



JOHNSON COUNTY

Department of Planning & Zoning
86 West Court Street
Franklin, Indiana 46131

Phone: (317) 346-4350
www.co.johnson.in.us

MEETING AGENDA

Johnson County Advisory Plan Commission
August 23rd. 2021, 6:00 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 July 26th, 2021 meeting.

PUBLIC HEARINGS

-CONTINUED HEARINGS- None.

-NEW HEARINGS -

W-9-21. DeHart Waiver. Approx. 4712 S 700 W, Morgantown.....Page 3

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where one lot will be 4 acres (new lots created via the Roadside Subdivision process must have an area of exactly two acres).

Z-3-21. Barrett Rezoning. 165 Possum Hollow Rd, Greenwood.....Page 3

REZONING of a portion of Lot 1 of Boulder Oaks Minor Subdivision from the B-1 (Neighborhood Commercial) zoning district to the R-1 (Single-Family Residential) zoning district.

OLD BUSINESS None.

NEW BUSINESS

Second reading of amendment to the Plan Commission Rules of Procedure for electronic meeting attendance policy.

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for September 27th, 2021 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

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Staff Report

CASE NUMBER: W-9-21
ADDRESS: 105.47-acre parcel approximately at 4712 S 700 W,
Morgantown
Section 7, Township 11, Range 3
PETITIONER: Joe and Nancy DeHart

REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where one lot will be 4 acres (new lots created via the Roadside Subdivision process must have an area of exactly two acres).

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PROPERTY DESCRIPTION

This 105.47-acre site is zoned A-1 (Agricultural) and is an unimproved partially wooded agricultural field. There is a pond in the southeast corner of the property.

Smaller parcels surround the site with single-family dwellings to the southwest and large parcels of agricultural land to the north, east, and south. All surrounding properties are zoned A-1.

WAIVER REQUEST

This waiver request, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 105.47-acre parent lot into two lots. The newly-created lot would be 4 acres in size, and the remaining parent tract would be 101.47 acres in size.

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The two-acre *maximum* is intended to minimize, to the extent possible, non-agricultural encroachments into agricultural areas. The site of the proposed 4-acre parcel currently has a driveway, two wells, outdated septic, and mature trees. The petitioner's proposal to split the property to develop a single-family dwelling. The waiver requested represents a minor deviation from the two-acre requirement and allows the proposed property line to encompass the features previously listed. The request is also for one new parcel where the regulations would allow up to three new parcels of land. The staff would regard the low-density residential development proposed here to be appropriate.

The staff recommends approval of this waiver request.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Granting of the waiver would create one new buildable lot, which would not negatively impact public safety, health, or welfare.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis The proposed 4-acre parcel site is the untilled portion of the parent parcel and currently has a driveway, two wells, outdated septic, and mature trees.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: The site of the proposed 4-acre parcel is currently not being tilled. To incorporate all untilled land on the site and maintain a squared shape parcel, the parcel must exceed 2 acres and extend its boundaries to 4 acres. The 4-acre configuration would allow the petitioners to retain more tillable acreage and more an orderly parcel configuration.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Future Land Use Map of the Comprehensive Plan identifies the property's future land use as Agricultural. The proposed subdivision would provide a residential density consistent with the Plan recommendation and greater agricultural land conservation. The proposal complies with all development standards identified in the Zoning Ordinance.

