



JOHNSON COUNTY

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

Phone: (317) 346-4350
Fax: (317) 736-4722
www.co.johnson.in.us

MEETING AGENDA

**Johnson County Board of Zoning Appeals
August 27, 2024 at 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 July 23, 2024 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

-NEW PETITIONS

V-13-24. Jacen Ray. 4688 Hickory Wood Row, Greenwood

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for a swimming pool that is 20 feet from the rear property line (minimum 35-foot rear setbacks required).

V-14-24. Roy and Vanda Beatty By Jacob Harmon 107 W 700 N, Whiteland

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for the construction of a 2,800 accessory structure where all accessory structures will total 4,484 square feet in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 50% of the building area of the primary dwelling, or, in this case, 1,613 square feet.)

OLD BUSINESS

None.

NEW BUSINESS

V-09-24 Re-Docketing Request – Janeene Elaine

SP-1-24. Crew Carwash – Adoption of Findings of Facts

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, September 24, 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-13-24
ADDRESS: 4688 Hickory Wood Row, Greenwood
PETITIONER: Jacen Ray

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for a swimming pool that is 20 feet from the rear property line (minimum 35-foot rear setbacks required).

STAFF RECOMMENDATION

Staff recommends **approval** of this request subject to substantial compliance with the submitted site plan.

PROPERTY DESCRIPTION

This 0.35-acre site is zoned PUD (Planned Unit Development, Hickory Stick) and is improved with a single-family dwelling. It is located within Hickory Ridge Village Section 1 major subdivision.

VARIANCE REQUEST

This request, if approved, would provide for the construction of a 560-square-foot in-ground swimming pool with a 20-foot rear setback, whereas the zoning ordinance requires a minimum 35-foot setback.

This lot is classified as a through lots because it is bordered by two public roads. Since the rear of the lot abuts to a public road (White Land Road), by ordinance requirements the rear of the lot is required to have a front yard setback. In this case, it is a minimum of 35 feet. There is an additional 15'+ from the property line to the edge of payment of Whiteland Road. A standard lot that abuts another property would have a standard rear setback of 20 feet.

The pool structure will also be placed outside the 20' Drainage and Utility Easement. Only the concrete patio is proposed to encroach into the easement. Engineer staff will handle the encroachment into the DUE. The applicant has supplied an approval letter from the Hickory Stick Crossing HOA for the proposed location of the pool.

Therefore, the staff considers the requested variance to represent a minor and acceptable deviation from the requirements of the zoning ordinance and recommends its approval.

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.**

Required permits must be issued prior to the development of the pool, and a certificate of occupancy must be issued prior to its use.

- 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 approval would provide for site use and development generally consistent with suburban residential development.

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

A reasonably sized accessory swimming pool cannot viably be located on the property without a grant of a variance. The increased setback requirement due to abutting a public road prevents the use of a typical backyard without a variance.

