



JOHNSON COUNTY

Department of Planning and Zoning
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Courthouse Annex
Franklin, Indiana 46131

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MEETING AGENDA

Johnson County Board of Zoning Appeals
June 29th, 2021, 7:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the May 25, 2021 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS None.

-NEW PETITIONS

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VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for an apparel and sporting goods retail shop (not permitted on agriculturally zoned property).

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to:

1. Waive commercial parking requirements (paved surface, curbs, and stall striping),
2. Waiver commercial landscaping requirements, and
3. Provide for a free-standing sign not to exceed 6 feet in height and 32 square feet in area.

OLD BUSINESS None.

NEW BUSINESS None.

REPORTS AND RECOMMENDATIONS None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, July 27, 2021 at 7:00 PM.

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Staff Report

CASE NUMBER: V-11-21
ADDRESS: 3180 East 600 North, Whiteland
Section 13, Township 13, Range 4
PETITIONER: J. Ryan Piercy

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for an apparel and sporting goods retail shop (not permitted on agriculturally zoned property).

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to:

1. Waive commercial parking requirements (paved surface, curbs, and stall striping),
2. Waiver commercial landscaping requirements, and
3. Provide for a free-standing sign not to exceed 6 feet in height and 32 square feet in area.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PROPERTY DESCRIPTION

This 5-acre property is zoned A-1 (Agricultural), and is improved with a single-family residence and two accessory structures. It is surrounded to the east and west by parcels of similar size used for single-family residential and agriculturally. To the south and north are large tracts of agricultural fields, with an occasional single-family residence.

VARIANCE OF USE REQUEST

This Variance of Use request, if approved, would allow the subject property to be developed and used as a retail shop for apparel and sporting goods. The petitioner currently operates out of their existing garage where they process custom orders for sporting teams. The petitioner lives in the residence. Per the submitted Plan of Operation, this proposed use at this location will be for production, storage, office, and showroom. It will also be open for customers to come throughout the day.

Plan of Operation Summary

- Hours of Operation
 - Monday through Sunday 9 am – 5 pm
- Employees: No more than 5 employees including the 2 that currently run the business.
- The proposed site plan indicated the petitioner will construct a 40' X 80' structure for the proposed use. It also indicates a gravel parking area that has a separate entrance from

600 North. This driveway would need approval from the Johnson County Highway Department.

COMPREHENSIVE PLAN

The Future Land Use Map of the Comprehensive Plan recommends Agriculture as the best use of the area. The intended uses of agriculture are agricultural practices and limited residential. One of the policies expressed in the Comprehensive Plan is to minimize the intrusion of non-agricultural uses into designated agricultural areas. This use variance request as presented is not consistent with the land use recommendations.

The staff understands the convenience the variance might afford the petitioner. However, staff ultimately asserts that the use is not compatible with the Comprehensive Plan and existing land uses of the area, particularly given the propensity of such use to expand over time. Staff, therefore, recommends denial of this request.

However, if the Plan of Operation and site plan was to be amended where the business did not have a showroom and allow for customer foot traffic, the Staff could assert that the use could operate similarly to a Home Occupation. This would also not allow for any outdoor signage. If those amendments were accepted by the Petitioner, the Staff would change the recommendation to approve.

VARIANCE OF DEVELOPMENT STANDARDS - COMMERCIAL LANDSCAPE, PARKING, AND SIGNAGE

This Variance of Development Standards request, if approved, would allow for commercial use at this location without providing the paved maneuvering and parking areas required of commercial properties. The petitioner is proposing to add a gravel drive and parking area in the rear of the property for the operation of the business. The gravel area will also lack curbs and stall striping, whereas the zoning ordinance requires all commercial parking and maneuvering areas to be paved and curbed and to have parking stalls marked in paint.

This request also seeks to waive the buffering landscaping which would be required between it and the residential uses around the property. Specifically, the zoning ordinance requires a landscape buffer with a minimum width of twenty feet, planted with staggered rows of shrubs and trees at least six feet in height. The property currently has a few mature trees throughout the area that should remain in place if they do not interfere with the placement of the building.

Staff would regard the ongoing use of gravel as a surface for the parking and maneuvering area associated with this use to be generally appropriate and suitable for the area, should the Board favor grant of the associated Use Variance. Similarly, should the Board favor grant of the Use variance, staff would support some deviation from the required commercial landscaping, as described below.

The petitioner has also stated they wish to install a freestanding sign on the property for identification. It will be a free-standing sign that will not exceed 6 feet in height and 32 square feet in area. It will be a minimum of 10 feet from the right of way and will not be illuminated.