GENERAL INFORMATION

Petitioner's

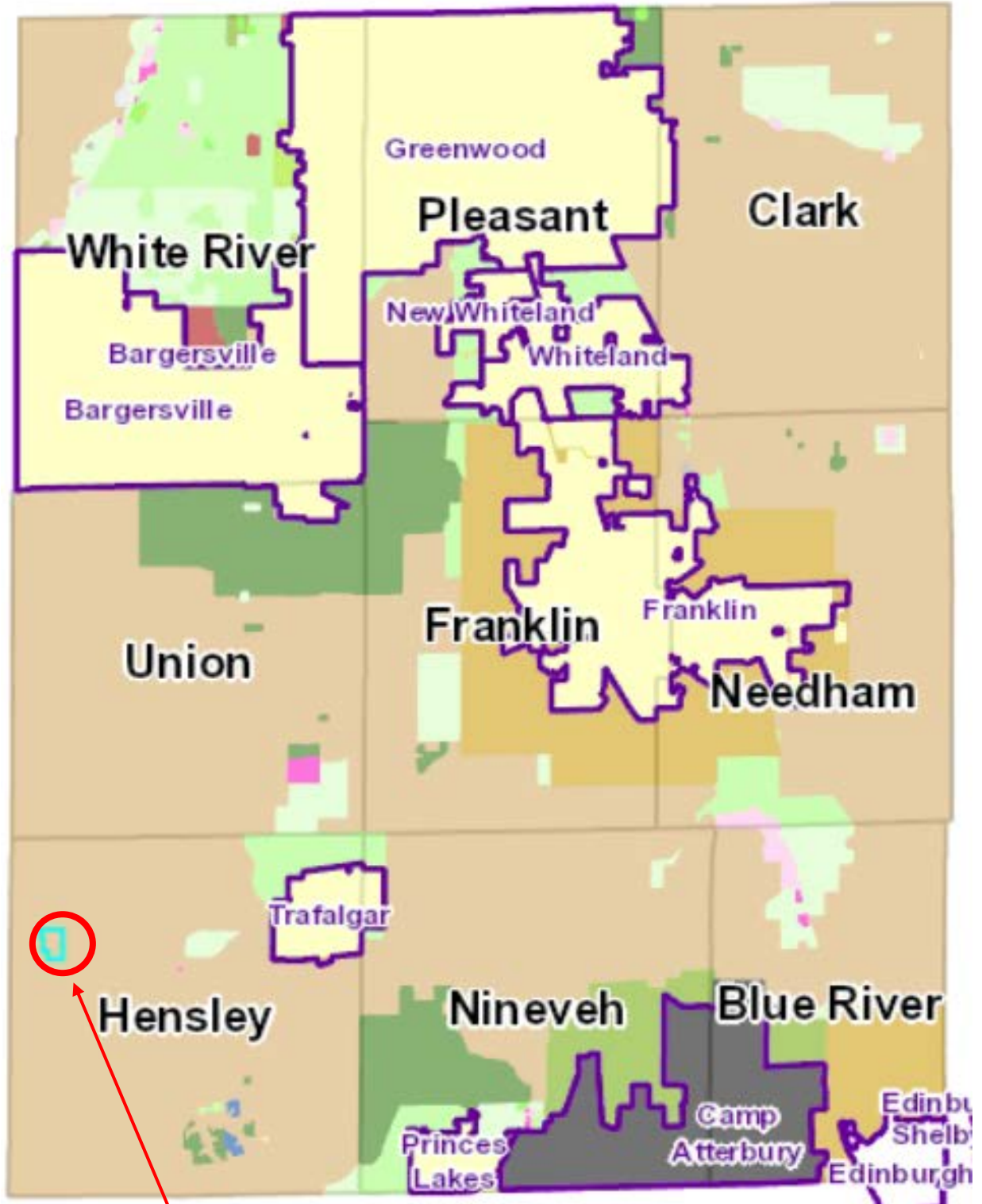
Representative: Amy Patterson
6465 Mount Moriah Road
Nineveh, IN 46164

