

**VAR24-01**     **242 W. Fifth St, Michael Branigin** requests approval of Variance of Development Standards to allow an accessory structure over the 1000 square foot maximum. Zoned **RU – Residential Urban**, **0.75** acres +/-

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**Exhibits:**

1. Survey with Proposed Development, File Dated 2/23/24.
2. Elevations, File Dated 2/23/24.
3. Existing Accessory Building Exhibit, Dated 3/7/24.

**Location and Surrounding Uses:**



**Aerial Map**

North    RU – Residential Urban, Religious Use with Single-Family Dwelling  
South    RU - Residential Urban, Single-Family Dwelling  
East     RU - Residential Urban, Single-Family Dwelling  
West    RU - Residential Urban, Single-Family Dwelling

**Site History:**

The subject site sits within one of the oldest residential areas in Greenfield. The lots on the north side of West Fifth Street between North State and North Noble Streets are unplotted lots. They are 90 to 170 feet wide and 375 feet deep. Generally, these lots are improved with large two-story single-family dwellings and large detached accessory buildings some of which are old barns/carriage buildings. The lots on the south side of West Fifth Street are smaller platted lots improved with smaller homes and accessory buildings.

The site in question is improved with a two-story home that has a base floor area of 1,788 square feet and an existing barn with lean-to totaling 922 square feet. The house is 31 feet, 9 inches tall, while the barn is currently 25 feet, 6 inches tall. The home was remodeled in 2023 and purchased by the petitioner. January 4, 2024, it

was discovered by staff that a remodel of the existing barn was started without the benefit of a permit. While in discussions with the petitioner concerning the remodel, staff learned that the intent was to add an addition to the barn. The petitioner took the necessary steps to apply for the required permits.

**Variance Requested:**

The Petitioner requests a Variance from Development Standards to allow the existing barn to be increased in size more than the 1,000 square foot maximum allowed to 1,318 square feet. The intended purpose of the addition is to store vehicles on the first floor of the barn; the second floor will be used for general storage. The petitioner has amended the original plans to meet the zoning requirements for height and setback.

**Section 155.015.3.A Building Placement and Dimensional Standards**, “accessory building size, 1,000 total square feet in size for all accessory structures on a single property, or no more than eighty percent of the main floor area of the primary structure, whichever is less.”

**Section 155.093.2.A 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 be** injurious to the public health, safety, morals, and general welfare of the community. No other property within the city is allowed to have an accessory structure over 1000 square feet. Allowing this property to do so could be creating a precedent.

(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** affect the adjacent area in a substantially adverse manner. While the addition to the structure meets the requirements for setback, it would be oversized use near the property to the east. The existing barn can be remodeled and is 60 percent larger than the average of the six barns on the north side of W. Fifth St.

(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 not** result in a practical difficulty. There is adequate parking available on the lot. The 1000 square feet allowed by the current UDO is an increase from previous ordinance that allowed only 720 square feet.

(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 not** exist for this property. This property is similar in size and already contains a similar size accessory structure as the other lots in this vicinity. All the historic barns in the vicinity are smaller than the existing barn at this site.

