



JOHNSON COUNTY

Department of Planning and Zoning
86 West Court Street
Courthouse Annex
Franklin, Indiana 46131

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MEETING AGENDA

Johnson County Board of Zoning Appeals
May 21, 2024, 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 March 26, 2024 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-7-23. M/I Homes of Indiana LP. 33.36 acres south of 4135 W Smith Valley Rd. Page 3

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow a deviation in Residential Design Standards regarding the window requirements for 20 lots within the Berry Chase Subdivision

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, June 25, 2024 at 7:00 PM.

In accordance with American Disabilities Act, any person attending the public meeting in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on an agenda item should contact the Johnson County ADA coordinator, Barb Davis, at 86 W. Court St., Franklin, IN 46131, (317) 346-4329, bdavis@co.johnson.in.us.

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Staff Report

CASE NUMBER: V-7-24
ADDRESS: 33.36 acres south of 4135 W Smith Valley Rd, Greenwood
Berry Chase Subdivision
Parcel ID # 41-04-03-014-001.001-038

PETITIONER: M/I Homes of Indiana, L.P. By Van Valer Law Firm LLC

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow a deviation in Residential Design Standards regarding the window requirements for 20 lots within the Berry Chase Subdivision.

STAFF RECOMMENDATION:

Staff recommends approval of this request

PROPERTY DESCRIPTION

The subject property is a 33.36-acre parcel along Berry Rd, south of Smith Valley Rd. The property is zoned R-2, Single Family Residential, and is unimproved. Sugar Grove Elementary School is north of the property. The Brentwood Major Subdivision is to the west and Alvin Mullinix and Foxberry Trace Major Subdivision are to the east. Larger residential parcels and the Piper Major Subdivision are to the south. The recently approved Deerfield Major Subdivision will be located southwest of this property. All surrounding property is zoned R-2.

VARIANCE REQUEST

This variance request, if approved, would provide for flexibility 20 lots of the Berry Chase subdivision on the Architectural window requirement. The Johnson County Plan Commission in 2020 implemented residential design standards on major residential subdivisions. These standards are intended to ensure that new residential development in major subdivisions:

- a. complements existing housing stock, while providing for versatility and diversity in new construction,
- b. contributes aesthetically, economically and functionally to the built environment of Johnson County, and
- c. supports healthy long-term housing and property values.

One of the standards requires the following for windows: Windows. There shall be at least two windows per floor on building facades facing a street, a rear lot line, or a common area, and at least one window per floor on building facades facing a side lot line. To count toward this requirement, a window must have an area of at least eight square feet.

The petitioner has submitted the following statement for their required

“The subject property being proposed lot numbers 1, 7, 8, 12, 13, 18, 19, 24, 25, 30, 31, 36, 37, 42, 43, 47, 50, 51, & 58 in Berry Chase Sections 1 & 2, situated on and along the west side of Berry Road just north of

Curry Road in Greenwood, Indiana ("Real Estate") the overall subdivision consists of approximately 33.36 acres and is zoned R-2. The Johnson County Zoning Ordinance, Section 6-101-5 Development Standards -K. Residential Designs Standards requires that homes constructed in a major residential subdivision have at least two windows per floor on building facades facing a street, a rear lot, or common area, and at least one window per floor on building facades facing a side lot line. This Variance is being requested to allow the homes to be constructed on the Real Estate to contain a total of 4 or more windows on any facade facing a street, rear lot or common area and 2 or more total windows on a side lot facade."

This request will allow the applicant to meet the total number of required windows on a side façade that faces a common area or street instead of maintaining two per floor. For example, instead of two windows on the first floor and two on the second floor, this will allow one on the first floor and three on the second floor, or none of the second floor and four on the first floor, or any other variations to this.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS

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

The flexibility on the elevation placements will not have any effects on the public safety morals, and general welfare.

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 flexibility on the elevation placements will not have any negative affect on adjacent properties. The abutting subdivision to the west does not meet these standards as they were developed on different regulations, the four windows overall will surpass what is already in place.

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

The strict application of the zoning ordinance will difficult to meet the requirement for 20 of the lots while meeting other architectural diversity requirements.

