



JOHNSON COUNTY

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

Phone: (317) 346-4350
Fax: (317) 736-4722
www.co.johnson.in.us

MEETING AGENDA

Johnson County Board of Zoning Appeals
November 24, 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 October 27, 2020 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-22-20. Chad Fowler, SW corner of Urmeyville Road and 700 E. Page 3

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for an outdoor recreational area with three baseball fields, a batting cage, a storage building, and two parking lots (not permitted on agriculturally-zoned property).

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for stone parking areas and stone drive aisles without curbs or perimeter landscaping (paved and striped parking areas, paved and curbed drive aisles, and parking lot perimeter landscaping required).

V-24-20. Bradley Earnest. 2602 Waldron Drive. Page 11

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to legally establish a game court with a four-foot west side setback (minimum 10-foot side setback required).

OLD BUSINESS

None.

NEW BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, December 29, 2020 at 7:00 PM.

- - -

Staff Report

CASE NUMBER: V-22-20
ADDRESS: Land at the southwest corner of Urmeyville Road and 700 E (an 11-acre portion of Parcel # 41-07-04-044-001.000-017)
Section 4, Township 12, Range 5
PETITIONER: Chad Fowler

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for an outdoor recreational area with three baseball fields, a batting cage, a storage building, and two parking lots (not permitted on agriculturally-zoned property).

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for stone parking areas and stone drive aisles without curbs or perimeter landscaping (paved and striped parking areas, paved and curbed drive aisles, and parking lot perimeter landscaping required).

STAFF RECOMMENDATION

Staff recommends that this matter be **continued**, and not heard by the Board of Zoning Appeals until determination or feedback is provided by the Department of Natural Resources in response to the improvement proposed in the Floodway.

Otherwise, the staff recommends denial of this request.

PROPERTY DESCRIPTION

This 11-acre property is zoned A-1 (Agricultural), is unimproved, and is used agriculturally. It is surrounded to the west, south, and north by larger parcels used agriculturally and to the east by heavily-wooded areas and a water well for Indiana American Water.

VARIANCE OF USE REQUEST

This Variance of Use request, if approved, would allow the subject property to be used as an outdoor recreational area. The recreational area will include three baseball fields, a batting cage, a storage building, and two parking lots. The petitioner has stated that this field will only be used for practices for a youth baseball league and will not be used for games or tournaments.

At the time of preparation of the staff report, the Staff has only received a site plan of the proposed use and not a Plan of Operation.

Upon review of the site plan, the Staff discovered that this property is designated as a FEMA Floodway Zone on the Indiana Floodplain Information Portal. Development in a Floodway will need to be approved and permitted by the Department of Natural Resources. Staff advised the petitioner to seek approval of the land improvements from DNR prior to the Board of Zoning Appeals Hearing.

With the information mention above, the Staff recommends that this petition be continued to the December meeting in order to allow the petitioner to receive feedback from DNR and to submit a Plan of Operation.

VARIANCE OF DEVELOPMENT STANDARDS - COMMERCIAL LANDSCAPE AND PARKING

This Variance of Development Standards request, if approved, would allow for commercial use at this location without providing the paved maneuvering and parking areas required of commercial properties. The petitioner is proposing to add two parking areas. The gravel area will also lack curbs and stall striping, whereas the zoning ordinance requires all commercial parking and maneuvering areas to be paved and curbed and to have parking stalls marked in paint.

This request also seeks to waive the required buffering landscaping. However, staff determined that this portion of the request is not necessary, and should be withdrawn because the subject property does not abut a residential use.

Because both requests are linked to the Variance of Use request, staff recommends continuance, as well.