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:**

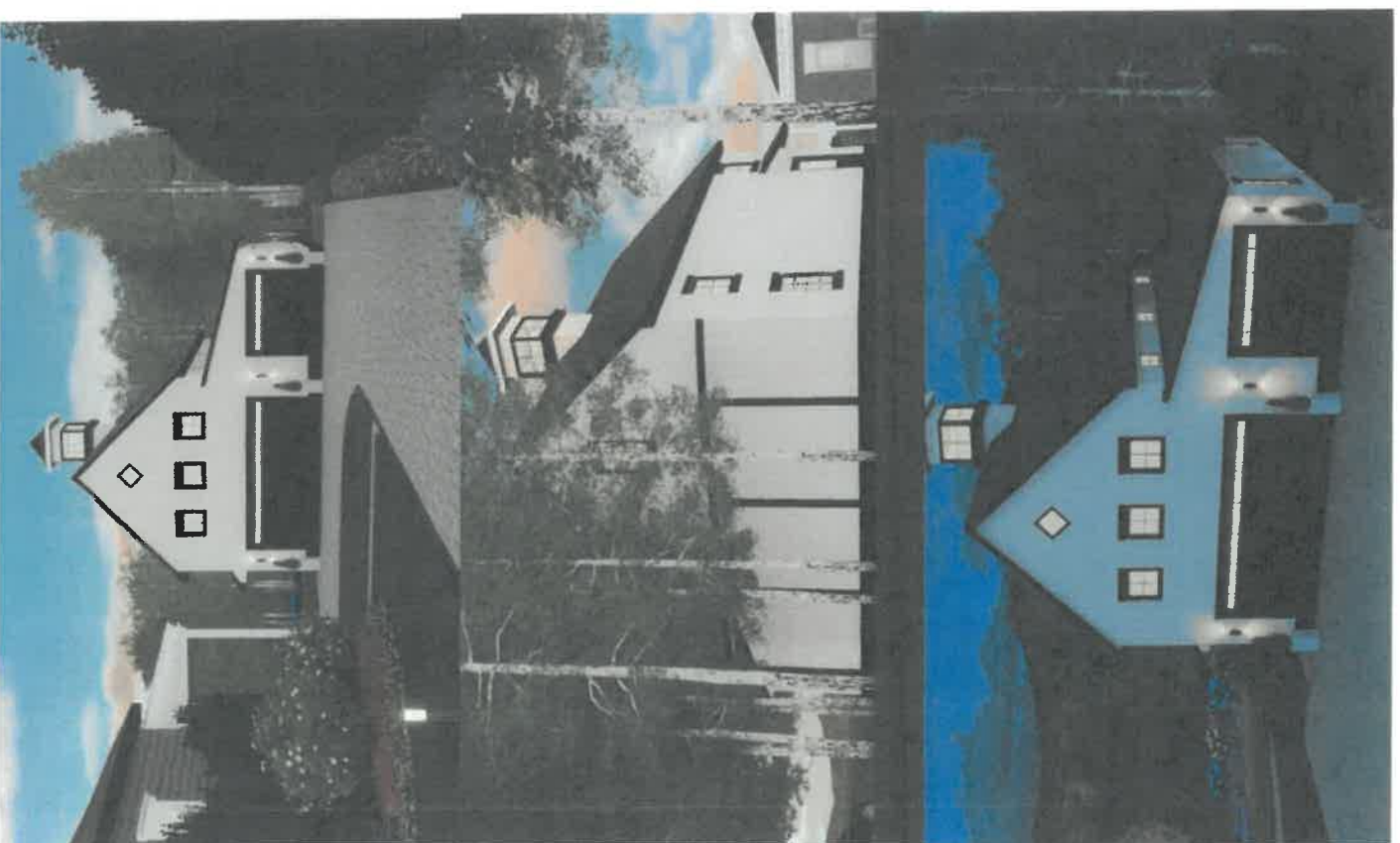
1. **Deny** the Variance of Development Standards to allow an accessory structure over the 1000 square foot maximum.

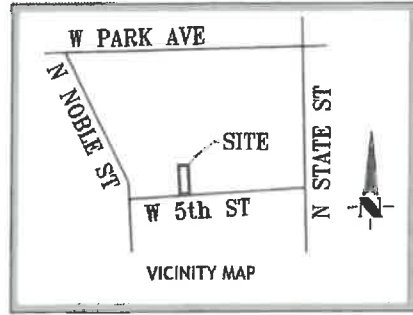
Existing Accessory Building Size W. Fifth St.



Data is from GIS/Hancock County Assessor's Office  
Created on 3/7/24



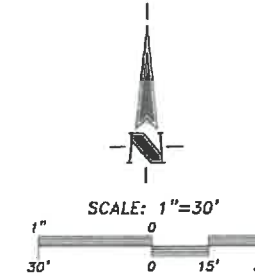




**PLOT PLAN**  
**PART OF W 1/2 S.E. 1/4 SECTION 32-T16N-R7E**  
**Center Township, Hancock County, Indiana**

PROPERTY ADDRESS:  
 242 W FIFTH STREET  
 Greenfield, Indiana 46140

RESPONSIBLE FOR EROSION CONTROL:  
**MICHAEL BRANIGAN**  
 242 W. FIFTH STREET  
 GREENFIELD, IN. 46143  
 PHONE: 317-217-0204



- NOTE:**
- 1.) EROSION CONTROL MEASURE MUST BE FUNCTIONAL AND MAINTAINED THROUGH CONSTRUCTION.
  - 2.) SEDIMENT DISCHARGE AND TRACKING FROM LOT SHALL BE MINIMIZED.
  - 3.) ADJACENT LOTS DISTURBED BY AN INDIVIDUAL LOT OPERATOR MUST BE REPAIRED AND STABILIZED.
  - 4.) CHANGES OR DEVIATIONS TO THIS PLAN SHALL BE SUBMITTED TO THE CITY OF GREENFIELD FOR APPROVAL.
  - 5.) THE INDIVIDUAL LOT OPERATOR IS RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURE UNTIL THE LOT IS STABILIZED. THE OPERATOR MUST COMPLY WITH ALL REQUIREMENTS OF THE STORM WATER MANAGEMENT ORDINANCE OF THE CITY OF GREENFIELD, INDIANA.

