

Johnson County Board of Zoning Appeals

January 28, 2020 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, January 28, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:02 PM by Attorney Francis Mattingly.

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. ELECTION OF OFFICERS FOR 2019:

Motion: To renew Chad Bowman as Chairman for 2020. **Moved** by Dan Cartwright. **Seconded** by Stephen Powell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Motion: To appoint Chris Campbell as Vice Chairman for 2020. **Moved** by Dan Cartwright. **Seconded** by Stephen Powell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Motion: To renew Stephen Powell as Secretary for 2020. **Moved** by Chad Bowman. **Seconded** by Dan Cartwright. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Motion: To renew Angela Olson as Recording Secretary for 2020. **Moved** by Chad Bowman. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

III. LEGAL COUNSEL CONTRACT:

Chair Bowman advised the board members that Williams, Barrett and Wilkowski had presented their proposed legal counsel contract for the same amount for 2020 and called for a motion.

Motion: Approval of proposed legal counsel contract for 2020. **Moved** by Dan Cartwright. **Seconded** by James Kaylor. **Yes: Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No: None. Motion approved 5-0.**

IV. APPROVAL OF MEETING MINUTES:

Chair Chad Bowman called for a motion to approve the December 17, 2019 Board of Zoning Appeals meeting minutes.

Motion: Approval of December 19, 2019 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.**

V. PUBLIC HEARINGS:

V-1-20; Audrey Warren – Variance of Use and Development Standards. 2024 Old St. Rd. 37

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

There shall be no amplification of any music outside of the subject proposed structure, nor any amplified public address, except bona fide ceremonial or emergency declaration.

Staff presented to the board three (3) **Exhibit** letters of opposition from surrounding neighbors who could not attend tonight's meeting.

Elizabeth Bentz Williams with Clark, Quinn, Moses, Scott & Grahn, LLP (320 N. Meridian St., Ste. 1100, Indianapolis 46204) and Petitioner Audrey Warren (12684 N. Mann Rd., Camby 43113) were present to speak and address concerns. An **Exhibit** packet was presented to the board members. Ms. Williams reiterated Ms. Warren's proposed plans for the venue and advised the board members that a public meeting was conducted and no one showed up.

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

- Q. Board member Dan Cartwright asked what happens to the paintball once St. Rd. 37 is revised?
A. Unknown.
- Q. Board member Stephen Powell inquired as to whether or not we had heard this case before? If so, did staff recommend approval at that time?

- A. Yes to both questions.
- Q. Board member James Kaylor inquired as to whether or not there would enough parking spaces to accommodate 200 attendees?
A. Yes.
 - Q. Board member James Kaylor inquired as to where the flood zone was located in the area?
A. The flood zone is farther south and does not affect the entrance.
 - Q. Board member Stephen Powell referred to the staff report and noted that the homeowner was listed as Andy Warren and inquired as to whom he was? Further, he asked if anyone was residing on the property?
A. Andy Warren is the father of Audrey Warren. No one is residing on the property.
 - Q. Board member James Kaylor referred to the Petitioner's Plan of Operation seasonal months of operation and asked if there would not be any weddings from November through April?
A. The plan refers to the peak of the wedding season but there could be events (including weddings) all year round.
 - Q. Board member Chad Bowman asked if the Petitioner would be hiring a security company?
A. Yes or off duty police officers.
 - Q. Board member Chad Bowman asked if the Petitioner would be hiring a security company?
A. Yes or off duty police officers.
 - Q. Board member Chad Bowman referred to the Petitioner's Plan of Operation and inquired as to whether the venue will remain open until 10:00 p.m. for seven (7) days a week?
A. Whenever an event takes place during those seven (7) days, they will be required to shut down at 10:00 p.m. and leave the property by 11:00 p.m.
 - Q. Board member Stephen Powell inquired as to whether or not the paintball and/or the Autobahn business were developed by way of a variance?
A. Yes, both the paintball and Autobahn were developed by way of variances.
 - Q. Board member Dan Cartwright asked Remonstrator Veneda Vance if she was aware of the invitation to attend the public meeting that the Petitioner had? If so, can you explain why you did not attend?

A. Yes, I did not attend because I am in opposition to the venue and I knew that it would be an attempt to try and persuade me to reconsider my position.

- Q. Board member Chad Bowman inquired as to whether or not smoking would be allowed inside the venue?

A. No.

- Q. Board member Chad Bowman inquired as to whether or not alcohol would be allowed inside the venue?

A. Yes.

- Q. Board member Chad Bowman asked if smoking would be allowed outside of the venue on the property? If so, could this be potential for additional outside noise in the area?

A. Yes, guests will be allowed to smoke outdoors on the patio. If this would create noise is unknown.

- Q. Board member Chad Bowman asked for confirmation that any food brought in would be from a catering company? Further inquiry, would the catering company be a local company?

A. Yes, guests that are renting will have catering brought into the venue should they chose to serve food but it needs to have the owners approval first and the owner will have preferred list of vendors. The catering company may or may not be locally owned but the

Remonstrator Veneda Vance (1914 Old St. Rd. 37, Greenwood 46143) spoke and addressed her opposed views and concerns regarding property value, nature of area, noise, road maintenance, water and septic access, wetland disturbing and increased traffic.

Remonstrator Stoney Vance (1914 Old St. Rd. 37, Greenwood 46143) spoke and addressed his opposed views and concerns regarding safety and traffic.

