

Johnson County Plan Commission

August 24, 2020 Meeting Minutes

The Johnson County Advisory Plan Commission met on Monday, August 24, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 6:03 PM by Vice Chairman Chad Bowman.

I. ROLL CALL:

Present: Chad Bowman, Charlie Canary, Gregg Cantwell, Sarah Hanson, Pete Ketchum, John Schilling, Pat Vercauteren, Ron West, Attorney Stephen Watson (Legal Counsel - not voting), David Hittle (Director – not voting), Michele Hansard (Senior Planner – not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Dan Cartwright and Jonathan Myers (Alternate)

II. APPROVAL OF MEETING MINUTES:

Vice Chairman Chad Bowman called for a motion to approve the August 24, 2020 Plan Commission meeting minutes.

Motion: Approval of August 24, 2020 Plan Commission meeting minutes. **Moved** by John Schilling. **Seconded** by Ron West. **Yes:** Bowman, Canary, Cantwell, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

III. PUBLIC HEARINGS:

W-5-20; Douglas Avona – Waiver Request. 4019 Summit Ridge Dr.

Staff presented findings and facts to the board and recommended approval of the amended request.

Petitioner Douglas Avona (4019 Summit Ridge Dr., Greenwood 46142) was present to speak and address concerns.

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

- Q. Board member Charlie Canary inquired as to whether or not an engineer had reviewed the proposed plan and acknowledged that it would work?
 - A. Yes.

Motion: To approve W-5-20 to allow for a sump or downspout pipe discharge with a ten foot (10') setback from Summit Ridge Drive and staff's Amended Findings of Fact. **Moved** by Ron

West. **Seconded** by Pat Vercauteren. **Yes:** Bowman, Canary, Cantwell, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

W-6-20; Rachel Lesperance – Waiver Request. 49 E. 375 S.

Staff presented findings and facts to the board and recommended denial of the subdivision is of a non-original lot of record and approval of one (1) lot will have an area of 3.2 acres.

Surveyor Brad Ott with Main Street Consulting Company (675 N. Main St., Franklin 46131) was present to speak and address concerns on behalf of the Petitioner. **Exhibit** packet was provided to the board for review.

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

- Q. Board member Charlie Canary asked if there were nine (9) splits and is one (1) being built on now?
A. Yes.
- Q. Board member Sarah Hanson inquired as to whether this waiver request was number six (6) or eight (8)?
A. Six (6).
- Q. Board member Ron West referred to one (1) of staff's visual presentation slides and inquired as to whether or not staff was favorable of the split size?
A. Yes, if the Plan Commission can justify an additional split of the property.
- Board member Charlie Canary expressed his concerns regarding setting a precedence for splitting properties.

Motion: To approve W-6-20 to allow for a two (2) lot Roadside Subdivision where the subdivision is of a non-original lot of record, one (1) lot will have an area of 3.2 acres and Petitioner's Findings of Fact. **Yes:** Bowman, Cantwell, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** Canary. **Motion approved 7-1.**

W-7-20; Lucy Properties – Waiver Request. 3400 E. 600 N.

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

Surveyor Paul Maurer with Maurer Surveying, Inc. (4800 W. Smith Valley Rd., Ste. P, Greenwood 46142) was present to speak and address concerns on behalf of the Petitioner.

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

- Board member Ron West expressed his concerns regarding the possibility of a future flag lot.
- Q. Board member Ron West inquires as to the line of sight and if a shared drive was a possibility?
A. Yes.


Motion: To approve W-7-20 to provide for a Roadside Subdivision with three (3) lots having areas of 3.17, 3.18 and 5.27 acres and Petitioner's Findings of Fact. **Moved** by Ron West. **Seconded** by John Schilling. **Yes:** Bowman, Canary, Cantwell, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

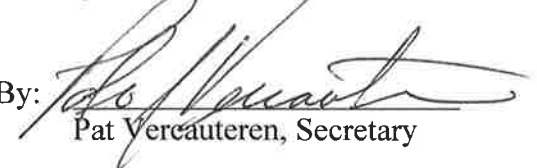
IV. ADJOURNMENT:

Vice Chairman Chad Bowman called for a motion to adjourn the meeting at 6:46 PM.

