



JOHNSON COUNTY

Department of Planning & Zoning
86 West Court Street
Franklin, Indiana 46131

Phone: (317) 346-4350

www.co.johnson.in.us

MEETING AGENDA

**Johnson County Advisory Plan Commission
May 20th, 2024 - 6:00 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 April 22, 2024 meeting.

PUBLIC HEARINGS

-CONTINUED HEARINGS-

-NEW HEARINGS -

M-2 & 3-24. Haymaker North and South Minor Plats - 37.2 acre at 100 N and 450 W.....Page 3

Approval of a Residential Subdivision Plats

W-2-24. Copeland & Hawkins Waiver, 93 acres- SE corner of Harvey Road and 950 N. Page 4

WAIVER of the Johnson County Subdivision Control Ordinance to allow for the split of a 93.25-acre parcel into five tracts of land, all of which would have an area of 18.645 acres each. (New lots created via Exempt Subdivision may be no smaller than 20 acres.)

OLD BUSINESS None.

NEW BUSINESS

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for June 24, 2024 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

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.

Staff Report

CASE NUMBER: M-2-24, & M-3-24
ADDRESS: 37.2 acres at the intersection of CR 100 N (Haymaker Road) and CR 450 W
Section 10 Township 12 Range 3
Parcel #s: 41-09-10-043-026.000-036 & 41-09-10-043-028.000-036
PETITIONER: Gregory Leugers

REQUEST

M-2-24 Approval of a Residential Subdivision Plat, to be known as Haymaker North Minor Subdivision, dividing 28.317 acres into four lots.

M-3-24 Approval of a Residential Subdivision Plat, to be known as Haymaker South Minor Subdivision, dividing 8.671 acres into four lots.

NOTES FOR MAY 20TH, 2024 PLAN COMMISSION MEETING

This matter was continued from the April 22, 2024 meeting to May 20, 2024, by the petitioner submitting a timely automatic continuance request. The request was due to a continuances by the Drainage Board.

The two plats were heard at the May Drainage Board meeting, however, due to outstanding issues that were not addressed prior to the meeting, the Drainage Board Petitions were continued to the June meeting. Since the drainage plans were not approved, it is recommended that the Plan Commission also continue the petitions to the following June meeting. Only one automatic continuance can be requested by the petitioner so the continuance must be granted by the Plan Commission.

RECOMMENDATION

Staff recommends **continuance** of the Preliminary Plats to June 24, 2024 meeting

Staff Report

CASE NUMBER: W-3-24
ADDRESS: 93.25 acres at the se corner of the intersection of Harvey Road and 950 N.
Parcel #: 41-06-04-032-001.000-006
PETITIONER: Copeland and Hawkins Family

REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to allow for the split of a 93.25-acre parcel into five tracts of land, all of which would have an area of 18.645 acres each. (New lots created via Exempt Subdivision may be no smaller than 20 acres.)

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PROPERTY DESCRIPTION

This 93.25-acre site in Clark Township is zoned A-1, Agricultural. The property is agricultural field with one agricultural barn.

The site is surrounded to the south and east by large tracts of land used agriculturally with occasional single-family dwellings. To north and west are smaller tracts of land used agriculturally with occasional single-family dwellings

WAIVER REQUEST

This waiver request, if approved, would allow for the subsequent split of the applicant parcel from 93.25-acres into five parcels of land that are equally 16.645 acres. The family wishes to divide the property evenly among five family members. The equal division will not allow the 20-acre exemption to be followed.

Under the Subdivision Control Ordinance, a parcel of land may be divided and exempt from all other subdivision control regulations if the division of land in that each resulting parcel is 20 acres or greater. In order for the ordinance to be met, the property would only be able to be divided into four parcels, leaving one of the family members without land.

Each parcel of land would not be eligible for any further division on land unless an applicant request additional waivers from the Plan Commission.

Staff recommends approval of this waiver request.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Granting of the waiver would not impact, and therefore would not be detrimental to, public safety, health or welfare, and would not be injurious to nearby property.

The conditions upon which the request for a waiver are based are not unique to the property for which the waiver is sought and are not applicable generally to other properties

Staff Analysis: The property does not have any unique characteristics that would warrant the grant of a waiver.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: Granting of the waiver would legally allow the petitioner to divide the property in a manner suitable for the unique needs of the current ownership of the property

The waiver will contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Comprehensive Plan designates the future land use of the property as Agricultural. The large tracts of land will not discourage the continuation of agricultural practices.

