



JOHNSON COUNTY

Department of Planning and Zoning
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MEETING AGENDA

Johnson County Board of Zoning Appeals
April 27, 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 March 23, 2021 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-8-21. Samaria Christian Church, 4779 W. State Road 135..... Page 3

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for placement of one 7.5-foot tall free-standing sign (maximum six-foot height allowed) with an internally lit cabinet sign and an electronic variable message component (internal and EVM not permitted in residential and agricultural districts) :

- a. taking up 44% of the total sign face (electronic variable message components may take up no more than 30% of the total sign face),
- b. within 75 feet of residential use (minimum 300 feet of separation from a residential use required),
- c. with a 14-foot front setback from the State Road 135 Road right-of-way (minimum 35-foot front setback required).

V-9-21. Drew Worthen and Sarah Sabatino. 3021 Olive Branch Rd, GreenwoodPage 12

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a detached accessory structure

- a) with a 5-foot side yard setback (minimum 10-foot side setback required), and
- b) with a 10-foot rear yard setback (minimum 20-foot rear setback required).

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, May 25, 2021 at 7:00 PM.

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Staff Report

CASE NUMBER: V-8-21
ADDRESS: 4779 W. State Road 135, Trafalgar
Section 10, Township 11, Range 3
PETITIONER: Samaria Christian Church, by David Wilkerson

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for placement of one 7.5-foot tall free-standing sign (maximum six-foot height allowed) with an internally lit cabinet sign and an electronic variable message component (internal and EVM not permitted in residential and agricultural districts) :

- a. taking up 44% of the total sign face (electronic variable message components may take up no more than 30% of the total sign face),
- d. within 75 feet of residential use (minimum 300 feet of separation from a residential use required),
- e. with a 14-foot front setback from the State Road 135 Road right-of-way (minimum 35-foot front setback required).

STAFF RECOMMENDATION:

Staff recommends **approval** of these request, subject to the following conditions:

1. The sign shall not display any scrolling, flashing, animated, or otherwise moving image, and shall emit no noise.
2. The sign's image shall change at a rate no greater than once per eight seconds.

PROPERTY DESCRIPTION

This approximately 6-acre property is zoned R-1 (Single-family Residential) and A-1 (Agricultural) and is home to the Samaria Christian Church. The property is surrounded by large tracts of land used agriculturally and with an occasional single-family dwelling.

SIGN REGULATIONS

The Sign Regulations of the Johnson County Zoning Ordinance “provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Johnson County.”

The Sign Regulations regulate conventional sign area, height, setback, and other specific measurable characteristics, and provide additional restrictions on electronic variable message signs (EVMS), which are generally considered to have a higher visual and aesthetic impact on their environments. Specifically, the Sign Regulations:

- a) prohibit the erection of any sign with an EVMS component within 300 feet of residential use,
- b) require any sign with an EVMS component to provide a minimum 35-foot setback from a public right-of-way,
- c) allow a sign's EVMS component to take up no more than 30% of the total sign face.

VARIANCE REQUEST

This request, if approved, would provide for the placement of a new 7.5-foot-tall freestanding sign containing an EVMS component. This will replace the existing free standing sign on the property. The proposed sign will be in a similar location as the existing sign. The proposed sign requires granting of five variances as listed:

- 1. To allow for a sign height of 7.5 which is greater than 6 foot allowed
- 2. To allow for an internally lit cabinet sign and an EVMS component which is not allowed in a residential agricultural district.
- 3. To allow for a larger EVMS component area than allowed.
- 4. To allow for a lesser setback separation from a residential use
- 5. To allow for a lesser setback from State Road 135

The proposed sign will be 7.5 feet in height. The existing sign is about 8 feet in height. The sign is proportional to the building and the road. The proposed sign will replace an existing message reader board with an internally lit cabinet sign that is about 1' x 8' and with an EVMS component that is about 2' x 8'. The EVMS will encompass 44% of the sign cabinet which would allow for a 9.6' x 1.4' EVMS sign

The sign will be 75' from the north side of State Road 135 which is used residentially however the residence would be 250 feet away. The ordinance requires an EVMS to be 300 from residential use. The sign will also be 14 feet from the Right of Way line; the same location as an existing sign. The petitioner did note that the sign may move further east but not closer to the road. An EVMS may not be placed closer than 35 feet to a public right of way. The sign may only be 14 feet from the right-of-way line it will be about 35 feet or more from the edge of payment.