Remonstrator Sue Dressler (1800 Old St. Rd. 37, Greenwood 46143) spoke and addressed her opposed views and concerns regarding nature of area, noise, safety and traffic.

Motion: To approve V-1-20 waiver of twenty-one (21) to nineteen (19) days for notification.

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

Motion: To deny V-1-20 to allow for an event/wedding venue, waiver of the commercial parking requirements, for deficient perimeter landscaping around the parking lot and provide for a free standing sign not to exceed four (4) feet in height and thirty-two (32) square feet in area.

Moved by Chris Campbell. **Seconded** by Stephen Powell. **Yes:** Campbell, Kaylor and Powell. **No:** Bowman and Cartwright. **Motion approved 3-2.**

V-2-20; Sidney and Alison Fox – Variance of Development Standards. 6485 N. 75 W.

Staff presented findings and facts to the board and recommended approval 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 2.58-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-2-20 shall be limited to a blood relative in need of proximate care and shall occur only under the ownership of Sidney and Alison Fox. Upon any transfer of the property, Variance # V-2-20 shall be voided, and the secondary dwelling unit shall no longer be used as a dwelling. Specifically, prior to 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.

Contractor John Nelson (7350 E. Pine Needle Ln., Morgantown 46160) on behalf of the Petitioners Sidney and Alison Fox was present to answer questions regarding the variance request. Mr. Nelson presented to the board members an **Exhibit** letter from the Petitioners.

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

- Q. Board member Dan Cartwright inquired as to whether not the staff had a floor plan?
A. A floor plan was not included because the petition is for a remodel of the existing structure.
- Q. Board member Dan Cartwright asked for clarification on the square footage of the garage conversion into the mother-in-law quarters?
A. The mother-in-law quarters will remodel 1,080 square feet of the existing garage structure.

- Q. Board member Chad Bowman asked Mr. Nelson if the Petitioners were in agreement with all of the staff's recommendations?
A. Yes.
- Q. Board member Stephen Powell asked if the mother-in-law quarters was replacing the garage? And is the structure one (1) story or two (2) stories?
A. Yes. One (1) story.
- Q. Board member Dan Cartwright inquired as to how much renovations would there be?
A. Mostly finishing work and adding interior walls.
- Q. Board member Dan Cartwright asked if the plumbing drains to the same septic tank as the main residence?
A. Unknown but will be implementing per Health Department.
- Q. Board member Dan Cartwright inquired as to why the Fox family was not present?
A. Mr. & Mrs. Fox are currently out of town.
- Q. Board member Dan Cartwright asked the Remonstrator if the covenants were recorded and if there was a Homeowners Association?
A. Yes, the covenants were recorded. No, there is no Homeowners Association.

Remonstrator Manuela Johnson (6419 N. 75 W., Whiteland 46184) spoke and addressed her opposed views and concerns regarding the second dwelling becoming permanent versus temporary.

Motion: To approve V-2-20 to allow for construction of a second dwelling on a single lot with staff's recommendations and Petitioner's Findings of Facts. **Moved** by Dan Cartwright. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

V-3-20; Michael Diehl – Variance of Use and Development Standards. 6420 Stein Rd.

Staff presented findings and facts to the board and recommended denial.

Staff presented two (2) **Exhibit** letters of support and three (3) **Exhibit** letters in opposition of this matter.

Attorney Andrew Eggers (170 N. Jackson St., Franklin 46131) on behalf of the Petitioner Michael Diehl was present to answer questions regarding the variance request. An **Exhibit** packet was presented to the board members.

William Schumaker (6398 Stein Rd., Greenwood 46143) spoke in support of the petition.

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

- Q. Board member Stephen Powell asked for clarification that the kennel currently is in operation?
A. Yes.
- Q. Board member Stephen Powell asked if this was a kennel, a business or both?
A. Non-for-profit training club. According to the Petitioner's plan of operation there will be dog kennels on the property.
- Q. Board member Stephen Powell inquired as to where dog kennels can be located according to the ordinance? And would a kennel be classified as a business?
A. A-1 zones and permitted by Special Exception. Yes, the kennel would be classified as a business. This matter is a variance of use.
- Q. Board member Chris Campbell inquired as to whether or not there was a difference between a Special Exception and a Variance?
A. Yes.
- Q. Board member Chad Bowman asked if this matter would be more amicable if the hours of operation were during the week days or does that have no barring one way or the other?
A. No barring.
- Q. Board member Stephen Powell asked the Petitioner if it was his position that this is not a business but rather a club or hobby? Further, does the Petitioner sell dogs?
A. No, this is not a business but rather a club. Yes, Petitioner sells dogs but he does not breed at the property.
- Q. Board member Stephen Powell inquired as to whether or not there normally would be a lot of cars and traffic?
A. The plan of operation calls for the maximum of twenty-five (25) handlers whom may or may not carpool. Petitioner feels that this does not account to a lot of traffic in the area.
- Q. Board member Stephen Powell inquired as to whether or not the four (4) dogs on the property were Indianapolis Metropolitan Police Department K-9s?
A. Only one (1) dog.
- Q. Board member Chris Campbell inquired as to how frequent is the club meeting?

A. Mainly intermittently on Saturdays and Sundays (November through March – only inside the building) and one (1) to two (2) days during the week.

- Q. Board member Stephen Powell asked if the Petitioner had been in communications with any of the individuals who had written letters of opposition?

