



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
March 25, 2025, 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 February 25, 2025 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-7-25. Christoper and Teresa Hogue. 6268 W 250 S, Morgantown

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,950-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

V-8-25. Jack and Betty Arthur. Vacant 13 acres south of 3465 S 725 E, Franklin

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,390-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, April 29, 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.

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Staff Report

CASE NUMBER: V-07-25
ADDRESS: 6268 W 250 S, Morgantown
(parcel #: 41-09-32-014-001.000-034)
PETITIONER: Christopher and Teresa Hogue

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,950-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

PROPERTY DESCRIPTION

This 22.12-acre site is zoned AG (Agricultural) and improved with a residential home under construction and two barns.

The property is surrounded are similar-sized parcels used Agriculturally with occasional resident.

VARIANCE REQUEST

This variance request, if approved, would allow for an accessory dwelling with a building area of 1,950 square feet. The applicant wishes to construct a second dwelling on the property that is attached to the primary dwelling by garage. A part of the house that would be considered an accessory dwelling is near the end of construction. The Hogues along with their contractor was permitted a residential permit on September 2024. The proportion of the building that would be converted to an accessory dwelling was permitted not to contain a kitchen, therefor it was not considered an accessory dwelling but part of the primary dwelling. Before construction is completed the Hogues would like to install a kitchen so that a family member could utilize this section of the building as their individual residence. Because of the floor plan, the portion of the structure that is separated by an unfinished space (garage) is 1,950 square feet, exceeding the limitation of an accessory dwelling by 950 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 has emails with the builder and property owner before submitting a building permit where these regulations were expressed.

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 that would preclude an accessory structure from being built within the development standard set forth in the ordinance.

4. The variance is not primarily for the economic benefit of the petitioner.

While economic benefit is present with this variance, it is not the primary reason for the need for the variance.

5. The variance request is not the minimum deviation that is needed to be aware to the applicant.

There were options before construction started to redesign the house to satisfy the ordinance requirement or minimize the extra space needed. Nothing has been presented that size is needed for additional care of a family member.

6. The variance request is due to hardship caused by the current owners of the property.

The hardship was created by the applicant as the design of the house could have been altered prior to construction.

