



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
January 28, 2025, 7:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

CALL TO ORDER BY BOARD OF ZONING APPEALS ATTORNEY

ROLL CALL

ELECTION OF PLAN COMMISSION OFFICERS

- a. Chairman
- b. Vice-Chairman
- c. Secretary

OTHER APPOINTMENTS

APPROVAL of MINUTES

Approval of minutes from the December 16, 2024 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-2-25. Jake Stiles, 3455 W. Smith Valley Road, Greenwood..... Page 3

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for a real estate brokerage office (not permitted in the MR (Multi Family Residential) Zoning District).

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to reduce the buffer yard landscaping requirements and reduce parking lot requirements

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for a house addition with a 15-foot rear setback (minimum 20-foot rear setback required).

OLD BUSINESS

None.

NEW BUSINESS

Approval of 2025 Contract for Johnson County Board of Zoning Appeals Attorney with Williams Barrett & Wilkowski, LLP.

REPORTS AND RECOMMENDATIONS

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, February 25, 2025 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-1-25
ADDRESS: 3455 W. Smith Valley Road
PETITIONER: Jake Stiles

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for a real estate brokerage office (not permitted in the MR (Multi Family Residential) Zoning District).

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to reduce the buffer yard landscaping requirements and reduce parking lot requirements.

PROPERTY DESCRIPTION

This 1.26-acre site is zoned MR (Multi-Family Dwelling). The property is currently improved with a single dwelling.

To the east is a duplex development within the City of Greenwood; To the west and south are single-family dwellings. To the north are the commercial developments.

VARIANCE OF USE

This Variance of Use request, if approved, would allow the subject property to be used as a real estate brokerage office. The existing structure is about 2,100 sq.ft (not including the garage). According to the Plan of Operation, the property would have one full-time employee on site and real estate agents who would use the office as needed. The maximum occupancy would be 6 people. Full details of the Operation can be found on page 12.

The entire structure would be utilized for the use and no one would reside at this location for residency. The petitioner will install more parking on the property as shown on the site plan. Staff recommends that if the use is approved, the petitioner would need to work with staff for a better location of the parking so motorists do not back up into the shared driveway.

COMPREHENSIVE PLAN

The Future Land Use Map of the 2017 White River Update recommends Town Residential as the best use of the area. This area is located in a critical area of White River Township where the plan provides further recommendations. It recommends the following:

“As ongoing residential use of these properties will be compromised by a widened and more heavily-traveled Smith Valley Road, conversion of these lots to very low-intensity commercial or other non-residential use would be warranted. However, given the particularly small nature of these properties, commercial or other non-residential conversion, development or

redevelopment of the properties should only take place given appropriate massing of property and/or especially thoughtful and context-sensitive site design.”

Additionally, the White River 2017 Update provides a Development Guideline for converting existing dwellings to non-residential use.

- Commercial use should be restricted to the areas shown on the Amended Future Land Use Map.
- Commercial and other non-residential uses should be of a low intensity and should serve the immediate and surrounding neighborhoods primarily, rather than having a regional customer draw.
- Parking needs should be minimal. Shared parking and access among neighboring converted properties is encouraged, as is the minimization of curb cuts.
- Where possible, parking areas should be located behind or to the side of primary structures, rather than within front yards.
- Vehicular access points, driveways and parking areas should be paved and clearly delineated. Access points should be kept to minimum required widths.
- General residential architectural characteristics should be maintained, as should the original architectural character of the specific structure to the extent practicable.
- Site lighting should be fully-shielded and similar in impact to that of a typical single-family residential property.
- Signage should be low-impact in nature, with any freestanding sign having a maximum height of four feet, a maximum area of 32 square feet, and no internal illumination.
- Ample buffering landscaping elements - at minimum, compliant with the zoning ordinance - should be provided between the converted non-residential use and any residential adjoiners.
- Dwellings converted for commercial or other non-residential use should safely accommodate pedestrians and bicyclists with clearly delineated pedestrian paths linking main entrances to public sidewalks, and with bicycle parking facilities, as appropriate.

For more details on the White River Comprehensive Plan -

https://co.johnson.in.us/egov/documents/acc0d5a3_1948_d254_4773_ad82a41ee6de.pdf

Based on the site plan and Plan of Operation, this use will satisfy most of the recommendations listed above.

VARIANCE OF DEVELOPMENT STANDARDS – LANDSCAPE REQUIREMENT

This Variance of Development Standards request, if approved, would reduce the landscape requirement for commercial use. This commercial use would require to install landscape around the parking area, a landscape buffer between the residential use to the west and south, and a landscape for the overall lot development.

For overall development – this property would be required to install 3 shrubs along the front façade and 2 shrubs along each side of the house. The petitioner said there would be no issue on meeting that standard.

For landscape buffer between the west and south property: 4 deciduous trees plus 10 evergreen trees per 100', about 500 linear feet that abut residential use. The petition per site plan shows that 12 additional trees will be added to the property along with a handful of existing trees. There is already a privacy fence on the southern property line.