GENERAL INFORMATION

Applicant: Jacen Ray.
4688 Hickory Wood Road
Greenwood IN 46142

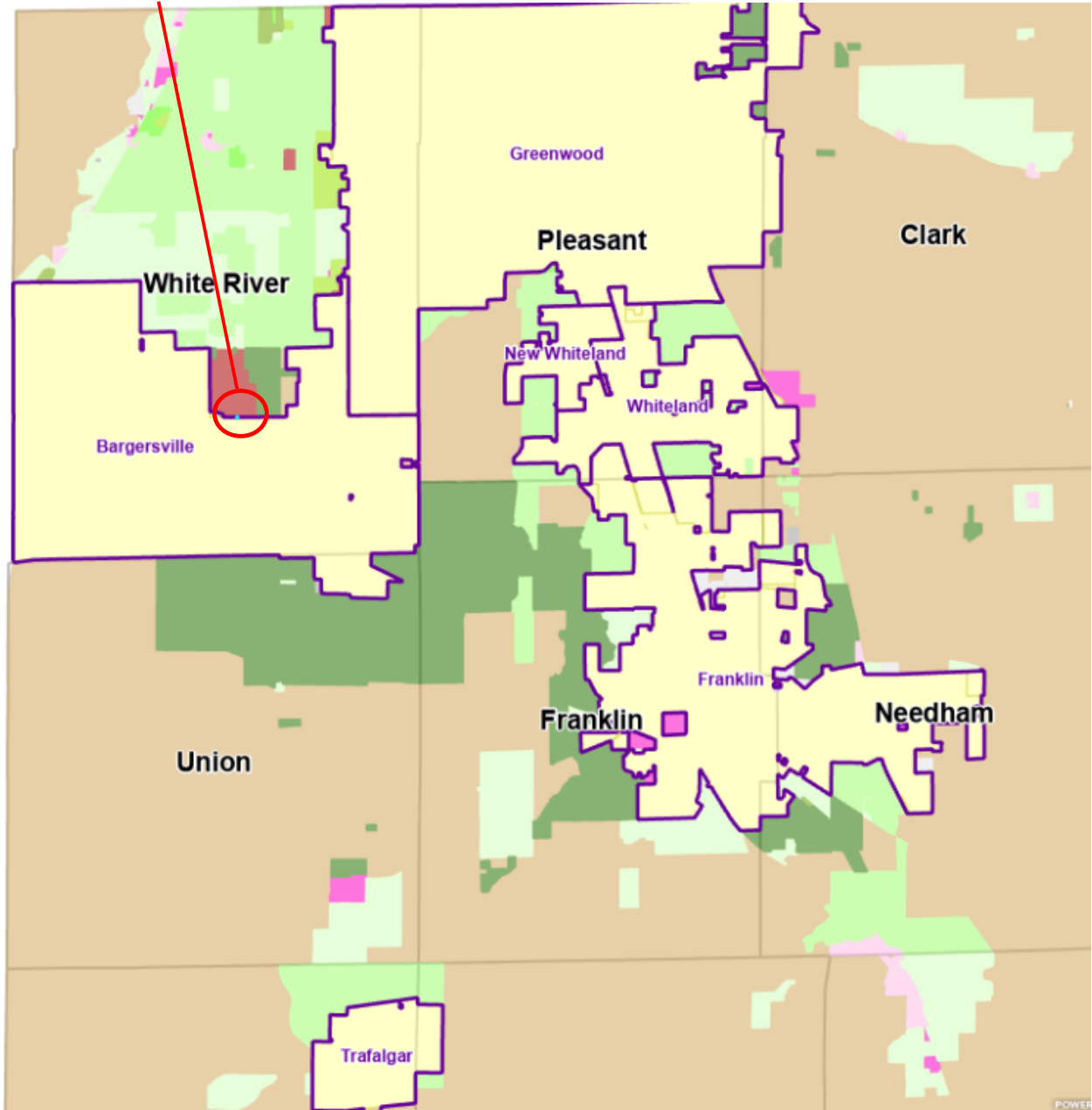
Owner: Same

Zoning: PUD (Planned Unit Development)
Land Use: Single-family Residential
Future Land Use: Single-family Residential

