

Johnson County Board of Zoning Appeals

September 29, 2020 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, September 29, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:00 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 August 25, 2020 Board of Zoning Appeals meeting minutes.

Motion: Approval of August 25, 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-19-20; Rick Hamm – Variance of Use and Development Standards.
Vacant lot north of 1070 S. 550 E.

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

There shall be no outdoor storage of equipment or materials associated with the business.

Petitioner Rick Hamm (1070 S. 550 E., Franklin 46131) was present to speak and address concerns.

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

- Q. Board member Dan Cartwright inquired as to whether or not the Petitioner had any problem with the condition of not having any outdoor storage of equipment or materials associated with the business?

A. No.

Motion: To approve V-19-20 to provide for a contractor's office and yard, to waive commercial parking and landscaping requirements and Petitioner's Findings of Fact. **Moved** by Dan Cartwright. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

**V-20-20; Lynn Jelinek – Variance of Use and Development Standards.
4946 Old Smith Valley Rd.**

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

Staff presented to the board **Exhibits** consisting of correspondence from two (2) neighbors whom are in opposition, one (1) correspondence from a neighbor in support of the request and a modified Plan of Operation and Site Plan from Attorney John Young.

Attorney John Young (40 W. Court St., Ste. D, Franklin 46131) on behalf of the Petitioner was present to speak and address concerns.

Petitioner Lynn Jelinek (4646 Old Smith Valley Rd., Greenwood 46143) was present to speak and address concerns.

Lindsay Warehime (4888 Old Smith Valley Rd., Greenwood 46143) was present to speak in support of the Petitioner's request.

Sabrina Osborn (4888 Old Smith Valley Rd., Greenwood 46143) was present to speak in support of the Petitioner's request.

Ron Gephart (4933 Old Smith Valley Rd., Greenwood 46143) was present to speak in support of the Petitioner's request.

Deborah Lewis (4969 Old Smith Valley Rd., Greenwood 46143) was present to speak in support of the Petitioner's request

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

- Q. Board member Stephen Powell asked for confirmation that the business is currently operating illegally?

A. Yes.

- Q. Board member Dan Cartwright asked for clarification on what the size of his purposed building would be?

A. 30x30.

- Q. Board member Chad Bowman asked for confirmation that the Petitioner has been running a business for twenty (20) years and that he has resided at the current residence for sixteen (16) years?
A. Yes.
- Q. Board member Chad Bowman asked staff as to how they were notified of this business on the property?
A. Neighbor.
- Q. Board member Stephen Powell inquired as to whether or not there was an HOA?
A. No.
- Q. Board member Stephen Powell asked Ms. Osborn if there were other businesses in the area would it be a problem?
A. No, as long as it is not hurting the neighborhood.
- Q. Board member James Kaylor asked for clarification on what structures will remain and be built new?
A. Petitioner would like to keep all current structures and build new 30x30 pole barn.
- Q. Board member Dan Cartwright asked for clarification on whether or not the privacy fence will be on all four (4) sides of the property?
A. Privacy fence will be on three (3) sides of the property and one (1) dog ear picket fence in the front.
- Q. Board member Dan Cartwright inquired as to where the residences were located for 4866 and 4869 Old Smith Valley Road?
A. Staff illustrated where these residences were on the overhead projection.
- Q. Board member Chris Campbell asked if the residence were across the street?
A. Yes.
- Q. Board member Chris Campbell asked if there were businesses on Old Smith Valley Road and Morgantown Road?
A. Yes.
- Q. Board member Dan Cartwright inquired as to whether or not the driveway to the house would be gravel?
A. No, concrete to the road.

- Q. Board member Chad Bowman asked staff if they had any preference on the size of the fence?

A. No.

- Q. Board member Dan Cartwright inquired as to what the concerns were of the two (2) Remonstrator letters that were received by staff?

A. Dust.

Motion: To approve V-20-20 to allow for an excavation/construction contractor's office and yard and Petitioner's Findings of Fact. **Moved** by Chad Bowman. **Seconded** by Dan Cartwright. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **No:** Powell. **Motion approved 4-1.**

Motion: To approve V-20-20 to waive commercial parking and landscaping requirements, with condition that a six (6) foot privacy fence be built on three (3) sides of the property, to allow for the construction of a 3,700 square foot pole barn, resulting in a total accessory building area of 3,956 square feet that said fencing and pole barn shall be completed by April 1, 2021 and Petitioner's Findings of Fact. **Moved** by Dan Cartwright. **Seconded** by James Kaylor. **Motion approved 5-0.** **Yes:** Bowman, Campbell, Cartwright, and Kaylor.

