



JOHNSON COUNTY

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

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

MEETING AGENDA

Johnson County Board of Zoning Appeals
May 19, 2020, 7:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

NOTE:

Due to the novel coronavirus pandemic, this meeting will be held at the scheduled date and time online via zoom, rather than in-person.

Join Zoom Meeting online:

<https://us02web.zoom.us/j/84927535721?pwd=MWp6RFZlOHYzdUJiWGdBbFJ0N1o3dz09>

Meeting ID: 849 2753 5721

Password: 006765

-OR-

Phone in to the meeting:

(253) 215-8782

(301) 715-8592

Meeting ID: 849 2753 5721

Password: 006765

Find your local number: <https://us02web.zoom.us/j/84927535721?pwd=MWp6RFZlOHYzdUJiWGdBbFJ0N1o3dz09>

Please call 317-346-4350 or email planning@co.johnson.in.us with any questions.

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the February 25, 2020 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-7-20. Evan Icenogle. 4507 W Runyon Lake Drive.....Page 3
VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a 1,200 square-foot, 19.5-foot-tall accessory structure (maximum area of 540 square feet and a maximum height of 14.5 feet allowed).

V-8-20. Mike and Shelly Oswalt. 4104 Golden Grove RoadPage 14
VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of an accessory structure: a) Where all accessory structures will total 3,124 square feet in building area, which will exceed the size limitation of 2,007 square feet for all accessory structures at this property, and b) with a 32-foot height (maximum 25-foot height allowed).

V-9-20. Gregory Lukenbill. 1856 N 450 W.Page 26
VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to legally establish an attached secondary dwelling unit (no more than one dwelling unit allowed on a residentially-zoned lot).

OLD BUSINESS

None.

NEW BUSINESS

Adoption of Negative Findings of Fact for V-4-20..... Page 36

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, June 23rd at 7:00 PM.

Staff Report

CASE NUMBER: V-7-20
ADDRESS: 4507 West Runyon Lake Drive, Greenwood
Section 3, Township 13, Range 3
PETITIONER: Evan Icenogle

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a 1,200 square-foot, 19.5-foot-tall accessory structure (maximum area of 540 square feet and a maximum height of 14.5 feet allowed).

STAFF RECOMMENDATION

Staff recommends the **approval** of both variance components.

PROPERTY DESCRIPTION

This 0.36-acre site is zoned R-2 (Single Family Residential) and is improved with a single-family dwelling. It is located in the Runyon 2nd Section residential major subdivision. The site is surrounded to the west, east, and north by similarly-sized parcels, used residentially, To the south is a large parcel that is used residentially and for a landscape business.

VARIANCE REQUEST – ACCESSORY BUILDING AREA

This request, if approved, would allow a 1,200-square-foot accessory building, which would be 111% of the building area of the primary dwelling. The Zoning Ordinance allows, on a lot zoned R-2, for an aggregate accessory building area of no more than 50% of the square footage of the footprint of the principal building. This restriction is intended to discourage commercial conversion and to maintain the residential aesthetic within residential districts. The single-family home on the property has a footprint of 1,080 square feet.

Lots in this residential subdivision are improved with older homes with a small footprint with very few attached garages. It is common in this subdivision that lots have detached garages. The subject property did have an existing detached garage, but it was removed this year.

The Petitioner states that he intends to attach this garage to the primary structure eventually, but the septic system would have to be relocated before that is done.

Staff often supports variance requests for oversized residential accessory structures where the following conditions are met:

1. The subject lot is located in a rural or agricultural area, or in an area generally characterized by large lots and open, expansive spaces.
2. The subject lot is located in an area where oversized accessory structures are common.

3. The oversized accessory structure would be obscured from view from surrounding properties and rights-of-way.

The proposed oversized accessory structure generally meets provision 2 above. There are several parcels in the subdivision that have detached structures. The neighbor to the west has a similarly-sized structure.

Though the proposal would not fully satisfy provisions 1 and 3 above, the proposed accessory structure *would* be shielded from view from the right-of-way, and would generally match existing development in the area.

VARIANCE REQUEST – ACCESSORY BUILDING HEIGHT

This variance request, if approved, would allow the accessory structure to have a height of 19.5 feet, whereas the zoning ordinance allows an accessory structure to have a height no greater than 25 feet and no greater than the height of the associated primary structure. The primary structure is 14.5 feet tall.

Homes in this neighborhood are older, smaller, single-story homes with a minimal roof pitch. This older construction format does not contemplate the dimensions of current truss systems. Also, the proposed 19-foot height is significantly less than the general maximum height allowance of 25 feet.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - ACCESSORY BUILDING AREA

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

Required building and improvement permits must be issued prior to the development of the subject structure.

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.

The approval would provide for site development generally consistent with the surrounding neighbors. There are several oversized accessory structures in the area.

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

The proposed accessory structure addition would be consistent with ideal enclosed storage for vehicles on a residential parcel. The proposed accessory structure would be in keeping with the development pattern for the area. A septic system is preventing this structure to be connected to the primary dwelling where it would be permitted by right.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - ACCESSORY BUILDING HEIGHT

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

Required building and improvement permits must be issued before the development of the subject structure.

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.

The approval would provide for site development generally consistent with the surrounding neighbors. The neighbor to the west as a similar height building

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

The proposed 20-foot tall accessory structure would represent a minor and acceptable deviation from the ordinance, and would be six feet shorter than the maximum height allowed an accessory structure associated with a taller dwelling.

GENERAL INFORMATION

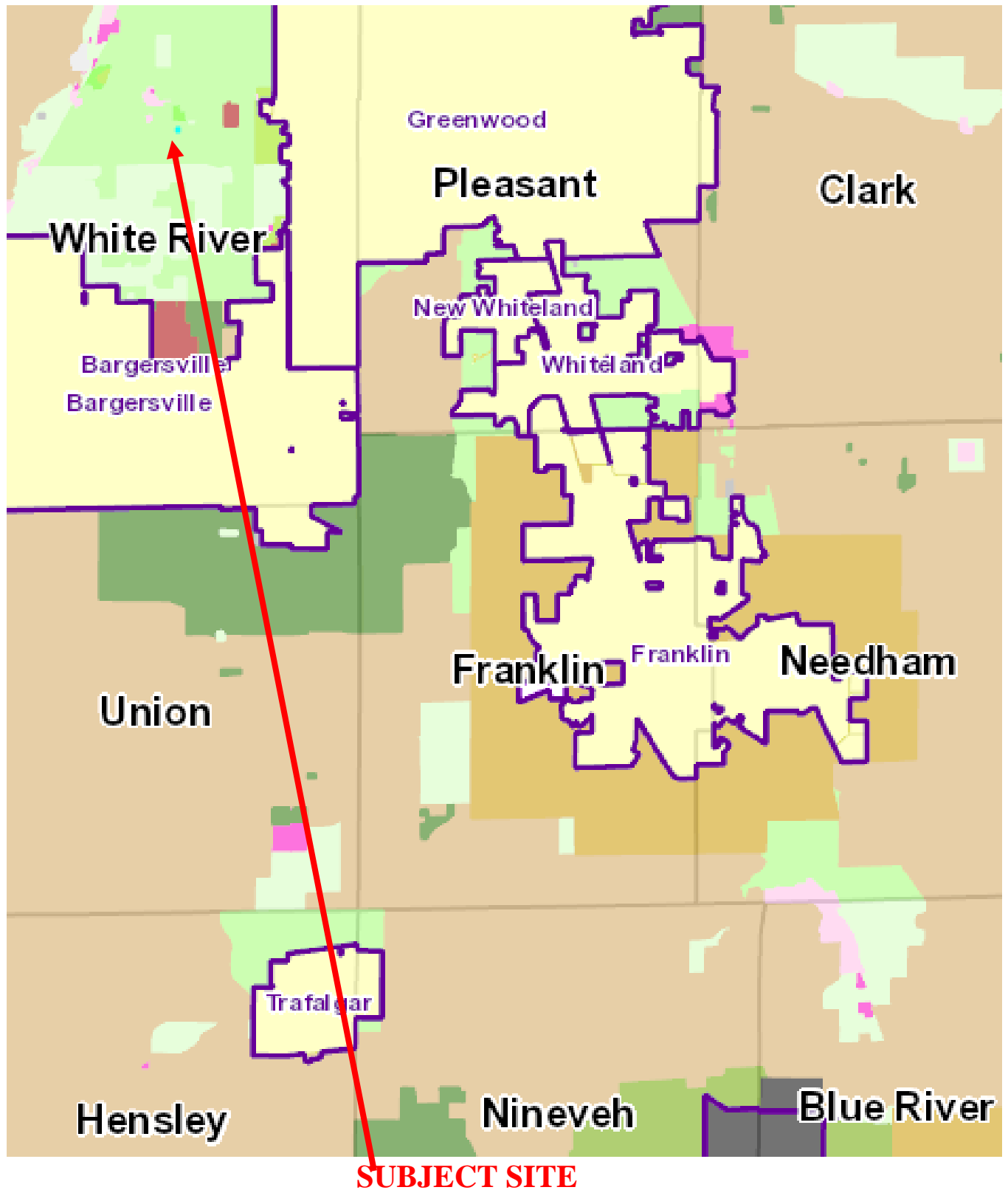
Applicant: Evan Icenogle
4507 W. Runyon Lake Drive
Greenwood IN 46173

