

VAR23-04 **2200 Royal Dr, Indiana Box, LLC** requests approval of **Variance of Development Standards** to allow an **Appurtenant Structure** within a **Front yard**. Zoned IM – Innovation and Manufacturing. 7.43 acres +/-.

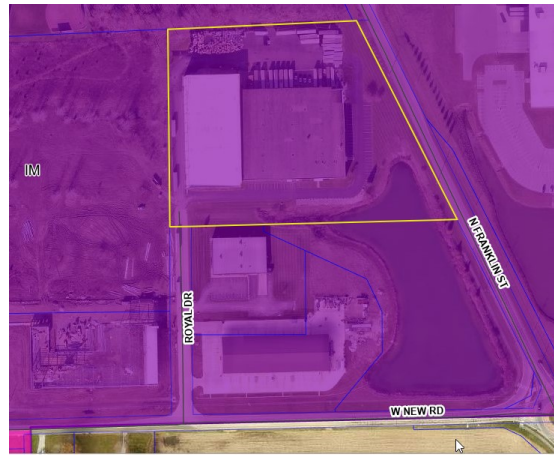
Exhibits:

- 1. Site Plan with Proposed Development, file dated 6-6-23**

Location and Surrounding Uses:



Aerial Map



Zoning Map, Innovation and Manufacturing

North IM – Youth Baseball and Woods
 South IM – Label Manufacturing, Multi-Tenant Complex, and Retention Pond
 East IM – Indiana Automotive Fasteners (across N Franklin St)
 West IM - Vacant

Site History:

All of the surrounding properties in this area have been vacant or manufacturing focused in zoning and function for many years. N Franklin St functions as a main north-south arterial road with frequent heavy truck traffic. Though the yard facing N Franklin St is considered a Front Yard by the UDO, this property has no connections to that road, and the yard functions as a side yard with employee parking.

Variance Requested:

The Petitioner requests a Variance from Development Standards to allow for an appurtenant structure to be built within the yard adjoining N Franklin St, which technically is classified as a Front Yard per the UDO.

Section 155.064.2 – FENCES APPURTENANT STRUCTURES, AND SCREENING – “Where an appurtenant structure is permitted, such shall be located in a side yard or rear yard of the subject property so as to limit the visibility of such appurtenant structure from the public right-of-way and from adjacent properties.”

The Gazebo Structure proposed is intended to be within a yard which is technically a Front Yard, though it acts as a Side Yard due to the lack of direct access to and from N Franklin St. The gazebo will be approximately 13'x25' in size with slatted screening along the walls to provide

both screening and added shelter from the elements. It is intended to be located along the eastern edge of the eastern parking lot which functions as an employee parking area currently.

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 Ordinance. 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. This is a location for employees to take breaks in an outdoor environment far away from any public interaction.

(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 surrounding properties are industrial in use and / or zoning designation. A relatively small break shelter for employees to use located in what is functionally a side yard along the parking lot will have no negative impact on 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;

Findings: A strict application of the Ordinance **would** result in a practical difficulty. Though the UDO defines a Front Yard as one between a building façade and a public right-of-way, there are no direct connections between N Franklin St and this property, causing this yard to act as a side yard while being beholding to rules designed for public-facing portions of a property.

(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. The Front Yard as defined by the UDO is along N Franklin St. This does not function as a Front Yard for this property as there are no direct connectors and it is adjacent to the employee parking lot.

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 Variances of Development Standards to permit the building of an **Appurtenant Structure** within the **Front Yard** along the **N Franklin St** as indicated on the **Development Plan** file dated **June 6, 2023** with the following condition:

1. All necessary permits be obtained.