



JOHNSON COUNTY

Department of Planning & Zoning
86 West Court Street
Franklin, Indiana 46131

Phone: (317) 346-4350

www.co.johnson.in.us

MEETING AGENDA

Johnson County Advisory Plan Commission
January 24, 2022, 6:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

EXECUTIVE SESSION

The Johnson County Plan Commission shall hold its annual Executive Session to discuss personnel and appointments.

CALL TO ORDER BY PLAN COMMISSION ATTORNEY

ELECTION OF OFFICERS

OTHER APPOINTMENTS

ADJOURNMENT OF EXECUTIVE SESSION

JOHNSON COUNTY PLAN COMMISSION REGULAR MEETING

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the December 27th, 2021 meeting.

PUBLIC HEARINGS

-CONTINUED HEARINGS-

-NEW HEARINGS -

Z-1-22. Frank Woods. 2881 S. Old US 31, Franklin.....Page 3

REZONING of 1.58 acres from the B-1 (Neighborhood Business) zoning district to the R-2 (Single-Family Residential) zoning district to provide for continued residential use of the property.

Z-2-22. Dallas Deich. Lot 15 of Town of Needham Plat.....Page 11

REZONING of 0.2 acres from the B-1 (Neighborhood Business) zoning district to the R-1 (Single-Family Residential) zoning district to provide for residential use of the property.

W-1-22. Brandon Paris. 45.8 acres on the NE corner of 25 W & SR 252.....Page 18

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a Roadside Subdivision

- a) that contains five proposed lots (where only four lots are allowed),
- b) and to allow the subdivision on a non-original lot of record.

OLD BUSINESS None.

NEW BUSINESS

Adoption of Findings for Facts for W-16-21Page 27

Approval of 2022 Contract for Johnson County Plan Commission Attorney with Williams Barrett & Wilkowski, LLP.

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for February 28, 2022 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

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Staff Report

CASE NUMBER: Z-1-22
ADDRESS: 2881 S Old US 31, Franklin
Section 32, Township 12, Range 5
PETITIONER: Frank Woods

REQUEST

REZONING of 1.58 acres from the B-1 (Neighborhood Business) zoning district to the R-2 (Single-Family Residential) zoning district to provide for continued residential use of the property.

STAFF RECOMMENDATION

Staff recommends a favorable recommendation to the County Board of Commissioners,

PROPERTY DESCRIPTION

This 1.58-acre parcel is located southeast of the City of Franklin in Needham Township. It is improved with a single-family dwelling and barn. To the north and south are similar-sized parcels, all used residentially. To the east and west are large acre parcels used agriculturally. This parcel and the parcels to the south and west are zoned B-1 (Neighborhood Business). Parcels to the north and east are zoned R-2 (Single-Family Residential).

REZONING REQUEST

This request, if approved, would rezone the subject site to the R-2, Single Family Residential zoning district. The petitioner intends to remodel the existing home and construct a residential addition on the property.

The Future Land Use Map in the 1975 *Johnson County Comprehensive Plan* designated this area as “local business”. The plan sites anticipated commercial development along U.S. 31 and noted the need to have controlled areas where businesses could locate to serve the surrounding population.

“Pressures for the intensive development of the land located along U.S. 31 and State Roads 37 and I35 will intensify as the population of the County increases. The County Plan Commission utilizing its review powers must oversee this development to prevent the creation of a commercial strip with unlimited access points. The Land Use Plan proposed the development of these area for high density residential uses and the provisions of professional office space. These uses would benefit by the ease of access to the area and not generate the traffic problems associated with retail commercial development” (Page 18, 1975 Comprehensive Plan).

The County most likely expected growth around this area and envisioned a low impact business development near U.S. 31, east of I65, thus zoning the area for local business.

Since 1975, low-density residential growth has occurred while business development was limited in the area.

Because several properties in the area are zoned B-1 (Neighborhood Business) are used residentially, expansion of any existing residential use on these properties, including additions to residences, pole barns, garages, swimming pools, etc., requires a Special Exception granted by the Board of Zoning Appeals. The rezoning would eliminate the need for a Special Exception for future projects when expanding an existing residential use.

In accordance with IC 36-7-4-603, when considering a rezoning request the Plan Commission shall pay reasonable regard to:

1. The Comprehensive Plan
2. Current conditions and the character of current structures and uses in each district
3. The most desirable use for which the land in each district is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible development and growth

COMPREHENSIVE PLAN

The current Comprehensive Plan's Future Land Use Map identifies the property as Rural Residential and states: "The rural residential designation is intended primarily to provide appropriate locations for a "country" lifestyle, to protect significant natural features, and to retain the rural character and open spaces that many Johnson County residents seek. While they may also contain farms, these areas may be less conducive to long-term agriculture due to soil conditions, encroaching development or other factors."

The current number of dwelling units per acre coincides with the R-2 (Single-Family Residential) District of the Zoning Ordinance. The R-2 zoning district allows for less intense development than the B-1 (Neighborhood Business) zoning district and is closer to the R-R (Rural Residential) development listed in the Comprehensive Plan.

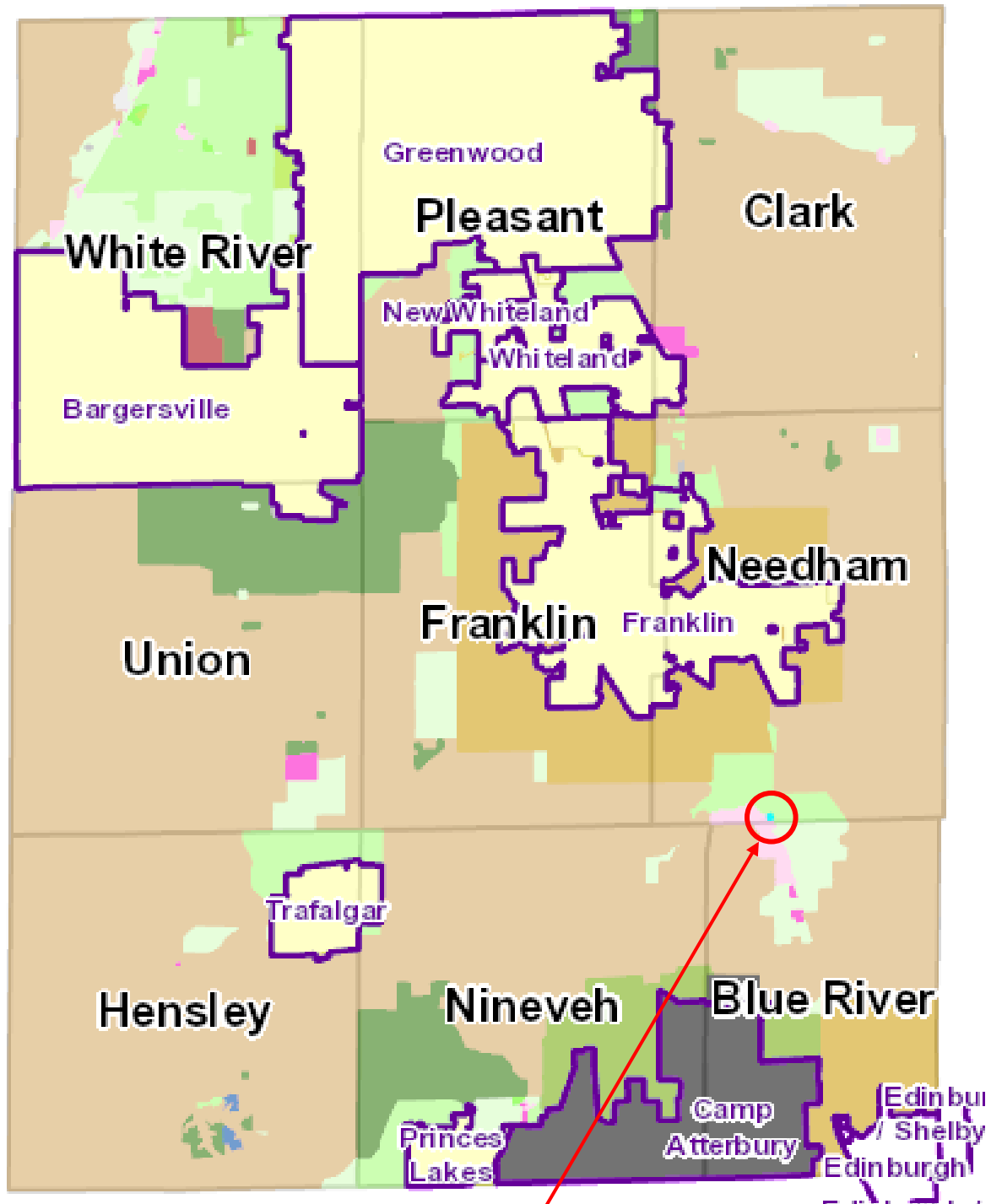
The property is currently a residential dwelling built in 1966 and has most likely been used residentially since. Nearly all properties to the north along Old U.S. 31 are used residentially and zoned R-2.

