



JOHNSON COUNTY

Department of Planning and Zoning
86 West Court Street
Courthouse Annex
Franklin, Indiana 46131

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MEETING AGENDA

Johnson County Board of Zoning Appeals
March 23, 2021, 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 February 23, 2021 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-6-21. 3031 Santiago Drive, Greenwood. Page 3

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a dwelling addition with a five-foot side yard setback (minimum 10-foot side setback required).

SP-1-21. Venus Thorn. Approx. 926 N. Peterman Road, Greenwood. Page 12

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance provides for the construction of an accessory dwelling within an R-1, Single-Family Zoning District.

V-7-21. Joel and Lauren Butler. Apprx. 2031 West 725 South, Trafalgar Page 21

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a single-family dwelling
a) with a 20-foot front yard setback (minimum 35-foot front setback required), and

b) with 858 square feet on the ground floor of the dwelling (minimum ground floor area of 900 square feet required for a two-story dwelling).

OLD BUSINESS

None.

NEW BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, April 27th, 2021 at 7:00 PM.

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Staff Report

CASE NUMBER: V-6-21
ADDRESS: 3031 Santiago Drive, Greenwood
Section 11, Township 13, Range 3
PETITIONER: Kimberly and Edward Carlson

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a dwelling addition with a five-foot side yard setback (minimum 10-foot side setback required).

STAFF RECOMMENDATION:

Staff recommends **denial** of this request.

PROPERTY DESCRIPTION

This 0.34-acre site, Lot 25 of El Dorado Estates, is zoned R-1 (Single-family Residential). It is improved with a single-family dwelling. The site is surrounded by a residential subdivision and to the south is a golf course.

VARIANCE REQUEST – ACCESSORY STRUCTURE IN FRONT YARD

This request, if approved, would provide for the construction of a garage addition that will be 5.5 feet from the side property line. The house currently sets back 16 feet from the side property line. The addition will provide 247 square feet to an existing two-car garage.

The El Dorado Subdivision plat, recorded in 1960, states a side yard setback of 5 feet. Setback stated on plats are not grandfathered regulations or applicable to new development. It appears the majority of the homes in El Dorado meet the minimum 10 foot side yard setback.

The staff understands the convenience the variance might afford the petitioner. However, staff ultimately asserts that the required findings have not been met and that property provides other areas where a structure could be constructed and meet the ordinance.

Staff, therefore, recommends denial of this request.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The proposed addition 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.

A variance of similar requests could be sought by other property owners of the area based on the same findings presented by the petitioner. The precedent would be set and homes would be 10 feet or less from each other.

3. The strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.

There is nothing unique to this property and structure which would preclude it from being developed within the petitioner's property outside the side yard setback.

