

## Johnson County Board of Zoning Appeals

### February 25, 2025 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, February 25, 2025 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, Mike Hoffman, James Kayor, Roger Meyer (Alternate), Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting) and Angela Olson (Recording Secretary – not voting).

**Absent:** Douglas Gray

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#### **II. APPROVAL OF MEETING MINUTES:**

Chairman Chris Campbell called for a motion to approve the January 28, 2025 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of January 28, 2025 Board of Zoning Appeals meeting minutes. **Moved** by Mike Hoffman. **Seconded** by Roger Meyer. **Yes:** Campbell, Canary, Hoffman and Meyer. **No:** None. **Motion approved 4-0.**

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#### **III. PUBLIC HEARINGS:**

**V-3-25; David and Diedre Parsley – Variance of Development Standards Request.  
4527 S. 450 W.**

Staff presented findings and facts to the board.

Petitioners David and Diedre Parsley (4527 S. 450 W., Trafalgar 46181) were 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 stated that he believed that number four (4) of the report did not belong to this matter?  
A. Staff confirmed and number four (4) is hereby struck from this matter.
- Q. Board member Mike Hoffman asked if an occupant only had a temporary occupancy permit could they remain in the residence without having a permanent occupancy permit?

A. Technically a temporary occupancy states that you are allowed to use the residence per the building codes but that a permanent occupancy must be obtained to remain in the residence.

- Q. Board member Mike Hoffman inquired as to how long do you have to obtain a permanent occupancy permit?

A. Ninety (90) days. In this matter that time has expired. Staff would have to follow through with a building violation to say that you are occupying the residence without a permanent occupancy.

- Q. Attorney Jacob Bowman inquired as to whether or not the placement of the second dwelling location is in need of a variance?

A. Yes.

- Q. Board member Mike Hoffman stated if a septic system requires two (2) acres and there are two (2) houses that large on one (1) property that does not have four (4) acres and asked whether or not that property would have to be divided?

A. The property could potentially be divided but each residence would have to have two (2) acres and meet the ordinance requirements.

- Q. Attorney Jacob Bowman inquired as to whether or not the Health Department had reviewed the initial permit?

A. Yes.

- Q. Attorney Jacob Bowman asked if the Health Department was also under the impression that there would be one (1) residence on the property when they gave the approval?

A. Yes.

- Q. Board member Mike Hoffman asked if acreage had been added onto the one (1) parcel?

A. Yes, three (3) acres.

- Q. Board member Mike Hoffman inquired as to whether or not the Petitioner owned the land to the south?

A. Yes.

- Q. Board member Mike Hoffman inquired as to whether or not the Petitioner could add an acre?

A. Staff explained the division process and allowable deviates.

**Motion:** To deny V-3-25 to allow for a 2,822 square foot accessory dwelling unit and staff's Findings of Fact. **Moved** by Chris Campbell. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Hoffman and Meyer. **No:** None. **Motion approved 4-0.**

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**V-4-25; David and Diedre Parsley – Variance of Use and Development Standards Requests. 0.40 acres at the SW corner of St. Rd. 135 and S. 450 W.**

Staff presented findings and facts to the board.

Petitioners David and Diedre Parsley (4527 S. 450 W., Trafalgar 46181) were present to speak and address concerns.

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

- Q. Board member Chris Campbell inquired as to what is legally able to be used on this property?  
A. Residence.
- Q. Board member Chris Campbell asked what the dimensions of the parcel were?  
A. Staff provided the approximate measurement of the length and width of the parcel.
- Q. Board member Charlie Canary asked if this was the only site plan that we had because it was not accurate?  
A. Yes, that is the site plan that was provided by the Petitioner.
- Q. Board member Mike Hoffman inquired as to what type of building was to the north of the parcel?  
A. Residence.
- Q. Board member Charlie Canary inquired as to whether or not we would need state approval?  
A. No, because the entrances would be off of the county roads and would need Highway Department approval.
- Q. Board member Charlie Canary asked who owns between the property line and the street?  
A. Johnson County right-of-way.
- Q. Board member Chris Campbell referred to the Plan of Operation stating that there would be two (2) employees and asked the Petitioner what the plans was to provide a bathroom?  
A. The two (2) employees will not be full-time and will only be there by appointment.