GENERAL INFORMATION

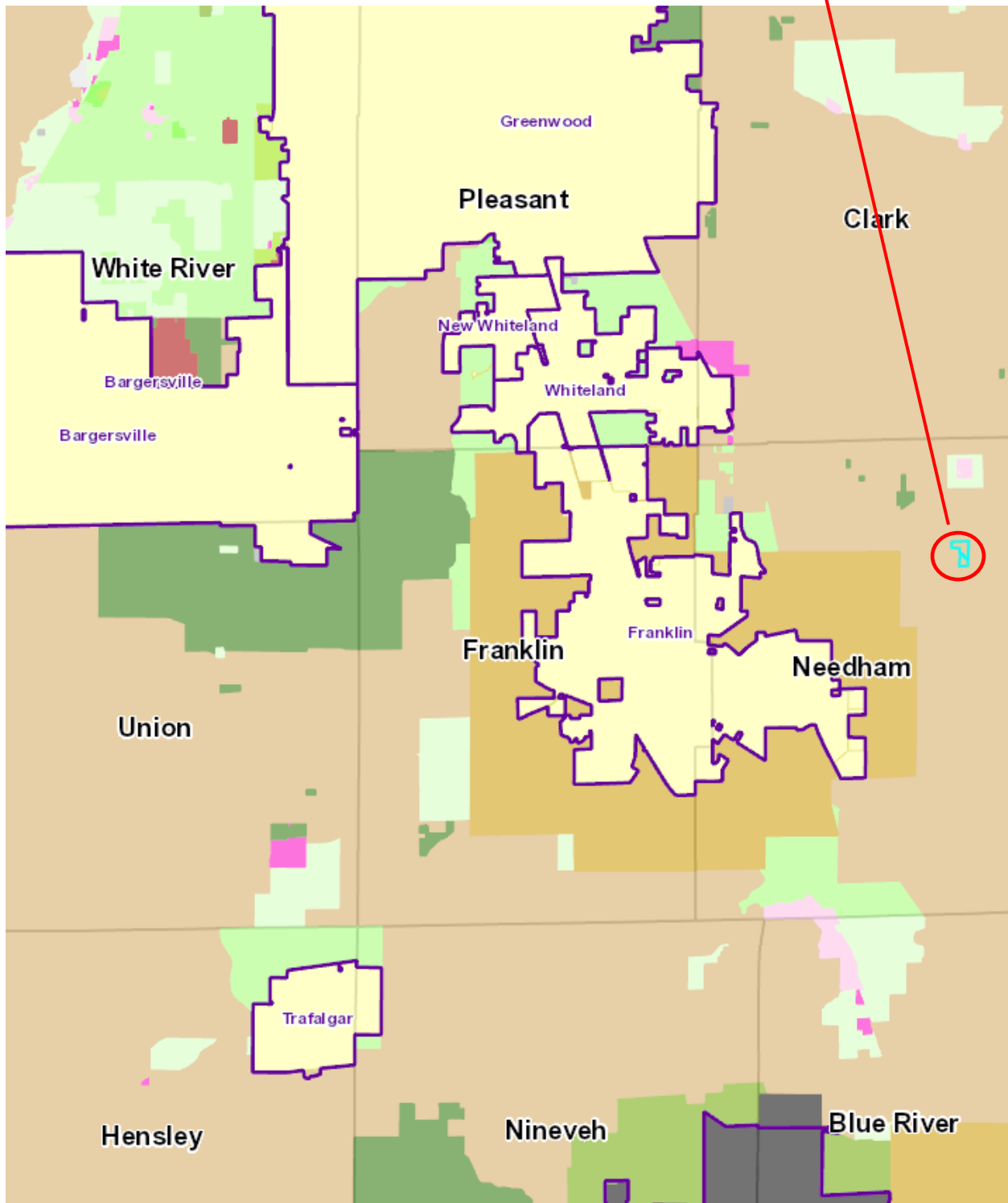
Applicant: Chad Fowler
977 North 700 East
Franklin, IN 46131

