



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
May 20th, 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 April 29, 2025, meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-9-25. Michelle Davis. 6694 N. US 31. Whiteland

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for outdoor storage of rental dumpsters (not permitted in the SR zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana, to reduce the landscaping requirement for commercial use, and to allow for a free-standing sign

V-10-25. Shana Property LLC. 5440 Warrior Trail, Whiteland

Approval to modify a site plan and Plan of Operation of an approved Use Variance (V-12-23)

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, June 24, 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-09-25
ADDRESS: 6694 N. US 31, Whiteland
PETITIONER: Michelle Davis

REQUEST

VARIANCE OF USE of the Johnson County Unified Development Ordinance to allow for outdoor storage of rental dumpsters (not permitted in the SR zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Unified Development Ordinance of Johnson County, Indiana to reduce

1. landscaping requirement for commercial use, and
2. to allow for a portable free-standing sign

PROPERTY DESCRIPTION

This 1-acre site is zoned SR (Single Family Detached Dwelling). The property is currently improved with a dwelling.

To the north and east are the commercial developments within the city limits of Greenwood. To the south and west are various parcels zoned SR used residentially and an occasional commercial use.

HISTORY

A use variance was granted to this property in 1992 to allow a clothing alteration shop within the existing house. That use variance was granted to Adia Bereford who sold the property to the Davis's in May of 2023. It is unknown to staff when the clothing alteration use ceases operation. The current property owners have made improvements to the property and have contacted the office about the use of the property. The staff informed Michelle and James Davis on January 25, 2024 via email that the property is zoned residentially and cannot be used for dumpster rental storage.

VARIANCE OF USE

This Variance of Use request, if approved, would allow the subject property to be used as outdoor storage of rental dumpsters. According to the Plan of Operation and submitted site plan, the property could accommodate up to twenty-one dumpsters at any given time. However, most of the dumpsters will be off-site during a rental period. Full details of the Operation can be found on page 99.

The petitioner will not reside in the residence on the property.

COMPREHENSIVE PLAN

The Future Land Use Map of the Comprehensive Plan recommends Commercial Use as the best use of the area. However, to rezone this property to a commercial zoning district, public sanitation would need to be available. This would allow a lot of commercial uses. It does not appear that this property is within a public water service area, and the Greenwood Sanitation Department will not service this property without annexation to the City.

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 be subject to landscape buffer requirements along the south and west property lines as it abuts a residential district/use. The buffer requirements are

Type 2 - Medium	20'	2 deciduous trees + 5 evergreen trees + 54 evergreen shrubs per 100'
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The site plan provided shows that the storage area will be enclosed with a privacy fence and landscape on the east side, the side facing the street. While it will be impractical to install landscaping to the full extent of the ordinance, the applicant is willing to install screening features to minimize the public view of the property.

VARIANCE OF DEVELOPMENT STANDARDS –SIGNAGE

This Variance of Development Standards request, if approved, would allow the applicant a free-standing sign along US 31. The applicant has withdrawn this request.

GENERAL INFORMATION

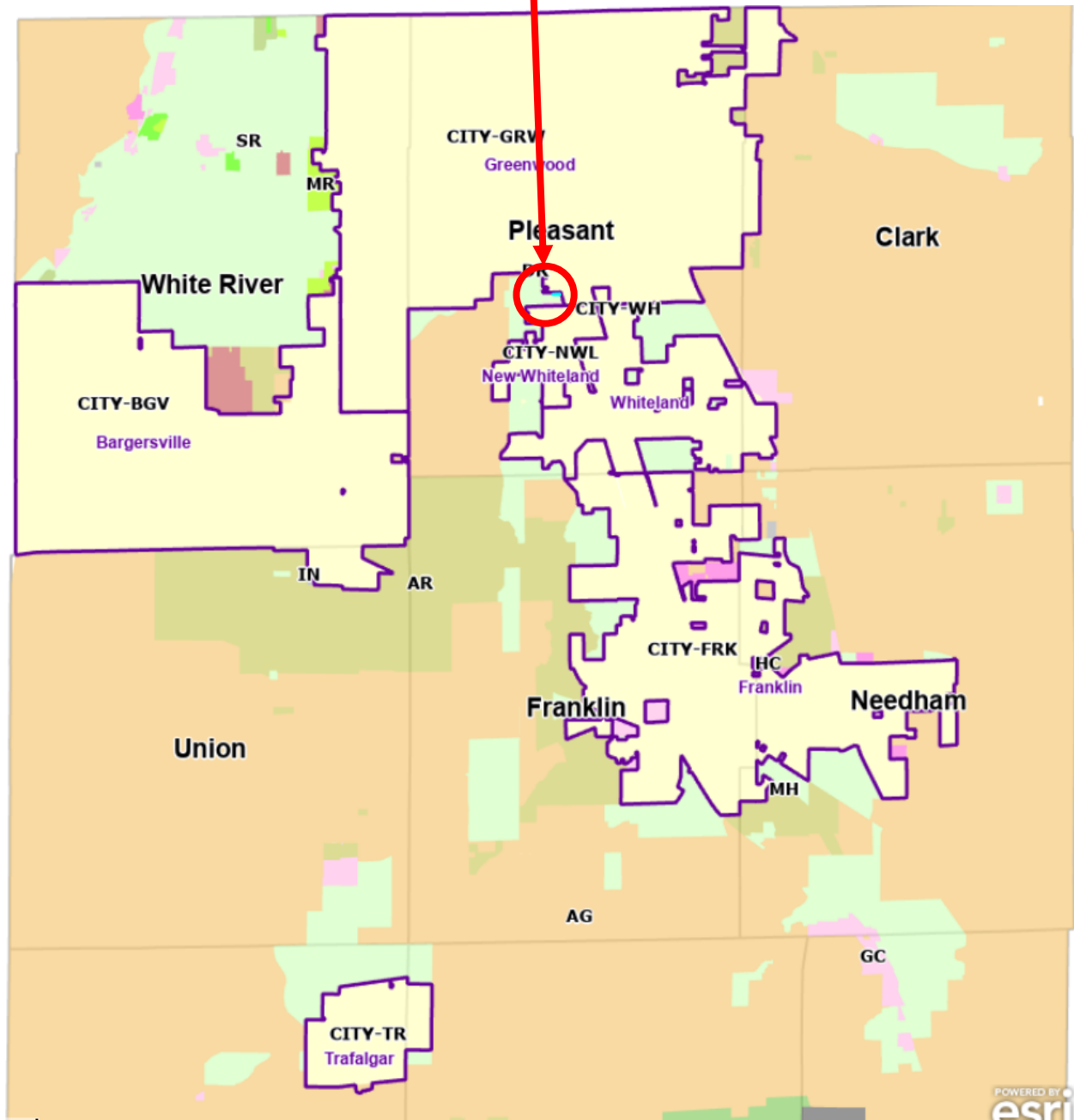
Applicants: Michelle and James Davis
6649 N 75 W
Whiteland, IN 46184