GENERAL INFORMATION

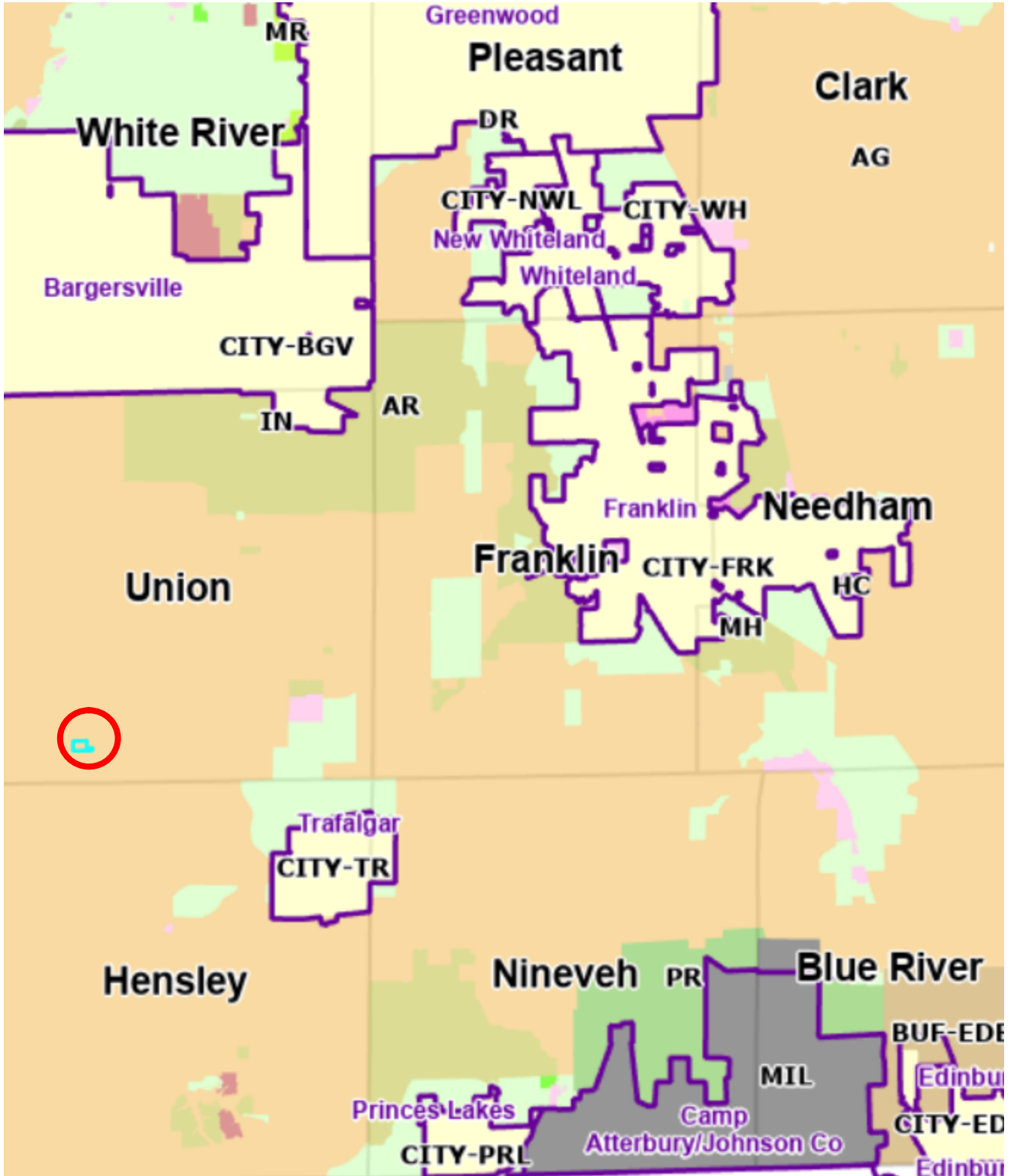
Applicant: Teresa and Christopher Hogue
5750 W 300 N
Bargersville IN 46106