GENERAL INFORMATION

Applicant/Owner:	Frank & Elizabeth Woods 230 W Elbert St Indianapolis, IN 46217
Area:	1.58 acres
Current Zoning:	B-1
Existing Land Use:	Residential
Comprehensive Plan:	Rural Residential

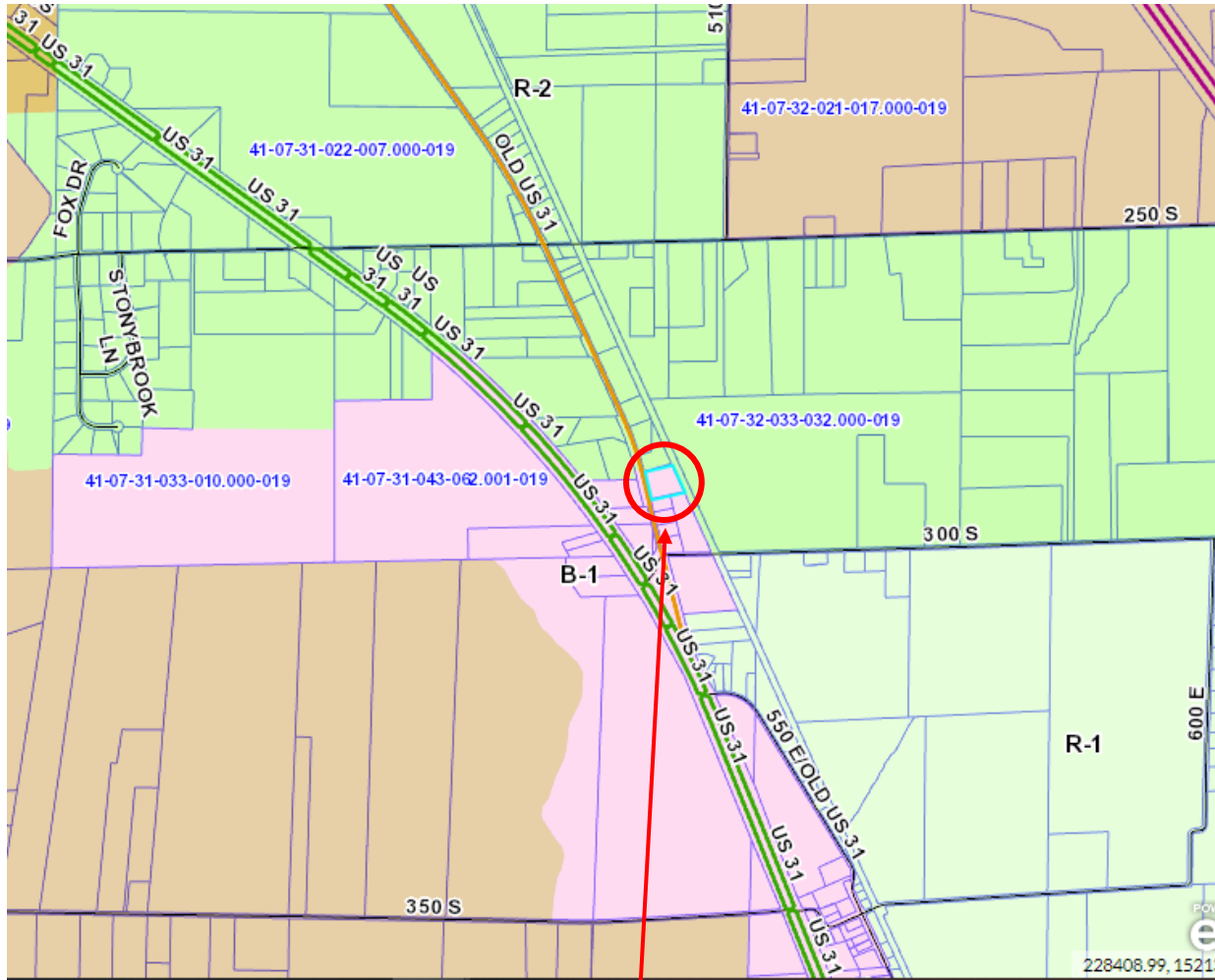
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Z-1-22 BASE MAP