Owners: Michelle and James Davis
6649 N 75 W
Whiteland, IN 46184

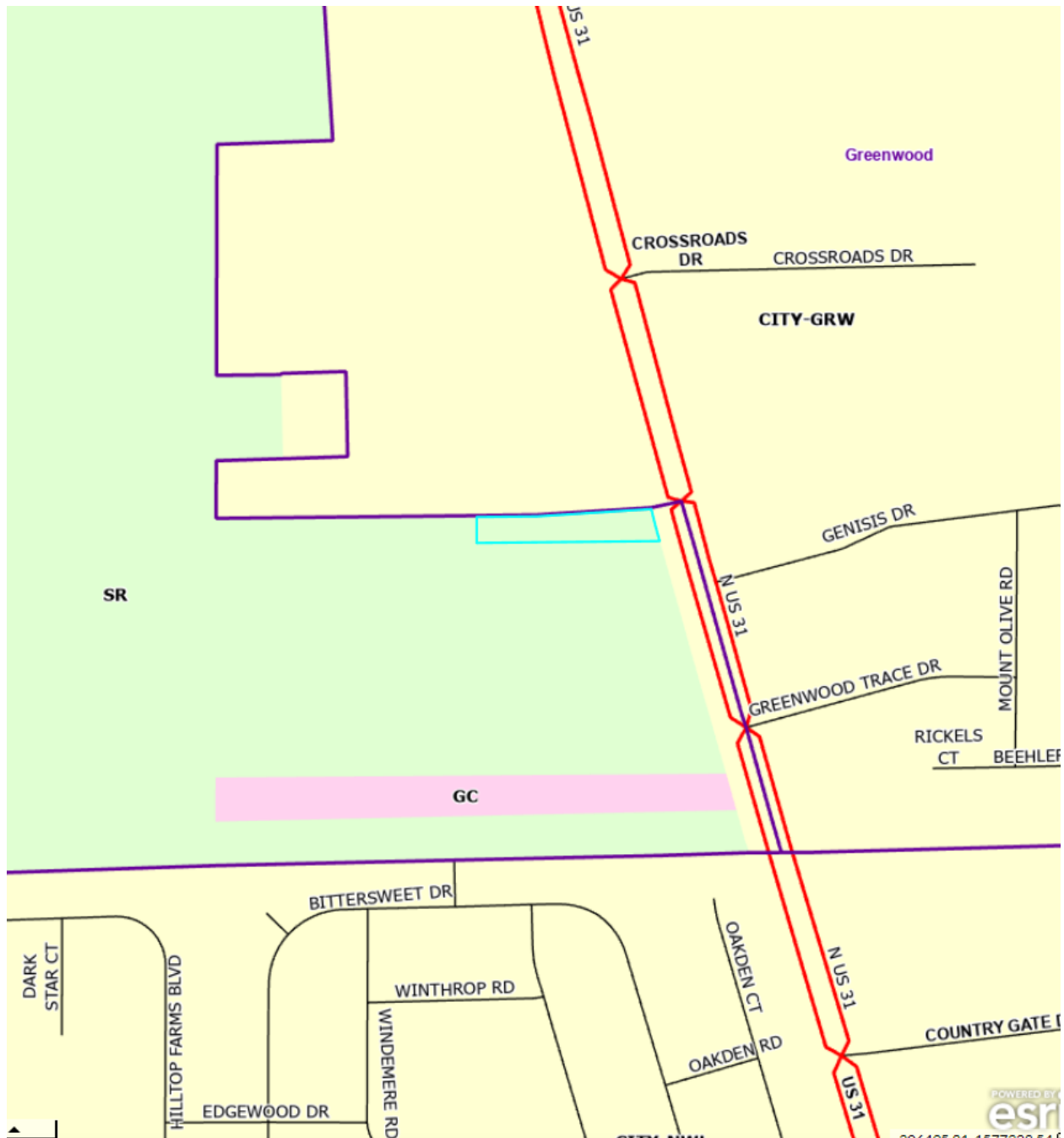
Zoning: SR, Single Family Dwelling Residential District
Land Use: Residential, dumpster storage
Future Land Use: Commercial
-MNH