Owner: Same

Zoning: R-2 (Single Family Residential)
Land Use: Single-family Residential
Future Land Use: Residential

-MNH

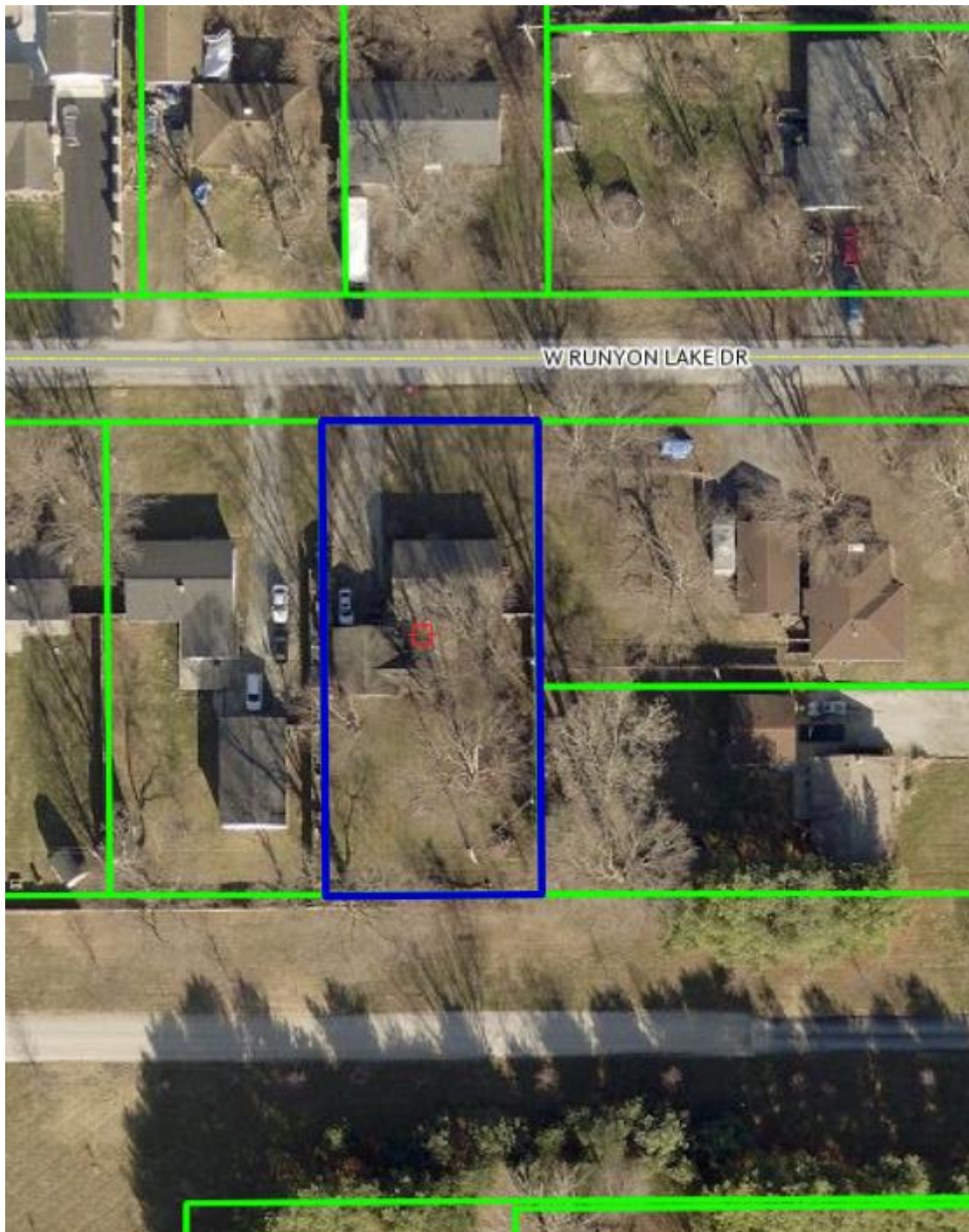
V-7-20 BASE MAP



V-7-20 AERIAL



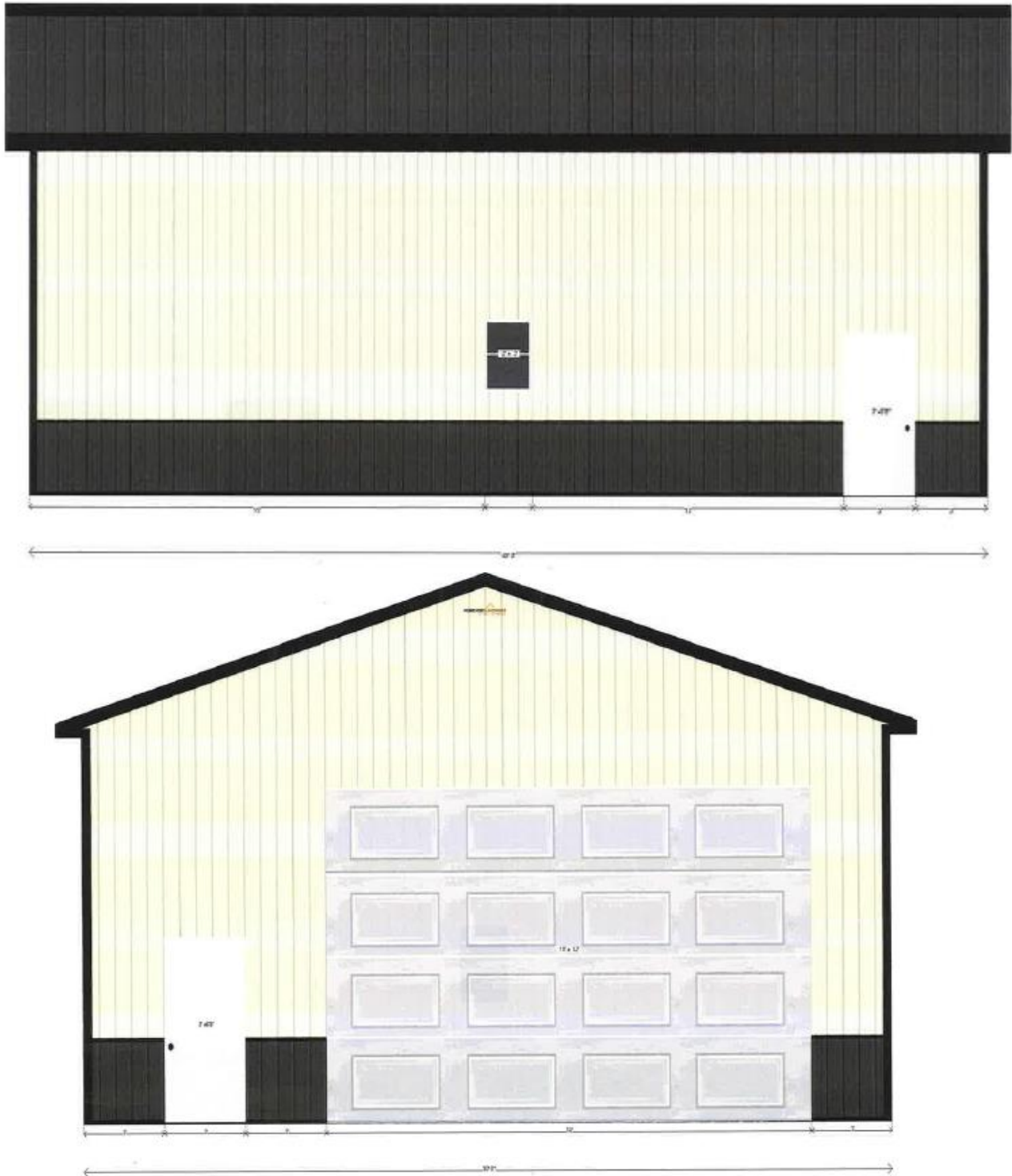
V-7-20 AERIAL II



V-7-20 SITE PLANS



V-7-20 ELEVATIONS



V-7-20 - SURROUNDING AREA
Accessory Structures in the area



V-7-20 PETITIONER FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS 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 variance is requested for a garage / accessory building for residential use in a neighborhood that is already zoned residential.

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 proposed structure for which the variance is sought is an improvement over the previous structure and should add value to the petitioners property and adjacent properties.

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

1) the property does not have an existing garage / utility structure. 2) the existing septic field poses difficulty to connect to the house in a timely manner. 3) the height limit will limit the usability of the proposed structure.

V-7-20 SITE PHOTOS



Staff Report

CASE NUMBER: V-8-20
ADDRESS: 4104 Golden Grove Road, Greenwood
Section 15, Township 13, Range 3
PETITIONER: Mike and Shelly Oswalt, by Ryan Wampler

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of an accessory structure:

- a) Where all accessory structures will total 3,124 square feet in building area, which will exceed the size limitation of 2,007 square feet for all accessory structures at this property, and
- b) with a 32-foot height (maximum 25-foot height allowed).

STAFF RECOMMENDATION:

Staff recommends **denial** of variance component *a*).

Staff recommends **approval** of variance component *b*).

PROPERTY DESCRIPTION

This 1.674-acre site is zoned R-2 (Single Family Residential) and is improved with a single-family dwelling and several accessory buildings. The site is surrounded by suburban residential development, zoned R-2.

VARIANCE REQUEST

These two variance components, if approved, will allow construction of a detached garage that will be 2,003 square feet in size with a height of 30 feet. The garage will include an office space with a bathroom.

A variance request was heard and denied at the November 26th 2019 Board of Zoning Appeals meeting. That request was similar, except that it also requested use of the proposed accessory structure as a secondary dwelling unit. The proposal was not in compliance with Golden Grove Estate's HOA covenants and restrictions, and that group opposed the request. The owners have since removed the dwelling unit from the proposed detached structure, and reduced the size of the proposed structure by 315 square feet.

VARIANCE REQUEST – ACCESSORY BUILDING AREA

This request, if approved, would allow on the lot for a total accessory building area of 3,124 square feet, which would be 78% of the building area of the primary dwelling. The Zoning Ordinance allows, on a lot zoned Single Family Residential R-2, for an aggregate accessory

building area no more than 50% of the square footage of the footprint of the principal building. This restriction is intended to discourage commercial conversion and to maintain the residential aesthetic within residential districts.

The property currently has an aggregate accessory building area of 1,121 square feet, with three accessory structures. The ordinance would still permit a fourth structure that does not exceed 886 square feet. That could be, for example, a 26' X 34' detached garage.

Staff often supports variance requests for oversized residential accessory structures where most or all of the following conditions are met:

1. The subject lot is located in a rural or agricultural area, or in an area generally characterized by large lots and open, expansive spaces.
2. The subject lot is located in an area where oversized accessory structures are common.
3. The oversized accessory structure would be obscured from view from surrounding properties and rights-of-way.

The proposed oversized accessory structure does not meet the provisions as stated above. The area is more traditionally large-lot-suburban than rural, and oversized accessory structures are not common. The accessory structure would also be conspicuously visible from both Golden Grove Road and from surrounding properties.

Staff asserts that the required findings relative to aggregate accessory building area have not been met, and that development of a third large accessory structure on a lot which already contains two large accessory structures would represent an overdevelopment of the property. Staff, therefore, recommends denial of this variance component pertaining to aggregate accessory building area.

VARIANCE REQUEST – ACCESSORY BUILDING HEIGHT

This variance request, if approved, would allow the accessory structure to have a height of 30 feet, whereas the zoning ordinance allows an accessory structure to have a height no greater than 25 feet and no greater than the height of the associated primary structure, which is estimated to be 32 feet tall.

Although staff recommends denial of the accessory building area variance request, the variance for height, if associated with a structure which is compliant with accessory building area requirements, is less concerning. The accessory structure is designed to architecturally harken to the associated primary structure. The roof, in particular, is designed similarly to the house, giving it an unusual height.

Also, the surrounding structures on adjoining properties consistently have heights of 30 feet or greater. So, here, the proposed height of the accessory structure would not be particularly jarring or conspicuous, and would complement the surrounding built environment.

In summary, staff regards the requests for development of a secondary dwelling unit in a 30-foot-tall detached accessory structure as a minor and appropriate deviation from the requirements of the zoning ordinance, and supports it given incorporation of the conditions described above. Staff, however, regards the request for excessive aggregate accessory building area as representing an overdevelopment of the property, and recommends its denial.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - ACCESSORY BUILDING AREA

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

Required building and improvement permits must be issued prior to the development of the subject structure.

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 allow an accessory structure to become a dominant feature in a residential area.

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

An accessory structure can be placed on this property within regulations with minor inconvenience to the property owner.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - ACCESSORY BUILDING HEIGHT

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

Required building and improvement permits must be issued prior to development of the subject structure.

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.

The approval would provide for site development of a structure that is consistent with the architectural elements of the primary structure.

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

The proposed 32-foot tall accessory structure would represent a minor and acceptable deviation from the ordinance, and would allow a structure to be architectural compatible with the primary structure.