Owner: Joe and Nancy DeHart
3686 W 400 S
Trafalgar, IN 46181

Current Zoning: A-1 (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-RLS

W-9-20 Base Map I



SUBJECT SITE

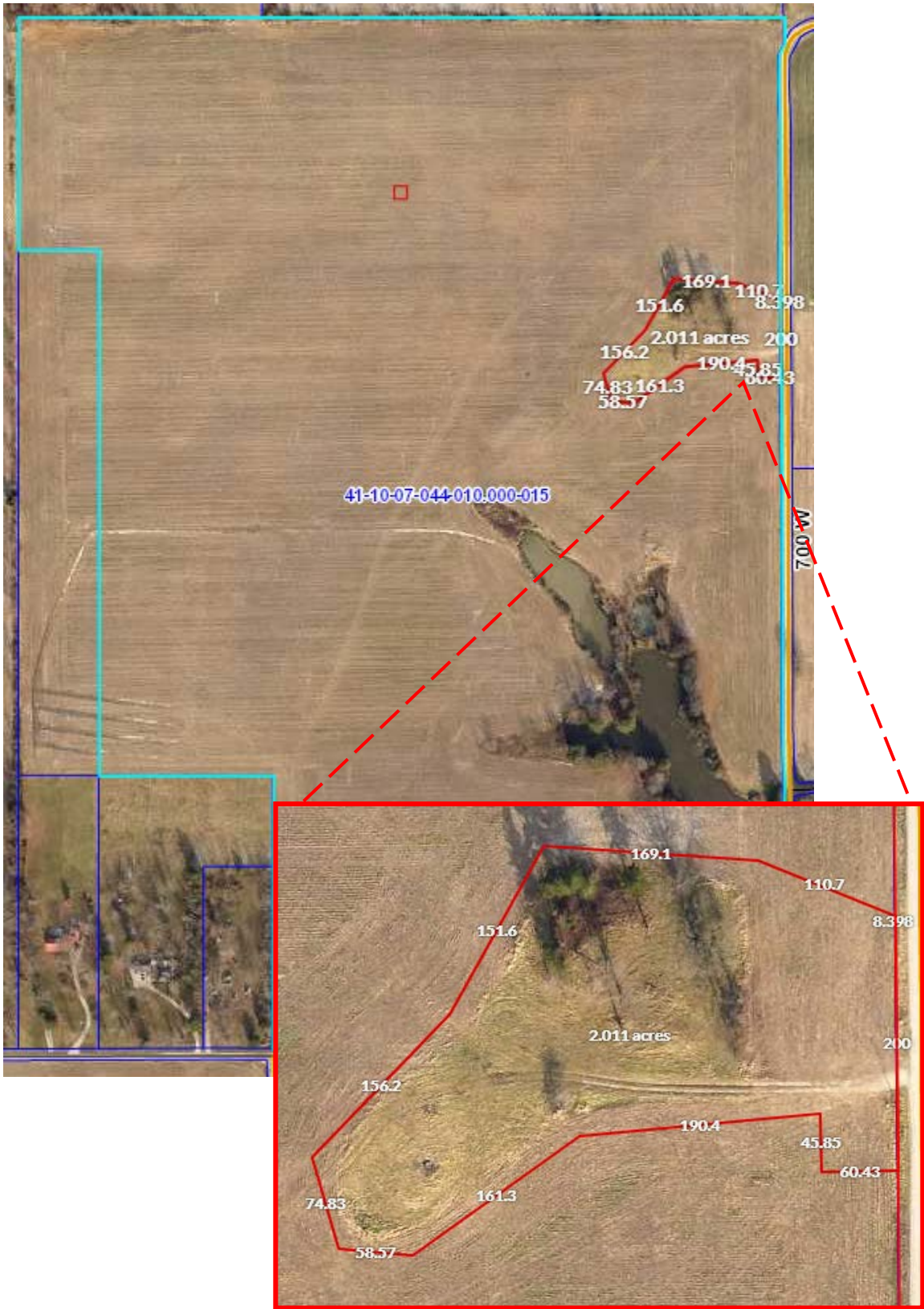
W-9-20 Base Map II



W-9-20 Proposed Roadside Subdivision



W-9-20 2-Acre Roadside Subdivision Example



W-9-20 Petitioner's Findings of Facts

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.

Since the site of the requested waiver previously contained a home with several outbuildings and animal feed lots, building a new home and a couple outbuildings will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.

The site of the requested waiver currently has a driveway, two wells, an outdated septic, and mature trees. These conditions make this property unique.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.

Obtaining a waiver to develop the homesite would allow the current owners to retain more tillable acreage than would be possible if the current subdivision ordinance is strictly applied to this particular property.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Granting this waiver will not contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map. It is our desire to preserve farm acreage and to utilize this site to complement the heritage of the existing agricultural community.

