

Johnson County Board of Zoning Appeals

August 25, 2020 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, August 25, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:01 PM by Chairman Chad Bowman.

I. ROLL CALL:

Present: Chad Bowman, Chris Campbell, Dan Cartwright, James Kaylor, Stephen Powell, Attorney Francis Mattingly (Legal Counsel - not voting), David Hittle (Director - not voting), Michele Hansard (Planner – not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Paul Clodfelter (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chair Chad Bowman called for a motion to approve the July 28, 2020 Board of Zoning Appeals meeting minutes.

Motion: Approval of July 28, 2020 Board of Zoning Appeals meeting minutes. **Moved** by Dan Cartwright. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

III. PUBLIC HEARINGS:

V-17-20; Rosemae Townsend – Variance of Development Standards. 4141 S. 25 W.

Staff presented findings and facts to the board and recommended approval of this request subject to substantial compliance with the site plan and building elevations submitted with this petition, and the following conditions:

1. The secondary dwelling unit may be used as a dwelling only so long as a caregiving relationship involving a blood relative remains in place between the owner and occupant of the primary dwelling and the occupant of the secondary dwelling.
2. The secondary dwelling unit shall not be rented or leased for any short-term or long-term occupancy or use.
3. The subject 42-acre property shall not be subdivided.
4. The subject property deed shall be re-recorded to include the following language, prior to development or use of any secondary dwelling structure or unit on the property:

Use of the secondary dwelling unit permitted by Variance # V-17-20 shall be limited to use of the property owner and/or a blood relative in need of proximate care and shall occur only under the ownership of Rosemae Townsend. The existing residential structure shall only be occupied by an familial relationship. Upon any transfer of the property, Variance # V-17-20 shall be voided, and the secondary dwelling unit shall no longer be used as a dwelling. Specifically, prior to the transfer of ownership, the refrigerator, oven, stove, and kitchen sink shall be removed from the kitchen, and all associated plumbing capped; and/or the bathtub, shower, toilet, and bathroom sink shall be removed from the bathroom, and all associated plumbing capped.

Staff presented to the board members an e-mail that was received from Linda Zimmerman (4141 S. 25 W., Trafalgar 46181) in support of the Petition.

Ellen Paris, daughter of Petitioner, (265 E. 300 S., Franklin 46131) was present to speak and address concerns on behalf of the Petitioner. Specifically, Mrs. Paris expressed her question as to whether or not a caregiver could be hired and reside in the current dwelling while taking care of her mother in the new proposed second dwelling. Board members were amicable to this request and staff advised that language could be added to accommodate the request as part of the conditions.

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

- Q. Board member Stephen Powell inquired as to whether or not the boarding of the hired caregiver would be in the form of a lease or part of the contract?
A. Caregiver contract.
- Q. Board member Chad Bowman asked if the Petitioner was agreeable to the staff's recommendations other than the asked question?
A. Yes.
- Q. Board member Stephen Powell asked staff if the hired caregiver residing in the primary dwelling would cause any issues?
A. No.

Motion: To approve V-17-20 to allow for construction of a second dwelling on a single lot, with staff's conditions and amendment to add language of allowing a hired caregiver to reside in the primary dwelling and Petitioner's Findings of Fact. **Moved** by James Kaylor. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

V-18-20; Tyler Schnell – Variance of Use and Development Standards. 5524 Watson Rd.

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

Petitioner Tyler Schnell (5524 Watson Rd., Greenwood 46143) 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 Stephen Powell inquired as to whether or not this commercial business is being ran in violation at this time?
A. Yes.
- Q. Board member Chad Bowman asked how the commercial business was brought to staff's attention?
A. A complaint was made by a neighbor.
- Q. Board member Stephen Powell asked if this had come before the board prior?
A. No, not this property but we have had similar cases in the past come before the board for other properties not owned by Mr. Schnell.
- Q. Board member Dan Cartwright inquired as to how long the business has been operating out of this residence?
A. Three (3) years.
- Q. Board member Dan Cartwright asked the Petitioner who Joe was?
A. Business partner.
- Q. Board member Stephen Powell inquired as to whether or not the Petitioner had full intention of running a business out of the residence when he purchased it in 2019?
A. No.
- Q. Board member Stephen Powell inquired as to whether or not the Petitioner realized that running a business out of his residence was not allowable use?
A. No.
- Q. Board member James Kaylor asked if any of the Petitioner's neighbors complained directly to him?
A. No.

