

Johnson County Board of Zoning Appeals

October 29, 2024 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, October 29, 2024, in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:00 PM by Chairman Chris Campbell.

I. ROLL CALL:

Present: Chris Campbell, Charlie Canary, Douglas Gray, James Kaylor, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Roger Meyer (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the September 24, 2024 Board of Zoning Appeals meeting minutes.

Motion: Approval of September 24, 2024 Board of Zoning Appeals meeting minutes with the amendment of the name Chris Campbell on page three (3). **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

III. PUBLIC HEARINGS:

**V-17-24; Eugene and Lori Kogut – Variance of Development Standards Request.
5554 Camden Ln.**

Staff presented findings and facts to the board.

Petitioner Eugene Kogut (5554 Camden Ln., Greenwood 46142) was present to speak and address concerns. **Exhibit** photos and diagrams were provided to the board members but were not given to the recorder for the minute record.

Board members asked questions and expressed concerns, which were addressed by the Petitioner and staff as follows:

- Q. Board member Chris Campbell inquired as to whether or not item number three (3) of the Findings of Fact in the staff report was to be will or will not?
A. Will not.

- Q. Board member Chris Campbell asked who all had rights to the easement?
A. All utilities that would service this development and the Kensington Homeowners Association (HOA).
- Q. Board member Chris Campbell asked if a utility wanted to use the easement what would they need to do to get it approved?
A. It has already been approved because it is a uniformed utility easement.
- Q. Attorney Jacob Bowman inquired as to whether or not the storm drain was an actual storm sewer or just a swale?
A. The blue line is a storm drain sewer.
- Q. Attorney Jacob Bowman inquired how confident is staff in the location of the sewer?
A. These were from the as-built drawings which were verified after the construction.
- Q. Board member Steve Powell asked for confirmation that the Petitioners had received HOA approval and had spoken to the neighbors?
A. Yes.
- Q. Board member Steve Powell asked for confirmation that the fence would enclose the entire backyard all the way around?
A. Yes.
- Q. Board member Steve Powell inquired as to the purpose of the fence?
A. To enclose a dog and inground pool structure.
- Q. Board member Steve Powell asked for confirmation of where the fence was going to be placed in proportion to the easement?
A. The fence would be placed just inside the easement well within the property line.
- Q. Board member James Kaylor inquired as to what the property looks like after a large storm?
A. Petitioner illustrated on the overhead image the beehive location that collects water on both sides of the drain on the property after a large storm.
- Q. Board member James Kaylor inquired as to whether or not the tree leaves and such would gather in the drainage area around your fence?
A. Possibly but the Petitioner would maintain the area by mowing and raking.
- Q. Board member Charlie Canary inquired as to where is the center of the drainage easement?

A. Petitioner illustrated on the overhead image.

- Q. Board member Charlie Canary asked where are the other lots that it drains from?

A. Staff did not have anything showing which lots but stated that lots 1, 10, 109 and 108 and referred to an image on page eight (8) of the staff report.

- Q. Board member James Kaylor inquired as to whether or not the Petitioner had spoken with the sanitation?

A. No.

- Q. Board member Charlie Canary inquired as to whether or not the Petitioner had spoken to the other utilities?

A. No.

- Q. Board member Steve Powell asked what utilities were currently there?

A. Cable, sanitary sewer and power.

- Q. Board member Steve Powell asked if the homeowner would need to obtain approval from the utilities?

A. Yes.

- Q. Board member Chris Campbell acknowledged that a variance of use doesn't transfer with the sale of the property but inquired as to how the variance of the developmental standards would work?

A. The developmental standards variance stays with the land after the sale of the property.

- Q. Board member Chris Campbell inquired if one could legally encroach on an easement?

A. Yes.

Motion: To approve V-17-24 to allow for a fence to be placed in a utility and drainage easement and Petitioners' Findings of Fact. **Moved** by Steve Powell. **Seconded** by Doug Gray. **Yes:** Gray and Powell. **No:** Campbell, Canary and Kaylor. **Motion denied 2-3.**

Motion: To deny V-17-24 to allow for a fence to be placed in a utility and drainage easement and staff's Findings of Fact. **Moved** by Charlie Canary. **Seconded** by Chris Campbell. **Yes:** Campbell, Canary and Kaylor. **No:** Gray and Powell. **Motion approved 3-2.**

**V-18-24; Nick Davis – Variance of Use and Development Standards Requests.
6694 N. U.S. 31**

Staff presented findings and facts to the board. Staff provided the board members an **Exhibit** letter from Kitty Ann Abney, in support of these variances requests.

Attorney John Young with Young and Young Law (40 W. Court St., Ste. D., Franklin 46131) on behalf of Petitioner was present to speak and address concerns. **Exhibit** photographs were provided to board members but were not given to the recorder for the minute record.

Petitioner Nick Davis (1965 S. 450 W., Bargersville 46106) was present to speak and address concerns.