A. No.

- Q. Board member James Kaylor inquired as to whether or not there was a fence to keep the dogs contained?

A. There is a fence but the fence is a corral type fence that dogs could get through.

- Q. Board member Stephen Powell asked Remonstrator Tippmann for confirmation that he was in opposition of the variance and if there were any stipulations that he would like to see that might make this more amicable?

A. Yes, he is in opposition. Stipulations would need to be something that would protect his family and the value of his property.

- Q. Board member Chad Bowman asked Remonstrator Tippmann if he was more concerned about the safety versus the noise?

A. Both.

- Q. Board member Stephen Powell asked Remonstrator Hamel to show where she resides?

A. Ms. Hamel demonstrated visually where she resided.

- Q. Board member James Kaylor inquired as to how would it be known that new handlers would know what they were doing and what was to be expected of them?

A. New handlers are educated on the rules and regulations for the club upon arrival.

- Q. Board member James Kaylor asked why the activity did not cease once the courtesy letter was received that was sent by the county?

A. Petitioner felt that he wasn't conducting a business or doing anything wrong so therefore did not cease the club's activities.

Remonstrator John Tippmann (6412 E. Stein Rd., Greenwood 46143) spoke and addressed his opposed views and concerns regarding safety, noise, property value and hours of operation.

Remonstrator Keren Hamel (611 Noack Rd., Greenwood 46143) spoke and addressed her opposed views and concerns regarding safety, noise and traffic.

Motion: To approve V-3-20 to provide for a K-9 Training Club and Kennel, to waive commercial parking and landscaping requirements and Petitioner's Findings of Facts for one (1) year. **Moved** by Dan Cartwright. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

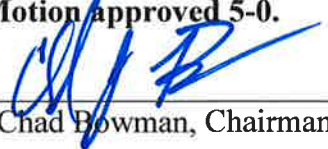
V. ADJOURNMENT:

Chair Chad Bowman called for a motion to adjourn the meeting at 9:31 PM

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

Approved on: February 25, 2020

By:


Chad Bowman, Chairman

Attested By:


Stephen Powell, Secretary

January 28, 2020

Bryant and Teresa Livingston
2009 Old State Road 37
Greenwood, Indiana 46143

Johnson County Zoning

Subject: Case# V-44-18
2024 Old State Road 37, Wedding Venue Proposal
Section 7, Township 13, Range 3

To Whom It May Concern,

We wish to object strongly to the plans to allow a variance on the property at 2024 Old State Road 37 which is currently the location of outbuildings and a vineyard and directly across the street from our property. We do not want the added noise, traffic, parking issues and other potential problems that bringing a venue of this nature will create. We feel this will have a very negative impact on our road.

We know the property very well and are very concerned about flooding being an issue. So much of the property already stays very wet. Using a large portion to build a commercial building will only impact the already existing wetland in a negative way. This could cause flooding on our property and adjacent properties as well.

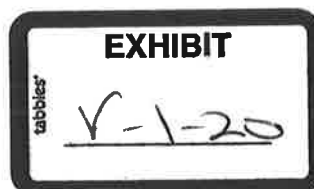
We feel that a business of this type will cause our property values to decrease! We now have a quiet, rural setting and a parking lot and commercial building being built adjacent to our property will bring the value of our property down. There are much better locations for businesses such as this, it does not belong at 2024 Old State Road 37.

We are asking that you please do not approve this variance. Please allow us to keep our quiet rural setting.

Thank You For your consideration.


Bryant Livingston


Teresa Livingston



Sheila Richards

Johnson County Resident

1694 Old State Road 37

Greenwood, Indiana 46143

I am writing in opposition to the proposal for the building of a Wedding Venue to be located at 2024 Old State Road 37 (Case # V-44-18).

I oppose a public venue in that area with out proper sewage drainage. This area also plans to not completely pave the entire parking lot, which I believe will be extremely difficult to maintain. The traffic will increase substantially, which I realize that some time in the future this will happen, but after the roadway become both directions, it would not pose the problem it will now. There is only one exit on to Hwy 37 at this time. If the highway is in accessible due to traffic, there is no other way out. That does occur occasionally.

I would suggest that this proposal be postponed until roadway to accommodate the extra traffic is actually built.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Sheila Richards". The signature is written in black ink and is positioned below the typed name.

Sheila Richards

To The Johnson County Board of Zoning Appeals:

I, Donald Weaver, at 1797 Old State Road 37, Greenwood, Indiana could not be present for the Public Hearing of the BZA meeting on January 28, 2020. I still would like my opinion heard, again. I am still in opposition of Petition Number: V-1-20 at 2024 Old State Road 37 by the petitioner/agent Audrey Warren by Elizabeth Williams and Russell Brown, who is requesting a Variance of Development Standards of the Johnson County Zoning Ordinance to provide for an event/wedding venue (not permitted on agriculturally-zoned and residential zoned property).

I'm in opposition because it is currently zone agriculture and residential and there is enough traffic on our road and we don't need the increase in traffic. This road is already a dead-end road and the road is not maintained that well. Also, even with the future plans of this road becoming an access road for the expansion of I-69 does not have the road being updated at all, only to connect it to the old access road. Our road already has traffic from a trucking company that was only suppose to have business hours from 6:00am-6:00pm and it runs 24 hours a day 7 days a week, which is not what the original zoning was agreed upon. The current trucks were just supposed to be DWD new trucks and quiet. They have trucks from other trucks that are older. They were supposed to drive slowly. That only happens with certain trucks. They constantly run over a speed bump, from extra asphalt, in front of my house that I hear every truck that drives up and down our road at all hours of the night and day. I don't want to hear other vehicles doing the same thing.