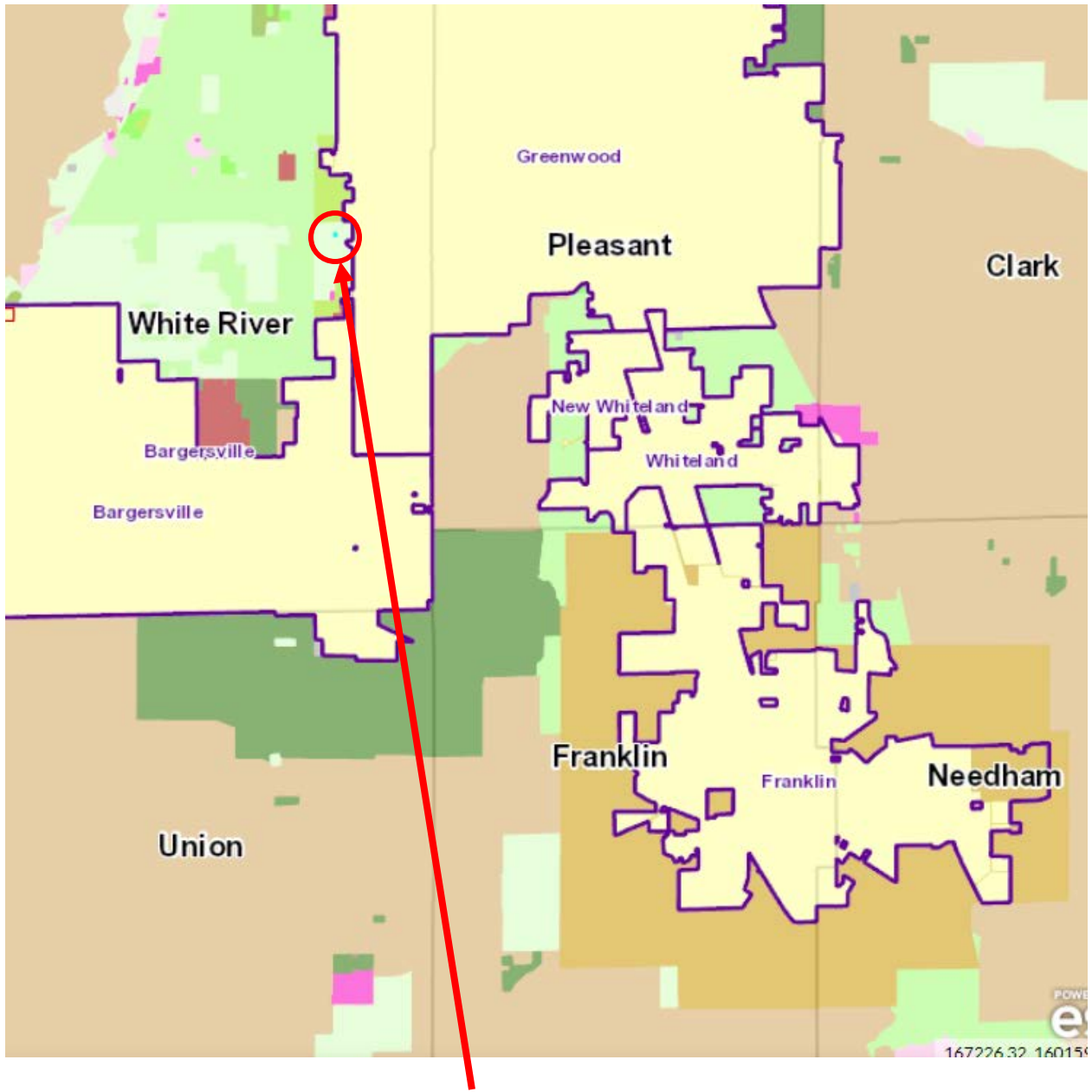
GENERAL INFORMATION

Applicant: Kimberly and Edward Carlson
3031 Santiago Drive
Greenwood IN 46143

Owner: same

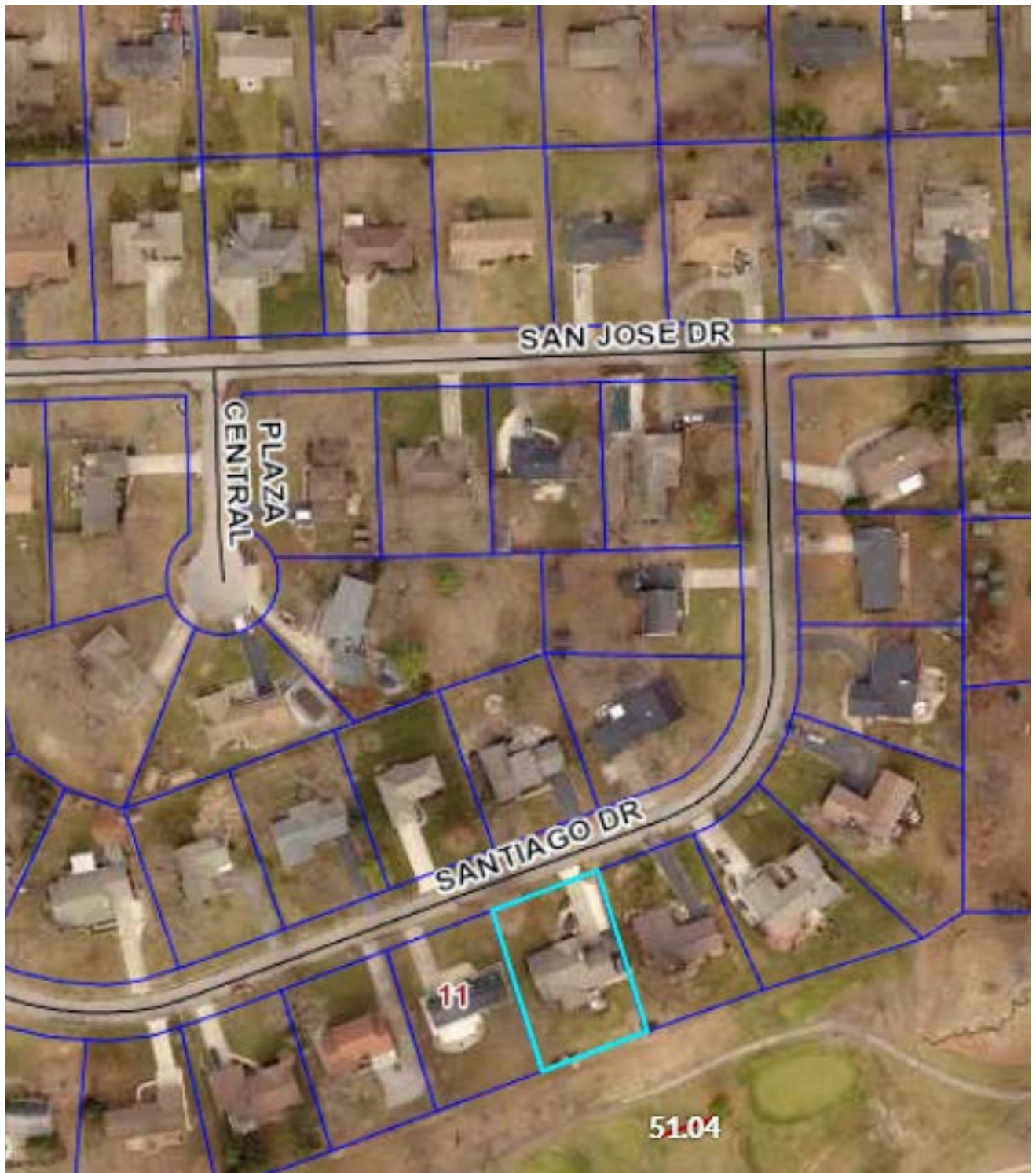
Zoning: R-1 (Single-family Residential)
Land Use: Single-family Residential
Future Land Use: Suburban Residential
-MNH

