

# Johnson County Board of Zoning Appeals

## September 26, 2023 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, September 26, 2023 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:02 PM by Chairman Chris Campbell.

### I. ROLL CALL:

**Present:** Chris Campbell, Charlie Canary, James Kaylor, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting) and Michele Hansard (Director - not voting).

**Absent:** Chad Bowman, Paul Clodfelter (Alternate) and Angela Olson (Recording Secretary – not voting).

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### II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the August 29, 2023 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of August 29, 2023 Board of Zoning Appeals meeting minutes. **Moved** by James Kaylor. **Seconded** by Steve Powell. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

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### III. PUBLIC HEARINGS:

#### **V-8-23; Cara Wagner – Variance of Use and Development Standards Request. 2729 Hurricane Rd.**

Staff presented findings and facts to the board and recommended approval of these requests subject to substantial compliance with the submitted Plan of Operation and site plan.

Petitioner Cara Wagner (2729 Hurricane Rd., Franklin 46131) was present to speak and address questions and/or concerns.

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

- Q. Board member James Kaylor inquired as to how many people would be using your purposed studio where parking could perhaps be a problem?  
A. Petitioner would remove personal vehicles and provide pull off for turn around on the property to accommodate any parking needs.
- Q. Board member Steve Powell inquired if there were currently residences to the north of their property and the golf course to the south?

- A. Yes.
- Q. Board member Steve Powell asked for clarification that the property across from the residence was in the jurisdiction of the City of Franklin? If so, are there any businesses located on within a half mile of the residence?  
A. Yes, the property is in the jurisdiction of the City of Franklin. To the best of the Petitioner's knowledge, there are no businesses other than the golf course and hair salon.
  - Q. Board member Steve Powell inquired as to whether or not the golf course was in the jurisdiction of the City of Franklin?  
A. Yes.
  - Q. Board member Charlie Canary asked who would be in charge of the business during leasing operations?  
A. Petitioner will be present and the person in charge.
  - Q. Board member James Kaylor asked if the Petitioner has spoken to the neighbors?  
A. Yes and they have been supportive of the proposal.
  - Q. Board member Charlie Canary asked for clarification on which properties were in the jurisdiction of the City of Franklin?  
A. Staff identified visually which properties were in the jurisdiction of the City of Franklin.
  - Q. Board member Chris Campbell asked for confirmation that the Petitioner resided on the property?  
A. Yes.
  - Q. Board member Chris Campbell referred to the Plan of Operation and asked for clarification that the local creatives were the renters of the facility?  
A. Yes.
  - Q. Board member Chris Campbell asked for a description of the purposed sign?  
A. Petitioner described in detail the size of the sign.
  - Board member Charlie Canary referred to the Plan of Operation and expressed his concerns regarding the Sunday hours from sunrise to sunset.

**Motion:** To approve V-8-23 to allow for a photography studio, to waive parking requirements for commercial uses, to allow for one permanent freestanding sign not to exceed twelve (12) square feet and eight (8) feet in height, compliance with the submitted Plan of Operation and site plan and Petitioner's Finding of Facts. **Moved** by James Kaylor. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

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**V-9-23; Stephen Luers by Lennar Homes of Indiana, LLC – Variance of Development Standards Request. 1154 Berry Rd.**

Staff presented findings and facts to the board and recommended approval of this request with the condition that an affidavit shall be recorded with the deed to state no new septic permits will be issued to this property and the owners will need to connect to the public sanitation system once the septic system is deemed unusable.

Petitioner Tony Bagato, Entitlement Manager at Lennar Homes of Indiana, LLC (11555 N. Meridian St., Ste. 400, Carmel 46038) was present to speak and address questions and/or concerns.

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

- Q. Board member James Kaylor inquired as to whether or not there was currently a house on this 0.99 acres and it is on the left side of the driveway as you enter the property?  
A. Yes.
- Q. Board member James Kaylor asked if the other two (2) houses that share the drive were also on septic systems?  
A. Yes.
- Q. Board member James Kaylor asked staff for clarification on the septic systems and existing house?  
A. Staff provided detailed explanation explaining that Lennar's purchase of the property would leave the current residence with less than a two (2) acre parcel and how that effected the legal lot and septic.
- Q. Board member Chris Campbell inquired as to whether or not the septic system was entirely on that tract of land?  
A. Yes.
- Q. Board member Steve Powell referred to page sixteen (16) of the staff report and asked for clarification of which direction was north?  
A. Staff advised that the up direction on that page was north.

- Q. Board member Steve Powell inquired as to the direction of the Sugar Grove Elementary School?  
A. Staff advised that the school was also in the up direction on page sixteen (16) to the north and provided detail location accordingly.
- Q. Board member Steve Powell inquired as to whether or not there would be sanitary sewer available for the purposed subdivision?  
A. Yes.
- Q. Board member Steve Powell asked for clarification on the sanitary commitment?  
A. If the septic fails and the property owner cannot get a new septic that the property owner would then hook up to the sewer system.
- Q. Board member Chris Campbell inquired as to who would determine that the septic system has failed?  
A. Health Department.
- Q. Board member James Kaylor asked if the septic system on the 0.99 acres went on to the Lennar purchased property?  
A. No.
- Q. Board member James Kaylor asked if Lennar Homes would pay for the property owner to hook up to the sewer system?  
A. No.
- Q. Board member Chris Campbell inquired as to how long this residence has existed at this location?  
A. Thirty-eight (38) years.