I'm also concerned if this variance is allowed then it will change into a business just like the paintball business at the southern edge of the property. It was originally just suppose to be an occasional event place for the Halloween season and was allowed and then it became a year-round paintball business.

The property also partially sits in a flood plain, which is part of the reason that part of the road has washed out on the south end of the road.



V- 1-20

**Proposed Wedding and Event Venue
2024 Old State Road 37, Greenwood, Indiana 46143**

**Johnson County Board of Zoning Appeals
January 28, 2020**

Prepared by Clark, Quinn, Moses, Scott & Grahn



Tab 1



Area Map

Tab 2

V- 1-20 BUSINESS PLAN

Description

Wedding and Event Venue (referred to from hereon in as the “Venue”) is intended to be established as a Limited Liability Company at 2024 Old State Road 37, Greenwood, Indiana 46143 with the expectation of rapid expansion in the hospitality industry.

The Venue will accommodate up to 200 guests and will be available to rent 7 days a week between 9 am - 11pm. The Venue will provide event space, event planning services, coordination, tables, chairs, and décor. The Venue will not sell food and beverage. Clients will bring in outside vendors to accommodate food and beverage needs.

Site Plan

The property currently has 3 building structures, a silo, pond, creek and rows of grapevines. No buildings will be removed. They will stay and be used for storage. One castle-like building made out of block and stone will be added to provide a main event space, cocktail hour patio, bridal suite, groom suite, prep kitchen, restrooms, and storage. The grapevines will stay except for the rows that will need to be removed to build the Venue and a parking lot as well as the area designated for septic. The grapevines make for great landscaping on the property and photo opportunities. Additional landscaping, such as buffers along Old State Road 37, will be added to the property to ensure a proper aesthetic.

Please see drawings provided by architect Paul Puzzello.

Weddings

Peak season: May-October

Off-season: November-April

- Weddings will be held Friday-Sunday
- Bridal party/vendors may arrive as early as 9 am to set up and get ready
- Ceremonies (outdoor and indoor options) are generally 30 minutes long. Most ceremonies are followed by a cocktail hour (indoors/back patio if weather permitting), which transitions into a reception (indoors)
- Bar service must end at 9:30pm (must end 30 minutes prior to conclusion of event)
- Music must end at 10 pm
- Weddings must end at 10 pm
- Venue clear-out time is 11 pm

Events

This category consists of all other events such as community events, corporate events, and private parties that wish to rent out the Venue.

- These events will primarily be held Monday-Thursday during wedding season and Friday-Sunday during off-season.
- These events will be booked at an hourly rate with a 4 hour minimum
- Weekday events will typically be events that can be conducted during the day such as educational sessions, corporate lunches, appreciation events, etc. With it being a weekday these events will rarely run until 10 pm.

V-1-20 BUSINESS PLAN –Page 2

Community

The Venue will be an attraction that benefits the community by bringing awareness and visitors to Johnson County. These same visitors will enrich the local hospitality industry. Often times with weddings and events, room blocks are purchased at nearby hotels. Those same guests end up at local eateries and visit other establishments before heading back home. It will also encourage growth for businesses along the new service road that is coming from the I-69 project and it will increase the land value for the surrounding area. The Venue will provide employment for local off-duty officers and security providers to account for the well-being of patrons as well as keeping the area safe. Along with this, the Venue is looking forward to supporting the community by hosting community events and sponsoring multiple fundraisers each year.

Venue Staff

Owner/Facility Manager- Audrey Warren, Indiana University graduate with a Bachelor's degree in Tourism Conventions and Event Management, Business Foundations Certificate from IU Kelley School of Business, owner of Royal Weddings and Events LLC, 4 years in the hospitality industry and a true passion for events and community involvement.

The Venue will have an Event Coordinator at every event, along with 2 event staff employees working per event to assist with set up/tear down, parking and directing guests and a janitorial staff employee who will assist with cleaning the facility between events. A security guard or off-duty policeman will be onsite at all events serving alcohol.

Legal

All vendors will be required to submit a copy of proper insurance and licensing before accessing the property for an event. In order to have alcohol at the event, the client must use one of our preferred vendors or their caterer with a 3-way liquor license with ALL liquor purchased through that caterer. For beer/wine only (bringing their own) - A one day permit must be applied for at least 3 weeks prior to the event. They must also have a licensed server.

Traffic Control

Attached is an exhibit of the most recent plans of INDOT I-69 Section 6 that affect the Venue property line. The purple section is the proposed right away that will be used by the state to add a service road. The service road is the yellow line inside the purple lines that run into Old State Road 37. These improvements will be beneficial by providing two entry points, which will allow for easier access in and out of the Venue and aid in traffic flow.