Owner: Same

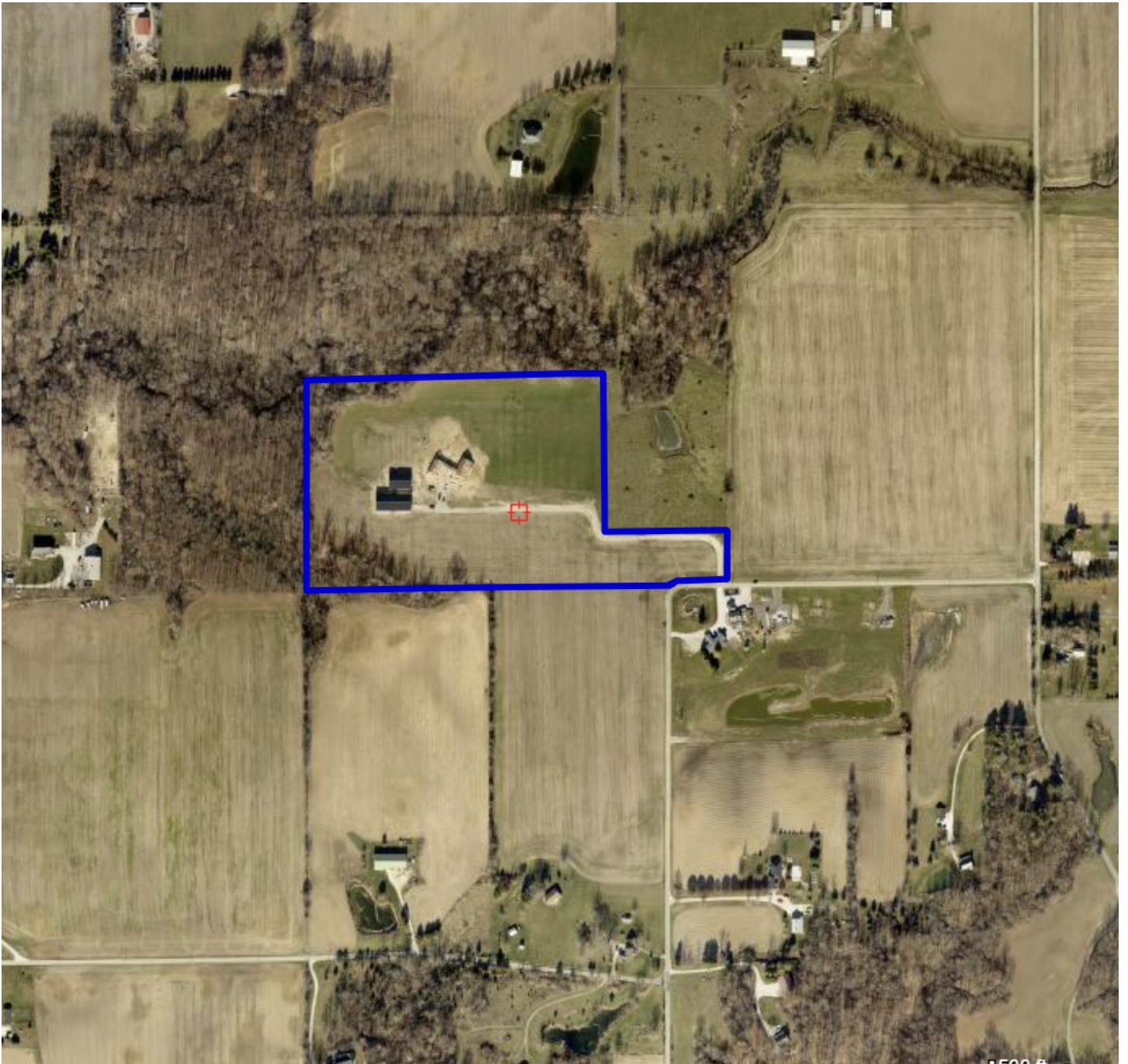
Current Zoning: AG (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-MNH