- Q. Board member Chris Campbell asked the Petitioners when they purchased the property?

A. July 2020.

Remonstrator Joel Zimmerman (4511 W. South St., Trafalgar 46181) was present to express his concerns regarding traffic.

Remonstrator Steven Ward (4551 W. South St., Trafalgar 46181) was present to express his concerns regarding traffic, parking and landscape.

**Motion:** To deny V-4-25 to provide for commercial use of Outdoor Retail Sales, staff's Findings of Fact and dismissal of Variance of Developmental Standards. **Moved** by Roger Meyer. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary and Meyer. **No:** Hoffman. **Motion approved 3-1.**

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**V-5-25; Umbarger and Sons, Inc. – Variance of Development Standards Request.  
186 S. 600 E.**

Staff presented findings and facts to the board.

Attorney Jacob Bowman recused himself from this matter.

Thomas Hopkins with Sign Solutions (8490 New Harmony Rd., Martinsville 46151) on behalf of the Petitioner was present to speak and address concerns.

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 how this sign is to be lighted?  
A. The light will be internally lighted with the light projecting forward but will go through a green acrylic.
- Q. Board member Charlie Canary asked if this image represented just the sign or also the size?  
A. Yes, both the sign and the size.
- Q. Board member James Kaylor asked for clarification that the sign was just going to be the letter U?  
A. Yes.
- Q. Board member Mike Hoffman inquired as to whether or not Sign Solutions designed the sign?  
A. No, the U is part of Umbarger's logo.

**Motion:** To approve V-5-25 to allow a 410 square foot wall sign and Petitioner's Findings of Fact. **Moved** by Mike Hoffman. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 5-0.**

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**V-6-25; Marty Cooper – Variance of Development Standards Request.  
Lot 1 of Nyberg Subdivision**

Staff presented findings and facts to the board.

Petitioner Marty Cooper (6465 Evelyn Ave., Franklin 46131) 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 James Kaylor asked for confirmation that each residence has a ten (10) square foot setback?  
A. Yes.
- Q. Board member James Kaylor inquired as to whether or not there were any utility easements?  
A. There is a utility easement but there are no utilities in the area.
- Q. Board member Chris Campbell inquired as to whether or not there was a front setback requirement?  
A. Yes, it meets the setback requirement.
- Q. Board member James Kaylor asked the Petitioner whether or not he had spoken to the neighbors?  
A. Petitioner stated that he had approached each of the neighbors about whether or not they wanted to purchase this property but he did not respond as to whether or not that he had spoken to the neighbors regarding his proposed plans.
- Q. Board member Charlie Canary inquired as to whether or not there was a privacy fencing surrounding the property?  
A. Yes, to the south and east sides of the property.
- Q. Attorney Jacob Bowman asked the Remonstrator as to whether or not he had a problem with the variance request?  
A. No.
- Q. Board member Mike Hoffman asked for confirmation on the direction of the residence?

A. Staff presented visual and pointed out how the residence would sit on the property and which direction it would face.

- Q. Board member Charlie Canary asked for setback clarification on the residence?

A. Staff explained in great detail the setbacks for this proposed residence.

Remonstrator Phil Hougland (901 Betty Ln., Franklin 46131) was present to express his concerns regarding noise, structure being built and septic issues.

**Motion:** To approve V-6-25 to allow for a ten (10) foot rear setback for a proposed residence and Petitioner's Findings of Fact. **Moved** by Mike Hoffman. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Hoffman and Meyer. **No:** Kaylor. **Motion approved 4-1.**

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#### **IV. NEW BUSINESS:**

##### **Adoption of Findings of Facts for V-1-25 Development Standard Variances.**

Board member Charlie Canary recused himself from this matter.

**Motion:** To adopt Findings of Fact for V-1-25. **Moved** by Chris Campbell. **Seconded** by Roger Meyer. **Yes:** Campbell, Hoffman, Kaylor and Meyer. **No:** None. **Motion approved 4-0.**

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#### **V. ADJOURNMENT:**

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:42 PM


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

Approved on: March 25, 2025

By:

  
Chris Campbell, Chairman

Attested By:

  
Charlie Canary, Secretary