The variance request is to reduce the overall landscape requirement to what is proposed in the site plan provided. They are not seeking total relief from the landscape requirements.

VARIANCE OF DEVELOPMENT STANDARDS – PARKING

This Variance of Development Standards request, if approved, would reduce the overall parking lot requirement for the proposed use. According to the site plan provided, the petitioner will install an additional parking area will accommodate up to 10 parking spaces. However, the configuration might not work as proposed as the spot are from a shared driveway that is one another property. The petitioner will need to work with staff to redesign the parking lot layout.

Standards that are applicable to this development: The parking lot should be a hard surface, curbed, and striped. The parking spots should be 9 X 20 and have a drive aisle for proper maneuvering.

Other Requirements: Outside of zoning approval, this use may be subject to other approvals such as local and state Building Permits, driveway permits, and/or septic approval.

FINDINGS OF FACT: VARIANCE OF USE

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

Staff Analysis: The current business does not alter the traffic patterns on Smith Valley Rd. Approval of the variances would not impact the general public. The business would have limited on-site customers.

State Requirement: 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 low intense use should not adversely affect the adjoining neighbor. This property is south of commercial use that has more traffic than the proposed use.

State Requirement: The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis: With Smith Valley Road becoming a main road from I-69, traffic has increased and commercial development will increase over time along this corridor which would reduce the desirability of the property for residential use.

State Requirement: 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 future decrease in desirability for residential use due to an interchange within a mile from the property supports low-intensity commercial use of the property that does not negatively impact nearby existing residential uses

State Requirement: The approval does not interfere substantially with the Comprehensive Plan.

Staff Analysis: The White River Township Comp Plan recommends limited to low-intensity commercial conversion of the Smith Valley Corridor would be merited as long as the conversion follows the development principles listed in the staff report.