Tab 3

I-69 Section 6

SR 144 to Smith Valley Road
Johnson County

#6

Selected Alternative

3 Lanes
Northbound
3 Lanes
Southbound

3 Lanes
Northbound

2 Lanes
Southbound

2 Lanes
Northbound
2 Lanes
Southbound

2 Lanes
Northbound
2 Lanes
Southbound

Smith Valley Road
Over I-69
(Interchange)

Bluff Acres Drive

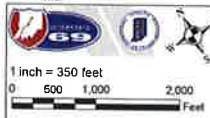
Olive Branch Road

Stones Crossing Road

Travis Road

SR 144
Over I-69
(Interchange)

2016 Aerial



Roads Closed or Removed
Roads
On-ramps
Bridges and Retaining Walls
Proposed Limited Access Right of Way
Proposed Right of Way
Proposed Utility Right of Way

Potential Location of Road Barriers
Sidewalks
Potential Relocations
County Boundary
Rivers or Streams
Proposed Right of Way
Proposed Utility Right of Way

Hospital
Police Station
Fire Station
Recreational Facility
School
Cemetery

Through Lane
Auxiliary Lane

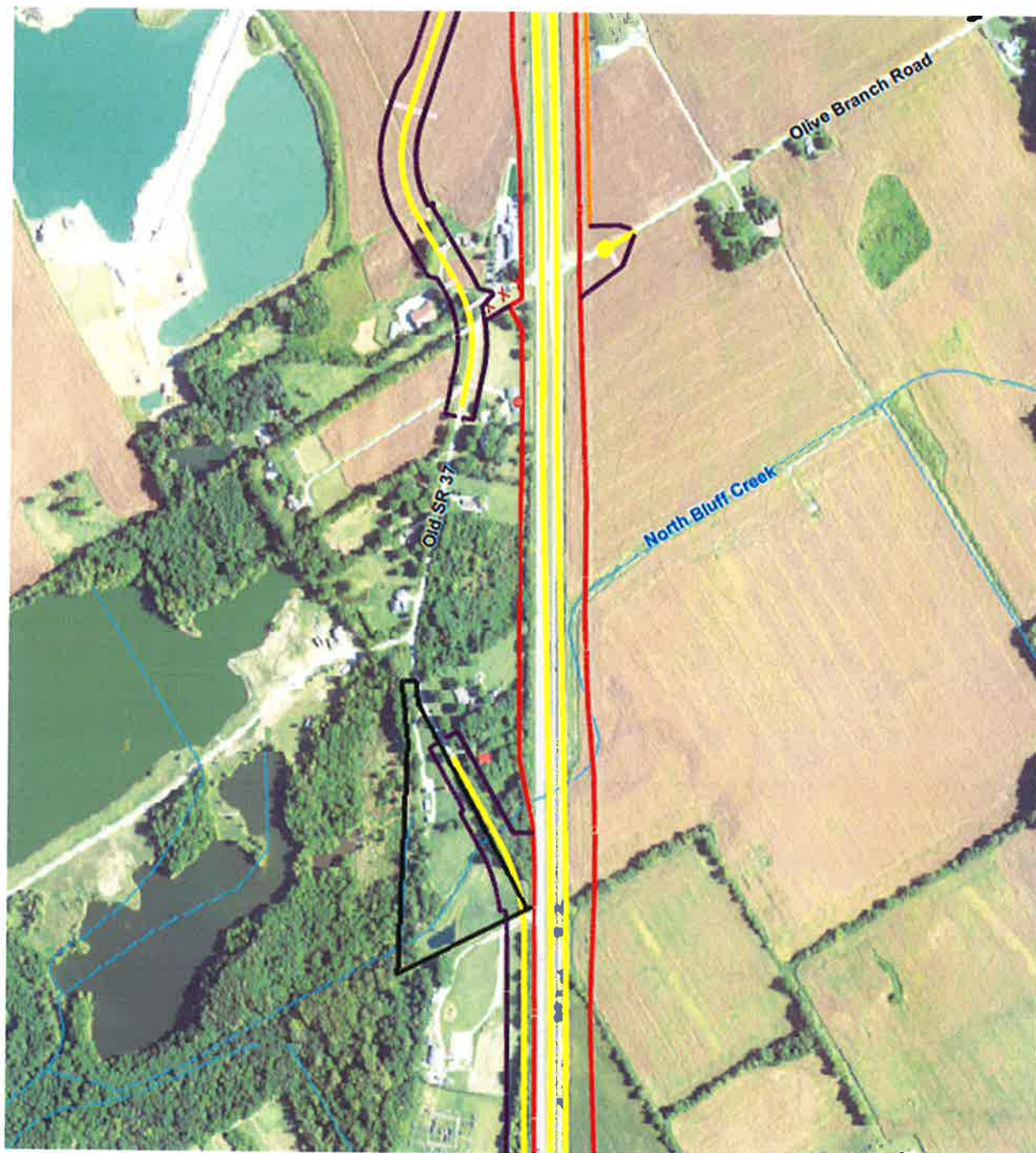


@I69Section6

fb.com/I69Section6

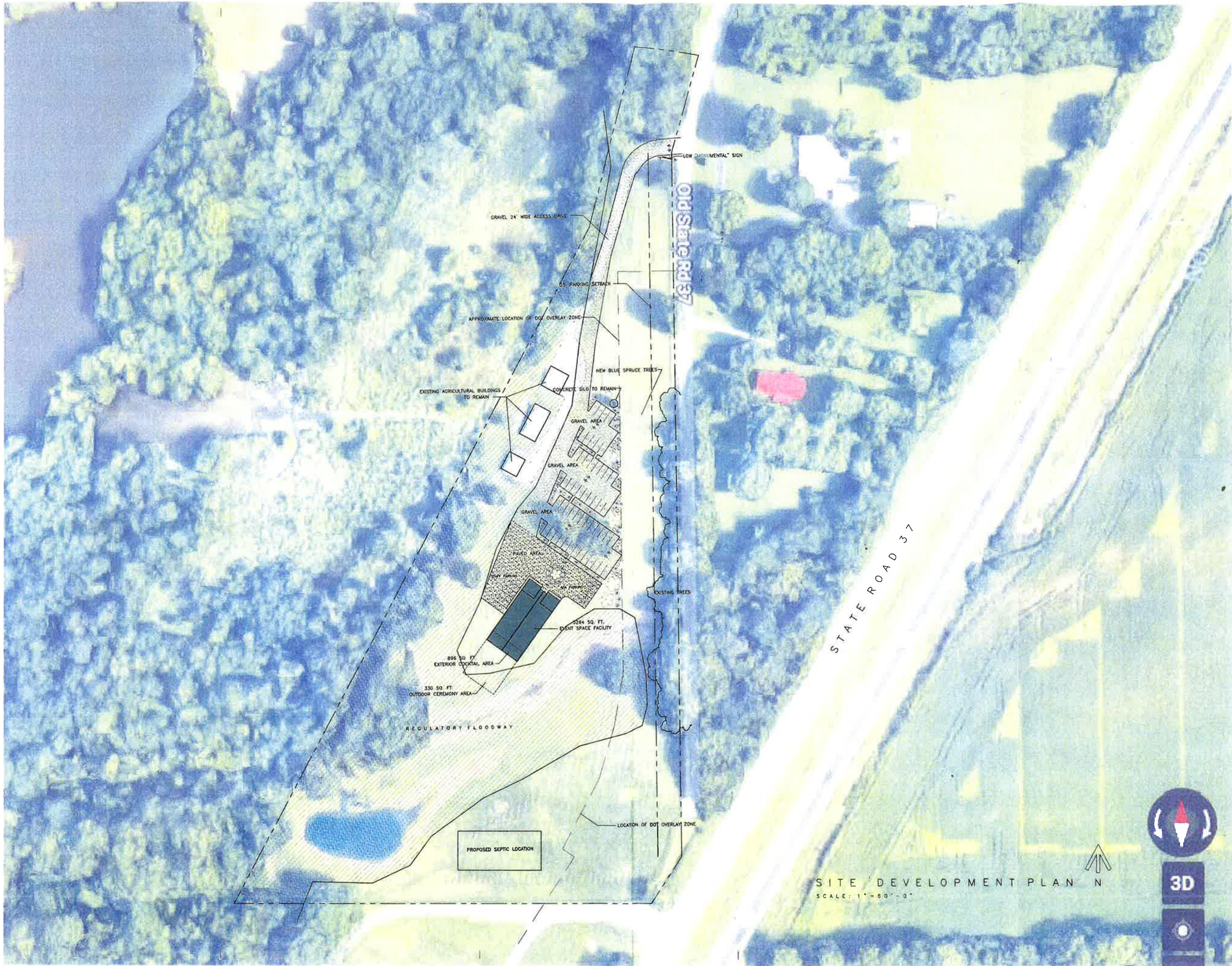
www.i69indyevn.org

February 2018



I-69 plan near subject property

Tab 4



PUZZELLO ARCHITECTURE PRACTICE
3601 N MERIDIAN STREET, SUITE 902 INDIANAPOLIS, INDIANA 46208
317.504.7183 paul@puzzello.com www.puzzello.com

EVENT CENTER BUILDING FOR:
AUDREY WARREN
2024 OLD STATE ROAD 37
GREENWOOD, INDIANA 46143

CERTIFICATION

PROJECT NUMBER
1902
DRAWN BY
P. PUZZELLO
CHECKED BY
P. PUZZELLO
REVISIONS

SHEET NAME:
SITE DEVELOPMENT PLAN
DRAWING ISSUE DATE:
8 APRIL 2019

SHEET NUMBER
SD1

THE FOX RESIDENCE

January 10, 2020

