



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
July 23, 2024 at 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 May 21, 2024 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-8-24. Zachary Carver. 6310 N 575 E, Franklin

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VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a 2,800 square-foot accessory structure a)where all accessory structures will total 3,960 square feet in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 75% of the building area of the primary dwelling, or, in this case, 960 square feet), and b)with an approximately 15-foot rear setback (minimum 20-foot setback required).

V-9-24. Janeen Elaine. 5014 N 75 W, Whiteland

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VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for a wellness studio (not permitted in the A-1 zoning district). VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive parking requirements for commercial use landscaping requirement for commercial use, and to allow for one permanent freestanding sign not to exceed 16 square feet in area

V-10-24. Mark Roesdeske. 2955 S. State Road 135, Franklin

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VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for canine training and animal boarding (not permitted in the R-1 zoning district). VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive parking requirements for commercial use landscaping requirement for commercial use, and to allow for one permanent freestanding sign not to exceed 16 square feet in area

V-11-24 & V-12-24. Josh Moss 4467 W. County Line Road, Greenwood

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VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for the operation of contractor's office and shop within the four buildings currently located on the property (not permitted in the R-2 zoning district). VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to: Waive commercial parking requirements (paved surface, curbs, and stall striping), and Waive landscaping requirements (landscape buffer 20 feet in width)

SP-1-24. Crew Carwash. 3-acre @ the NE corner of S. Morgantown Rd and W. Smith Valley Rd, Greenwood

Page 59

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for an automobile wash facility in the B-1 (Neighborhood Business) Zoning District.

UB-1-24 Burton. 7902 S 650 E, Edinburgh

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Public Hearing to affirm unsafe building order at 7902 S 650 E

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, August 27, 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.

STAFF REPORT

CASE NUMBER: V-8-24
ADDRESS: 6310 N 575 E, Franklin
PETITIONER: Zachary Carver

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a 2,800 square-foot accessory structure

- a) where all accessory structures will total 3,960 square feet in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 75% of the building area of the primary dwelling, or, in this case, 960 square feet), and
- b) with an approximately 15-foot rear setback (minimum 20-foot setback required)

RECOMMENDATION:

Staff recommends the **approval** of these variance requests

PROPERTY DESCRIPTION

This 1.286-acre property is zoned A-1 (Agricultural) and is improved with a single-family dwelling and a detached garage. The area around this property contains various sizes of parcels used residentially and agriculturally. All surrounding properties are zoned A-1.

VARIANCE REQUEST – ACCESSORY SIZE

This request, if approved, would legally allow an existing 2,800 square-foot accessory structure that exceed the accessory size limitation. This structure was discovered by the Planning and Zoning Staff in April of 2024. The structure was under construction on the property. The picture provided in the Staff Report were taken the day construction activity was observer. Once the property owner applied for a building permit, it was determined that the structure did not meet the ordinance requirement on size and setback.

By current Johnson County Zoning Ordinance, a property which is 2-acre or less in an agricultural district may only be permitted accessory structures that are 75% of the primary footprint. For this property that primary footprint is 1,280 square feet, allowing only 960 square feet in accessory structures. The current detached garage is 960 square feet. There is a 120 square foot gazebo as well on the property. The total of all three structures will be 3,880, which is 300% of the primary dwelling.

Staff often supports variance requests for oversized residential accessory structures where the following conditions are met:

1. The subject lot is located in a rural or agricultural area, or in an area generally characterized by large lots and open, expansive spaces.
2. The subject lot is located in an area where oversized accessory structures are common.
3. The oversized accessory structure would be obscured from view from surrounding properties and rights-of-way.

The proposed oversized accessory structure generally meets provisions 1 and 2 above, as the surrounding area consists of several large lots and open expansive spaces. The structure however is still viable from the public right of way as well as adjoining neighbor to the north. This property is surround by other properties that would be exempt from this regulation because the parcels exceed 2 acres in size.

VARIANCE REQUEST – REAR SETBACK

This request, if approved, would legally allow an existing 2,800 square-foot accessory structure to be 15 feet from the rear property line where ordinance requires 20 feet. The petitioner’s property abuts a 50 acres farm with no building improvements. The 20 foot rear setback requirement is often applied for those property with rear drainage improvements which is not applicable on this property.

Staff, recommends approval of these requests.

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 proposed structure must meet all applicable building codes and permit requirements.

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 barn will not impact the use and enjoyment of adjoining areas.

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

The proposed accessory structure would be in keeping with the development pattern for the area. It would allow for the enclosed keeping of agricultural equipment and residential items, which would generally be considered a more desirable scenario than the outdoors. The structure is not impeding on any rear drainage system that the setback would protect.

GENERAL INFORMATION

Applicant: Zachary Carver
6310 N 575 E
Franklin IN 46131

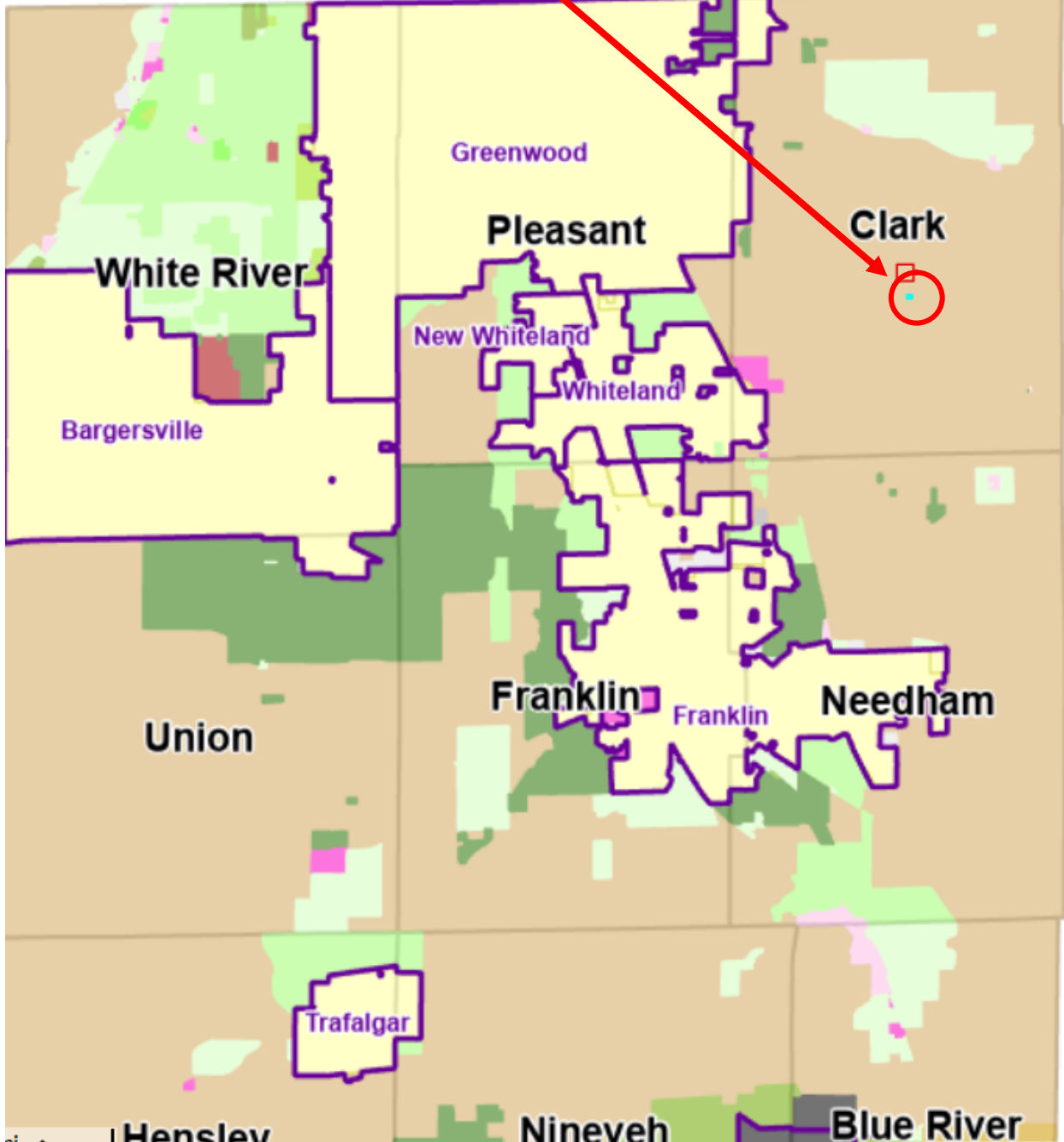
Owner: Same

Zoning: A-1 (Agricultural)
Land Use: Residential
Future Land Use: Agricultural

-MNH

V-8-24 BASE MAP

SUBJECT SITE



V-8-24 AERIAL MAP



V-8-24 AERIAL MAP II



V-8-24 AERIAL MAP III



V-8-24 SITE PLAN



V-8-24 PETITIONER FINDINGS OF FACT 1 of 2
Accessory Size

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE
JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The barn is structurally sound. The construction is solid and safe to be around. It was built to match our existing garage and the neighbors barns. The construction and earth work assisted in preventing water damage to ours and neighbor fields.

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 barn is on the west part of our property. It does not hinder sunlight to the crops. It helps with rain water to provide water to the fields, but helps large amounts of water to flow south to the ditch.

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

The building I constructed is paid for and established. The size is what I need to hold inventory and equipment. I designed the structure to be efficient with what my family and business needs.

V-8-24 PETITIONER FINDINGS OF FACT 2 of 2

Rear Setback

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The community has not been impacted negatively since the construction has begun. The barn is safe, becoming more presentable as I continue to work on it. The barn is located in the highest point in my backyard to help with runoff, to help the field tiles around us flow proficiently.

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 property on all sides of us are family owned properties. Meaning I am related to all of them by blood. I discussed the project to them. My building is not causing harm or difficulty to anyone or anything. It is not hurting the land value or crops grown around it. My barn does not block the sun or water from helping the crops.

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

If I were to build the barn closer to the house, it would be closer to our septic system, block rain and run off water from being able to collect in a field tile and continue on south into the ditch. I built the barn on the highest point on my property which allowed the space.

V-8-24 Status of Construction on April 1 2024



Staff Report

CASE NUMBER: V-9-24
ADDRESS: 5014 N 75 W, Whiteland
PETITIONER: Janeen Elaine

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for a wellness studio (not permitted in the A-1 zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive

1. parking requirements for commercial use
2. landscaping requirement for commercial use, and
3. to allow for one permanent freestanding sign not to exceed 16 square feet in area

STAFF RECOMMENDATION

Staff recommends denial of the use variance request and that the Board dismisses the development standards variances due to irrelevancy.

PROPERTY DESCRIPTION

This 2 -acre site is zoned A-1 (Agricultural) and is improved with a single-family home and several detached barns. To the south are single-family homes on similar or smaller-sized parcels. To the east and west are agricultural fields with occasional single-family dwellings.

VARIANCE REQUEST

This Variance of Use request, if approved, would allow the applicant to use a portion of the existing single-family home for a wellness studio. This studio will be used by the property owner and will be available for rent to others in the community.

As indicated in the included Plan of Operation, all operations will happen within 345 square feet of the dwelling. The Plan indicates that the petitioner will allow others to rent the space for wellness activities such as fitness classes, wellness workshops, meetings, and instructional sessions. The dwelling's kitchen and bathroom will also be available for use.

There were no normal business hours indicated on the Plan of Operation. The applicant anticipates a maximum of 30 people to occupy the space at any given time. Even though the Plan of Operation states the property provides ample parking space, the site plan does not show any additional parking than the existing driveway.

Comprehensive Plan

The Future Land Use Map of the Comprehensive Plan recommends Suburban Residential as the best use of the area. The intended uses are residential. This use variance request 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 that the hours of operation are not well defined and off-street parking may be difficult to accommodate the anticipated number of clients.

VARIANCE OF DEVELOPMENT STANDARDS REQUEST - COMMERCIAL PARKING

The use of a studio is subject to commercial development standards for parking, maneuvering areas, and drive aisles.

This Variance of Development Standards request, if approved, would allow for commercial use of the proposed structure without providing a curb and striped maneuvering and parking areas required of commercial properties. The property currently has a concrete driveway and parking area. There is also a gravel driveway that leads to additional barns on the property. The driveway leads to property that is not owned by the applicant. The existing concrete will also lack curbs and stall striping, whereas the zoning ordinance requires all commercial parking and maneuvering areas to be curbed and to have parking stalls marked in paint.

The proposed development does not meet the Findings of Fact for a Use Variance. Therefore, Staff recommends that the Board dismiss the development standards variances due to irrelevancy.

VARIANCE OF DEVELOPMENT STANDARDS REQUEST - FREE STANDING SIGN

This request, if approved, would provide for the future placement of a non-lit free-standing sign. The Zoning Ordinance prohibits business/commercial signage on agriculturally zoned parcels. The applicant has requested a variance to allow for a sign that will not exceed 16 square feet and 4 feet in height.

