



JOHNSON COUNTY

Department of Planning and Zoning
86 West Court Street
Courthouse Annex
Franklin, Indiana 46131

Phone: (317) 346-4350
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MEETING AGENDA

Johnson County Board of Zoning Appeals
October 27, 2020, 7:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the September 29, 2020 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-21-20. Irving Materials. 87-acre lot west of 1098 S. SR 37, Greenwood. Page 3

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for mineral excavation (not permitted on agriculturally-zoned property).

OLD BUSINESS

None.

NEW BUSINESS

V-28-15 (Revisit). Crystal Springs LLC. 3620 N. Hurricane Rd., Franklin. Page 12

As per condition of Use Variance V-28-15, granted October 27, 2015, this petition shall be brought back before the Board of Zoning Appeals five years following approval to ensure the entrance into the business has proven adequate to accommodate traffic generated by the use.

REPORTS AND RECOMMENDATIONS

Accessory Dwelling Unit Discussion. Page 18, handout

Continuing discussion about an amendment to the zoning ordinance to allow for accessory dwelling units, in certain limited circumstances, by right. (This is a *discussion* item only; there will be no vote.)

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, November 24, 2020 at 7:00 PM.

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Staff Report

CASE NUMBER: V-21-20
ADDRESS: An 87-acre parcel west of 1098 S. State Road 37, Greenwood
Parcel #s 41-04-05-031-008.001-038 and 41-04-05-031-008.002-038
Section 32, Township 14, Range 3
PETITIONER: Irving Materials, Inc.

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for mineral excavation (not permitted on agriculturally-zoned property).

STAFF RECOMMENDATION

Staff recommends **approval** of this request subject to the narrative statement and site plan submitted with this petition, and subject to commitments negotiated with Indiana-American Water and the Town of Bargersville.

PROPERTY DESCRIPTION

This 87-acre site is zoned R-1 (Single Family Residential) and a small portion zoned A-1 (Agricultural), is unimproved and is used agriculturally. It is bordered to the north and west by the current mining operations of Irving Materials, zoned A-1, and to the south by two small businesses, zoned B-1 (Neighborhood Business).

The western half of the site is located within the flood fringe of the White River.

The approximately 133-acre site adjoining this subject site to the west and north was the subject of Special Exception petition SP-4-04, approved in 2004, which allows for use of that adjoining property for mineral extraction. This request, if approved, would effectively add 27.32 acres of the subject site to the mining operation. The remaining 60 acres of the subject site would be used for right-of-way for a new frontage road associated with Interstate 69, for required landscape mounding area, and for crop fields and open land.

USE REQUEST

This request, if approved, would allow for use of the subject property for sand and gravel extraction. Unlike the adjoining land, which is zoned Agricultural, this property is zoned Residential. In the R-1 Residential district, mineral excavation is not permitted use by grant of Special Exception, as it is in the A-1 district, but rather by grant of Variance.

The petitioner has submitted a Plan of Operation, included in this report. If this request were to be approved, the operational and site development parameters described in the Plan of Operation would become binding. The mining operation will follow the lines of the flood zone fringe. The petitioner proposes to continue the ten-foot-high landscaped berm on the eastern edge of the mining limits. This proposed berm would expand the existing berm which was a condition of the 2004 Special Exception.

The petitioner is working on a set of proposed commitments, including a security plan and a reclamation plan, which are being negotiated with interested parties, chiefly the Town of Bargersville and Indiana-American Water, Inc. Both entities operate wells near the subject site which serve the public water supply. As such, these two parties are principally charged with safeguarding and ensuring the quality of the public water supply for the bulk of White River Township. The commitments will be similar to commitments from the 2004 Special Exception. The commitments were not finalized at the time of Staff Report printing but more details will be presented at the hearing.

Upon approval of this request, the commitments, too, will become binding. The submitted commitments largely mirror those approved for case SP-4-04 and a similar Special Expectation granted to Martin Marietta, Inc. in 2019 at 5651 W. Fairview Road.

The I-69 Corridor Plan Future Land Use Map recommends “Industrial mixed-use” use for the area immediately adjacent to and west of I-69. It abuts a land use recommendation of open space and parks. While mineral extraction does not necessarily fall within the broad recommendation of “Industrial Mixed-Use”, it is suitable for the specific subject site as it is a continuance of an existing mining operation. The flood fringe and lack of public utilities in the area make it unsuitable for conventional industrial development. Additionally, mineral extraction operations tend to be temporary uses, and, once minerals have been extracted, the property is reclaimed for future, more permanent use. The permanent uses should then be compatible with the comprehensive plan’s land use recommendation.