The proposed sign location and height would be appropriate because of the relative scale of the property it would identify as well as it is adjacent to a State Highway where a larger sign is desired so the readability increases. The sign is size appropriately to identify the size from the road.

The EVMS will replace the old reader board that the organization currently uses. The EVMS will allow information to be displayed in a better format that is viewable by patrons and motorists. The proposed EVMS cabinet is smaller than a typical EVMS that is used at other locations. Typically, an EVMS is a 32 square foot sign. Here the sign is roughly 14 square feet.

The proposed sign would be located within 300 feet of two residential lots to the east and north. The sign regulations require at least 300 feet of separation between any sign with an EVMS component and any residential use because of the visual impact associated with EVMS signs and their assumed inappropriateness adjoining residential homes.

Here, staff would assert that a set of operational conditions that would prohibit moving images, limit the frequency of display change, and suggest complete darkening of the electronic component from 9 pm to 7 am

would mitigate any adverse impacts an EVMS might have, in comparison to a conventional sign, on nearby residential homes.

For these reasons, staff asserts that the requested variances merit approval with conditions recommended at the beginning of this report

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.

Required sign 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 proposed sign would allow for use of a sign technology commonly used on similar sites in similar areas. The sign is replacing an existing sign of similar size and location, it would be unlikely to create adverse impacts.

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

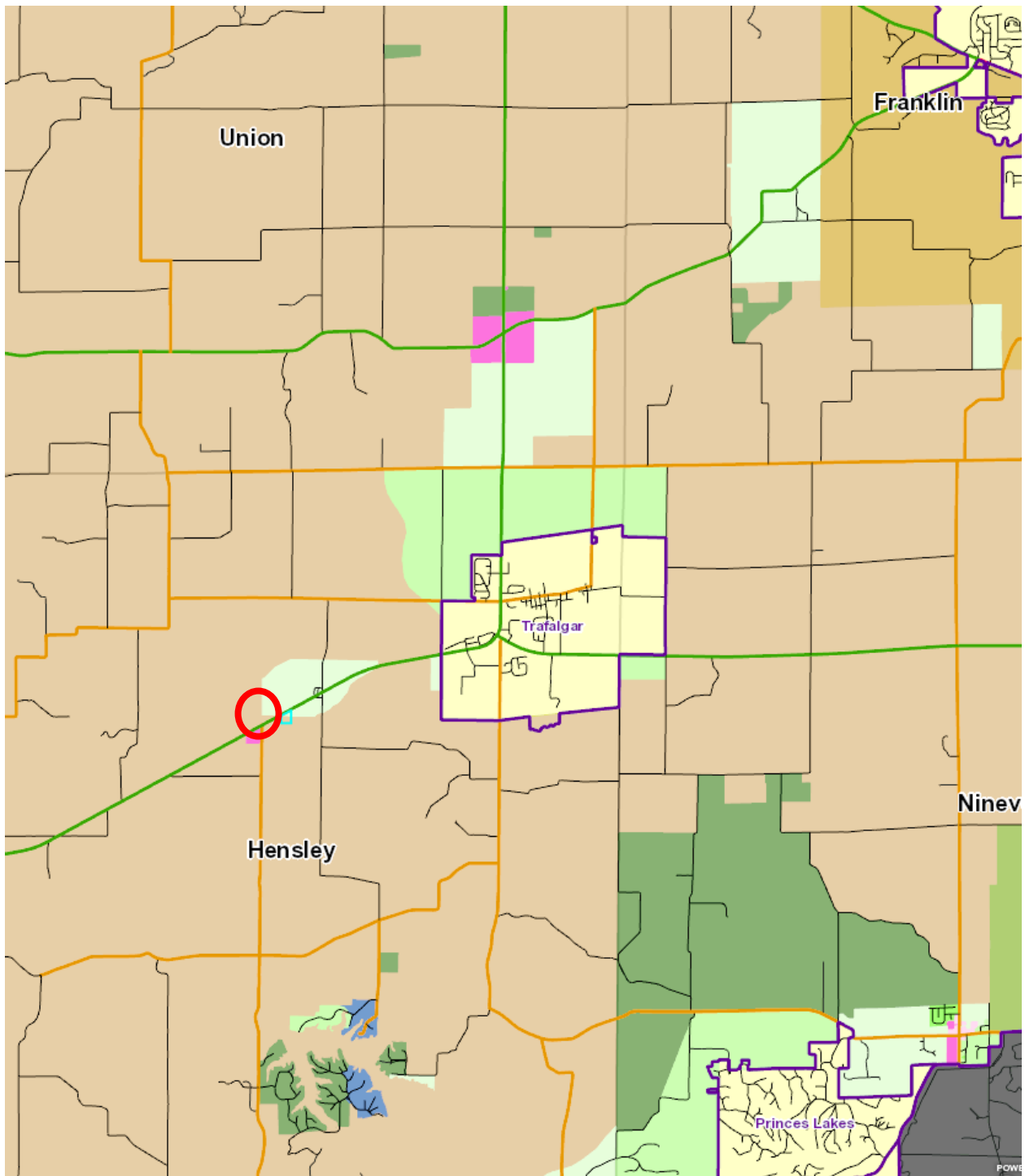
The proposed sign, amended to be compliant with the zoning ordinance's height limitation, would appropriately allow the church to utilize a relatively new technology to communicate effectively with the general public.