Staff would regard the request to be generally appropriate and suitable for the area, should the Board favor granting the associated Use Variance.

FINDINGS OF FACT: VARIANCE OF USE

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.

The proposed use would be inconsistent with the predominantly residential uses in the area and could lead to an inappropriate intrusion of commercial activity without a well defined plan of operation.

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

The proposed use of client base business is not compatible with the surrounding residential properties.

3. The need for the variance does not arise from some condition peculiar to the property involved.

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

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

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

5. The approval does interfere substantially with the Comprehensive Plan.

The request would be generally inconsistent with the land use recommendations of the *Johnson County Comprehensive Plan*, which recommends suburban residential use and development of the site.

GENERAL INFORMATION

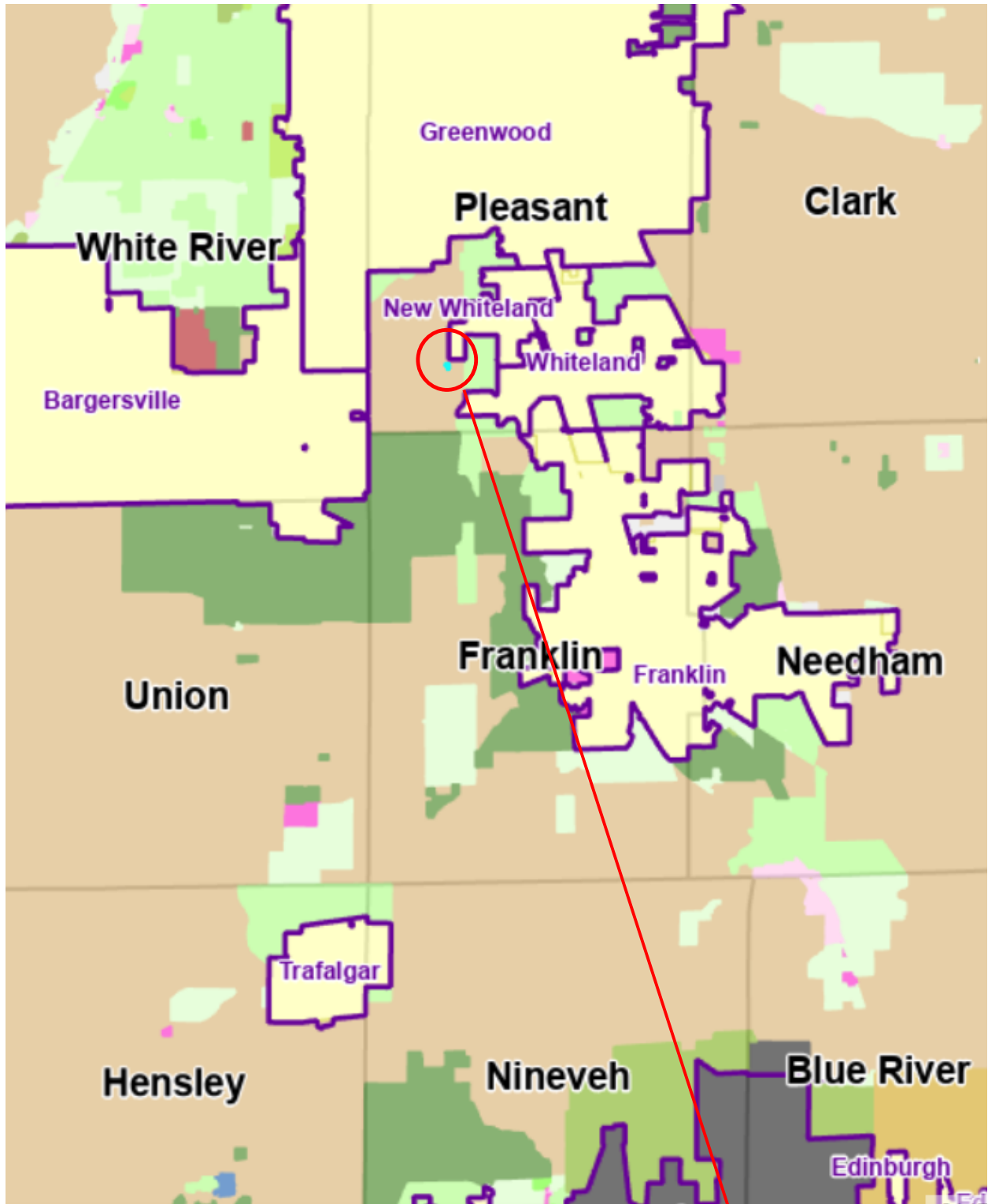
Applicant: Janeene Elaine
5014 N 75 W
Whiteland IN 46184

Owner: same

Zoning: A-1 (Agricultural)
Land Use: Single-family Residential
Future Land Use: Suburban Residential

MNH

V-9-24 BASE MAP



subject site

V-9-24 AERIAL PHOTO I



V-9-24 AERIAL PHOTO II



V-9-24 Street View

<https://maps.app.goo.gl/SS5NER5a7w8k3VQ98>



V-9-24 Plan of Operation Page 1 of 2

Plan of Operation

The Building Bean Wellness studio will be a community space that inspires health and well-being through various activities, workshops, classes, meetings, clubs and celebrations. The 345 square foot studio is a peaceful atmosphere featuring two oversized arched mirrors for yoga or pilates and an 8-ft console table. Petitioner will also make the kitchen available for use and, in addition, may allow some of the activities to take place outdoors in the beautiful barnyard and green pasture areas by the apple trees.

Activities that may take place here will include, but are not limited to, yoga, pilates, small classes and workshops, group and business meetings, study clubs, tutoring or instructional sessions, enrichment activities, inspirational and motivational sessions and various projects that inspire overall well being and personal growth.

Petitioner will rent the space and oversee/monitor all activities. Bathroom facilities are available.

The studio will also feature a Murphy bed that will stay enclosed during daytime hours when the wellness studio is in use, then be opened at night so the space can be used as an Airbnb. The petitioner is a current super host of a unique and successful Airbnb at this same location, called the Vintage Farmhouse Airbnb, and looks forward to offering another great experience with the Wellness Studio Airbnb, bringing additional travelers and their business to the Whiteland area.

The studio can accommodate approximately 25-30 seated guests, petitioner will contact the fire chief to confirm the acceptable

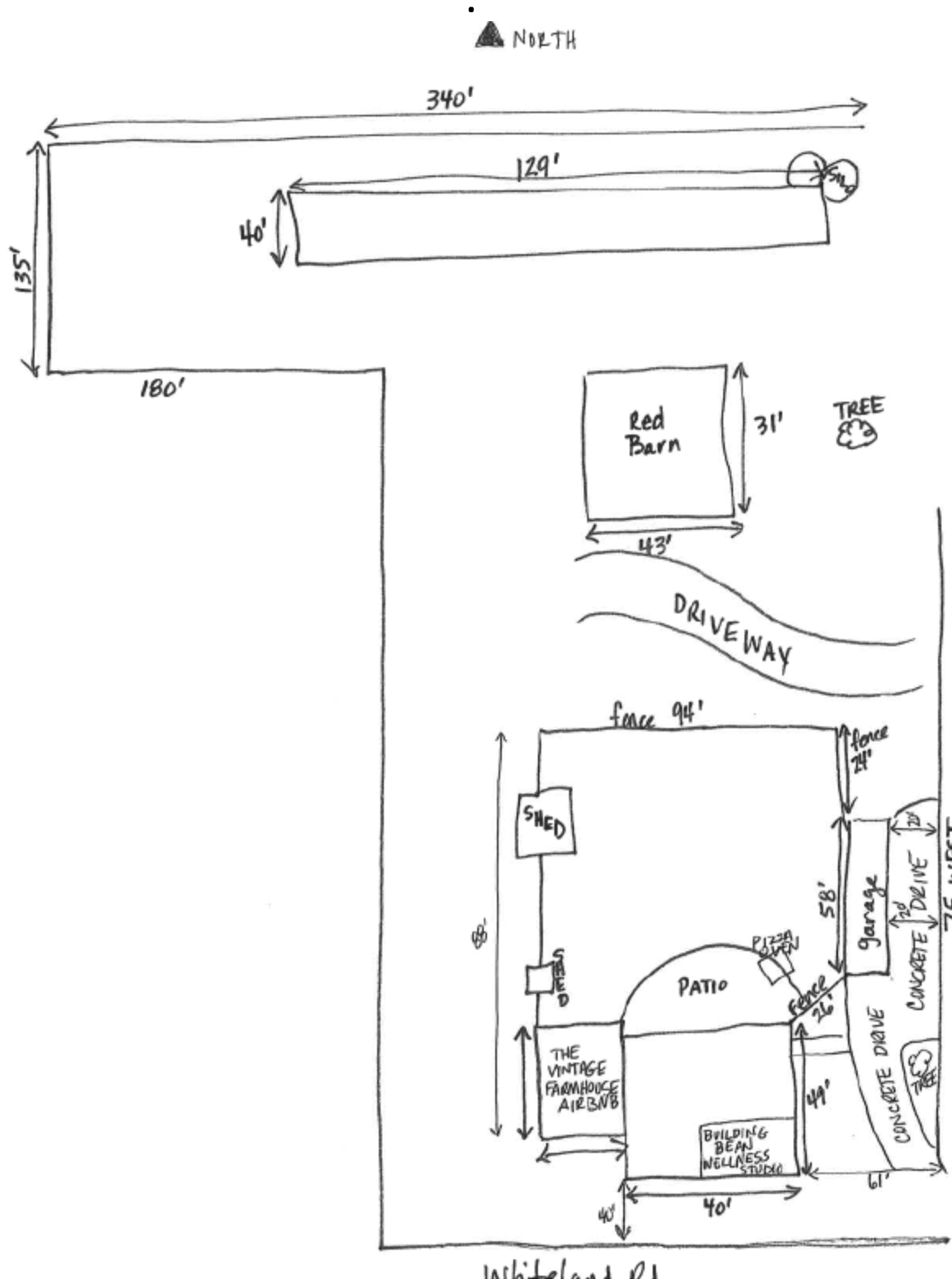
V-9-24 Plan of Operation Page 2 of 2

capacity for the space. Petitioners property has ample parking space to accomodate the vehicles that would be expected based on the number of guests the space will allow.

This wellness studio is being created with purpose and the best of intentions, it is an extension and an expression of the petitioner whose passion has always been to help others. The petitioner is a responsible homeowner who takes good care of the property and would like the oppportunity to create this unique space in Whiteland, Indiana.

Petitioner would like to have a 4x4 sign
in the front of property.

V-9-24 Site Plan



V-9-24 PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The Building Bean Wellness Studio will be a community space, structured to provide workshops, classes + activities that promote personal growth & inspire overall wellness.

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 Wellness Studio will be part of the existing structure, no additions will be made to the exterior. The petitioner believes the overall impact to the community + beyond, will be positive.

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

5014 N 75 W, the address where the Wellness Studio would be located, has been part of the community for 125+ years. It's a unique location that the petitioner would like to utilize to impact others in positive ways.

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:

One of the greatest gifts we have in life is the ability to always move forward, to grow, build, achieve, reach higher. Having a support system ~~to~~ designed to help us grow + build, is essential. This is an opportunity not only for the community, but for the County.

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

The comprehensive plan is built on ideas + goals to create better communities, better environments for the residents. The petitioner believes the Wellness Center will be a place of inspiration + personal growth, bettering the lives of all who visit. Petitioner does not feel that this interferes with the Comprehensive plan, but supports it.

* see attached

The studio will offer wellness centered activities, small classes, workshops to be led by instructors/coaches/teachers/speakers, or others having the proper credentials (if applicable) to conduct sessions.

Activities may include yoga/pilates, healthy wellness workshops, study groups, tutoring, motivational + instructional activities, all geared toward the greater good of all.

Petitioner will also welcome baby/bridal showers, birthday parties, business meetings, ^{social} clubs + small family gatherings/celebrations. In addition, petitioner foresees potential for community agency partnerships.

Thank you
Janine Elaine

Staff Report

CASE NUMBER: V-10-24
ADDRESS: 2955 S. State Road 135, Franklin
PETITIONER: Mark Roedeske

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for canine training and animal boarding (not permitted in the R-1 zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive

1. parking requirements for commercial use
2. landscaping requirement for commercial use, and
3. to allow for one permanent freestanding sign not to exceed 16 square feet in area

STAFF RECOMMENDATION

Staff recommends approval of these variance requests.

PROPERTY DESCRIPTION

This 2.42-acre site is zoned R-1 (single-family residential) and is improved a dwelling and two agricultural barns.

To the north, south, and east are agricultural fields, and to the west is a single-family home surrounded by agricultural fields.