V-07-25 Base Map



V-07-25 Base Map II

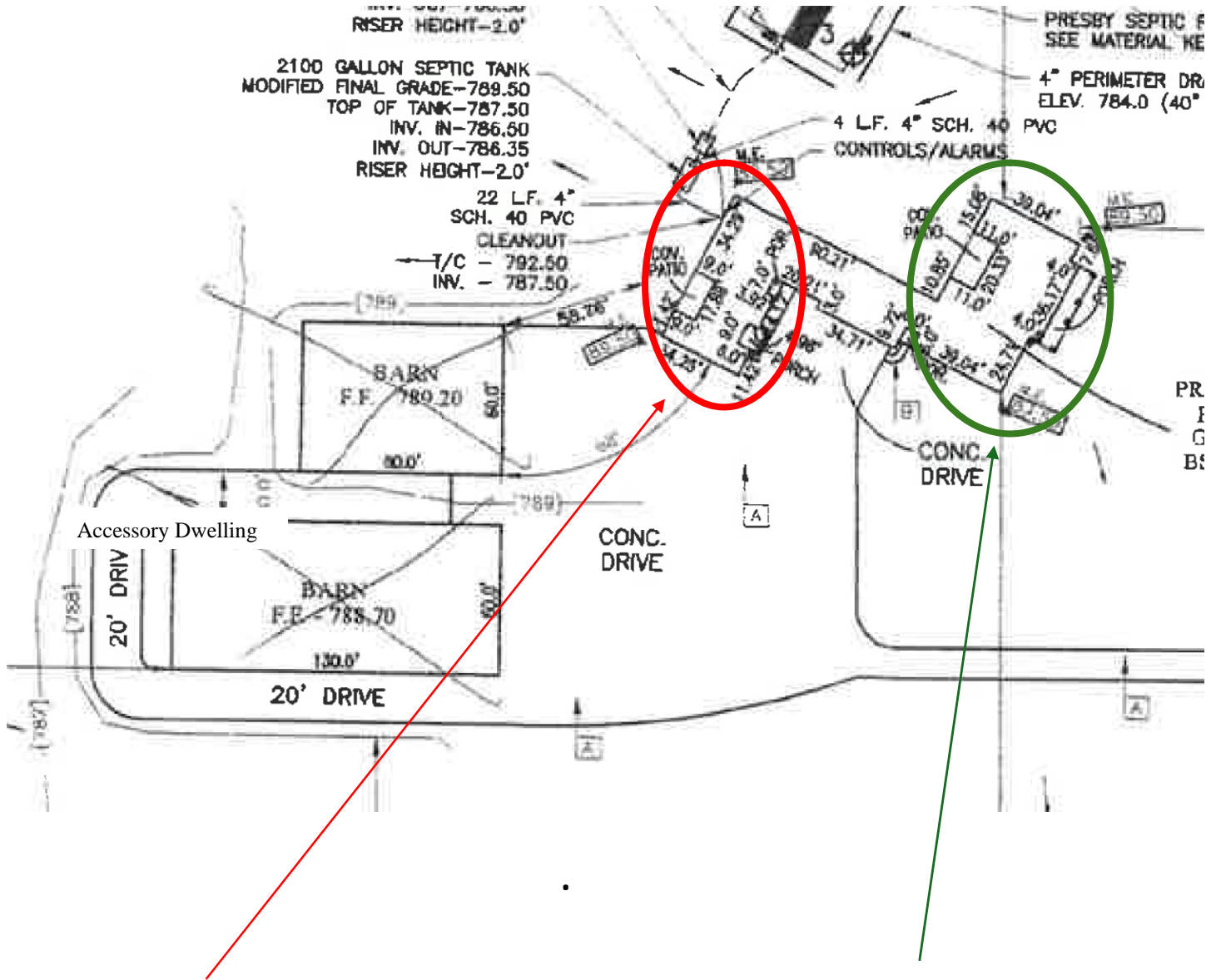




V-07-25 BIRDS EYE VIEW



V-07-25 SITE PLAN



ACCESSORY DWELLING

PRIMARY DWELLING

V-07-25 FLOOR PLAN

Separate document attached to staff report

V-07-25 Petitioner's Findings of Facts

Teresa Hogue
Revised March 14, 2025

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 requested accessory dwelling is not open to public access. It is to be the home of the petitioner's mother. It will not have an impact on the community. It WILL greatly impact the general welfare and happiness of the mother, as it will allow her to remain independent.

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 requested accessory dwelling is on the backside of the petitioner's house. When viewed from the road, the entire house looks like a modest ranch home. The accessory dwelling is to be used for the petitioner's mother and it will not affect the use and value of the area adjacent.

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

Without this accessory dwelling, the petitioner's mother does not have a living space to meet her needs. The Zoning Standards of allowing an accessory dwelling to be 1000 square feet will not meet the needs of the petitioner's mother. The mother is independent, active and a social butterfly. The mother needs the space requested to continue to live her active life. She is the host of family dinners, card club gatherings, luncheons with her high school classmates, and out of town family members. The mother cannot continue these activities in a small living space.

4. The variance is not primarily for the economic benefit of the petitioner because:

The petitioner is financially independent and is not relying on financial assistance from her mother.

5. The variance request is the minimum deviation that needs to be awarded to the applicant because:

The space requested consists of two bedrooms, two bathrooms, kitchen, dining, and family room space. The square footage requested will accommodate all the activities of the petitioner's mother and guests. The mother has a daughter who lives in South Dakota with a family of 7 who stay with the mother when in town. In addition, the petitioner's mother has a grandchild graduating college and applying to Purdue for graduate school. This grandchild plans to live with the petitioner's mother. The space requested will accommodate this plan of having two adults living in this space.

6. The variance request is not due to a hardship caused by the current owner of the property.

The petitioner/owner does not have a hardship. The petitioner and her mother simply wish to live on the same property to enjoy each other's company and at the same time maintain both of their independent lives. The petitioner's mother is in great health, and does not require or desire any assistance.

Thank you for reviewing, Teresa Hogue

Staff Report

CASE NUMBER: V-08-25
ADDRESS: Vacant 13 acres south of 3465 S 725 E, Franklin
(parcel #: 41-12-03-032-002.000-004)
PETITIONER: Jack and Betty Arthur

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,390-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

PROPERTY DESCRIPTION

This 13-acre site is zoned AG (Agricultural) and improved with one agricultural barn.

