

Johnson County Board of Zoning Appeals

January 28, 2025 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, January 28, 2025 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:01 PM by Attorney Jacob Bowman.

I. ROLL CALL:

Present: Chris Campbell, Douglas Gray, Mike Hoffman, James Kaylor, Roger Meyer (Alternate), Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Charlie Canary

II. ELECTION OF OFFICERS FOR 2025:

Motion: To reappoint Chris Campbell as Chairman for 2025. **Moved** by James Kaylor. **Seconded** by Roger Meyer. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

Motion: To appoint James Kaylor as Vice Chairman for 2025. **Moved** by James Kaylor. **Seconded** by Chris Campbell. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

Motion: To reappoint Charlie Canary as Secretary for 2025. **Moved** by James Kaylor. **Seconded** by Douglas Gray. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

Motion: To reappoint Angela Olson as Recording Secretary for 2025. **Moved** by James Kaylor. **Seconded** by Mike Hoffman. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

III. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the December 16, 2024 Board of Zoning Appeals meeting minutes.

Motion: Approval of December 16, 2024 Board of Zoning Appeals meeting minutes. **Moved** by James Kaylor. **Seconded** by Douglas Gray. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

IV. PUBLIC HEARINGS:

V-1-25; Jake Stiles – Variance of Use and Development Standards Request. 3455 W. Smith Valley Rd.

Staff presented findings and facts to the board and recommended approval of these requests-.

Petitioner Jake Stiles (1816 Angel View Dr., Greenwood 46143) was present to speak and address concerns.

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

- Q. Board member Chris Campbell asked staff to define multi family dwelling?
A. Highest density of residential. Someone could potentially (if services are available and the property allows it) put more than one (1) dwelling unit on the property.
- Q. Board member Chris Campbell inquired how far in either direction is the nearest commercial development?
A. Right across the street are two (2) commercial developments.
- Q. Board member Chris Campbell asked what was located on the northwest corner?
A. There are railroad tracks, medical reupholstery shop and preschool.
- Q. Attorney Jacob Bowman inquired as to whether or not the variance was for both Use and Developmental Standards?
A. Yes.
- Q. Attorney Jacob Bowman inquired as to whether or not there were Findings of Fact prepared for the Developmental Standards?
A. No, we usually prepare and adopt at the next meeting.
- Q. Board member Mike Hoffman inquired as to what the property currently was being used for?
A. Residence.
- Q. Board member Mike Hoffman asked if someone was currently working on the property?
A. Petitioner has had individuals at the residence working on painting, trimming, kitchen cabinets and plumbing.
- Q. Board member Chris Campbell inquired as to the nature of the shared driveway?
A. There are three (3) residential properties.

- Q. Board member James Kaylor inquired as to whether or not the Petitioner has spoken to the neighbors?
A. Yes.
- Q. Attorney Jacob Bowman asked the Petitioner why he was unable to make the landscaping requirement and asking for the variance for said landscaping ?
A. Personal preference, Petitioner does not like pine trees and feels that the curb doesn't maintain the residential exterior look.
- Mike Hoffman commented that he felt that if the ten (10) car parking requirement was going to be forced that the driveway should be widened to allow for two (2) cars and that he felt that the sidewalk not be put in place at this time due to upcoming road changes.
- Q. Board member Chris Campbell inquired as to what was the allowable signage?
A. Thirty-two (32) square feet detached and four (4) square feet on residence.

Motion: To approve V-1-25 to provide for a real estate brokerage office and Petitioner's Findings of Facts. **Moved** by James Kaylor. **Seconded** by Mike Hoffman. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

Motion: To approve V-1-25 to reduce the buffer yard landscaping requirements consistent with the proposed site plan and staff to prepare Findings of Facts for approval at the February 2025 meeting. **Moved** by Mike Hoffman. **Seconded** by Chris Campbell. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

Motion: To approve V-1-25 to reduce the parking lot requirements consistent with the proposed site plan, improvements to the driveway and staff to prepare Findings of Facts for approval at the February 2025 meeting. **Moved** by Chris Campbell. **Seconded** by James Kaylor. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

V-2-25; Prestige, LLC – Variance of Development Standards. 1855 S. Old St. Rd. 37

Staff presented findings and facts to the board and recommended denial of this request.