CASE DESCRIPTION

This Variance of Use request, if approved, would allow the subject property to be used as a canine training and animal boarding facility. The petitioner plans on using the existing barns on the property and converting space to kennels and outdoor runs for animals. They plan to have up to 20 kennel spaces, 6 of the kennels will be for overflow. The primary use will be to provide training to canines and those canines will stay on the property while they receive training. More details can be found in the Plan of Operation. Clients will use the existing circle driveway to drop off their animals and for their training sessions.

The Zoning Ordinance defines Kennel as “Any premises, or portion thereof, on which more than four (4) dogs, cats, or other household animals over (4) four months of age are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.” Kennels are only permitted by right in B-2, they are allowed by special exception in A-1 zoning districts.

Noise, order, traffic, waste disposal, and alteration of neighborhood character are things to take into consideration when considering kennel use.

Noise

Kennels are appropriate in commercial and rural settings depending on the operation of the kennel and the surrounding properties. Since kennels are known to produce noise which is not common to rural residential areas, the area of which the use is proposed should be analyzed.

1. The property abuts State Road 135. SR 135 is a heavily traveled road that produces constant traffic noise
2. The closest residence to the east is about a mile away
3. The closest residence to the north is about a ½ mile down the road
4. The closest residence on the west side of SR 135 west is about 500 feet
5. There are a few dwellings located southwest of this property, about 650 feet.

With the few nearby residences on the west side of SR 135 and no nearby residences to the east, the use does not appear that it will create a nuisance to the area. Staff recommends approval of the use variance.

Odor

The distance of the kennel structure from nearby residential properties suggests that odor should not impact nearby properties.

Traffic

The limited amount of additional traffic generated by the kennel would not impact traffic patterns of the area that is served by a State Road

Waste Disposal

They will utilize a site dumpster with regular pick-ups.

Alteration of Neighborhood Character

The kennel will be installed in an existing agricultural barn that is similar to the area. They also will utilize an existing horse pasture for outdoor space. The area character will not be altered.

THE VARIANCE OF DEVELOPMENT STANDARDS – PARKING AND LANDSCAPING

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 use will utilize the paved driveway for entering and existing as well as client parking. The driveway lacks 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. Staff would assert that the existing asphalt and parking areas would better fit the residential environment and context, Application of this regulation will make the visual appearance more commercial than residential.

This Variance of Development Standards request, if approved, would allow for commercial use at this location without providing the required landscape buffer around the kennel area. The zoning ordinance requires a landscape buffer around all four sides of the commercial use area that would be 20 feet in depth with two rows of trees. The use abuts an agricultural field to the north, south, and east, the tree buffer would not provide a benefit to the area. The property currently has some landscape on the west side of the property, additional landscape would not provide any benefit to the area.

Staff may ordinarily see these Variance of Development Standards requests as potentially representing minor and acceptable deviations from the requirements of the zoning ordinance.

VARIANCE OF DEVELOPMENT STANDARDS REQUEST - FREE STANDING SIGN

This request, if approved, would provide for the future placement of a non-lit free-standing sign near the driveway entrance. The Zoning Ordinance prohibits business/commercial signage on residentially zoned parcels. The applicant has requested a variance to allow for a sign that will not exceed 16 square feet and 4 feet in height.

Staff would regard the request to be generally appropriate and suitable for the area, should the Board favor granting the associated Use Variance.

VARIANCE OF USE FINDINGS OF FACT: STAFF ANALYSIS

1. 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 isolated and contained, and therefore would not have an impact on the public health, safety, morals, and general welfare of the community.

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.

Staff Analysis: The proposed use would not adversely impact the use and value of the adjacent properties as it will appear residential in nature.

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

Staff Analysis: The property is zoned residential however, the area is more agricultural where the use would be permitted under a special exception.

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

Staff Analysis: The property is zoned residential however, the area is more agricultural where the use would be permitted under a special exception

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

Staff Analysis: The proposed use would be within an existing agricultural structure and previous fenced-in area. It will appear residential and agricultural and therefore would have negligible impact on the realization of the Comprehensive Plan.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS OF FACT: STAFF ANALYSIS

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

Staff Analysis: The proposed parking and maneuvering area, lacking curbs and stall striping, would not create adverse impacts as it would remain residential appearance. The lack of landscape buffer will not adversely impact the area of mostly rural residential uses.

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.

Staff Analysis: Staff Analysis: The proposed parking and maneuvering area, lacking curbs and stall striping, would not create adverse impacts as it would remain residential appearance. The lack of landscape buffer will not adversely impact the area of mostly rural residential uses.

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

Staff Analysis: The site would not be well served by the introduction of a sizable paved parking area, which would needlessly add to the site's impervious area and would be aesthetically out-of-place in this rural residential environment.

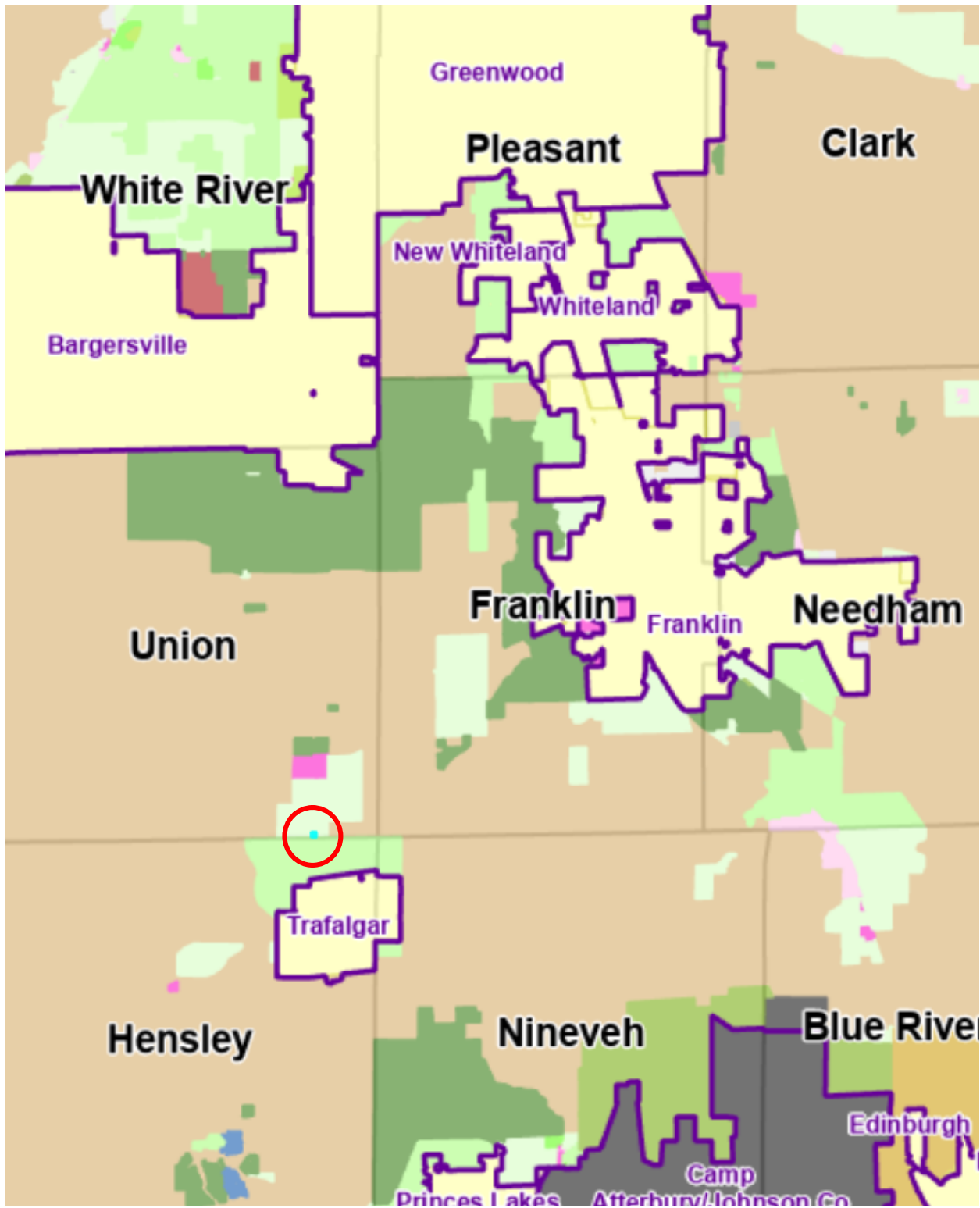
GENERAL INFORMATION

Applicant: Mark Roedeske
5507 Washington Ave.
Bargersville IN 46106

Owner: Joseph Park
2955 S State Road 135
Franklin IN 46131

Acreage: 2.245
Land Use: Residential
Future Land Use: Rural Residential

V-10-24 BASE MAP



V-10-24 BASE MAP II



V-10-24 AERIAL

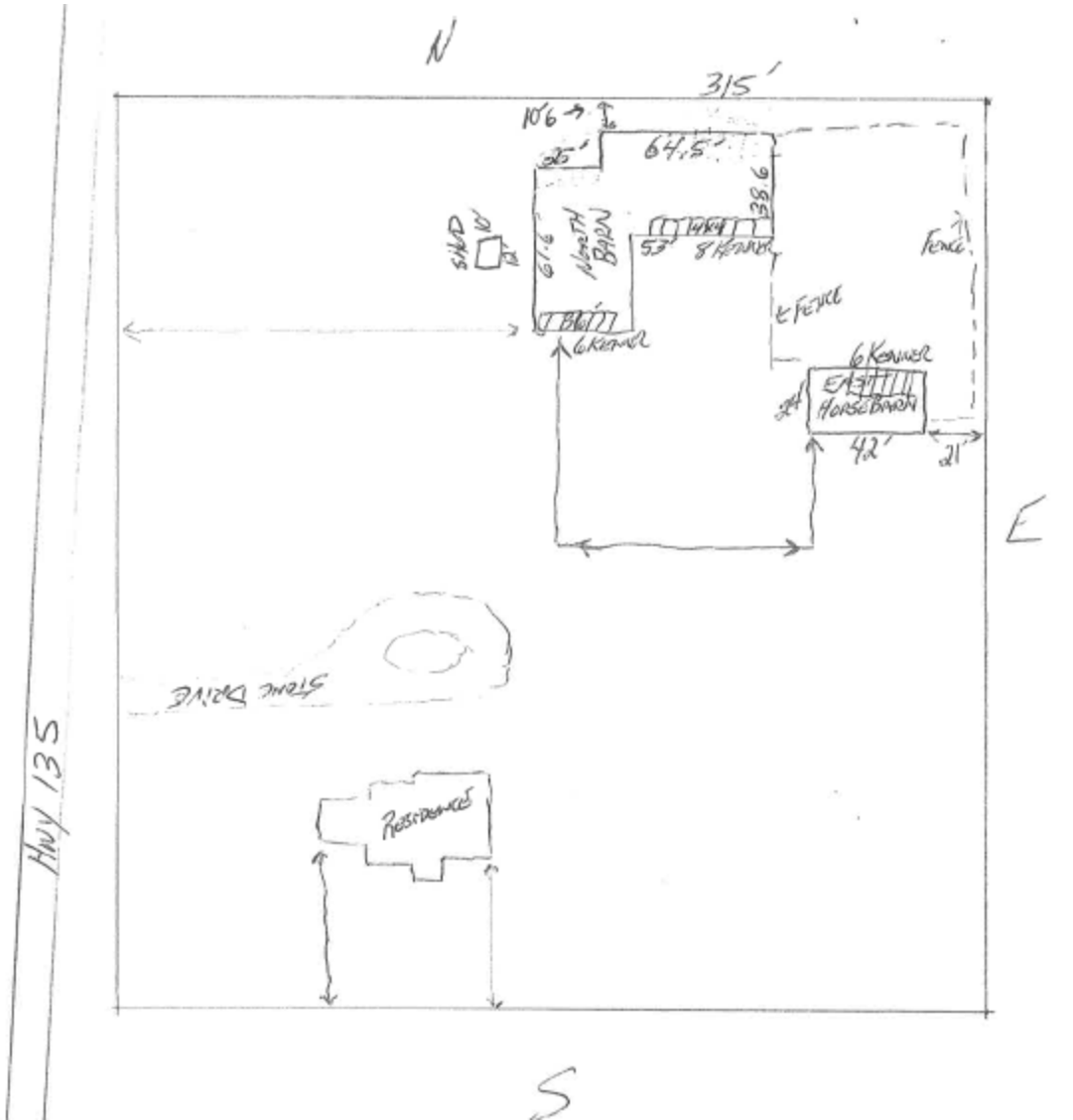


V-10-24 – Street View

<https://maps.app.goo.gl/Eh1JeHxVEEsaonkQ9>



V-10-24 SITE PLAN



V-10-24 PLAN OF OPERATION, PAGE 1 of 2

Plan of Operation

The Petitioner plans on purchasing and residing at Hwy 135, where a certified Master Dog trainer will be residing. The main operation, on this residence, will be the training of Psychiatric service, Medical alert, mobility assistance, hearing alert, allergy alert, and detection dogs. It is the goal of the operation to create working animals that will be polite members of society and contribute highly to our community and neighbors in need.