V-9-25 BASE MAP

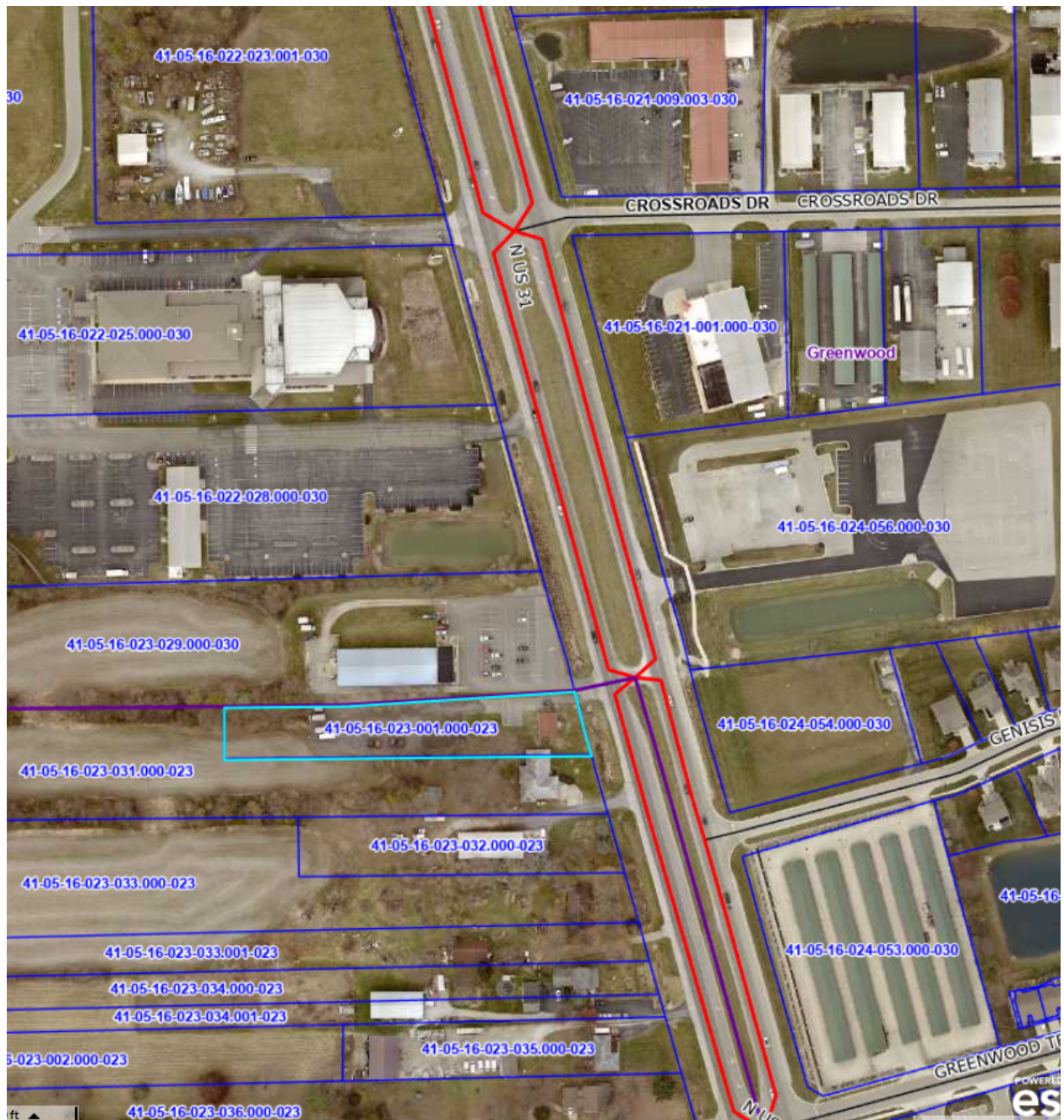
SUBJECT SITE



V-9-25 ZONING MAP



V-9-25 AERIAL MAP I



V-9-25 AERIAL MAP II



V-9-25 AERIAL MAP III



V-9-25 PLAN OF OPERATION

Plan of Operation, Variance of Use for West Out lot

Johnson County Board of Zoning Appeals

1. Business Overview

The proposed variance requests permission to park empty, clean dumpsters on the lot. The lot is currently zoned R-2 (single-family residential). The building that has been used as a clothing alteration shop since 1992 will be used as a residence. This proposal is for the storage of dumpsters in the back (west) portion of the property. The location primarily functions as an outdoor storage lot. The administration and scheduling of the dumpsters is done remotely. The parking of the empty, clean dumpsters will be behind the required fence standards for enclosing dumpsters. The parking lot will meet the standards for parking spots by being at least 9'x 20' and have a drive aisle for proper maneuvering. This will have minimal impact on the residential/commercial character of the neighborhood.

The subject property has been used for commercial purposes since 1992, after Adia Beresford petitioned and was granted a use variance by the County to operate a clothing alteration shop. In the minutes from December 8, 1992 the board approved the variance for the clothing alteration shop.

Unlike the clothing alteration business, it is anticipated there will be less foot traffic on the property. The 1992 variance was approved, allowing five (5) parking spaces. Petitioner's business will have zero employees onsite during hours of operation. Dumpsters will be dropped off and picked up from the property periodically. Dumpsters are frequently transported from site to site, and do not return to the property for some time. Dumpsters are cleaned off-site prior to being returned to the property. No vehicles shall be kept on site.

Petitioner is requesting a use variance for this property, zoned R-2 (single-family residential), to allow operation of a dumpster rental business, which is just parking 21 dumpsters at the location at the West end of the property.

2. Staffing and Occupancy

Regular Staff

- Zero (0) full-time on-site employees
- One (1) full-time off-site administrator/dispatcher/driver
- One (1) full-time off-site driver
- One (1) part-time off-site driver
- Three (3) trucks, non-CDL, non-DOT regulated size
- Twenty-one (21) parking spots

Customer Traffic

- Zero (0) customer traffic

3. Hours of Operation

- Monday - Saturday: 9:00 am to 4:00 pm
- Sunday: closed
- Holidays: closed
- After-hours activity: None except occasional evening drop-off/pick-up

4. Site Activities and Operations

Primary Activities

- Storing empty dumpsters until pick-up
- picking up and dropping off empty dumpsters (takes no more than ten (10) minutes per dumpster)

5. Materials Use and Storage

Storage Requirements

- No hazardous materials
- No signage beyond what is permitted by present zoning and/or use variance
- Storing clean/empty dumpsters
- 1- 6 yd dumpster
- 5- 10 yd dumpster
- 2- 15 yd dumpster
- 9-20 yd dumpster
- 10-30 yd dumpster
- Each dumpster is 7' wide
- Maximum height is 8'6"
- Maximum length is 12'
- Dumpsters will be stored behind the two (2) residential building parking spaces for the building, behind the fence, with a tree line on both the north and south sides of the lot, and an agricultural field on the west side.
- A maximum of twenty - one (21) dumpsters will be parked on the lot at one time.
- Dumpsters are often transported directly from one rental job to another without returning to the property of the business.