GENERAL INFORMATION

Applicants: Jake Stiles
1816 Angel View Dri.
Greenwood IN 46143

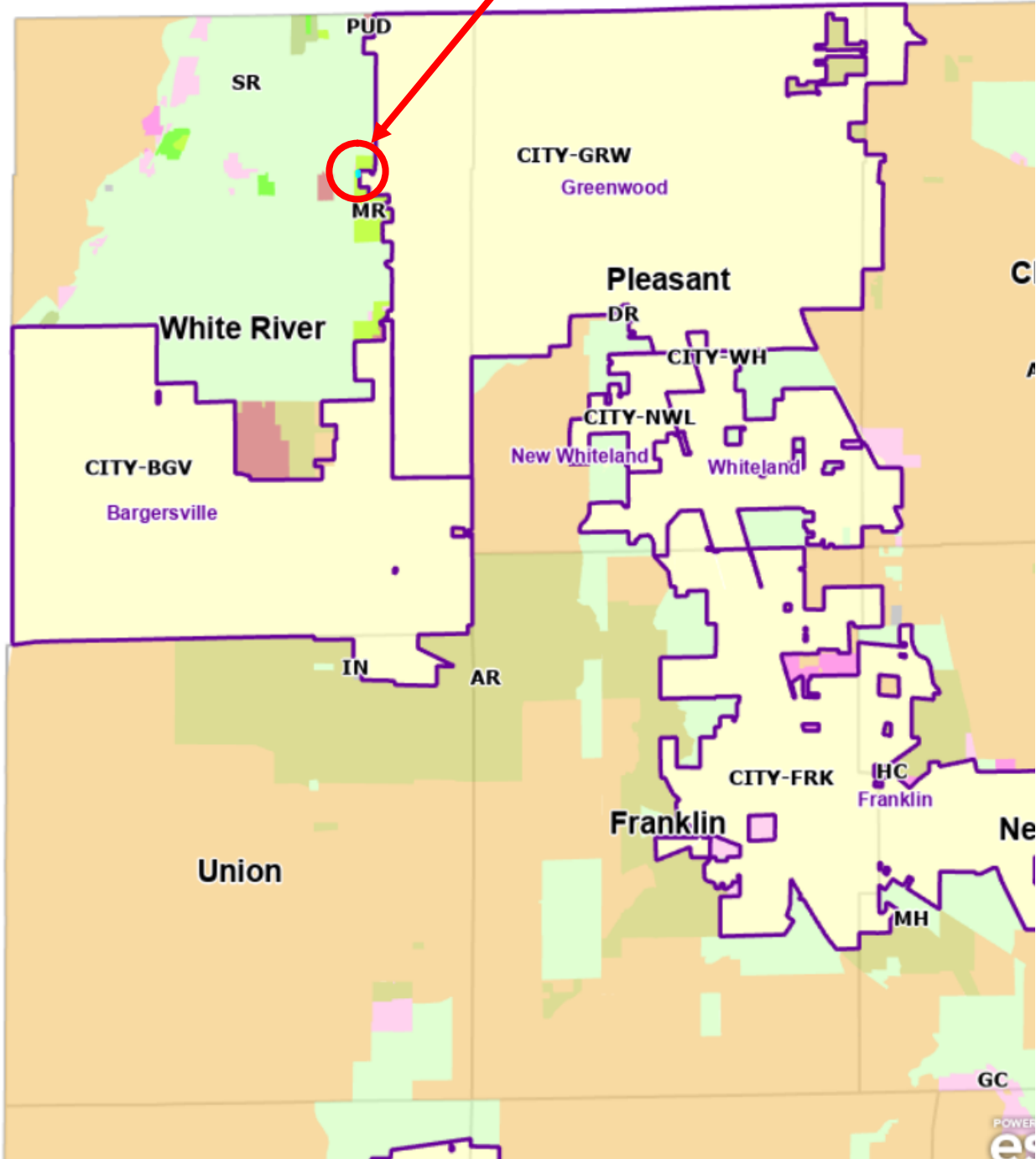
Owners: same

Zoning: MR, Multi-Dwelling Residential District
Land Use: Residential
Future Land Use: Town Residential

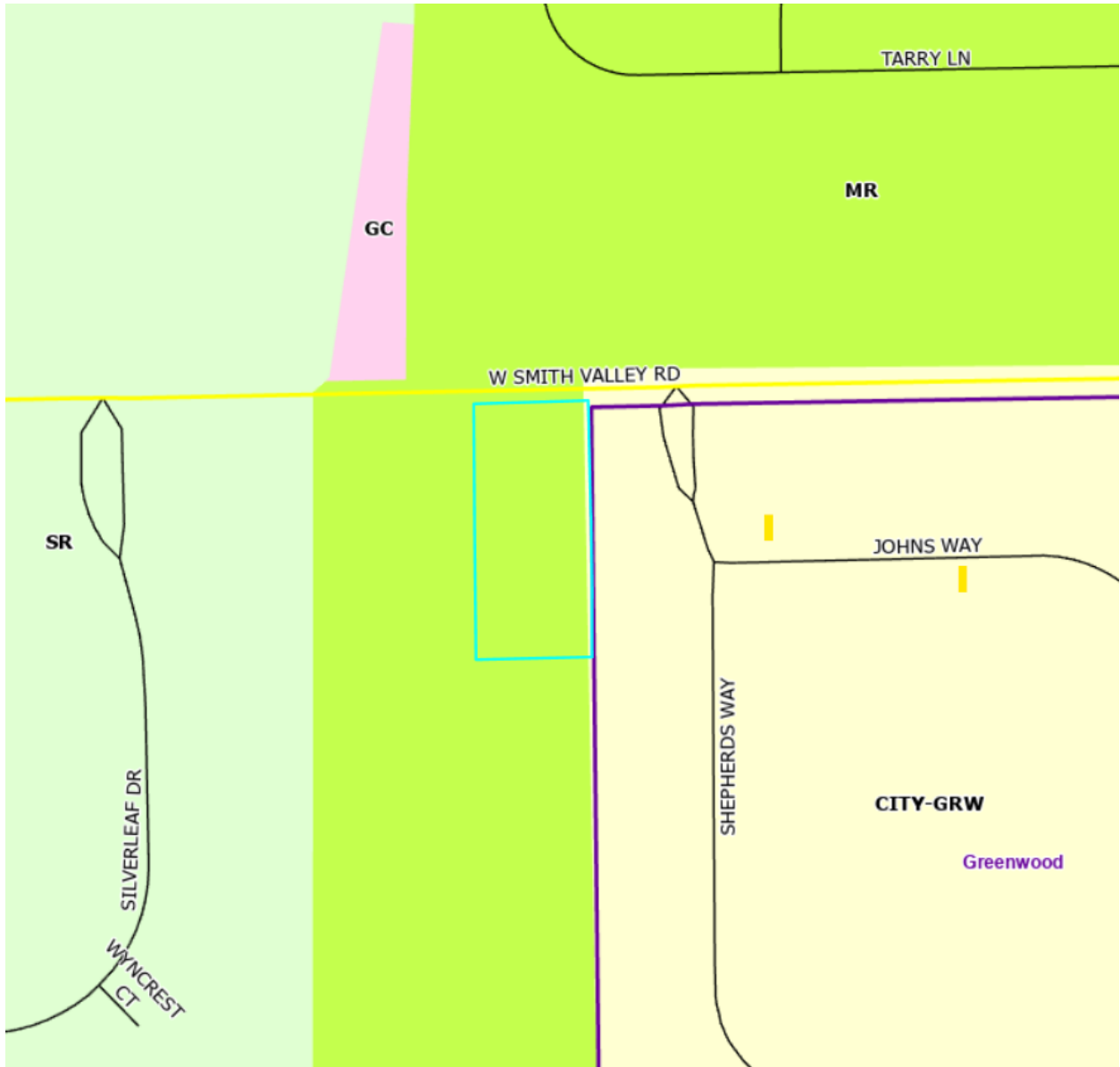
-MNH

V-1-25 BASE MAP

SUBJECT SITE



V-1-25 ZONING MAP



V-1-25 AERIAL MAP I



V-1-25 AERIAL MAP II



V-1-25 Google Street View

<https://maps.app.goo.gl/bvJ3LRgUtCDivKoj9>



V-1-25 PLAN OF OPERATION

PLAN OF OPERATION, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

Variance of Use Petition for Residential Real Estate Brokerage Office

1. Business Overview

The proposed variance requests permission to operate a real estate brokerage office within a residential property. The business primarily functions as an administrative headquarters for remote real estate agents, with minimal impact on the residential character of the neighborhood.