Board members asked questions and expressed concerns, which were addressed by the Petitioner, Remonstrator and staff as follows:

- Q. Board member Steve Powell inquired as to whether or not the Habitat for Humanity location to the north was within the jurisdiction of the City of Greenwood?
A. Yes.
- Q. Board member Steve Powell asked for clarification on where the City of Greenwood's jurisdiction lines were located?
A. Staff referred to page thirty-one (31) in the staff report that illustrates where the City of Greenwood's jurisdiction lines were located.
- Q. Board member Steve Powell asked for clarification that the property owned by Davis Building Group was located across the street from this property within the jurisdiction of the City of Greenwood?
A. Yes.
- Q. Board member Steve Powell inquired as to whether or not Davis Building Group property had utility services?
A. Unknown.
- Q. Board member Charlie Canary inquired as to how the containers would get from the here to there?
A. Hook lift truck.
- Q. Board member Charlie Canary inquired what the largest dumpster size would be?
A. Twenty (20) yards.
- Q. Board member Douglas Gray asked if the vehicles would be less than 2,600 pounds?
A. Yes.
- Q. Board member Steve Powell asked for confirmation that the business was currently being operated and that dumpsters were on site in violation of the current zoning ordinance?
A. Yes.

- Q. Board member Steve Powell asked how this operation came about and how long has it been running in violation?
A. Since April of 2024.
- Q. Board member Steve Powell inquired as to whether or not the Heating and Air business that was mentioned nearby was operating in violation?
A. Unknown.
- Q. Board member Chris Campbell inquired as to how our current zoning ordinance is divided out and where would a dumpster business use be allowed?
A. General, Heavy and Industrial. This business would be allowed in Heavy or Industrial.
- Q. Board member Charlie Canary asked what the intended use for the house on the property would be?
A. Residential Dwelling or Rental Residential Dwelling.

Attorney John Cross with WootonHoy, LLC (13 N. State St., Greenfield 46140) on behalf of Remonstrator Davis Building Group was present to express their concerns regarding the commercial use of this property. **Exhibit** packet was provided to board members but was not given to the recorder for the minute record.

Motion: To deny V-18-24 to allow for outdoor storage of rental dumpsters and staff's Findings of Fact. **Moved** by James Kaylor. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Motion: To dismiss V-18-24 to waive landscaping requirements for commercial use, to allow for a free-standing sign. **Moved** by James Kaylor. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

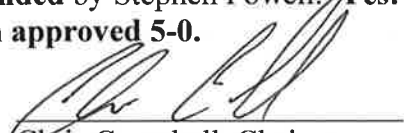
IV. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:37 PM.

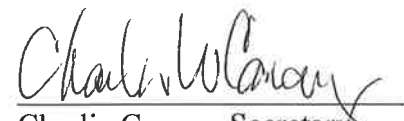
Motion: Adjourn the meeting. **Moved** by Chris Campbell. **Seconded** by Stephen Powell. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: November 16, 2024

By:


Chris Campbell, Chairman

Attested By:


Charlie Canary, Secretary

To: Johnson County Board of Zoning Appeals

Board,

My name is Kitty Ann Abney, and I live at 6662 N. U.S. 31, Whiteland, Indiana.

I cannot be in attendance for the variance hearing, but I am writing this letter in support of the Davis variance of use and development standards on their property located at 6694 N. U.S. 31. My property is adjacent and directly to the south of Mr. Davis's property.

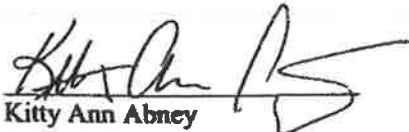
I have lived at the property for nearly thirty (30) years. Mr. Davis has been operating his dumpster rental business on the property beginning in the late winter/spring of this year. Since the business has been operating, I have not experienced any problems with the use of the property for that purpose. The Davis property has had an operating business on it since I have lived here. The operation of Davis's business does not produce any noise that interferes with the enjoyment of my property. I have also not witnessed any heavy traffic coming in or out of the property. I do not believe the operation of the business affects the value of my property.

The tree line that separates the properties is an adequate buffer for their business, and I do not believe any further landscaping is necessary for the proposed use.

I further have no objection to them locating a business sign at the front of their property.

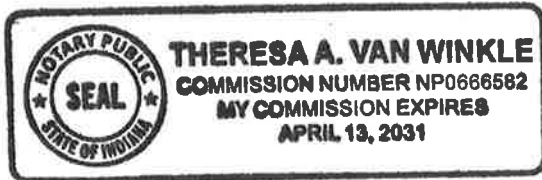
I urge the Board of Zoning Appeals to approve Mr. Davis's variance requests.

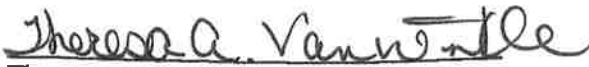
Sincerely,


Kitty Ann Abney
6662 N. U.S. 31
Whiteland, IN

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, a notary public in and for said county and state, personally appeared Kitty Ann Abney, and acknowledged the execution of the foregoing letter this 28 day of October, 2024.




Theresa A. VanWinkle, Notary Public
Residing in Johnson County, IN

EXHIBIT

tabbles

V-18-24