6. Shipping and Receiving

Deliveries

- Standard mail only
- No commercial delivery vehicles
- No loading dock or special delivery requirements

7. Waste Handling

Waste Generation

- No Hazardous waste
- No special disposal requirement
- No residential/commercial waste
- Each dumpster will be dumped/emptied/cleaned before returning to the lot

8. Environmental Impact

Noise

- No noise generation beyond normal traffic on US31
- No machinery or equipment generating noise

Traffic Impact

- Minimal to no impact on local traffic patterns on US31
- Three (3) trucks (non-CDL, non-DOT regulated size) average 1-2 trips per day (which equates to six (6) in/outs per day)

Property Appearance

- Maintenance of residential/commercial character
- Landscape maintenance to residential/commercial standards
- Fencing that meets the requirements to fully enclose dumpsters

9. Neighborhood Compatibility

Measures to Ensure Compatibility

- Strict adherence to ensure every dumpster is empty and clean while on the lot
- Maintenance of property to the residential/agriculture/commercial standards set by the properties adjacent to the property in question
- The Neighborhood surrounding this property in question is reflective of a variety of zoning, including but not limited to: commercial warehouse, church, charitable commercial, family, cash grain/farm, and commercial.
- Proposed signage that is permitted by present zoning and/or use variance
- Commitment to the quiet enjoyment of neighboring properties

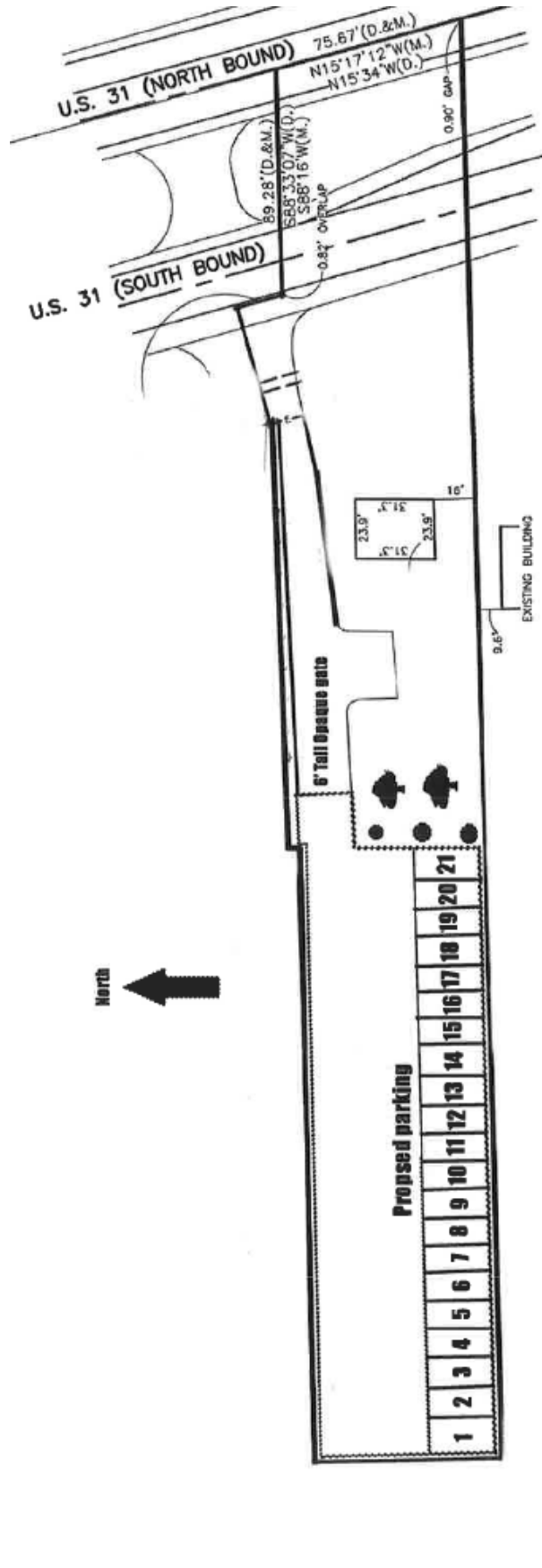
10. Security Measures

- No external security measures are visible from the street

11. Conclusion

The parking lot will operate with minimal impact on the neighboring properties either residential, commercial, or agriculture. We take pride in the cleanliness of our trucks and dumpsters that are used either in residential or commercial lots. We are confident that our operation will not negatively affect the neighborhood and actually goes along with the 2011 Johnson county Comprehensive plan that has this section of US31 being a "Commercial Corridor".

V-9-25 SITE PLAN



North
↑

6' Tall Opaque Fence

Shrubs

Canopy Tree

V-9-25 PETITIONER'S 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:

Converting the back parking area to a dumpster rental storage lot typically requires minimal modifications. The building and parking lot will preserve the area's aesthetic character. This Dumpster rental storage lot is considered a low intensity commercial use property with minimal traffic and non cdl rated vehicles which means that they are under the weight of 26,000 lbs and do not transport hazardous materials.

This type of storage lot and the vehicles are not considered heavy commercial activity which refers to business activities that involve large scale operations, heavy machinery with substantial resources associated with manufacturing, and construction.

A Dumpster rental storage lot generates minimal noise, traffic or environmental concerns compared to other commercial uses. The nature of the business involves minimal incoming and outgoing traffic, no customer foot traffic, which is not disruptive to the surrounding neighbors.

The impact of local traffic and parking will be minimal, if there is any impact at all. The dumpster rental storage will have no onsite client meetings with all interactions occurring off site.

Dumpster rental storage lot generally operates during standard business hours, aligning with the community's daily traffic flow and minimizing disruption to the business and neighbors during evening and weekend hours.

The Dumpster rental storage lot will not hold any harmful waste while onsite, the dumpsters stored on the lot will be empty. These dumpsters will not be transporting any hazardous materials per the non cdl limitations.