GENERAL INFORMATION

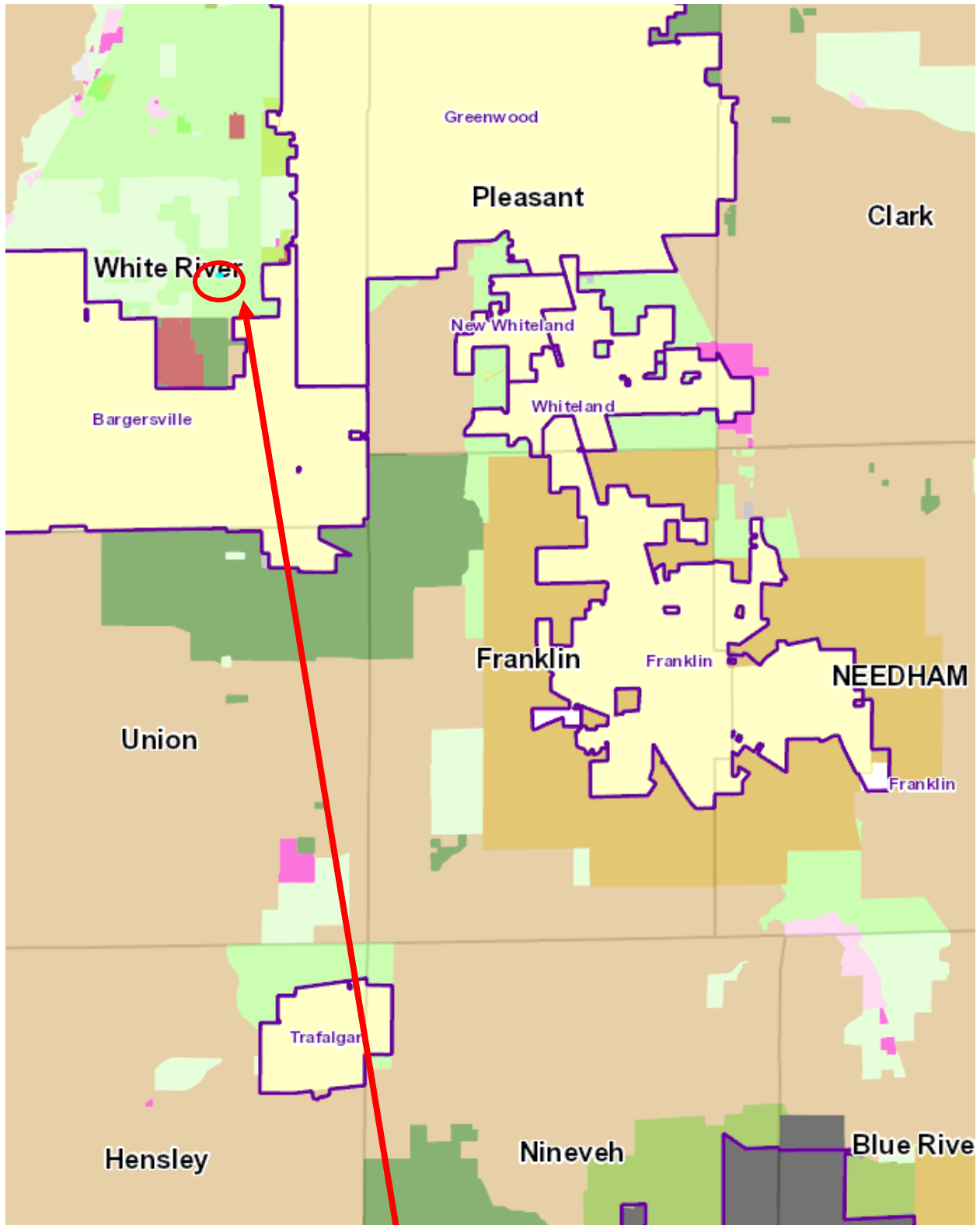
Applicant: Ryan Wampler
5326 Travis Road
Greenwood IN 46143

Owner: Mike and Michele Oswalt
4104 Golden Grove Road
Greenwood IN 46143

Zoning: R-2 (Single Family Residential)
Land Use: Single-family Residential
Future Land Use: Rural Residential

