 1/4" = 1'-0"



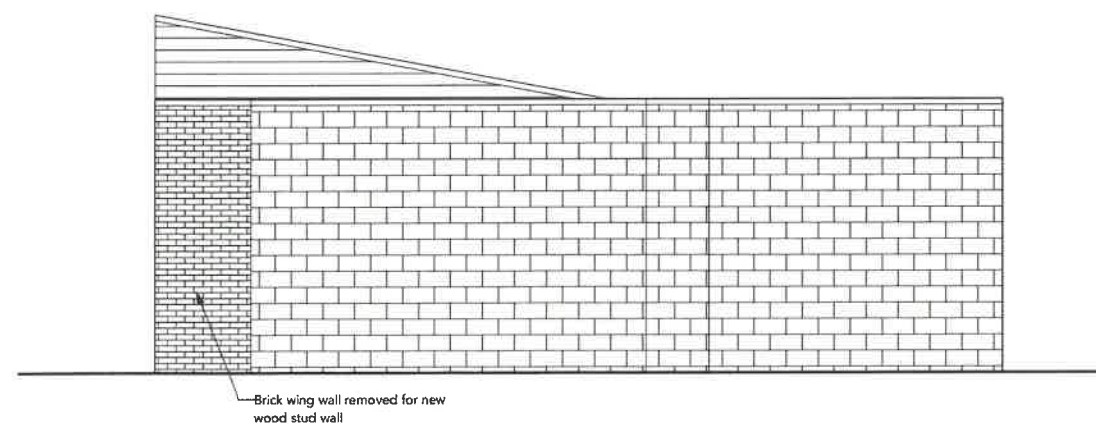
3 Existing Rear Elevation (East)
Scale: 1/4" = 1'-0"

Legend:

	Demo Wall
	Existing Wall
	New Wall
	Fire rated wall
	Above
	Wood Floor
	Tile Floor