The operation will be remodeling the east side horse barn to house four to six service dogs in training. The outer horse barn, attached to the north barn, will be remodeled to house 6 to 8 board and train dogs being trained for client's domestic use. The north barn will be remodeled up to house 4 to 6 over flow boarding that is needed.

The family that will be residing on the property and working the operation consists of a certified Master Dog Trainer with 10 years of membership with Johnson County 4H and a Johnson county Dog Club alumni/current leader, with 11 years of dog training experience. An active 8 year member of the Johnson County 4H and Dog Club. An active 6 year member of the Johnson County 4H and Dog Club. And a 10 year member of 4H, Jonson county dog club leader and FFA member.

The operation will not create any noise affects to surrounding residence, given the noise pollution from the highway the residence is located on. But each kennel area will be properly insulated for noise control, along with new technology to prevent animal turbulence. Each kennel will also include cooling air and heat for animals comfort, along with fenced in dog runs for exercise, and water access for hydration.

With convenient location off Hwy 135, multiple clients daily would be able to drop off, visit, or pick up their furry family member at daytime operation hours between 9am-6pm. The location has a turnaround driveway, which would lead up to the operations entrance for easy access for departing back onto Hwy 135. This is very convenient for our clients and surrounding community's safety as they exit the facility and residence.

This is a residence first, operational kennel second, so rigorous standards are in place to ensure that dog-related odor are mitigated. Areas will be designated for pet relief and dumpster on site for waste. Hourly cleanup and disinfected would occur in these areas.

The rest of the property will be used for daily resident activities and life

V-10-24 PLAN OF OPERATION, PAGE 2 of 2

Plan of Operation for:

2955 S State Road 135, Franklin, IN, 46131

Description of Use:

Training of psychiatric service, medical alert, mobility assistance, hearing alert, allergy alert, and detection dogs. It was house 10 to 12 kennels to board the service dogs and additional 4 to 6 kennels for overflow.

Hours of Operation:

9am – 6pm Monday – Sunday

Number of Employees:

5 – all five family members will reside on the property

Structure (s) for use:

Remodeling the east side horse barn (24' x 42') to house 4 to 6 kennels. Remodeling outer horse barn (38.6' x 64.5'), attached to north barn, to house 6 to 8 kennels. Remodeling north barn (36' x 61.6') to house 4 to 6 kennels for overflow. All labeled on site plan.

Description of outdoor use and location:

The outdoor will host activities in a fenced in environment (estimated 42' x 100'). This will be located in between the east and north side barns. All labeled on site plan.

Parking and surface:

Garage parking for family members residing on the property. A large stone driveway, with a circle turn around for easy exits. Parking would be available down this stretch but not necessary due to clients only pick up and drop off services.

Deliveries:

Standard deliveries of kennel products (food, cleaning supplies, etc.) via post office, FedEx, etc.

Waste:

On site dumpster, with regular pick ups

Signage:

Not determined yet, but an estimated 4' x 4' sign for customer identification at front of entrance

V-10-24 PETITIONER'S FINDINGS OF FACT, USE VARIANCE,

Findings of Fact, Use Variance

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because: The property is surrounded on three sides (North, South, and East) by farm land (crops) use that will not be adversely affected by dog care, given the nature of the farm land (crops). To the West is a high traffic 2 lane highway. Across from that is a Memorial Crematorium and single family homes, none of which will be adversely affected given the noise pollution from the highway those properties already experience.
2. The use and value of the area adjacent to the property included in the variance will not be affected in substantially adverse manner because: None would be adversely effected for reasons stated above. The residents previously catered horses and other live stock. That were mostly as intensive use as dog training and boarding. The operation has rigorous standards to ensure odor and noise are mitigated, including but not limited to enclosed fenced in area (for outdoor training) and dumpsters (to control waste).
3. The need to the variance arises from some condition peculiar to the property involved because: The current zoning classification does not include boarding and kennel. The property was previously used for residential, horse boarding, and live stock. The current owner, in process of selling to applicant, has affirmed difficulty selling said property considering the noise pollution from the high traffic 2 lane highway.
4. The strict application of terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to property for which the variance is sought because: The property has housed horses and other livestock but due to the heavy traffic from the 2 line highway has made it less desirable for future home owners unless continued agriculture zoning or variance for the dog boarding.
5. The approval does not interfere substantially with the Comprehensive Plan because: The Petitioners believe this boarding and training will support the Johnson County community and will be independent owned land (the Petitioners will reside on the property) that will not interfere with counties Comprehensive Plan.

Staff Report

CASE NUMBER: V-11-24 & V-12-24
ADDRESS: 4467 W County Line Rd, Greenwood
Parcel 41-03-27-012-008.000-038 & 41-03-27-012-007.000-038
PETITIONER: Josh Moss

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for the operation of contractor's office and shop within the four buildings currently located on the property (not permitted in the R-2 zoning district).

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to:
Waive commercial parking requirements (paved surface, curbs, and stall striping), and
Waive landscaping requirements (landscape buffer 20 feet in width)

STAFF RECOMMENDATION:

Staff recommends approval of the use variance request and that the Board **dismisses** the development standards variances due to irrelevancy.

PROPERTY DESCRIPTION

This 2.3 acre and 1 acre site is zoned R-2 (Single-Family Residential). Each parcel is improved with two structures, four in total. The Center Grove Estates Manufactured Home Community is east of the subject site and zoned R-5 (Mobile Home Park District). Farther south is the Silver Springs Major Subdivision. The properties to the west are vacant and heavily wooded. All properties to the north, south, and west are zoned R-2. Based on historic aerial images, the property was used as a truck repair facility as recently as the end of 2014.

VARIANCE HISTORY

On July 26, 2022 the Johnson County BZA voted to deny variance petition V-8-22, pertaining to this property at 4467 W County Line Rd, Greenwood. The original request sought a variance of use of the Johnson County Zoning Ordinance to provide for the operation of an automotive repair and maintenance facility, including outdoor vehicle storage (not permitted in the R-2 zoning district). As well as Variance of Development Standards to waive commercial parking

requirements (paved surface, curbs, and stall striping) and waiver commercial landscaping requirements. The current petition removes the outdoor storage requirement and limits the number of members utilizing the space.

On January 24, 2023, the Johnson County BZA voted to approve variance petition V-1-23, pertaining to this property at 4467 W County Line Rd, Greenwood. The request sought a variance of use of the Johnson County Zoning Ordinance to provide for the operation of an automotive repair and maintenance facility, including outdoor vehicle storage (not permitted in the R-2 zoning district). The Variance of Development Standards to waive commercial parking requirements (paved surface, curbs, and stall striping) and waiver commercial landscaping were denied. The approved use variance did not start operation at this location.

The petition is sought by a different individual for a different proposed use.

VARIANCE OF USE

V-11-24 and V-12-24 are filed by the same applicant. The intent is to lease all four buildings in a similar fashion but used by different businesses. The applicant would be the owner of the property is the variances are successful.

V-11-24 - 41-03-27-012-008.000-038 – South Parcel

If approved, this variance request would allow the petitioner to operate a contractor's office and shop. The petitioner intends to use the existing 5,080 sq. ft. building and 11,200 sq. ft. warehouse to lease for a contractor's office and shop. The large building would be used for storage.

The submitted Plan of Operation, included in this staff report, indicates that operations would be Monday through Friday from 8:00 am to 5:00 pm. There will be little to no customers as this will not be used for a consumer-oriented business. They anticipate that 5 employees will be on site but the majority of the time they will be at a work site. No anticipated land improvements or new structures. The applicant states that there will be no outdoor storage.

The site and much of the surrounding area is currently zoned R-2 and the Johnson County Comprehensive Plan 2017 White River Township Update recommends Town Residential as the zoning for this site, and for the general area. Per the Comprehensive Plan, the purpose of the

Town Residential District is to accommodate compact, single family residential development. Currently the site is zoned R-2 where the permitted uses include: one-family dwellings, public parks and playgrounds, cemeteries, essential services, agriculture, home occupations, child care services (for 5 or fewer children), public and parochial schools, religious institutions, and government buildings.

Both structures on the property are within the Floodway (FEMA Zone AE Floodway) and the remainder of the property is within the Special Flood Hazard Area (FEMA Zone AE). These zones are indicated by the blue and red stripes (Floodway) and solid blue area (Special Flood Hazard Area) in the "V-11-23 Flood Map" exhibit. Land in these zones is considered to have a high flood risk where development of any kind is discouraged. Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Any improvements that require a building permit will be required to gain written approval from DNR before seeking local approvals from the Planning and Zoning Office.

In agricultural, rural, and low-density residential areas, it may be reasonable, under certain circumstances, to consider certain lower-intensity commercial or industrial uses, which are not otherwise allowed by right, to represent a reasonable deviation from the requirements of the zoning ordinance and the recommendations of the Comprehensive Plan. Staff understands that the site and structures were intended to be used as commercial structures since they were constructed in the 1970s. Redevelopment of the site for any of the permitted uses in the R-2 zoning district, while more consistent with the surrounding residential area, is not likely to occur due to the floodway and existing structures on the site. A contractor's office and storage utilizing existing structures represents a low-intensity use to the area.

Staff recommends approval of the use variance request. Staff recommends that the Board uses the petitioner's findings of facts for approval with the following conditions:

- 1) No unlicensed or inoperable vehicles may be stored outdoors
- 2) No outdoor storage of equipment and materials.
- 3) Provide a minimum of one ADA-compliant parking space
- 4) Maintain and extend the fence line along the eastern property line, east of the existing structures
- 5) Application for, receipt of, and compliance with, a Construction Design Release from the Indiana Department of Homeland Security commercial use of the subject structures shall be required
- 6) Application for, receipt of, and compliance with, any required approvals from the Indiana Department of Natural Resources to improve and operate in the regulated floodway

- 7) The septic system serving the structures must meet minimum Indiana State Department of Health regulations
- 8) An access easement shall be provided to the property from County Line Rd across the properties adjoining to the north (parcels 41-03-27-012-007.000-038 & 41-03-27-012-006.000-038)

V-11-24 VARIANCE OF DEVELOPMENT STANDARDS

This Variance of Development Standards request, if approved, would allow for commercial use at this location without providing the paved maneuvering and parking areas and landscaping required of commercial properties. The area north of the existing barns is currently paved, but not striped or landscaped. The lack of curbs, striping, and completely paved surfaces does not meet the required off-street parking standards of the Zoning Ordinance and thus requires the variance. The site would be accessed from the existing private driveway off County Line Rd. The petitioner indicated that the existing paved area allows room for 6 vehicles to park, but did not indicate an intention to repave, curb, or stripe the stalls as required by the ordinance at this time. The parking lot will also be in deficient of the perimeter landscaping requirement due to the limited space on the site.

V-11-24 FINDING OF FACTS - USE VARIANCE

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

The proposed use would be isolated and contained, and therefore would not have an impact on the public health, safety, morals, and general welfare of the community.

- 2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.**

The proposed use would not adversely impact the use and value of the adjacent properties as the use will utilize the existing structures.

- 3. The need for the variance does arise from some condition peculiar to the property involved.**

The property is zoned residential however, the property is developed for commercial use.

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

The property is zoned residential however, the property is developed for commercial use.

5. The approval does interfere substantially with the Comprehensive Plan.

The request is abutting the recommendation of neighborhood commercial for this property in the 2017 White River Township Future Land Use Map. This proposed use is not a substantial interference.

V-12-24 - 41-03-27-012-007.000-038– North Parcel

If approved, this variance request would allow the petitioner to operate a contractor's office and shop. The petitioner intends to use the existing 6,000 sq. ft. building and 2,160 sq. ft. coverage storage to lease for a contractor's office and shop.

The submitted Plan of Operation, included in this staff report, indicates that operations would be Monday through Friday from 8:00 am to 5:00 pm. There will be little to no customers as this will not be used for a consumer-oriented business. They anticipate that 5 employees will be on site but the majority of the time they will be at a work site. No anticipated land improvements or new structures. The applicant states that there will be no outdoor storage.

The site and much of the surrounding area is currently zoned R-2 and the Johnson County Comprehensive Plan 2017 White River Township Update recommends Town Residential as the zoning for this site, and for the general area. Per the Comprehensive Plan, the purpose of the Town Residential District is to accommodate compact, single family residential development. Currently the site is zoned R-2 where the permitted uses include: one-family dwellings, public parks and playgrounds, cemeteries, essential services, agriculture, home occupations, child care services (for 5 or fewer children), public and parochial schools, religious institutions, and government buildings.

This parcel is not affected by a Floodway (FEMA Zone AE Floodway) but it does have a slight area that is indicated as a Special Flood Hazard Area (FEMA Zone AE). Local floodplain ordinances require local construction permits.