V-6-21 BASE MAP



Subject Site

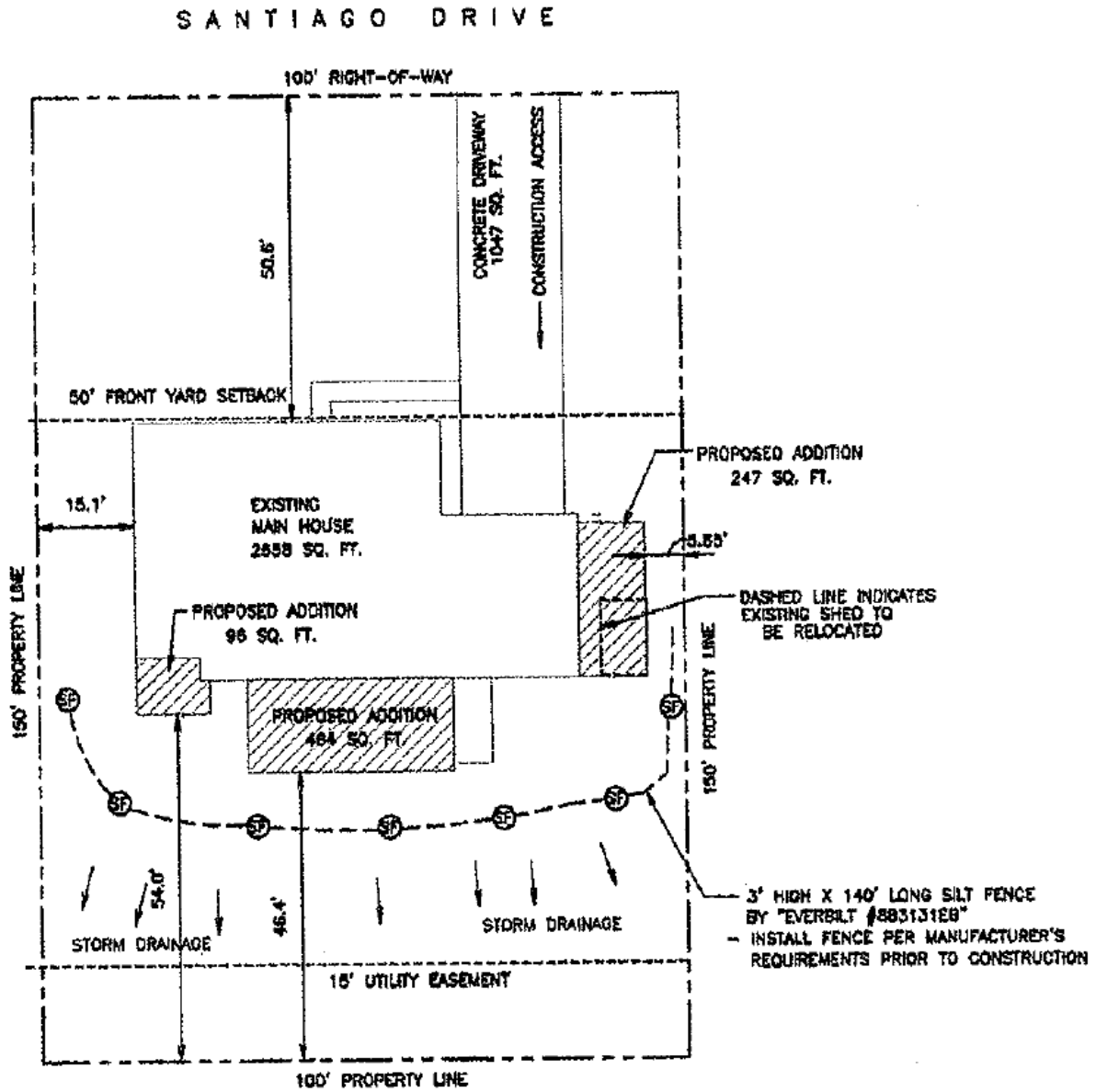
V-6-21 AERIAL PHOTO I



V-6-21 AERIAL PHOTO II



V-6-21 SITE PLAN



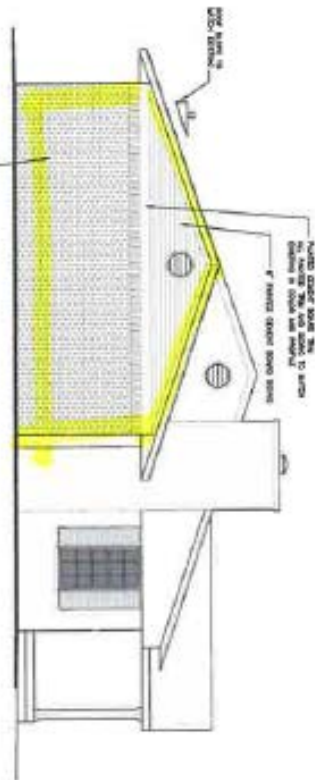
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SITE PLAN

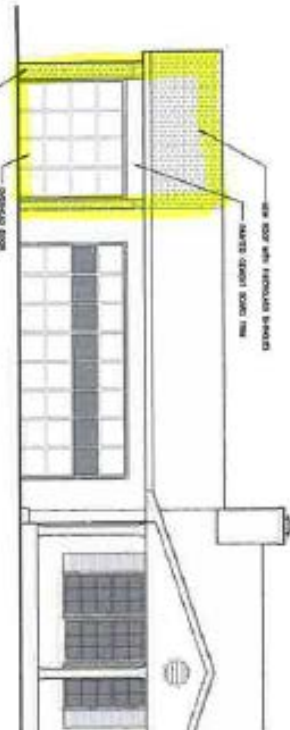
SCALE: 1" = 20' - 0"