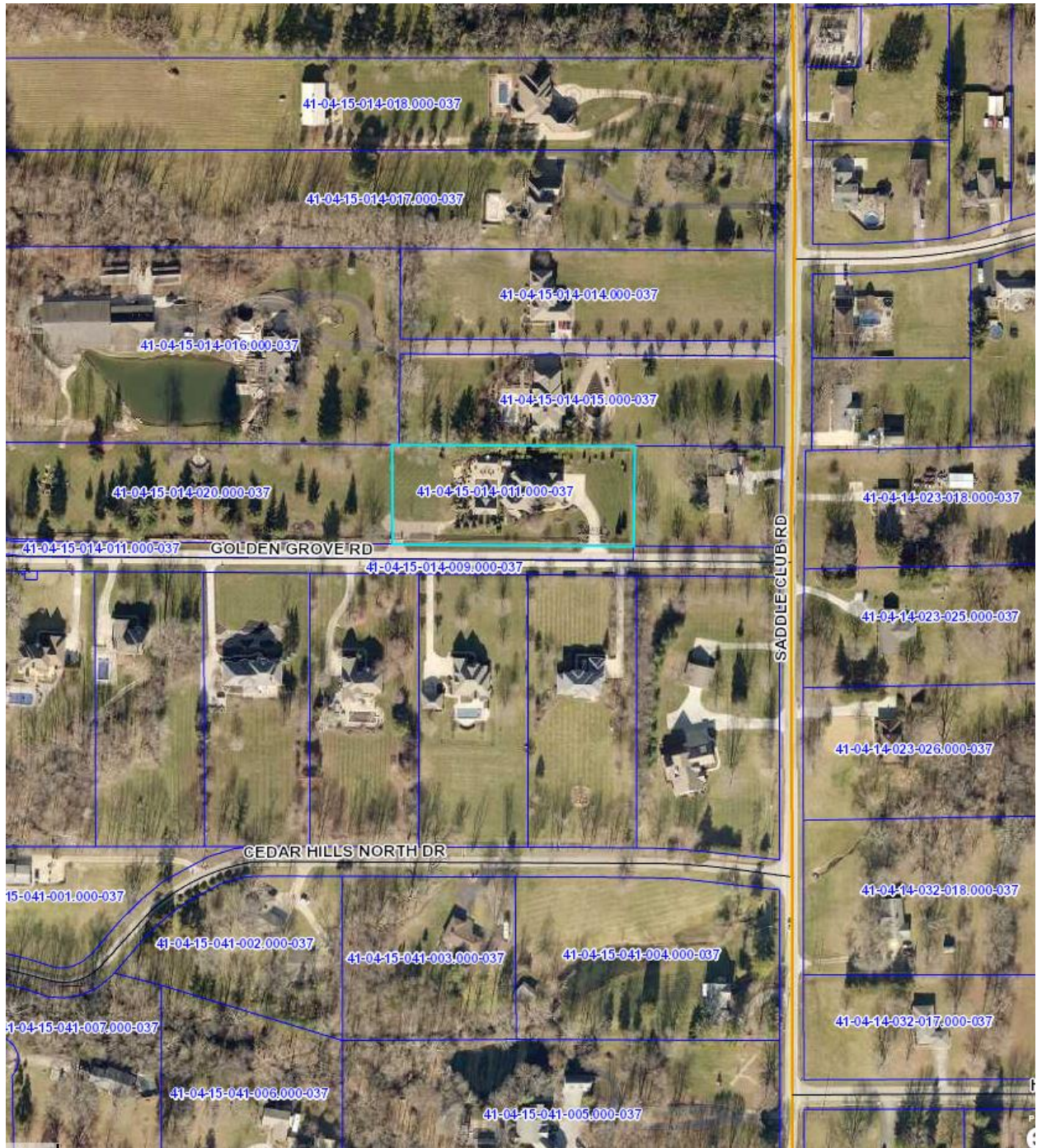
-MNH

V-8-20 BASE MAP

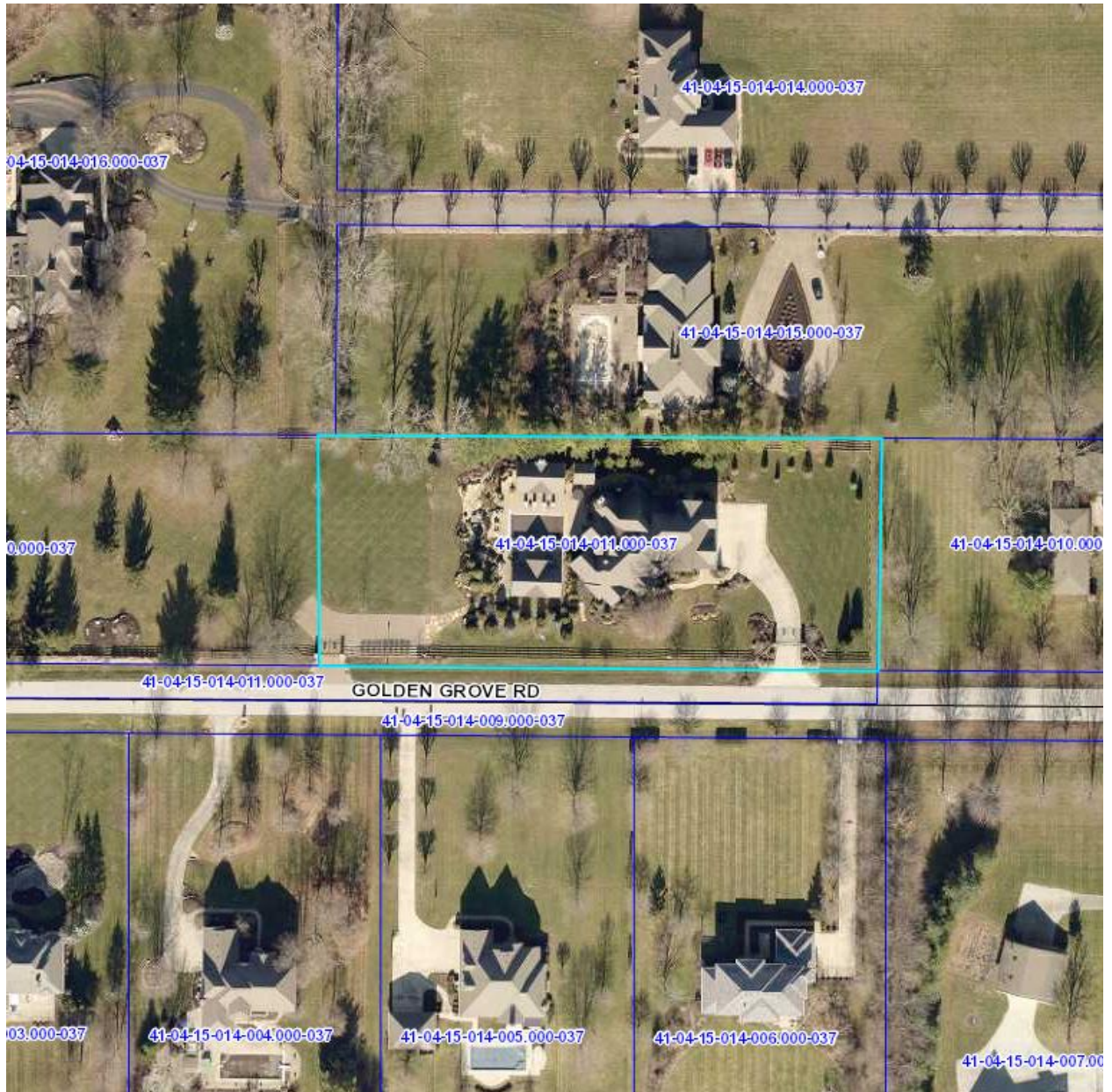


SUBJECT SITE

V-8-20 AERIAL I

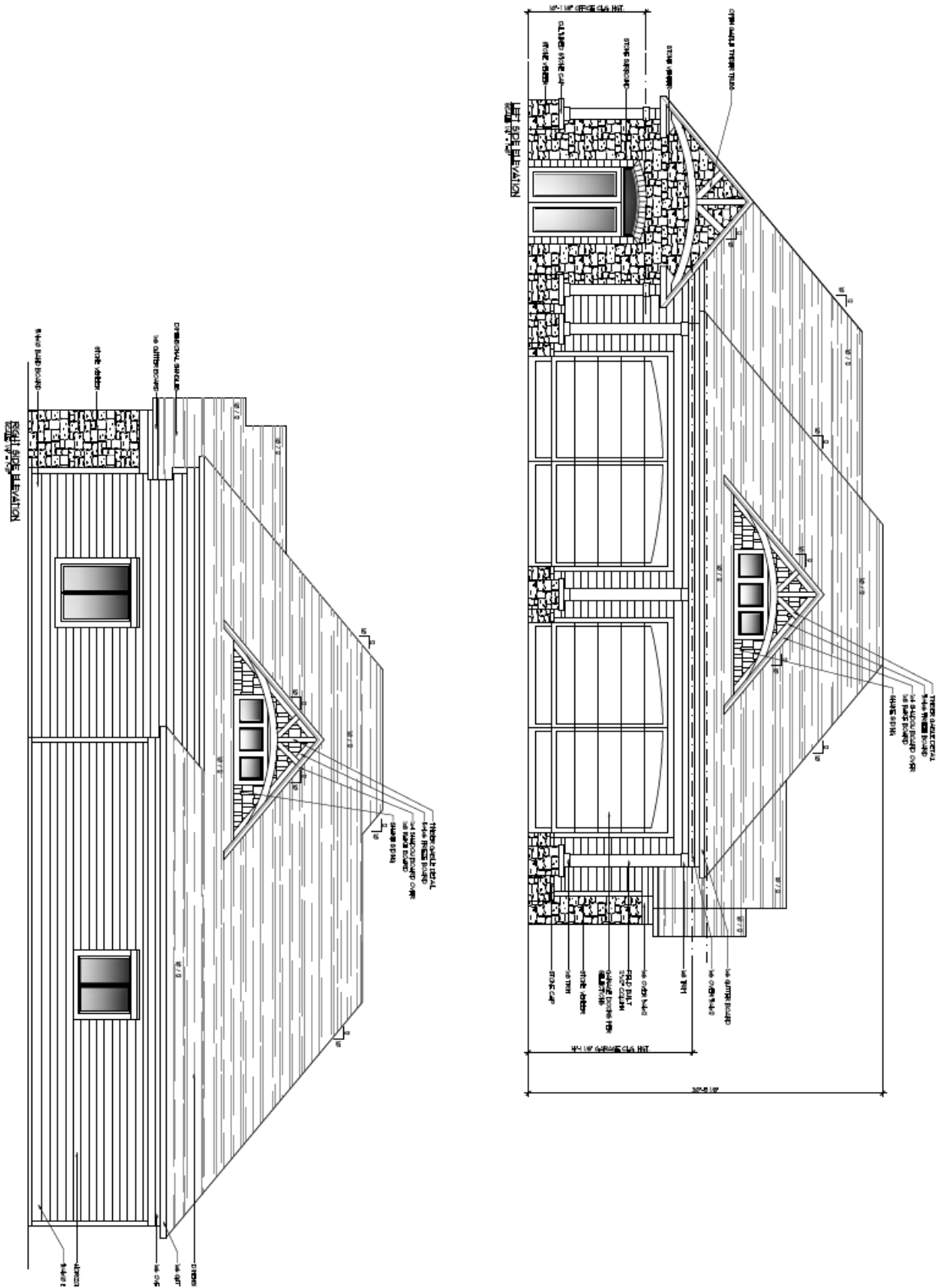


V-8-20 AERIAL II

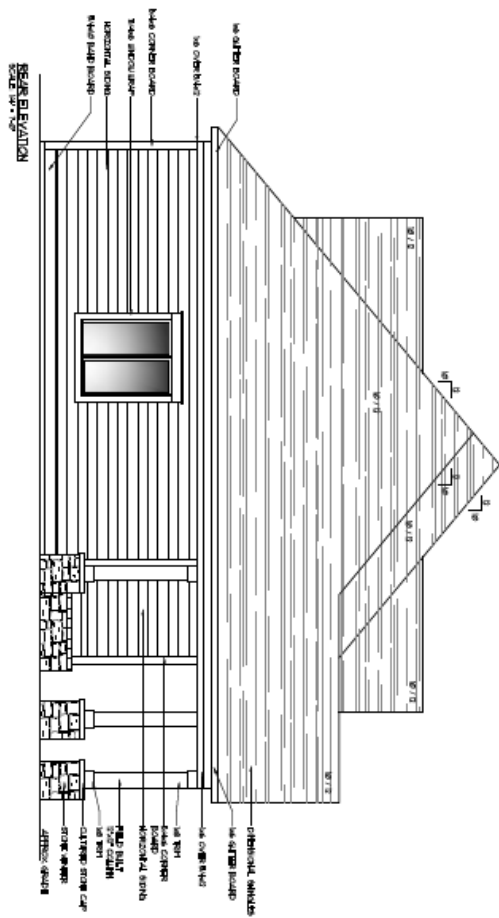
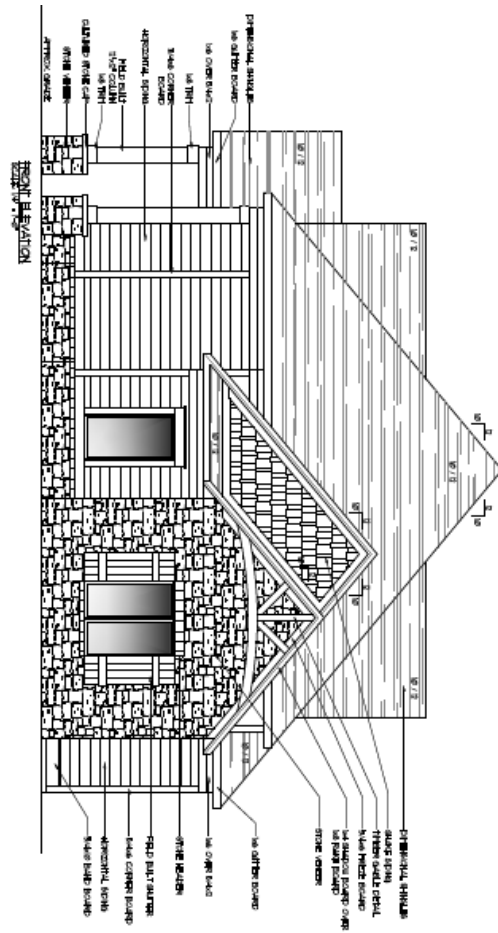


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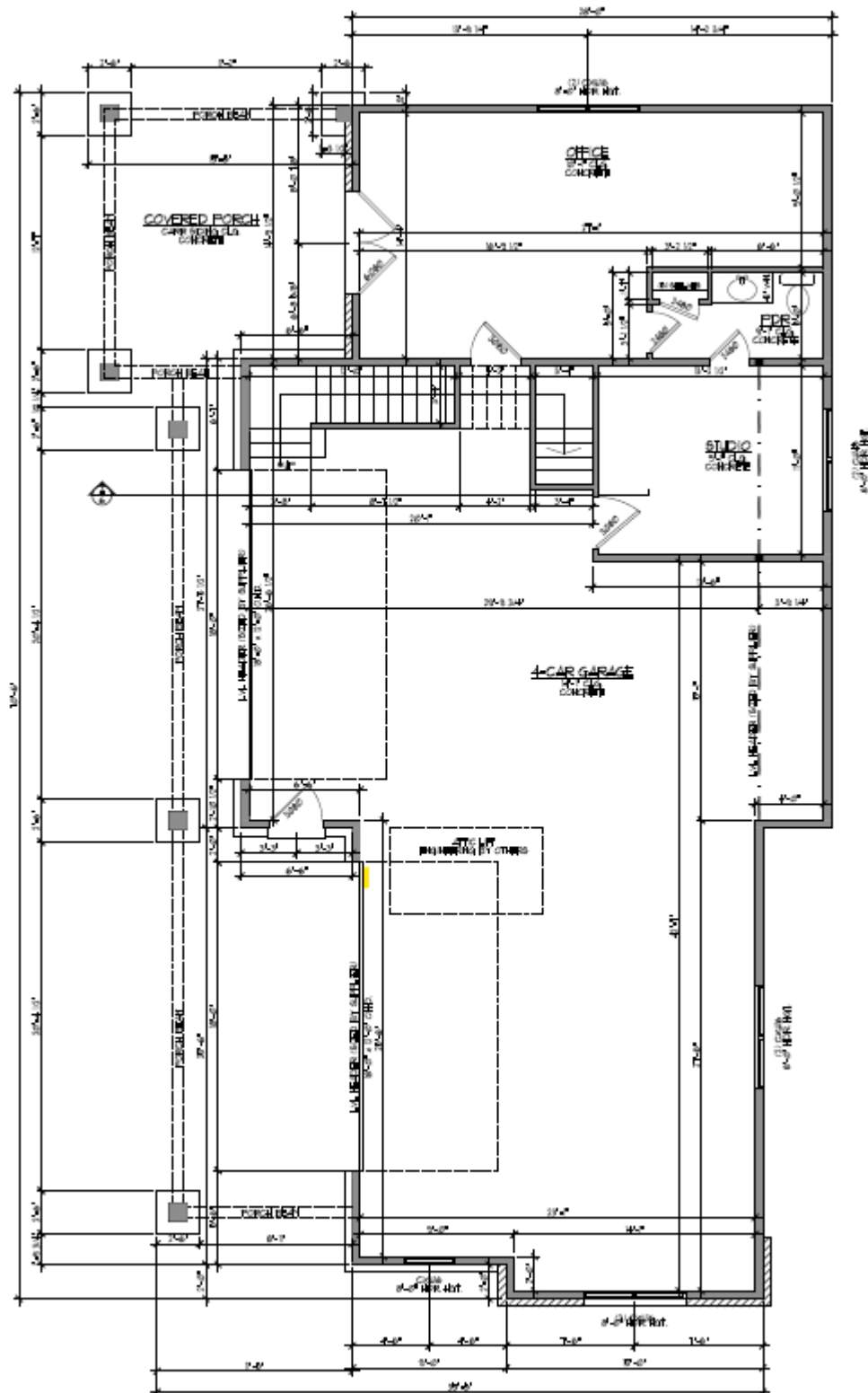
V-8-20 ELEVATIONS



V-8-20 ELEVATIONS



V-8-20 FLOOR PLAN



V-8-20 PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS 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 structure is meeting all setback requirements and on private property as well as the entire property is fenced with gates at the drive entrances.

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 garage will not have an adverse impact due to the nature of construction and materials being utilized. The garage will match the existing house using the same materials as to make it cohesive.

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

This project will not move forward. Due to the existing structure and the client matching everything with the rooflines, we have to be taller than 25'. As for the variance for footages, this is due to the size of their RV they want to keep inside and not in the driveway.

Staff Report

CASE NUMBER: V-9-20
ADDRESS: 1856 N 450 W, Bargersville
Section 10, Township 12, Range 3
PETITIONER: Gregory Lukenbill

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to legally establish an attached secondary dwelling unit (no more than one dwelling unit allowed on a residentially-zoned lot).

STAFF RECOMMENDATION

Staff recommends that this matter be continued, and not heard by the Board of Zoning Appeals, until receipt of County Health Department confirming the adequacy of the existing septic system to accommodate expanded living area.

Otherwise, staff recommends **denial** of this request.

PROPERTY DESCRIPTION

This 4.32-acre, unplatted site is zoned RR (Rural Residential) and is improved with a single-family dwelling originally constructed on or around 1940, a swimming pool, and a detached accessory structure. It is surrounded on all sides by large lots characterized by rolling grades with alternating stands of mature trees and open spaces, and occasional single-family dwellings, all zoned RR.