SUBJECT LOCATION

Z-1-22 BASE MAP II

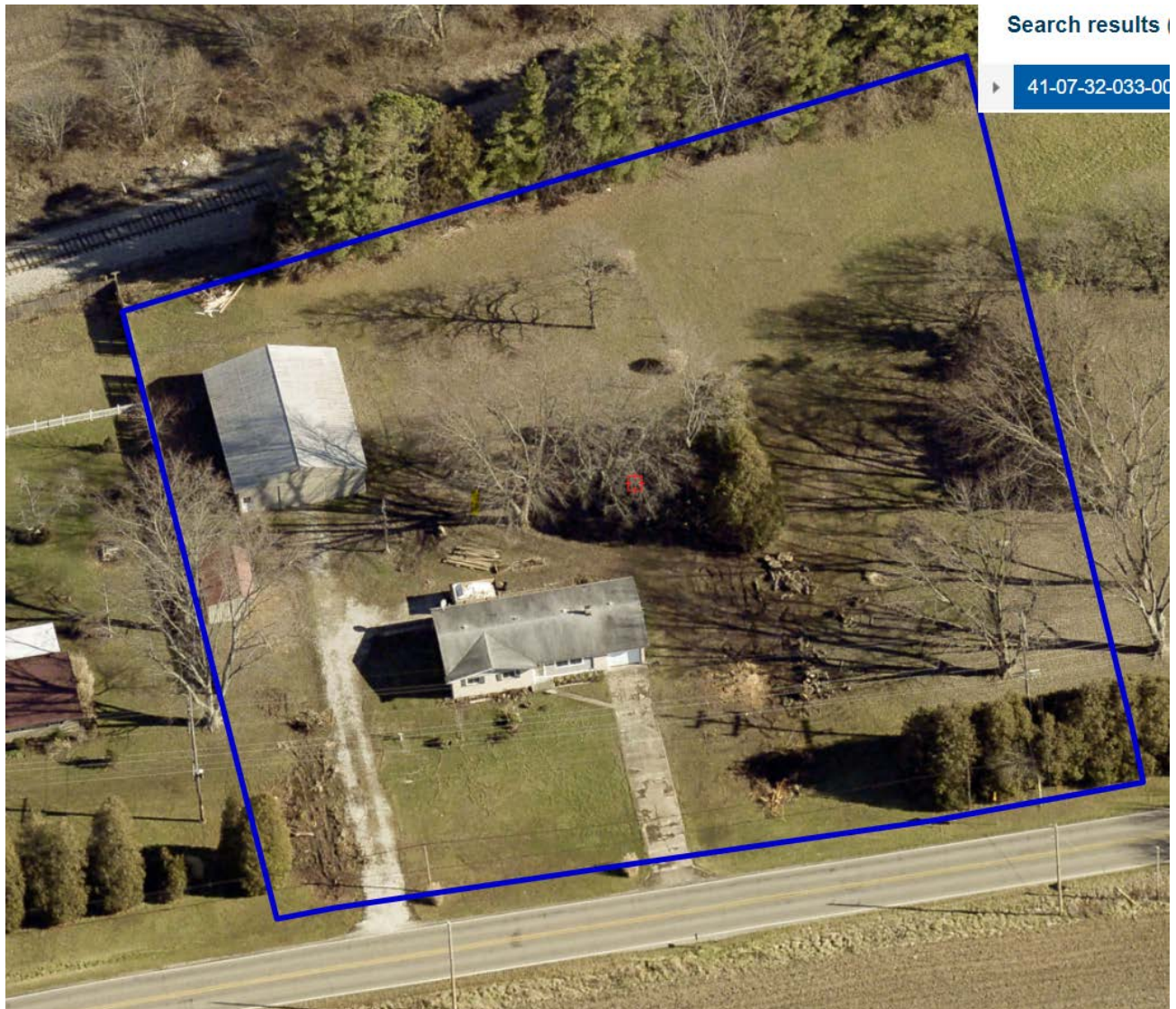


SUBJECT LOCATION

Z-1-22 AERIAL



Z-1-22 BIRDS EYE VIEW

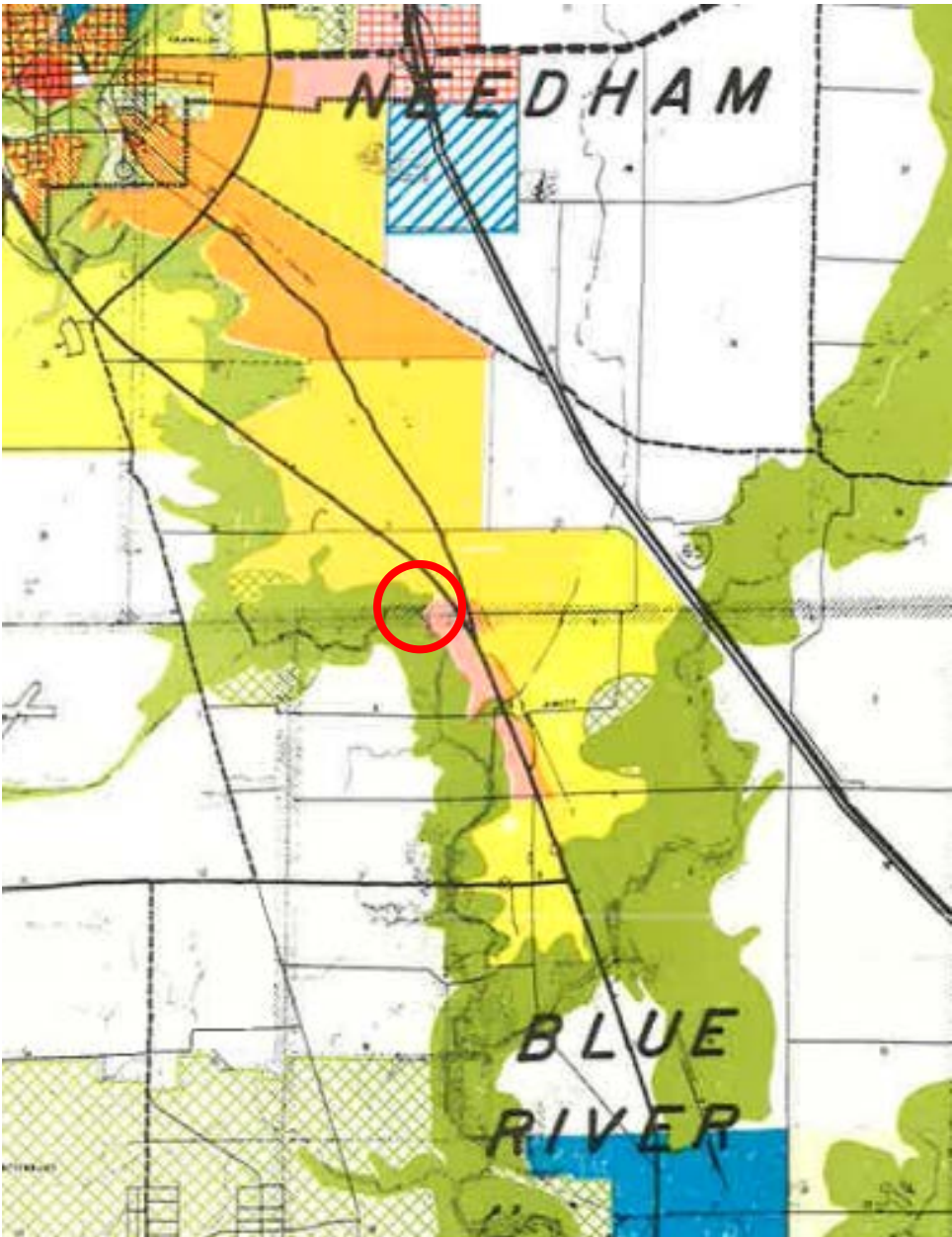


Z-1-22 COMPREHENSIVE PLAN FUTURE LAND USE MAP



 Rural Residential

Z-1-22 1975 COMPREHENSIVE PLAN FUTURE LAND USE MAP



AGRICULTURAL	LOCAL BUSINESS
RURAL RESIDENTIAL	GENERAL BUSINESS
LOW DENSITY RESIDENTIAL	CENTRAL BUSINESS DISTRICT
MEDIUM DENSITY RESIDENTIAL	INTERCHANGE DEVELOPMENT
MEDIUM DENSITY RESIDENTIAL	PUBLIC & SEMI-PUBLIC
MEDIUM DENSITY RESIDENTIAL	LIGHT INDUSTRIAL
HIGH DENSITY RESIDENTIAL	HEAVY INDUSTRIAL
HIGH DENSITY RESIDENTIAL	FLOODPLAINS
HIGH DENSITY RESIDENTIAL	

JOHNSON COUNTY PLANNING COMMISSION
 BECKMAN YODER and SEAY INC. planners and landscape architects pittsburgh fort wayne saint paul
 0 2000 4000 6000 8000
 INTERSTATE
 RURAL PRINCIPAL ARTERIAL
 RURAL MINOR ARTERIAL
 RURAL MAJOR COLLECTOR
 RURAL MINOR COLLECTOR

COMPREHENSIVE PLAN

Staff Report

CASE NUMBER: Z-2-22
ADDRESS: Lot 15 of Town of Needham Plat, northeast corner of Harrison St and Jefferson St.
Parcel # 41-06-33-014-008.000-017
Section 33, Township 13, Range 5
PETITIONER: Dallas Deich

REQUEST

REZONING of 0.2 acres from the B-1 (Neighborhood Business) zoning district to the R-1 (Single-Family Residential) zoning district to provide for residential use of the property.

STAFF RECOMMENDATION

Staff recommends a favorable recommendation to the County Board of Commissioners,

PROPERTY DESCRIPTION

This 0.2-acre parcel is located in the unincorporated Town of Needham, and has no improvements. It is surrounded by similar-sized parcels, all used residentially or vacant. This parcel and the surrounding parcels are zoned B-1 (Neighborhood Business). There is an R-1 (Single-Family Residential) property less than 150' away.

REZONING REQUEST

This request, if approved, would rezone the subject site to the R-1, Single Family Residential zoning district. The petitioner intends to construct a single-family dwelling on the property. There is an unimproved platted alley north of this property, the petitioner will request that the Board of Commissioners vacate this public right of way. If that is successful, the 0.3 acres will be added to this lot.

