



JOHNSON COUNTY

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

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

MEETING AGENDA

Johnson County Board of Zoning Appeals
September 24, 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 August 27, 2024 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

-NEW PETITIONS

V-15-24. Jeff and Melissa Scott. 8982 S Peoga Road, Trafalgar

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for self-storage and a small retail shop within an existing building (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 two wall signage and a portable free-standing sign

V-16-24. Chad and Melinda Paulin By Andrew Barkocy. 6695 S 100 E, Trafalgar

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,430-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

OLD BUSINESS

None.

NEW BUSINESS

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, October 29, 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-15-24
ADDRESS: 8982 S. Peoga Road, Trafalgar
Parcel 41-10-36-043-023.000-015
PETITIONER: Jeff and Melissa Scott

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for self-storage and a small retail shop within an existing building (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 two wall signage and a portable free-standing sign

STAFF RECOMMENDATION:

Staff recommends approval of the use variance request and approval of the development standard variances.

PROPERTY DESCRIPTION AND HISTORY

This 0.73 acre site is zoned R-1 (Single-Family Residential). It is improved with two structures. Each parcel is improved with two structures, four in total. The property is surrounded by similar sized parcels used residentially and heavily wooded areas

PARCEL HISTORY

This property is improved with a 2,800-square-foot commercial building that resembles self-storage units and a typical 480-square-foot detached garage. According to the property card, this property has been assessed with a commercial building since 1946. The age of the building surpasses any past zoning ordinance and zoning files that are maintained by this office. The uses that have occupied this building over the 78 years were most likely considered legal non-conforming at one point. However, the building has been vacant and not utilized for over a year.

According to the Non-conforming uses section of the zoning ordinance, "When a nonconforming use of land, structure, or land and structure in combination is discontinued or abandoned for twelve (12) consecutive months, the structure, land, or structure and land in combination shall not thereafter be used except in conformance with regulations of the district in which it is located." This means that after

12 twelve months of a non-conforming use have been discontinued, only permitted uses are allowed on the property.

VARIANCE OF USE

If approved, this variance request would allow the petitioner to resume the use of self-storage on the property. The petition also requests to have a small retail shop within in the office of the building. The retail shop will sell moving supplies, bait, tackle, and other related products. The detached garage will be used by the petitioner for personal storage and not part of the commercial business.

The submitted Plan of Operation, included in this staff report, indicates that the self-storage will be accessible 24/7/365. There will be 14 storage units that are accessible from the outside. The small retail shop and office will be open 5 days a week. operations would be Monday through Friday from 8:00 am to 5:00 pm. No anticipated major land improvements or new structures. The applicant states that there will be no outdoor storage.

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 1940s. Redevelopment of the site for any of the permitted uses in the R-1 zoning district, while more consistent with the surrounding residential area, is not likely to occur due to the size of the property and lack of public sanitation. Utilizing the existing structure with a use for which it was constructed for is the best use of the property.

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 recreational vehicles or boats.
- 3) Provide a minimum of one ADA-compliant parking space

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 property consists of gravel and some paved areas. 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 parking lot will also be in deficient of the perimeter landscaping requirement due to the limited space on the site.

The property also lacks a commercial landscape buffer between the adjoining residential uses. There are a few trees and shrubs that follow the property line but those are most likely on the adjoining property and not 20 feet in width which is required by the ordinance. Due to the existing improvements and size of the property, space is limited to bring the property into compliance.

The petitioner is also requesting to allow an exterior wall sign and a portable temporary sign on the property for identification purposes and advertisement. The exterior wall signs will be a max of 2' X 10' and one smaller sign near the entrance/exit door. The portable sign, which has been used on the property in the past, is 40" X 96". It is a changeable letter sign.

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 to reutilize the existing structure that was intended for commercial use. The comprehensive plan recommends agricultural use however that is not the best use for the property due to the size and natural characteristics of the area.