W-9-20 SITE PHOTOS

Areas of the proposed 4-acre parcel – non-tilled area



Staff Report

CASE NUMBER: Z-3-21
ADDRESS: 165 Possum Hollow Rd, Greenwood
Section 32, Township 14N, Range 5E
PETITIONER: Ernest and Lorraine Barrett

REQUEST

REZONING of a portion of Lot 1 of Boulder Oaks Minor Subdivision from the B-1 (Neighborhood Commercial) zoning district to the R-1 (Single-Family Residential) zoning district.

STAFF RECOMMENDATION

Staff recommends a favorable recommendation to the County Board of Commissioners,

PROPERTY DESCRIPTION

This 2.331-acre parcel is located in the Boulder Oaks Minor Subdivision and is improved with a barn built-in 2008. It is currently partially zoned R-1 and partially zoned B-1. It is surrounded to the north and west by various-sized parcels, all used residentially and zoned R-1. To the south and east is a large acre parcel used residentially and agriculturally. This parcel is also partially zoned R-1 and partially zoned B-1.

REZONING REQUEST

This request, if approved, would rezone a portion of the subject site to the R-1, Single Family Residential zoning district. The southern portion of the parcel is zoned B-1, and the northern portion is zoned R-1. The rezoning would place the entire parcel into the R-1 zoning district. The petitioner intends to construct a single-family residence on the portion proposed for rezoning.

The area's oldest available zoning map, adopted in 1968, designated this parcel and the surrounding area as "local business." At the time, the County most likely anticipated growth at the intersection of two major collector streets, Rocklane Rd. and N 525 E, and envisioned a commercial center to serve the adjacent neighborhoods. This helps explain the dual zoning of the parcel. Since the 1969 zoning, very little commercial development has occurred, and residential development has become prevalent in the area.

In 2005, staff approved the petition for the Boulder Oaks Minor Subdivision with conditions. The condition listed by staff is, "Single-family residential development in the areas of Lots One (1) and Three (3) which are within the B-1 Zoning District shall require the approval of a special exception prior to the issuance of a building permit". The subject parcel is Lot 1 of the Boulder Oaks Subdivision. Rezoning of Lots 1 and 3 to remedy the dual zoning was never initiated. Because of this, a portion of the subject parcel is still zoned B-1 (Neighborhood Commercial) and expansion of any residential

use, including additions to residences, pole barns, garages, swimming pools, etc., requires a special exception granted by the Board of Zoning Appeals.

Staff believes rezoning is practical and applicable to the situation to allow residential development in line with the surrounding properties. The rezoning would eliminate the parcel's dual zoning and the need for a special exception when expanding existing residential uses.

In accordance with IC 36-7-4-603, when considering a rezoning request, the Plan Commission shall pay reasonable regard to:

1. The Comprehensive Plan
2. Current conditions and the character of current structures and uses in each district
3. The most desirable use for which the land in each district is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible development and growth

COMPREHENSIVE PLAN

This rezoning request is partially consistent with the land use recommendation of the Comprehensive Plan Future Land Use Map. The Future Land Use Map identifies the property as Agriculture and states: "This land use designation is intended to support modern agricultural practices on large tracts of land with minimal land use conflicts. Mainly, it encompasses lands where farming is the principal use and can reasonably be protected from intrusion by incompatible land uses. This category includes crops, animal production and woodlands. Farmsteads, barns, stables, grain elevators, related agricultural buildings, agri-businesses and common accessory structures would be appropriate, as well. Cottage industries may also be desirable uses in the area. Limited non-farm residential may occur, but at very low densities. Subdivisions (major and non-agricultural subdivisions of land) should not be permitted."

The request is slightly more intensive than the recommendation of the Comprehensive Plan; however, the existing commercial zoning exceeds the recommendation of the Plan. This request is more consistent with the Plan recommendation and is therefore a reasonable and appropriate request.