STAFF ANALYSIS OF FINDING OF FACTS - USE VARIANCE REQUESTS

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

Staff Analysis: The proposed use would be starkly inconsistent with the predominantly residential and agricultural uses in the area, and would represent an inappropriate intrusion of commercial activity.

State Requirement: The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

Staff Analysis: The proposed use would be starkly inconsistent with the predominantly residential and agricultural uses in the area, and would represent an inappropriate intrusion of commercial activity.

State Requirement: The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis: The property is zoned, planned and developed for residential and agricultural use, and may continue to be used that way.

State Requirement: The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which variance is sought.

Staff Analysis: The property is zoned, planned and developed for residential and agricultural use, and may continue to be used that way.

State Requirement: The approval does interfere substantially with the Comprehensive Plan.

Staff Analysis: The request would be inconsistent with the land use recommendations of the *Johnson County Comprehensive Plan*, which recommends Agricultural use and development of the site.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS, COMMERCIAL PARKING, AND LANDSCAPE

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

The proposed paved parking and maneuvering area, lacking curbs would not create adverse impact as it is sufficiently removed from the road and adjoining properties. The property also has minimal landscaping improvements that should remain.

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.**

The proposed paved parking and maneuvering area, lacking curbs would not create adverse impact as it is sufficiently removed from the road and adjoining properties. The property also has minimal landscaping improvements that should remain.

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

The site would not be well served by the introduction of a curbed parking area, which would needlessly add to the site's impervious area and would be aesthetically out-of-place in this rural residential environment. The property also has minimal landscaping improvements that should remain. The buffer would be required on the east and west side where the extra landscape buffer would not add any benefit to the required area.

GENERAL INFORMATION

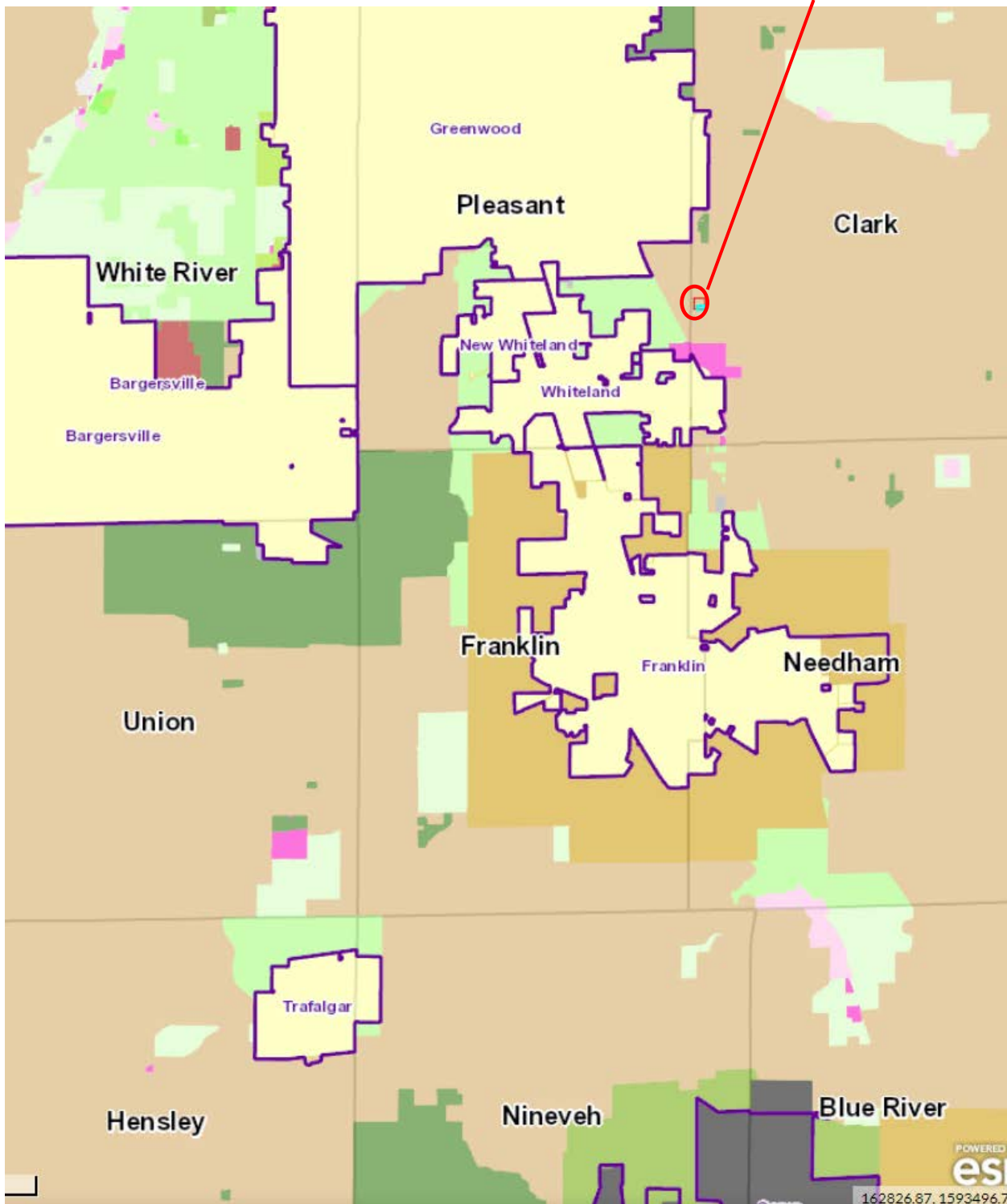
Applicant: J. Ryan Piercy
3180 East 600 North
Whiteland IN 46184