GENERAL INFORMATION

Applicant: Jeff and Melissa Scott
8066 S Dyson Dr
Princes Lakes IN 46164

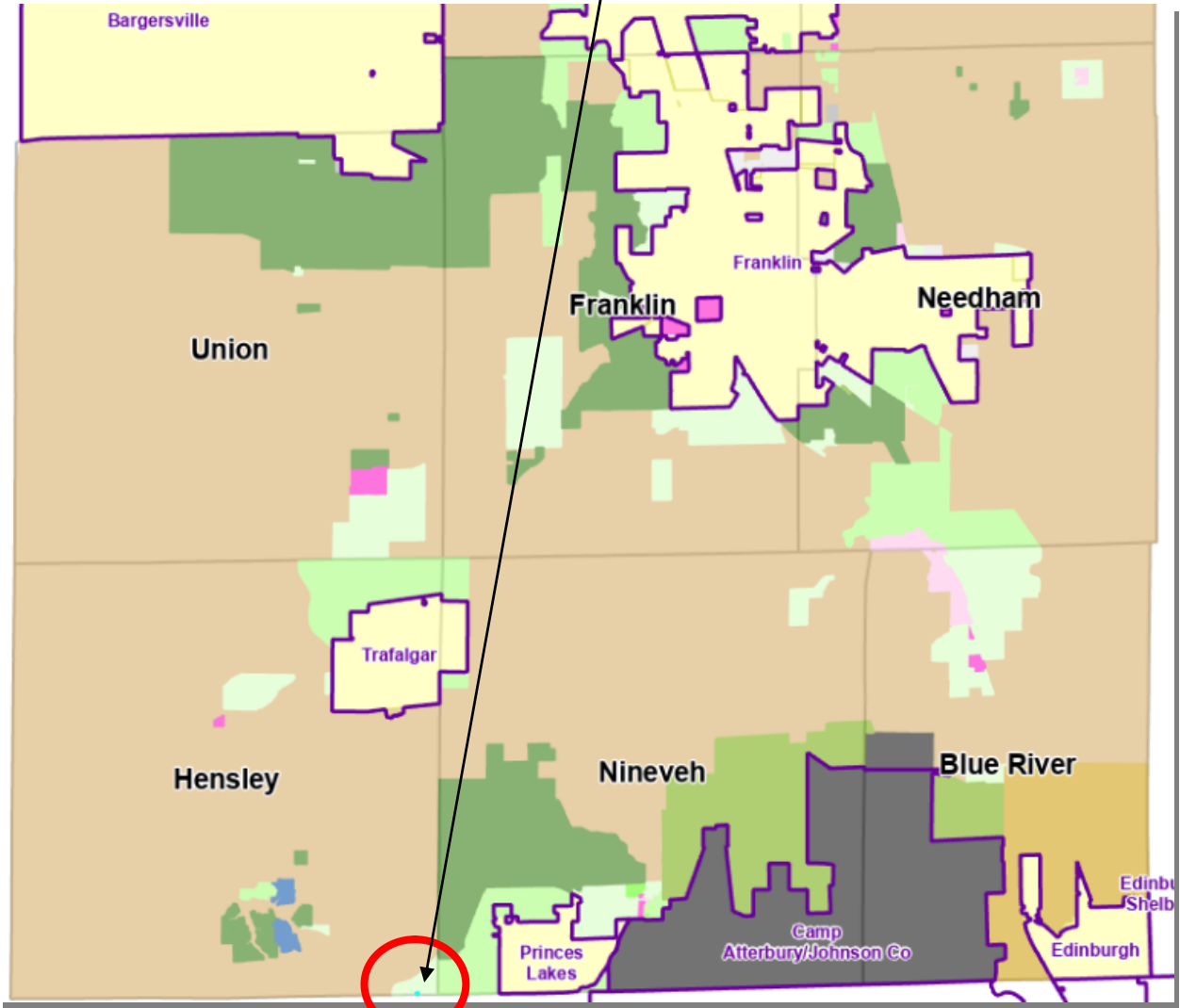
Owner: Brett Workman
3614 Cramer Road
Martinsville IN 46151