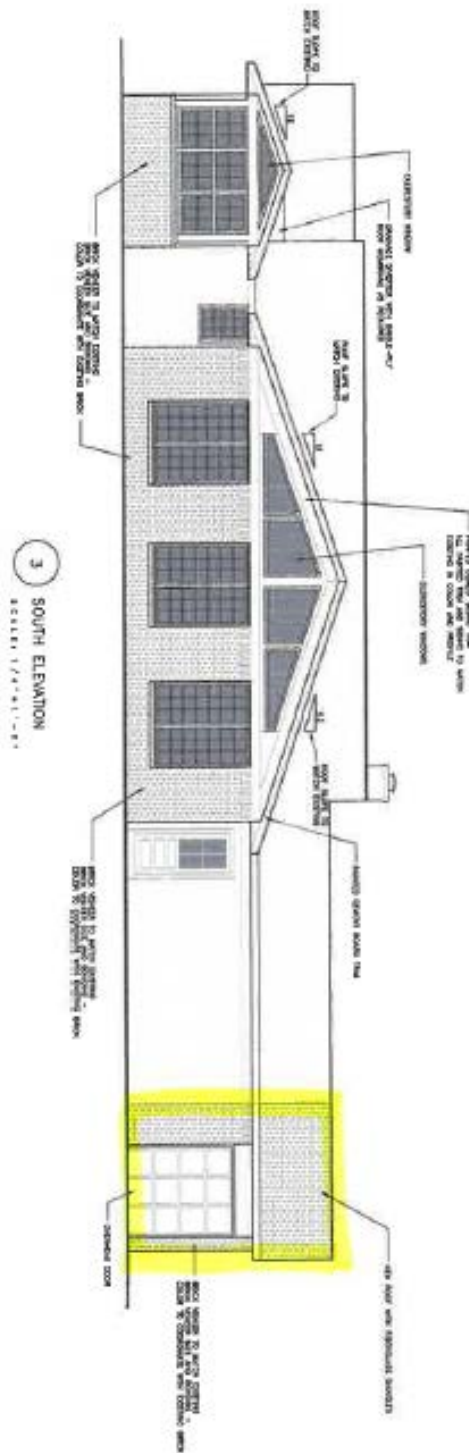
V-6-21 Elevation



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PETITIONER EXHIBIT: FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

the home addition is a stationary structure fixed to the current residence that will house standard articles that accompany standard neighborhood homes.

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 home addition will not impede the ability to move between adjacent property, including but not limited with lawn equipment.

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

adding a full single standard car garage holds a consistent standard for home design to ensure property value is maintained for all neighborhood residence.

V-6-21BIRDS EYE VIEW



Staff Report

CASE NUMBER: SP-1-21
ADDRESS: 926 N. Peterman Road
Section 27, Township 14, Range 3
PETITIONER: Venus Thorne

REQUEST

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance provides for the construction of an accessory dwelling within an R-1, Single-Family Zoning District.

STAFF RECOMMENDATION

Staff recommends **approval** of this request subject to substantial compliance with the site plan and building elevations submitted with this petition.

PROPERTY DESCRIPTION

This 3.69-acre site is zoned R-1 (Single Family Residential) and is improved with a single-family dwelling. It is part of the Forslund Woods Minor Residential Subdivision. It is surrounded to the north by two vacant residential lots, to the south and east by residential dwellings, to the west by a mobile home park.

VARIANCE REQUEST – SECONDARY DWELLING UNIT

The petitioner plans to build an accessory dwelling on the property, to be used primarily for the caretaking of a family member. The proposed accessory dwelling will be 960 square feet and will be northwest of the house.

In the recently approved amendments to the Zoning Ordinance, accessory dwellings units are listed as a special exception if the property is located in a minor or major subdivision. This was implemented as a precaution since the subdivision might have private restrictions on second dwellings that we would not be aware of. The special expectation would serve as notices to those within a subdivision that might have an interest.

The subject property is located in a minor subdivision of four lots, two of which are currently vacant. The lot to the south is owned by a family member of the petitioner. The petitioner has submitted a letter of approval from the owner of the two north vacant lots.

In summary, staff regards the request as meeting the requirements of the ordinance and special exception and approves the request.

STAFF ANALYSIS OF FINDING OF FACTS FOR SPECIAL EXCEPTION

State Requirement: The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question.

Staff Analysis: The Zoning Ordinance of Johnson County specifically lists "accessory dwellings" as a use permitted by Special Exception in the R-1 District.

State Requirement: The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.

Staff Analysis: Construction of the structure would require a building permit. The property is already served by a driveway and public water.

State Requirement: The special exception shall not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance.

Staff Analysis: the accessory dwelling complies with Ordinance standards does not pose any danger, injurious, or noxious conditions to any persons or property. The proposed accessory structure complies with all development standards for single-family residences identified in the Ordinance.

State Requirement: The special exception shall be sited, oriented, and landscaped to produce a harmonious relationship to buildings and grounds to adjacent buildings and property.

Staff Analysis: The proposed structure will be located adjacent to the existing dwelling and share the same driveway.

State Requirement: The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood

Staff Analysis: The accessory structure will be built similarly to the existing house.