Staff regards this Variance request as appropriate and reasonable and recommends its approval.

GENERAL INFORMATION

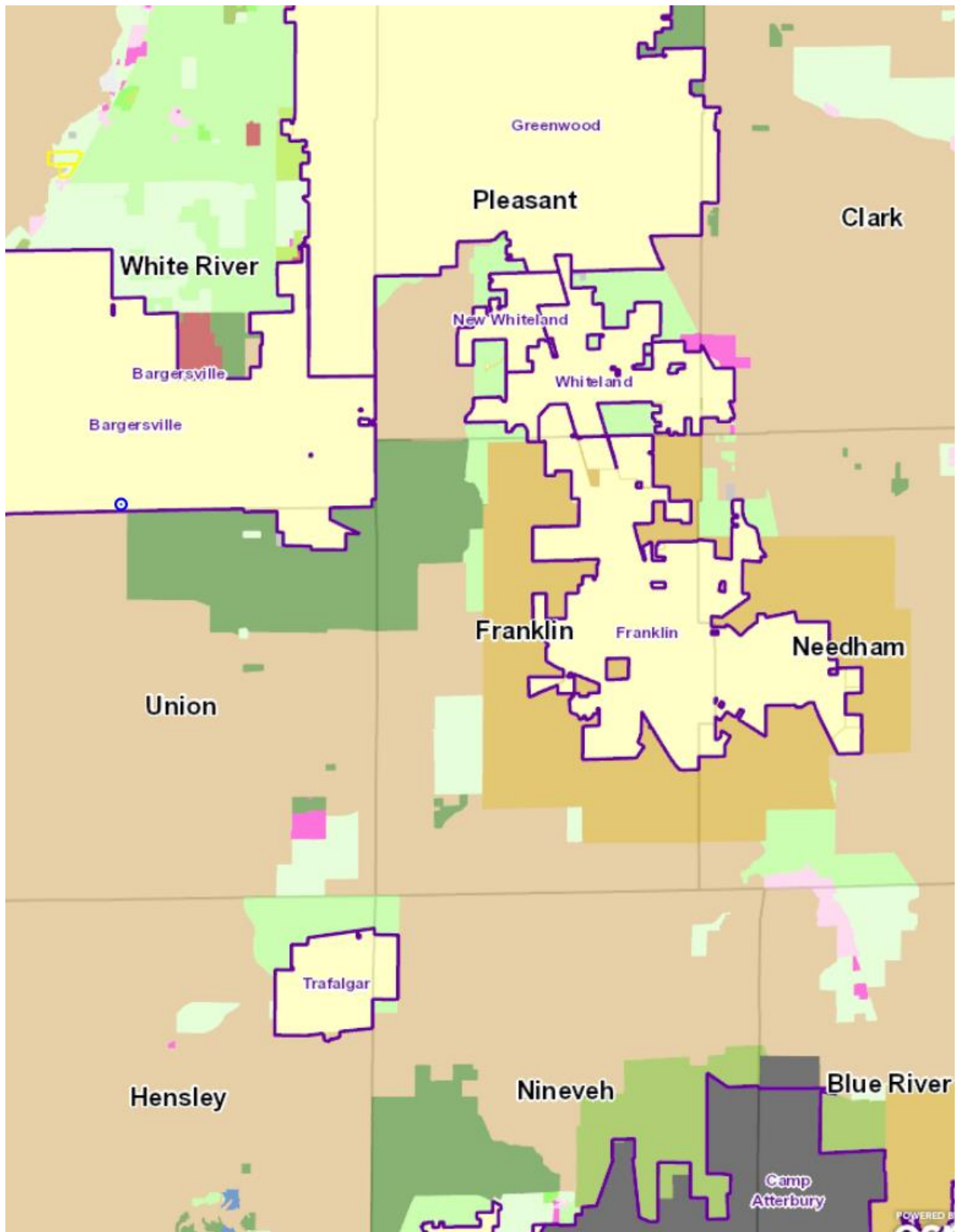
Applicant: Irving Materials, Inc.
11440 Atlantic Road
Fortville, IN 46040

Owner: Trustees of the Richards Family Irrevocable Trust
1694 Old State Road 37
Greenwood IN 46143