Zoning: R-1
Land Use: Vacant Commercial
Future Land Use: Agricultural

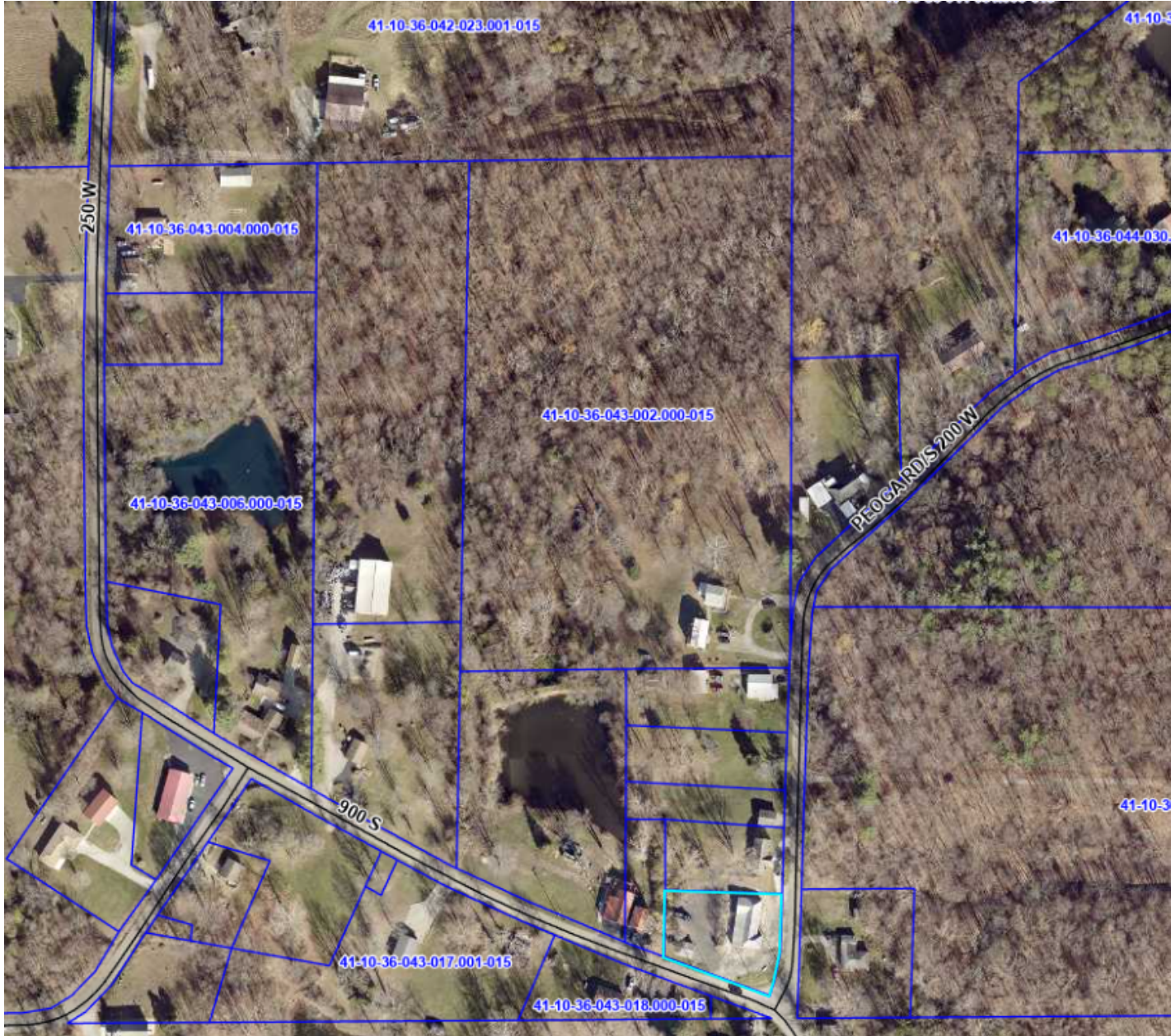
-MNH

V-15-24 BASE MAP

Subject Site



V-15-24 BASE MAP II



V-15-24 AERIAL



V-15-24 STREET VIEW

<https://maps.app.goo.gl/eVexXawVxKJQ2vyg8>



V-15-24 SITE PLAN



V-15-24 PLAN OF OPERATION

Plan of Operation

Site Address: 8982 S Peoga Rd, Trafalgar IN 46181

Petitioners: Jeff and Melissa Scott

Description of Use: Petitioners want to use the property as a self-storage facility with a front office & small shop which would offer storage and packing supplies, "community spirit" merchandise, bait and tackle, recreational lake-related products, locally handmade items (ie: handcrafted wooden bowls, ceramics or pottery, candles, etc.)

Hours of Operation:

- Office/Shop: Exact office or shop days/hours TBD. Petitioners anticipate being open 4-5 days a week; closed on Sunday.
- Storage units: 24/7/365 access by tenant

Number of Employees: Owner Operated

Structure(s) for use:

- Main building includes storage units, space for an office/small retail shop, an unfinished space that in the future could be used as an additional office or a storage room
- two car detached garage for owner's use

Description of Outdoor Use and Location: Parking spaces are available for rent or general customer parking in the rear lot.

Customer/Clientele/Patron Characteristics: Customers/Tenants will rent units by special appointment or during office hours

Parking and Parking Surface: A gravel lot circles the office/storage facility building so clients can access their unit on all sides, as well as, park and visit the office or shop. The rear parking lot is separated from the front storage unit area with landscaping and a wooden guard rail. 8-10 spaces are available for vehicle storage space rental.

Deliveries: On a rare occasion, deliveries may occur, such as, office supplies, or retail merchandise, via USPS, UPS, FedEx, Amazon, etc. Most commonly, deliveries will be delivered to petitioners' P.O. Box or residence.

Waste: residential trash containers

Signage:

- Facility name sign on exterior of building est. 2'x10' max
- Smaller facility name sign near or on entrance/exit door
- Small open/close sign on door
- Changeable letter sign that is portable, sits on the ground in the grass a few feet away from the gravel parking area and does **not** light up, 40" tall x 96" wide

V-15-24 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:

all business conducted on the property will be legal, morally sound, and respectful of the community if serves.

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:

all business activity will be contained and limited to the property in the variance only.

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

the property was vacant for 12 months.

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 building was constructed to be used as a mini-self storage unit facility and cannot be used as currently zoned.

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

Staff Report

CASE NUMBER: V-05-24
ADDRESS: 6695 S 100 E, Trafalgar
(parcel #: 41-11-22-033-003.007-020)
PETITIONER: Chad and Melinda Paulin By Andrew Barkocy

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,430-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PROPERTY DESCRIPTION

This 10-acre site is zoned A-1 (Agricultural) and is improved with a residential home and two barns.

To the north and south of the property are similar-sized parcels used residentially. To the west are large parcels of land used agriculturally. All surrounding properties are zoned A-1.

VARIANCE REQUEST

This variance request, if approved, would allow for an accessory dwelling with a building area of 1,430 square feet. The applicant wishes to construct a second dwelling on the property that is attached to the primary dwelling by a hallway. There is a door that separates this unit from the existing house in addition to a separate main entrance. This addition will also have a two car garage, that square footage is not part of the overall 1,430 square feet.

The Zoning Ordinance states a maximum of 1,000 square feet of building area for an accessory structure. The creation of accessory dwellings standards was intended to allow an opportunity for property owners to provide care for a family member, or to provide accommodations for visiting family or friends, which is generally considered a benign secondary use of residential. A 1,000 square feet is adequate living space to achieve the intent to provide care for a family member while encouraging independent living.