Motion: Adjourn the meeting. **Moved** by Pat Vercauteren. **Seconded** by Charlie Canary. **Yes:** Bowman, Canary, Cantwell, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

Approved on: September 28, 2020

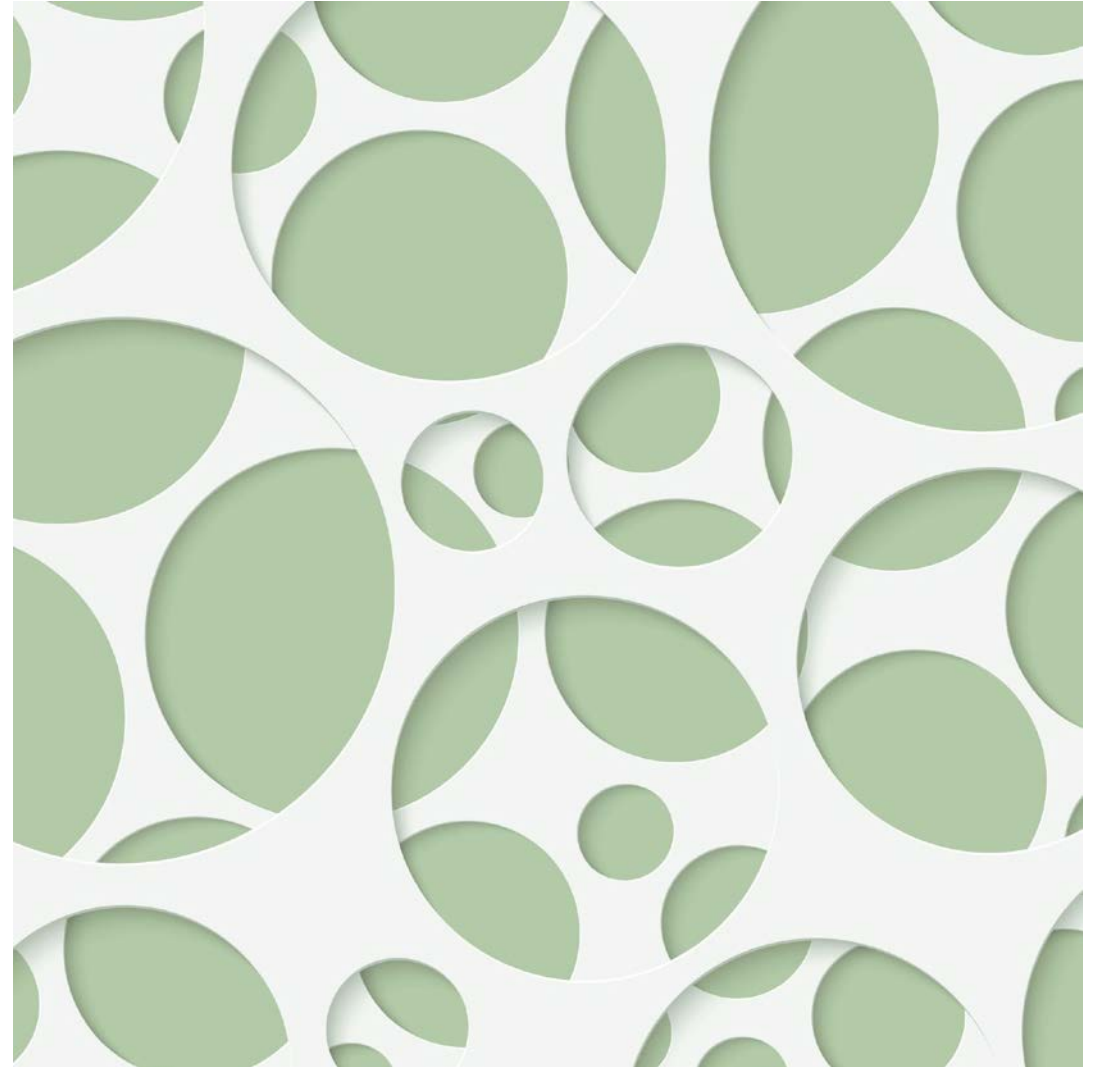
By: 
Dan Cartwright, Chairman
Chad Bowman, Vice Chair