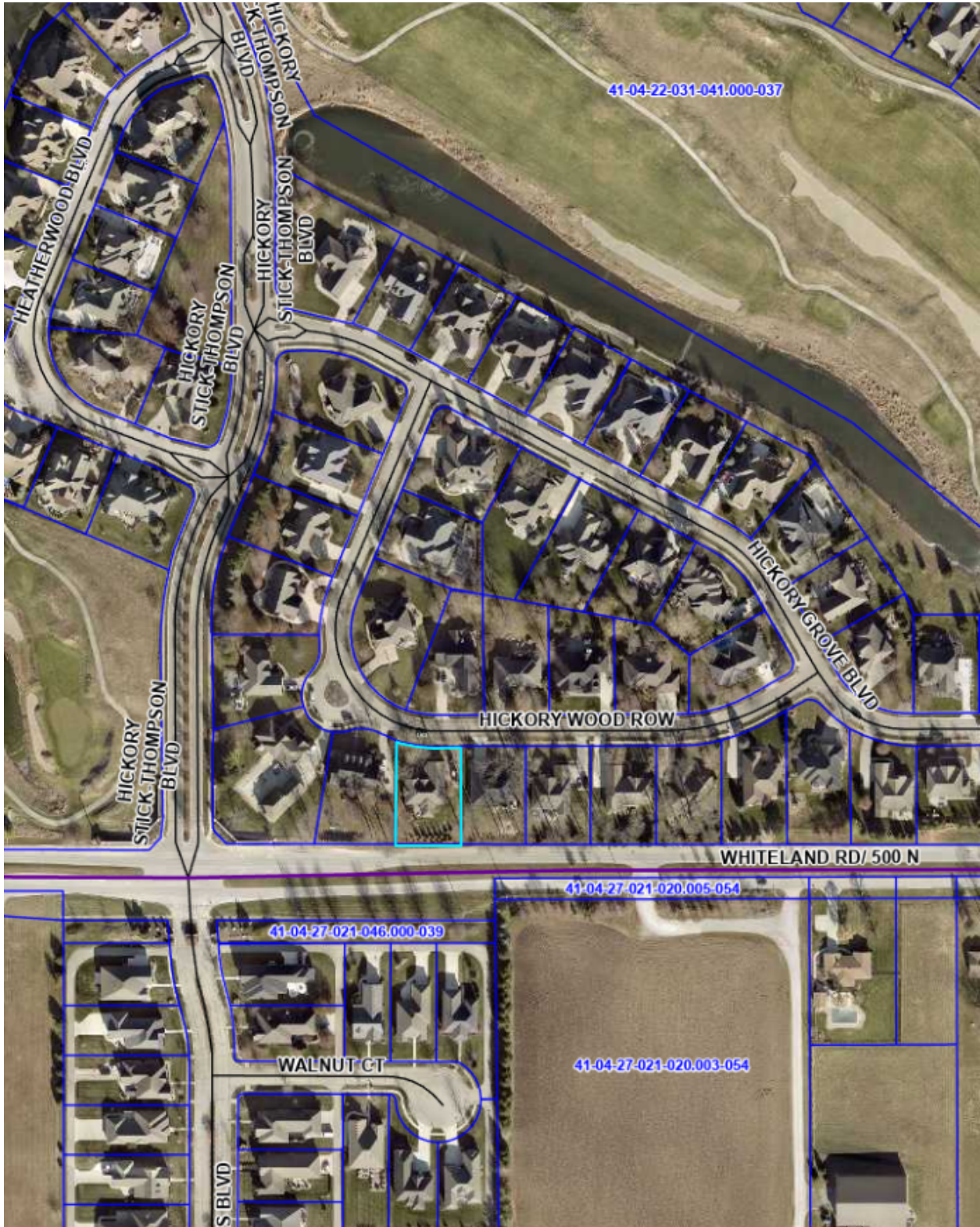
-MNH

V-13-24 BASE MAP

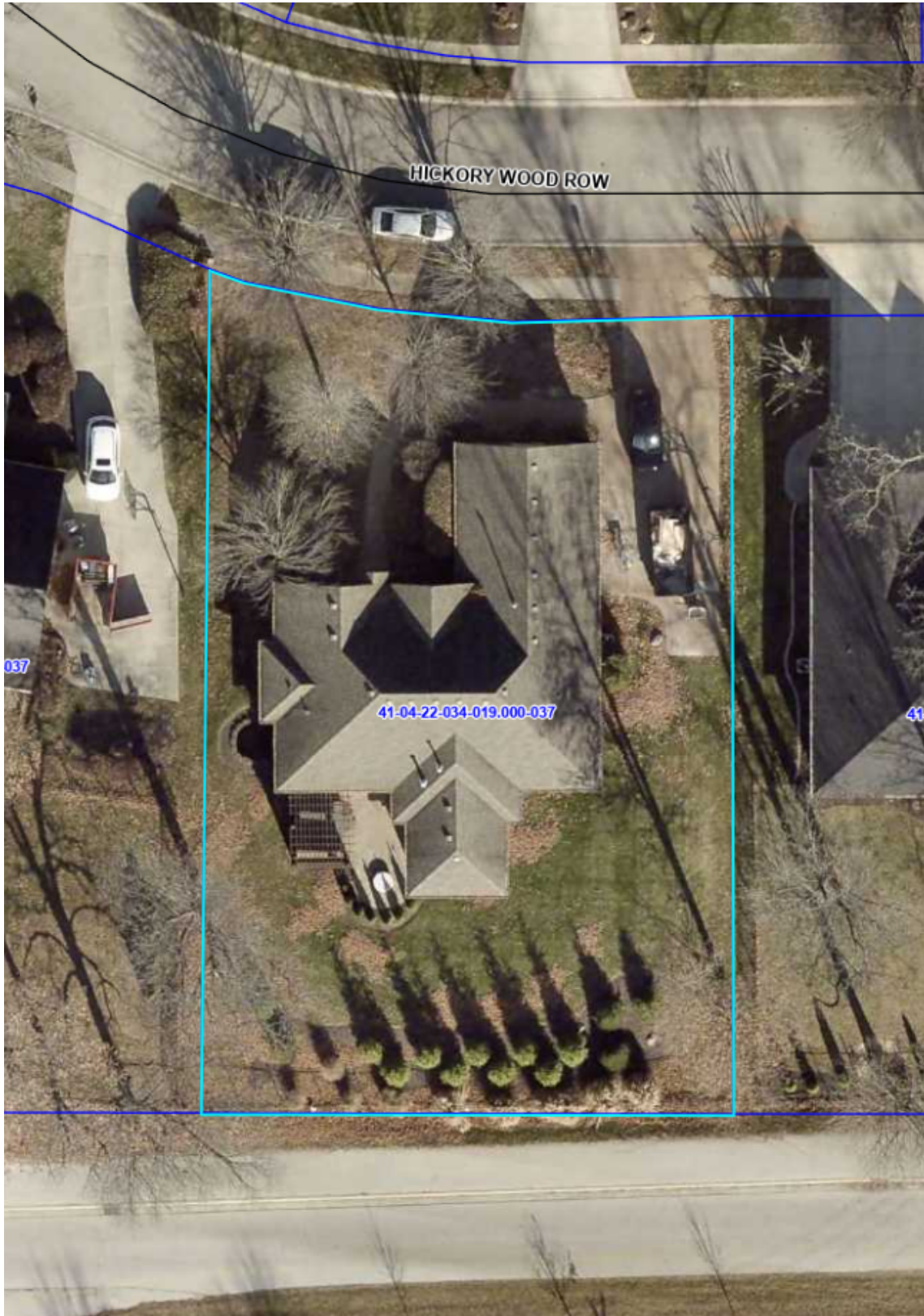
subject site



V-13-24 BASE MAP II



V-13-24 AERIAL PHOTO

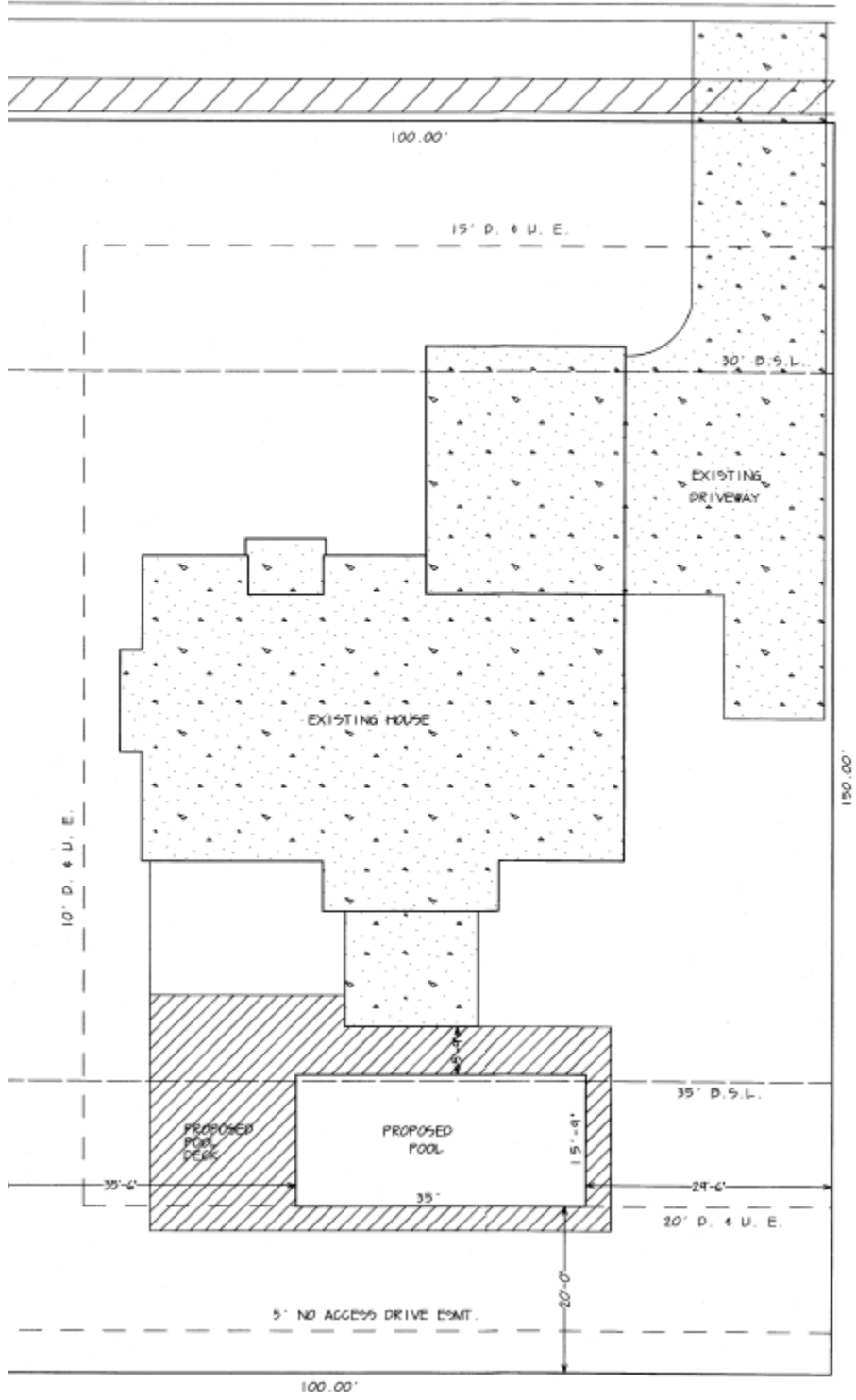


V-13-24 BIRDS EYE VIEW



V-13-24 SITE PLAN

4688 HICKORY WOOD ROW



V-13-24 PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

Case Number: _____

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

IF APPROVED, THE POOL WILL BE LOCATED IN A PRIVATE BACKYARD
AND BUFFERED BY LANDSCAPING.