The staff understands the convenience the variance might afford the petitioner. However, staff ultimately asserts that the required findings have not been met.

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 addition will not impact public health, safety, morals, or general welfare.

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

A variance of similar requests could be sought by other property owners based on the same findings presented by the petitioner. The precedent would be set.

3. The strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.

There is nothing unique to this property or the needs of the petitioners which would preclude an accessory structure from being built within the development standard set forth in the ordinance.

GENERAL INFORMATION

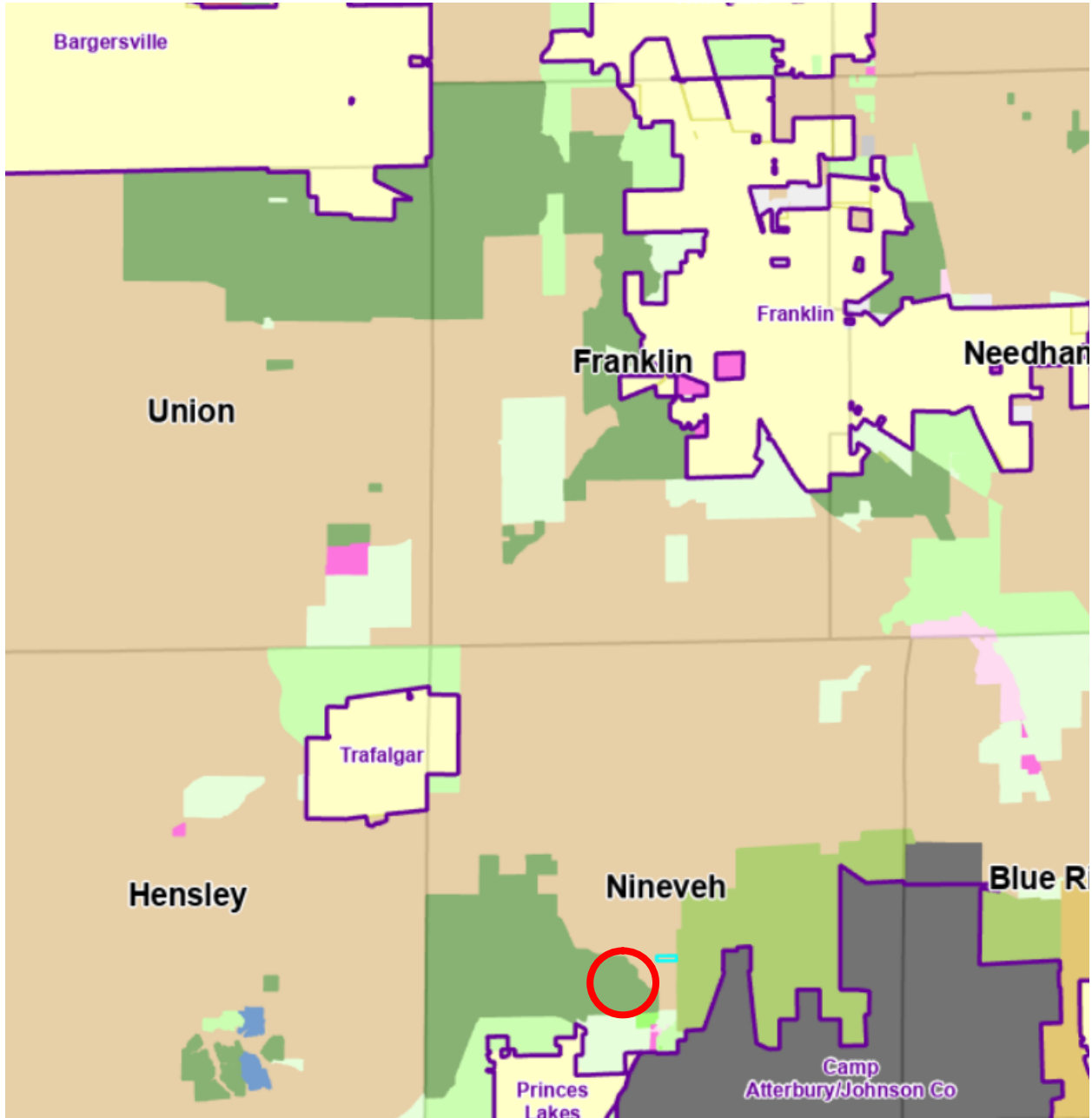
Applicant: Andrew Barkocy of Barkocy Surveying Inc
4800 W. Smith Valley Road, Suite O
Greenwood IN 46142