IV. REPORTS AND RECOMMENDATIONS:

Accessory Dwelling Unit Discussion

Preliminary discussion took place amongst staff and board members about a future amendment to the zoning ordinance to allow for accessory dwelling units, in certain limited circumstances, by right.


V. ADJOURNMENT:

Chair Chad Bowman called for a motion to adjourn the meeting at 8:25 PM

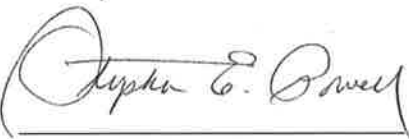
Motion: Adjourn the meeting. **Moved** by Chad Bowman. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: October 27, 2020

By:


Chad Bowman, Chairman

Attested By:


Stephen Powell, Secretary

Hansard Michele - Planning & Zoning

From: Jan Nowicki <jdinfo@jacksdogs.org>
Sent: Tuesday, September 29, 2020 1:35 PM
To: Hansard Michele - Planning & Zoning
Subject: Petition # V-20-20

Regarding Petition# V-20-20
4946 Old Smith Valley Rd.

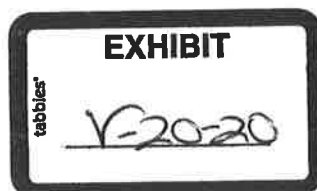
I cannot attend the hearing this evening, but would like you to know that I am opposed to this Zoning Ordinance Variance. There is already too much noise, dust, and unsightly conditions at that address and the properties next to and across the road from it. Neighbors have complained about these conditions and very little has been done about them.

I have lived here for almost 39 years and it's been a quiet, friendly, clean neighborhood until recently. I try to be a good neighbor but hope we can prevent further decline in conditions here.

Thank you.

Sincerely,

Janet J. Roseberry Nowicki
4869 Old Smith Valley Road



Hansard Michele - Planning & Zoning

From: Raymond Andrews <lannya@mymetronet.net>
Sent: Tuesday, September 29, 2020 11:55 AM
To: Hansard Michele - Planning & Zoning
Subject: Petition # V-20-20

Concerning petition# V-20-20
4946 Old Smith Valley Rd.

We, Raymond L AndrewsII and
Liane M Shields
4866 Old Smith Valley Rd.
are unable to attend the September
29th hearing. We would, if we could attend, would speak against the petition. The current situation is bad enough with the daily construction sounds, high amount of dust and at times mud on the road. Our vehicles, RV and home are constantly covered in dust. We moved here to downsize and plan for this to be our final home. We made vast improvements to our home and property in the last 3 years and there have been many positive improvements in this old neighborhood, lately. If the Board were to approve this request of variance, we can imagine nothing but more noise, more dust and diminished property values.

Thank you,
Raymond L. AndrewsII
Liane M. Shields

Narrative

Petitioner operates a small business upon the subject property that installs/constructs mobile homes/trailers. The work typically includes excavation work with Petitioner's own equipment. Work would be performed offsite of the property, with the exception of loading/unloading materials or equipment (this does not include bringing or storing mobile home trailers at the property), work on equipment, or prep work. Petitioner would not operate an office on the property open to the general public. Petitioner does not have any employees other than himself. Independent contractors that Petitioner utilizes for his business may perform some prep work on the property from time to time. There would be no signage or advertising of a business on the property.