GENERAL INFORMATION

Applicant: CHARLOTTE COPELAND LIFE ESTATE & DENNIS R HAWKINS & GARY W
HAWKINS & JAMES M COPELAND & JEFFREY A COPELAND & LISA E STIDHAM
541 Noack Rd
Greenwood, IN 46143

Owner: Same

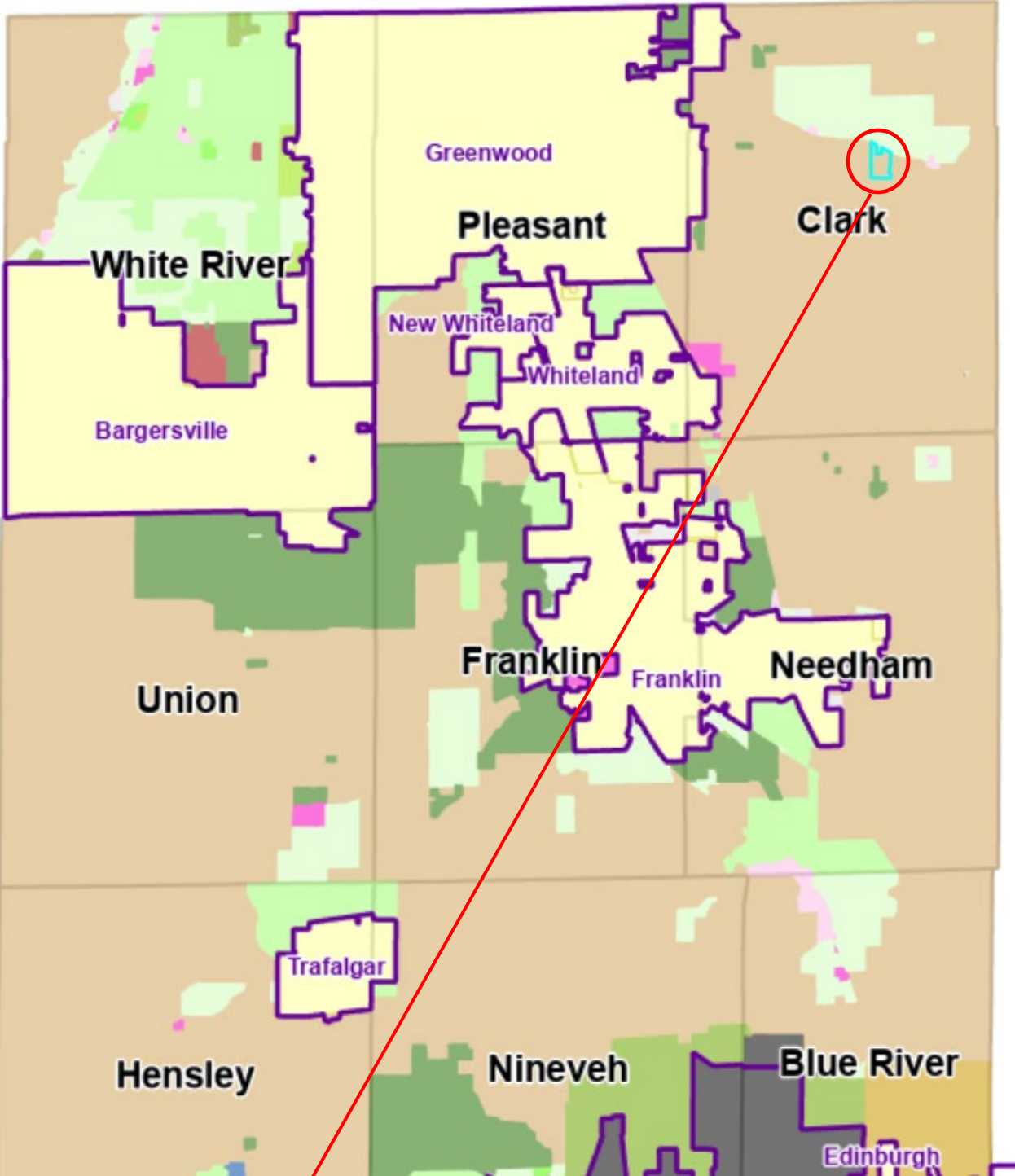
Current Zoning: A-1, Agricultural

Existing Land Use: Agricultural

Future Land Use: Agricultural

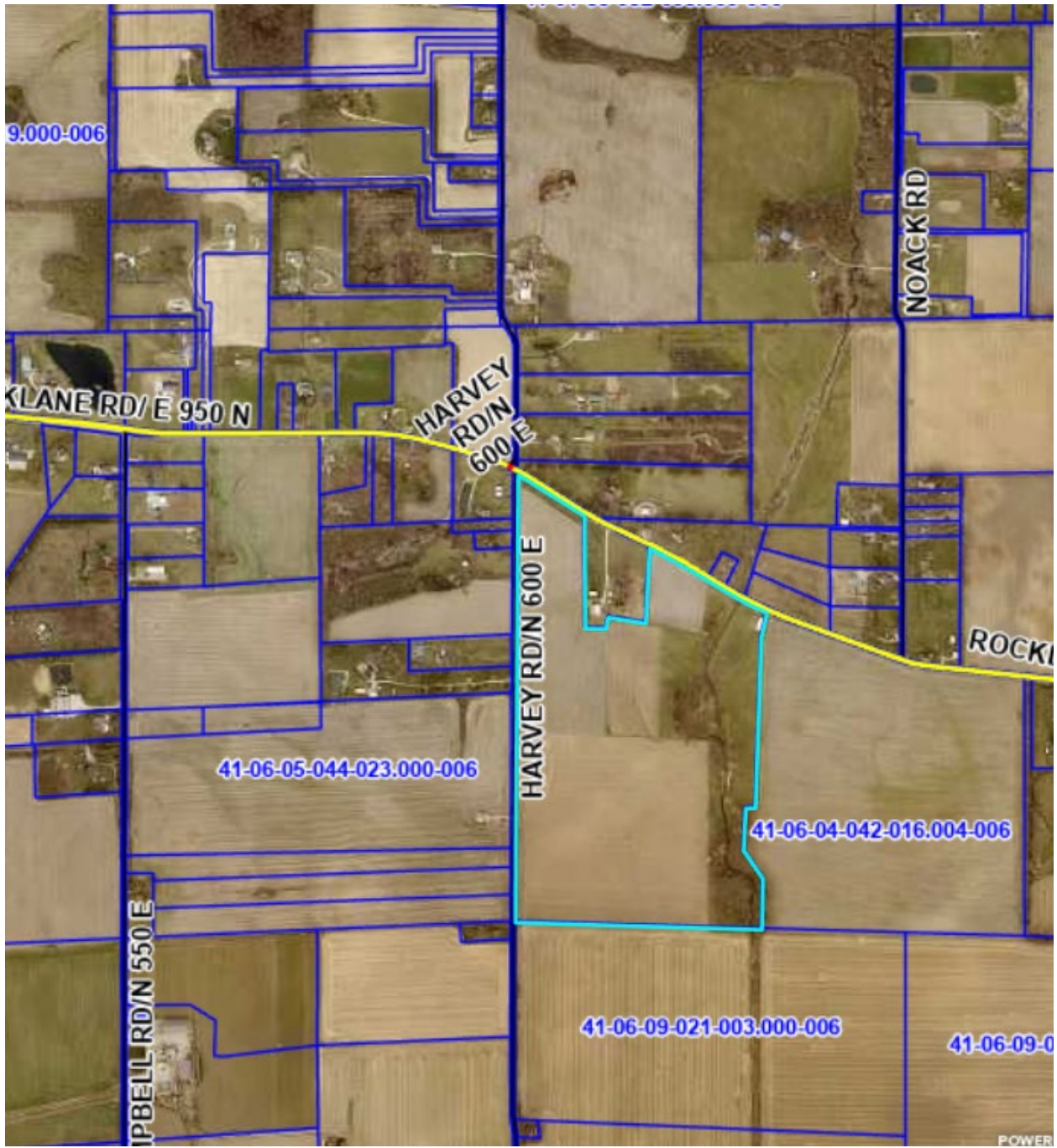
-MNH

W-3-24 Base Map



Subject Site

W-3-24 Base Map II

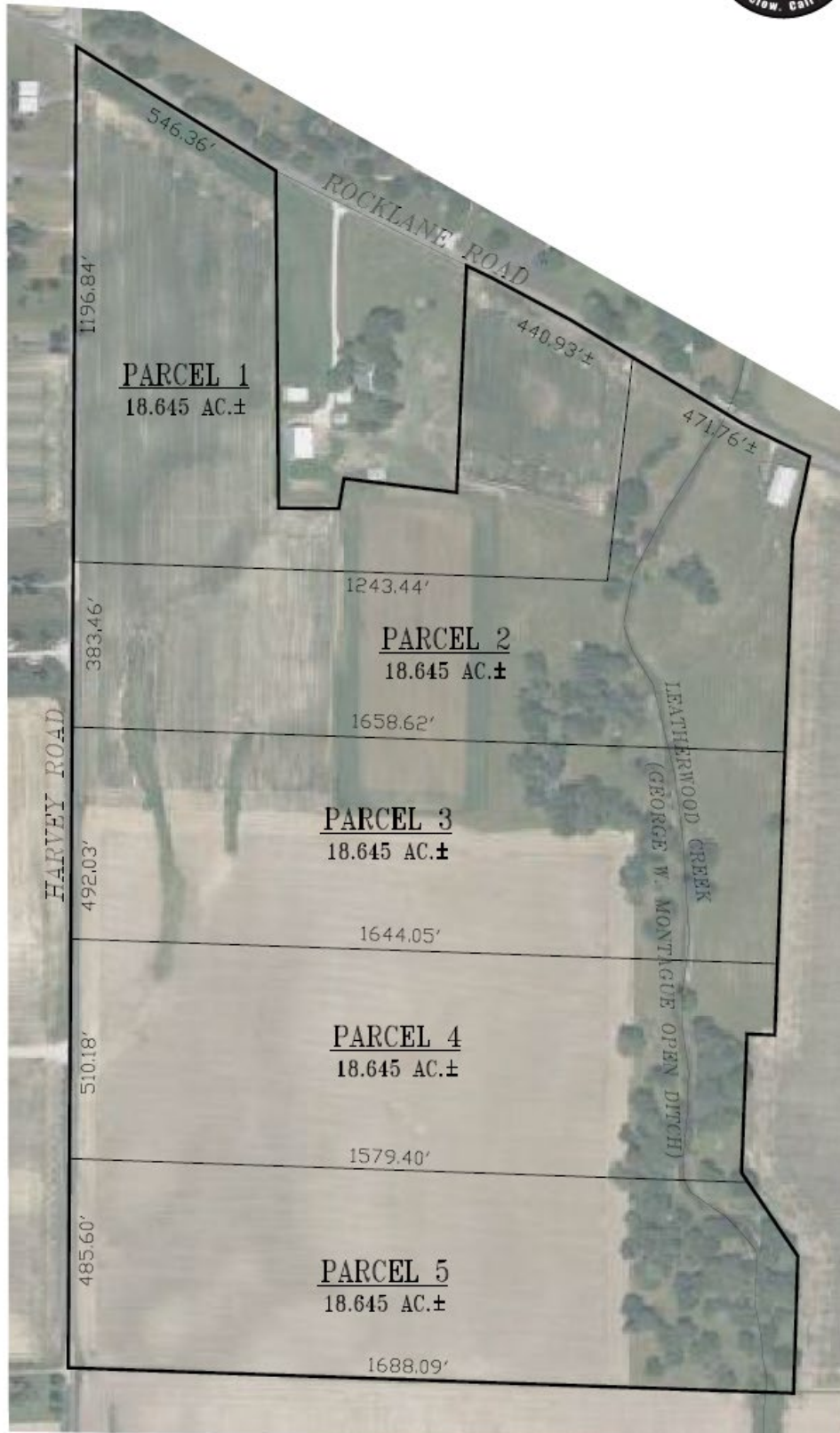


W-3-24 Existing Property



W-3-24 Proposed Division

view call