Owner: Same

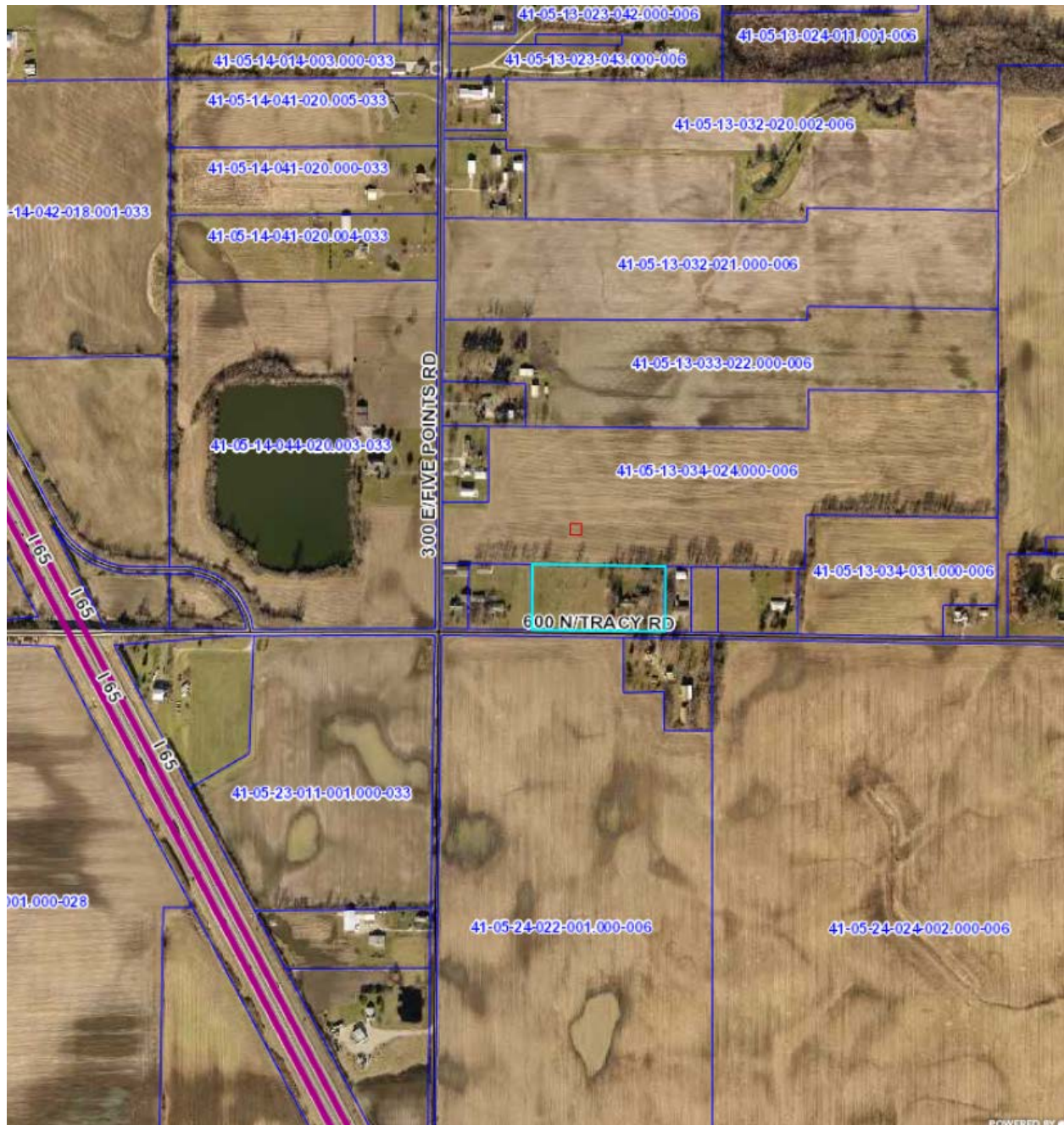
Zoning: A-1, Agricultural
Land Use: Residential
Future Land Use: Agricultural