Land Use: Agricultural
Future Land Use: Industrial Mixed-Use

-MNH

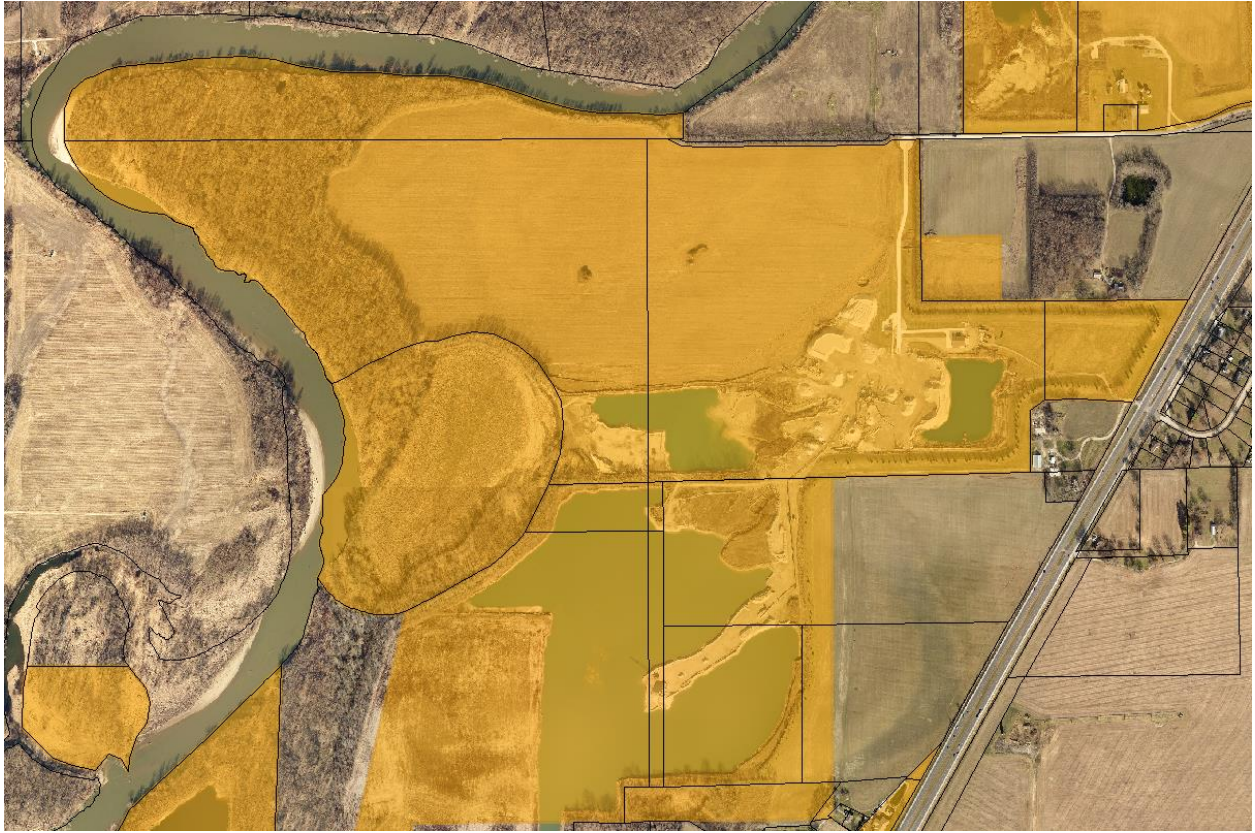
V-21-20 BASE MAP



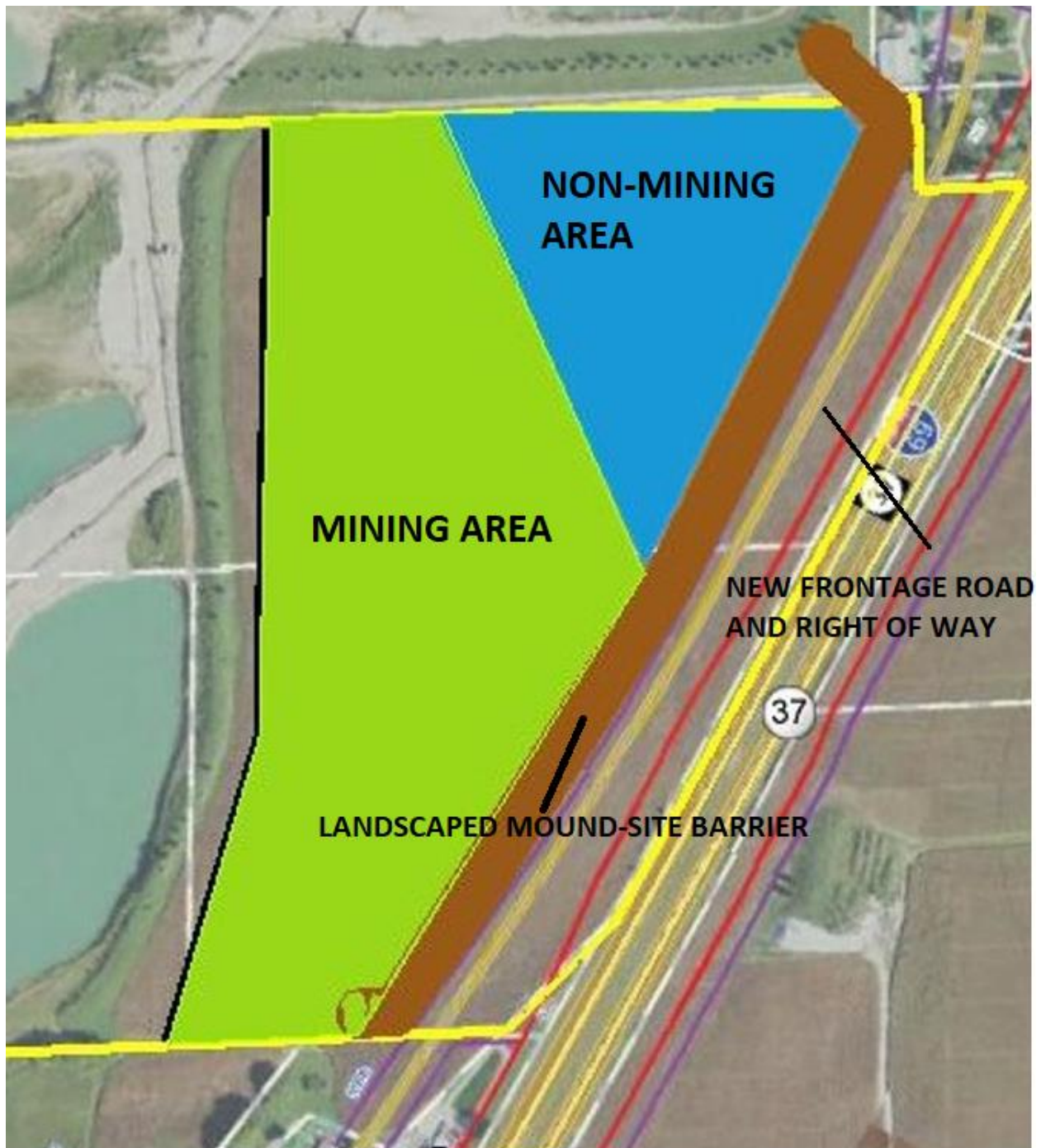
V-21-20 BASE MAP II



**V-21-20 IMI CURRENT MINING OPERATIONS – SPECIAL EXCEPTION
AREA IN ORANGE**



V-21-20 SITE PLAN



V-21-20 PLAN OF OPERATION

Richards Property Special Exception Plan of Operation

Irving Materials Aggregates, LLC. Plans to mine Sand & Gravel from the delineated Floodplain on Parcel's 41-04-05-033-008.001-038 and 41-04-05-033-008.002-038 on the land owned by Sheila K. Richards.

The mining will be a continuation of sand and gravel mining currently being done on the western portions of the parcels listed above.

Irving Materials Aggregate, LLC. will agree to the Recorded commitments currently enforced in the Special Exception on the adjacent land.