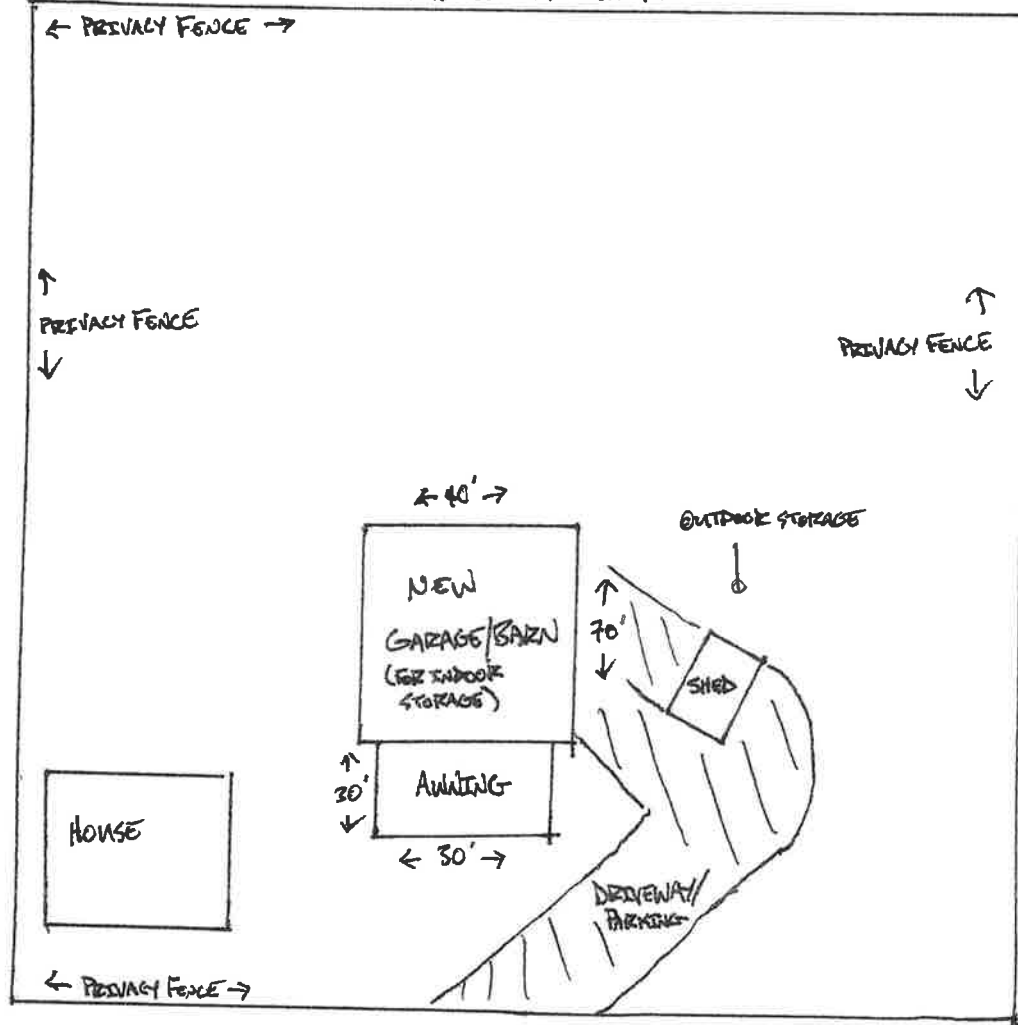
Plan of Operation

Petitioner's hours of operation for the business would be 8:00am – 5:00pm, Monday through Saturday. Petitioner's business operations will occur primarily offsite of the subject property. As stated, Petitioner would perform some prep work, such as building decking, on the property. The amount of time Petitioner foresees work occurring on the property in a week is 4-6 hours, and between 2-3 days per week. The primary use of the property will be the storing of equipment and materials for the Petitioner's business. Materials would be loaded and unloaded on the property.

The property has adequate parking for visitors. The business would not be open to the general public. Petitioner has no employees. The only individuals that would visit the business are delivery people, and independent contractors that may assist in some of the prep work from time to time.



JELINEK PROPERTY
4946 OLD SMITH VALLEY RD.



July 30, 2020

To Whom it may Concern:

I am writing this letter in support of my neighbor, Lynn Jenkins. This is to let you know that having Lynn's work equipment for his work on his property is absolutely O.K. with me. Lynn is not harming anyone and keeps his property up. He is an asset to our neighborhood. He clears our street and driveways in the winter, without pay, and helps anyone who needs help. Keeps an eye out for suspicious activity. I have never heard him say a bad word against anyone. So in conclusion, his work or equipment or any noise on his property is no problem for me at all.

P.S. For health reasons
I am unable to attend
meeting.

Shirley Cruse
4885 Old Smith Valley Rd.
Greenswood, Indiana
46143