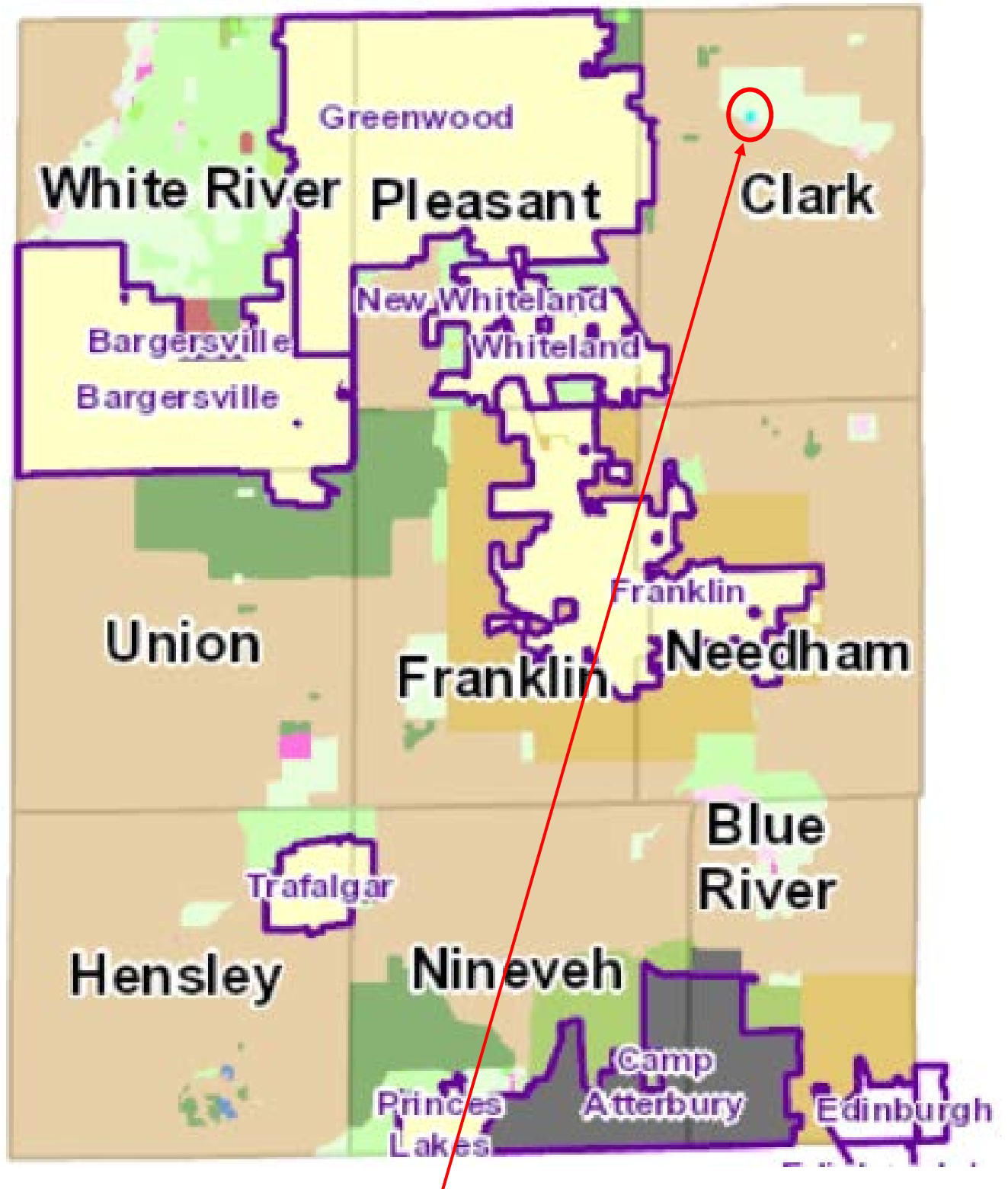
GENERAL INFORMATION

Applicant/Owner: Ernest and Lorraine Barrett
5386 W. Tumbleweed Dr.
New Palestine, IN 46143

Area: 2.331 acres
Current Zoning: B-1
Existing Land Use: Vacant Commercial
Comprehensive Plan: Agricultural