In agricultural, rural, and low-density residential areas, it may be reasonable, under certain circumstances, to consider certain lower-intensity commercial or industrial uses, which are not otherwise allowed by right, to represent a reasonable deviation from the requirements of the zoning ordinance and the recommendations of the Comprehensive Plan. Staff understands that the site and structures were intended to be used as commercial structures since they were constructed in the 1970s. Redevelopment of the site for any of the permitted uses in the R-2 zoning district, while more consistent with the surrounding residential area, is not likely to

occur due to the floodway and existing structures on the site. A contractor's office and storage utilizing existing structures represents a low-intensity use to the area.

Staff recommends approval of the use variance request. Staff recommends that the Board uses the petitioner's findings of facts for approval with the following conditions:

- 1) No unlicensed or inoperable vehicles may be stored outdoors
- 2) No outdoor storage of equipment and materials.
- 3) Provide a minimum of one ADA compliant parking space
- 4) Maintain and extend the fence line along the eastern property line, east of the existing structures
- 5) Application for, receipt of, and compliance with, a Construction Design Release from the Indiana Department of Homeland Security commercial use of the subject structures shall be required
- 6) Application for, receipt of, and compliance with, any required approvals from the Indiana Department of Natural Resources to improve and operate in the regulated floodway
- 7) The septic system serving the structures must meet minimum Indiana State Department of Health regulations
- 8) An access easement shall be provided to the property from County Line Rd across the properties adjoining to the north (parcels 41-03-27-012-007.000-038)

V-12-24 VARIANCE OF DEVELOPMENT STANDARDS

This Variance of Development Standards request, if approved, would allow for commercial use at this location without providing the paved maneuvering and parking areas and landscaping required of commercial properties. The area north of the existing barns is currently paved, but not striped or landscaped. The lack of curbs, striping, and completely paved surfaces does not meet the required off-street parking standards of the Zoning Ordinance and thus requires the variance. The site would be accessed from the existing private driveway off County Line Rd. The petitioner indicated that the existing paved area allows room for 6 vehicles to park, but did not indicate an intention to repave, curb, or stripe the stalls as required by the ordinance at this time. The parking lot will also be in deficient of the perimeter landscaping requirement due to the limited space on the site.

V-12-24 FINDING OF FACTS - USE VARIANCE

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

The proposed use would be isolated and contained, and therefore would not have an impact on the public health, safety, morals, and general welfare of the community.

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

The proposed use would not adversely impact the use and value of the adjacent properties as the use will utilize the existing structures.

3. The need for the variance does arise from some condition peculiar to the property involved.

The property is zoned residential however, the property is developed for commercial use.

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

The property is zoned residential however, the property is developed for commercial use.

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

The request is abutting the recommendation of neighborhood commercial for this property in the 2017 White River Township Future Land Use Map. This proposed use is not a substantial interference.

GENERAL INFORMATION

Applicant: Joss Moss
8725 Meadow Vista Drive
Indianapolis IN 46217

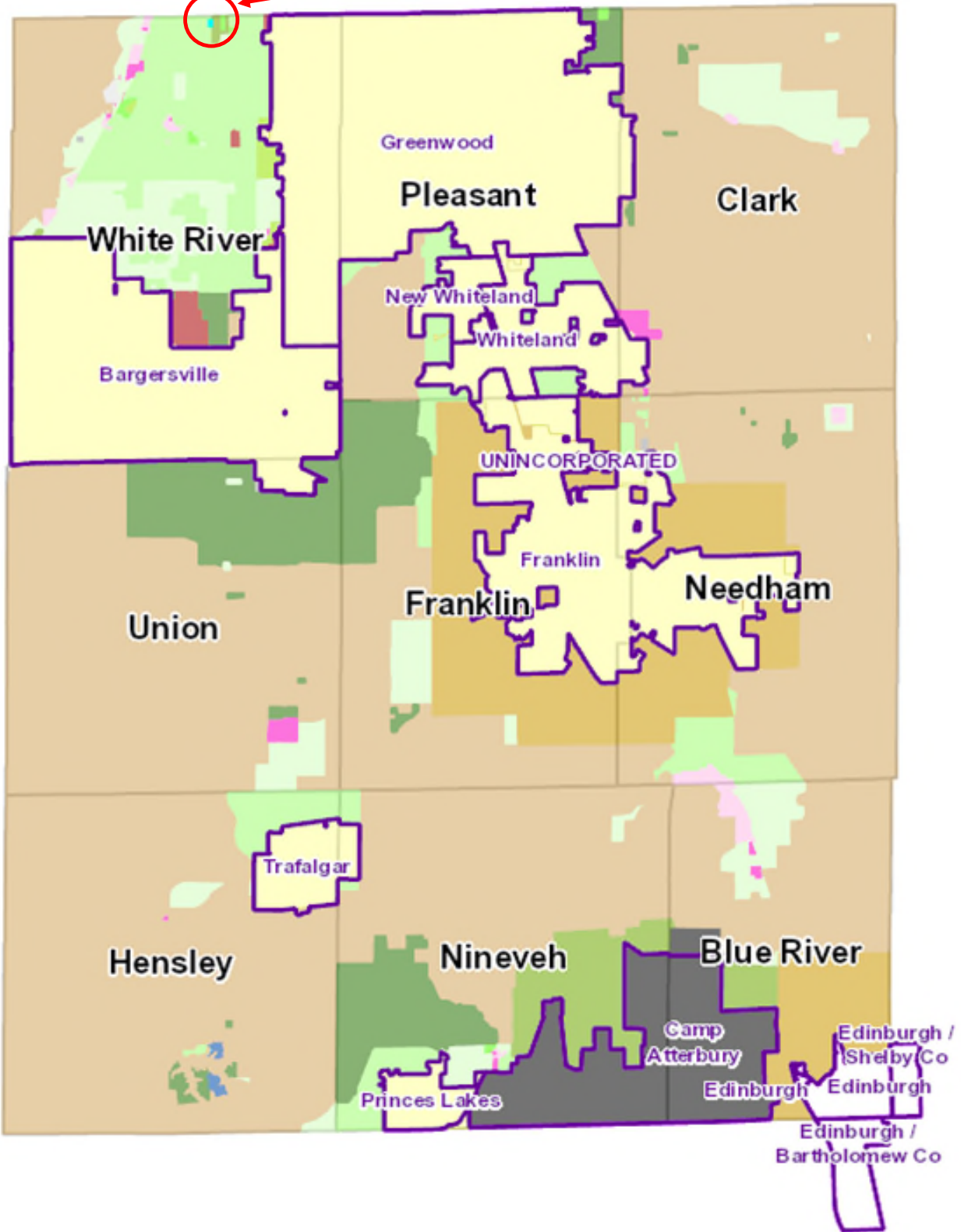
Owner: Meyer Realty
2934 Saddle Club Rd
Greenwood, IN 46143

Zoning: R-2
Land Use: Vacant Commercial
Future Land Use: Town Residential

-MNH

V-11-24 and V-12-24 BASE MAP

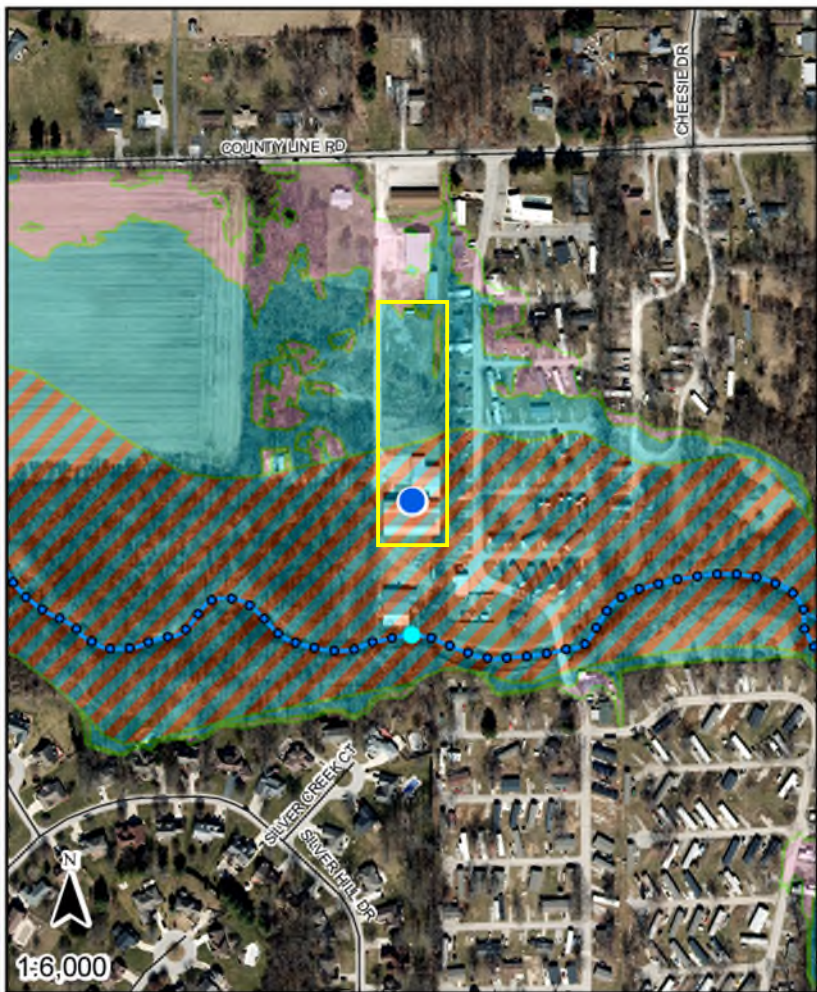
Subject Site



V-11-24 & V-12-24 BASE MAP II



V-11-24 & V-12-24 Flood Map



- Point of Interest
 - Base Flood Elevation Point
- Flood Elevation Points**
- STUDIED STREAM
- Rivers and Streams at least 1 square mile**
- Drainage Area (sq. miles)**
- 1 - 10
 - 10 - 100
- ▨ FEMA Zone AE Floodway; FEMA Administrative Floodway
 - ▨ FEMA Zone AE
 - ▨ Additional Floodplain Area; DNR .2 Percent Flood Hazard

Point of Interest Coordinates (WGS84)
 Long: -86.184017723
 Lat: 39.6322331563

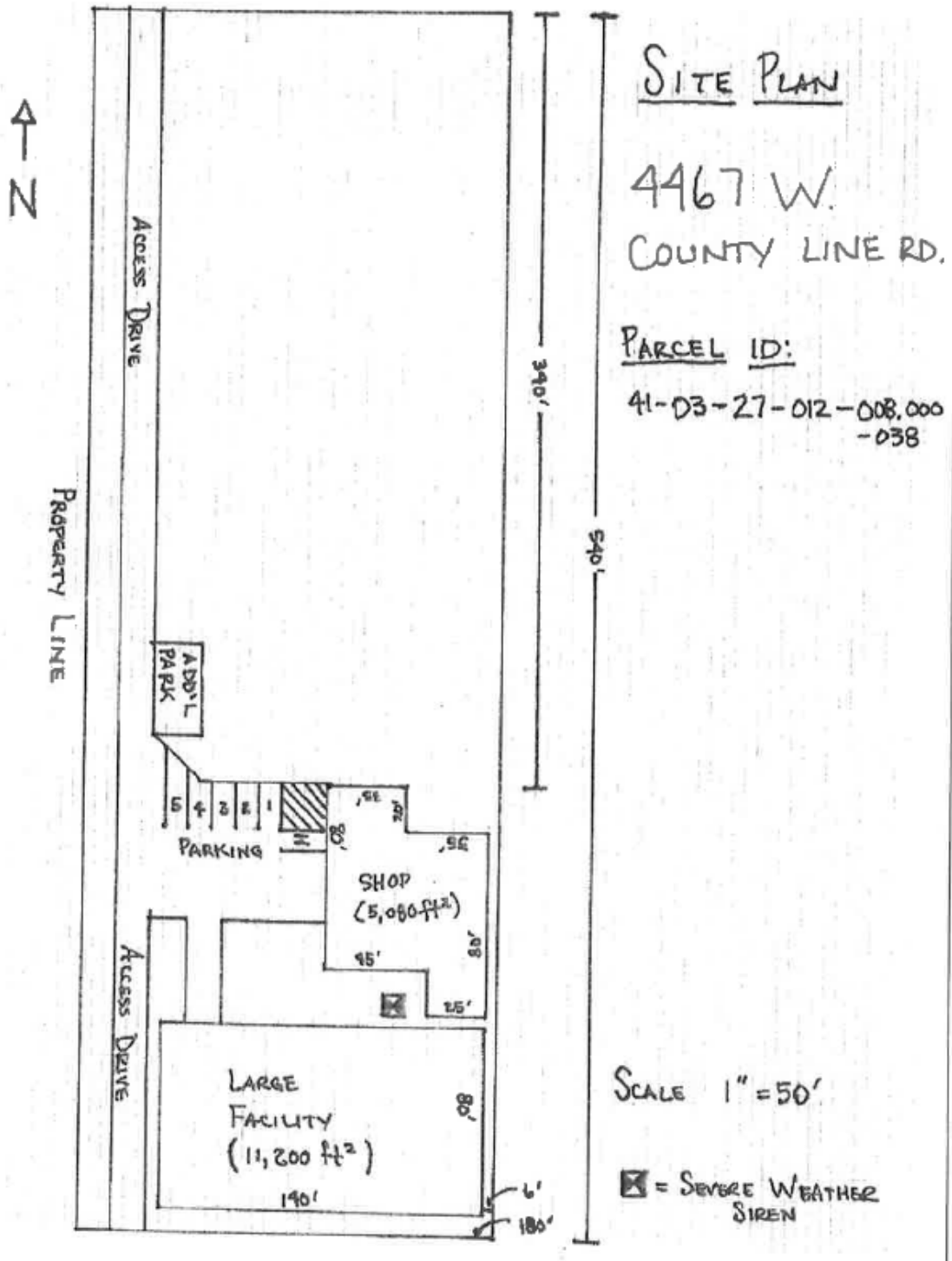
V-11-24 & V-12-24 HISTORIC IMAGE (MAR 2014 – MAY 2014)



V-11-24 AERIAL



V-11-24 SITE PLAN



V-11-24 PLAN OF OPERATION

PLAN OF OPERATION

LOCATION:

Parcel #: 41-03-27-012-008.000-038

Address: 4467 West County Line Road

Background:

The petitioner for this parcel is planning to own the property and lease premises to be used as a contractor's office and shop. Both buildings on the parcel shall be used for business operations and or storage. Waste will be handled with a commercial dumpster or toter service as needed however minimal waste is expected outside of normal office use. No inoperable or salvage vehicles will be parked or stored outside.