The Dumpster rental storage lot is compatible with the commercial property to the north which is Habitat for Humanity, where they resell donations that have been dropped off or picked up by Habitat for Humanity's box trucks. The Dumpster rental storage lot is compatible with a one property away to the south which is zoned commercial and is a full service commercial plumbing, mechanical and HVAC contractor which has semi truck deliveries, box truck, and trucks and trailers entering and exiting 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:

Converting this property that has held a commercial variance for the past 32 years offers the same benefits to the surrounding neighborhood and area while aligning with Johnson county's comprehensive plan for this section of US31, which has US31 as a commercial corridor.

The Dumpster rental storage lot will blend seamlessly with nearby properties and will support the property values of adjacent properties.

The Dumpster rental storage lot is considered a low intensity commercial use. Low-intensity commercial use, often found in zoning classifications like C-1, designates areas for smaller-scale retail, services, and neighborhood-oriented businesses, aiming to support local needs without overwhelming residential areas. The nature of the Dumpster rental storage is that the empty, clean dumpsters are stored at the lot. The goal of the Dumpster rental storage is to have the dumpsters rented and not parked/stored on the lot.

Due to the low volume of traffic to the Dumpster rental storage, the Dumpster rental storage has customer interactions through a website or app on a phone, resulting in minimal impact on local traffic patterns. This prevents congestion, ensuring that the area's streets remain unobstructed and parking undisturbed. Parking will be approximately 250 feet off of US31 and is surrounded by a row of deciduous mature tree line on both the north and south boundaries while the west side is next to an agriculture field. The existing driveway is paved back to the parking area, and the driveway is often shared with the Commercial property on the North side. In accordance with the Landscaping, Buffering, and Fencing section of the Johnson County Unified Development Ordinance (UDO), for the sake of this variance request in the section behind the residential building, since this request is for a Dumpster rental storage lot, page 70 from the UDO states that Dumpsters and waste containers shall be completely enclosed by a six (6) foot tall, one hundred percent (100%) opaque fence of wood, vinyl, brick or stone construction, compatible with the primary facility on the property which is hardy plank. Opaque, six (6) foot tall wooden gates shall be provided to access the facility if it is visible from the public right of way or an adjacent property. The gates shall remain closed except when immediate access to the area is required. The site plan is showing a fence surrounding the entire parking lot with the required gate to meet the specifications listed above. The landscape buffer that is required between a commercial property and a residential property is the Type 2- Medium, instead of this landscape buffer the required standards for an opaque fence to enclose Dumpsters will be used if approved. There is a green space in front of the proposed Dumpster rental storage lot and behind the residential house there is minimum Non-Residential yard planting requirement that will be met on Table 3.8, since the lot is more than 20,000 square feet, there will be 2 canopy trees and 3 shrubs. This landscaping and fencing buffer increases compatibility between different land uses. The environmental impact that offsets the impacts of a commercial property will benefit with the installation of the living trees and shrubs that will improve the air quality, decrease stormwater runoff, reduce erosion, and provide shade. The landscape and fence buffer should help reduce any undesirable views.

The site access under UDO states that parking lot entrance and exits shall be consolidated to limit the number of access points to the site. This property has one access point. Also, it states when feasible, cross access between two adjoining properties that have a commercial use shall be provided, which has the shared entrance and exit with the Habitat for Humanity property on the north side.

The residential property directly adjacent to the proposed property is supportive. They have submitted a letter of support.

The presence of a local Dumpster rental storage lot can be an asset to nearby residents, offering convenient access to a dumpster rental either commercial or residential that may enhance the

value and desirability of adjacent properties. Furthermore, the Dumpster rental storage lot typically operates during standard business hours, aligning with the community's rhythm and ensuring minimal disruption during evenings and weekends.

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, although this exact property has had a commercial zoning variance since 1992. The peculiarity stems from the fact that the property's current zoning classification conflict creates a unique hardship for us to operate a business in a residentially zoned area. The current zoning classification conflicts with our desire to use the space as a commercial Dumpster rental storage lot. The Johnson County Comprehensive Plan created in 2011 has this exact location located in a commercial corridor.

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 Dumpster Rental storage lot will contribute positively to the local economy. This can create a more vibrant community environment without disrupting any residential property. Also, the building could serve as an appropriate intermediary use that aligns with both zoning categories facilitating smoother transitions between different land uses in the future. The properties across the street from the subject property are already zoned commercial as well as several properties on the same side of the street which sets a precedent that the area supports diverse land uses. Granting the variance would align with established patterns and community patterns. The lack of access to public utilities will not create an unnecessary hardship due this variance pertaining to the back parking area not requiring utilities.

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

Since this property is located in the unincorporated area of Johnson county, this property falls in alignment with the Johnson County Comprehensive plan. The Johnson County Comprehensive Plan, Plan the Land 2030 which was created in 2011 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 Dumpster Rental storage lot, aligns with the plan's vision for mixed use development.

Actually the US 31 corridor from the southern State road 44 and US31 in Franklin to County Line and US31 in Greenwood is labeled Commercial Corridor. This said property is along this section of US31.

Converting this residential property to a Dumpster Rental Storage lot will require minimal to no exterior modifications, allowing the property to maintain its residential appearance. This approach preserves the existing area's character. The location 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 a Dumpster Rental storage lot 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. The Future Land Use map which essentially is a graphic representation of the desired development pattern to be achieved between 2011 and 2030 in conformance with the vision and goals. This essential guide to plan the commission and commissioners in evaluating zoning requests and other land development proposals. This Future land use map designates the area in this request is designated as a commercial corridor, therefore this variance use request aligns directly with the Comprehensive plan. Courts have routinely held that zoning must provide a "reasonable" use of property. The variance aligns with the plan's emphasis on supporting professional services within the community.

Staff Report

CASE NUMBER: V-10-25
ADDRESS: 5440 Warrior Trail, Whiteland
PETITIONER: Shana Property LLC by Chris Duke

REQUEST

Approval to modify a site plan and Plan of Operation of an approved Use Variance (V-12-23)

Variance of Use of the Johnson County Zoning Ordinance to allow for a trucking company business (not permitted in a B-2 zoned property).

PROPERTY DESCRIPTION

This variance request involves a 7.31-acre parcel that is zoned B-2 (Community Business District). To the south are several semi-tractor oriented businesses and to the north are warehouse/manufacturer uses. All parcels are within the Town of Whiteland limits.