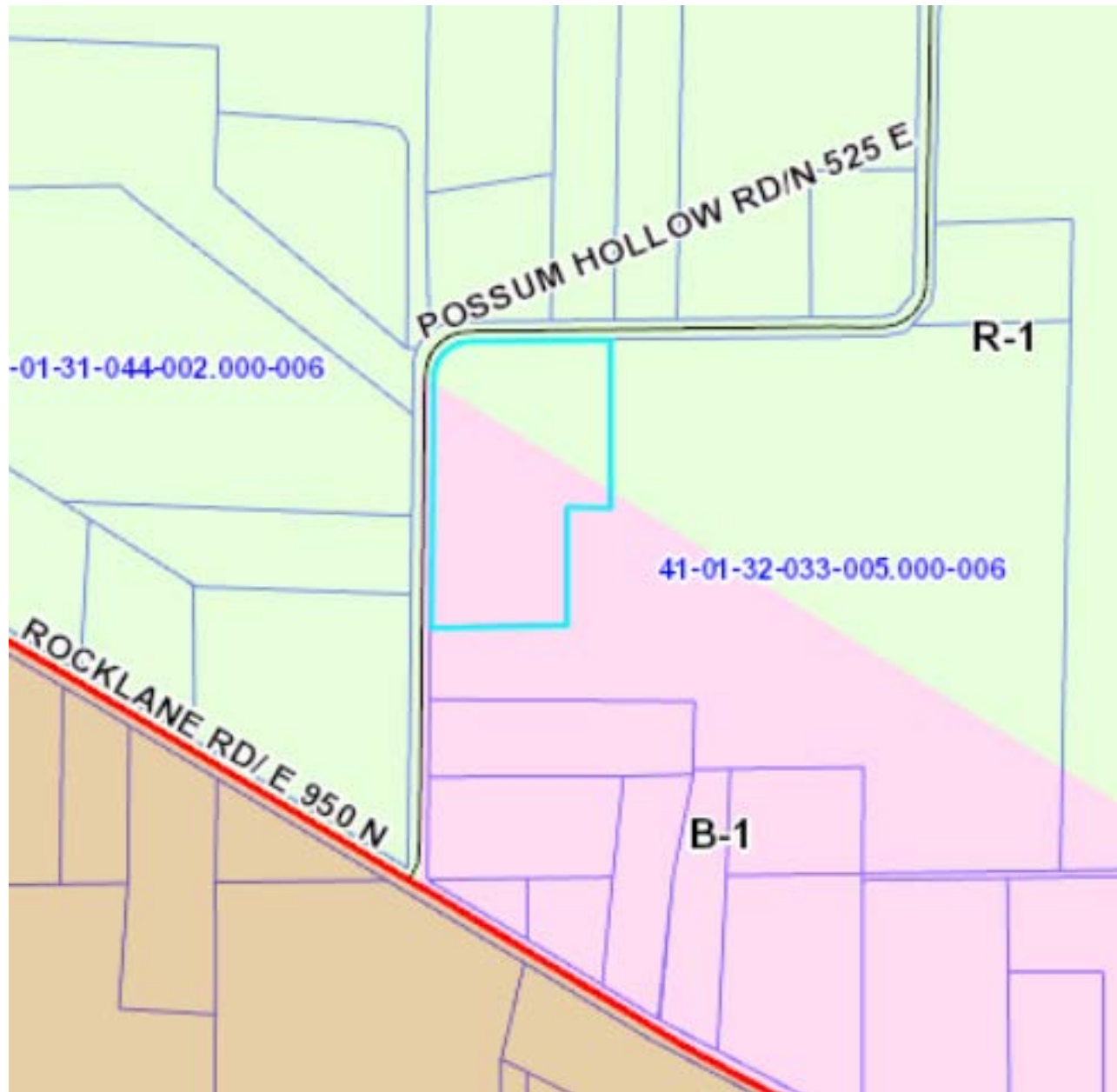
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Z-3-21 BASE MAP I