Attorney Tom Vander Luitgaren with Van Valer Law Firm, LLP on behalf of the Petitioner (225 S. Emerson Ave., Ste. 181, Greenwood 46143) and Petitioner Nick Schroder (5844 W. Smokey Row Rd., Greenwood 46143) were present to speak and address concerns.

Petitioners presented an **Exhibit** packet of the visual presentation to the board members in support of their petition. Further, Petitioners advised the board that there was a time error on the Plan of Operation, that the hours would be 7:00 a.m. to 4:00 p.m. Monday through Friday with an occasional Saturday from 9:00 a.m. to 12:00 p.m.

Brian Dubrow (1804 Old St. Rd. 37, Greenwood 46143) was present to express his support of this request.

Dale Raber (5626 Laurel St., Indianapolis 46227) was present to express his support of this request.

Don Weaver (1797 Old St. Rd. 37, Greenwood 46143) was present to express his support of this request.

Nancy Day (2019 Old St. Rd. 37, Greenwood 46143) was present to express her support of this request.

Zheng Zheng (1706 Michele Ln., Greenwood 46142) was present to express his support of this request.

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

- Q. Attorney Jacob Bowman inquired as to whether or not this property was subject to an ordinance violation?
A. Staff advised that they have not issued a violation letter yet for this property.
- Q. Board member James Kaylor inquired as to how many vehicles would be placed outside?
A. Six (6) to eight (8) employee vehicles and two (2) large vehicles.
- Q. Board member James Kaylor asked for confirmation that vehicles would be located there but landscaping and materials would be somewhere else and not stored on-site?
A. No, all landscaping and materials will be stored inside.
- Q. Board member Mike Hoffman inquired as to whether or not the Petitioner was currently operating at this property?
A. No the business has not been operating out of this location. Petitioner has been storing trucks and dirt only on this property and has been restoring the residence and garage for the last year.
- Q. Board member James Kaylor inquired as to whether or not there were any drainage issues on the property?
A. No.
- Q. Attorney Jacob Bowman asked where the business was currently located at?
A. 5844 W. Smokey Row Rd., Greenwood 46143.
- Q. Board member James Kaylor asked what the property was before the Petitioner purchased it?
A. Residence.

- Q. Board member Chis Campbell inquired as to whether or not the zoning had changed?
A. No.
- Q. Board member Chis Campbell asked where the septic was located on the property?
A. Straight north of the house.
- Q. Board member Chis Campbell asked if both of the structures were already on the property at the time of purchase?
A. Yes.
- Q. Board member Chis Campbell inquired as to whether or not the business was currently operating on this property?
A. No.

Remonstrator Kaye Vann (1914 Old St. Rd. 37., Greenwood 46143) was present to express her concerns regarding property values, change in nature of the area, current business use, **Exhibit** packet provided to the board members along with a signed Petition against this request.

Remonstrator Bryant Livingston (2009 Old St. Rd. 37., Greenwood 46143) was present to express his concerns regarding water wells, safety and property values.

Remonstrator Greg Keyler (1750 Old St. Rd. 37, Greenwood 46143) was present to express his concerns regarding change in the nature of the area.

Remonstrator Sue Dressler (1880 Old St. Rd. 37, Greenwood 46143) was present to express her concerns regarding traffic, safety and property values.

Remonstrator Stoney Vann (1914 Old St. Rd. 37., Greenwood 46143) was present to express his concerns regarding lack of comprehensive plan courtesy, change in nature of the area, business usage, not consistent with the I-69 plan, neighbors have petitioned in opposition of this request and the alterative motives of those whom are in support of these requests.