PLANNED OPERATIONS:

Hours of Operation:

Monday – Friday 8:00AM – 5:00PM

Anticipated number of customers / employees:

Little to no customer traffic on a regular basis – not a consumer oriented business

3-5 employees with most employees off site majority of work week

V-11-24 PETITIONER'S FINDINGS OF FACTS – USE VARIANCE

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The intended use of the property will not environmentally impact the community. The requested use does not allow for morally degrading operations. The petitioner will be monitoring use and upkeep on the property.

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:

There will be no changes to the footprint of the structures, no addition of signage, and no addition of lighting that would affect neighboring parcels.

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

The two structures on property are commercial/industrial in design. They have been used as commercial structures since being built. The variance would not alter appearance or footprints of the property.

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 structures on property are commercial / industrial buildings that have been used for such since being built. Due to other constraints with the property, residential use is not suitable.

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

The existing buildings have served a commercial / industrial use for many decades. Approval of this variance shall have no interference with the comprehensive plan and likely will prove to help the plan by allowing the property to be further maintained.

V-11-24 PETITIONER'S FINDINGS OF FACTS – DEVELOPMENT STANDARD VARIANCES

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The intended use of the property does not impose environmental, noise, or asesthetic impact to the surrounding areas.

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:

Current conditions for parking and landscape buffer are out of compliance. Future landscape and cosmetic improvements will bring the property close to adhering to the ordinance given what area we have to work with.

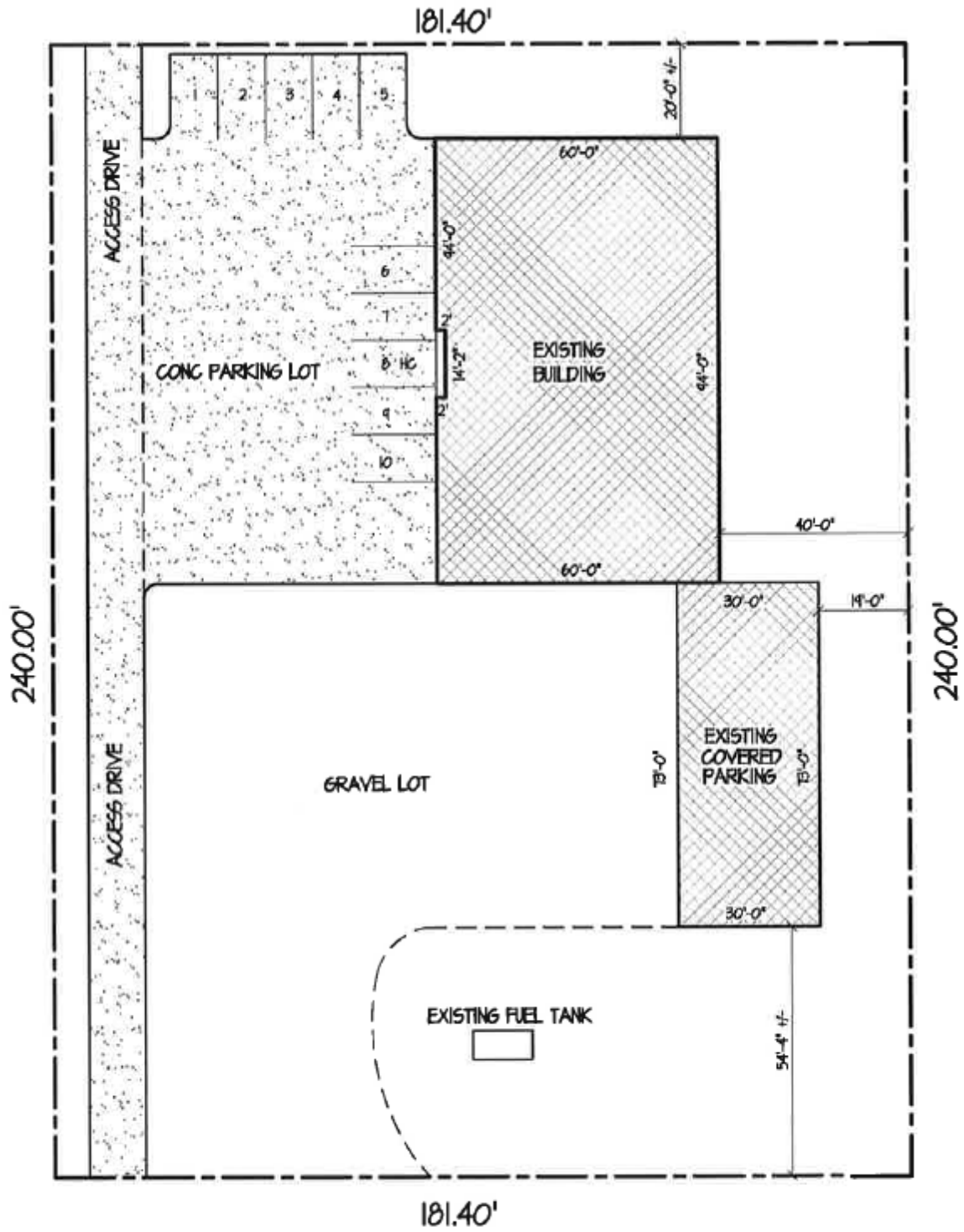
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

The amount of space needed for landscape buffer isn't available on the East side of the buildings. The current parking area would allow for 6 parking spots (5 regular, 1 handicap). The construction of new parking would encroach on the septic system and utility easement.

V-12-24 AERIAL



V-12-24 SITE PLAN



5

V-12-24 PLAN OF OPERATION

PLAN OF OPERATION

LOCATION:

Parcel #: 41-03-27-012-007.000-038

Address: 4467 West County Line Road

Background:

The petitioner for this parcel is planning to own the property and lease premises to be used as a contractor's office and shop. The building shall be used for business operations and or storage. Waste will be handled with a commercial dumpster or toter service as needed however minimal waste is expected outside of normal office use. No inoperable or salvage vehicles will be parked or stored outside.

PLANNED OPERATIONS:

Hours of Operation:

Monday – Friday 8:00AM – 5:00PM

Anticipated number of customers / employees:

Little to no customer traffic on a regular basis – not a consumer oriented business

3-5 employees with most employees off site majority of work week

V-12-24 PETITIONER'S FINDINGS OF FACTS – USE VARIANCE

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The intended use of the property will not environmentally impact the community. The requested use does not allow for morally degrading operations. The petitioner will be monitoring use and upkeep on the property.

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:

There will be no changes to the footprint of the structures, no addition of signage, and no addition of lighting that would affect neighboring parcels.

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

The two structures on property are commercial/industrial in design. They have been used as commercial structures since being built. The variance would not alter appearance or footprints of the property.

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 structures on property are commercial / industrial buildings that have been used for such since being built. Due to other constraints with the property, residential use is not suitable.

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

The existing buildings have served a commercial / industrial use for many decades. Approval of this variance shall have no interference with the comprehensive plan and likely will prove to help the plan by allowing the property to be further maintained.

**V-12-24 PETITIONER’S FINDINGS OF FACTS – DEVELOPMENT
STANDARD VARIANCES**

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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

The intended use of the property does not impose environmental, noise,
or aesthetic impacts to the surrounding areas.

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:

Current conditions for parking and landscape buffer are out of compliance.
Future landscape and cosmetic improvements will bring the property close
to adhering to the ordinance given what area we have to work with.

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

The amount of space needed for landscape buffer isn't available on the
East and North side of the building. The current parking areas would allow
9 regular spots and 1 handicap spot. The construction of new parking
would encroach on the septic system and/or block covered parking.

STAFF REPORT

CASE NUMBER: SP-1-24
ADDRESS: 3-acre @ the NE corner of S. Morgantown Rd and W. Smith Valley Rd
Parcels: 41-03-33-044-040.000-038, 41-03-33-044-040.001-038, & 41-03-34-033-096.000-038
PETITIONER: Crew Carwash Inc by Van Valer Law Firm LLP

REQUEST

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for an automobile wash facility in the B-1 (Neighborhood Business) Zoning District.

STAFF RECOMMENDATION:

Staff recommends **approval** of this request.

PROPERTY DESCRIPTION

The overall property is approximately 3.05-acre is zoned B-1 (Neighborhood Business) and is currently unimproved.

The site is abutted to the north east by single-family dwellings in a major subdivision Sheffield Park; to the east by small commercial use; to the south, across Smith Valley Road, by varying stand-alone commercial uses and residential dwellings; and to the west future retail development.

SPECIAL EXCEPTION REQUEST

This special exception request, if approved, would allow the petitioners to develop the site with automobile wash facility. An auto service uses that requires the Board of Zoning Appeals to grant a special exception.

The submitted Plan of Operation, included in this report, indicates that the petitioners plan to automatic car wash facility with self service cleaning bays on the property. The services will be provided everyday, from 7:00 AM to 9:00 PM. The development will be on the western portion of the property as shown on the site plan.

The 2017 White River Comprehensive Plan update recommends future Neighborhood Commercial use for the property. An automobile wash facility is a use that would support the neighboring residential development and support that commercial use in the area. The Zoning Ordinance of Johnson County delineates certain uses within certain areas by Special Exception because of their potential impact on neighboring properties. This proposed uses does not present any additional impacts than what is already in area from the adjoining commercial uses.

If the Board chooses to approve the special exception, the development of the site will require a technical review committee review, drainage board approval, a state commercial design release, and a county building permits.

FINDINGS OF FACT – SPECIAL EXCEPTION

- 1. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question.**

The Zoning Ordinance of Johnson County specifically lists "Auto sales, service, and repair" as a use permitted by Special Exception in the B-1 District.

- 2. The Special Exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.**

The use is adequately served by necessary facilities

- 3. The special exception shall not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance.**

The use complies with all Zoning Ordinance development standards and creates no conditions which may be dangerous, injurious, or noxious to any property or person.

- 4. The Special Exception shall be sited, oriented, and landscaped to produce a harmonious relationship to buildings and grounds to adjacent buildings and property.**

The plans indicate the existing structure will be harmonious with adjacent grounds and structures.

- 5. The Special Exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

The proposed development will match the visual impression and environment of existing commercial development in the area. It will exist harmoniously with adjacent buildings, ground, and uses

- 6. The Special Exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

The development will be required to developer proper access to the property in accordance with the Johnson County Highway Department.

- 7. The Special Exception shall preserve the purpose of the Zoning Ordinance, and shall not interfere substantially with the Comprehensive Plan.**

The Comprehensive Plan recommends Neighborhood Commercial Uses in this area. Neighborhood Commercial uses are considered smaller standalone and multitenant retail,

restaurant, office, and general business uses which primarily provide goods and services to a localized customer base. Neighborhood Commercial uses are less intense and expansive than Regional Commercial uses, which would typically draw from a regional base. A automobile wash facility draws from neighborhoods.