Remonstrator Sally Peacock (820 Lawson Ct., Greenwood 46142) was present to express her concerns regarding sewer systems and subdivision development.

**Motion:** To approve V-9-23 to allow for a parcel of land to be 0.99 acres in size, under the minimum two (2) acre requirement for a lot not served by a community sanitary sewer system in the R-2 Zoning District, with staff's condition that an affidavit shall be recorded with the deed to state no new septic permits will be issued to this property and the owners will need to connect to the public sanitation system once the septic system is deemed unusable and Petitioner's Finding of Facts. **Moved** by James Kaylor. **Seconded** by Chris Campbell. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

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**V-10-23; Mega Family, LLC by Bill Niemer – Variance of Use and Development Standards Request. 6302 Stein Rd.**

Staff presented findings and facts to the board and recommended approval of these requests subject to substantial compliance with the submitted Plan of Operation and site plan and the following conditions:

1. No outdoor storage or equipment and materials excepted in the defined area on site plan that is 90' x 35';
2. No additional improvement to the parking lot shall be installed without the approval of the Board of Zoning Appeals;
3. Applicant must submit a change of use to the Indiana Department of Health (IDOH) and must make any sanitation improvements required by the IDOH;
4. ADA parking spot shall be installed.

Petitioner Bill Niemer for Mega Family 2, LLC and Schumaker Performance, Inc. (21 E. Main St., New Palestine 46163) was present to speak and address questions and/or concerns.

Michael Means (220 N. Campbell Rd., Greenwood 46143) was present to speak and address questions and/or concerns.

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

- Q. Board member James Kaylor referred to the landscaping to the east and inquired how far was the nearby residence?  
A. Staff referred to the staff report visual and advised that the residence was directly to the east with no landscaping.
- Q. Board member Chris Campbell asked staff where the visual map was in the staff report that showed the outdoor storage area?  
A. Staff advised the board that the map was located on page twenty-nine (29) of the staff report.
- Q. Board member James Kaylor asked for clarification on what the meaning of IDOH sanitation improvements was?  
A. Staff advised the board that circumstances may have changed since the Health Department originally approved and that the department usually recommends that the property owner contact the Health Department to make sure that their sanitation is up to standards.
- Q. Board member James Kaylor inquired as to whether or not any new structures would be added to the property?  
A. No.

- Q. Board member Chris Campell inquired as to the nature of Faulkner Restoration?  
A. Construction and restoration.
- Q. Board member Chris Campell asked what types of materials would be stored onsite?  
A. Lumber, equipment to dry out homes and homeowners personal contents.
- Q. Board member James Kaylor inquired as to what would be an example of what would be stored outside?  
A. Open end trailers and a couple of cargo trailers.
- Q. Board member Chris Campell asked for clarification on whether or not the landscaping was to be made as a condition?  
A. Staff provided a detailed explanation of her landscape concerns.

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- Q. Board member James Kaylor referred to page twenty-three (23) of the staff report No. 6, no additional improvement to the parking shall be installed without the approval of the blank, what was supposed to be the end of this statement?  
A. Staff referred to page twenty-one (21) staff's recommendation No. 2, no additional improvement to the parking lot shall be installed without the approval of the Board of Zoning Appeals.
- Q. Board member Steve Powell asked for confirmation that no new building would be constructed?  
A. No new building will be built.
- Q. Board member Steve Powell asked for confirmation that a contractor's office would be operated out of the existing structures?  
A. Yes.
- Q. Board member Steve Powell referred to staff's recommended condition regarding future parking lot changes and inquired as to why that was a concern?  
A. Staff does not want to the Petitioner to expand the parking lot and to make sure that drainage concerns are being met.
- Q. Board member Steve Powell asked for confirmation that there currently was ten (10) employees?  
A. Yes.
- Q. Board member Steve Powell asked for clarification on why an ADA parking spot should be installed?  
A. Any time a property owner is trying to use building that has not been used commercially our department tries to make sure that it is ADA compliant.

**Motion:** To approve V-10-23 to allow for a contractor's office, compliance with the submitted Plan of Operation and site plan, no outdoor storage or equipment and materials excepted in the defined area on site plan that is 90' x 35', no additional improvement to the parking lot shall be installed without the approval of the Board of Zoning Appeals, applicant must submit a change of use to the Indiana Department of Health (IDOH) and must make any sanitation improvements required by the IDOH and staff's Finding of Facts. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

**Motion:** To approve V-10-23 to waive commercial parking requirements, an ADA parking spot shall be installed and Petitioner's Finding of Facts. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

**Motion:** To approve V-10-23 to waive commercial landscaping requirements and request that staff to prepare Finding of Facts for November 2023 meeting. **Moved** by Chris Campbell. **Seconded** by Steve Powell. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

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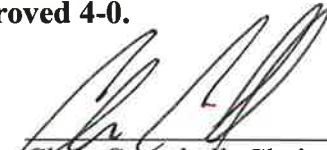
**IV. ADJOURNMENT:**

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:21 PM.

**Motion:** Adjourn the meeting. **Moved** by James Kaylor. **Seconded** by Chris Campbell. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

Approved on: October 24, 2023

By:

  
Chris Campbell, Chairman

Attested By:

  
Charlie Canary, Secretary