State Requirement: The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

Staff Analysis: The proposed structure will be located adjacent to the existing dwelling and share the same driveway.

State Requirement: The special exception shall preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan.

Staff Analysis: The structure will maintain the residential use relationship with the area and will not interfere with the Comprehensive Plan

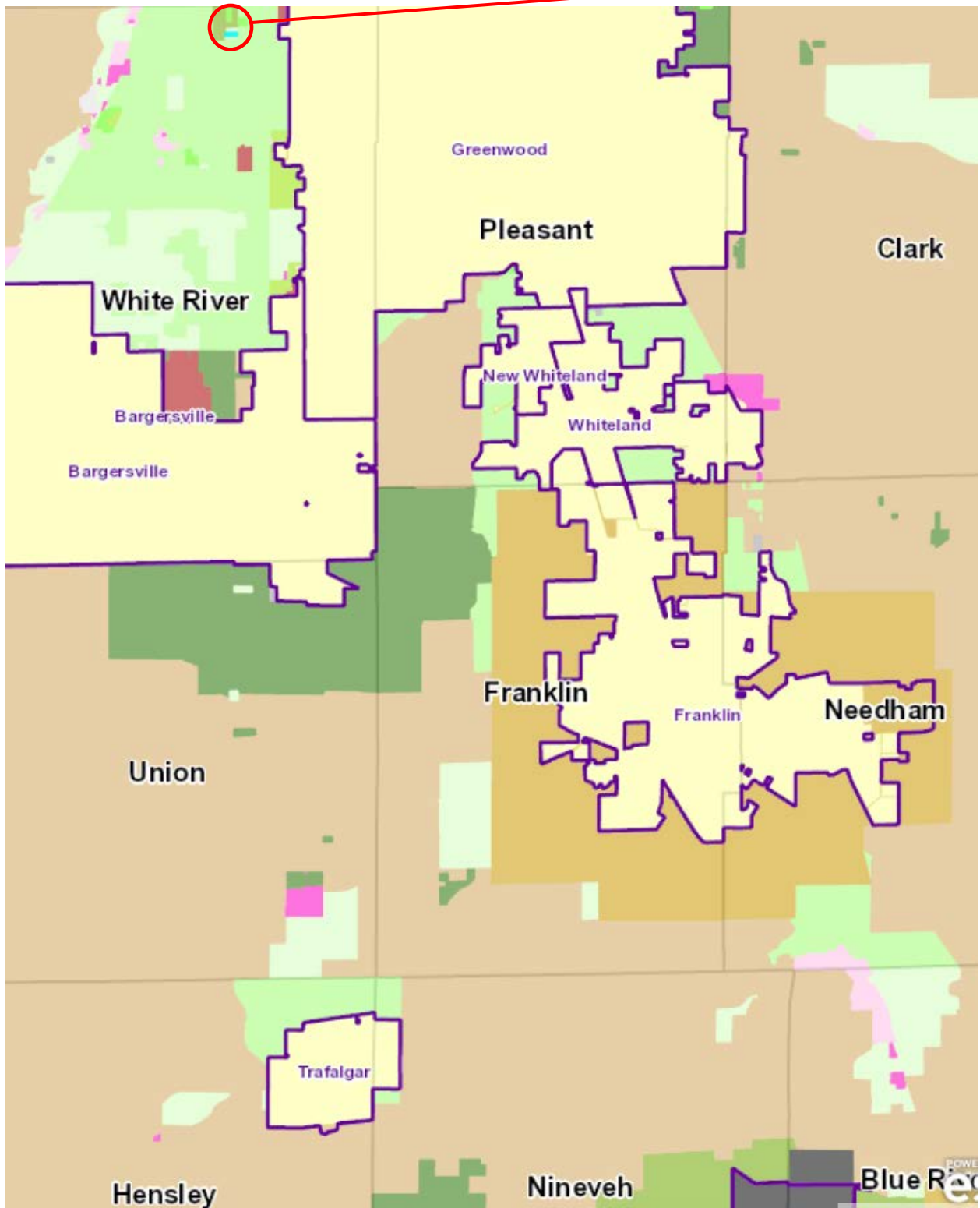
GENERAL INFORMATION

Applicant/Owner: Venus Thorne
926 N. Peterman Road
Greenwood IN 46142

Zoning: R-1 (Residential)
Land Use: Single-family Residential
Future Land Use: Suburban Residential