Sidney Fox
6485 N 75 W
Whiteland, Indiana 46184

Dear Johnson County Department of Planning and Zoning,

Thank you for taking the time to review my letter and holding a hearing for the proposal of the construction of my father, Alexander S. Fox, In-Laws quarters. I have been taking care of my father and helping him manage his health and well-being since August of 2014. I rescued my father for health reasons and he needed brain surgery. I had also been taking care of my Mother, Clementine M. Fox, since then, however, she has recently passed due to Alzheimer's and Dementia.

Before I moved to Whiteland, I lived 4 houses away from my Father's house in Franklin, Indiana in the Windstar Subdivision. It was very convenient and easy for me to just run up the street to his house when he needed me for anything. My Dad has suffered from Normal Pressure Hydrocephalous and has a Brain Shunt in place to release fluids from his brain. I was advised from the Doctors to keep him close.

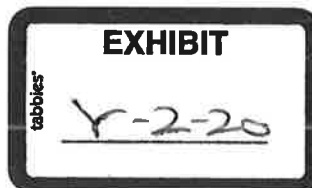
I need to have my Father as close as possible for me and my wife, Alison D. Fox, to be able to tend to his needs and health concerns. One of the reasons we bought this property was the fact that it already has an existing structure on the property that is climate controlled with heating and air conditioning, and equipped with plumbing with a hot water heater and a bathroom. This pre-existing structure just needs the inside re-molded to an apartment for my Father's In-Laws quarters.