Irving Materials Aggregate, LLC. will have 2-3 employees working on this site. There will be no hazardous materials stored on this site.

The hours of operation will be 10 hours a day at 5 days per week. No Sunday operations.

N.W. CORNER, S.W. 1/4,
SEC. 5, T-13-N, R-3-E
(ASSUMED BEARING)
N 88°20'42" E
99±1.5 CHAINS(R)

N. LINE, S.W. 1/4,
SEC. 5, T-13-N, R-3-E
AND SITE LIMITS OF THE
PREVIOUS SPECIAL
EXCEPTION AREA
1233.11'(R)

POINT OF
BEGINNING OF
PROPOSED
SITE LIMITS
OF SPECIAL
EXCEPTION AREA

REX E. RICHARDS
CREDIT SHELTER TRUST
(INST. #2010-009540)

TAX PARCEL AND
INTERIOR DEED LINE

TAX PARCEL AND
INTERIOR DEED LINE

EAST LINE OF THE SITE
LIMITS OF THE PREVIOUS
SPECIAL EXCEPTION AREA

TAX PARCEL AND
INTERIOR DEED LINE

SITE LIMITS OF THE
PREVIOUS SPECIAL
EXCEPTION AREA

REX E. RICHARDS
CREDIT SHELTER TRUST
(INST. #2010-009540)

1112.76'±16.86 CHAINS(R)

970.2'±14.70 CHAINS(R)

N 88°20'42" E
315.69'

N 00°53'05" E
1347.89'(R)