- Q. Board member Chad Bowman asked the Petitioner if placing a landscaping buffer from the neighboring properties would be an issue?
A. No.
- Board member Stephen Powell expressed his concerns regarding setting a precedence for allowing businesses in residential areas.
- Q. Board member Chad Bowman inquired as to how many number of vehicles are on the property during the day?
A. Approximately, ten to twelve (10-12) (not including Petitioner's personal vehicles).
- Q. Board member Chad Bowman asked at what time during the day are these vehicles parked on the property?
A. 7:00 a.m. to 6:00 p.m.
- Q. Board member Dan Cartwright inquired as to why trucks would need to back out onto the road?
A. The property is currently not set up for a turn around and in the spring time the property is too wet to turn around in.
- Q. Board member Dan Cartwright inquired as to what a semi would be hauling to the business?
A. Fence panels and fire pits because those products could not be delivered to the job site.
- Q. Board member Dan Cartwright asked if the remainder of the materials were dropped off by tri axle dump trucks?
A. Yes.
- Q. Board member James Kaylor inquired if a variance could be granted for a limited time?
A. Yes.
- Q. Board member Dan Cartwright inquired as to whether or not there was 164 foot road frontage?
A. Unknown.
- Board member Chis Campbell expressed his concerns regarding the density of the property and support for a two (2) year trial period.
- Q. Board member Chis Campbell inquired as to whether or not there would be any equipment repair being done onsite?
A. No, only light maintenance such as changing oil and/or brakes.

- Q. Board member Chis Campbell asked if there would be someone onsite at all time for deliveries, etc.?
A. No, other than wife at home in the residential dwelling onsite.
- Q. Board member Chis Campbell inquired as to whether or not there was no signage?
A. Yes, there are no signs.

Remonstrator Robert Giesecking (5523 Watson Rd., Greenwood 46143) was present to express his opposed views and concerns regarding the nature of the area, variance longevity and traffic.

Motion: To approve V-18-20 to provide for a landscape contractor's office and yard for a two (2) year trial period, to waive commercial parking requirements and Petitioner's Findings of Facts. **Moved** by Dan Cartwright. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Cartwright, and Kaylor. **No:** Powell. **Motion approved 4-1.**


IV. ADJOURNMENT:

Chair Chad Bowman called for a motion to adjourn the meeting at 8:02 PM

Motion: Adjourn the meeting. **Moved** by Chad Bowman. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: September 29, 2020

By:


Chad Bowman, Chairman

Attested By:


Stephen Powell, Secretary

Hansard Michele - Planning & Zoning

From: Linda Zimmerman <lindazimmerman@embarqmail.com>
Sent: Wednesday, August 19, 2020 8:41 AM
To: Hansard Michele - Planning & Zoning; emparis2020@gmail.com
Cc: zimmermanterri0@gmail.com
Subject: Public hearing for petition V-17-20

To whom it may concern,

My name is Linda Zimmerman and I am writing you concerning petition V-17-20. I am a land owner with property adjoining the location of 4141 South 25 W Trafalgar, IN. Having discussed the plans that the land owner is wanting pursue and the reasons why, I see NO reason why this variance should not be granted to Rosemae and Ellen. Having been neighbors with Rosemae for over 45 years, there is no doubt that the aforementioned plans are for a valid reason and will aid her and her family at this point in her life.

If I can be of any further assistance, please feel free to contact me at 317-736-5846.

Thank you,
Linda K Zimmerman