GENERAL INFORMATION

Applicant: Rachael Sloop / Eric Prime
225 S. Emerson Ave, Suite 181
Greenwood IN 46143
317-881-7575
rachael@vanvalerlaw.com

Crew Carwash Inc
1170 Exist 5 Parkway Suite 100
Fishers IN 46037

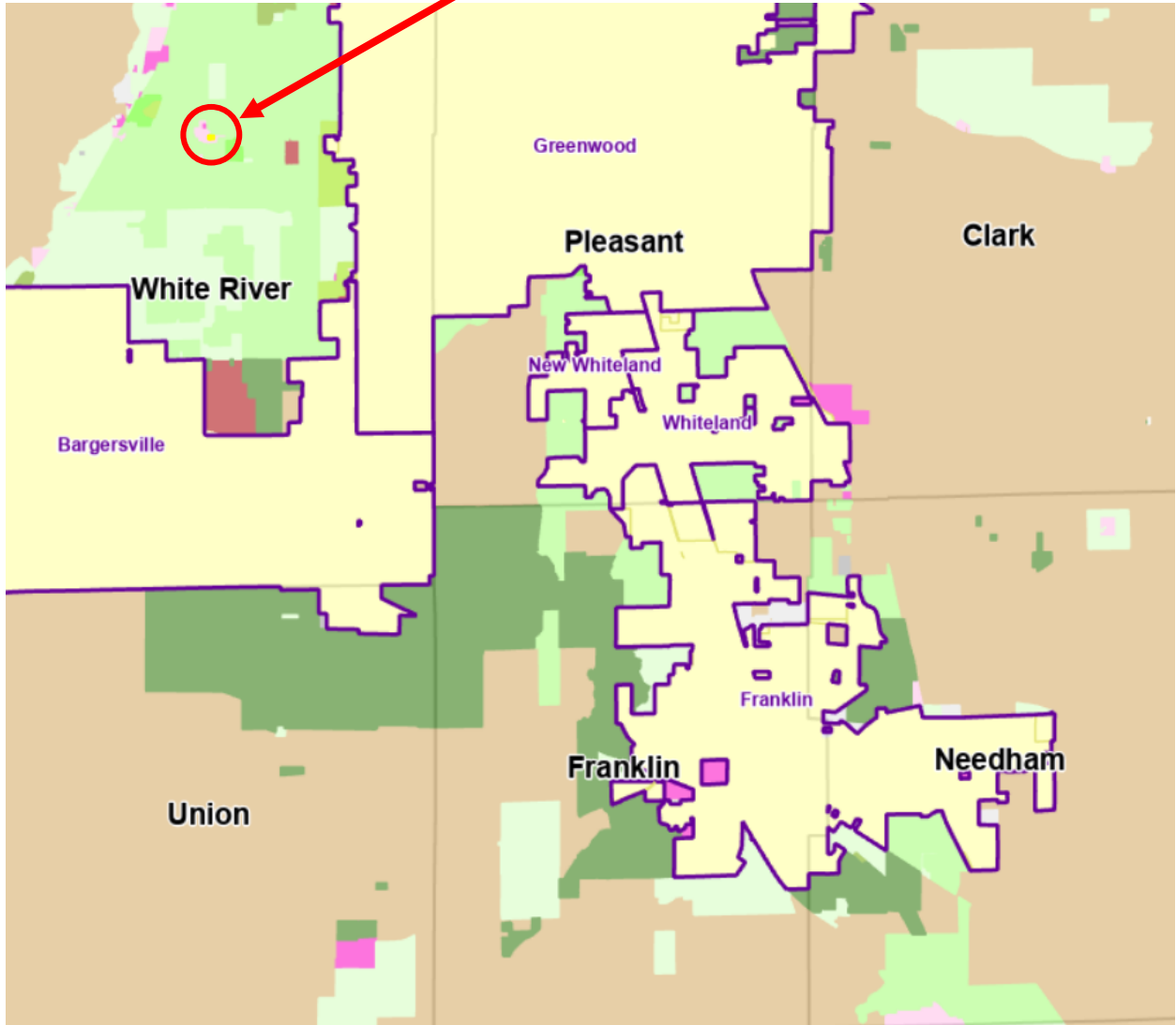
Owners: Wakefield Associates, LLC
320 N Meridian St. Ste 700
Indianapolis, IN 46204

Zoning: B-1 (Neighborhood Business)
Land Use: vacant
Future Land Use: Neighborhood Business

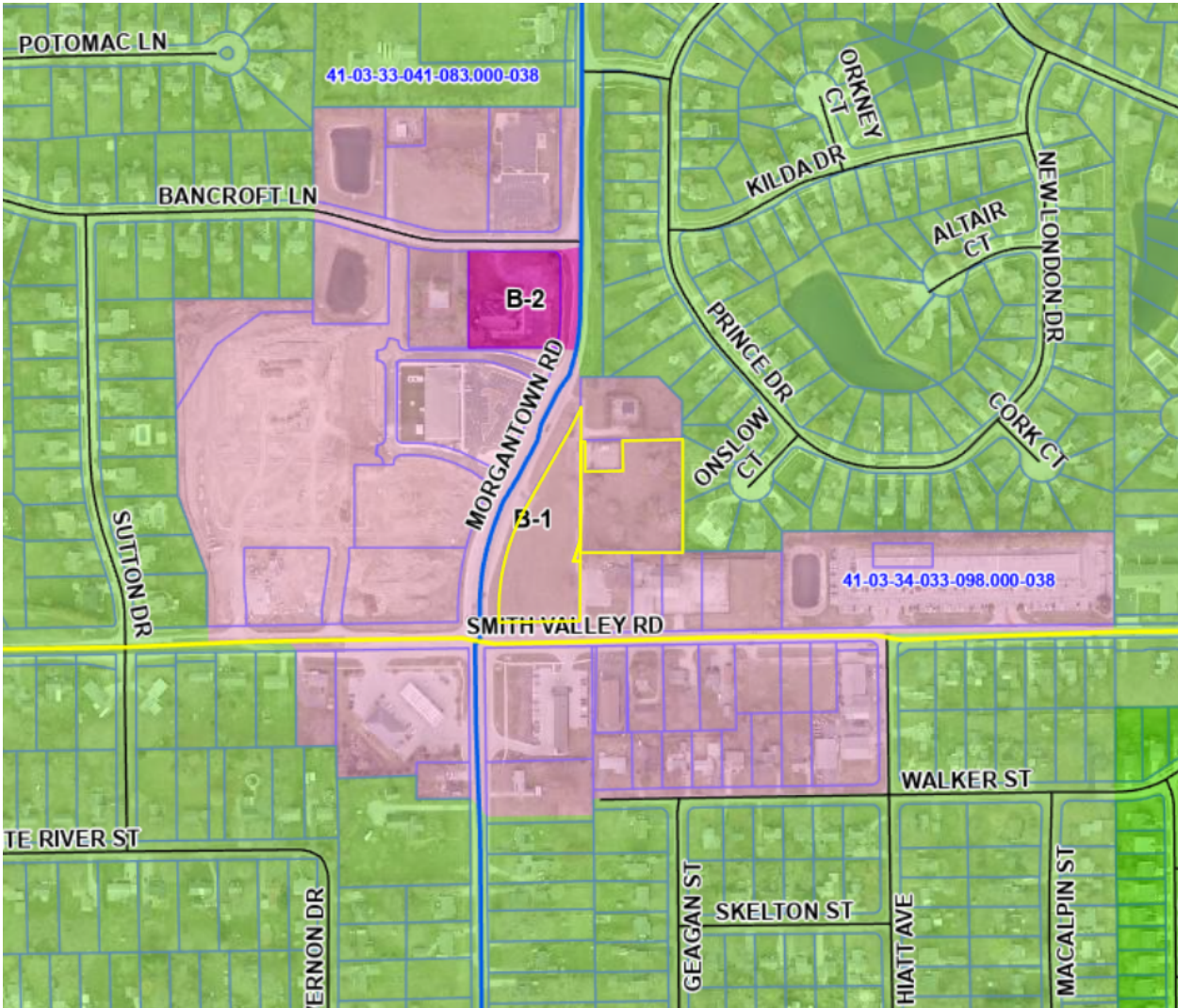
-MNH

SP-1-24 BASE MAP

SUBJECT SITE



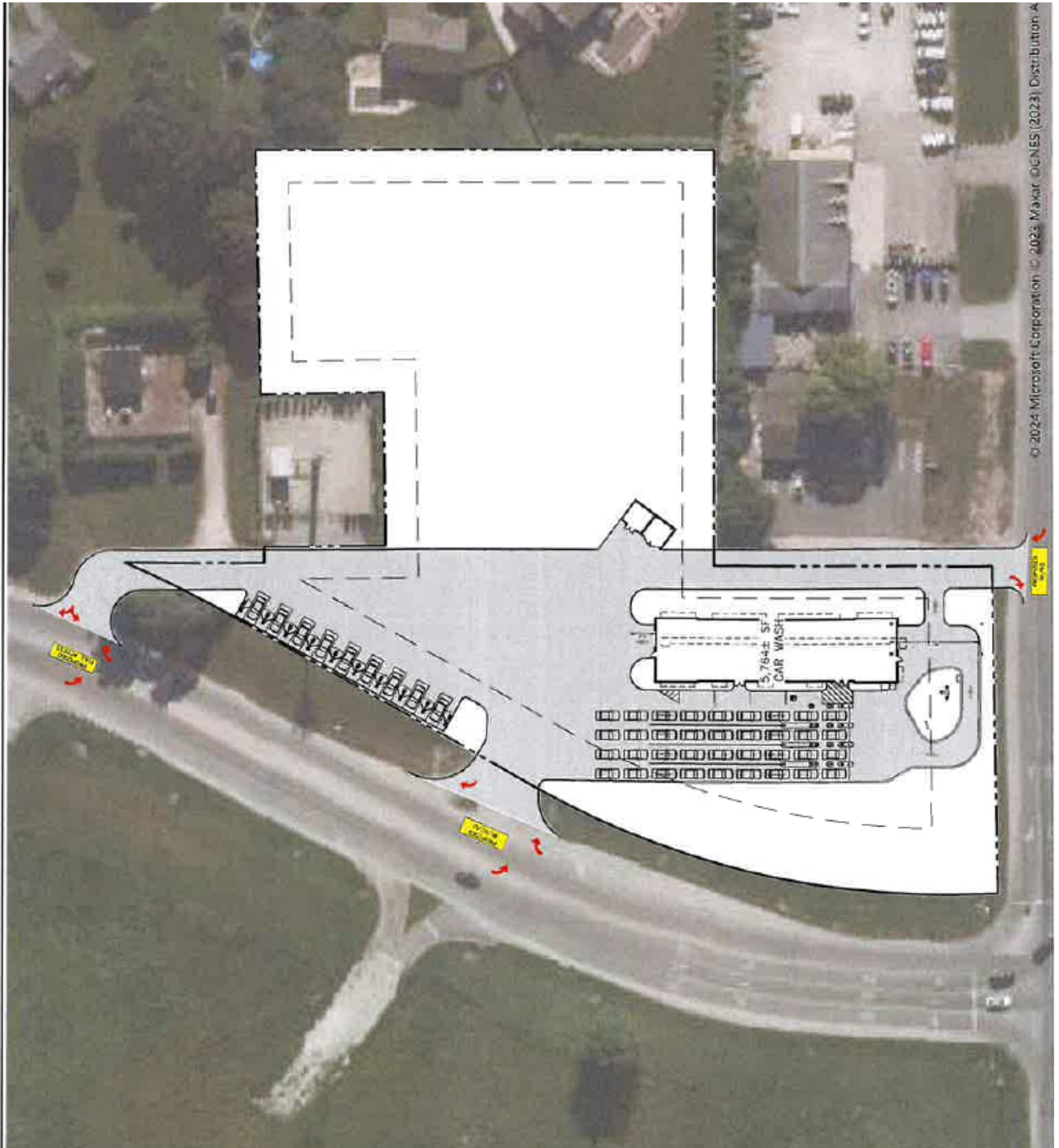
SP-1-24 ZONING MAP



SP-1-24 AERIAL MAP I



SP-1-24 SITE PLAN



SP-1-24 PETITIONER FINDINGS OF FACTS 1 of 2

Findings of Fact, Special Exception

Project: Crew Carwash Inc. Docket SP-1-24

The subject property being Block C in Wakefield Commercial Subdivision and an approximately 1.45-acre parcel situated to the east of Block C, generally located at the northeast corner of the intersection of Morgantown Rd. and Smith Valley Rd (“Real Estate”) the overall site consists of approximately 3.0 acres and is zoned B-1. Petitioner proposes to construct and operate a drive through automobile wash facility on the Real Estate. The Johnson County Zoning Ordinance allows for “Auto sales, service and repair” by special exception for parcels zoned B-1.

1. ***The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question because:*** The Johnson County Zoning Ordinance allows for “Auto sales, service, and repair” by special exception for parcels zoned B-1.

2. ***The special exception can be served with adequate utilities, access roads, drainage and other necessary facilities because:*** Utility services are available with utility extensions along Morgantown Rd. and Smith Valley Rd.