Attested By: 
Pat Vercauteren, Secretary

LESPERANCE

Subdivision Waiver

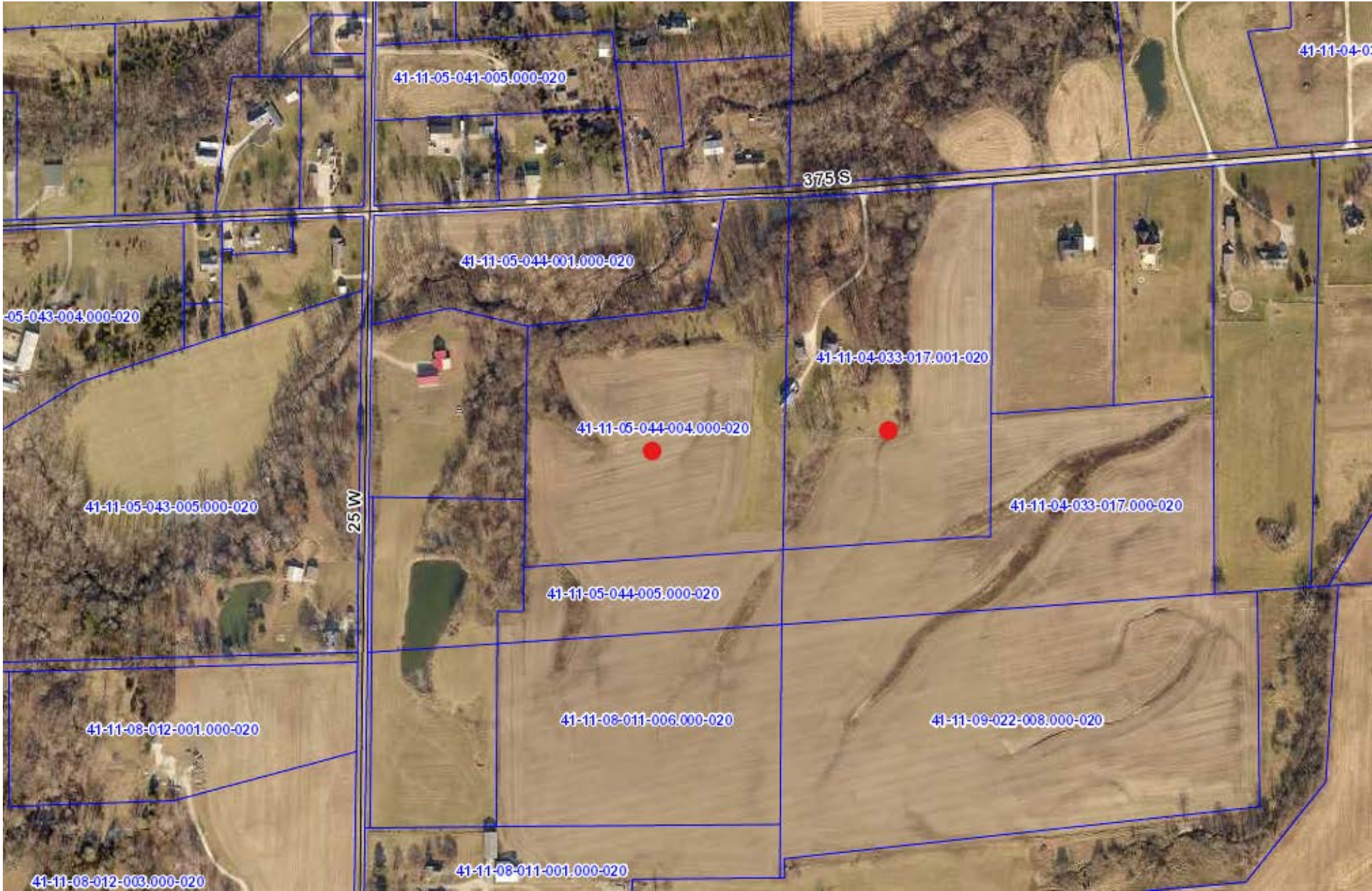
August 24, 2020



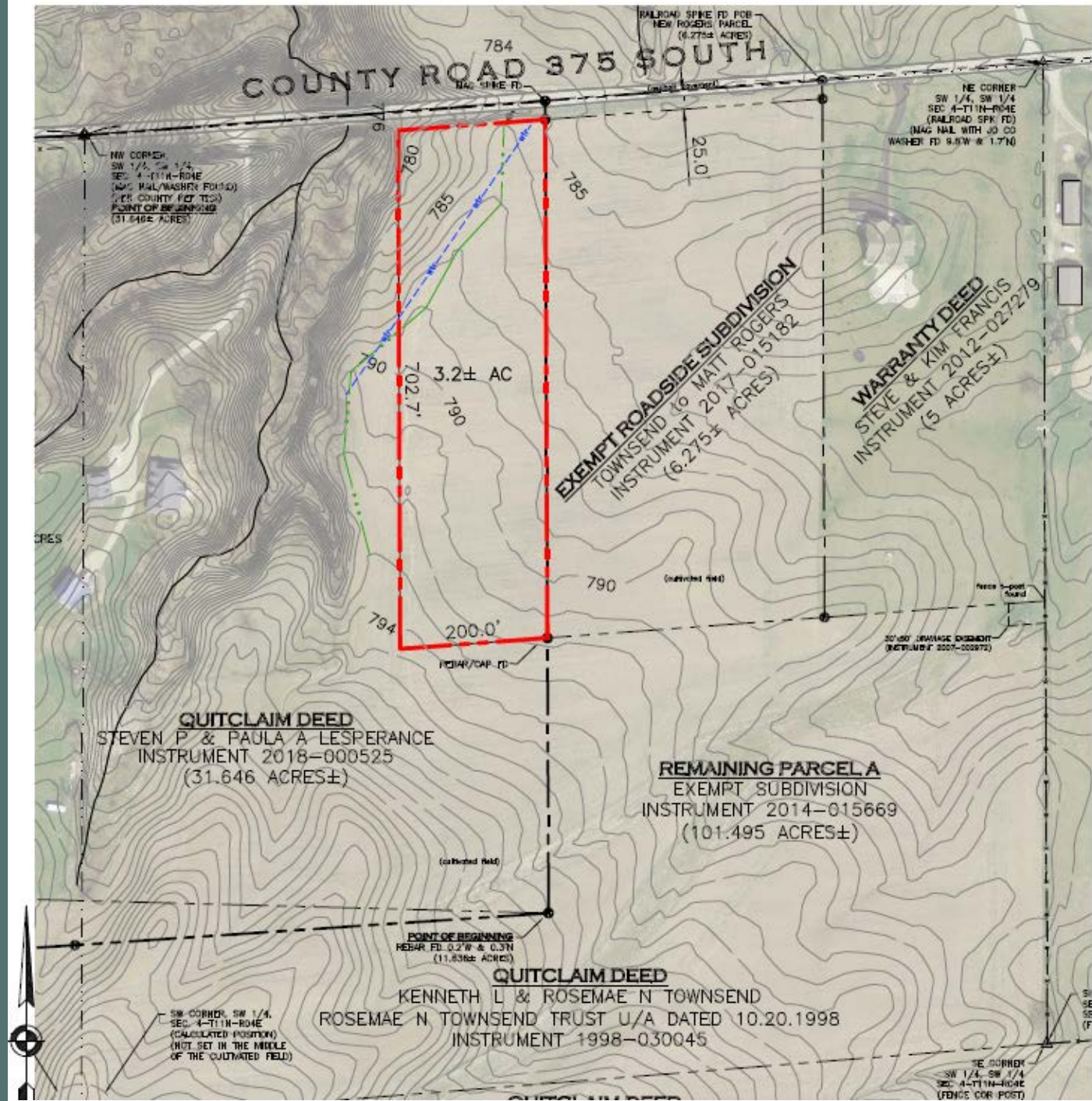
WAIVER REQUEST

Petitioner is seeking a waiver of the Johnson County Subdivision Control Ordinance to allow for a 3.2-acre lot in a single lot Roadside Subdivision where the parent parcel, containing 31.646 acres, is a non-original lot. Currently the parent parcel is zoned A-1 and is used agriculturally with one single family dwelling and two accessory structures. The original Townsend Farm from which the parent parcel was split in 2006 (20.0007 acres) and 2018 (11.636 acres) originally consisted of several hundred acres. Although various Exempt and Roadside Subdivisions have since been created, Petitioner's request should not be viewed unfavorably on the sole basis that the Lesperance parcel was originally split from the Townsend Farm. Petitioner is not requesting a change in the current zoning classification.

Area Overview



SITE LAYOUT



ZONING ORDINANCE

C. A-1, AGRICULTURAL DISTRICT

1. Purpose

The purpose of the A-1, Agricultural District is to accommodate agricultural operations and practices. In addition, the A-1, Agricultural District preserves and protects agricultural land, the rural character of Johnson County, and the agricultural tradition of the county. The intent of this district is to allow agricultural development by reason of location and the availability of natural resources and infrastructure system.