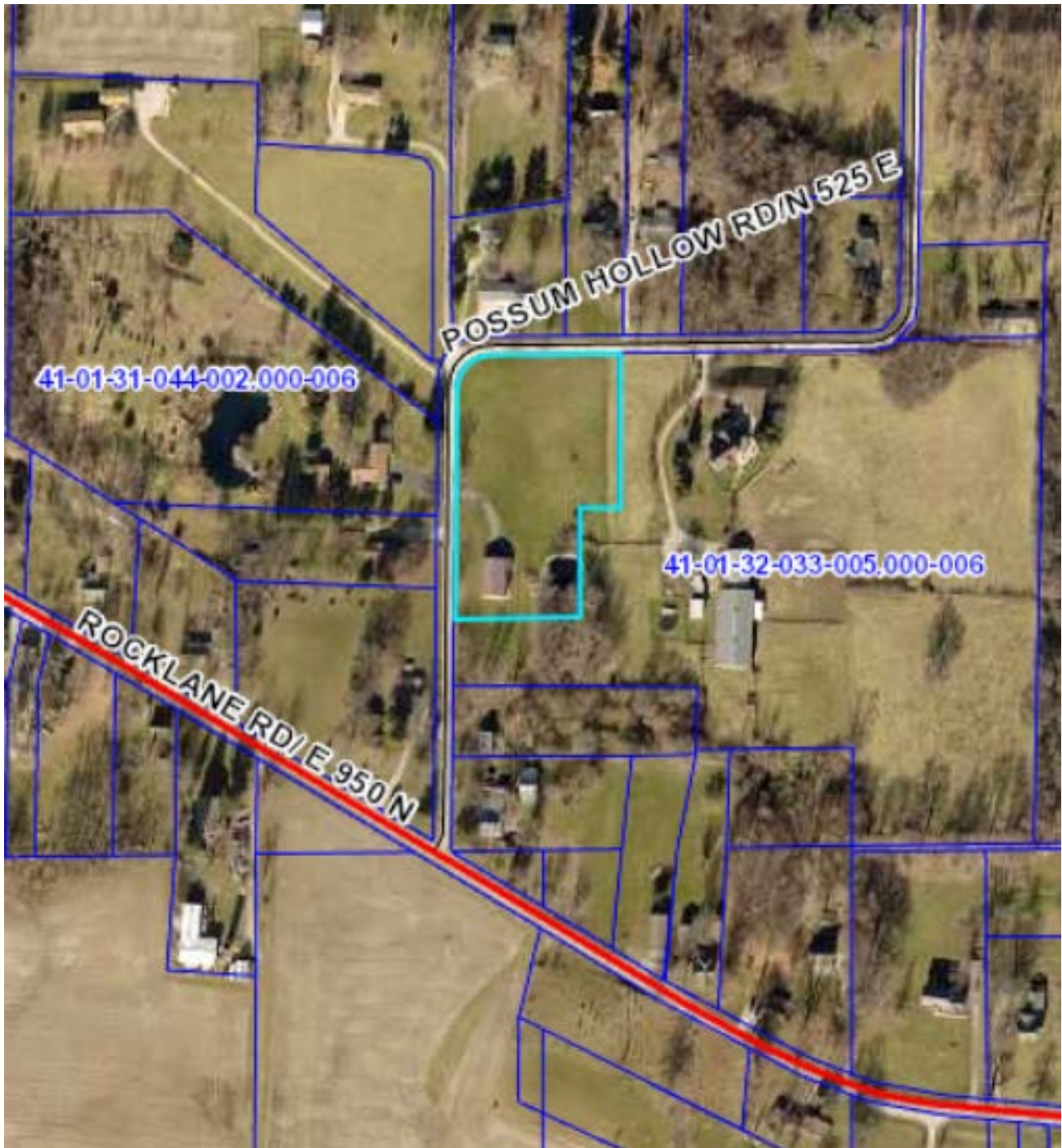


SUBJECT LOCATION

Z-3-21 BASE MAP II



Z-3-21 AERIAL



Z-3-21 BIRD'S EYE VIEW



Z-3-21 COMPREHENSIVE PLAN FUTURE LAND USE MAP



Z-3-21 PRELIMINARY FUTURE DEVELOPMENT PLANS

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SITE PLAN

for: 165 Possum Hollow Rd
Greenwood, IN 46143
Parcel ID #
41-01-32-033-005.001-006
Boulder Oaks Minor Plat
Lot #1

Barrett, Ernest & Lorraine
5115 Stirling Point Dr.
Indianapolis, IN 46241

Builder: TK Constructors
2224 N. Cammack St
Muncie, IN 47304