The area's first zoning map, adopted in 1961, designated the unincorporated Town of Needham as zoned business. At that time, Needham would have been one of the most densely developed rural areas. The County most likely expected growth around Needham and envisioned a commercial center at the intersection of N 700 E and E 350 N thus, the commercial zoning. Since 1961, very little growth has occurred around Needham and therefore commercial development did not occur in the area.

Because all the residential properties in Needham are zoned B-1 (Neighborhood Business), expansion of any residential use on these properties, including additions to residences, pole barns, garages, swimming pools, etc., requires a Special Exception granted by the Board of Zoning Appeals. Over the years, several properties in Needham have had to obtain special exceptions from the Board of Zoning Appeals in order to build new or expand existing residential structures in a business zone. The rezoning would eliminate the need for a Special

Exception when constructing a new single-family residence or expanding an existing residential use.

In 2015, the staff initiated a rezoning petition for the residence of the area, seeking to correct the zoning problem and rezone all residential properties from commercial to residential. The majority of the owners at the time were in opposition to the proposal. The staff did not move forward with the petition.

In accordance with IC 36-7-4-603, when considering a rezoning request the Plan Commission shall pay reasonable regard to:

1. The Comprehensive Plan
2. Current conditions and the character of current structures and uses in each district
3. The most desirable use for which the land in each district is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible development and growth

COMPREHENSIVE PLAN

The Comprehensive Plan's Future Land Use Map identifies the property as Suburban Residential and states: "Suburban residential uses are generally in subdivisions, having a density of more than one unit per acre. All areas within this designation should be served by municipal sewers and have access to the county road network only through shared local streets." The proposed number of dwelling units per acre coincides with the R-1 (Single-Family Residential) District of the Zoning Ordinance. The majority of Needham is residential use.

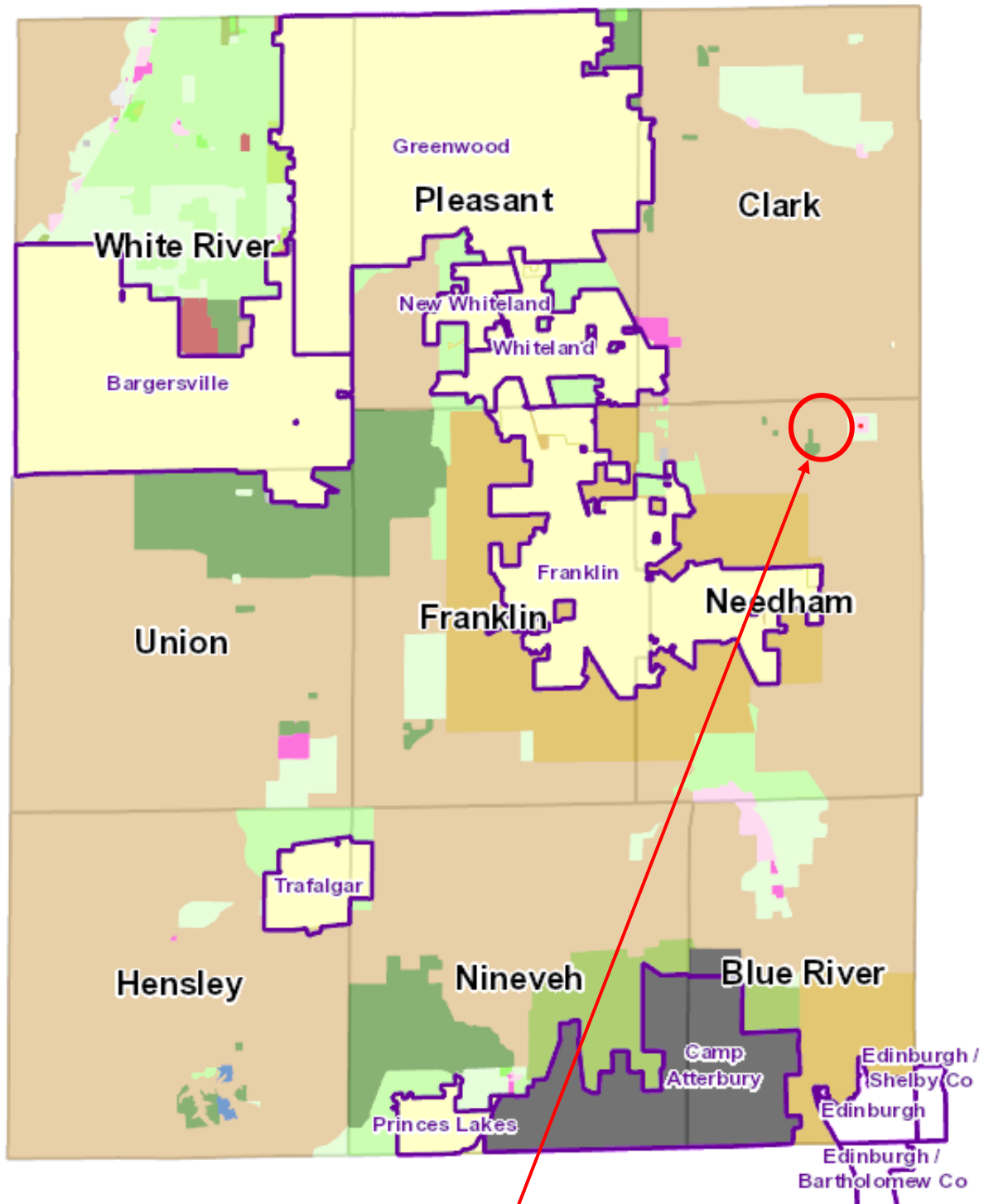
GENERAL INFORMATION

Applicant/Owner: Dallas Deich
1075 N. Meridian St.
Greenwood, IN 46143

Area: 0.2 acres
Current Zoning: B-1
Existing Land Use: Vacant
Comprehensive Plan: Suburban Residential