2. Lot and Yard Requirements

- a. The following development standards shall apply within the A-1, Agricultural District:

Uses where applicable	All permitted uses and special exceptions identified in A-1, Agricultural District.
Minimum Lot Size	Two (2) acres or the minimum acreage needed as determined by the Johnson County Health Department to accommodate a drain field for a septic system, tested and approved replacement septic system, and adequate separation between septic wastes and well water.
Minimum Road Frontage	100 feet
Minimum Lot Width	208 feet
Maximum Lot Coverage	25 percent
Minimum Front Yard Setback	See Table, Page 43
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Maximum Building Height	50 feet
Minimum Ground Floor Area for Principal Use	1000 square feet for single-story structures, 900 square feet for two or more stories.

- b. Minimum Lot Density

All original lots within the A-1, Agricultural District may be split (by Minor Roadside Subdivision) provided that the resulting parcels, including the lot of record, shall not average a lot density of greater than one (1) lot per ten (10) acres.

STATUTORY CRITERIA

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property because the proposed 3.2 acre lot is surrounded to the north and east by tracts of similar size used residentially and all zoned A-1. The parent tract is situated to the west with large tracts of land used for agricultural purposes to the south. The proposed lot exceeds the minimum acreage requirement for installation of a well and septic system and any future development of the proposed lot would comply with current building codes and other applicable regulations.

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 because a tributary of Buckhart Creek, situated to the north of the proposed lot and parent parcel, runs in a southerly direction to a point just south of County Road 375 South where it splits and continues south through the wooded areas both east and west of the existing homesite located on the parent parcel. In the event of heavy rain, Buckhart Creek and its tributaries tend to spill over and flood the surrounding area.

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 because the southerly distance that is required to position a proposed homesite outside of the area subject to flooding from Buckhart Creek and its tributaries creates an asymmetrical lot if held to the two acre requirement. Approval of this request represents a minor deviation from the two-acre requirement and allows the western property line and proposed homesite to be situated outside the area subject to flooding in addition to establishing a uniform southern property line with the adjoining properties.

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THANK YOU