**CONSTRUCTION DRIVE :**  
 TEMPORARY CONSTRUCTION DRIVE TO COMPLY WITH CITY OF GREENFIELD ORDINANCES.

**NOTE: ALL STOCK PILES TO BE REMOVED**

**NOTE: ANY DISTURBED AREA LEFT UNDISTURBED FOR 15 DAYS SHALL REQUIRE TEMPORARY SEEDING**

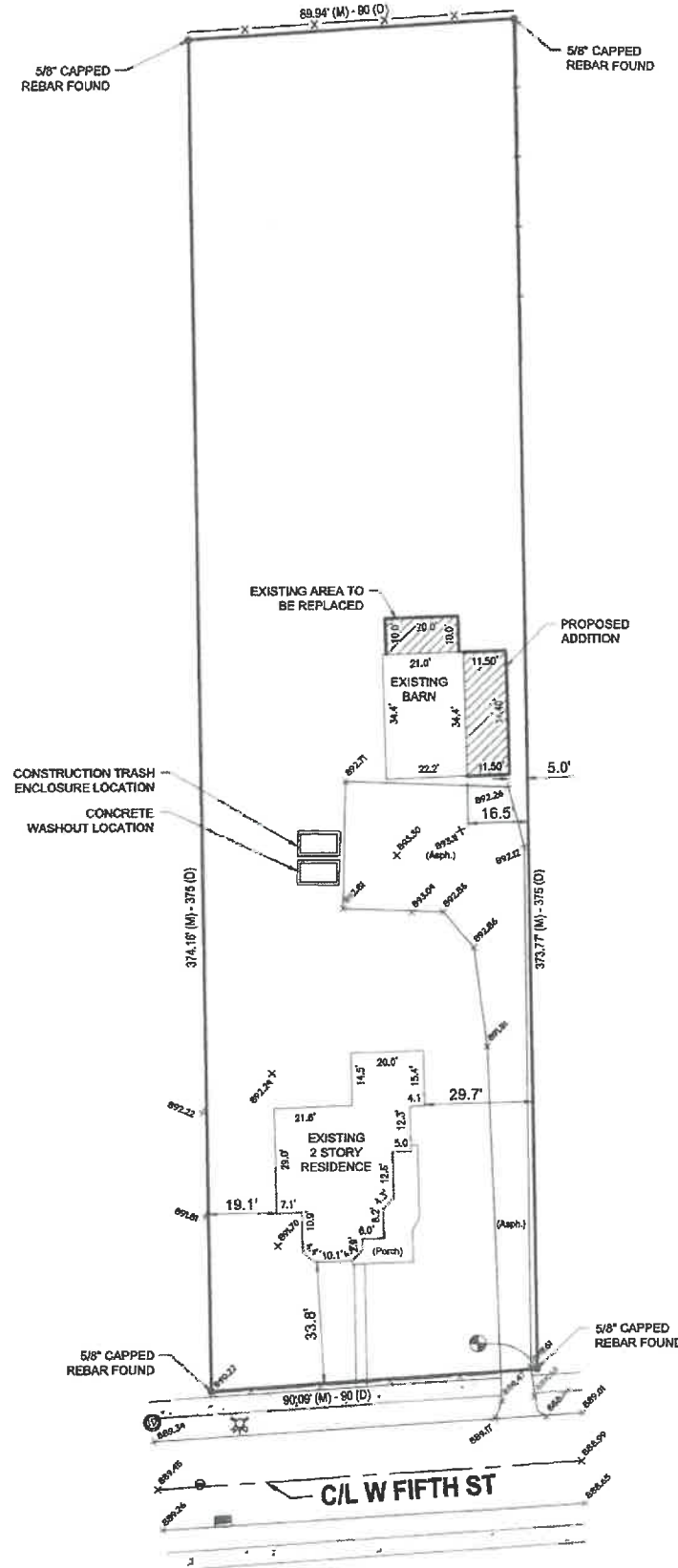
**NOTE: THE PROPOSED RESIDENCE IS IN A SPECIAL FLOOD HAZARD IN ZONE "X" PER THE FEMA FLOOD INSURANCE RATE 18059C0142D MAP NUMBER, DATED DECEMBER 04, 2007. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE**

**BENCH MARK INFORMATION:**  
 TBM = REBAR SE CORNER ELEVATION = 889.87

**LEGEND**

- DENOTES SOIL BORE
- DENOTES EXISTING GRADE ELEVATIONS
- DENOTES PROPOSED FINISH GRADE ELEVATION
- DENOTES PROPOSED DRAINAGE FLOW
- DENOTES TEMPORARY BENCHMARK
- DENOTES STOCK PILE AREA
- DENOTES UNDISTURBED AREA
- DENOTES PERMANENT SEEDING
- DENOTES STRAW BALE DAM (OR APPROVED EQUAL)
- DENOTES SILT FENCE (OR APPROVED EQUAL)
- DENOTES TEMPORARY CONSTRUCTION ENTRANCE (EXISTING DRIVE)