MODIFICATIONS TO A USE VARIANCE

In December of 2023, this property was granted a Use Variance, V-12-23, to allow for a trucking company business. They are seeking to modify the Plan of Operation and Site Plan.

The modification to the site plan submitted shows a larger turnaround and an additional 5,000 square foot building. The Plan of Operation states that one building will be used for storage and the additional building will be used for repairs.

STAFF 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.

The proposed use 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.

The proposed use will be compatible with the surrounding uses in the area and should not affect the value of the area.

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

The property is not zoned for a use that is dominant in the area.

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 strict application of the terms of the ordinance will not allow a use that is dominant in the area to exist without a variance or rezoning.

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

The Comprehensive Plan's recommendation for mixed use in this area. Mixed uses development is intended to encourage well-planned, integrated mix of compatible uses that relate well and support one another. This use is compatible to other uses in the area.

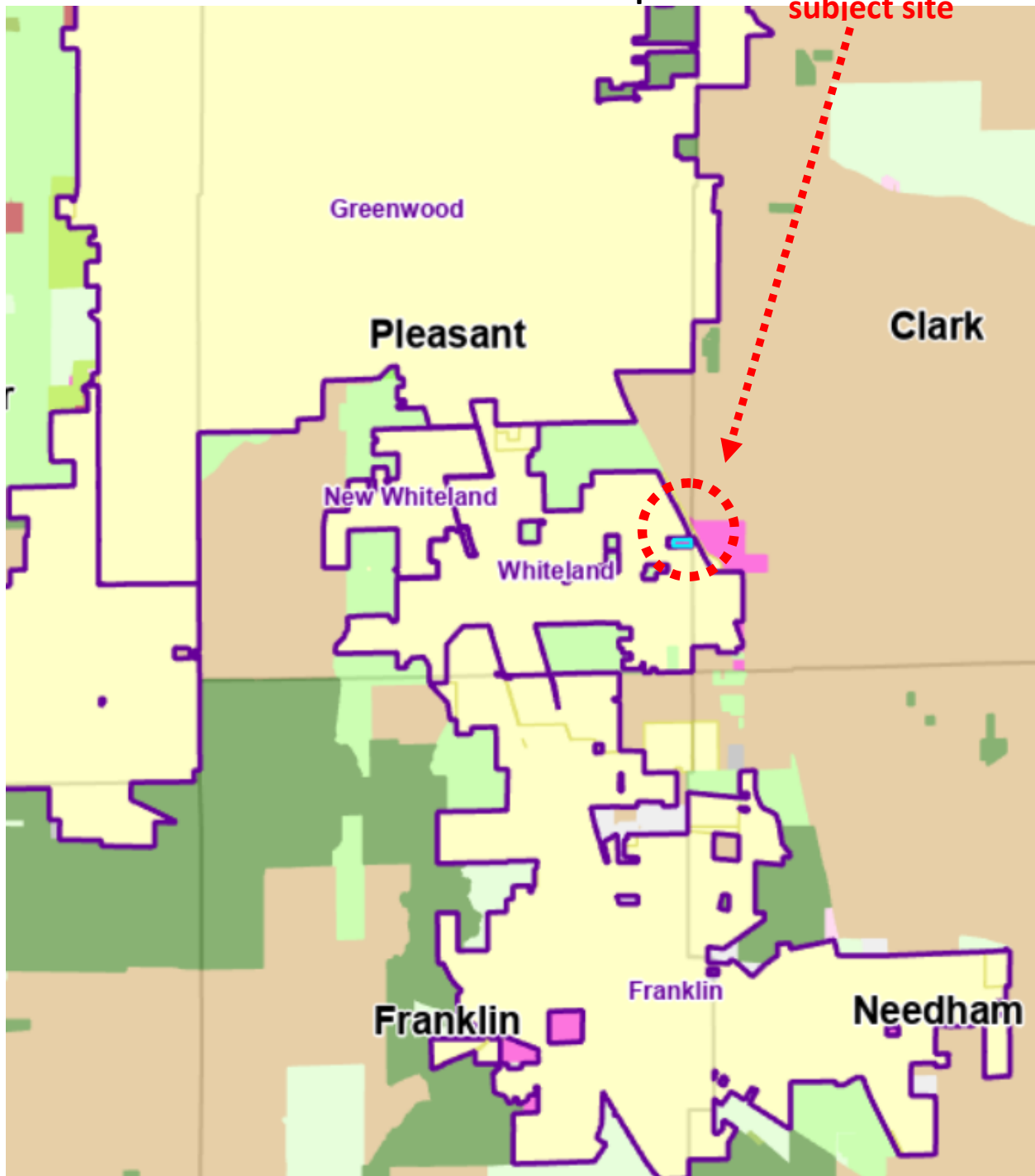
GENERAL INFORMATION

Applicant: Chris Duke
3567 E 700 N
Whiteland, IN 46184

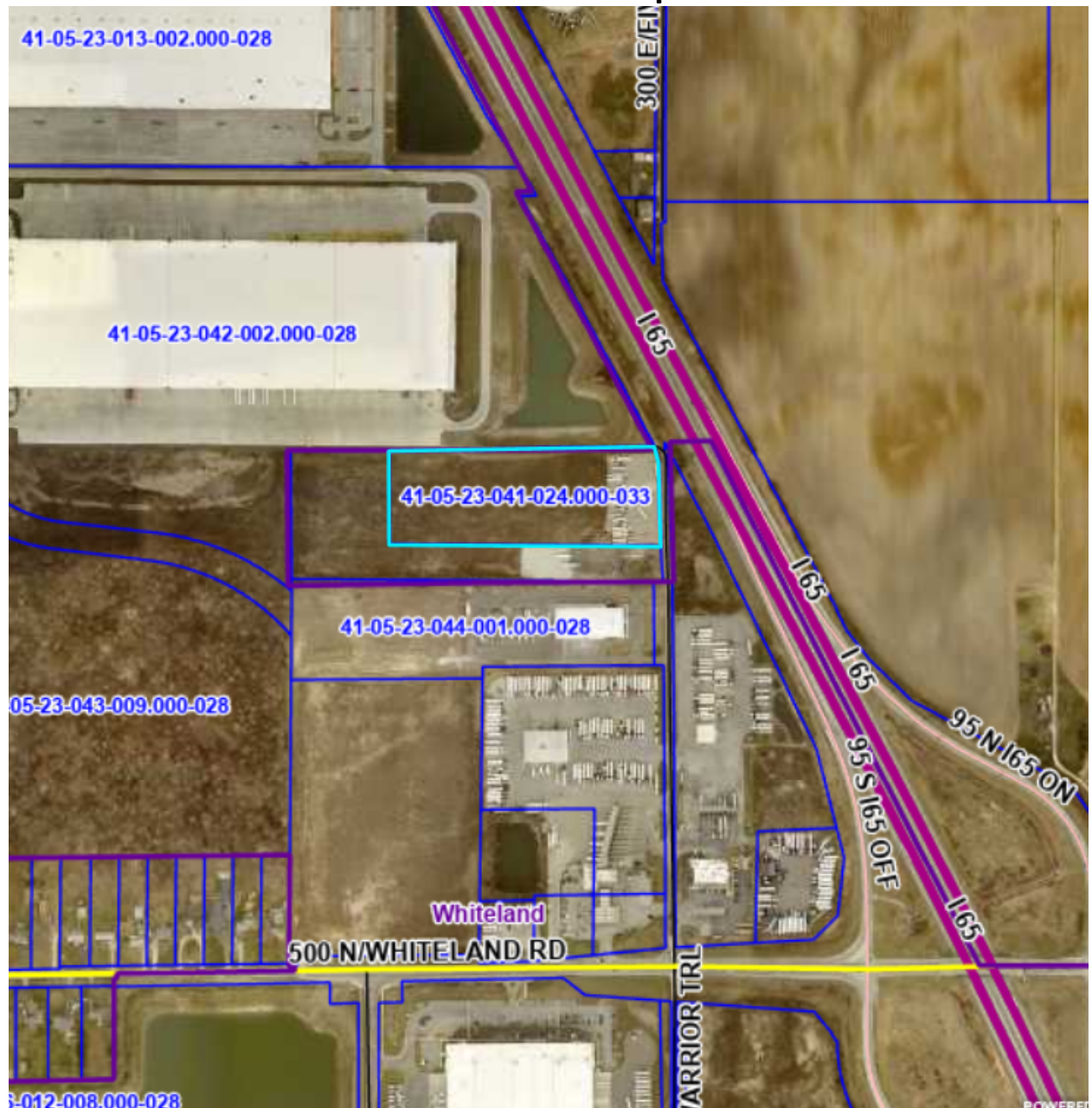
Owner: Shana Property LLC
2947 Hearthside Dr.
Greenwood, IN 46173

Zoning: B-2
Land Use: undeveloped land, parking
Future Land Use: Mixed- Use
-MNH-