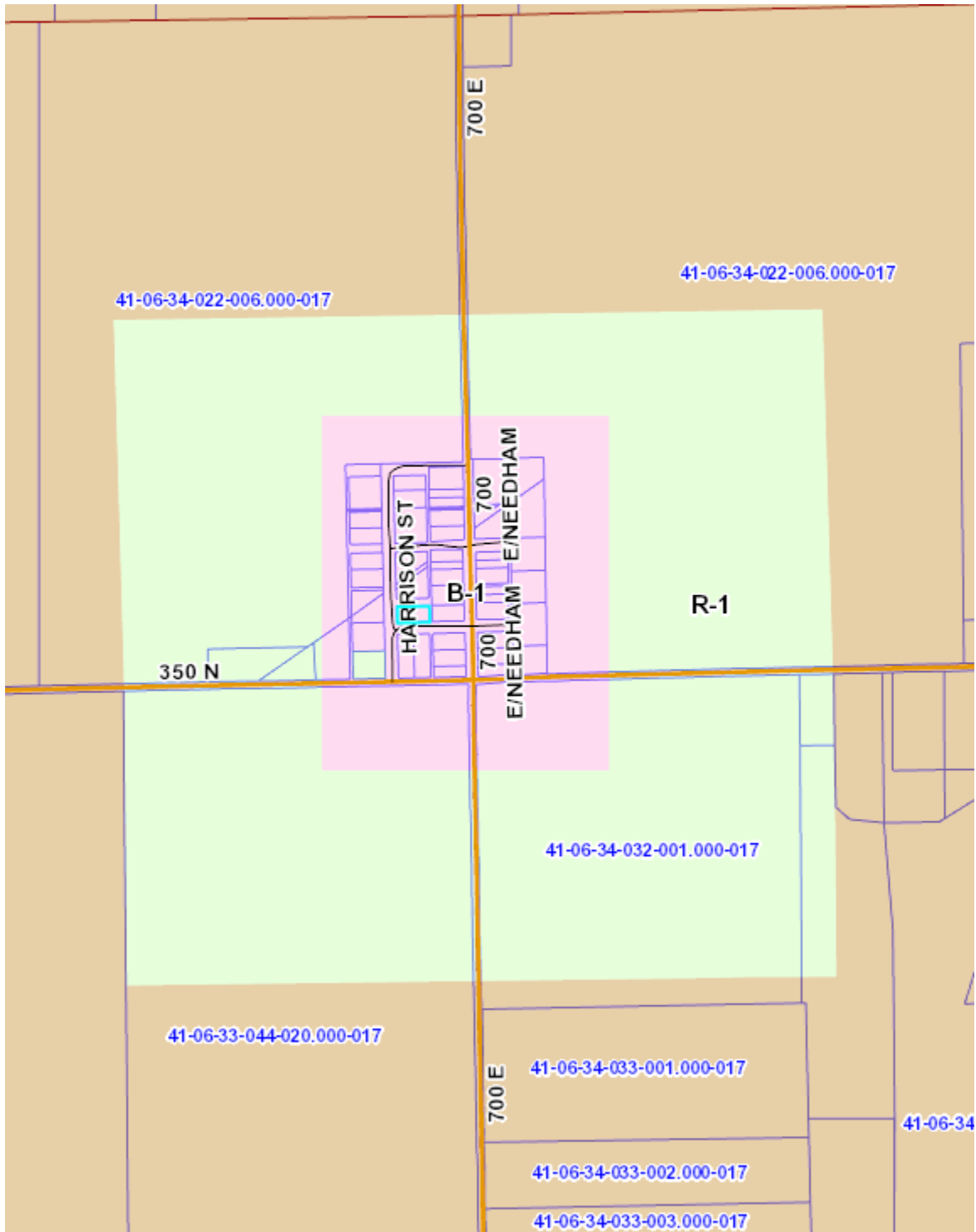
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Z-2-22 BASE MAP

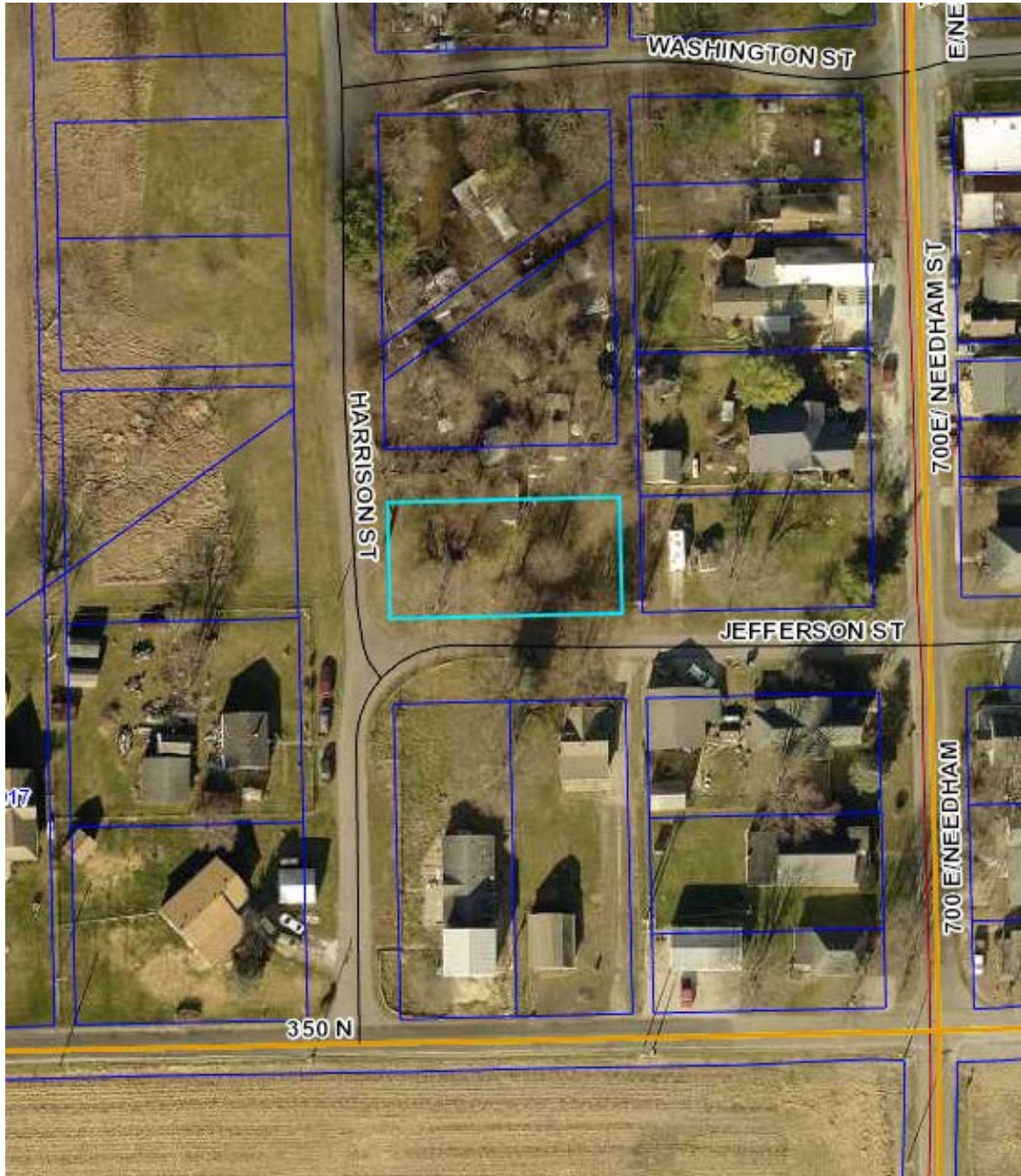


SUBJECT LOCATION

Z-2-22 BASE MAP II



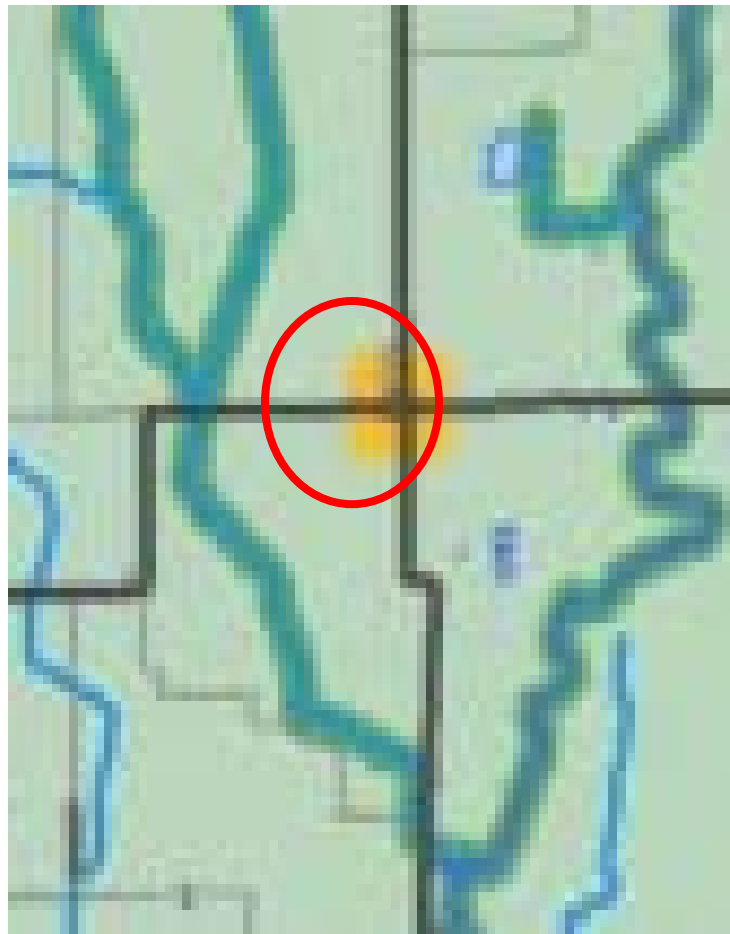
Z-2-22 AERIAL



Z-2-22 Birds Eye View



Z-2-22 COMPREHENSIVE PLAN FUTURE LAND USE MAP



Suburban Residential

Staff Report

CASE NUMBER:	W-1-22
ADDRESS:	45.8 acre parcel on the NE corner of 25 W & SR 252, Trafalgar Parcel # 41-11-08-011-002.000-020 Section 4, Township 11, Range 4
PETITIONER:	Brandon Paris, Justin Smith, and Ryan Frazier

REQUEST

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a Roadside Subdivision

- a) that contains five proposed lots (where only four lots are allowed),
- b) and to allow the subdivision on a non-original lot of record.