V-11-21 VICINITY MAP

Subject Site



V-11-21 BASE MAP I



V-11-21 BASE MAP II



V-11-21 PLAN OF OPERATION

BUSINESS PLAN OF OPERATION

Summary:

Piercy LLC doing business as Piercy Sports is solely owned by John "Ryan" Piercy and was formed to sell apparel and sporting goods to children and their parents. Business is currently conducted via a website with us shipping orders to the customer. We do have some customers who will pick up and drop off items. We are out of room in our current garage and need to build a freestanding building for extra space and to allow us access to some vendors who will only do business with places with a storefront.

Location:

We plan to build a 40ft by 80ft building on our open property located at 3180 E 600 N, Whiteland IN 46184. The building will have all utilities, a showroom, offices, restrooms, and an open space for storage and production.

Employees:

We currently have 2 employees and plan to expand to no more than 5 total in the years to come as business grows.

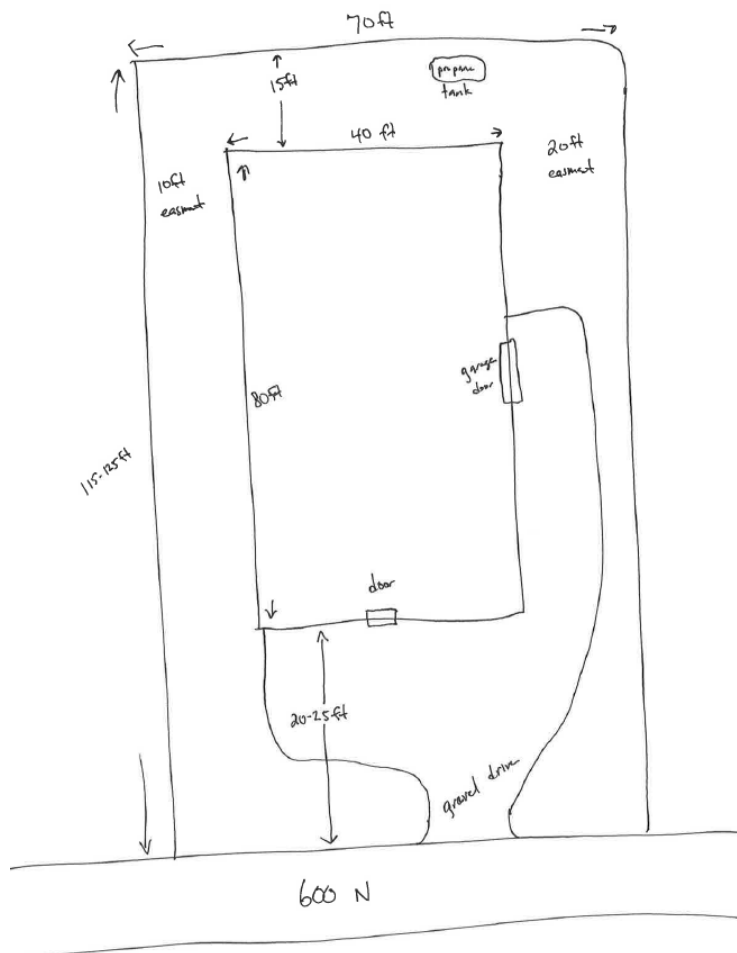
Signage and Advertising:

We would like to have a small sign by the road to help direct customers who are coming to the location. There will not be any mass advertising conducted by the business.

Hours of operation:

The business will be open to customers from 9am to 5pm Monday through Sunday. There will be times we will have customers there later than 5pm but only by appointment.

V-11-21 SITE PLAN



V-11-21 PETITIONER'S FIND OF FACT –USE VARIANCE

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

Case Number: _____

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

the petitioner will follow all safety protocols, and this will be a
place of business that thrives on referral business.

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:

the petitioner will keep the area clean and respectable to the
adjacent property

3. The need for the variance arises from some condition peculiar to the property involved because:

the petitioners business has grown so much that our current
location is not big enough

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because.

the petitioner needs to have the ability for customers to come
into the location to pickup and drop off items

5. The approval does not interfere substantially with the Comprehensive Plan because:

the petitioner will not be involved in any intense use, there will
be very little traffic to the location. We anticipate only 1-2 customers a
day to walk in.

V-11-21 BIRDS EYE VIEW