SITE HISTORY

This property was transferred to the current owners, Gregory and Mary Lukenbill, on February 4, 2016.

Sometime between February 2016 and June 2017, the owner built an addition, specifically an attached garage, between the existing, original single-family dwelling and an existing accessory structure, connecting the two and forming one large structure (see “Aerial Photo 1” in this report). He built that addition without a building permit.

Soon thereafter, though, the owner applied for and was granted a retroactive building permit (Permit # 22715) accounting for that building addition. That building project received its final inspection on October 17, 2017. A note within the permit file indicates that the owner told staff he was told by a neighbor that he did not need a permit, and so did not file for one.

An email in that permit file (see “Internal Email Regarding Permit # 22715” in this report) indicated that the owner was at that time considering filing a variance to use the northernmost part of the structure as a secondary dwelling unit, but no variance was ever filed. In that same email, County Health Department staff noted, as a “quick observation”, that any future attempt

to use the small shed as a guesthouse would require a new septic system, as there is no room to add on to the existing septic system.

VARIANCE OF DEVELOPMENT STANDARDS

This Variance of Development Standards request seeks to legally establish the northernmost portion of the existing structure for use as a secondary dwelling unit. Staff is generally supportive of this type of request when the proposed secondary dwelling unit is to be used solely for the care of an ailing or elderly blood relative, is relatively small in footprint, and is unlikely to create nuisance for adjoining property owners.

In this instance, the proposal may meet the above provisions. However, concerns arise in considering the apparent inability of the existing septic system, as per County Health Department staff, to accommodate new living space. Those concerns are exacerbated by the fact that the owner built the 2016-2017 addition without prior applying for a permit.

It is therefore staff's position that this matter should not be heard by the Board of Zoning Appeals until confirmation is received from the County Health Department verifying the adequacy of the existing septic system to serve an additional dwelling unit.

Absent that confirmation, staff recommends denial.

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 legally establish living area unsupported by existing or proposed septic sewer.

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 legally establish living area unsupported by existing or proposed septic sewer.

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

The lot provides no unusual constraints for development, and is developed and used as intended for RR-zoned property.

GENERAL INFORMATION

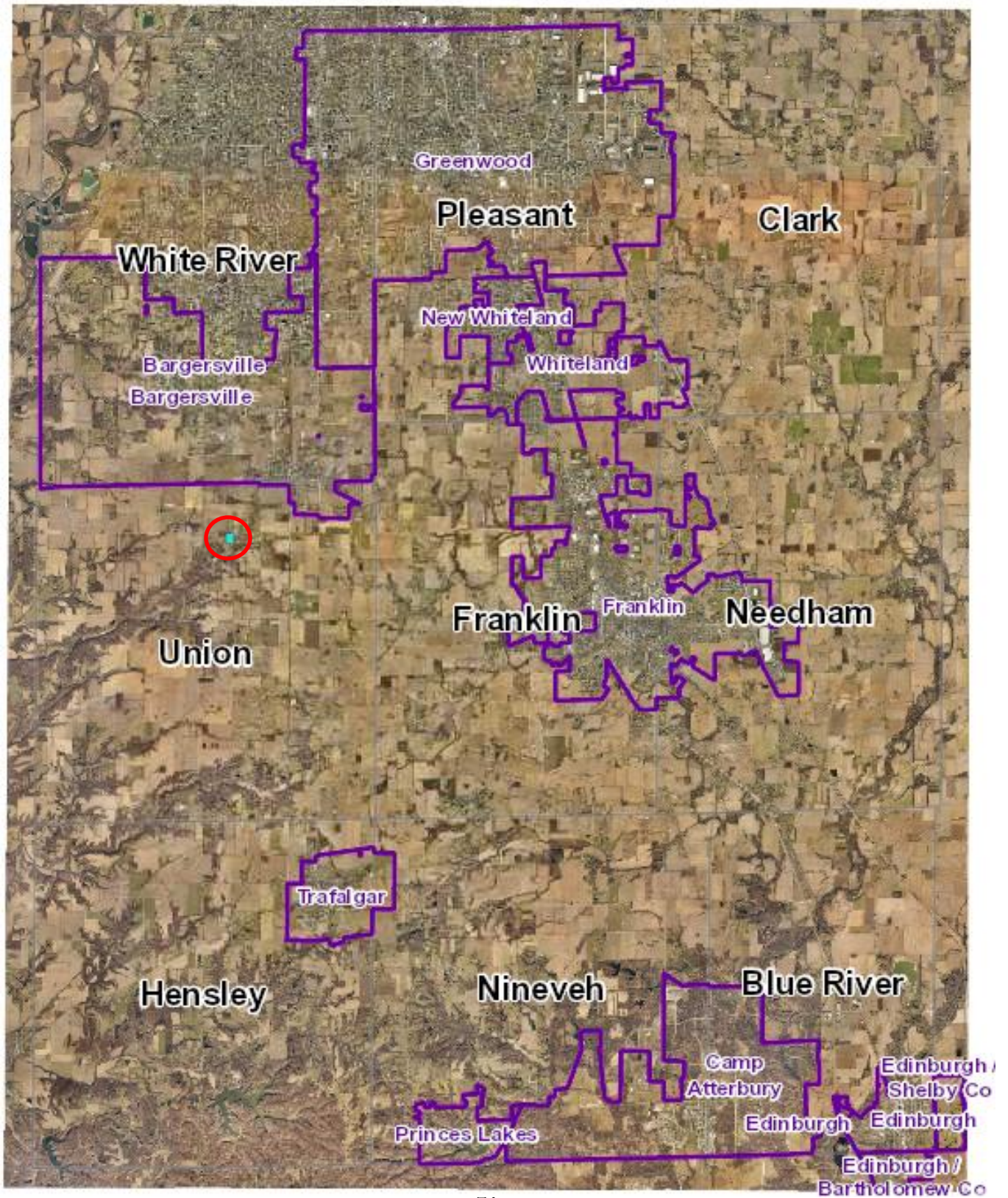
Applicant: Greg Lukenbill
1856 N 450 W
Bargersville, IN 46106

