



JOHNSON COUNTY

Department of Planning and Zoning
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Courthouse Annex
Franklin, Indiana 46131

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MEETING AGENDA

Johnson County Board of Zoning Appeals
January 25th 2022, 7:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

EXECUTIVE SESSION

The Johnson County Board of Zoning Appeals shall hold its annual Executive Session to discuss personnel and appointments.

CALL TO ORDER BY BOARD OF ZONING APPEALS ATTORNEY

ELECTION OF BOARD OFFICERS

OTHER APPOINTMENTS

ADJOURNMENT OF EXECUTIVE SESSION

JOHNSON COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the December 28th, 2020 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-24-17. E-Z Life Properties, LLC. 8038 S 250 W, Trafalgar Page 3

Approval to modify a site plan of an approved Use Variance of indoor boat storage facility granted September 26, 2017

V-1-22. Michael Diehl. 6420 Stein Road, Greenwood. Page 11

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for the continuation of a K-9 Training Club and Kennel (not permitted on agriculturally-zoned property).

OLD BUSINESS

None.

NEW BUSINESS

Approval of 2022 Contract for Johnson County Board of Zoning Appeals Attorney with Williams Barrett & Wilkowski, LLP

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, February 22, 2022 at 7:00 PM.

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Staff Report

CASE NUMBER: V-24-17 (M22)
ADDRESS: 8038 S 250 W, Trafalgar
Section 36, Township 11, Range 3
PETITIONER: E-Z Life Properties, LLC

REQUEST

Approval to modify a site plan of an approved Use Variance of indoor boat storage facility granted September 26, 2017.

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PROPERTY DESCRIPTION

This 3.56-acre site is zoned A-1 (Agricultural) and is improved with three pole barn structures. Since receiving a Use Variance in 2017 the property has been operating as a boat storage facility.

The site is surrounded by parcels of similar size with single-family dwellings and heavily wooded areas. There are also larger lots in the area that are used agriculturally. The Apple Works apple orchard business is located to the east, across 250W from the subject property. All surrounding properties are zoned A-1.

VARIANCE REQUEST

This request is to modify an approved site plan of an existing Use Variance, V-24-17. The approved Use Variance allowed for 4 barns to be used for indoor boat storage on an A-1 zoned property. The modification request to the approved site plan reorients a pole barn from the north portion of the property to the east side and increases the size from 60' x 81' (4,860 sq. ft.) to 60' x 140' (8,400 sq. ft.).

During the initial 2017 variance the location of the proposed barn on the north portion of the property placed the structure 20' from the right-of-way instead of the required 40'. Because of the 20' encroachment into the setback, the location of the barn was not approved. The applicant is now able to locate the proposed barn on the east side of the property where it will not encroach on the required 40' setback.

There will be no changes to the approved Plan of Operation.

If approved, would allow for the construction of a 60' x140' pole barn on the east side of the property as the new site plan indicates.

Staff recommends approval subject to substantial compliance with the new site plan and previously approved plan of operation.

GENERAL INFORMATION

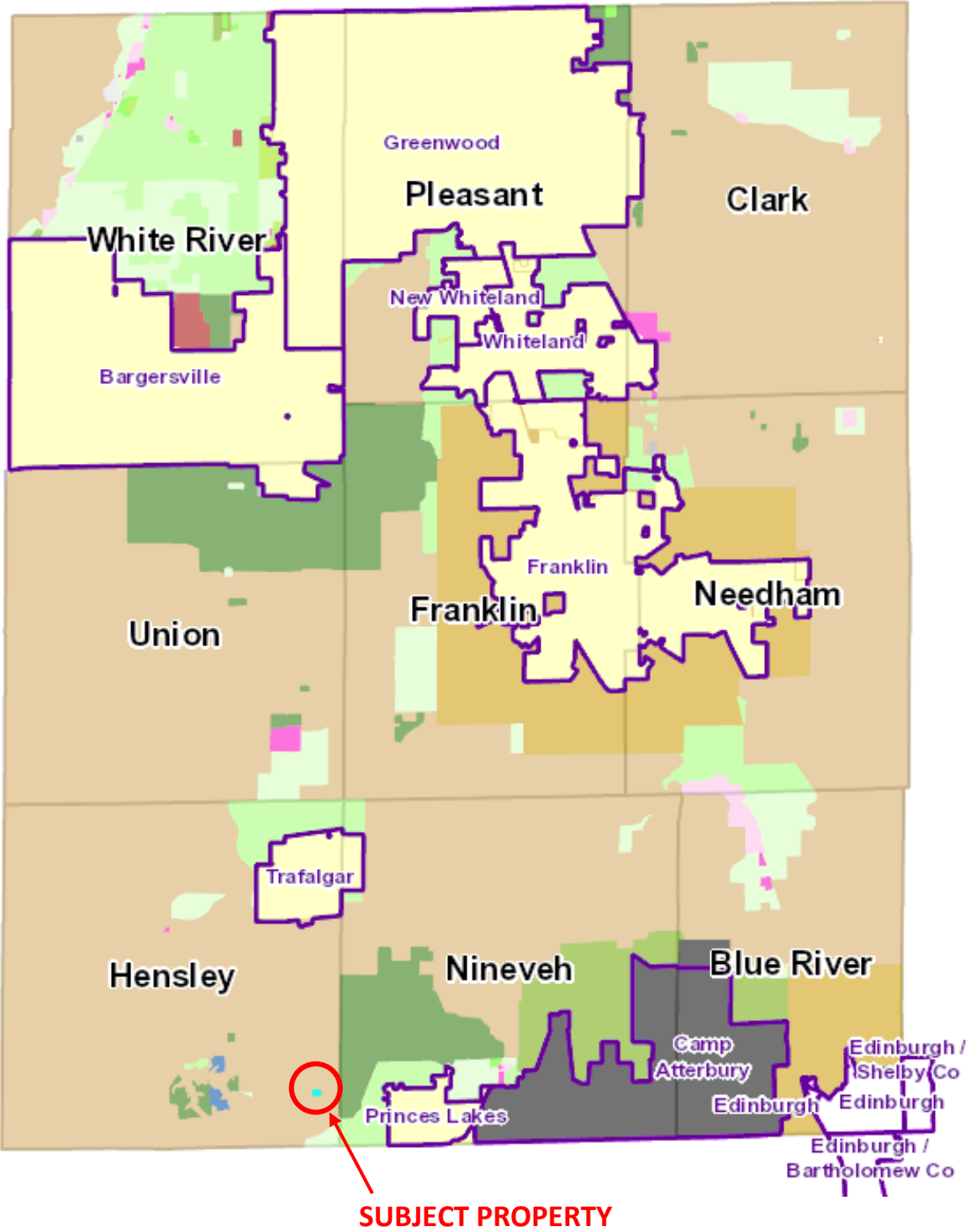
Applicant: Robert Hicks, E-Z Life Properties, LLC
7701 Timber Cliff Lane
Trafalgar, IN 46181