Owner: Wesley Mitchell
2371 North 700 East
Franklin IN 46131

Zoning: A-1, Agricultural
Land Use: Agricultural
Future Land Use: Conservation

V-22-20 VICINITY MAP

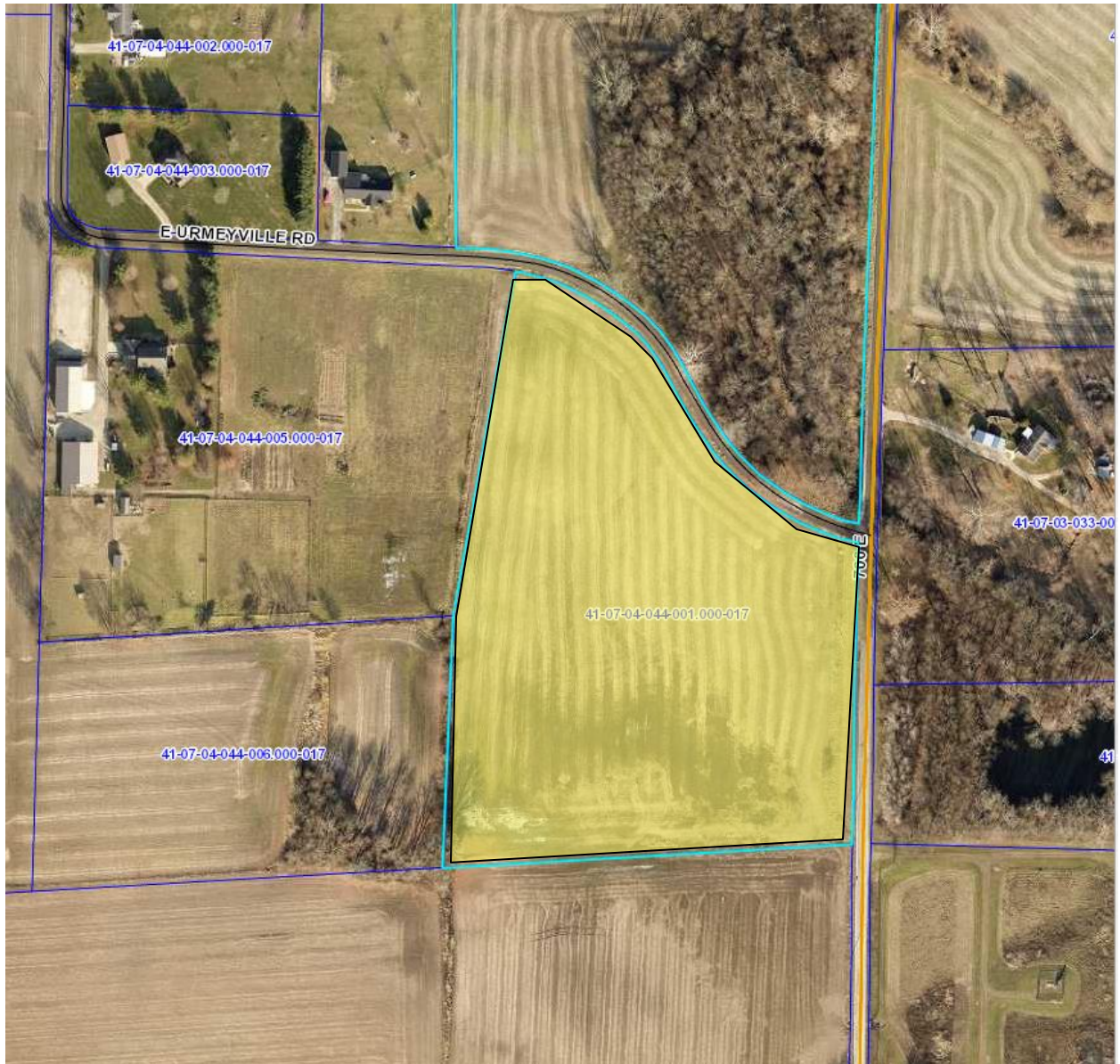
Subject Site



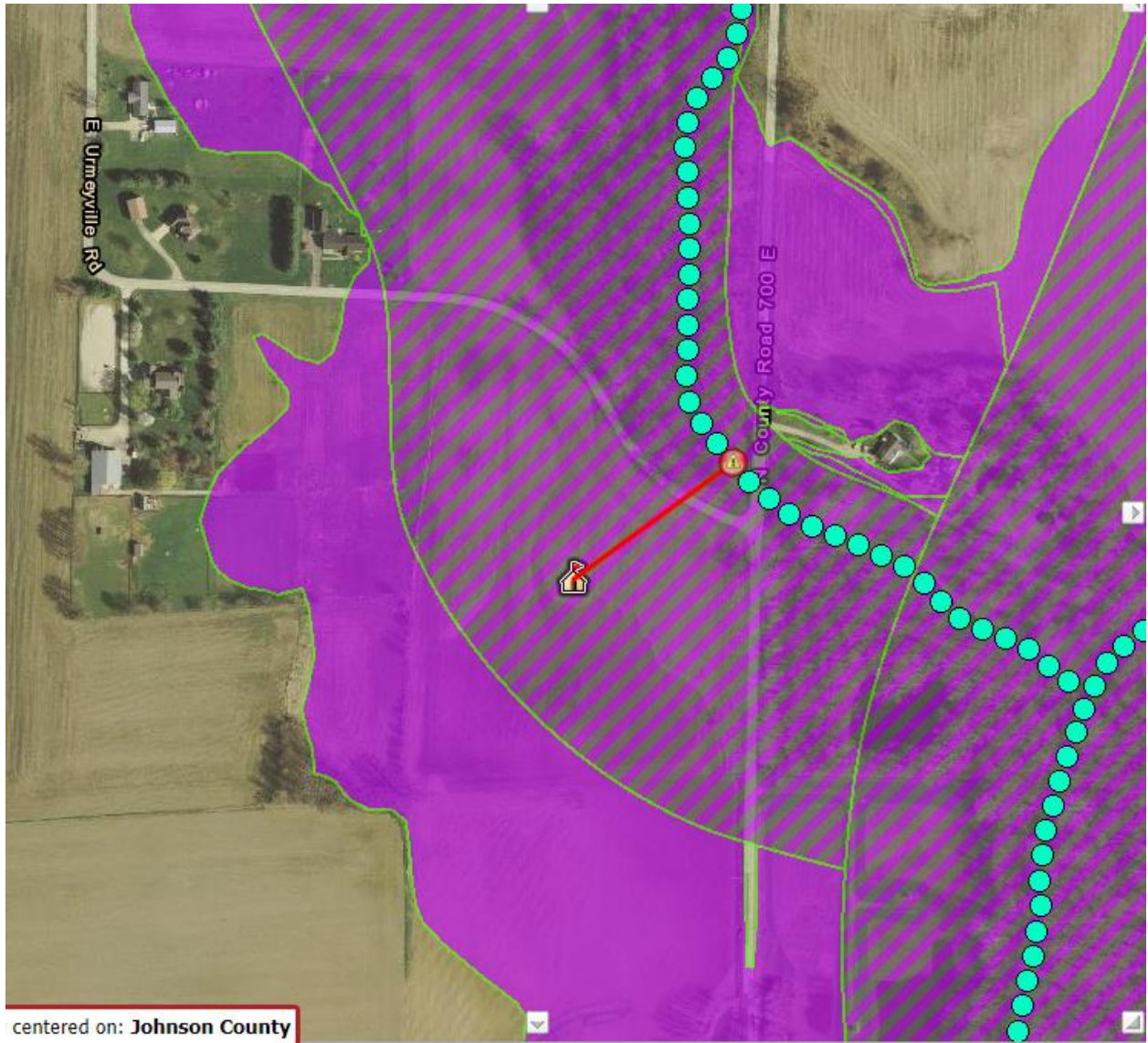
V-22-20 BASE MAP I



V-22-20 BASE MAP II (USE LOCATION)



V-22-20 FLOOD MAP



STONE PARKING/DROP OFF AREA

STONE PARKING/DROP OFF AREA

FIELD 1

FIELD 2

FIELD 3

STORAGE BLDG

BATTING CAGES

URMEYVILLE RD

C.R. 700 E

POWERHOUSE ATHLETICS

Practice Diamonds

Franklin, Indiana

Proposed Site Layout

REVISION

Job No.: 07.16.2020
Date Stamped:
Drawn By: k.tworak
Checked By: **Scale:** 1"=60'
CAD FILE:

CERTIFIED BY:

V-22-20 PETITIONER'S FIND OF FACT –USE VARIANCE

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 use for the land is really the only thing changing.
removing sod and adding fencing should not change or cause any issues including safety, health of those using it or adjoining properties -

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 land around it is both agriculture and American water lands.
the landscape secludes it from most properties. and the use variance will not alter value in anyway

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

because we are not looking to use the land for agriculture. we are looking to cut a little sod out. add some parking and let kids practice sports on it.

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.

The variance is just allowing us to remove enough sod to use for practice areas and out shed to store a mower in and store for parking - All can be converted back to Agriculture very easily

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

The land will be relatively unaltered and the alteration that will be made (Fencing, outbuilding "shed") and sod removal. Parking will be on stone

Staff Report

CASE NUMBER: V-24-20
ADDRESS: 2602 Waldon Drive
Section 10, Township 13, Range 3
PETITIONER: Bradley Earnest

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to legally establish a game court with a four-foot west side setback (minimum 10-foot side setback required).

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PROPERTY DESCRIPTION

This 0.35-acre site is zoned R-2 (Single-family Residential), is improved with a single-family dwelling, and is within the Forest Hills subdivision. It is surrounded on all sides by improved residential lots of similar size.

VARIANCE OF DEVELOPMENT STANDARDS

This Variance of Development Standards request seeks to legally establish an existing concrete game court. The game court was built with a four-foot side setback, whereas the zoning ordinance requires a minimum 10-foot side setback of any dedicated game court.

Notably, a concrete pad used exclusively as a patio *could* be built within that 10-foot required setback. But because game courts are used more intensively than patios and cause greater nuisance for neighboring properties than patios, game courts are required to abide by the same setback standards as buildings or other structures.

In this case, staff received a complaint about erosion problems on the subject site after construction of the game court. Staff inspected and found that the area had not been properly stabilized, and that the game court had been built without a permit. Staff soon learned that the game court was also built over a drainage and utility easement without required permissions, in addition to being built in a manner which did not comply with setback requirements.

Subsequently, the property owner did seek and receive letters of approval or no-objection from all entities with interest in the drainage and utility easement. So, the game court's encroachment into the easement has effectively been approved.

Here, though, staff asserts that there exists no practical difficulty, unique to this property, which warrants approval of the variance request. Further, two design solutions exist. For one, the basketball goal could be removed and the concrete pad used solely as a patio, without need for

any additional changes. Alternatively, a six foot section of the concrete pad could be removed along its western edge, thus bringing the game court into compliance with ordinance standards.

STAFF FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.

The approval would provide for a game court located unreasonably and conspicuously close to a neighboring property.

2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

The approval would provide for a game court located unreasonably and conspicuously close to a neighboring property.