GENERAL INFORMATION

Applicant:	David Wilkerson
Owner:	Samaria Christian Church 4779 W. State Road 135 Trafalgar, IN 46181
Zoning:	R-1 (Single-family Residential)
Land Use:	Religious intuition
Future Land Use:	Single-family Residential

-MNH

V-8-21 BASE MAP



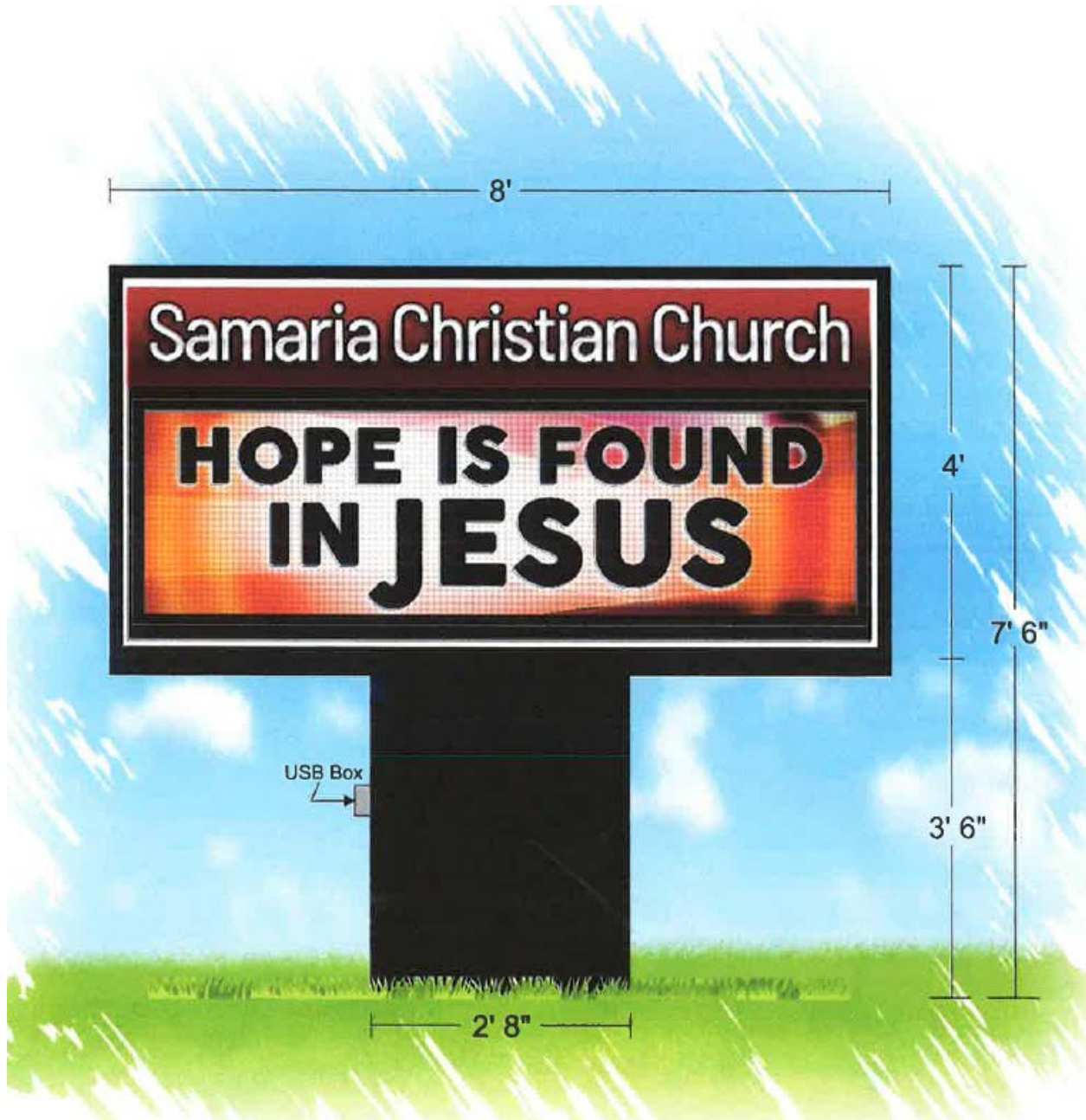
V-8-21 VICINITY MAP



V-8-21 PROPERTY MAP



V-8-21 PROPOSED SIGN



V-8-21 EXISTING SIGN



V-8-21 PETITIONER'S FINDINGS OF FACT

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

The sign will be used for church business only.

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:

All of the adjacent properties are more than 500 ft from church property.

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

Should not be any difficulty. The properties around are farm ground.

Office Use Only: Do Not Write Below This Line

Staff Report

CASE NUMBER: V-9-21
ADDRESS: 3021 Olive Branch Road, Greenwood
Section 11, Township 13, Range 3
PETITIONER: Drew Worthen and Sarah Sabatino

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a detached accessory structure

- a) with a 5-foot side yard setback (minimum 10-foot side setback required), and
- b) with a 10-foot rear yard setback (minimum 20-foot rear setback required).

STAFF RECOMMENDATION:

Staff recommends **denial** of these requests.

PROPERTY DESCRIPTION

This 0.37-acre site, Lot 52 of El Dorado Estates 1st Section, is zoned R-1 (Single-family Residential). It is improved with a single-family dwelling and a shed. The site is surrounded to the east, west, and south by other dwelling units within the same subdivision. On the north side of Olive Branch is the Heron Ridge Subdivision that is developed with duplex homes. To the northwest are larger older residential lots.

VARIANCE REQUEST – ACCESSORY STRUCTURE IN FRONT YARD

This request, if approved, would provide for the construction of a 576 square footage detached garage addition that will be 5 feet from the side property line and 10 feet from the rear property line. This will replace the existing shed.

The majority of the lots in the El Dorado Subdivision have 200 to 300 square foot mini-storage sheds located in the rear of the yard. Only a few have larger structures. The parcel to the east of this property has a similar size structure but Staff looked into the approval of this structure and did not find any. Therefore this structure has been classified as an illegal non-conforming structure.

Six lots to the west is a residential lot with a similar size garage but it meets the setback requirements. This property however has 10 extra feet to the south in the back yard. The petitioner is requesting these variances to maximize the space in the backyard.

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.

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 that would preclude it from being developed within the petitioner's property outside the side and rear yard setback.