APPROXIMATE
FEMA FLOOD
ZONE "AE" LINE

PROPOSED
100' WIDE
MOUND AREA

S 25°04'24" E
1200.40'

WEST
RIGHT-OF-WAY
LINE OF INTERSTATE 69/
STATE ROAD 37

S 29°54'58" W
255.68'

REX E. RICHARDS
CREDIT SHELTER TRUST
(INST. #2010-009540)

S 33°05'50" W
306.66'

S 34°03'07" W
295.38'

S 35°00'23" W
194.63'

S 68°18'05" W
459.65'

N 16°38'31" E
656.71'

100'

100'

100'

E OF INTERSTATE 69/STATE ROAD 37

N.E. CORNER, S.W. 1/4,
SEC. 5, T-13-N, R-3-E

PROPOSED SITE LIMITS OF SPECIAL EXCEPTION AREA:
A PART OF THE SOUTHWEST QUARTER OF SECTION 5,
TOWNSHIP 13 NORTH, RANGE 3 EAST, INTENDED TO BE A
PART OF THAT LAND AS DESCRIBED AND RECORDED IN
INSTRUMENT #2010-009540 IN THE OFFICE OF THE RECORDER
OF JOHNSON COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER
SECTION; THENCE NORTH 88°20'42" EAST (AN ASSUMED
BEARING) ALONG THE NORTH LINE OF SAID QUARTER SECTION
A DISTANCE OF 1233.11 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 88°20'42" EAST ALONG SAID
NORTH LINE A DISTANCE OF 315.69 FEET; THENCE SOUTH
25°04'24" EAST A DISTANCE OF 1200.40 FEET; THENCE SOUTH
29°54'58" WEST A DISTANCE OF 255.68 FEET; THENCE SOUTH
33°05'50" WEST A DISTANCE OF 306.66 FEET; THENCE SOUTH
34°03'07" WEST A DISTANCE OF 295.38 FEET; THENCE SOUTH
35°00'23" WEST A DISTANCE OF 194.63 FEET; THENCE NORTH
16°38'31" EAST A DISTANCE OF 656.71 FEET; THENCE NORTH
00°53'05" EAST A DISTANCE OF 1347.89 FEET TO THE POINT
OF BEGINNING, CONTAINING 27.32 ACRES, MORE OR LESS, AND
SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

LAND SURVEYOR
JONATHAN M. ISAAC
REGISTERED
NO. LS20200015
STATE OF INDIANA
LAND SURVEYOR

IRVING MATERIALS, INC.
EXHIBIT OF
PROPOSED SITE LIMITS OF
SPECIAL EXCEPTION AREA
PART OF THE S.W. 1/4,
SEC. 5, T-13-N, R-3-E
JOHNSON COUNTY, INDIANA

SHEET 1 OF 1
JOB NUMBER 20229
SCALE 1"=100'
DWG REVISION DATES
DRAWN BY B.STRICKLER
DWG DATE 10/7/2020
DWG NAME 20233 Bates Drawings.dwg

414 South Main Street
Bloomington, Indiana 47401
Phone: 812-358-2982
Fax: 812-358-2605
3640 Carmichael Drive
Columbus, Indiana 47201
Phone: 812-372-0986
Fax: 812-372-0986
www.itsurveying.com

INDEPENDENT
LAND
SURVEYING

NOTE:
A BOUNDARY SURVEY WAS NOT PERFORMED AND IS NOT
TO BE IMPLIED. THE BOUNDARY OF SUBJECT LAND AND
THE SITE LIMITS ARE SHOWN HEREON BASED ON THE
RECORD DEED, DOCUMENTS PROVIDED BY THE CLIENT,
INTERSTATE 69 RIGHT-OF-WAY PLANS, AND A ROUTE
CONTROL SURVEY FOR THE RECENT RIGHT-OF-WAY
TAKINGS ALONG THE CORRIDOR OF INTERSTATE 69.

S.W. CORNER,
SEC. 5, T-13-N, R-3-E

V-21-20 PETITIONER'S FINDINGS OF FACTS

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

The Petitioner abides by all County Commitments made in 2004 to mine sand and gravel

On adjacent property. The Petitioner is governed by the Mine Safety and Health Administration (MSHA)

and is inspected for the safety and health of employees and customers. The Petitioner also has current

permits and approval for mining on said property from IDEM and DNR.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The adjacent property to the North is approved for sand and gravel mining. The Western edge of the

property is defined by the West Fork of the White River. The Eastern edge of the property will have a

decorative mound with landscaped trees to block future Interstate traffic. The adjacent property to the

South is the property owner, who leases the land to the Petitioner.