2. Staffing and Occupancy

Regular Staff

- One (1) full-time on-site employee (office manager)
- One (1) full-time remote employee
- Associated real estate agents (working remotely, visiting only for paperwork submission, as necessary.)

Customer Traffic

- Average of six (6) client visits per year (most meetings happen at homes)
- Maximum occupancy at any time: 6 people
- Parking requirement: 2 dedicated spaces, could add more if necessary.

3. Hours of Operation

- Monday through Friday: 8:30 AM to 5:00 PM
- Weekends: By appointment only
- Holidays: Closed
- After-hours activity: None except occasional weekend appointments

PLAN OF OPERATION, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

4. Site Activities and Operations

Primary Activities

- Administrative
- Virtual meetings and consultations
- Occasional in-person client consultations

Equipment and Technology

- Standard office equipment (computers, printers, TVs)
- No specialized equipment requiring special power or utilities
- No industrial or commercial-grade equipment

5. Materials Use and Storage

Storage Requirements

- Standard office supplies
- No hazardous materials
- No outdoor storage or displays
- No signage beyond what is permitted by present zoning and/or use variance

6. Shipping and Receiving

Deliveries

- Standard mail and small package delivery only
- No commercial delivery vehicles (outside of Amazon or UPS vehicles)
- Frequency: 0-1 time per week
- No loading dock or special delivery requirements

PLAN OF OPERATION, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

7. Waste Handling

Waste Generation

- Type: Standard office waste (paper, general refuse)
- Volume: Approximately one residential-sized bin bi-monthly
- No hazardous waste
- No special disposal requirements

Disposal Method

- Standard residential waste collection service
- Regular residential recycling program participation

8. Environmental Impact

Noise

- No noise generation beyond normal residential use (probably less)
- No machinery or equipment generating noise
- Virtual meetings conducted indoors

Traffic Impact

- Minimal to no impact on local traffic patterns
- Average 1-2 vehicle trips per day

Property Appearance

- Maintenance of residential character
- No modifications to exterior appearance
- Landscape maintenance to residential standards

PLAN OF OPERATION, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

9. Neighborhood Compatibility

Measures to Ensure Compatibility

- Strict adherence to residential parking regulations
- Maintenance of property to residential standards
- No commercial signage or advertising, unless otherwise permitted
- Commitment to quiet enjoyment of neighboring properties

10. Security Measures

- Standard residential security system
- Secure document storage
- No external security measures visible from street