SP-1-21 BASE MAP

subject site



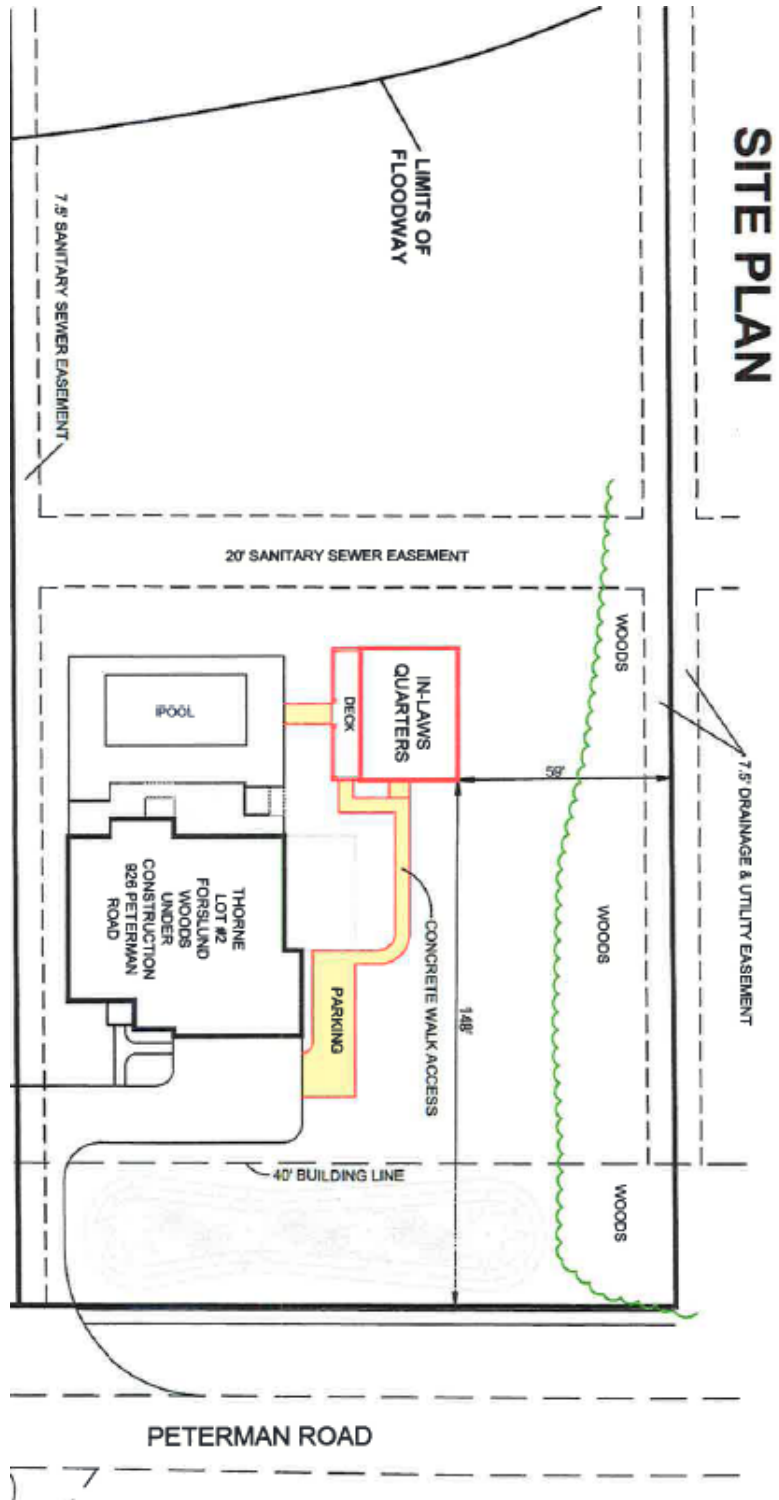
SP-1-21 AERIAL PHOTO



SP-1-21 AERIAL PHOTO



SP-1-21 SITE PLAN



SP-1-21 PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, SPECIAL EXCEPTION

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question because:

Lot #2 Forslund Woods lies within the R-1 Zoning District. The request is to construct an in-law's quarters requiring a special exception request from the Board of Zoning Appeals.

2. The special exception can be served with adequate utilities, access roads, drainage and other necessary facilities because:

The in-law's quarters would have access to the utilities on site serving the current residence, drainage is in place, and access is provided to North Peterman Road via the existing drive access for Lots #1 and #2 Forslund Woods.

3. The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance because:

The in-law's quarters will comply with all design standards in place and match the exterior of the existing structure, and will not involve any element of cause any condition that may be dangerous, injurious, or noxious to any other property or persons.

4. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and property because:

The new structure matches the exterior of the existing structure and landscaping, producing a harmonious relationship of buildings and grounds to adjacent buildings and property.

5. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood because:

The new structure matches the exterior of the existing structure producing a total visual impression and environment consistent with the neighborhood environment.

6. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood because:

The site plans submitted with this petition show the drive access to North Peterman Road and parking areas.

7. The special exception shall preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan because:

The requested special exception will maintain a harmonious relationship with the area and not interfere with the Comprehensive Plan.

SP-1-21 Birds Eye View



SP-1-21 LETTER FROM PROPERTY OWNER TO THE NORTH

Donna Smithers

From: Alfonso Wei <alfonsowei@gmail.com>
Sent: Saturday, February 20, 2021 8:29 AM
To: Donna Smithers
Subject: Support for Proposed Construction of In-Law Quarters - Lot 2 Forslund Woods / 926 Peterman Rd

Donna,
This email is to document my support for the proposed construction of an in-law quarters on Lot 2 Forslund Woods / 926 Peterman Rd.
Let me know if I can help in any way.
Best regards,
Alfonso Wei

Staff Report

CASE NUMBER: V-7-21
ADDRESS: Approximately 2031 West 725 South, Trafalgar
Section 11, Township 13, Range 3
PETITIONER: Joel and Lauren Butler

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a single-family dwelling

- a) with a 20-foot front yard setback (minimum 35-foot front setback required), and
- b) with 858 square feet on the ground floor of the dwelling (minimum ground floor area of 900 square feet required for a two-story dwelling).

STAFF RECOMMENDATION:

Staff recommends the approval of these variances.