3. The strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.

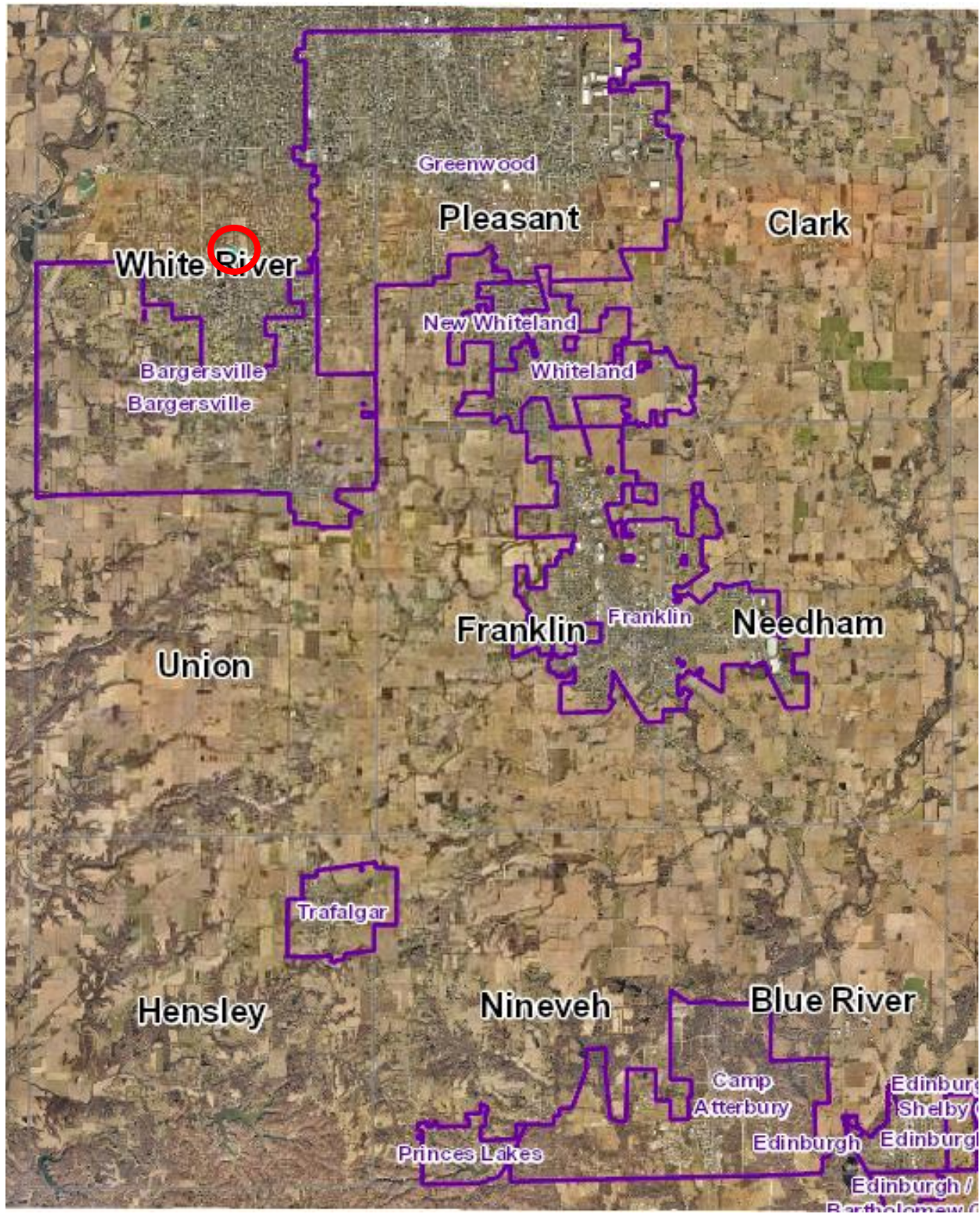
The concrete surface could be left as-is, and used as a patio and not a game court. Or, the owner could remove six feet from the western edge of the game court to make it compliant with the zoning ordinance. In any event, there is no practical difficulty present which warrants grant of the requested variance.