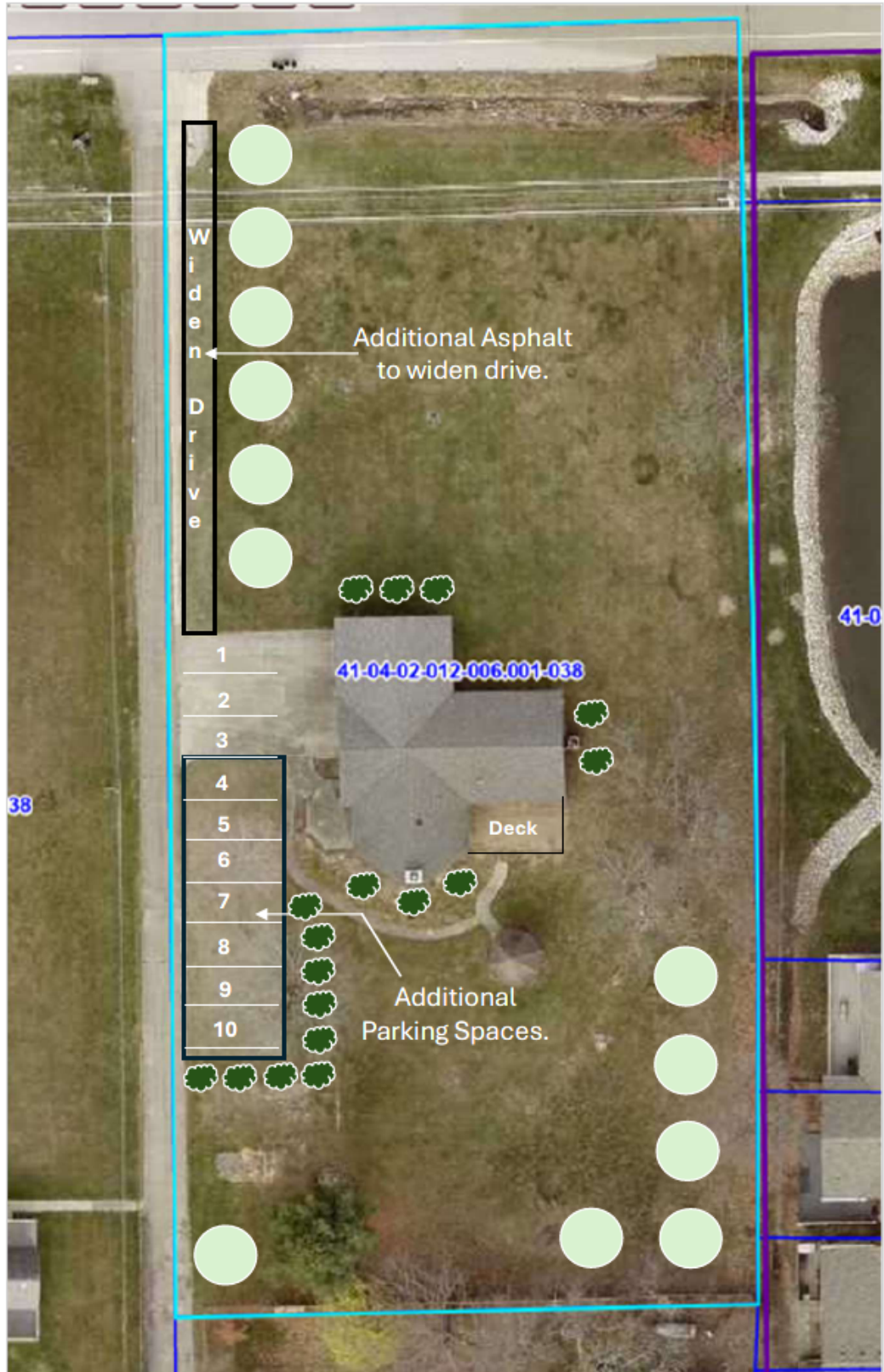
11. Conclusion

Our real estate brokerage will operate with minimal impact on the residential area. We have a proven track record of low client visits and minimal disruptions. We are confident that our operation will not negatively affect the neighborhood and will comply with all county regulations.

V-1-25 SITE PLAN

Site Plan

3455 W Smith Valley Rd, Greenwood, IN 46142



V-1-25 PETITIONER'S FINDINGS OF FACT (page 1 of 2)

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:

Converting a residential home to a real estate office typically requires minimal exterior modifications. The property will maintain its residential appearance, preserving the area's aesthetic character.

A real estate office generates minimal noise, traffic, or environmental concerns compared to other commercial uses. The nature of the business involves quiet office work and sometimes 1:1 client meetings, which are not disruptive to the surrounding neighbors.

The impact on local traffic and parking will be minimal, if there is any impact at all. Real estate offices have low to no in-office client meetings, with almost all interactions occurring off-site at property showings and listing appointments at client homes. Any additional parking needs can likely be accommodated on the existing driveway or with minor modifications.

Real estate offices generally operate during standard business hours, aligning with the community's daily rhythm and minimizing disruption to neighbors during evening and weekend hours.

The office's presence during business hours may enhance neighborhood security by providing additional "eyes on the street" during times when residential properties are typically vacant.

Real estate offices are often compatible with residential areas, serving as a buffer between residential and more intensive commercial uses. This can help maintain the overall character of the neighborhood while allowing for appropriate commercial activity.

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:

Converting a residential property into a real estate office offers a range of benefits to the surrounding neighborhood & area while preserving its residential character. Typically, minimal exterior modifications are required, allowing the property to maintain its residential

V-18-24 PETITIONER'S FINDINGS OF FACT (page 2 of 2)

USE VARIANCE

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

appearance and blend seamlessly with nearby homes. This helps to retain the aesthetic integrity of the neighborhood and supports the property values of adjacent residences.

Real estate offices are considered low-intensity commercial uses, meaning they operate quietly with limited disruption. The nature of real estate work primarily involving office tasks and occasional client meetings produces minimal noise or other disturbances, ensuring a peaceful environment for neighbors.

Due to the low volume of client visits, most interactions happen off-site at property showings and listing appointments with sellers, resulting in minimal impact on local traffic patterns. This prevents congestion, ensuring that the area's streets remain unobstructed and parking undisturbed. Any additional parking needs can be accommodated on-site, either through the existing driveway or minor adjustments, thereby avoiding spillovers onto the entry street for the property.

Serving as a transitional buffer, a real estate office can also create a gradual shift between residential zones and more intensive commercial areas. This maintains the residential appeal of the neighborhood, helping to protect adjacent property values from the encroachment of higher-intensity commercial activities.

The presence of a local real estate office can be an asset to nearby residents, offering convenient access to real estate services that may enhance the value and desirability of adjacent properties. Furthermore, real estate offices typically operate during standard business hours, aligning with the community's rhythm and ensuring minimal disruption during evenings and weekends.

An occupied office during daytime hours adds a sense of security, as the presence of an employee provides additional "eyes on the street" in the area. This added observation can benefit surrounding properties, particularly during hours when residential homes are often unoccupied.

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

The current zoning laws restrict the property to residential use only. This creates a unique hardship for us to operate a business in a residentially zoned area. The peculiarity stems from the fact that the property's current zoning classification conflicts with our desire to use the space as a commercial real estate office.