PROPERTY DESCRIPTION

This 4.5-acre site is zoned R-R (Rural Residential) and is un-improved. The site is surrounded by parcels of similar or larger size with single-family dwellings, agricultural fields, and heavily wooded areas. All surrounding properties are zoned A-1. Indian Creek runs through the southern corner of the property.

VARIANCE REQUEST

These requests, if approved, would allow for the construction of a single-family home to be placed on the property.

VARIANCE – FRONT SETBACK

This request would allow the placement of the single-family dwelling to be 20 feet from the right of way where the ordinance requires 35 feet. The right of way for 725 South is 25 feet from the center of the road. Using the best available data from the Indiana Flood Plain Portal, the western half of the property is in the flood zone. The setback will allow the placement of a single-family dwelling without major alteration to the property and to remain out of the flood zone.

VARIANCE – GROUND FLOOR AREA

The Johnson County Zoning Ordinance requires the ground floor of a two-story structure must living space to be a minimum of 900 square feet. The petitioner plans on building a small footprint dwelling due to property constraints. The A-frame house will have 858 square feet on the ground floor and 466 square feet on the second floor, overall 1,324 square feet of living space.

Staff asserts that the request allows the property owner the ability to build on the property within reasonable modest variance requests without major land alteration and to avoid development in a flood zone. The Staff recommends approval of these requests.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - ACCESSORY BUILDING AREA

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Required building and improvement permits must be issued prior to the development of the subject structure.

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.

The approval would provide for site development generally consistent with the area.

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

The ordinance required location places the structure within the slope of a hill and in the flood zone.