Owner: same

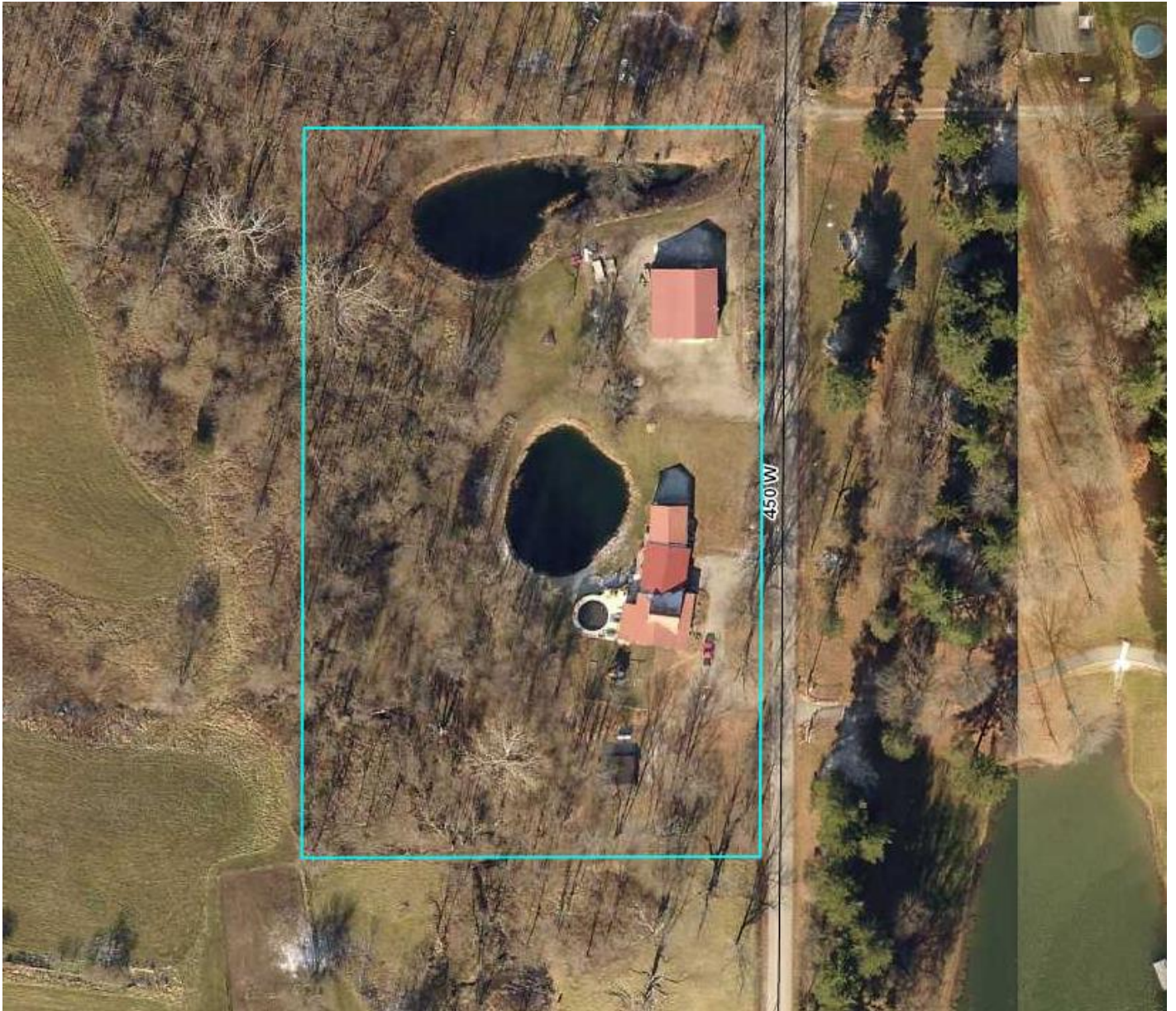
Zoning:	RR (Single-family Residential)
Land Use:	Single-family dwelling
Future Land Use:	Single-family residential

-DLH

V-9-20 BASE MAP I



V-9-20 BASE MAP II



V-9-20 AERIAL PHOTO 2019

original
1940 house

2017 addition
(originally built
without permit)

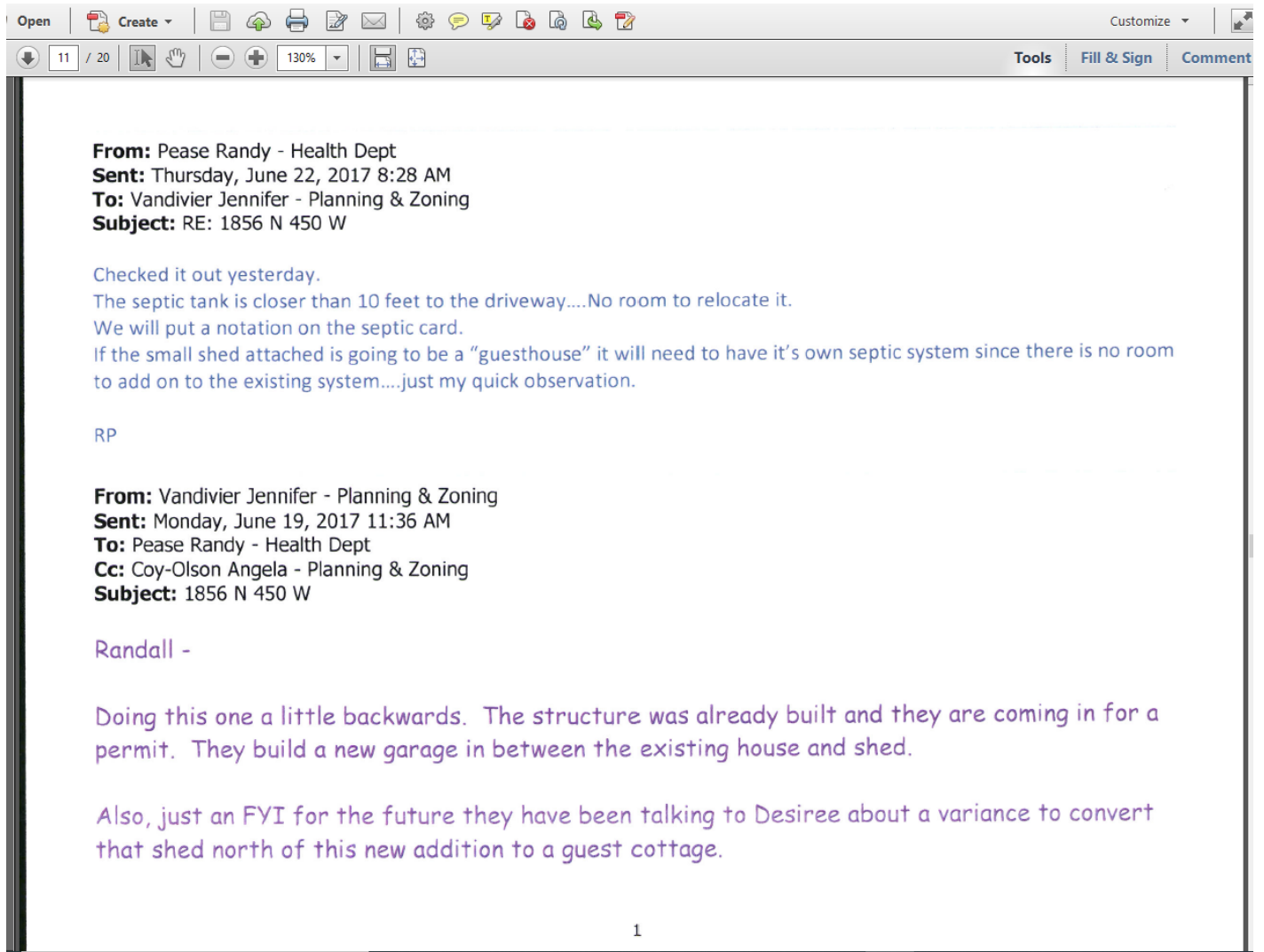
existing accessory
structure
(proposed secondary
dwelling unit)



V-9-20 AERIAL PHOTO 2014



V-9-20 INTERNAL EMAIL REGARDING PERMIT # 22715 (JUNE 2017)



V-9-20 PETITIONER'S SITE PLAN



V-9-20 PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS 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 scope of the community will essentially be unchanged.

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:

This just makes sensible use of an existing structure that previously was in bad disrepair.

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

There are no expected practice difficulties due to this change.

**PETITION FOR VARIANCE
FROM DEVELOPMENT STANDARDS**

**CASE # V-4-20
341 GREEN HILLS COURT**

JOHNSON COUNTY BOARD OF ZONING APPEALS

FINDINGS AND ORDER

The following must be proven for approval:

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

The approval would legally establish structures built without required permits, and in a manner failing to meet zoning ordinance requirements.

5. 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 legally establish non-permitted structures with significant deviations from established setback requirements.

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

The lot provides no unusual constraints for development. The primary dwelling was built in a manner meeting ordinance requirements, and there is ample room in the rear yard for development of the accessory structures and uses common to residential zoning districts, in a manner compliant with the zoning ordinance.

It is now hereby FOUND AND ORDERED:

1. That the Petitioner has not met the requirements set out in the Numbers 1 through 3 above. Therefore, the Board of Zoning Appeals of Johnson County, Indiana, does not have the power to authorize the requested variance.
2. The petition for Variance is therefore hereby denied.

Dated March 24, 2020

Steve Powell, Board of Zoning Appeals Secretary