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

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:

A real estate office will contribute positively to the local economy. This can create a more vibrant community environment without disrupting residential life. Also, the building could serve as an appropriate intermediary use that aligns with both zoning categories' objectives, facilitating smoother transitions between different land uses in the future.

The properties across the street from the subject property are already zoned commercial office general which sets a precedent that the area supports diverse land uses. Granting this variance would align with established patterns and community expectations.

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

The Greenwood Comprehensive Plan recognizes the need for diverse land use patterns to accommodate growth and changing community needs. The conversion of a residential property to a low-intensity commercial use, such as a real estate office, aligns with the plan's vision for mixed-use development, which accounts for 0.16% of the future land use calculations.

Furthermore, converting this residential property to a real estate office will require minimal to no exterior modifications, allowing the property to maintain its residential appearance. This approach preserves the existing area's character. Our office is a low-impact commercial use, generating minimal to no noise, traffic, or other disruptions. This aligns with the plan's goal of maintaining the quality of life in and around residential areas while allowing for strategic commercial growth.

The Comprehensive Plan emphasizes the importance of economic development. Allowing an office in this area supports local business growth, contributing to the plan's economic objectives. By utilizing an existing structure and infrastructure, the variance also aligns with the plan's goal of promoting efficient land use and minimizing the need for new infrastructure development. If approved, the variance can create a smooth transition between residential and commercial areas. The variance aligns with the plan's emphasis on supporting professional services within the community, as indicated by the 0.39% allocation for Professional Research and Development in the future land use calculations.

Staff Report

CASE NUMBER: V-2-25
ADDRESS: 1855 S. Old State Road 37, Greenwood
Section 34, Township 12, Range 4
PETITIONER: Prestige LLC By Van Valer Law Firm

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for a Landscape Contractor's Shop (not permitted in the SR (Single Family Residential) Zoning District.

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

1. parking requirements for commercial use, and
2. landscaping requirement for commercial use

PROPERTY DESCRIPTION

This 1.95-acre site is located on the west side of I-69. This parcel is part of the Day Mini Residential Subdivision. It is improved with a single-family dwelling and detached structure. .

The site is surrounded by similar-sized parcels used residentially, and all are zoned SR.

REZONING REQUEST

This request, if approved, would allow the petitioner to operate a Landscape Contractors's shop on the property. According to the Plan of Operation, the business would have 6 to 8 employees per shift, however since they are a contracting business therefor most of those employees will be off-site on a job site. Hours of operation will be Monday through Friday 9 a.m. to 5 p.m. Full details of the Operation can be found on page 28.

The entire property and existing structure would be utilized for the use and no one would reside at this location for residency. The existing house will be used as an office and the petitioner plans to construct an 8,500 sq.ft structure for equipment and material storage. The petitioner has stated nothing will be stored outside, except for employee vehicles or the company's vehicles.

This proposed use is permitted in HC, Heavy Commercial, and IN, Industrial zoning districts.

COMPREHENSIVE PLAN

This use request is not consistent with the land use recommendation of the *Interstate 69 Corridor Plan* Future Land Use Map, which recommends "Industrial Mixed-Use" development and use for this site. That Industrial Mixed-Use recommendation, which applies to the entirety of the western side of the I-69 corridor through Johnson County, would take different forms, depending on where along the *I-69 Corridor* it is applied. The Industrial Mixed-Use recommendation for this area would call for employment-generating technology-based industrial and office users. A contractor's shop would be neither technology-based nor an employment generator, and so would represent a use far from ideal for such a site.

Additionally, this property is located in the Corridor Overlay District. Any commercial development will be subject to the design standards of the Corridor Overlay District.

VARIANCE OF DEVELOPMENT STANDARDS – Landscape Requirement

This Variance of Development Standards request, if approved, would waive the landscape requirement for commercial use. This commercial use would require to installation landscape around the parking area, a landscape buffer between the residential district (south, north, and west), and a landscape for the overall lot development.

For overall development – this property would be required to install 3 shrubs along the front façade, 2 shrubs along each side of the house, and 4 canopy trees.

For landscape buffer between residential districts: 2 deciduous trees, 5 evergreen trees, and 54 evergreen shrubs per 100', about 900 linear feet that abut residential district.

At the time of staff report preparation, the site plan does not show any plans for landscape.

VARIANCE OF DEVELOPMENT STANDARDS – Parking

This Variance of Development Standards request, if approved, would waive the overall parking lot requirement for the proposed use. The petitioner has already installed a significant amount of gravel on the property for vehicle parking and maneuvering. Standards that are applicable to this development: The parking lot should be a hard surface, curbed, and striped. The parking spots should be 9 X 20 and have a drive aisle for proper maneuvering.

At the time of staff report preparation, the site plan does not show any details on parking.

Other Requirements: Outside of zoning approval, this use may be subject to other approvals such as local and state Building Permits, driveway permits, stormwater, and/or septic approval.