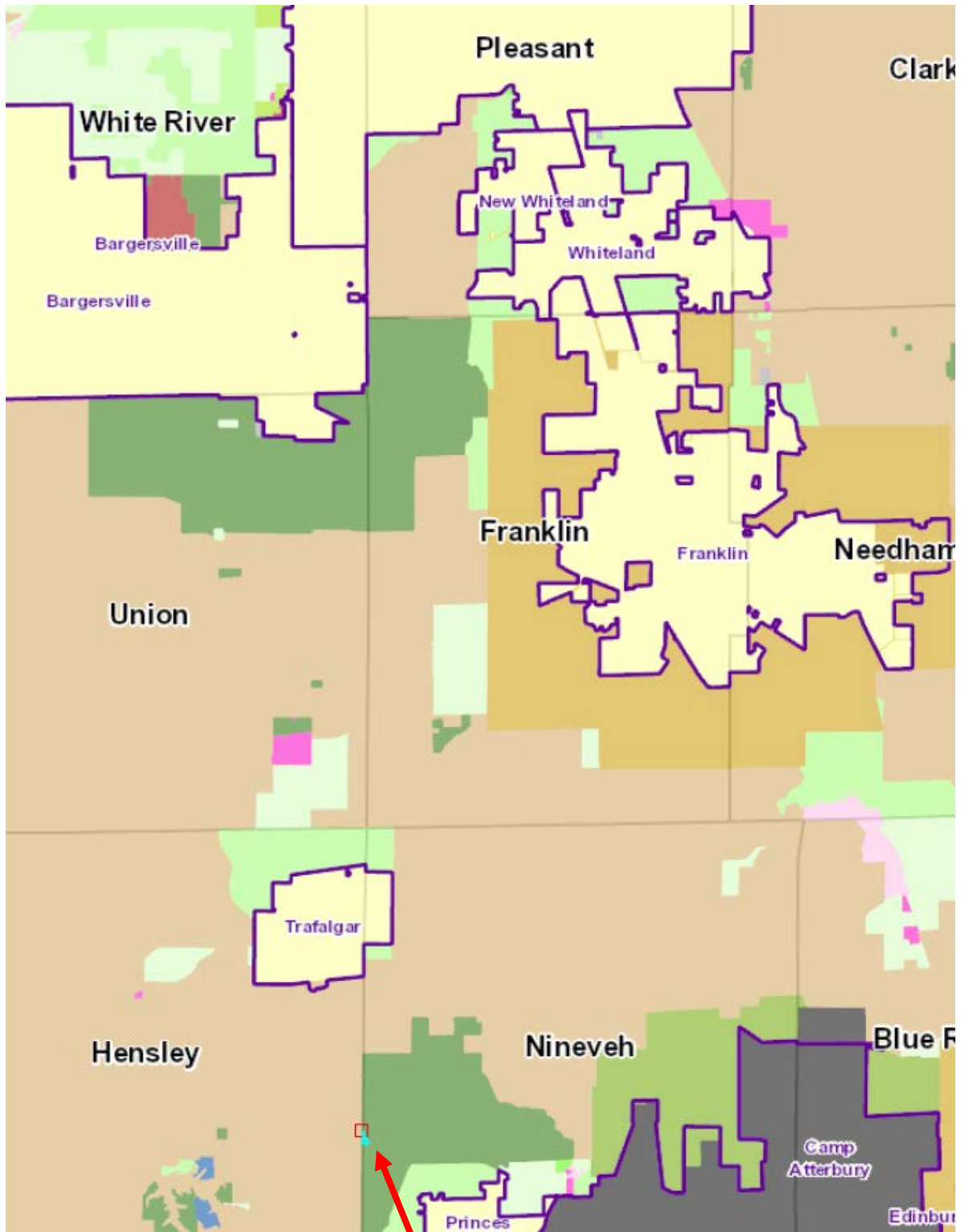
GENERAL INFORMATION

Applicant: Joel Butler
6137 S 750 W
Edinburgh, IN 46124
317-412-1341

Owner: Same

Zoning: A-1 (Agricultural)
Land Use: vacant
Future Land Use: Agricultural
-MNH

V-7-21 BASE MAP



SUBJECT SITE

V-7-21 AERIAL

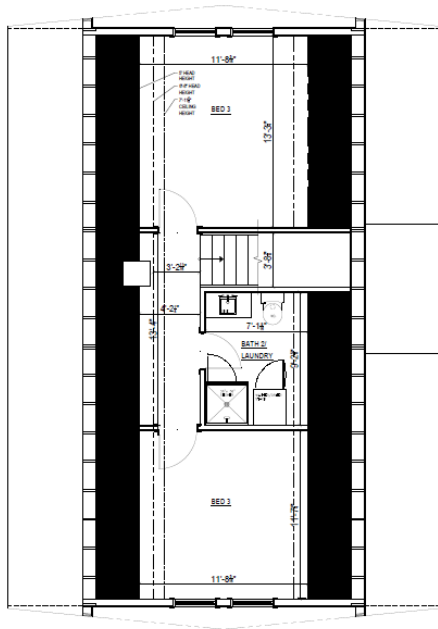


V-7-21 AERIAL II





V-7-21 FLOOR PLAN AND ELEVATION



2. 2ND FLOOR FLOOR PLAN

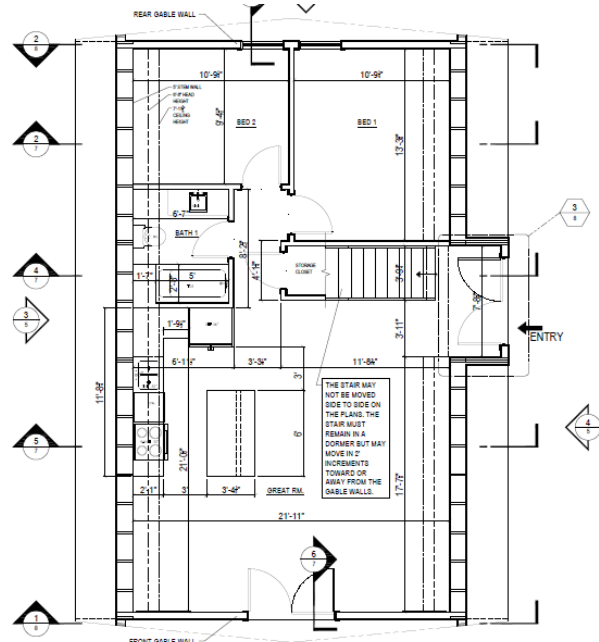


SCALE: 1/4" = 1'-0"



(B) WINDOW FLASHING DETAIL

SCALE: 1/4" = 1'-0"

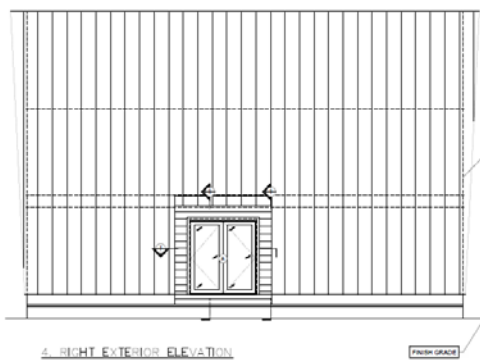


1. 1ST FLOOR FLOOR PLAN



SCALE: 1/4" = 1'-0"

FLOOR PLAN



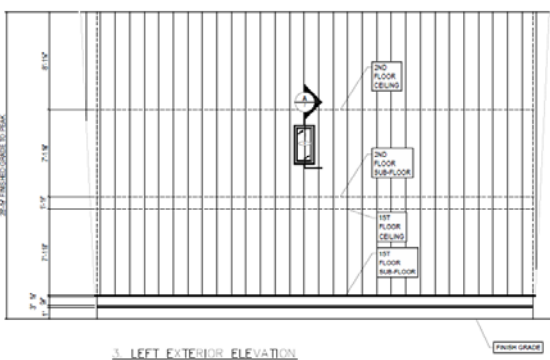
4. RIGHT EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



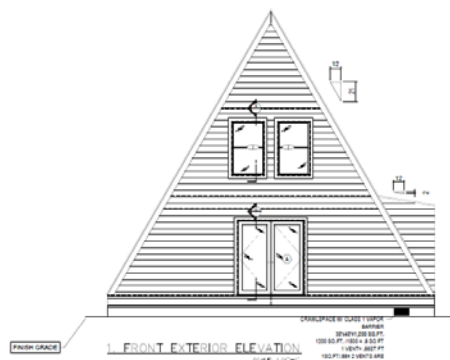
2. REAR EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



3. LEFT EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



1. FRONT EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

V-7-21 PETITIONER FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

the completion of this home will increase the value of the current lot & potentially the surrounding homes. By Nature, a single-family home is not injurious to public health & safety. This home conforms to IRC guidelines.

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:

Based on the professional opinion of Realtor Todd Cook, with the Todd Cook Team, the supposed market value upon completion will be \$257,000

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

a larger house & strict enforcement of ROW's & setbacks would cause this building to fall into an Indiana DNR Regulated Floodway. If that happens, we will be unable to build our home for which we have already sold our past home.

V-7-21 BIRDS EYE VIEW