Owner: Chad and Melinda Paulin
6695 S 100 E
Trafalgar IN 46181

Current Zoning: A-1 (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-MNH

V-16-24 Base Map



V-16-24 Base Map II



V-16-24 BIRDS EYE VIEW

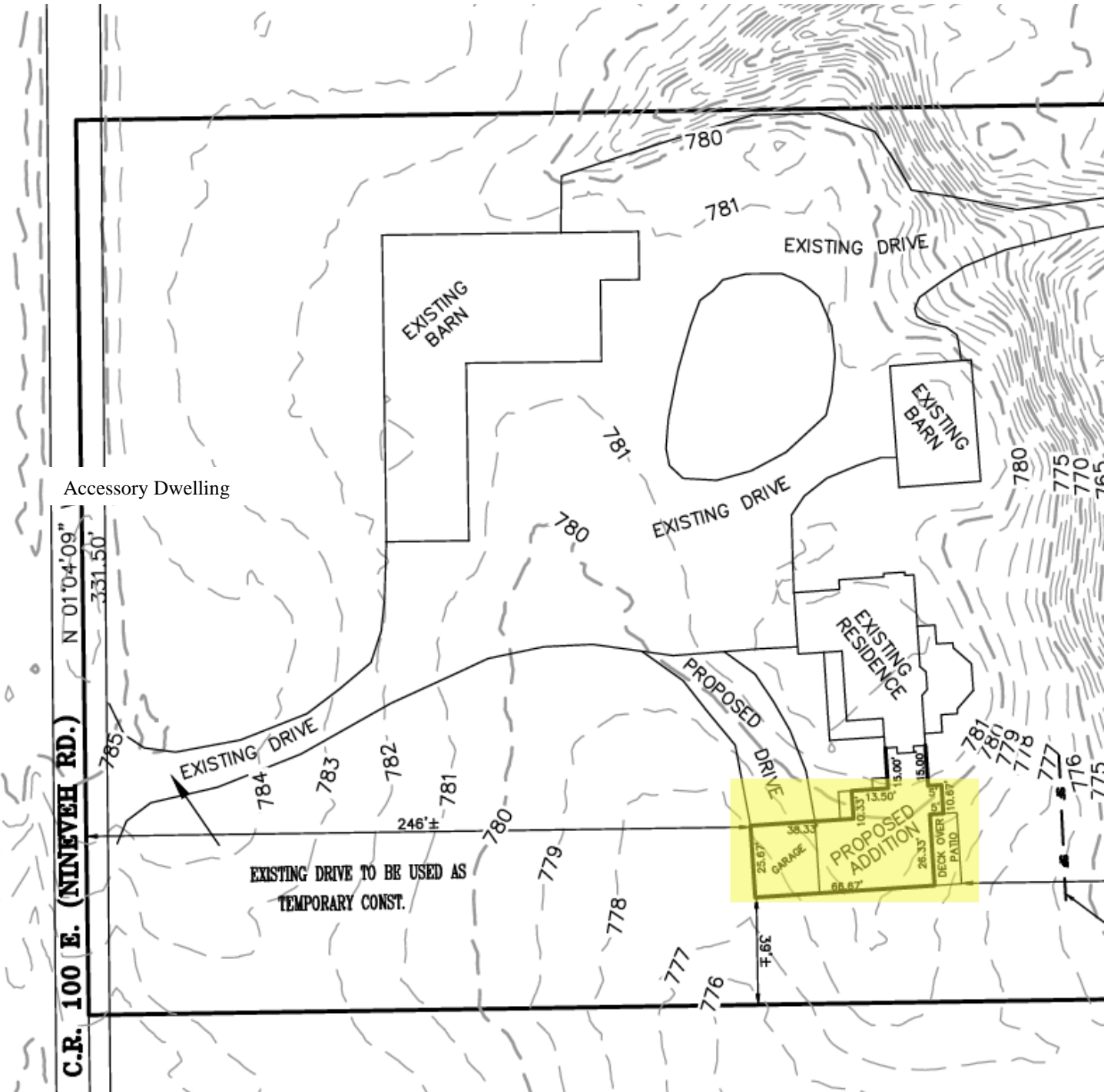


V-16-24 Street View

<https://maps.app.goo.gl/ZSYywx1BM95hpyXeA>



V-16-24 SITE PLAN



V-16-24 FLOOR PLAN

Separate document attached to staff report

V-16-24 Petitioner's Findings of Facts

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 approval of the variance request will not be injurious to the public health, safety, morals and general welfare of the community because the proposed Accessory Dwelling Unit (ADU) will be designed and constructed to be harmonious with the existing residence and is only 430 square feet over the allowed 1000 square feet. The property is 10 acres and allows for a larger ADU without impacting the surrounding properties. The larger size of the proposed ADU will benefit the health and safety of the expected occupants, being family members of the property owners, by affording them the space to live comfortably in their new residence. The proposed ADU will adhere to all other zoning requirements and building codes.

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 use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because this is a relatively rural area with 50-acres of farmland across the road and the majority of the surrounding parcels are also 10 acres like the subject property. There is a larger, 17 acre parcel that adjoins to the south along with a nearly 3-acre parcel and a 2-acre parcel. Once constructed, the proposed ADU would only appear as a large addition to the existing residence and would not have an adverse impact.