4 Existing Left Elevation (North)
Scale: 1/4" = 1'-0"



5 Existing Right Elevation (South)
Scale: 1/4" = 1'-0"

A Commerical Renovation for
Brian Woodruff
115 School Street
Greenfield, IN

Date Issued May 21, 2024 Revised
Zoning Variance

Seal

Ex-1

Existing Plans and Elevations



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Existing West Elevation



Existing North Elevation



Existing South Elevation



Existing East Elevation



Existing Northwest Corner



Existing Southwest Corner



Existing Southwest Corner



Existing Northeast Corner

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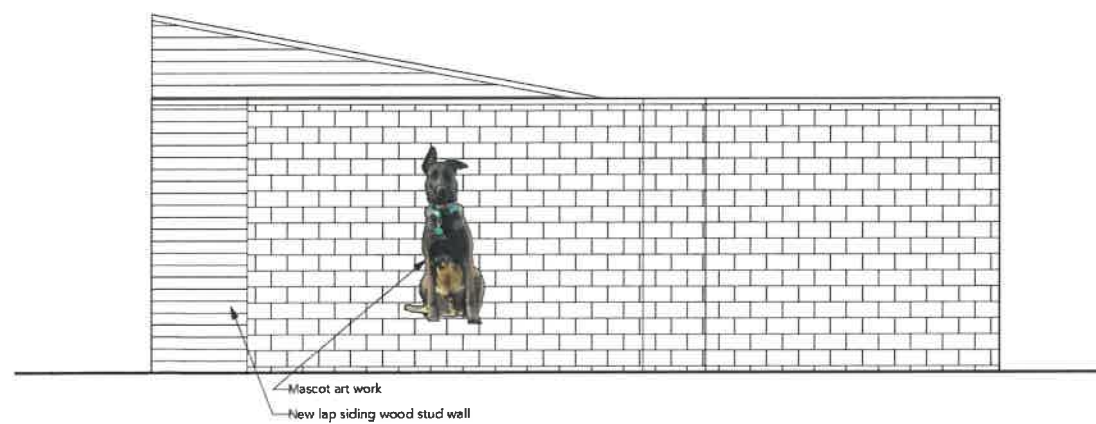
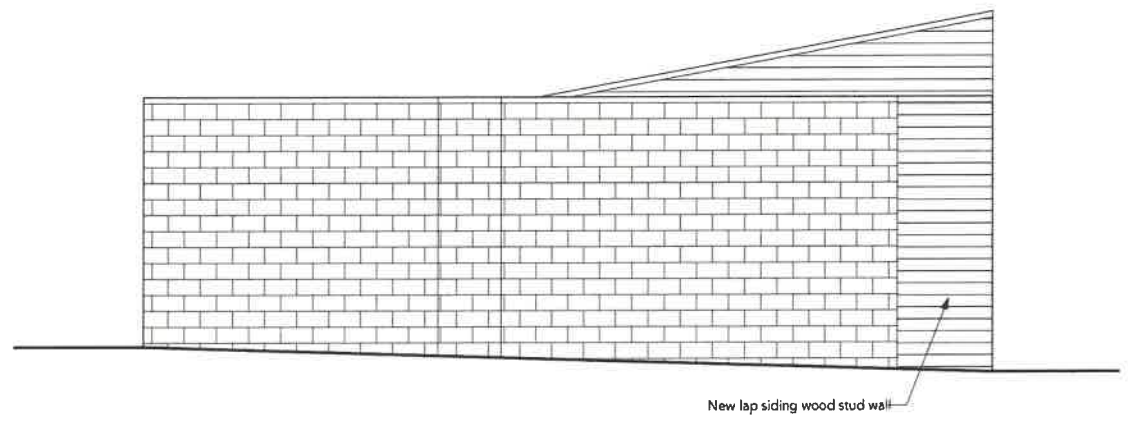
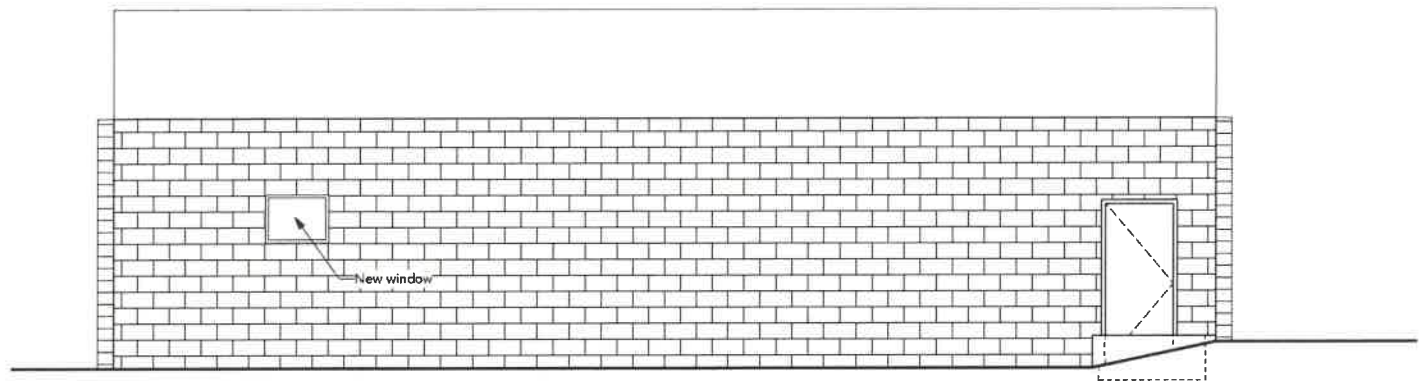
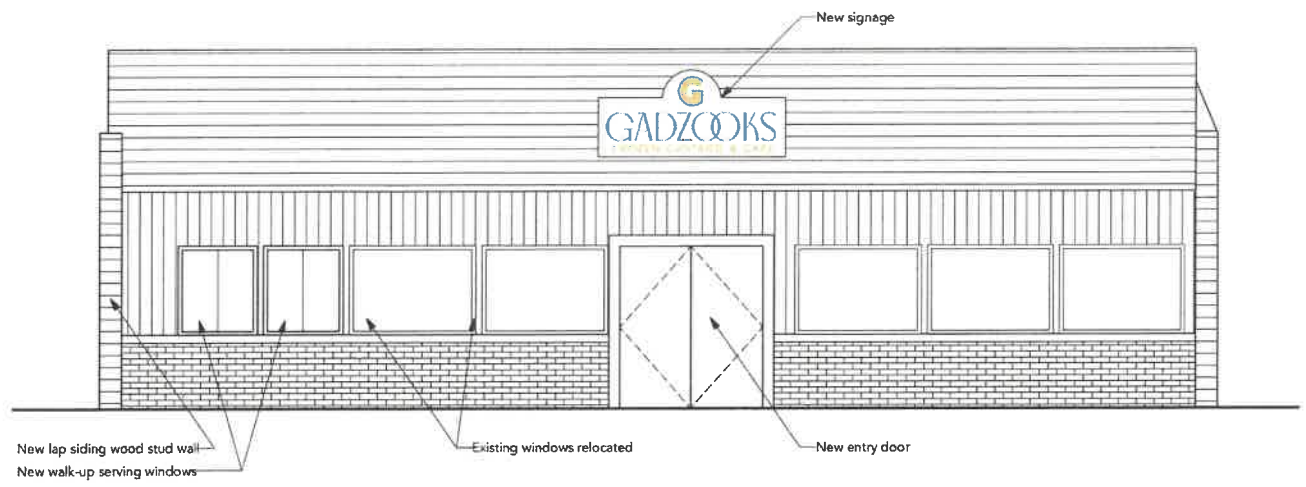
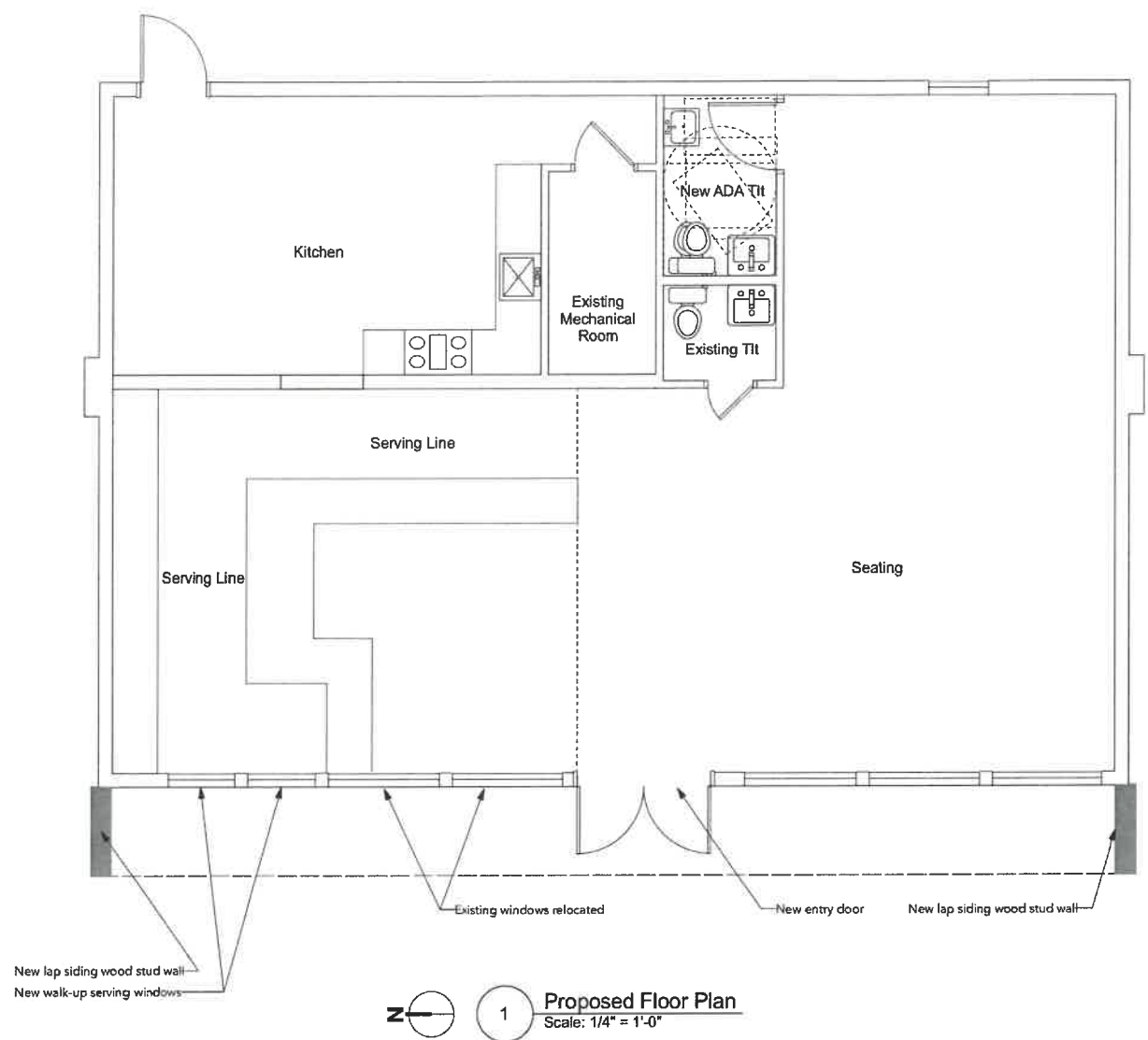
Date Issued May 21, 2024
 Zoning Variance Revised