We, Sidney and Alison Fox, have absolutely no intentions in the future to make this structure, when Dad passes, a rental of any kind what-so-ever. We have no intentions for any kind of revenue purposes. Alison's family is very large and we will be passed down the opportunity to host Holiday Gatherings. Future plans for this space will be to provide her family a place to stay during the Holidays when they travel into town.

Once, again, we thank you for the consideration of my Father's In-Laws quarters and feel that working with Heartland Construction and going about the proper way to get this approved will reach you with Grace.

Sincerely yours,

Sidney and Alison Fox



Michele Hansard, Senior Planner
Johnson County Board of Zoning Appeals
86 West Court Street
Franklin, IN 46131

January 28, 2020

Dear Ms. Hansard,

We are neighbors to 6420 Stein Road and would like to voice our opinions regarding the Notice of Public Hearing Petition Number V-3-20, as we cannot attend said hearing set for Tuesday, January 28th, 2020 at 7pm.

Although we appreciate the community safety and security efforts brought by the K-9 Training, we do have a few concerns and questions.

Concerns:

1. Noise – Although we do live at least a ½ mile away, we do hear excessive barking.
2. Camping – Unsure as to whether it was K-9 Training or Kennel Club meetings, we noticed overnight camping and porta-potty outdoor restroom receptacle on the property for multiple weekends.
3. Rezoning – We are completely against rezoning any current residential or agricultural property on Stein Road to become commercially zoned. The area is a rural, slow-paced, family-friendly and agricultural community. Commercial rezoning would increase traffic volume and decrease property values.

Questions to pose to the committee and/or petitioner:

1. Will the owner/petitioner be present on site at all times during either K-9 Training classes or Kennel Club meetings?
2. Doesn't IMPD have their own K-9 Training Facility? Or is 6420 Stein Road partially/fully owned by IMPD?
3. Is 6420 Stein Road commercially insured for accidents?
4. Will K-9 training classes happen EVERY Saturday from 12-6pm and EVERY Sunday from 10am-4pm all year round?
5. If K-9 training classes do happen every Saturday, 12-6pm and Sunday, 10am-4pm, would our own, not so frequent, events be interrupted?

For example: a) Firearm target shooting practice or b) Birthday party with 20-30 kindergarteners and parents with bounce houses and pony rides

6. What are our options for resolution, if a runaway dog comes from the K-9 training classes or the Kennel Club meetings onto our land?



Hansard Michele - Planning & Zoning

From: Hittle David - Planning & Zoning
Sent: Tuesday, January 28, 2020 4:06 PM
To: Hansard Michele - Planning & Zoning
Subject: FW: Mike Diego

FYI, below...

-----Original Message-----

From: nht2929@netscape.net [mailto:nht2929@netscape.net]
Sent: Tuesday, January 28, 2020 3:14 PM
To: Hittle David - Planning & Zoning
Subject: Mike Diego

To the Johnson County Board of Zoning Appeals. We were notified about a zoning change/variance for the property on Stine Road for Micheal Diehl at 6420 Stone Road. We do not have any objections to the changes for the use in this property. It's been pleasant to have him around and we have had no disturbances from him or actions. We recommend a favorable recondition for his use. Thank you Neil Trisler

Sent from my iPhone

Hansard Michele - Planning & Zoning

From: derricklykns@yahoo.com
Sent: Tuesday, January 28, 2020 11:01 AM
To: Hansard Michele - Planning & Zoning
Subject: Petition number V-3-20

Good morning my name is Derrick Lykins. I am the home owner at 549 Noack. I will be unable to attend this afternoon's meeting as I am out of town. In regards to the K9 training business down the road from my home. When this gentleman first moved in it was nice to see that he was fixing up the house. I was excited for that as to add property value to mine. Shortly after I noticed on the weekends there were dozens of police style K9 animals being trained in his yard. I have a 5 year old and a seven-year-old so we immediately stopped taking walks in that direction. My concern is endangerment to my children. My sister lives right around the corner from us and if we are aware of the dogs are out there we will not walk to her house. I don't believe this land was ever zoned for a business to begin with and this man operated in the do whatever I want and ask for forgiveness later realm rather than permission. To put this in perspective these are police style K9 that are being trained. That means by default they are not fully trained and fully submissive to their owners. You are setting up a scenario here where someone and their child on a leisurely stroll gets mistaken for a criminal and is attacked by a uncontrolled dog. Understand that we all live out in the country but that doesn't mean that at any given point you can just decide to have several dozen attack dogs that are in training running around your yard. Then there's the whole property value argument. Not sure how many people would want to I move or live next to an actual K9 training facility when looking for a home. My biggest issue here is the public endangerment potential. I understand people should be have a free right to do what he or she wants on their own land but only up until the point that you're not endangering other people. I'd rather not be be involved with the well let's see how it goes keep our fingers crossed and give him permission experiment. I'm a pilot for a living and trained to identify risk and remove it. I feel like having half trained K9s down the street from me is a risk. Thanks, Derrick Lykins

Michael Diehl

Petition number: V-3-20

To whom it may concern:

I am Bill Schumaker and a neighbor of Mike Diehl. I own the property around Mr. Diehl. My home is 1000 ft from his and I own the land adjacent to him on the North and the East sides which is used for agricultural farming.

I received a letter that he needed a variance to keep and train law enforcement dogs. Since this is agricultural zoning and you could be raising farm animals , I was surprised he needed one.