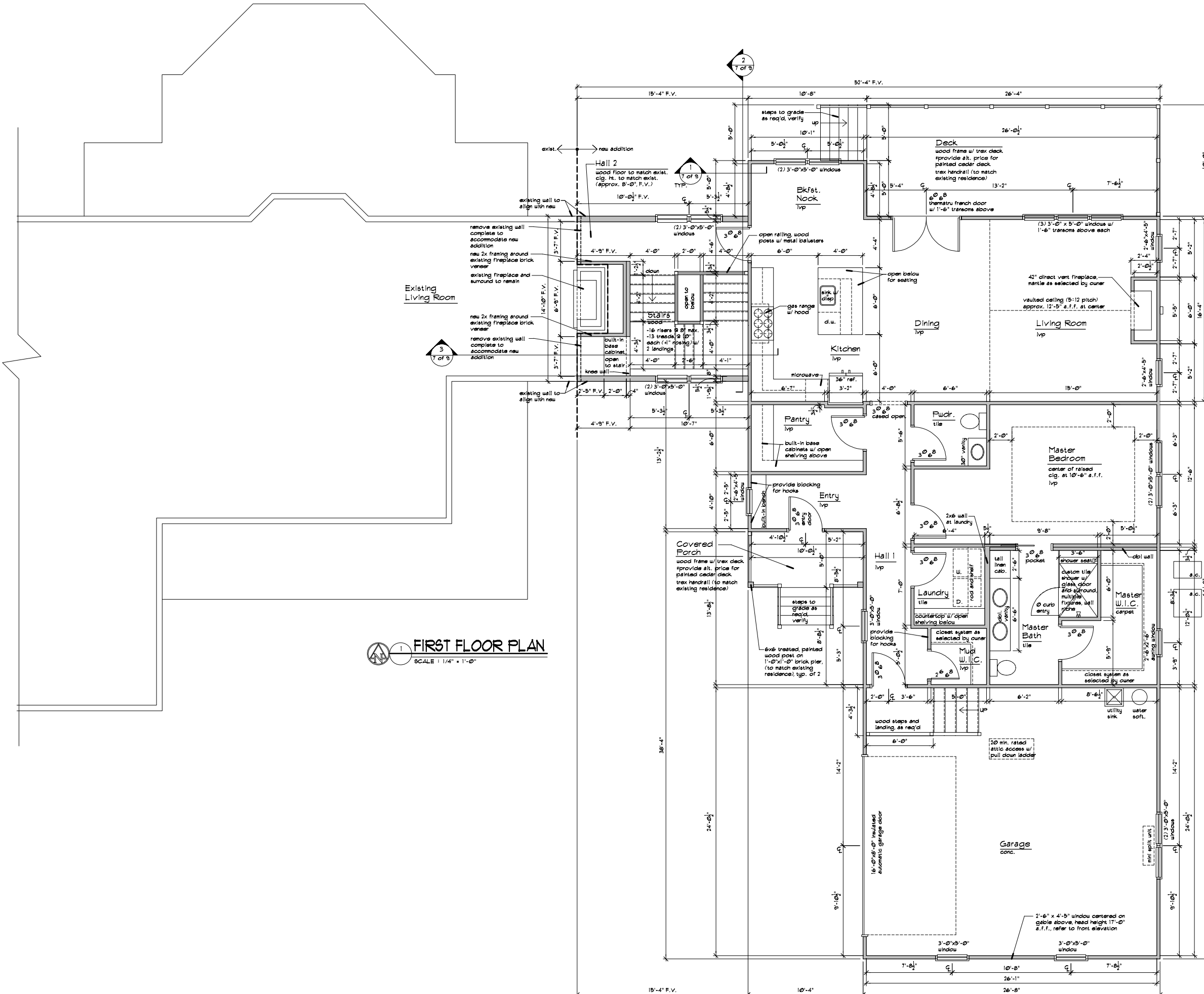
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because additional living space above the allowable 1,000 square feet is necessary to meet the foreseeable needs of the expected residents and to ensure a comfortable living arrangement. This variance is essential in making the proposed construction as functional and suitable for the intended uses as possible. The requested 1430 square foot ADU does meet the first requirement of being less than 75% of the primary dwelling building area.