The property is surrounded by similar-sized parcels used Agriculturally with occasional resident.

VARIANCE REQUEST

This variance request, if approved, would allow for an accessory dwelling with a building area of 1,390 square feet. The applicants currently reside in the house to the north at 3465 S 725 E, which is a separate parcel. The wish to build a new primary and accessory dwelling on the vacant 13 acres. The primary house will be 1,600 square feet and the accessory dwelling will be 1,390 square feet. The accessory dwelling is to provide care for a family member and it's medical assistance.

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.

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 that would preclude an accessory structure from being built within the development standard set forth in the ordinance.

4. **The variance is not primarily for the economic benefit of the petitioner.**

While economic benefit is present with this variance, it is not the primary reason for the need for the variance.

5. **The variance request is not the minimum deviation that is needed to be aware to the applicant.**

There are options for the applicant that they can construct a dwelling within the ordinance requirement.

6. **The variance request is not due to hardship caused by the current owners of the property.**

The construction has not started so there is not present hardship created by the property owners.

GENERAL INFORMATION

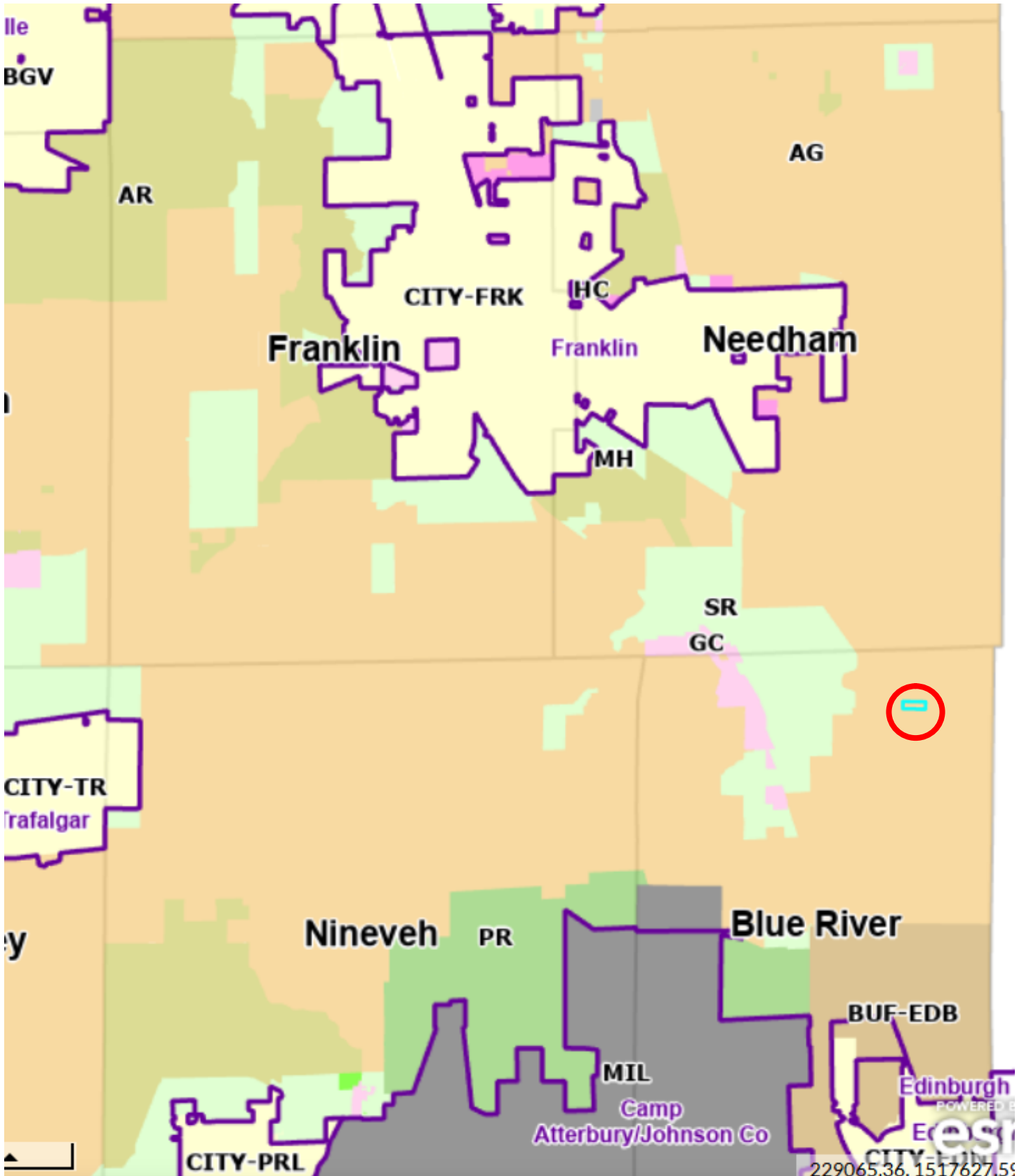
Applicant: Jack and Betty Arthur
3465 S 725 E
Franklin IN 46131