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:

IF APPROVED, THE ADDITION OF A POOL WILL ADD VALUE
TO THE PROPERTY AND INDIRECTLY ADDS VALUE TO ADJACENT
PROPERTIES.

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

THE REAR BUILDING SET BACK LINE IS LOCATED LESS THAN
6' FEET FROM THE REAR SIDE OF THE EXISTING RESIDENCE AND
DOESNT ALLOW ENOUGH ROOM TO UTILIZE THE BACKYARD FOR
A POOL. ALL OTHER AREAS OF THE YARD ARE NOT CONVENIENT
FOR POOL PLACEMENT.

Staff Report

CASE NUMBER: V-14-24
ADDRESS: 107 W 700 N, Whiteland
PETITIONER: Roy and Vanda Beatty By Jacob Harmon

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for the construction of a 2,800 accessory structure where all accessory structures will total 4,848 square feet in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 50% of the building area of the primary dwelling or, in this case, 1,613 square feet.)

STAFF RECOMMENDATION:

Staff recommends **denial** of this request

PROPERTY DESCRIPTION

This 4.27-acre site, Lot 1 of Schapson Minor, is zoned R-2 (Single-family Residential). It is improved with a single-family dwelling and a detached garage.

The site is situated among properties of similar size used residentially.

VARIANCE REQUEST

This request, if approved, would legally allow an existing 2,800 square-foot accessory structure that exceed the accessory size limitation.

By the current Johnson County Zoning Ordinance, a property that is 10-acre or less in an residential district may only be permitted accessory structures that are 50% of the primary footprint. For this property that primary footprint is 3,226 square feet, allowing only 1,613 square feet in accessory structures. The current detached garage is 2,048 square feet. The total of both accessory structures will be 4,848 which is 150% 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. .

The area is consistent with large open residential lots.

2. The subject lot is located in an area where oversized accessory structures are common.

Large accessory structures are common in the area. However, most properties only have one large accessory structure not two. A few of the properties in the area have received variances for large accessory structures.

3. The oversized accessory structure would be obscured from view from surrounding properties and rights-of-way.

The structure however is still viable from the public right of way as well as adjoining neighbors.

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 equipment and residential items, which would generally be considered a more desirable scenario than the outdoors.