I am writing this letter in support of Mr. Diehl for several reasons. One is he has taken a very run down farm and has made the house, barns and grounds esthetically beautiful. With the improvements that he has made to his property it will increase the property values near him. The second reason is that his occupation as a law Enforcement officer helps with neighborhood security. I also feel that the training of law enforcement and canines is very important for everyone.

I have noticed in the staff observations that it states that they heard excessive noise on the weekends from Mr. Diehl's property. My family and I, living in such close proximity to Mr. Diehl, have not observed any loud or excessive noise from any of the activities that are on Mr. Diehl's property.

In conclusion I see no downside for you to approve this variance because I see this as a win-win for the community.

Thank you for your time!

Sincerely,

A handwritten signature in dark ink, appearing to read 'W Schumaker', with a long horizontal flourish extending to the right.

William Schumaker

Hansard Michele - Planning & Zoning

From: Emilea Darland <emjkruse@yahoo.com>
Sent: Tuesday, January 28, 2020 12:51 PM
To: Hansard Michele - Planning & Zoning
Subject: V-3-20 public hearing

To Whom It May Concern:

I am writing to voice my concern, about the K-9 kennel club on Stein Road. My husband and I live nearby, on Harvey, and are concerned with the noise issue that constantly comes from this property. The dogs bark incessantly at all times of day and night. We have also had similar dogs to those housed on this property appear on our property and in our garage. We would prefer to not have this nuisance be so near our home when the property is not zoned for such business. As the property owner also did not follow proper protocol to ensure this was not an issue before he started this business with neighbors or county. Please record that Emilea and Bradley Darland are both not in favor of this variance being passed.

Thank you,

Emilea and Brad Darland
Sent from my iPhone



Michael Diehl V-3-20

6420 Stein Road, Greenwood 46143
Andrew C. Eggers, Attorney for the Petitioner

Petitioner

- ▶ Mike Diehl
 - ▶ Purchased property In January 2019
 - ▶ 34 year police veteran
 - ▶ Head K9 trainer for Indianapolis Metropolitan Police Department
 - ▶ Owns 2 dogs currently
 - ▶ Made numerous aesthetic improvements already

Before





Before



Before



After





Request

► **Goal:**

- Ability to have friends and fellow police officers over to train and recreate with dogs on the property.
- Utilization by a non-profit K-9 training (obedience, agility and protection) club

Permitted Uses

- Public Parks or playgrounds (dog parks?)
- Feed mills and fertilizer sales
- Grain elevator
- Dairies
- Public and Parochial Schools
- Home Occupations

Special Exceptions

- ▶ Child care centers
- ▶ Public swimming pools
- ▶ Private Clubs
- ▶ Mineral Excavation
- ▶ Sanitary Landfills
- ▶ Private Air strips
- ▶ Kennels

Findings of Fact

- ▶ The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - ▶ Not inconsistent at all with the area.
 - ▶ This is an intermittent use, and the property would primarily be a private residence of the petitioner.
 - ▶ There is a stadium jumping area for horse training and agility and a private kennel business both within 3 miles of the property
 - ▶ Adjacent property is a private business
 - ▶ Noise is no worse than permitted uses or special exceptions
 - ▶ Feed mills, grain elevators, dairies, public park (dog park)
 - ▶ Public swimming pools, mineral excavation, landfill, private air strip, kennels



Findings of Fact, cont.

- ▶ 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 petitioner has already made aesthetic improvements to the property increasing its value
 - ▶ This is an intermittent use and recreational in nature
 - ▶ The granting of this variance would have no impact on property value of the adjacent properties

Findings of Fact, cont.

- ▶ The need for the variance arises from some condition peculiar to the property involved.
 - ▶ The property is zoned, planned and developed for residential and agricultural use and the granting of this variance does not change that.
 - ▶ This is a private land owner wishing to practice his hobby with his friends on his rural property.
 - ▶ There is no substantial difference and, in fact, this variance would be less intrusive than permitted uses or special exceptions.

Findings of Fact, cont.

- ▶ The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
 - ▶ This is a private property owner wishing to use and enjoy his recreation of choice with his friends and colleagues.
 - ▶ What if shooting sports was his recreation of choice?
 - ▶ At what point?
 - ▶ Is he not allowed to train his own dog on his own property?
 - ▶ How many friends could he have over?
 - ▶ Weekend events? Weddings? Parties?

Findings of Fact, cont.

- ▶ The approval does not interfere substantially with the Comprehensive Plan.
 - ▶ The permitted uses and special exceptions allow for activities and business that are incredibly more intrusive, comparably.
 - ▶ This is an intermittent use.
 - ▶ Comparable to kennel, swimming pools, parks.

Noise nuisance?

- ▶ German Shepard - 80-90 decibels
- ▶ Small Airplane - 105 decibels
- ▶ Yelling children and crying babies - 110 decibels
- ▶ Grain Elevator - 100 decibels
- ▶ Heavy machinery associated with mineral excavation - 80-120 decibels
- ▶ Kennel - 95-115 decibels

Conclusion

- ▶ The Use Variance Request should be granted, along with the developmental standards variance.
- ▶ This use is of an intermittent nature, and is akin to permitted uses and special exceptions already allowed within the zoning ordinance and does not interfere at all with the Comprehensive Plan.
- ▶ This use variance will not run with the property, and is specific to the current land owner exclusively.
- ▶ The noise nuisance argument fails because the noise created is sporadic, even during the times utilized, and not any worse than other permitted uses and special exceptions.