GENERAL INFORMATION

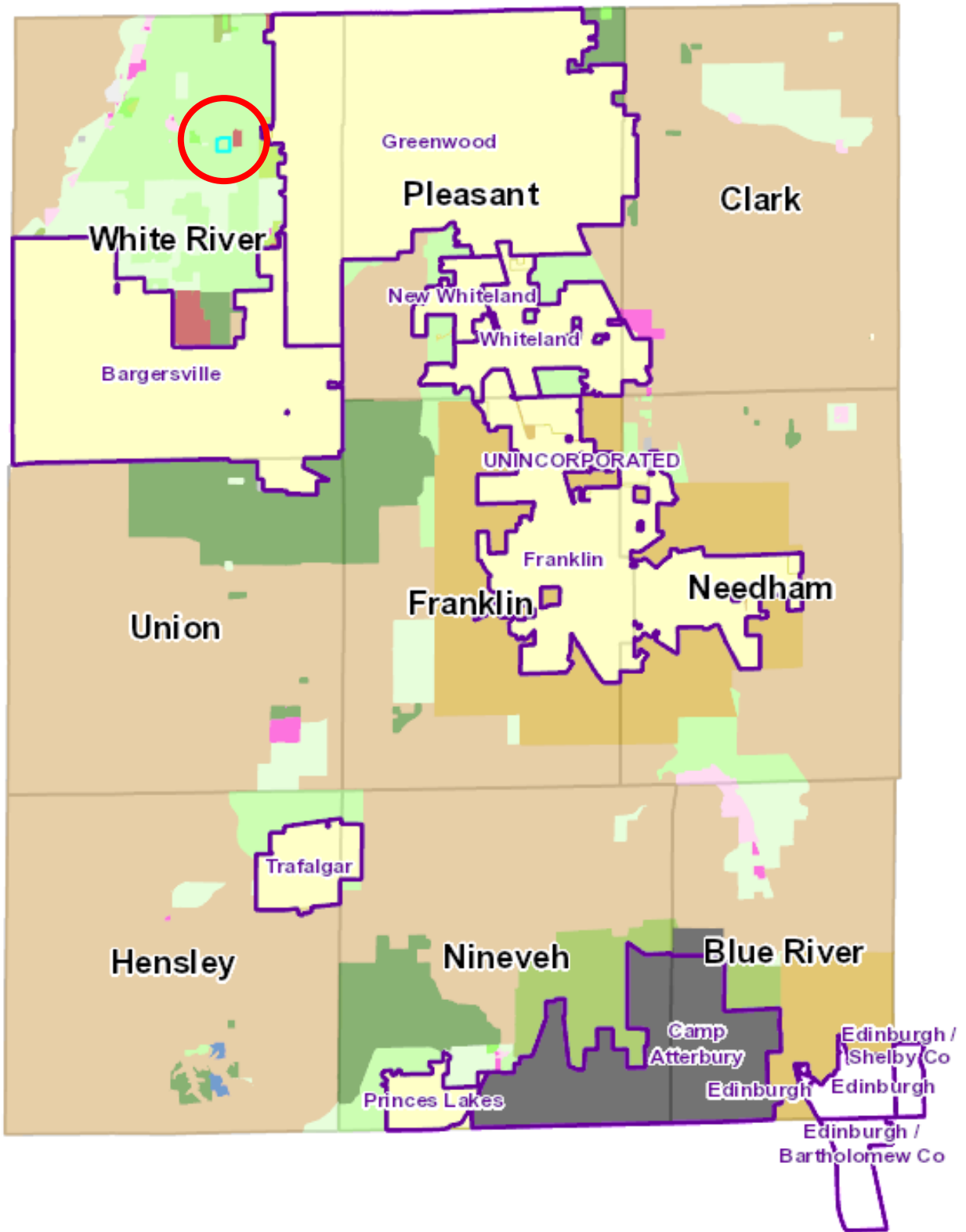
Applicant: Eric Prime – Van Valer Law Firm LLC
225 S, Emerson Ave, Suite 181
Greenwood IN 46143

Owner: M/I Homes Of Indiana L.P.
8425 WOODFIELD CROSSING BLVD
SUITE 100W
INDIANAPOLIS, IN 46240

Zoning: R-2 (Single-Family Residential)
Existing Land Use: Vacant
Comprehensive Plan: Suburban Residential