Motion: To deny V-2-25 to provide for a landscape contractor's shop, staff's Findings of Facts and dismissal of Variance of Development Standards. **Moved** by Chris Campbell. **Seconded** by Douglas Gray. **Yes:** Campbell, Gray and Meyer. **No:** Hoffman and Kaylor. **Motion approved 3-2.**

V. NEW BUSINESS:

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

Motion: Approval of 2025 Legal Counsel Contract. **Moved** by Douglas Gray. **Seconded** by James Kaylor. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**


VI. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:43 PM

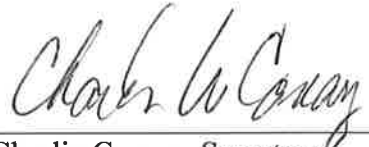
Motion: Adjourn the meeting. **Moved** by James Kaylor. **Seconded** by Mike Hoffman. **Yes:** Campbell, Gray, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

Approved on: February 25, 2025

By:


Chris Campbell, Chairman

Attested By:


Charlie Canary, Secretary

Prestige LLC

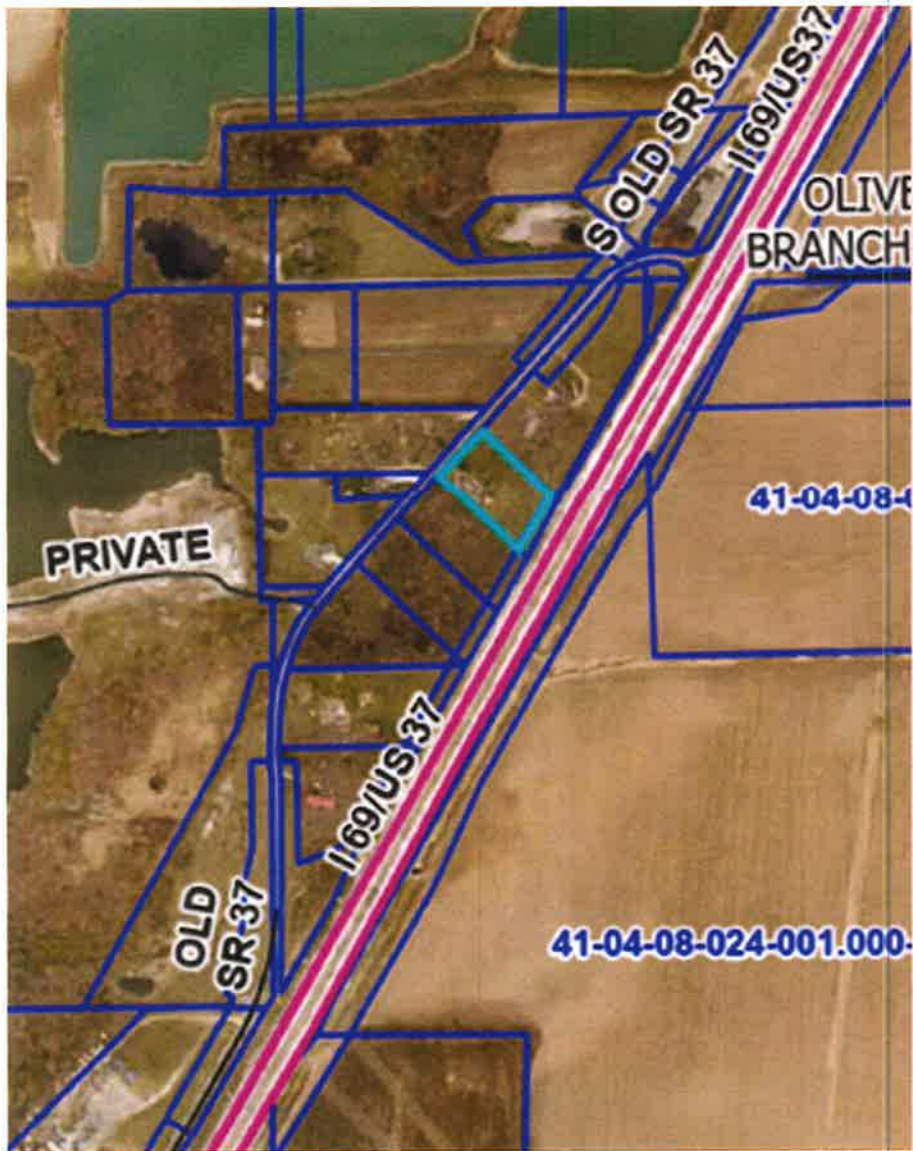
Use Variance V-2-25



EXHIBIT

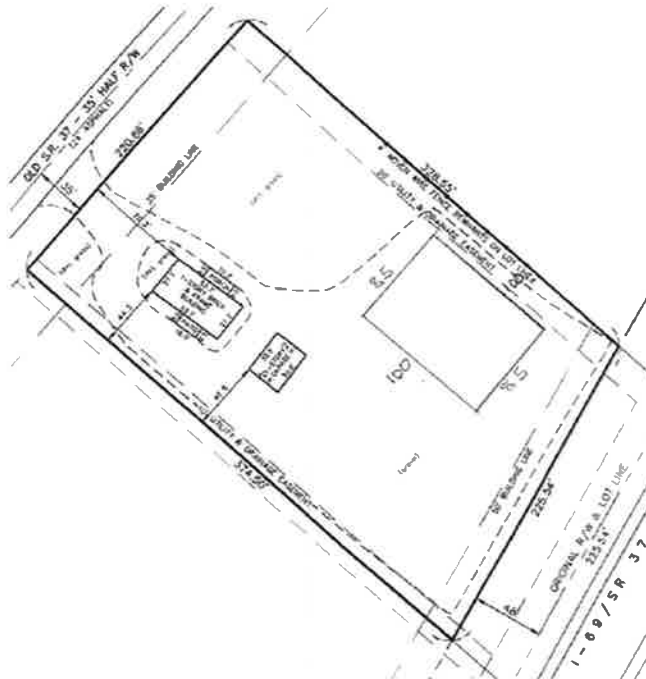
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V-2-25



Vicinity Map

EXISTING CONDITIONS PLAN
 PART OF THE REMAINING TRACT, DAY MINI-SUBDIVISION
 WHITE RIVER TOWNSHIP, JOHNSON COUNTY, INDIANA