V-10-25 Base Map



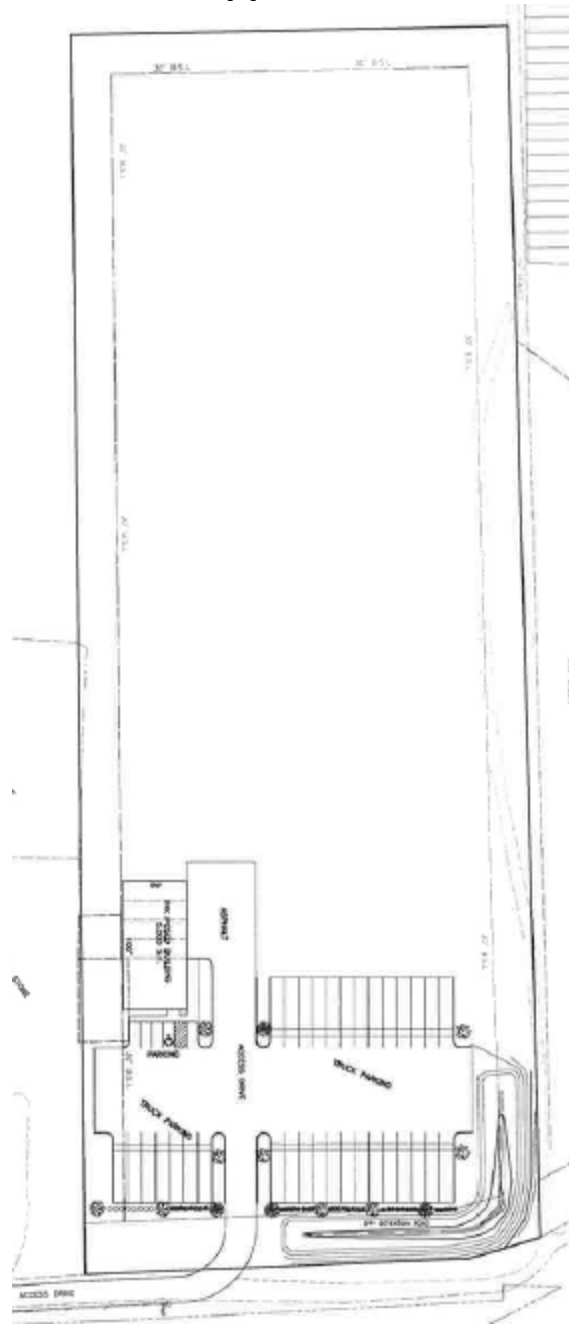
V-10-25 Base Map II



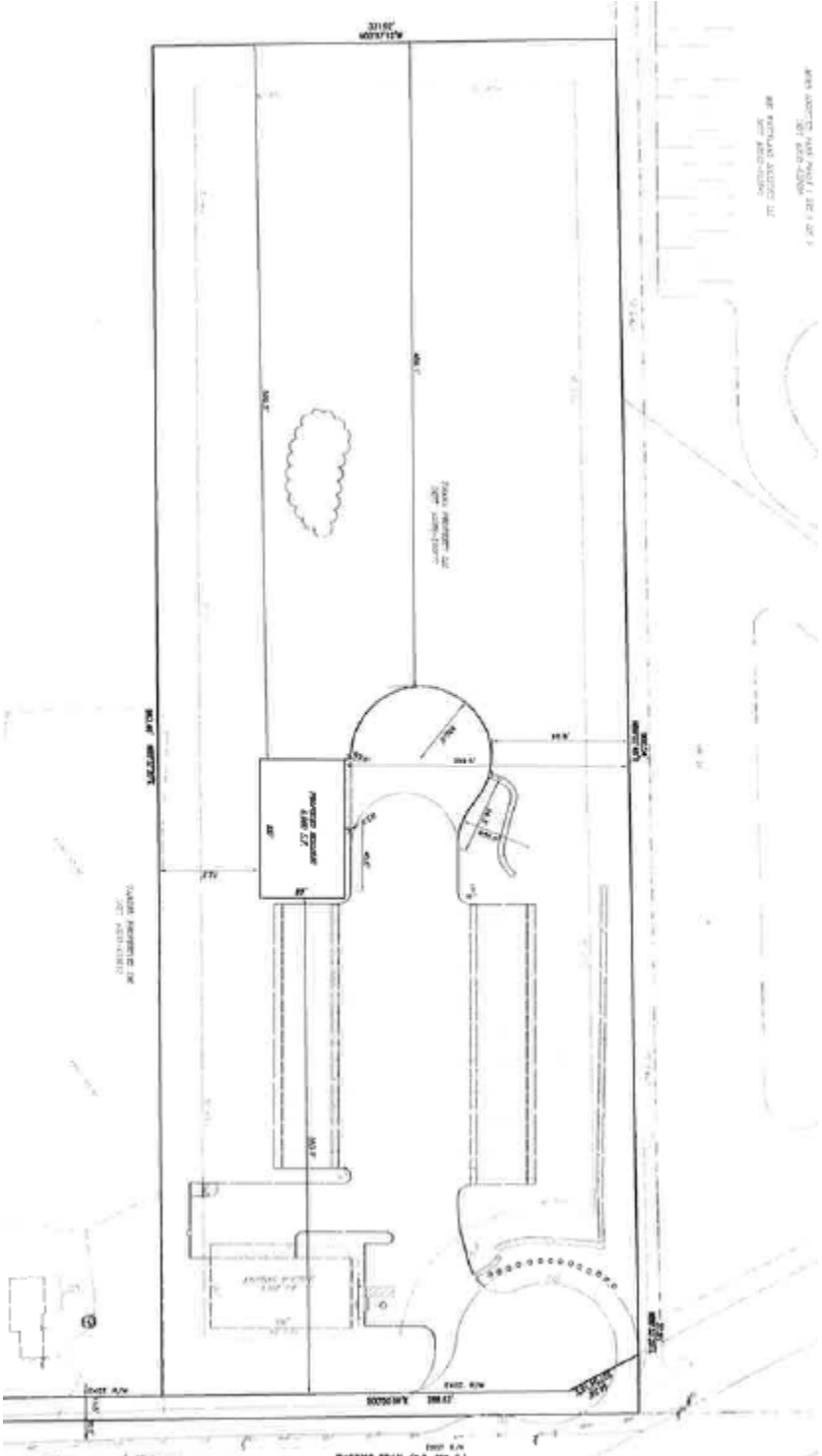
V-10-25 AERIAL



V-10-25 Approved Site Plan



V-10-25 Modified Site Plan



Approved Plan of Operation, V-10-25

September 19, 2023

To: Johnson County Planning Dept.
86 W. Court Street
Franklin, IN 46131

Attn: Ms. Michele Hansard, AICP

Re: 5440 Warrior Trail Truck Repair and Parking

Dear Ms. Hansard,

Attached is the plan of operation for the parcel of land located on parcel: 41-05-23-041-024.000-033 at the known address: 5440 Warrior Trail, Whiteland, IN 46184.

The petitioner for this parcel is planning to own and operate a semi-truck and trailer repair and storage facility located adjacent to Interstation 65 and surrounding existing large industrial buildings. The proposed development will include removal of an existing barn and construction of a 5,000 sq. ft. building and parking for semi-trucks or trailers, including flatbed, freight, lowboy and tanker trailers.

Planned operations:

Hours of operation:
Monday through Sunday, 8:00am - 10:00pm

Anticipated number of trucks / trailers onsite:
Not to exceed maximum parking spaces shown for paved areas, no parking/storage off paved areas.

AMENDMENTS TO Plan of Operation

Re: 5440 Warrior Trail Truck Repair and Parking

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Attached is the plan of operation for the parcel of land located on parcel: 41-05-23-041-024.000-033 at the known address: 5440 Warrior Trail, Whiteland, IN 46184.