GENERAL RESIDENTIAL NOTES

1. THESE PLANS REPRESENT GENERAL CONCEPTS TO CONVEY DESIGN INTENT AND ARE NOT TO BE CONSIDERED COMPREHENSIVE IN EVERY ASPECT.
2. THE GENERAL CONTRACTOR ASSUMES RESPONSIBILITY TO SPECIFY ALL MATERIALS AND SUPPLIES TO BE USED ON THE PROJECT, AND SHALL SUBSTITUTE PER OWNER'S REQUEST.
3. ALL DIMENSIONS ARE FROM FACE TO FACE OF STUD WALLS AND CENTER LINE OF DOORS AND WINDOWS UNLESS OTHERWISE NOTED. ALL WALLS ARE 2X4 STUDS, DRAIN AT 3/16" ACTUAL SIZE U.N.O. ANY 2X6 WALLS ARE DRAIN AT 3/16" ACTUAL SIZE AND NOTED AS SUCH.
4. ANY AND ALL PENETRATIONS SHALL RECEIVE CAULKING TO SEAL ANY TYPE OF ENERGY LOSS.
5. ALL FINISHES, FIXTURES, CABINETS, FLOOR AND WALL COVERINGS TO BE SELECTED BY OWNER OR CONTRACTOR.
6. THE CONTRACTOR TO VERIFY AND COORDINATE ALL APPLICABLE DIMENSIONS OF FIXTURES AND EQUIPMENT SUPPLIES AND/OR INSTALLED BY OTHERS.
7. MECHANICAL, ELECTRICAL AND PLUMBING PHASES OF THIS PROJECT TO BE DESIGN/BUILD CONTRACTORS.
8. ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH GOVERNING LOCAL CODES.
9. ALL HVAC AND PLUMBING WORK TO BE DONE IN ACCORDANCE WITH GOVERNING LOCAL CODES.
10. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITION OF THE IBC AND 2 FAMILY DWELLING CODE.
11. ALL PERMITS ARE TO BE PURCHASED AND OBTAINED BY THE CONTRACTOR.
12. COORDINATE ALL CLOSET SHELVING WITH OWNER. PROVIDE BLOCKING AS REQ'D.
13. PROVIDE WATER RESISTIVE GYP. BD. AT WALLS SURROUNDING BATH FIXTURES.
14. ALL CEILING HEIGHTS ARE 9'-0" (NOMINAL) A.F.F. AT FIRST FLOOR AND 9'-0" (NOMINAL) A.F.F. AT BASEMENT UNLESS OTHERWISE NOTED. SEE TYPICAL WALL SECTIONS.
15. WINDOW SPECIFICATIONS INDICATED ARE NOMINAL SIZES, DOUBLE HUNG, VERIFY EXACT SIZES WITH MFR. SET TOPS OF FRAMES AT 6'-10" A.F.F. TO ALIGN WITH DOORS.

FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



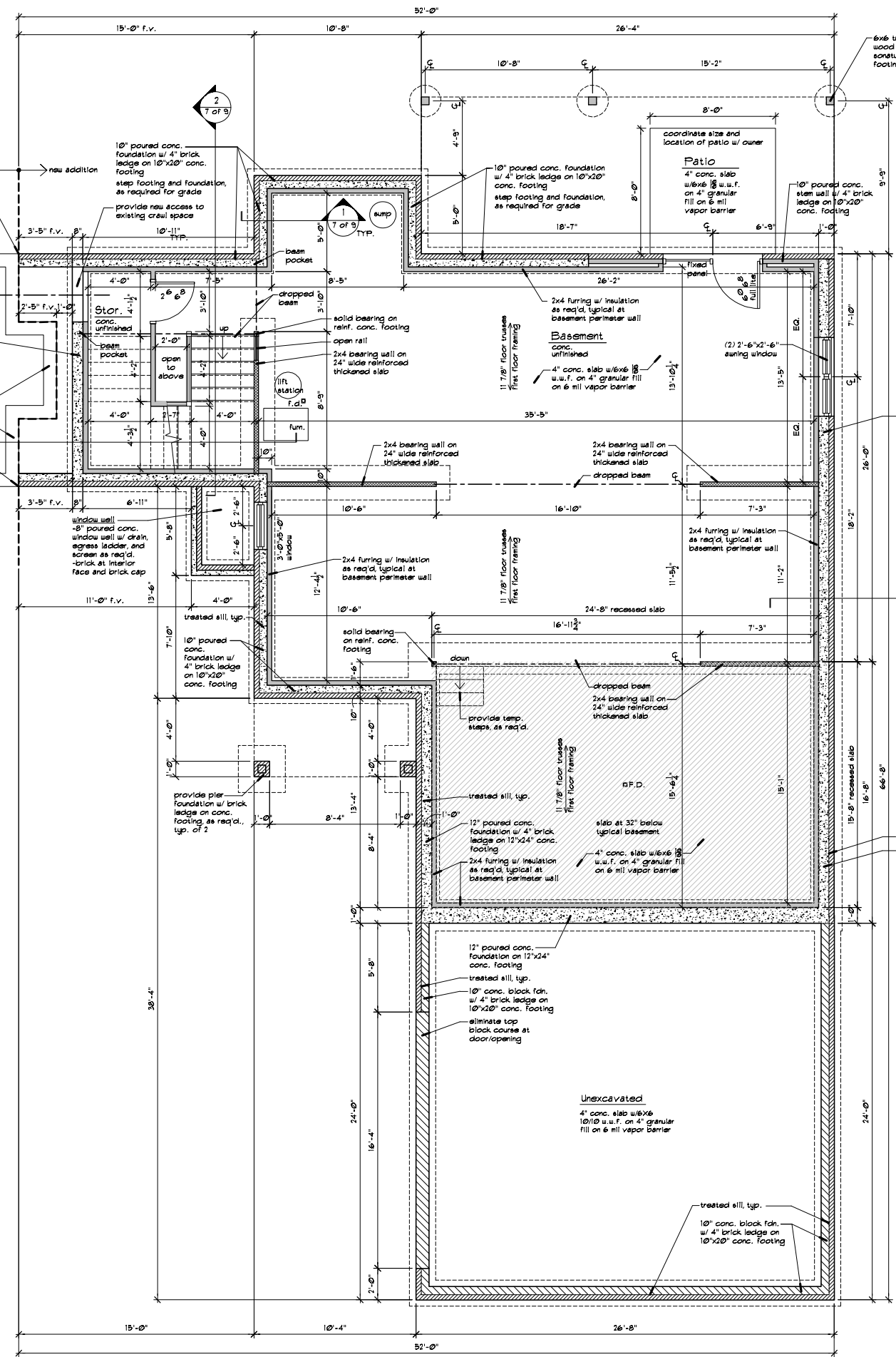
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	SHEET TITLE: FIRST FLOOR PLAN	
	PROJECT TITLE: ADDITION TO PAULIN RESIDENCE 6695 S. NINEVAH RD. TRAFALGAR, IN 46181	REVISIONS:
DRAWN BY: KMD	DATE: 05-23-2024	PROJECT NO.:
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GENERAL FOUNDATION NOTES