STAFF RECOMMENDATION

Staff recommends **denial** of these waiver requests.

PROPERTY DESCRIPTION

This 45.8-acre site is zoned A-1 (Agricultural) and is not improved with any structures. Of the 45.8 acres, approximately 28.6 acres is tillable land and the remaining 17.2 is non-tilled land and wooded area.

The site is surrounded to the south and west by smaller size parcels used residentially, to the north and east by larger tracts of land used agriculturally and residentially. All surrounding parcels are zoned A-1 (Agricultural).

WAIVER REQUEST

The following two waiver requests, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 45.8-acre parent lot into five parcels, four 2 acre lots with the remaining lot being 37.8 acres.

WAIVER REQUEST: NUMBER OF LOTS

The Roadside Subdivision process limits the number of newly created parcels to 3, 4 total counting the remaining land of the parent tract, with the intention to preserve the amount of land available for agricultural use within the county and to limit residential encroachment into agricultural areas.

This request, if approved, would allow for 4 newly-created 2-acre lots for a total of 5 lots when counting the remaining parent tract. Under the current Subdivision Control Ordinance A-1 zoned properties can only be subdivided using the Roadside Subdivision process. Properties not zoned A-1 that wish to be subdivided into 5 or more lots are required to abide by the Major Subdivision regulations and process. The County has limited minor subdivisions and roadside subdivisions to only 4 lots in order to limit the increase of septic systems and private wells. Onsite septic systems are not meant to be long-term solutions for sanitation disposal. Onsite septic systems can cause more long term negative effects on underground ecosystem and increase contamination to the well field which is the main water source for our community. Several onsite septic systems can endanger the health of local residence. Any division of land of 5 or more lots are required by Subdivision Control Ordinance to connected to public sanitation system and public water source. Neither of the two are available. Additionally, a major subdivision would

be reviewed by the County Technical Review Committee, County Drainage Board, and the Plan Commission, this division would not require any of these review.

Allowing the deviation to permit five lots to be created will be a huge detriment to the ordinance and could cause a negative effect of allowing similar request in the future. Staff, therefore, asserts that the required findings have not been met relative to Waiver component a), and recommends denial of that portion of the waiver request.

WAIVER REQUEST – ORIGINAL LOT OF RECORD

The subject 45.8-acre parent parcel is not considered an original lot of record, as it was not in existence in its current configuration prior to February 19, 2003. The parent parcel was split off from the 160 acres in 2014 as an exempt subdivision being it was over 20 acres in size.

The original tract of land was 160 acres in 2003. Starting in 2006, ten splits have been executed upon the original parcel. Those splits were either Roadside Subdivisions or exempt subdivisions. The Board has granted three separate waivers from the original lot of record requirement to allow three of those splits. Currently, six additional homes have been built with the availability of four more homes to be constructed on buildable lots. This request will allow the eleventh split from the original tract of land and will allow 14 houses in the overall 160 acres. The various splits are shown in the “W-1-22 2003 Original Parcel vs 2022 Parcels” exhibit.

The Subdivision Control Ordinance requires the parent tract to be an “original lot of record”, which it defines as a lot in place prior to the adoption of the Subdivision Control Ordinance in 2003. This requirement is intended to preserve agricultural land and open space and to discourage multiple piecemeal encroachments of significant residential density into agricultural areas.

The multiple divisions of land granted to this original lot of record violates the intent of the ordinance and the Agricultural zoning district. Granting of this waiver could encourage future requests for additional, similar splits from this non-original lot of record, as is evident has been granted several times already.

Staff, therefore, asserts that the required findings have not been met relative to Waiver component b), and recommends denial of that portion of the waiver request.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: With no required review from the County Technical Review Committee or Drainage Board there is no formal review to determine if drainage or infrastructure improvements are needed to ensure the public’s safety, health, and welfare. Any future development of the site would need to comply with building code and other applicable regulations.

The conditions upon which the request for a waiver are based are not unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis: Nothing unique to the property itself to validate an additional split for the parent parcel. The property has endured multiple split over a 15-year span reducing the size of the original parcel significantly.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: This parcel does not present any particular physical condition that prevents the parcel to adhere to the ordinance.

The waiver will in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Comprehensive Plan designates the future land use of the property as Agricultural. The first goal of the Comprehensive Plan is "protect the farmer's right to farm while preserving rural character." This request would allow for an additional 4 lots, which would alter the rural character of the area. The development of the original tract of land has resembles more of a rural residential land use.