The petitioner for this parcel is planning to own and operate a semi-truck and trailer repair and storage facility located adjacent to Interstation 65 and surrounding existing large industrial buildings. The proposed development will include removal of an existing barn and construction of a 5,000 sq. ft. repair building, a 5,000 sq. ft. storage only building and parking for semi-trucks or trailers, including flatbed, freight, lowboy and tanker trailers.

Planned operations:

Hours of operation:
Monday through Sunday, 8:00am - 10:00pm

Anticipated number of trucks / trailers onsite:
Not to exceed maximum parking spaces shown for paved areas, no parking/storage off paved areas or on Warrior Trail.

V-10-25 Petitioner's Findings of Facts

FINDINGS OF FACT, Use 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:

The project site is surrounded by existing industrial/commercial developments. The site use will be in similar in use to with existing business within the area. The site has access to Warrior Trail, a public road, with adequate utilities.

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 site has access to Warrior Trail, a public road, with adequate utilities. The proposed parking will be screened from public view from the east Surrounding properties are zoned and used for industrial uses.

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

The property is currently zoned GC, but surrounding uses are industrial within the Town of Whiteland town limits.

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

The property is currently zoned GC, and could be developed for uses permitted current Johnson County Zoning Ordinance with a special use exception

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

The comprehensive plan, dated 2011, recommends mixed use in this area, areas of business, commercial or industrial use. The surrounding tracts were developed in the Town of Whiteland as Industrial.