GENERAL INFORMATION

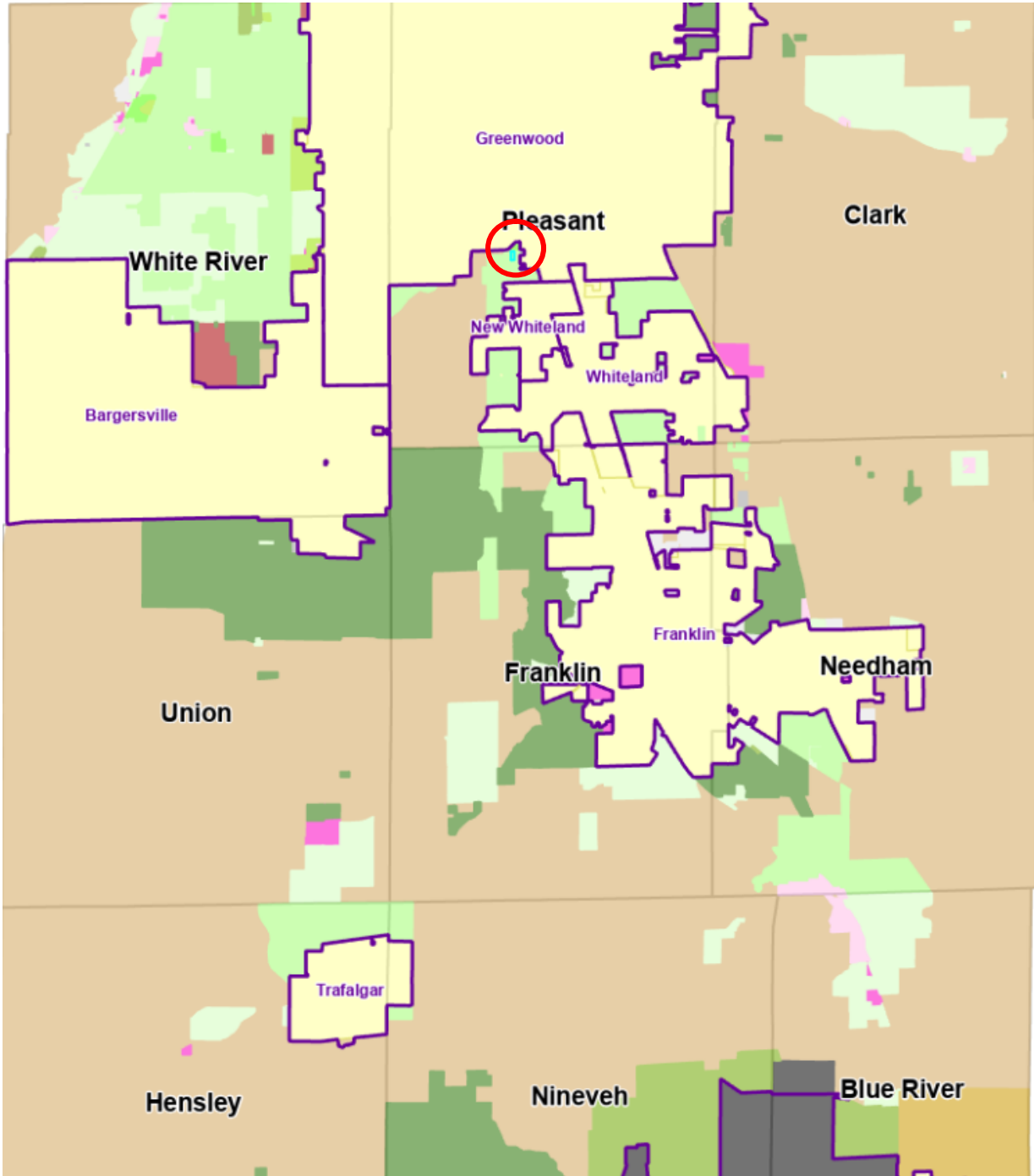
Applicant: Jacob Harmon
6560 W 150 S
Morgantown IN 46160

Owner: Roy and Vanda Beatty
107 W 700 N
Whiteland IN 46184

Zoning: R-2 (Single-family Residential)
Land Use: Single-family Residential
Future Land Use: Suburban Residential