- DIMENSIONS ARE FROM FACE TO FACE OF POURED CONC. AND CMU AND FACE TO FACE OF STUDS
- VERIFY ALL SITE AND GRADING CONDITIONS AND COORDINATE WITH FLOOR PLAN PRIOR TO CONSTRUCTION
- REMOVE ALL TOP SOIL IN AREA TO BE OCCUPIED BY BUILDING. STORE TOP SOIL THAT IS REQUIRED FOR FUTURE USE ON SITE IF APPLICABLE. REMOVE ALL EXCESS TOP SOIL AND DEBRIS FROM SITE.
- EXCAVATE SITE AS REQUIRED. TO FINISH GRADE WITH A SUITABLE ALLOWANCE FOR TOP SOIL AND/OR PAVING. FILL AREAS WHERE GRADE RAISE IS REQUIRED, WITH EXCAVATED OR IMPORTED EARTH. EARTH USED FOR FILL SHALL BE FREE FROM ORGANIC MATTER AND LARGE ROCKS. PLACE FILL MATERIAL IN LAYERS NOT TO EXCEED SIX INCHES IN LOOSE DEPTH. REMOVE ALL EXCESS EXCAVATED MATERIAL FROM THE SITE.
- DEPTH OF FOOTINGS SHALL BE AS INDICATED OR TO UNDISTURBED EARTH, WHICHEVER IS GREATER. BOTTOM OF ALL EXTERIOR FOOTINGS SHALL BE A MINIMUM OF 2'-6" BELOW FINISH GRADE.
- ALL CONCRETE FOOTINGS AND INTERIOR CONCRETE SLABS SHALL BE 3000 PSI @ 28 DAYS. VERIFY ALL DIMENSIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES OR DEVIATIONS PRIOR TO START OF CONSTRUCTION.
- FOUNDATION PLATES OR SILLS SHALL BE BOLTED TO THE FOUNDATION OR FOUNDATION WALL WITH NOT LESS THAN 1/2" NOMINAL DIAMETER STEEL BOLTS EMBEDDED AT LEAST 7 INCHES INTO THE CONCRETE OR MASONRY AND SPACED NOT MORE THAN 4 FEET APART. THERE SHALL BE A MINIMUM OF TWO BOLTS PER PIECE WITH ONE BOLT LOCATED WITHIN 12 INCHES OF EACH END OF EACH PIECE. A PROPERLY SIZED NUT AND WASHER SHALL BE TIGHTENED ON EACH BOLT TO THE PLATE. FOUNDATION PLATES AND SILLS SHALL BE OF TREATED WOOD.
- PROVIDE CONTROL JOINTS AS REQUIRED
- CONTRACTOR SHALL BE RESPONSIBLE FOR SIZING OF ALL STRUCTURAL MEMBERS
- PROVIDE DOUBLE FLOOR JOISTS AT PARALLEL WALLS ABOVE.
- POURED BASEMENT WALLS ARE 9'-0" HIGH FROM TOP OF FOOTING, TYP. W/ 4" BRICK LEDGE. SEE NOTED AREAS WHERE BASEMENT WALLS STEP WITH GRADE. PROVIDE 4" BRICK LEDGE AT ALL STEPPED AREAS AND PROVIDE FRAMED KNEE WALL DIRECTLY BELOW EXTERIOR WALLS ABOVE TO SUPPORT FLOOR FRAMING. VERIFY ALL HEIGHTS OF STEPPED WALLS W/ GRADE.
- PROVIDE BEAM POCKETS OR SOLID BEARINGS AT ALL WALLS SUPPORTING BEAMS. PROVIDE STRUCTURAL HEADERS IN ALL BEARING WALLS AT DOORS AND OPENINGS
- FOOTINGS SHALL BE SIZED ACCORDING TO LOCAL CODES AND DRIFTAL SOIL CONDITIONS. G.C. TO VERIFY ALL REQUIREMENTS

BASEMENT/ FOUNDATION FLOOR PLAN
SCALE: 1/4" = 1'-0"



		SHEET TITLE: BASEMENT/FOUNDATION PLAN	
		PROJECT TITLE: ADDITION TO PAULIN RESIDENCE 6695 S. NINEVAH RD. TRAFALGAR, IN 46181	
DRAWN BY: KMD	DATE: 05-23-2024	PROJECT NO.:	REVISIONS:
4300 North 725 West Borgersville, IN 46106 317-422-9000 office 317-422-9070 fax www.dukehomes.com			SHEET NO.: 3 OF 9

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