Owner: Same

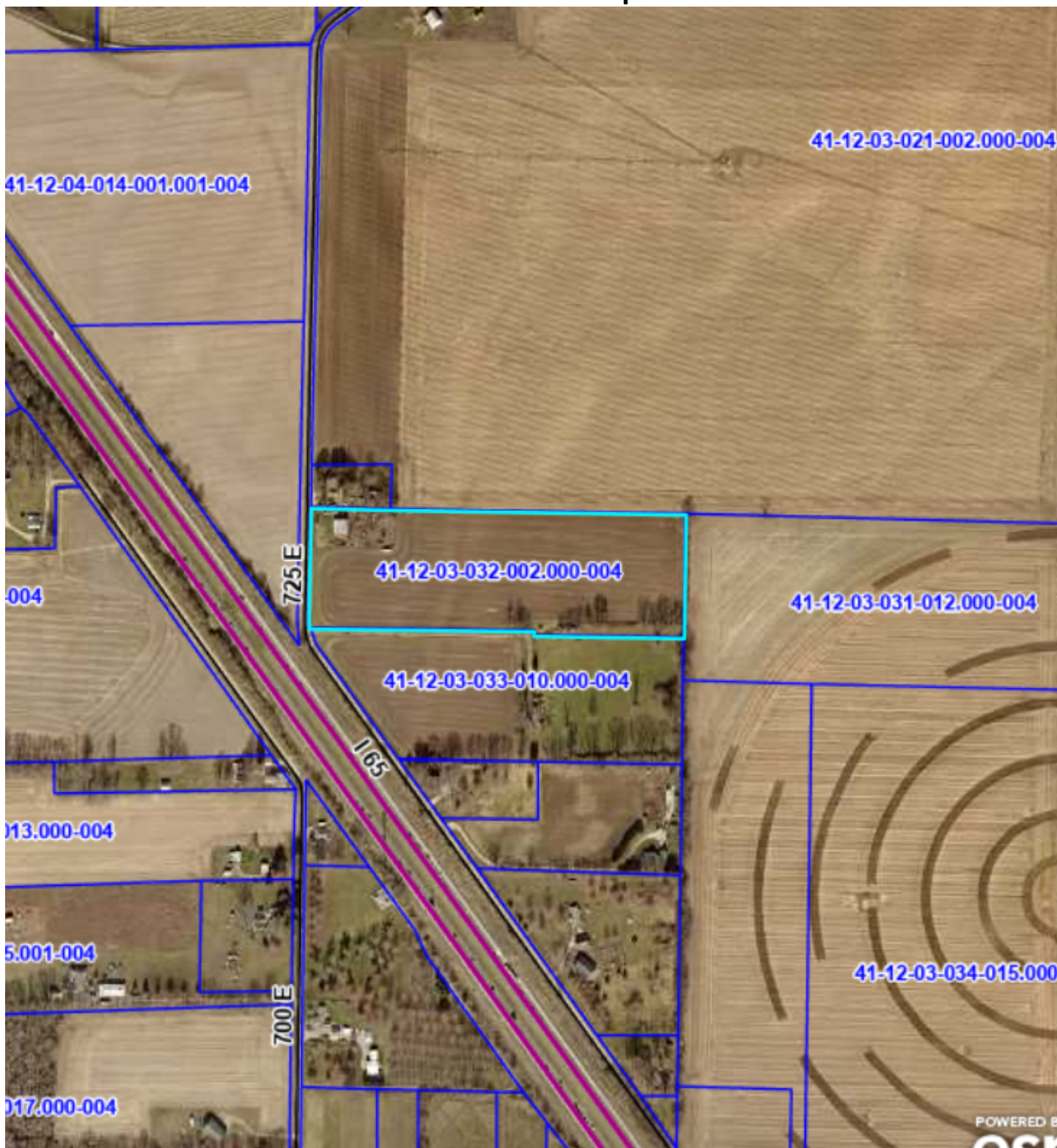
Current Zoning: AG (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-MNH