FINDINGS OF FACT: VARIANCE OF USE

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

Staff Analysis: The current business does not alter the traffic patterns on Old State Road 37. Approval of the variances would not impact the general public. The property would still be subject to driveway improvement requested by the Highway Department. The business would have limited on-site customers.

State Requirement: 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 low intense use should not adversely affect the adjoining neighbor.

State Requirement: The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis: Although the property is currently zoned SR, single-family residential, it's close proximity to I-69 and along an I-69 frontage make the property less viable to continue the residential use.

State Requirement: 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 future decrease in desirability for residential use due to proximity to I-69 and Frontage Road, the property supports low-intensity commercial use of the property that does not negatively impact nearby existing residential uses

State Requirement: The approval does not interfere substantially with the Comprehensive Plan.

Staff Analysis: The proposed use is not within the recommended uses of the I-69 Corridor plan. The plan recommends Industrial Mixed-Use. The Industrial Mixed-Use recommendation for this area would call for employment-generating technology-based industrial and office users. However, other vital improvements are not in place for the recommended use such as public water and public sanitation.

GENERAL INFORMATION

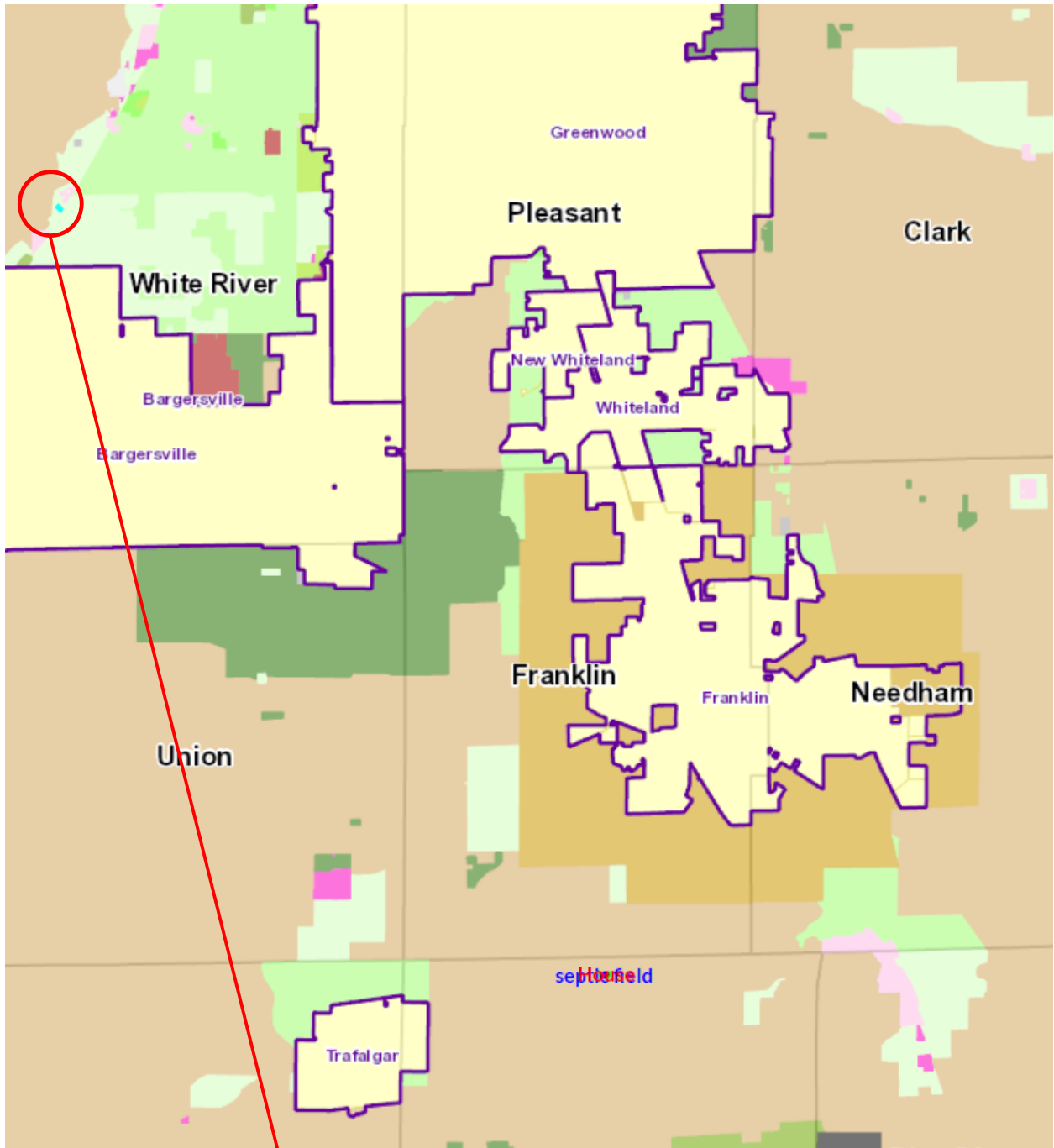
Applicant: Prestige LLC
5844 W. Smokey Row Road
Greenwood IN 46143