W-3-24 Petitioner's Findings of Facts

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.

THE COPELAND/HAWKINS FAMILY DOES NOT BELIEVE THAT THE GRANTING OF THIS WAIVER WILL CHANGE THE CURRENT SITUATION THAT HAS BEEN IN EFFECT SINCE 2012, WE ALSO DO NOT THINK THAT THIS WAIVER WILL BE DETRIMENTAL TO PUBLIC HEALTH AND SAFETY.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.

THE SIZE OR AMOUNT OF FARM GROUND THAT IS LEFT AFTER DEATHS, ESPECIALLY IN LONG-TIME FARM FAMILIES MAY NOT, ALWAYS, FIT INTO MODERN PLANNING AND ZONING RULES. THE COPELAND/HAWKINS BELIEVES THAT THIS ISSUE COULD BE APPLICABLE IN OTHER SITUATIONS ESPECIALLY IN FARM FAMILIES

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.

WE CONSIDER THE FACT THE ONE SURVIVING SIBLING WILL HAVE TO BE SHORTED OF INHERITANCE MORE THAN A MERE INCONVENIENCE. EACH OF US HAVE WORKED THIS LAND FOR MANY YEARS, FROM CHILDHOOD TO ADULTHOOD.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

THIS WAIVER IS BEING SOUGHT BECAUSE, WE, THE SURVIVING CHILDREN, CAN EVENLY DIVIDE THIS INHERITANCE AND KEEP OUR MOTHER'S WISHES.