 PROPERTY ADDRESS: 1855 SOUTH OLD STAT ROAD 37
 FOR: MIKE RABER



60' 0" 60' 0"
 SCALE: 1" = 60'

LEGAL DESCRIPTION

The Remaining Tract in Day Mini-Subdivision as recorded in Plat Cabinet "C", page 250, less and except that part thereof conveyed by right-of-way for 1-83 and recorded in instrument #2021-23804, at the Office of the Recorder of Johnson County, Indiana.

SURVEYOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the above Existing Conditions Plan was prepared under my direction. This drawing is not intended to be represented as a replacement or original boundary survey, a route survey, or a Surveyor Location Report.

[Signature]
 R. C. Browning, Indiana Registered Surveyor No. LS20000001
 Date of Certification: July 5, 2024



ARE	ARE SURVEYING CONSULTANTS, INC. 130 South 8th Avenue Bloomington, Indiana 47403 (317) 480-4080 Fax: (317) 858-4767 www.aresurveying.com	SHEET: 1 OF 1 DRAWN BY: RCB CHECKED BY: PCH DATE: 06/12/24 PROJECT NO.: 18-0034 COPYRIGHT - 2024 ARE SURVEYING CONSULTANTS, INC. - ALL RIGHTS RESERVED	REVISIONS	

Site Plan

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 4:00 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 workday to return the equipment.