Representative: Eric Prime
Van Valer LawFirm LLP
225 S. Emerson Ave, Suite 181
Greenwood, IN 46143

Zoning: SR
Land Use: Vacant dwelling
Future Land Use: Industrial Mixed Use

-MNH

V-2-25 Base Map I



subject site

V-2-25 Base Map II



V-2-25 AERIAL

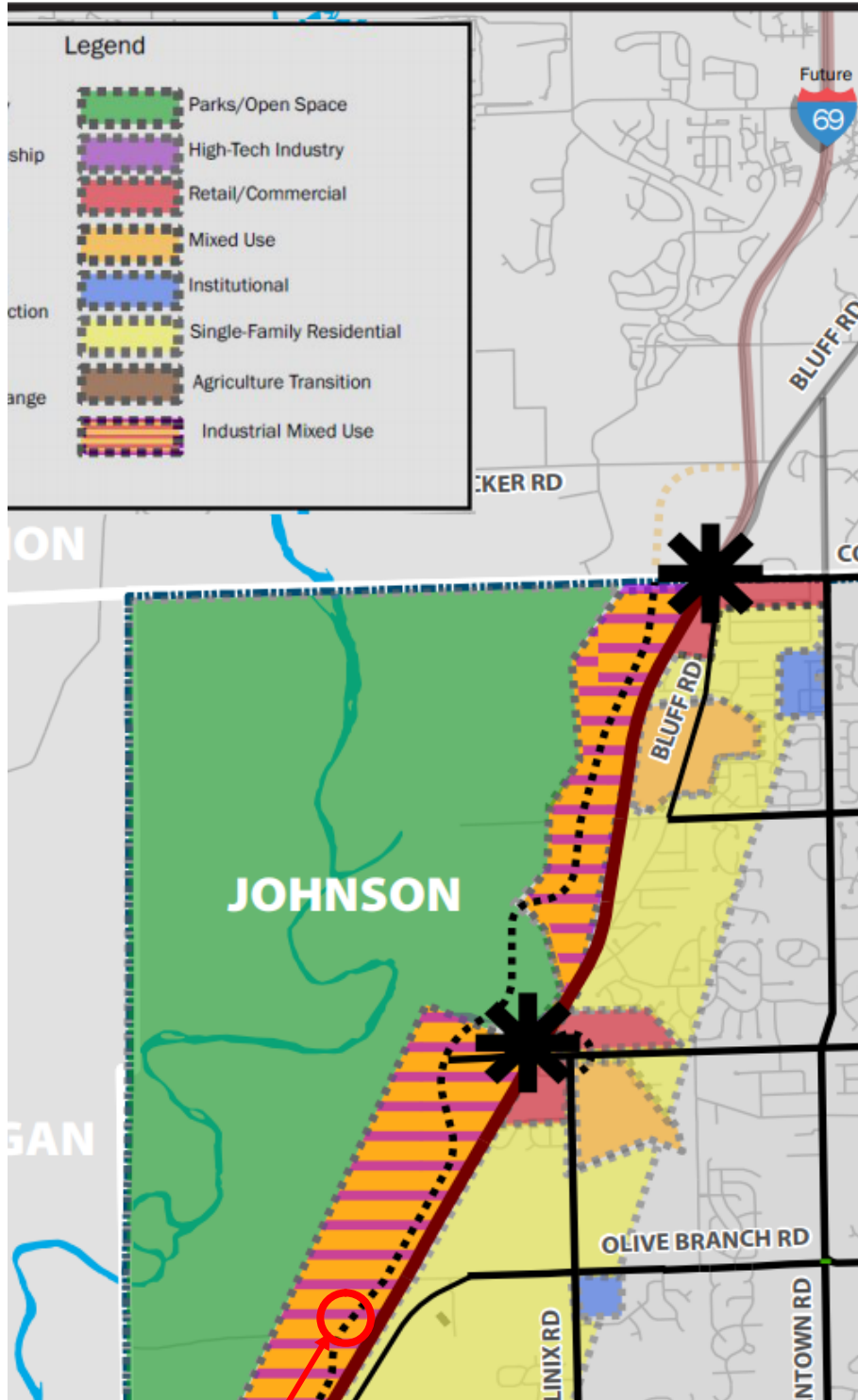


V-2-25 BIRDS EYE VIEW



V-2-25 I-69 Corridor Plan - Future Land Use Map

C: FUTURE LAND USE MAP



subject site

V-2-25 – Plan of Operation

Plan of Operation

Organization:	Prestige LLC
Address:	5844 W. Smokey Row Rd. Greenwood, IN 46143
Site location:	1855 S. Old State Rd 37, Greenwood, IN 46143
Hours of Operation:	9:00 am to 5:00 pm Monday-Friday
Employees:	6-8 employees per shift.
Parking:	On-site parking for employee use as needed.
Trash:	Normal household trash, if any.
Security/Safety:	The proposed auxiliary structure will be equipped with access cameras and locking doors.
Operation:	Employees will access the property in the morning to load the equipment needed for the day and return at the end of the work day to return the equipment.

V-2-25 – Site Plan