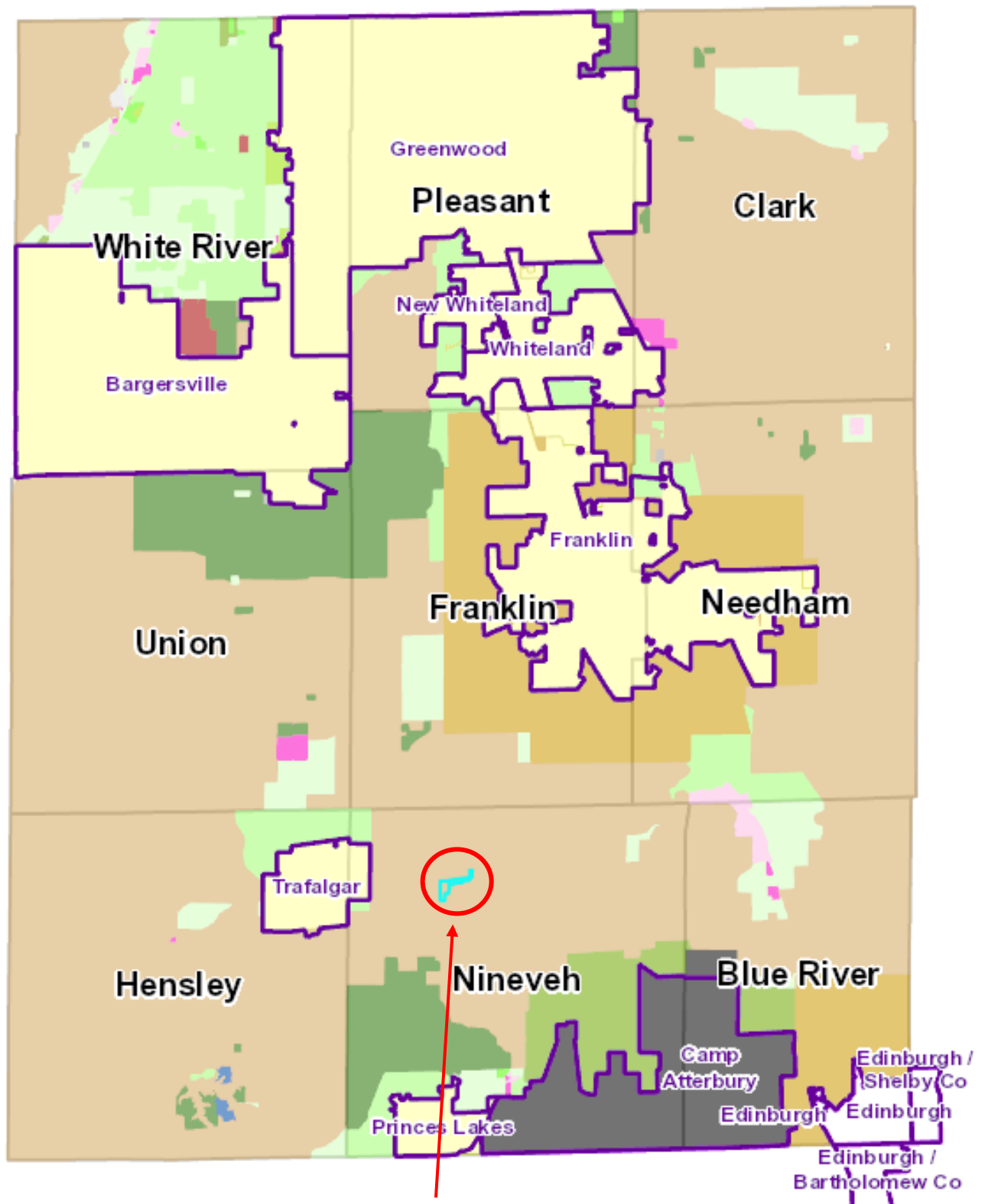
GENERAL INFORMATION

Applicant/Owner: Brandon L Paris, Justin P Smith, & Ryan E Frazier
4168 S 25 W
Trafalgar, IN 46181

Current Zoning: A-1 (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

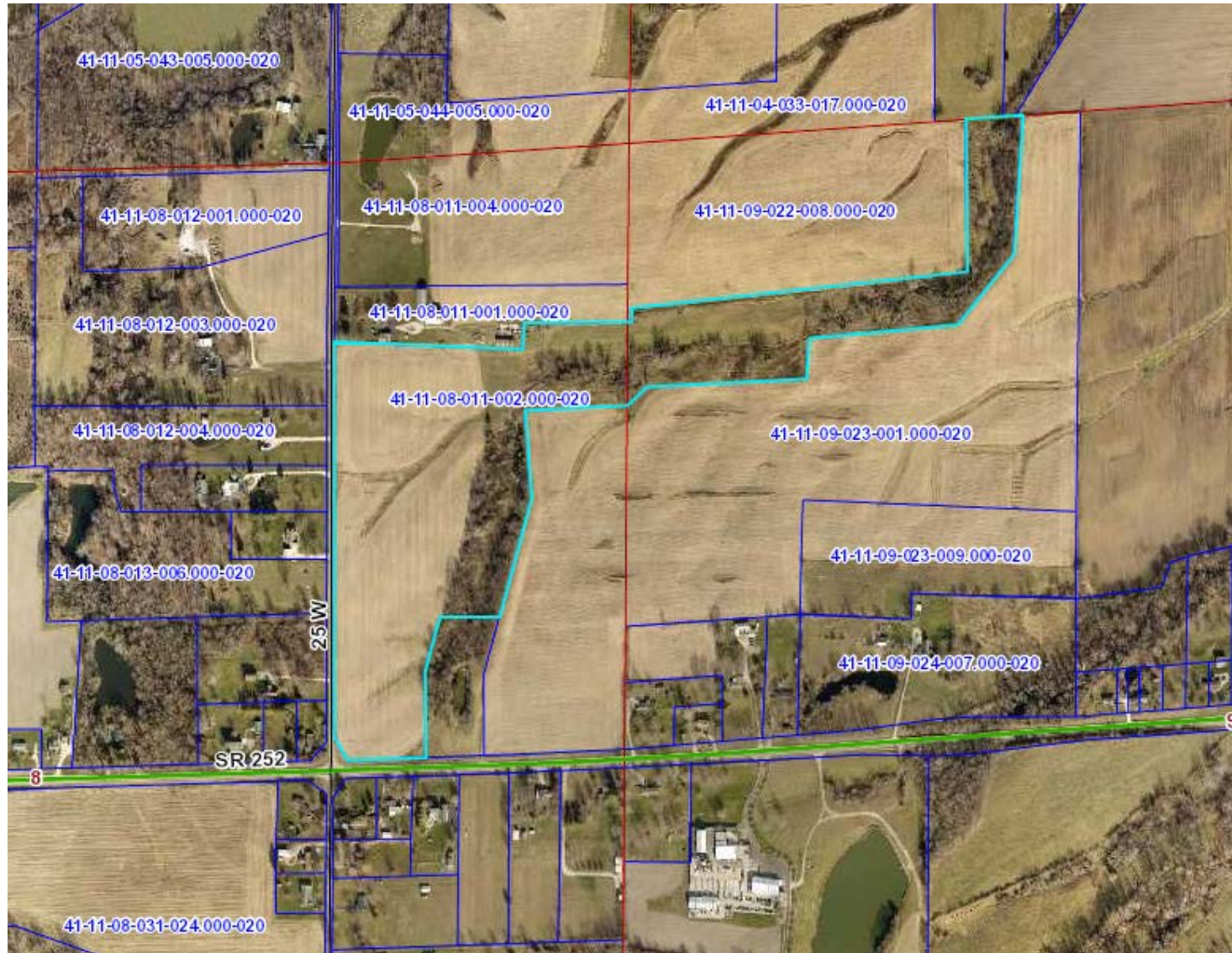
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W-1-22 Base Map I