V-08-25 Base Map



V-08-25 Base Map II





V-08-25 BIRDS EYE VIEW



50 ft
20 m

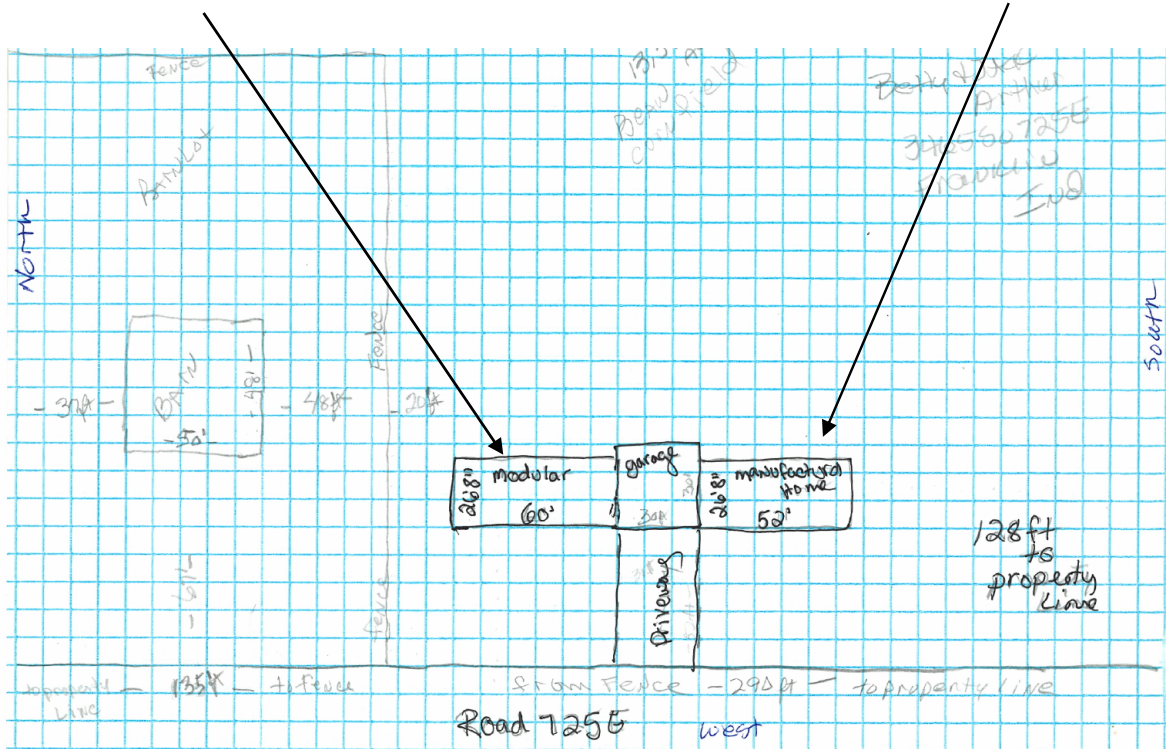
V-08-25 SITE PLAN



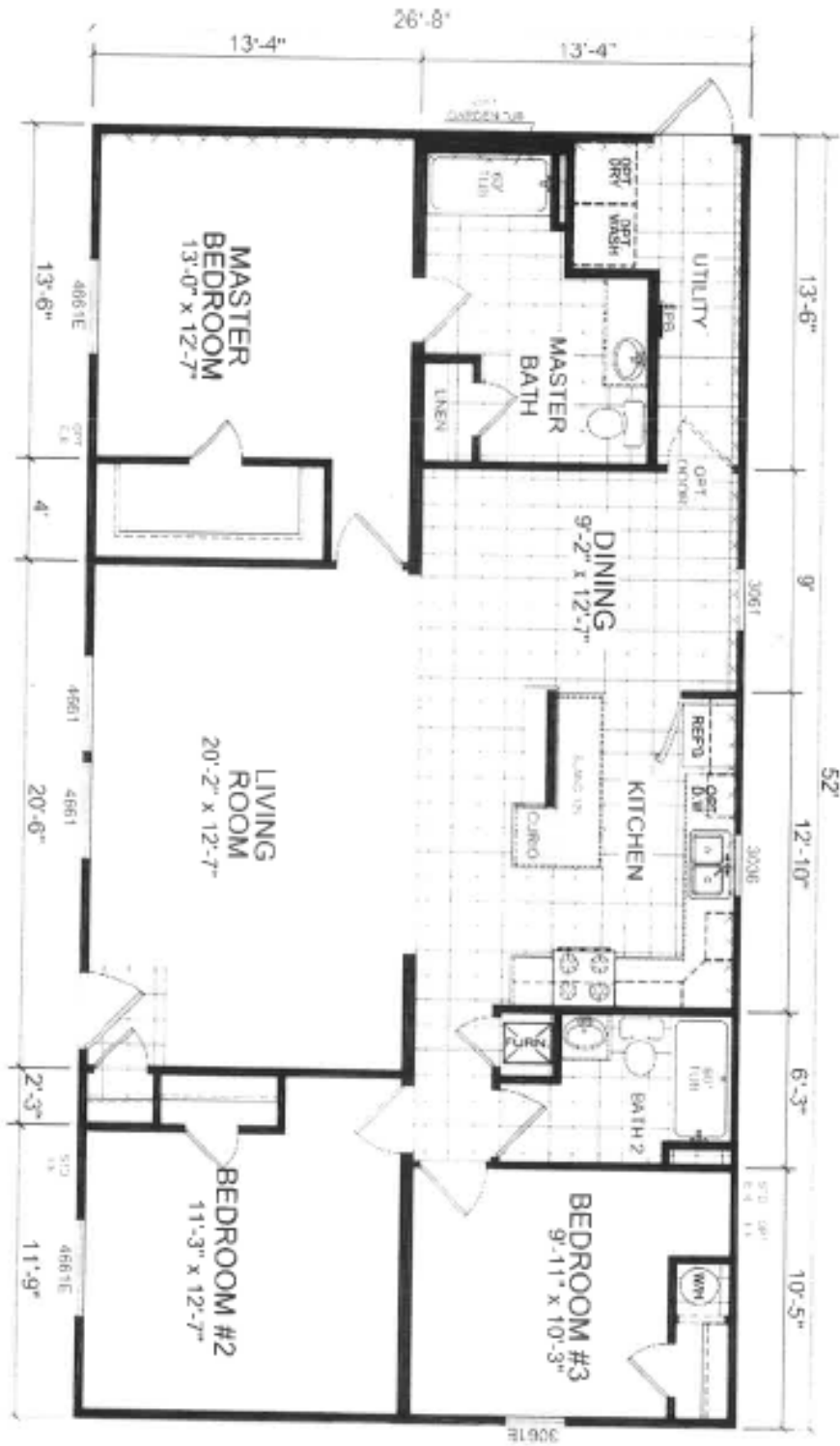
Accessory Dwelling

PRIMARY DWELLING

ACCESSORY DWELLING



V-08-25 FLOOR PLAN



V-08-25 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:

approval for use of petitioner only

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:

area adjacent farm ground will not be affected

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

needed room for walkers & wheel chairs

4. The variance is not primarily for the economic benefit of the petitioner because:

more room for walkers and wheel chairs
no economic benefit

5. The variance request is the minimum deviation that needs to be awarded to the applicant because:

will give enough room for movement
in home

6. The variance request is not due to a hardship caused by the current owner of the property.

petitioner has no hardships