

## **Johnson County Board of Zoning Appeals**

### **November 24, 2020 Meeting Minutes**

The Johnson County Board of Zoning Appeals met on Tuesday, November 24, 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 William Barrett (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)

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#### **II. APPROVAL OF MEETING MINUTES:**

Chair Chad Bowman called for a motion to approve the October 27, 2020 Board of Zoning.

**Motion:** Approval of October 27, 2020 Board of Zoning Appeals meeting minutes. **Moved** by Dan Cartwright. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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#### **III. PUBLIC HEARINGS:**

**V-22-20; Chad Fowler – Variance of Use and Development Standards.**  
**SW corner of Urmeyville Rd. and 700 E.**

Staff advised the board that the Petitioner has requested an automatic continuance of this matter to the December 29, 2020 meeting.

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**V-24-20; Bradley Earnest – Variance of Development Standards. 2602 Waldon Dr.**

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

Staff advised the board members that a Remonstrator Petitioner signed by approximately a dozen neighbors in option of this variance had been received by e-mail.

Petitioner Bradley Earnest (2602 Waldon Dr., Greenwood 46143) was present to speak and address concerns. Mr. Earnest advised that he was not aware that his contractor did not obtain the proper permit for the patio and basketball court, that he had received Homeowners Association approval and that he had received a letter of approval from Bargersville Utilities.

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 on the necessity of a permit to pour a concrete patio and/or game court?  
A. Staff explained the environmental requirement by federal, state and county to require permit.
- Q. Board member Stephen Powell inquired as to whether or not the Homeowners Association had approved the patio and game court?  
A. Staff believes that the Forest Hills does not have a Homeowners Association and therefore the patio and game court had not been approved.
- Q. Board member Stephen Powell asked for clarification as whether or not staff would be supportive of the variance request if changes were made so as removal of the basketball goal or reduction of six (6) feet of the concrete surface?  
A. Staff stated that the variance would not be required if either the basketball goal was removed or six (6) feet of the concrete surface was removed.
- Q. Board member Chad Bowman inquired as to how this matter was brought to Planning and Zoning's attention?  
A. A neighbor made a complaint.
- Q. Board member Stephen Powell inquired as to whether or not he had spoken to the neighbors?  
A. Yes.
- Q. Board member James Kaylor asked if this matter started as a drainage problem?  
A. Yes.
- Q. Board member Chad Bowman asked Remonstrators Joe & Gail Risser if the basketball court bothered them?  
A. Yes.
- Q. Board member Dan Cartwright asked Remonstrators Joe & Gail Risser what do they want?  
A. That the homeowner comes into compliance.
- Q. Board member Dan Cartwright asked the Petitioner if he did anything to effect the low line of the swale?  
A. No.

Remonstrators Joe & Gail Risser (4611 Osprey Dr., Greenwood 46143) were present to express their concerns regarding drainage and the use of the patio as a basketball court.

Remonstrator David Kanavy (4676 Osprey Dr., Greenwood 46143) was present to express his concerns regarding drainage and that the patio/game court is too close to the property line.

**Motion:** To deny V-24-20. **Moved** by Chris Campbell. **Seconded** by None. **Motion dies.**

**Motion:** To approve V-24-20. **Moved** by Dan Cartwright. **Seconded** by Chad Bowman. **Yes:** Cartwright. **No:** Bowman, Campbell, Kaylor and Powell. **Motion denied 4-1.**

**Order:** Petitioner has sixty (60) days to come into compliance by either removing the basketball goal or the reduction of six (6) feet of the concrete surface.

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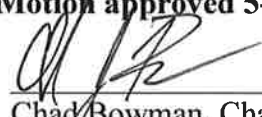
#### **IV. ADJOURNMENT:**

Chair Chad Bowman called for a motion to adjourn the meeting at 8:03 PM.

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

Approved on: December 29, 2020

By:

  
Chad Bowman, Chairman

Attested By:

  
Stephen Powell, Secretary