-MNH

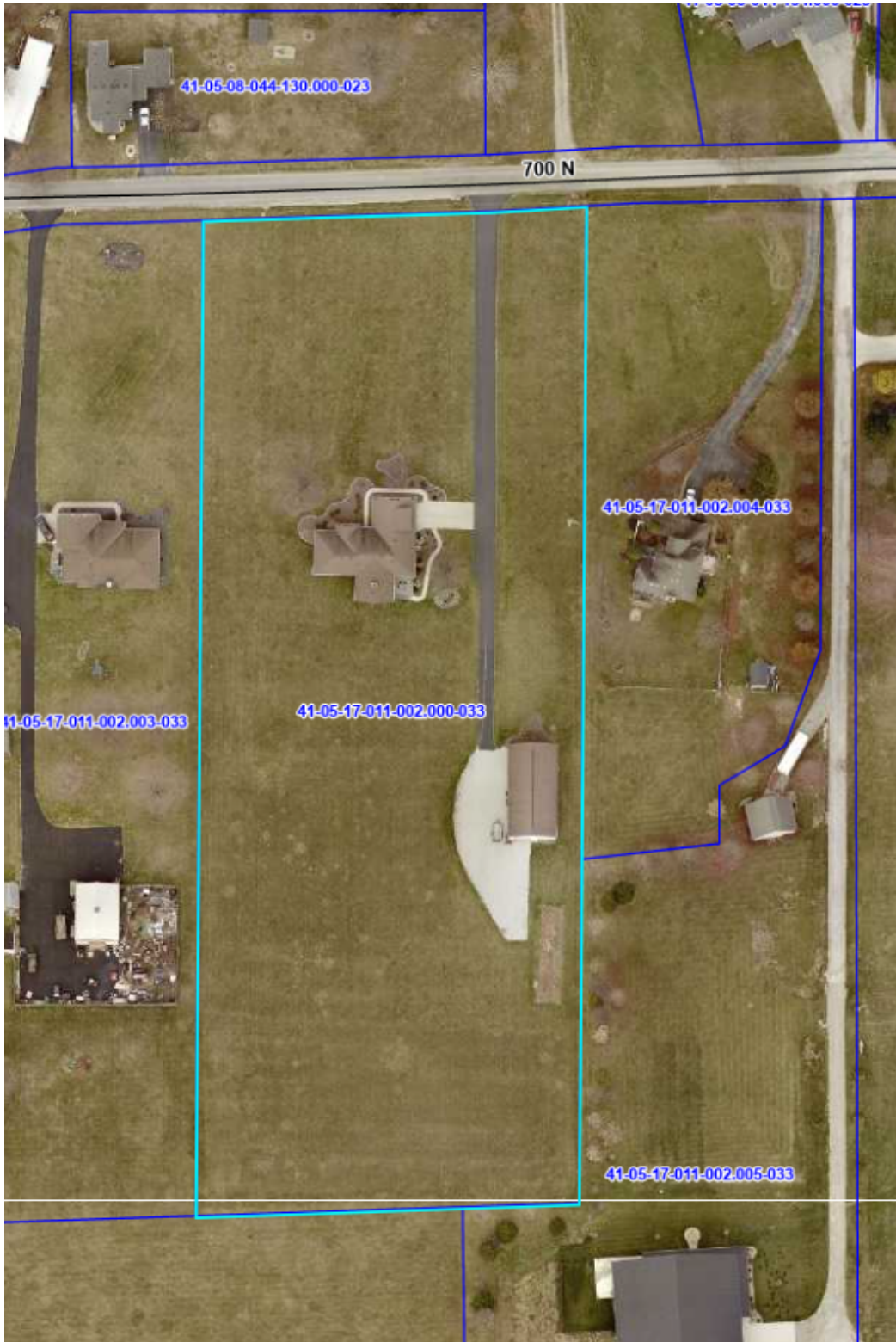
V-14-24 BASE MAP



V-14-24 AERIAL PHOTO I



V-14-24 AERIAL PHOTO II



V-14-24 AERIAL PHOTO III



V-14-24 BIRDS EYE VIEW



V-14-24 STREET VIEW

<https://maps.app.goo.gl/y5HvG7C3GnRGig7UA>



V-14-24 SITE PLAN



PETITIONER EXHIBIT: FINDINGS OF FACT

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:

! _____
_____!
WE WILL APPLY FOR PROPER PERMITS TO
BUILD PROPOSED STRUCTURE, WILL BE CONSTRUCTED
TO ALL CODE 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 because:

_____!
_____!
THE NEW STRUCTURE BEING BUILT TO SPECS
AND CODES WILL NOT BRING VALUE DOWN TO
OTHERS, SUCH PROPERTIES.

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

_____!
_____!
WE NEEDING MORE STORAGE FOR THINGS
WE WANT TO BE STORED INSIDE - VEHICLES,
BOAT, TRACTOR, HOBBY TYPE THINGS, ETC.

Archived: Tuesday, August 20, 2024 3:18:57 PM

From: beanntony@aol.com X-Barracuda-Effective-Source-IP: mta-8a969f.us.email.fireeyecloud.com[34.223.36.10] X-Barracuda-Apparent-Source-IP: 34.223.36.10 X-ASG-Whitelist: Client Return-Path: beanntony@aol.com Received: from [127.0.0.1] ([127.0.0.1:27752] helo=smtp-injection-worker) by prd08-usw2-04 (envelope-from

Mail received time: Wed, 14 Aug 2024 16:29:27

Sent: Wed, 14 Aug 2024 20:28:50

To: [Hansard Michele - Planning & Zoning](#)

Subject: Janeene Elaine- Request to wave 180 day requirement

Importance: Normal

Sensitivity: None

Hello, my name is Janeene Elaine and the BZA heard my petition for a use variance on Tuesday, July 23, 2024.

I'm asking the board to allow my petition for a use variance to be reheard before the 180-day waiting period, based on the following changes/additions to my petition:

I will provide a clear and precise parking plan showing ample parking spaces for cars to park, wholly within the boundaries of my personal driveway.

My use variance requested a maximum of 30 people in my studio, and according to the Johnson County DRAFT Unified Development Ordinance, Chapter 3 Site Standards, Table 3.1, Off Street Parking Requirements, July 12, 2024, I only need 12 parking spaces to accommodate that number of guests. I've had my concrete driveway measured, and if parking lot striping is installed, there will be exactly 12 spaces. https://co.johnson.in.us/egov/documents/1720808891_8565.pdf

I will provide clear hours of operation that will reflect that my business is both incidental and subordinate to the primary use of my home as a residence.

I'm withdrawing my request for a sign, so there will be no chance of any visual obstruction.