Statutory Criteria

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: The approval of the requested Use Variance will not affect the public health, safety, morals and general welfare of the community because the requested use is similar in character and intensity to the uses in the area. The future use of the property under the I-69 Future Planning Area calls for Industrial Mixed Use under which the use of a “Contractor’s Shop and/or Service Yard” would be a permitted use subject to additional use standards that could be approved on an administrative basis. All landscaping equipment will be stored within a proposed accessory building to be constructed on the Real Estate which building can also be screened from view by adjacent properties. Absence of municipal improvements such as water and sewer, do not pose concerns relating to public health as the intensity of the proposed use would be no greater than a residential use, likely less intense as all business is conducted off-site. The approval of said application, and resulting variance would positively impact the general welfare of the community, especially considering its proximity to the new interstate by encouraging a responsible and proven local business leader to invest in 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: The surrounding property values will be affected in a substantially positive manner. The surrounding properties consist primarily of larger lots, many of which are unimproved. The Real Estate, being nearly 2 acres in size, is adequate for the addition of a low impact accessory use without detracting from the few residential and many commercial uses in the area. The Petitioner’s operation is primarily off-site with no retail sales or aggregate storage. The business has 6-8 employees and generally operates Monday-Friday from 8:00am to 5:00 pm.; therefore, limiting any traffic impact. Petitioner’s proposed auxiliary structure will be constructed in an architecturally pleasing manner in compliance with the I-69 overlay design standards outlined in the current zoning ordinances which will improve the aesthetics in the area.

3. *The need for the variance arises from some condition peculiar to the property involved because:* Now that the I-69 expansion is complete, the Real Estate is situated between a major interstate and a frontage road that will be heavily traveled by motorists to gain access to I-69. Although, currently zoned SR, which is indicative of the uses that are present in the area upon adoption of the current zoning ordinances, residential uses are simply no longer a viable use of the Real Estate considering no sound barrier exists and the property is right next to I-69. The future use designated by the I-69 Future Planning Area acknowledges as much by designating this area as Industrial Mixed Use. Disallowing another use more suitable to the property would actually threaten the public health, safety and morals of the area because it would likely decrease the value of the property and therefore the adjoining properties. The I-69 corridor between Smith Valley Road and SR 144 is an area expected to experience significant redevelopment as is contemplated by the Comprehensive Plan, I-69 Plan and White River Township Plan. The proposed use comports with the future land use plan.

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 newly adopted Zoning Ordinance provides for a zoning classification of SR which represents, in general, the current uses of the Real Estate and surrounding area; however, the addition of the I-69 Corridor Overlay Zone along with the Comprehensive Plan, I-69 Plan and White River Township Plan, establish that the I-69 corridor is likely to undergo considerable redevelopment with land uses ultimately shifting away from residential to business and office uses with parcels situated to the south of the Real Estate designated as appropriate locations for industrial buildings. Absent a variance, Petitioner will be unable to utilize the Real Estate for his landscaping business, a use that would very likely be permitted as redevelopment of the I-69 corridor commences. Continuing to use the Real Estate for residential purposes is no longer feasible especially without a sound barrier next to the interstate.

5. *The approval does not interfere substantially with the Comprehensive Plan because:* The approval of the requested Use Variance does not substantially interfere with the provisions of the Comprehensive Plan. The Comprehensive Plan, I-69 Plan and White River Township Plan anticipates significant redevelopment in the areas adjacent to I-69 with the potential for a flurry of commercial development near the east-west interchanges. The Real Estate is located within the bounds of the I-69 Future Planning Area. The future use is designated as Industrial Mixed Use under which the use of a “Contractor’s Shop and/or Service Yard” would be a permitted use subject to additional use standards that could be approved on an administrative basis.



Thank you!

Presented January 28, 2025

PETITION TO OPPOSE V-2-25

Petitioner: Prestige, LLC. 1855 Old SR 37, Greenwood.

January 28, 2025

**The below residents of Old SR 37 are affected by V-2-25
and as such oppose the granting of this variance.**

Stoney Vann
Teresa Vann
Jessal Smith
Bryant Smith
Erin Fager
Jordan Cook
Meg Keyler
Jackie Keyler
Suzy Dressler

1914 OLD SR 37
1914 Old State Road 37
2009 Old State Road 37
2009 Old State Road 37
2009 Old State Road 37
2009 Old State Rd 37
1750 Old State Rd 37
1750 Old State Rd 37
1880 Old State Rd 37