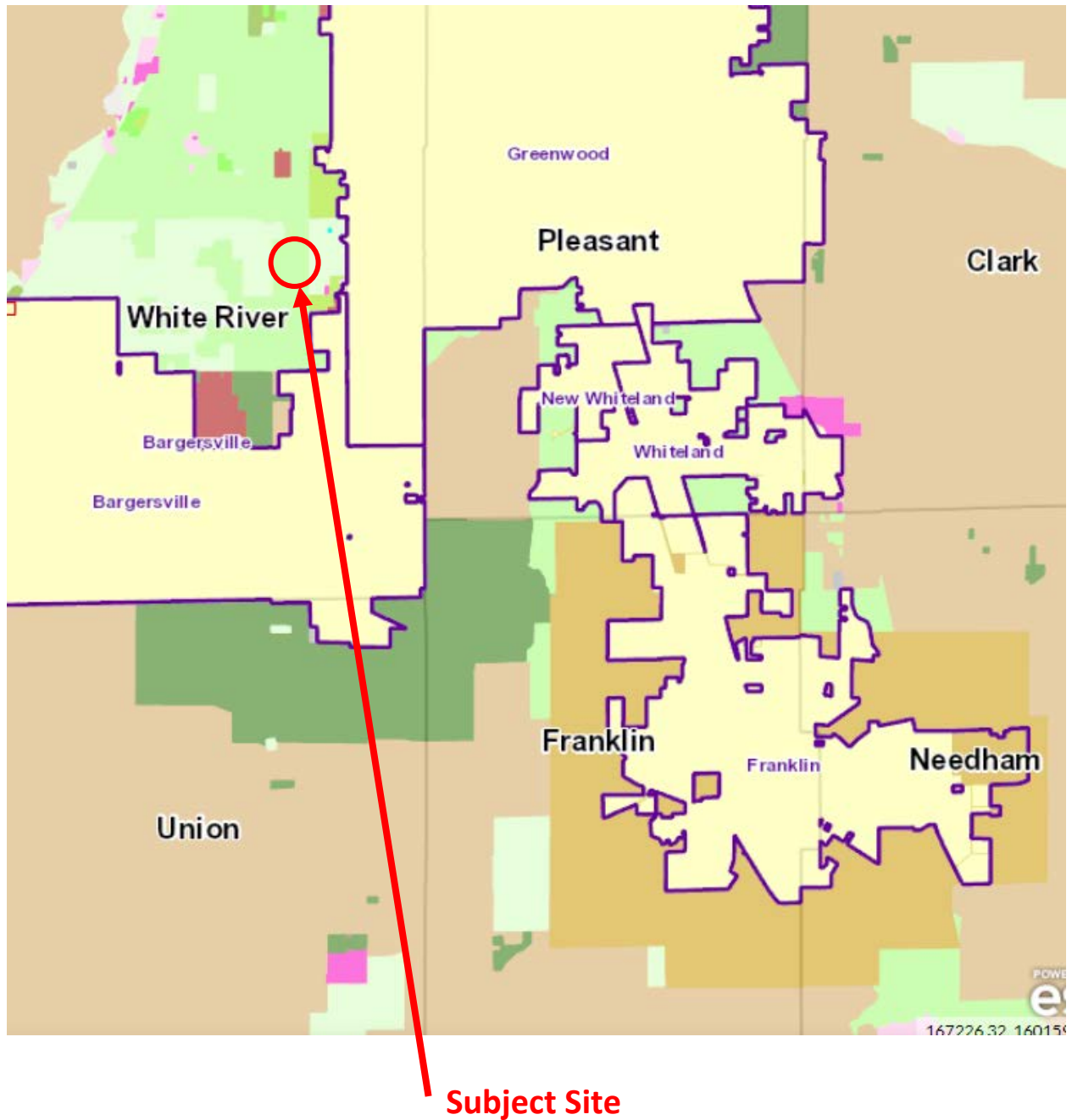
GENERAL INFORMATION

Applicant: Drew Worthen & Sarah Sabatino
3021 OLIVE BRANCH RD
GREENWOOD, IN 46143