I will not be generating any more traffic than what currently travels by my property daily, and any visitors will meet the off-street parking requirements. I will not be generating any traffic through residential neighborhood communities.

There are many home-based businesses in my area. I drive by them every day, and I've taken the time since the meeting to revisit these businesses and see how they function.

-A ceramic studio 1.7 miles from me on the same road, sits on less than 0.5 acre, hosts classes 5 days per week and has only 4 parking spaces. I personally know the owner.

-Another studio 0.3 miles from me also hosted classes daily for years and sits on less than 1 acre. I also know this family.

-1 mile from me is an auto repair business that has 8-12 cars in a driveway half the size of mine.

- There are registered home-based daycares located inside local neighborhood communities throughout Johnson County, each having between 6-14 children being dropped off and picked up each day. This generates much more

traffic than I will be generating, and I don't live inside a residential neighborhood community.

-There is a yoga studio in Bargersville that is run as a home-based business, and she uses her driveway for parking, just as I'm requesting.

-There is a construction design company in Bargersville with a showroom on their residential property where the public can visit to discuss business.

-On Honey Creek Rd there is a church that was once a residence, the cars park in a grassy area because there isn't enough driveway to accommodate them.

There are other examples that I can provide if I need to, but I intend to simply show that my business is relevant, like these I've listed, and will be less intrusive since I have a bigger property and enough dedicated parking spaces.

On most days there will only be a few cars here as many activities will be small, private yoga classes. I wasn't clear on this at the meeting as I wasn't expecting parking to ever be an issue, so I didn't have the actual and clear parking plan prepared for you.

I've been very careful in the planning of my business, I've gone over the zoning ordinance alone, and with others, and feel confident that I'm in full compliance with the county's governing documents. I understand that I have a right to a home-based business and will do everything necessary to operate it safely.

To be clear, I will only use my own, personal driveway for parking, I will not be using grass, nor encroaching on any part of my neighbor's property. I will not be generating any more traffic than what normally passes my home each day, and all parked vehicles will meet the off-street guidelines, inside the boundaries of my private driveway.

Thank you for your time and reconsideration, this business is important to me, and to the community that is already supporting me.

Have a great day.

Janeene Elaine

FINDINGS OF FACT AND ORDER

For

PETITION FOR SPECIAL EXCEPTION

CASE # SP-1-24

Comes now the Johnson County Board of Zoning Appeals and finds that the following requirements must exist in order for approval of the requested Special Exception to be granted:

- 1. The use shall be specifically identified as a special exception in the Zoning Ordinance for the zoning district in question.**
- 2. The Special Exception can be served with adequate utilities, access roads, drainage, and other 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.**
- 4. The Special Exception shall be sited, oriented, and landscaped to produce a harmonious relationship to buildings and grounds to adjacent buildings and property.**
- 5. The Special Exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**
- 6. The Special Exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**
- 7. The Special Exception shall preserve the purpose of the Zoning Ordinance, and shall not interfere substantially with the Comprehensive Plan.**

It is now hereby FOUND AND ORDERED:

1. 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. No testimony or evidence was presented asserting that the proposed car wash did not qualify as an "Auto sales, service, and repair" use.
2. The adjoining streets are major high volume thoroughfares that regularly experience significant school related traffic, and the proposed use would add significant additional traffic on a regular occurrence that will increase congestion on the nearby roads and negatively affect the existing road

infrastructure, and the operations of the proposed use is likely to create a more dangerous and injurious environment on the public road system , including without limitation, because of the water that will be added to the road surface that will increase the risk of ice developing on the roads during cold weather.

3. The proposed plans for the development and its operations indicate that lighting and noise from the operation, most particularly from the dryers and vacuums, will bleed over into the adjacent residential property and not be harmonious with the adjacent residential property.
4. The proposed use of the property is not a good, harmonious, or complementary fit with the adjacent properties because the proposed use will not match the environment of the existing commercial and residential uses in the area. The use will produce significant noise on a near constant basis during the majority of the day, which is not present on the existing residential and commercial uses in the adjacent and nearby area.
5. 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. The proposed use is a more intensive use than a Neighborhood Commercial use.
6. The Petitioner has not presented evidence sufficient to prove the existence of Special Exception Requirements 2, 3, 4, 5, 6, and 7 above. Therefore, the Petitioner is not entitled to the requested special exception, and the Board of Zoning Appeals of Johnson County, Indiana, has the power and authority to deny the requested special exception.
7. The petition for Special Exception is therefore denied.

Dated August 27th, 2024

By:

Chris Campbell, Chairman
Board of Zoning Appeals

Attested By:

Charlie Canary, Secretary
Board of Zoning Appeals