**NOTE: CONTRACTOR TO COMPLY WITH ALL APPLICABLE SECTIONS OF THE "INDIANA HANDBOOK FOR EROSION CONTROL IN DEVELOPING AREAS" PUBLISHED BY THE DIVISION OF SOIL CONSERVATION, INDIANA DEPARTMENT OF NATURAL RESOURCES, OCTOBER 1992, FOR THE PROPER INSTALLATION AND MATERIALS USED FOR ALL EROSION CONTROL MEASURES SHOWN ON THESE PLANS.**



**General notes**

- 1) Proposed Garage elevation of ADDITION shall match existing garage.
- 2) The proposed finish floor and finish grade elevations shown are minimum elevations in order to provide positive surface drainage away from the proposed residence. The finish grade elevations shall not in any way shed surface storm water flow onto the adjoining properties unless provisions have been made with the adjoining property owners and the governing jurisdiction. shallow flow lines shall be made by the finish grade subcontractor along the common lines with adjoining property owners to direct the storm water flow as shown on this plot plan. The builder shall notify this firm if field adjustments are made towering than the elevations shown or redirecting the surface storm water flows.
- 3) The dimensions shown on the proposed residence are based upon plans provided by the builder. Prior to construction the builder shall verify no changes have been made from those shown hereon.
- 4) This plot plan has been prepared for use in obtaining a building permit and is not intended to identify lot or property lines. The dimensions shown to lot lines or lines representing property lines are shown based upon limited field evidence of said lines and the dimensions are subject to the same limitations which might affect the accuracy of the dimensions.
- 5) No wetlands shall be disturbed during or after the construction of the site improvements.
- 6) Any subsurface drainage tiles encountered during the construction of the site improvements shall be protected from damage and if necessary rerouted with the drainage flow within perpetuated. If said tile is damaged, repairs shall be made immediately to restore the tile to its original condition.
- 7) Disturbed areas are to be re-seeded as soon as practical however disturbed areas which remain unworked for longer than 15 days shall be treated with temporary seeding.
- 8) The builder and/or any underground site contractor shall call Indiana 811 to verify the location of the underground utilities on this site and report any conflicts to M J Gibson Land Surveying prior to commencing work.
- 9) This survey shall not act as a retracement survey ("boundary survey). In the event the minimum side yards or minimum setbacks are being held for any structure a retracement survey is recommended prior to commencing with construction of the residence or accessory structures. This plot plan shall not be used to locate or determine lot or property lines.

I, the undersigned Registered Land Surveyor, hereby certify that I have conducted a survey to establish a Plot Plan of proposed improvements and to the best of my knowledge, information and belief this drawing is an accurate representation of that survey of the following described real estate:

A part of a middle division of the West Half of the Southeast Quarter of Sec. 32, Twp 16 North, of Range 7 East, in Hancock County, Indiana more particularly described as follows:

Commencing at a point on the North line of Filppo Street in the City of Greenfield, Indiana, Four Hundred Forty-Five (445) feet east of the West line of the aforesaid Quarter Section; thence North parallel with the West line of Said Quarter Section Three Hundred Seventy-Five (375) feet; thence West parallel with Filppo Street Ninety (90) feet; thence South parallel with the west line thereof Three Hundred Seventy-Five (375) feet to the North line of Filppo Street; thence East on the North line of Filppo Street to the place of beginning.

CERTIFIED: 2-21-2024  
 RECERTIFIED: 2-23-2024

*Kenneth Gregory Garrison*  
 KENNETH GREGORY GARRISON REGISTERED  
 LAND SURVEYOR, RLS29300014



REVISION NO:	
DATE:	2-23-2024
REVIEW COMMENTS:	

1900 N Meridian Road  
 Suite A  
 GREENFIELD, IN. 46140  
 OFFICE: 317-462-4055

Prepared For:  
**MICHAEL BRANIGAN**  
 242 W. FIFTH STREET  
 GREENFIELD, IN. 46143  
 PHONE: 317-217-0204

Project Name:  
**MICHAEL BRANIGAN**  
**242 W 5th STREET**

Sheet Title:  
**HANCOCK COUNTY**  
**PLOT PLAN**

DATE:	2-21-2024
DRAWN BY:	MW
CHECKED BY:	KG
SCALE:	1" = 30'
PROJECT NO:	23-374

**SHEET NO:**  
 1