Seal

Ex-2

Existing Photos

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**A Commerical Renovation for
Brian Woodruff
115 School Street
Greenfield, IN**

Date Issued	May 21, 2024	Revised
Seal	Zoning Variance	

A-1

Proposed Plans and Elevation



www.retrofit.design 317-426-9948

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Proposed Northwest Corner



Proposed Southwest Corner



Front Wall Signage



South Wall Art Work



Main Wall Color:
James Hardie Boothbay Blue



Upper Wall Accent Color:
James Hardie Deep Ocean

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Brian Woodruff
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Zoning Variance

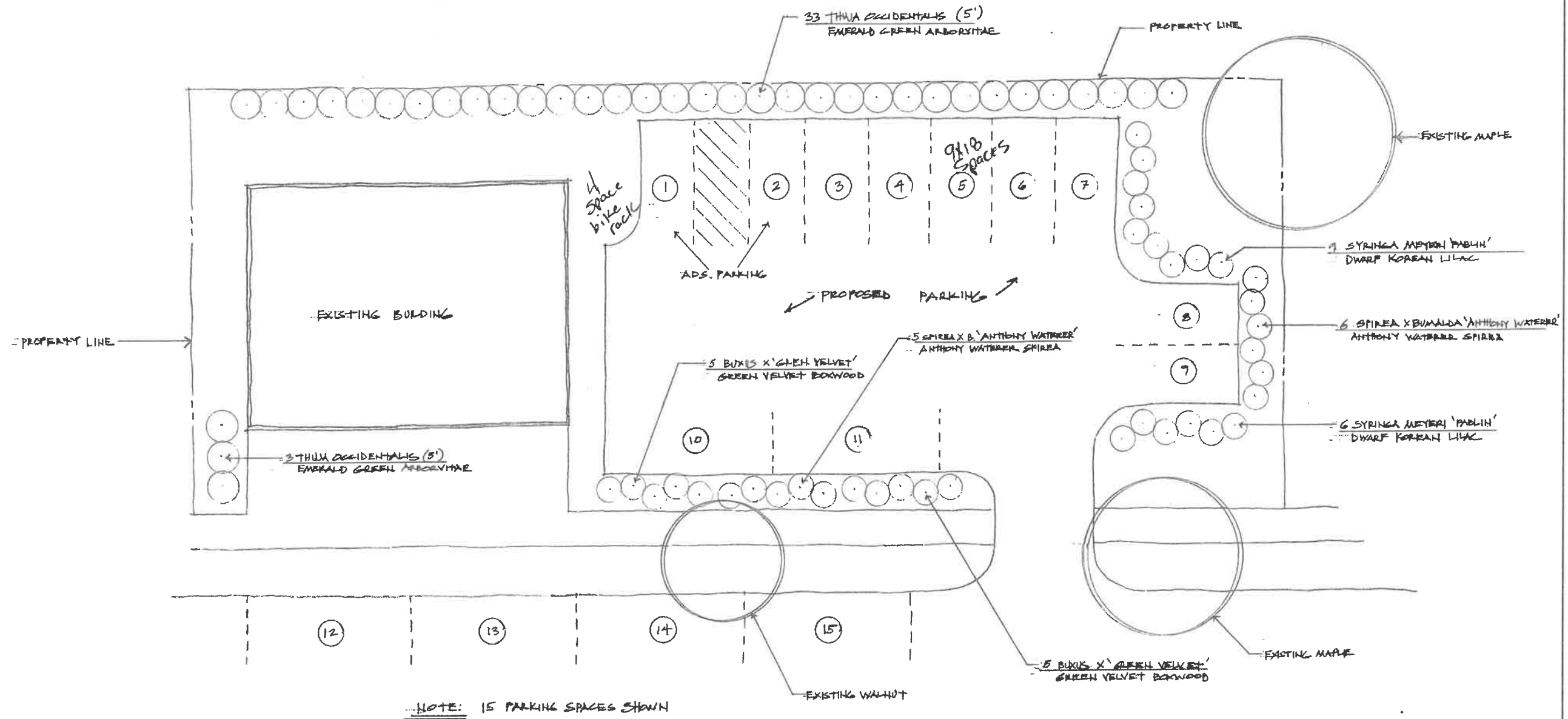
Seal

A-2

Proposed Color Scheme



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PROJECT: WOODRUFF PROJECT

CLIENT: BRIAN WOODRUFF

Green Touch Services

6314 WEST BROADWAY
McCORDSVILLE, INDIANA 46055
PHONE: (317) 335-2628 FAX: (317) 335-9021
www.greentouchservices.com

DESIGNED BY: RB

SCALE: 1" = 10'

DATE: 7-8-24



LANDSCAPE/DESIGN/INSTALLATION • IRRIGATION • GROUNDS MAINTENANCE