Owner: same

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

V-9-21 BASE MAP



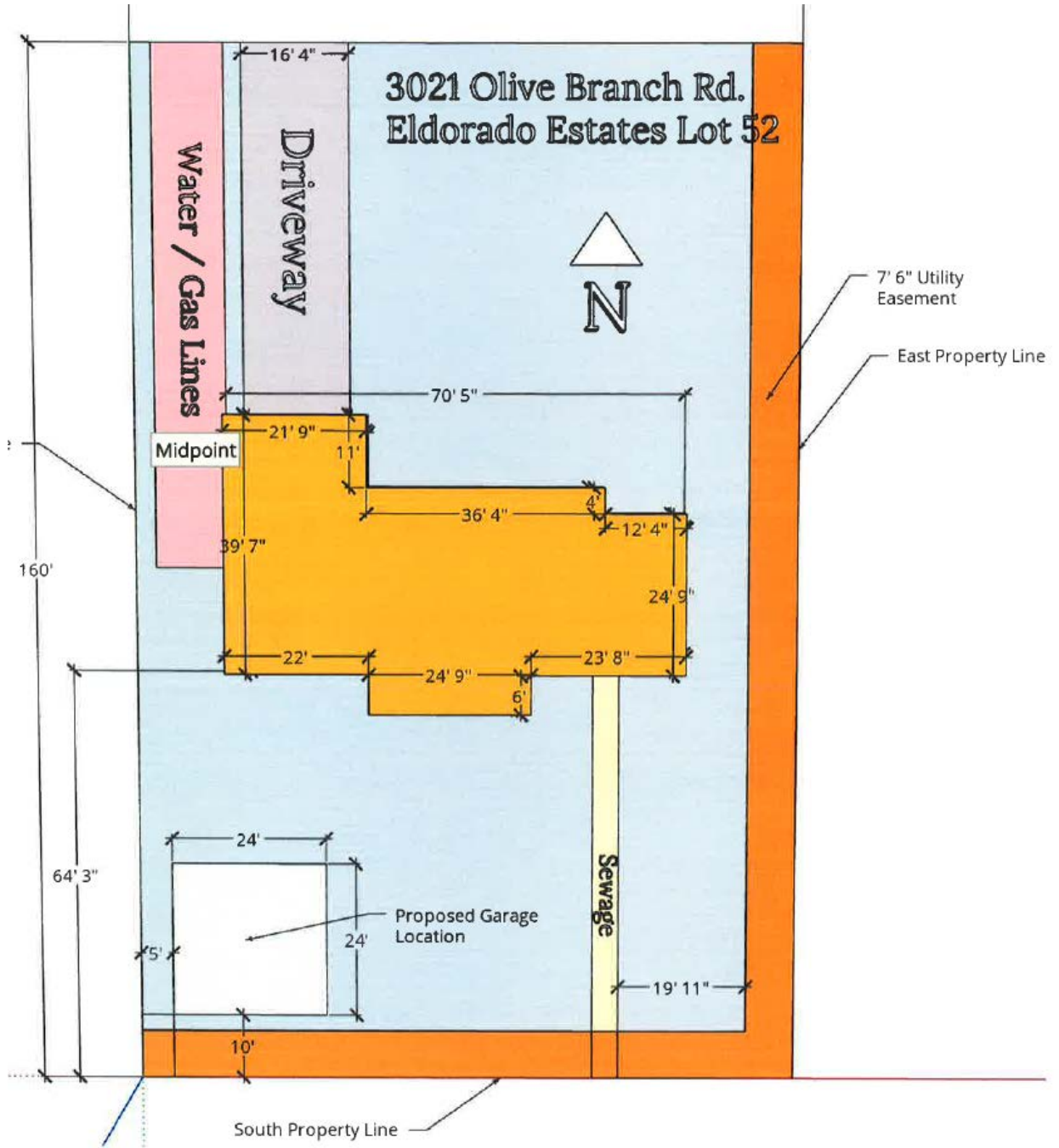
V-9-21 AERIAL PHOTO I



V-9-21 AERIAL PHOTO II



V-9-21 SITE PLAN



V-9-21 Elevation



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 proposed structure will still remain well within the property lines of the petitioner, will not obstruct neighbors' sightlines, views, or access to any property or easement, and will remain free and clear from all utility services, including overhead power which has been cleared, in writing, by Johnson County REMC engineer, Scott Jean, to satisfy their concerns regarding displacement.

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 structure will be built to standards that meet or exceed local building codes, of high quality materials, in a visually appealing style that keeps the appeal of the neighborhood's standards and general aesthetics. The building location, as being petitioned, will still be well outside the 7.5' utility easement set forth in the El Dorado neighborhood covenants.

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

Accessibility to the garage is near-impossible with current setback requirements. The garage door opening would have to open to the West, 10' from the property line, being too close to be accessible to a vehicle or trailer. To solve this, moving the entire building to the East would be difficult or impossible due to sewer lines and trees. Adherence to county setback requirements would also limit the use of the yard space, as the garage would occupy most of the free space. Moving the garage closer to the Southwest corner, as being petitioned, still clear of utility easements, would allow the petitioner to make the entrance to the garage face due North, giving a clear line-of-site to the driveway.

V-9-21 SITE PHOTOS





V-9-21 Properties in El Dorado with sheds