GENERAL INFORMATION

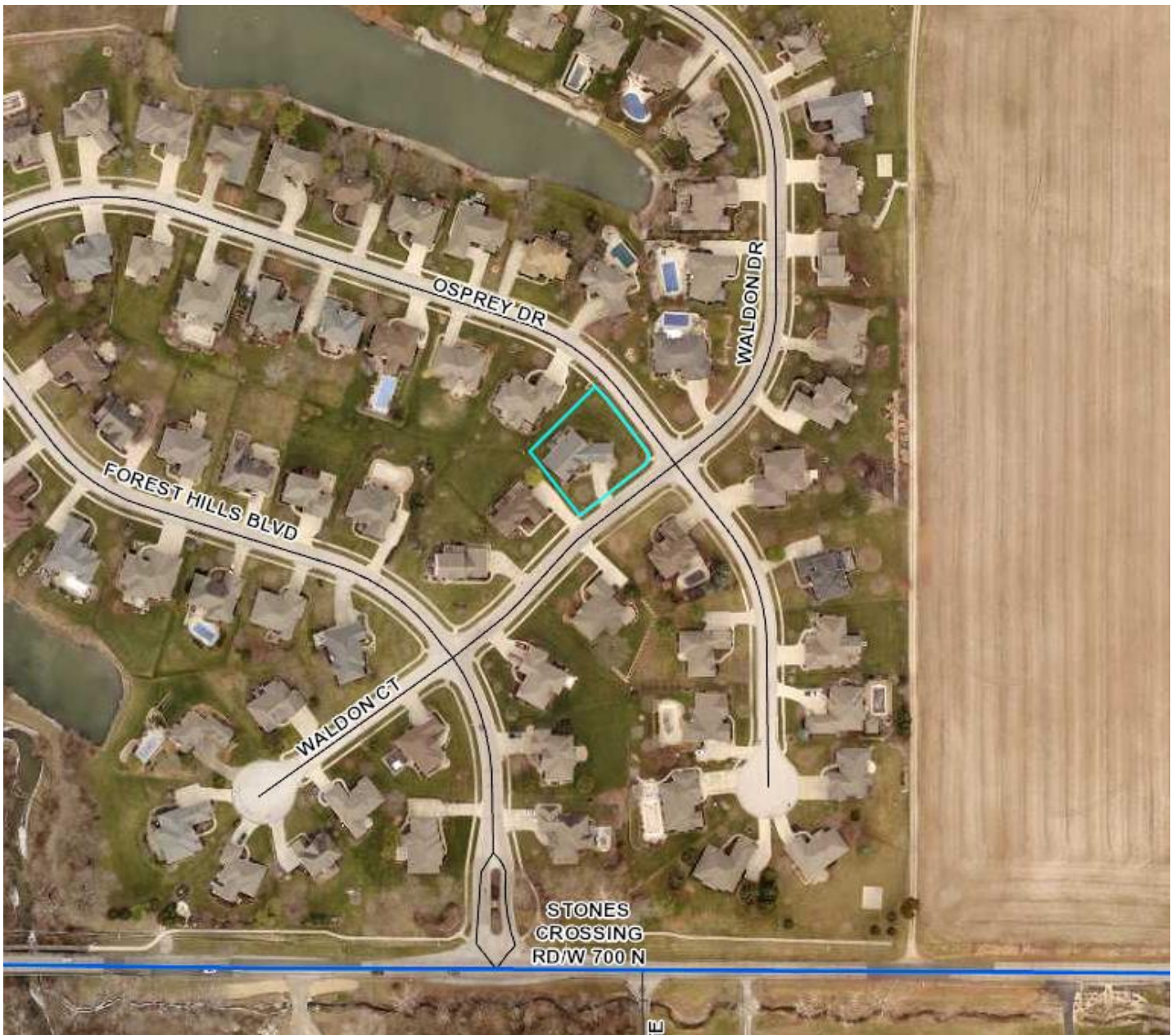
Applicant:	Bradley Earnest 2602 Waldon Drive Greenwood, IN 46143
Owner:	same
Zoning:	R-2 (Single-family Residential)
Land Use:	Single-family dwelling
Future Land Use:	Single-family residential

-DLH

V-24-20 VICINITY MAP



V-24-20 BASE MAP II



V-24-20 AERIAL PHOTO



V-24-20 PETITIONER'S SITE PLAN



V-24-20 PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

Case Number: _____

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

It is a concrete patio with a basketball goal up with new landscaping.

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 added patio and court will bring up the value of the current residence and also make adjacent homes value increase as well.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

The 10ft zoning Ordinance off the easement will restrict the full use of the court and patio with no harm or adjacent value decreases. We are a corner lot with a small backyard and would be hard to meet with the setback standards. The majority of our yard is on the side of the corner lot.

Office Use Only: Do Not Write Below This Line

DECISION

It is therefore the decision of this body that this Variance petition is APPROVED.

Adopted: _____
month day year



STAFF PHOTO: Subject game court and site, looking west from Osprey Drive