

Johnson County Board of Zoning Appeals

April 27, 2021 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, April 27, 2021 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:02 PM by Chairman Chad Bowman.

I. ROLL CALL:

Present: Chad Bowman, Chris Campbell, Charlie Canary, Paul Clodfelter (Alternate), Steve Powell, Attorney Stephen Watson (Legal Counsel - not voting), Michele Hansard (Director – not voting) and Angela Olson (Recording Secretary – not voting).

Absent: James Kaylor

II. APPROVAL OF MEETING MINUTES:

Chairman Chad Bowman called for a motion to approve the March 23, 2021 Board of Zoning Appeals meeting minutes.

Motion: Approval of March 23, 2021 Board of Zoning Appeals meeting minutes. **Moved** by Chad Bowman. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Canary, Clodfelter and Powell. **No:** None. **Motion approved 5-0.**

III. PUBLIC HEARINGS:

**V-8-21; Samaria Christian Church – Variance of Development Standards.
4779 W. St. Rd. 135.**

Staff presented findings and facts to the board and recommended of these variance requests, subject to the following conditions:

1. The sign shall not display any scrolling, flashing, animated, or otherwise moving image, and shall emit no noise.
2. The sign's image shall change at a rate no greater than once per eight seconds.

Petitioner Rev. Shan Rutherford (611 Brook Dr., Greenwood 46143) was present to speak and address concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner and staff as follows:

- Q. Board member Steve Powell inquired as to whether or not the current signage by the church was meeting the setback requirements?

A. Yes.

- Q. Board member Steve Powell asked if there were other locations on that property that the sign could be placed?

A. Yes, but with difficulty.

Motion: To approve V-8-21 to allow for the placement of one (1) 7.5 foot tall free standing sign with an internally lit cabinet sign and an electronic variable message component, taking up 44% of the total sign face, within 75 feet of residential use, with a 14 foot front setback from the State Road 135 Road right-of-way, Petitioner's Findings of Fact No. 1 and No. 2 and Staff's corrected Findings of Fact No. 3. **Moved** by Chris Campbell. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Clodfelter and Powell. **No:** None. **Motion approved 5-0.**

**V-9-21; Drew Worthen and Sarah Sabatino – Variance of Development Standards.
3021 Olive Branch Rd.**

Staff presented findings and facts to the board and recommended denial of these variance requests.

Petitioner Drew Worthen (3021 Olive Branch Rd., Greenwood 46143) was present to speak and address concerns. Petitioner presented to the board a signed **Exhibit** petition in support of the variance request.

Board members asked questions and expressed concerns which were addressed by the Petitioner and staff as follows:

- Q. Board member Steve Powell asked staff if other than the setback requirements, could the Petitioner build a barn of the purposed size?

A. Yes.

- Q. Board member Steve Powell inquired that the sole reason that the variance is required is due to the setback requirements?

A. Yes.

- Q. Board member Steve Powell asked if the accessory structure next door was a mini barn?

A. Unknown.

- Q. Board member Steve Powell inquired as to whether or not El Dorado had a homeowners association?

A. No.

- Q. Board member Steve Powell inquired as to whether or not the Petitioner was aware that a similar request was made at last month's meeting?

A. Yes.

- Q. Board member Chad Bowman inquired as to whether or not it would be impractical for the Petitioner to turn in from his driveway if he moved his purposed structure five (5) feet to the east?

A. Yes.

- Q. Board member Chad Bowman asked if the purposed structure was moved ten (10) feet to the north would that also be impractical?

A. Yes, too close to the patio.

- Q. Board member Paul Clodfelter asked if the twenty (20) foot setback was due to drainage?

A. No, the ordinance sets the twenty (20) foot setback since 2003.

Motion: To deny V-9-21 to allow for the construction of a detached accessory structure with a 5 foot side yard setback, with a 10 foot rear yard setback and the Petitioners Findings of Fact.

Moved by Chris Campbell. **Seconded** by Steve Powell. **Yes:** Campbell, Canary and Powell.

No: Bowman and Clodfelter. **Motion approved 3-2.**


IV. ADJOURNMENT:

Chair Chad Bowman called for a motion to adjourn the meeting at 8:02 PM.

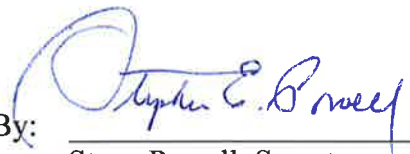
Motion: Adjourn the meeting. **Moved** by Charlie Canary. **Seconded** by Paul Clodfelter. **Yes:** Bowman, Campbell, Canary, Clodfelter and Powell. **No:** None. **Motion approved 5-0.**

Approved on: May 25, 2021

By:


Chad Bowman, Chairman

Attested By:


Steve Powell, Secretary

We, the undersigned residents of properties adjacent to 3021 Olive Branch Rd., do hereby acknowledge and support the petitioners, Drew A. Worthen and Sarah Sabatino, to build on their own property, within setbacks of 10' off the rear property line (Current setback requirement of 20'), and 5' off the side (West) property line (Current setback requirement of 10'), as outlined in petition number V-9-21. Please accept this petition in lieu of our attendance at the BZA hearing scheduled for Tuesday, April 27th, 2021 at 7:00 PM.

First Name	Last Name	Address	Date
DANIEL	ALYEA	3024 W. OLIVE BR. RD.	4-24-21
Keith	Jewna	3029 OLIVE Branch	4-24-21
PAULA + DARIN	Rhinchar	3028 OLIVE Branch Rd	4-24-21
Jeff	Wimmenau	3024 San Jose Dr.	4-24-21
Rebecca	SMITH	3025 San Jose Dr.	4-24-21
BRANCH	SMITH	3025 SAN JOSE DR	4-24-21
Delyte	Meardith	3022 San Jose Dr	4-24-21
Bill	Meardith	" "	4-24-21
SCOTT	PERRY	3020 SAN JOSE DR.	4-24-21
MIKE	Turley	3018 SAN JOSE RD	4/24/21
David	Dokanovich	3017 San Jose Dr	4/24/21
David	Nealy	3016 San Jose Dr.	4/24/21
Vincent	Napier	3017 Olive Branch Rd	4/24/21
Seth	Schilt	3019 olive Branch rd	4/24/21