-MNH

V-7-24 BASE MAP



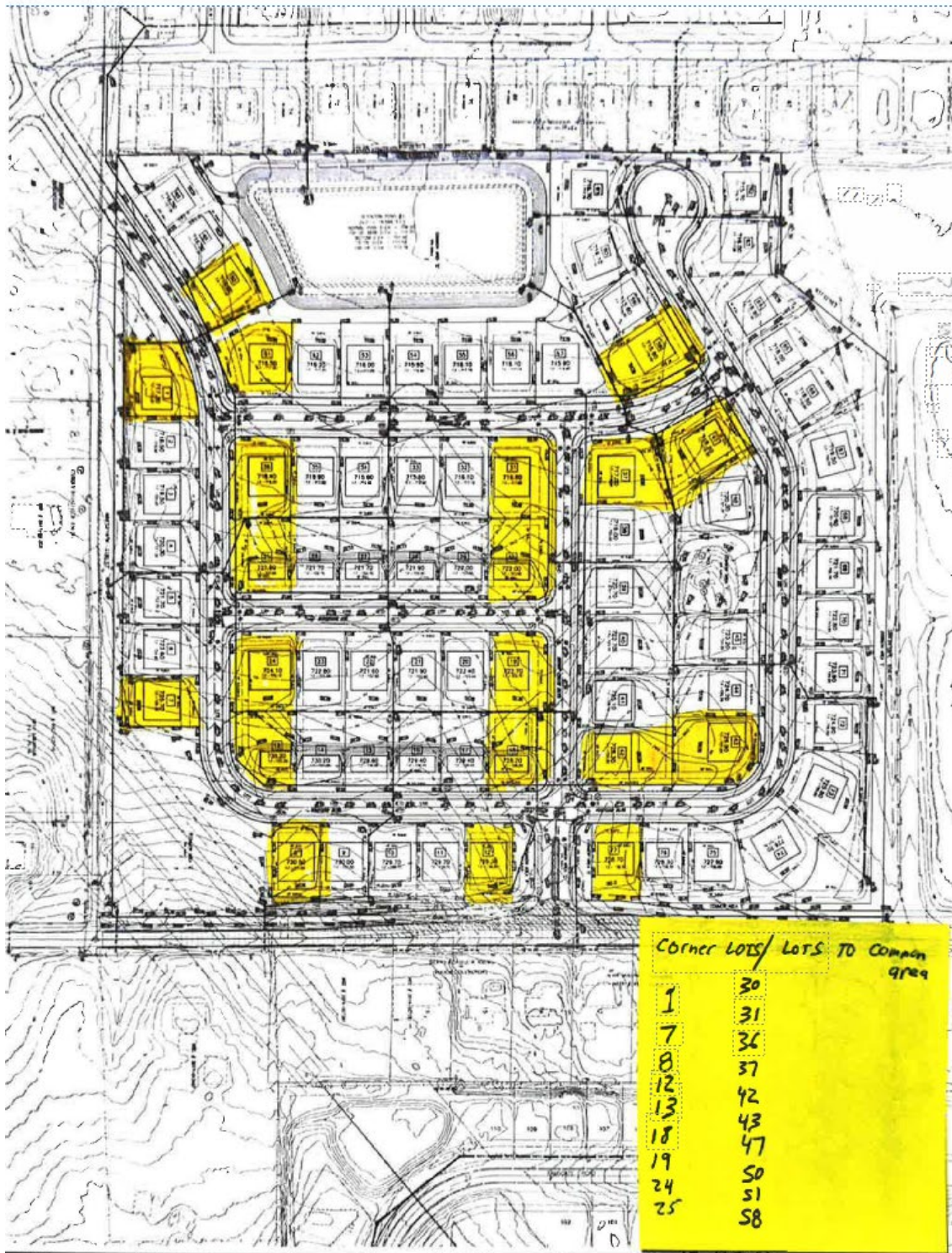
V-7-24 AERIAL PHOTO I



V-7-24 AERIAL PHOTO II



V-7-24 DIAGRAM OF 20 LOT THAT THE VARIANCE IS REQUESTED FOR



PETITIONER EXHIBIT: FINDINGS OF FACT

2. ***The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:*** The approval of the requested Variance will not affect the public health, safety, morals and general welfare of the community because the proposed deviation is relatively minor and will not create any adverse visual impairments as the homes to be constructed will be in harmony with the overall community and consistent with residential development in the area.

3. ***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 use of the adjacent properties would not be substantially affected because approval of this petition is consistent with the residential development in the area. The real estate is embedded in a residential zoning district, all surrounding parcels are zoned R-2. The variance requested is relatively small and will be visually insignificant. The value of the adjacent properties will not be adversely affected as approval of this petition and resulting variance will allow for construction of homes that will be in harmony with the overall community in addition to complying with the Architectural Diversity standards outline in the Ordinance.

4. ***The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:*** The Johnson County Zoning Ordinance as adopted, provides for specific development standards relating to the number and location of windows for all major residential subdivisions. Strict application of the Ordinance will result in practical difficulties. Providing connectivity to the neighboring developments and adequate storm water detention resulted in a unique layout of the internal roadways within Berry Chase. Due to these internal roadways, numerous lots front on multiple streets and/or common areas. The window requirements of the Ordinance limit the building plans that are available for construction by Petitioner. In addition, the limited building plan options will likely create difficulties in meeting the Architectural Diversity requirements.