3. The need for the variance arises from some condition peculiar to the property involved because:

The property has mineral reserves (Sand and Gravel) that are needed for residential and commercial growth as well as transportation construction and repair.

A sand and gravel processing plant is located on adjacent property and will process the minerals mined on this property.

4. 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 because.

Mineral mining will be sought at other locations causing transportation congestion

and safety concerns importing sand and gravel to this location.

5. The approval does not interfere substantially with the Comprehensive Plan because:

The area proposed for mining is within the Floodplain currently Identified on FEMA

Flood insurance map 2007, and could be considered unsuitable for habitable construction.

Staff Report

CASE NUMBER: V-28-15 (Revisit)
ADDRESS: 3620 North Hurricane Road, Franklin
PETITIONER: Crystal Springs Farm, Inc., aka 8th Generation, LLC.

REQUEST

Revisit of Variance request V-28-15, which was granted by the Board of the Zoning Appeals in 2015.

STAFF RECOMMENDATION

Staff provides **no recommendation** relative to this matter, but notes that Condition #2 below appears to have been met satisfactorily, and additionally notes that the Johnson County Highway Department has reviewed the matter and indicated that no road improvements are required at present.

PROPERTY DESCRIPTION

This 125-acre site is zoned A-1 (Agricultural) and is improved with a single-family dwelling, four accessory barns, a gravel driveway, and a commercial barn/event center and parking lot.

CASE DESCRIPTION

Variances of Use and Development Standards were granted to the petitioner on October 27, 2015, allowing for the agritourism activities described in the Plan of Operation in this staff report. The commercial use was granted relief from commercial parking standards and landscaped buffers with companioned development standard variances. It was also granted a variance for a 25 square-foot sign.

The use variance was approved with the following conditions:

1. A maximum of four Special Events, as defined in the Plan of Operation, may occur per month.
2. The petitioner shall return to the Board of Zoning Appeals no later than October 27, 2020 to discuss the adequacy of the entrance to accommodate traffic generated by the use. The Board reserves the right to require modifications to the entrance or to require the petitioner to return to the Board at a future date to further discuss the adequacy of the entrance.

Condition 2 was created because the Johnson County Highway Department at the time recommended the construction of an accel/decel lane and a passing blister to accommodate the anticipated traffic use. The Board approved the requests without those recommended improvements, however, and required the case to return to the BZA to discuss the adequacy of the proposed entrance.

Highway Department staff has stated that no improvements are required at this time. If there is a change in use, however, then they will need to revisit the matter and discuss improvements.

Therefore, with no concerns expressed by the Highway Department, Condition 2 has been addressed and no action is required.

Applicant: Crystal Spring Farm, Inc. now operating as 8th Generation
3614 N Hurricane Rd.
Franklin, IN 46131