SUBJECT PROPERTY

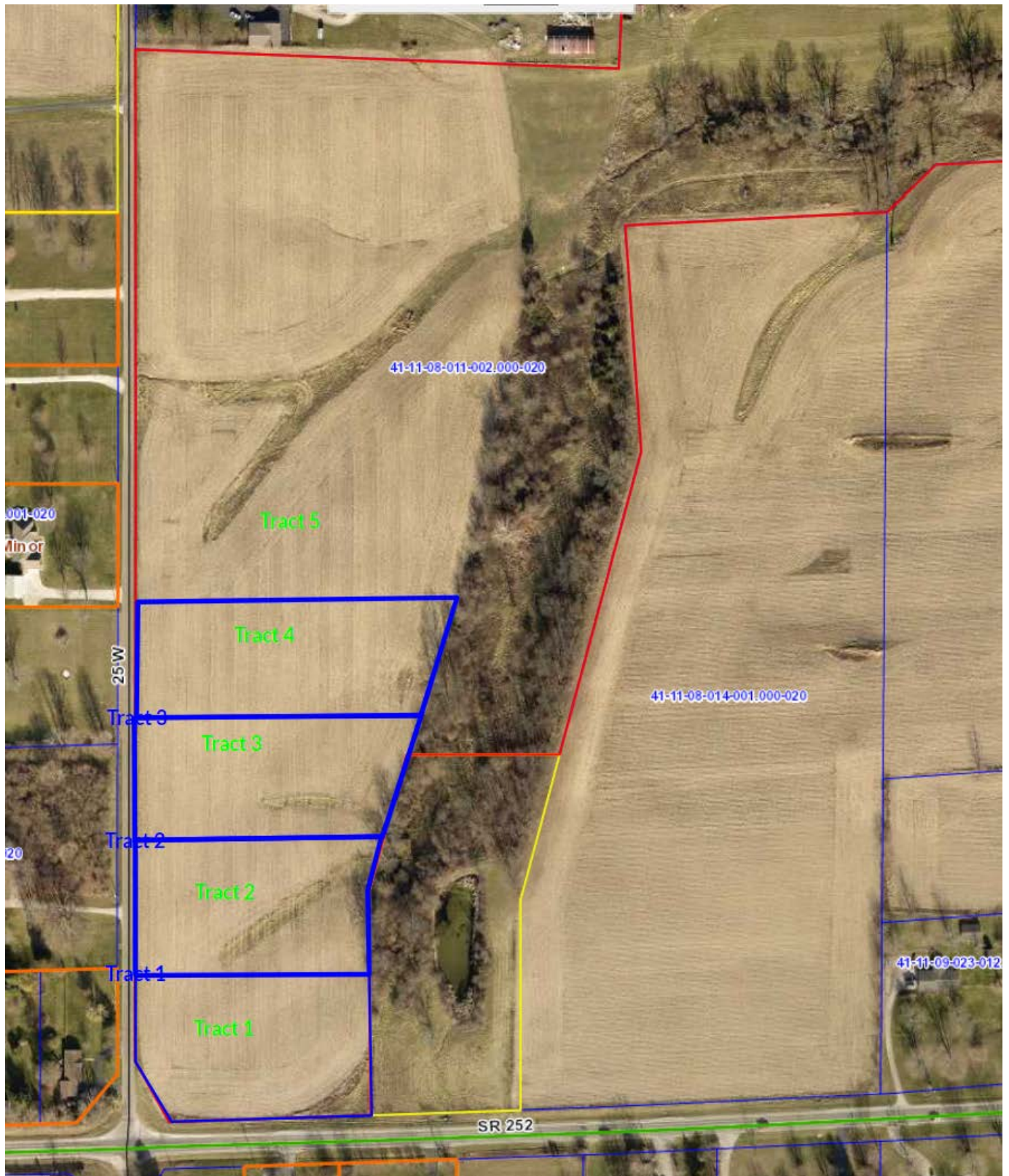
W-1-22 Base Map II



W-1-22 Proposed Roadside Subdivision



W-1-22 Proposed Roadside Subdivision



W-1-22 PETITIONER FINDINGS OF FACTS

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
Allowing 5 2 acre lots will not be detrimental to the surrounding properties.
Land to the west of the property along 25 W is sub-divided into 5 different
small size lots and 2 small lots to the south of 252. I essence this will
blend with the residential area. Acreage to the north will remain farm land.

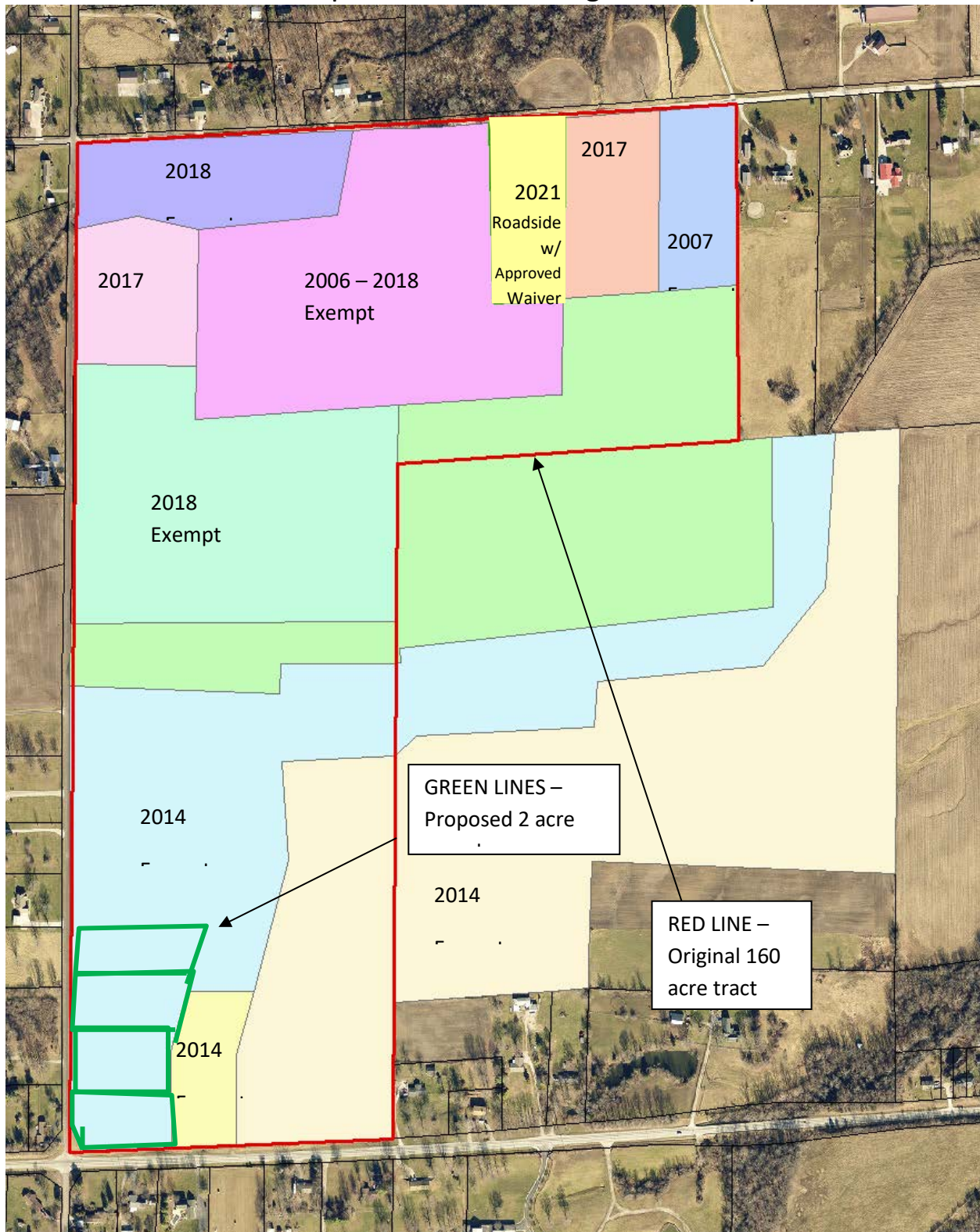
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
This agricultural field is not of good grade according to the person who
farms it now. Being near a highway will make it feaseable for the 5
building sites. This grading of the property for building may also help cut
down the erosion of the farm ground.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
There will not be hardship for any of the proposed tracts or surrounding
properties.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
This waiver will not contravene provisions of the Zoning Ordinance,
Comprehensive Plan of Official Map as the resulting Subdivision will be
comprised of low-density residential lots in an agricultural district.

W-1-22 2003 ORIGINAL PARCEL VS 2022 PARCELS

Each color represents an existing individual parcel



W-16-21

Findings of Facts

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property:

In this case, the division of the property would not materially impact the general public or nearby property. Any future development of the site would need to comply with building code and other applicable regulations.

The conditions upon which the request for a waiver are based are not unique to the property for which the waiver is sought and are applicable generally to other properties:

In this case, the Petitioner has failed to show that there are conditions unique to this property, which would support the need for division of the property and the requested waiver. The size, topography, and use of the subject property resemble all other non-platted parcels in the area, and numerous other properties have been altered since February 19, 2003 and no longer qualify as an original lot of record.

No particular hardship to the owner would result, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, if this Ordinance is strictly adhered to:

In this case, the Petitioner has failed to show that this parcel has any particular physical surroundings, shape, or topographical condition causing a hardship to the owner as distinguished from a mere inconvenience, by the strict adherence to Ordinance. The regulations of the Ordinance do not impact the owner of the subject property in any way different from the impact the Ordinance would have on any other nearby property owner.

The waiver would contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

The Ordinance requires an original lot of recorder to be eligible for division for which this parcel does not satisfy. This property is zoned A-1 (Agricultural) and the Comprehensive Plan's Future Land Use map classifies this area as Agricultural. Approval of the waiver would not serve the purpose of preserving agricultural land and open space.