3. ***The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance because:*** The Petitioner proposes to construct and operate a drive through automobile wash facility, to be constructed utilizing superior quality construction materials, which will be aesthetically pleasing and in compliance with any and all design development standards. Operation of the automobile wash facility will not be dangerous, injurious or noxious to any other property or persons. The queuing for the wash will be fully contained on the Real Estate and Petitioner will close ingress if needed.

4. ***The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and property because:*** Petitioner’s proposed development is situated in Wakefield Commercial Subdivision at the northeast corner of the intersection of Morgantown Road and Smith Valley Road. The Real Estate is asymmetrical and to meet the setbacks required by the Ordinance, the building will be situated in the southeast corner. The Real Estate is imbedded in an area zoned for commercial uses. Construction of a drive through automobile wash facility is consistent with the commercial development in the area. Petitioner shall comply with the Landscaping and Screening Requirements set forth in Section 6-101-08 of the Ordinance. There will be a substantial buffer area between the facility and the neighboring homes in Sheffield Park.

5. ***The special exception shall produce a total visual impression and environment with is consistent with the environment of the neighborhood because:*** The Real Estate is located within a commercial subdivision and surrounded by commercially zoned parcels. Construction of a drive through automobile wash facility utilizing superior quality

SP-1-24 PETITIONER FINDINGS OF FACTS 2 of 2

construction materials is consistent with the environment of the neighborhood. This includes two vehicle repair facilities, a gas station, and “B-shop” strip mall with a future grocery store and outlots.

6. ***The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood because:*** Entry and exit points, are depicted on the site plan submitted with Petitioner’s application. The location of the Real Estate provides for ease of access from both Morgantown and Smith Valley Roads. Except for the northern most access point, traffic will be restricted to right in and right out, both to minimize traffic congestion and for public safety. Queuing will be contained on-site.

7. ***The special exception shall preserve the purpose of this Ordinance and shall not interfere substantially with the Comprehensive Plan because:*** White River Township in Johnson County has experienced tremendous growth over the past decade. With the completion of the I-69 expansion, commercial uses are being developed within the surrounding areas. Petitioner’s proposed development of a drive through automobile wash facility is permitted by special exception for parcels zoned B-1.

SP-1-24 PETITIONER PLAN OF OPERATION

Plan of Operation

Organization:	Crew Carwash Inc.
Address:	11700 Exit 5 Pkwy Ste. 100 Fishers, IN 46037
Site location:	Smith Valley Road, Greenwood, IN (Johnson County)
Hours of Operation:	7:00 am to 9:00 pm every day
Employees:	2-4 employees per shift, the Organization anticipates the need to hire 25 employees.
Parking:	4 parking spaces for employee use.
Shipping/receiving:	Conducted during normal business hours in the loading areas only.
Trash:	Dumpster will be located onsite to dispose of daily trash.
Security/Safety:	The building will be equipped with access cameras and locking door to the wash tunnel which require key fobs to gain access. Additionally, directional signage will be installed to aid in the safety of traffic flow.
Operation capacity:	On average customers are at the wash facility for 3-5 minutes with the total daily number of customers varying depending on the weather. Vacuum stalls are available during normal business hours and only operate while in use.

SP-1-24 B-1 Zoning District Uses

3. Permitted Uses

The following uses are permitted within the B-1, Neighborhood Business District:

- a. Retail sales establishments not exceeding 50,000 square feet in gross floor area.
- b. Bakeries
- c. Barber and beauty shops
- d. Delicatessens
- e. Florists
- f. Laundromats
- g. Medical and dental offices and clinics
- h. Restaurants
- i. Taverns
- j. Theaters
- k. Dry cleaners
- l. Offices, banks, financial institutions, and insurance agencies
- m. Personal and professional services
- n. Federal, State, County, or municipal buildings
- o. Public parks and playgrounds
- p. Contractor's office, excluding contractor's yard
- q. Essential services
- r. Museums
- s. Accessory uses
- t. Home occupations
- u. Public swimming pools
- v. Funeral homes
- w. Assisted living centers
- x. Nursing homes
- y. Public and parochial schools

Staff Report

CASE NUMBER: UB-01-24
ADDRESS: 7902 S 650 E, Edinburgh IN 46124
OWNER: Ronald & Ida Burton

UNSAFE BUILDING ORDINANCE - REQUIRED HEARING FOR DEMOLITION ORDER

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Appeals affirm the Order as delivered via Unsafe Building Ordinance Violation case UB-01-24, which requires that the subject single-family dwelling be removed.

PROPERTY DESCRIPTION

This 0.34-acre site is located in Section 33, Township 11, Range 5 of Blue River Township.

The site is improved with an older, failing single-family dwelling and a detached garage.

UNSAFE BUILDING VIOLATION

Staff issued an Unsafe Building Ordinance (UBO) Violation on July 2nd, 2024 after receiving a complaint from the Town of Edinburgh and subsequently visiting the site. The property owner, currently residing elsewhere in Indiana. Notice was sent certified to the address of the property. One July 7th, 2024, Brent Burton contacted the office on behalf of Ronald Burton.

The subject single-family dwelling is vacant and abandoned, the structure was damaged from a fire on April 2023. The structure is fully available for infiltration by vermin and wildlife and stands as a significant blighting element within the neighborhood.

UNSAFE BUILDING ORDINANCE

Johnson County adopted its Unsafe Building Ordinance in 2016, essentially implementing the existing model UBO adopted by the State of Indiana. The Johnson County UBO identifies the Board of Zoning Appeals as the ordinance's required "hearing body". Per code, any UBO Violation Order compelling a property owner to seal (long-term) or remove an unsafe structure must be reviewed at a public hearing by the designated hearing body, where it shall ultimately:

1. affirm the Order,
2. affirm the Order and additionally impose a civil penalty not to exceed \$5,000,
3. rescind the Order, or
4. modify the Order.

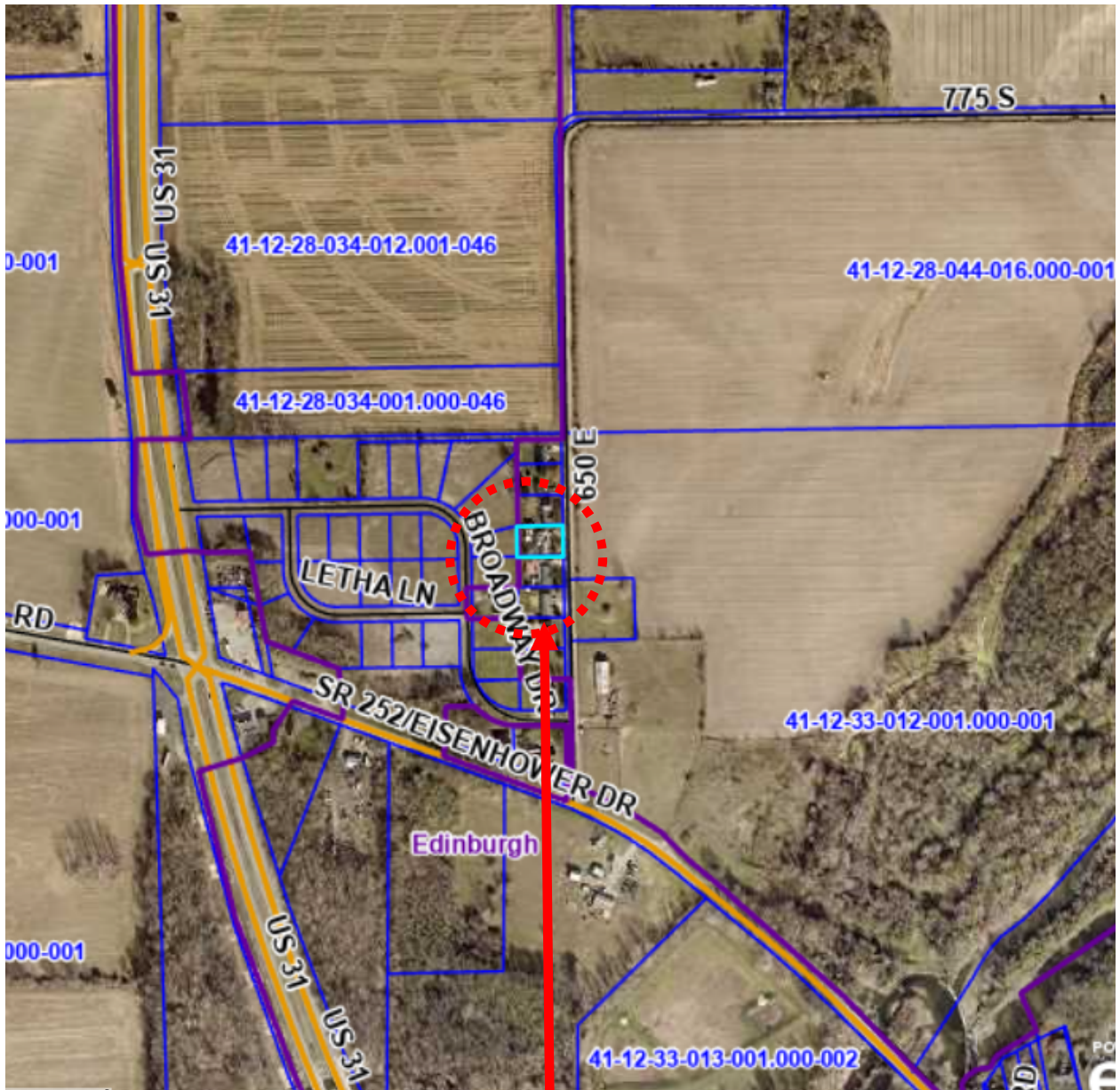
For the purpose of public safety, the preservation of property values, and the protection of neighboring homeowners' and residents' enjoyment of property, staff recommends that the Board affirm the Order that the single-family dwelling at 7902 S 650 E, Edinburgh, be removed by August 31, 2024.

GENERAL INFORMATION

Deeded Owner
BURTON RONALD L & IDA G
7902 S 650 E
Edinburgh, IN 46124

-MNH

UB-01-24 BASE MAP I



Subject site

UB-01-24 AERIAL PHOTO



UB-01-24 VIOLATION LETTER AND ORDER (Page 1 of 2)



JOHNSON COUNTY

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

Phone (317) 346-4350
Website: www.co.johnson.in.us

June 20, 2024

Case Number: UB-01-24

Delivered via First-Class Mail and Certified Mail Number: 70122210000173627786

RONALD L & IDA G BURTON

7902 S 650 E

Edinburgh, IN 46124

Ronald and Ida [Burton](#) and/or interested parties of 7902 S 650 E

An inspection of the property you own at 7902 S 650 E, Edinburgh, IN 46124, revealed the presence of an Unsafe Structure, as defined in Indiana Code 36-7-9-4 and in the Johnson County Unsafe Building Ordinance. With this Notice of Order you are ordered to take the action described below to make the property safe and bring the site into compliance with state and local code.

On this property, a single-family dwelling stands vacant, dilapidating, and outwardly abandoned. The structure received substantial damage from a fire in April of 2023 resulting in an impaired structure that is unsafe for human habitation. The structure represents an attractive nuisance to children, a haven for vermin, a general hazard to the surrounding area, and a substantial eyesore and blighting influence.

Required Actions:

Remove of dwelling structure no later than August 31, 2024, by a demolition permit issued by the Johnson County Department of Planning and Zoning.

Property Details

Address: 7902 S 650 E, Edinburgh, IN 46124

Parcel ID#: 41-12-33-021-003.000-001

Brief Legal: Heckman Village Lot 4

Because this Order requires that the dwelling be demolished, the matter must be brought to the Johnson County Board of Zoning Appeals (BZA) at a public hearing. That hearing is set for **July 23rd 2024, at 6:00 PM**, in the public auditorium of the West Courthouse Annex Building, 86 West Court Street, Franklin, Indiana.

UB-01-24 VIOLATION LETTER AND ORDER (Page 2 of 2)

At that hearing, the BZA may affirm the Order, affirm the Order and impose a civil penalty not to exceed \$5,000, rescind the Order, or modify the Order. Additionally, if applicable, the BZA may determine the property to be abandoned as provided in Indiana Code 36-7-37. As the property owner and responsible party, you are entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments. You are strongly encouraged to attend the hearing. Adjoining property owners will be notified in writing of the hearing, and will be invited to attend.

If, by August 31, 2024 you do not take the actions ordered above, or succeed in having the Order rescinded or modified at the July 23rd, 2024 ~~BZA~~ hearing, Johnson County may take action to bring the property into compliance with the Unsafe Building Ordinance and other ordinances. You and any other party holding a substantial interest in the property will be held liable for the cost of the work, as well as ancillary costs.

Per IC 36-7-9-27, a person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order must supply full information regarding the order to any person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer the interest.

If you have any questions, please contact me at (317) 346-4350 or mhansard@co.johnson.in.us. If you require a short time extension to be able to satisfy this Order, we would be happy to discuss that, as well.

Sincerely,

Michele Hansard, Director
Johnson County Department of Planning and Zoning

UB-01-24 PICTURES FROM TOWN OF EDINBURGH