Owner: Same

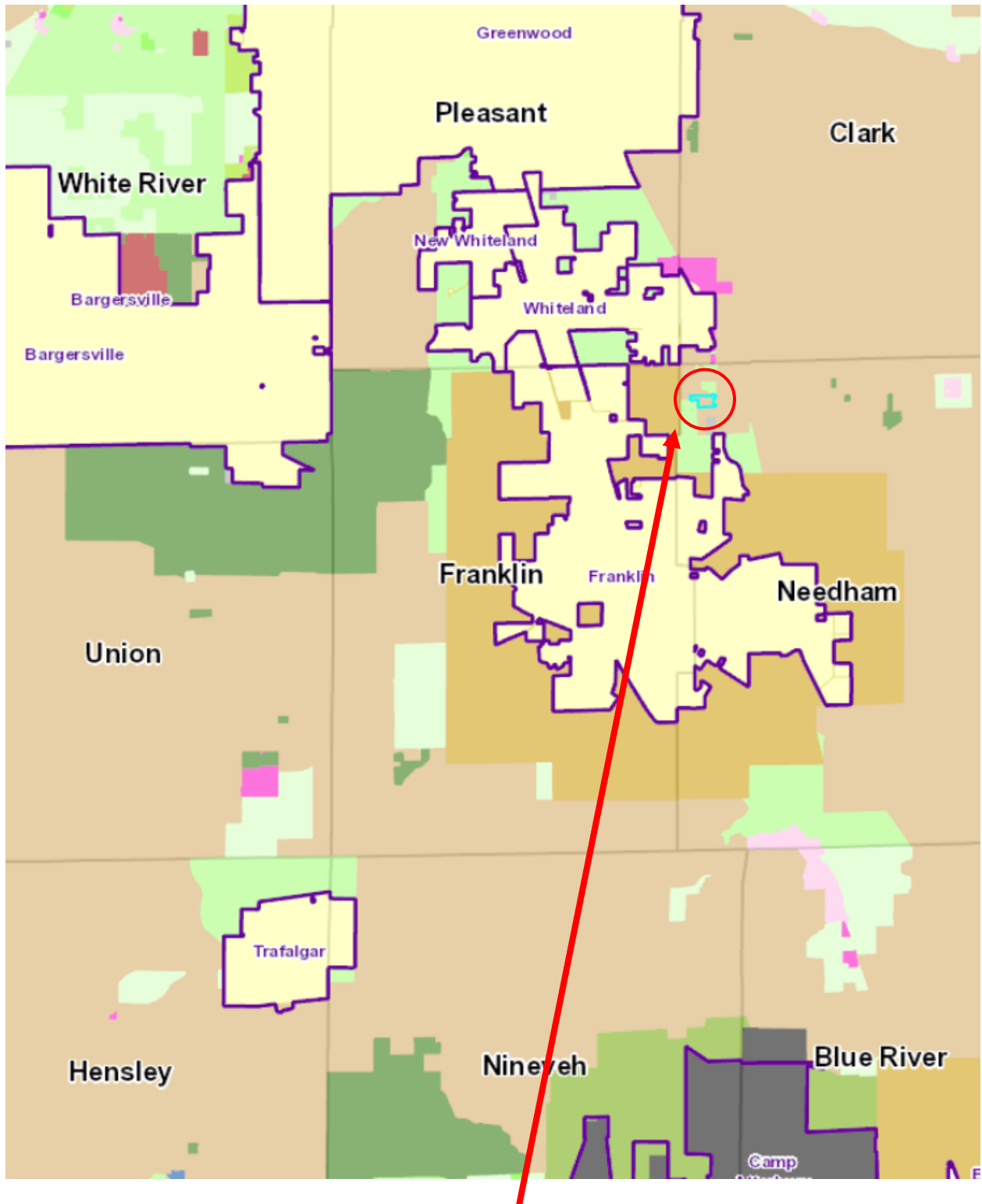
Zoning: A-1

Land Use: Agritourism

Future Land Use: Suburban Residential

-MNH

V-28-15 BASE MAP II

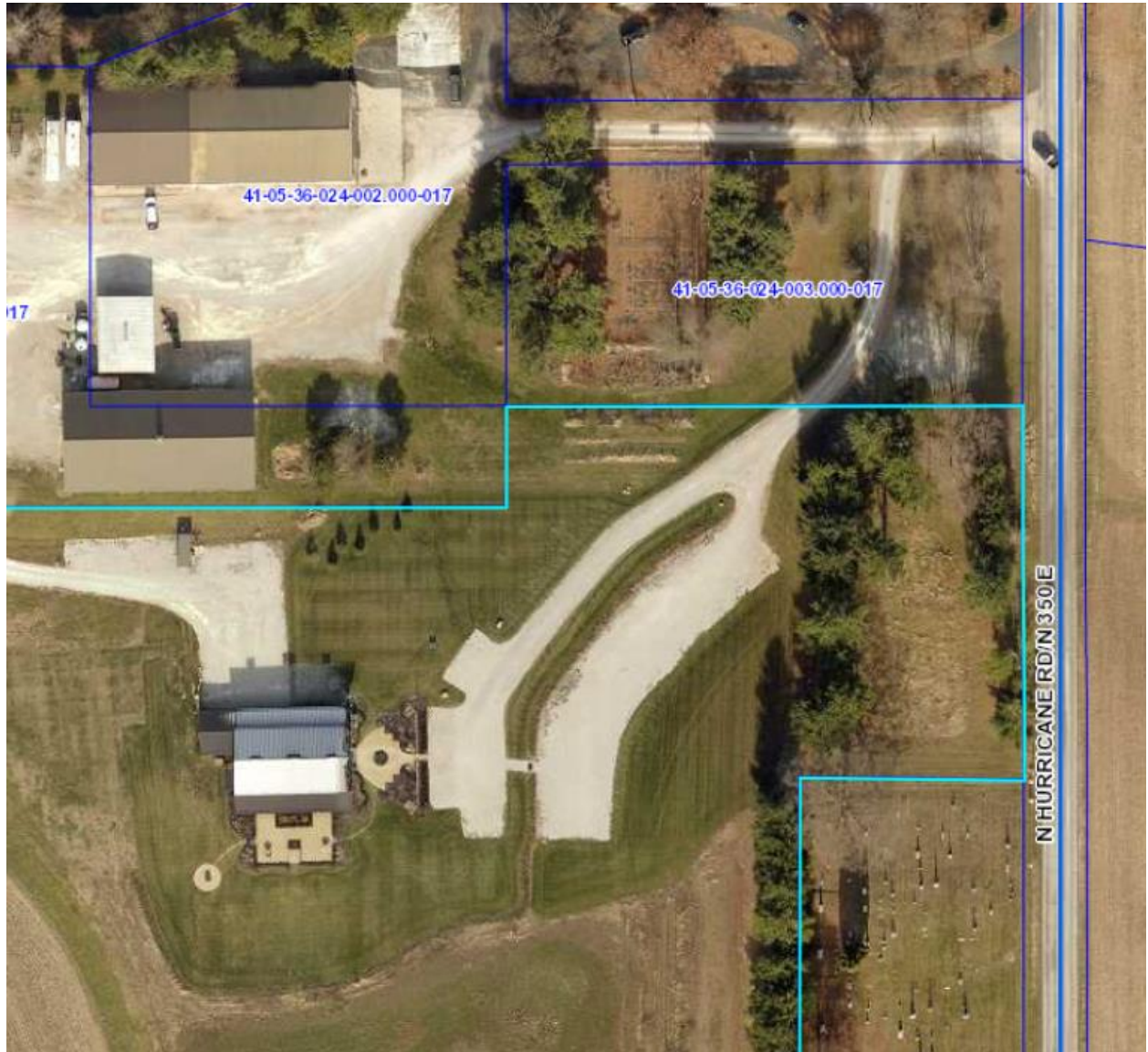


**SUBJECT
LOCATION**

V-28-15 BASE MAP II



V-28-15 AERIAL



V-28-15 PLAN OF OPERATION

Plan of Operation

1. Operation days and Hours
 - a. Tuesday through Sunday 9:00 AM to 6:00 PM
 - b. Friday - outside summer market from 6-9 PM;
 - c. Special Events - times to be determined;
2. Number of Employees
 - a. 5
3. Permitted Uses:
 - a. Growing/Selling produce, plants, flowers and farm/garden related items;
 - b. Growing/Selling pumpkins;
 - c. Selling Christmas trees, wreaths, Christmas decorations;
 - d. Space rental for main floor and outdoor space for events such as:
 - i. weddings;
 - ii. meetings-business, clubs, non-profit organizations, farmers, etc.;
 - iii. birthdays, showers; farm to table dinners; and special events;
 - e. Field trips for scouts, church groups;
 - f. Friday evening summer farmers' market, fall market and winter market;
 - g. Classes: composting, bees, floral design, ecosystems, herbs, garden, crafts, photography;
4. Limits to Number of Attendees for Events
 - a. 200 persons
 - i. 100 inside the barn (per state regulations)
 - ii. 100 outside the barn;
5. Limit to Number of Vehicles
 - a. 200
6. Traffic Control
 - a. Traffic will come in from Hurricane Road either from the north or the south and enter into the property.
 - b. Once entering the property, a separate road will be to the barn where 9 parking spaces will be available.
 - c. All overflow traffic for larger events will be directed to a part north of the barn
7. Music for special events will be allowed
8. Deliveries of goods for sale will all be made by personal vehicles

Accessory Dwelling Unit Regulations - DRAFT

Introduction

The attached draft language is proposed as an amendment to the Johnson County Zoning Ordinance. If adopted, the amendment will allow, by right, for the development of accessory dwelling units on residential lots within unincorporated Johnson County, under certain circumstances. At present, such accessory dwelling units are only allowed following grant of a variance by the Board of Zoning Appeals.

Proposed Accessory Dwelling Unit Regulations - Summary

- Attached and detached accessory dwellings shall be allowed by right:
 1. on all lots zoned A-1 (Agricultural) or RR (Rural Residential),
 2. on all lots zoned R-1, R-2, R-3 (all single-family districts) or R-4 (multifamily district) which are not in a minor or major subdivision, and
 3. on lots zoned R-1, R-2, or R-3 in a platted minor or major subdivision, provided said subdivision's recorded plat explicitly allows for accessory dwellings.
- Otherwise, attached and detached accessory dwelling units shall be allowed on residentially-zoned lots only by grant of Special Exception.
- There may be no more than one accessory dwelling unit per lot.
- An accessory dwelling unit's building area shall be no greater than 75~~35~~% of the building area of the associated primary dwelling, and no greater than 1,000 square feet.
- The property owner's primary residence must be the primary or the secondary dwelling.

Proposed Amended Zoning Ordinance

The attached draft amended zoning ordinance includes only those pages of the ordinance proposed to be changed, 14 pages in total. The specific proposed changes are underlined or ~~crossed-out~~ in red.