Owner: Same

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

-RLS

V-24-17 (M22) Base Map



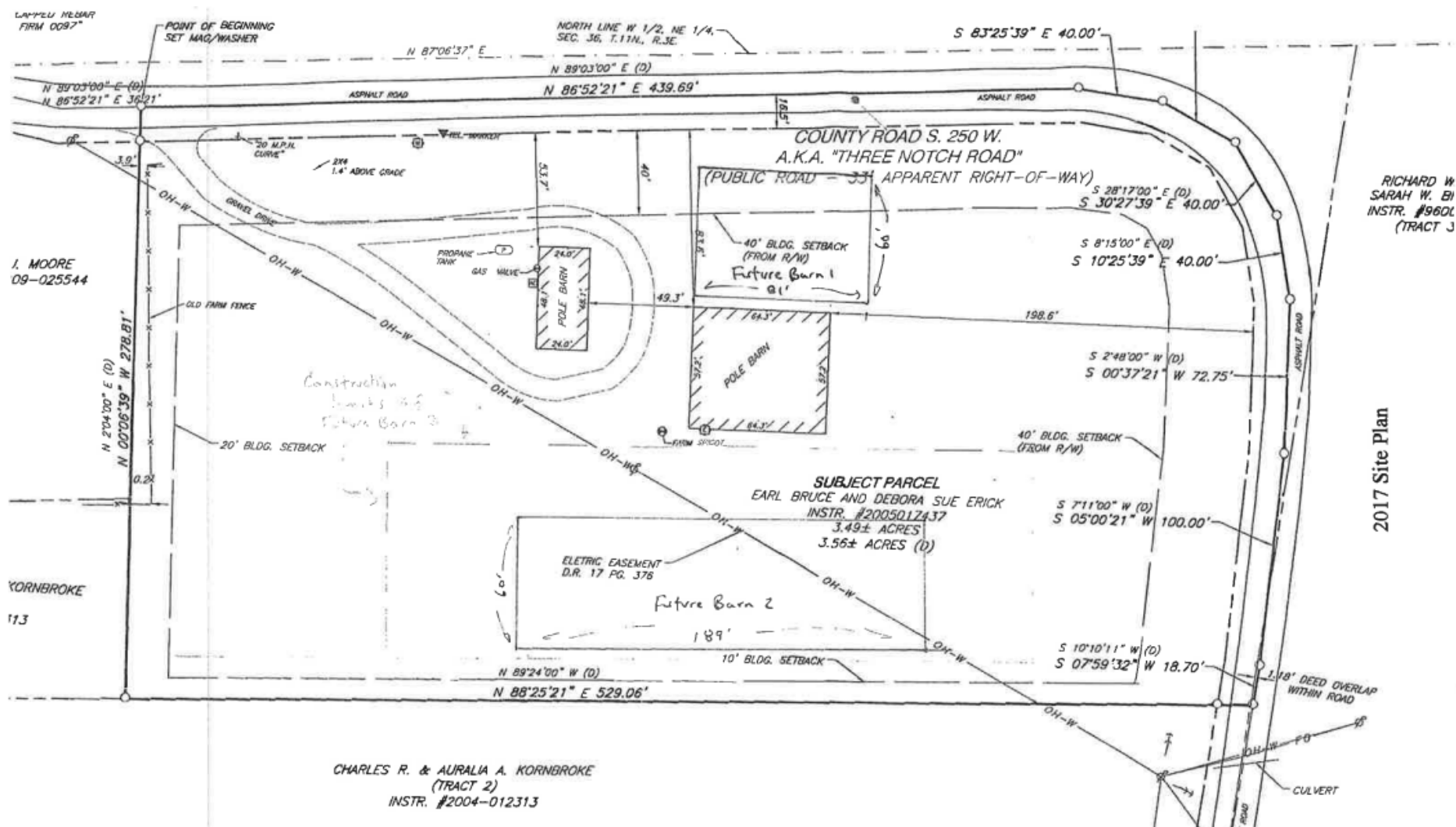
V-24-17 (M22) Base Map II



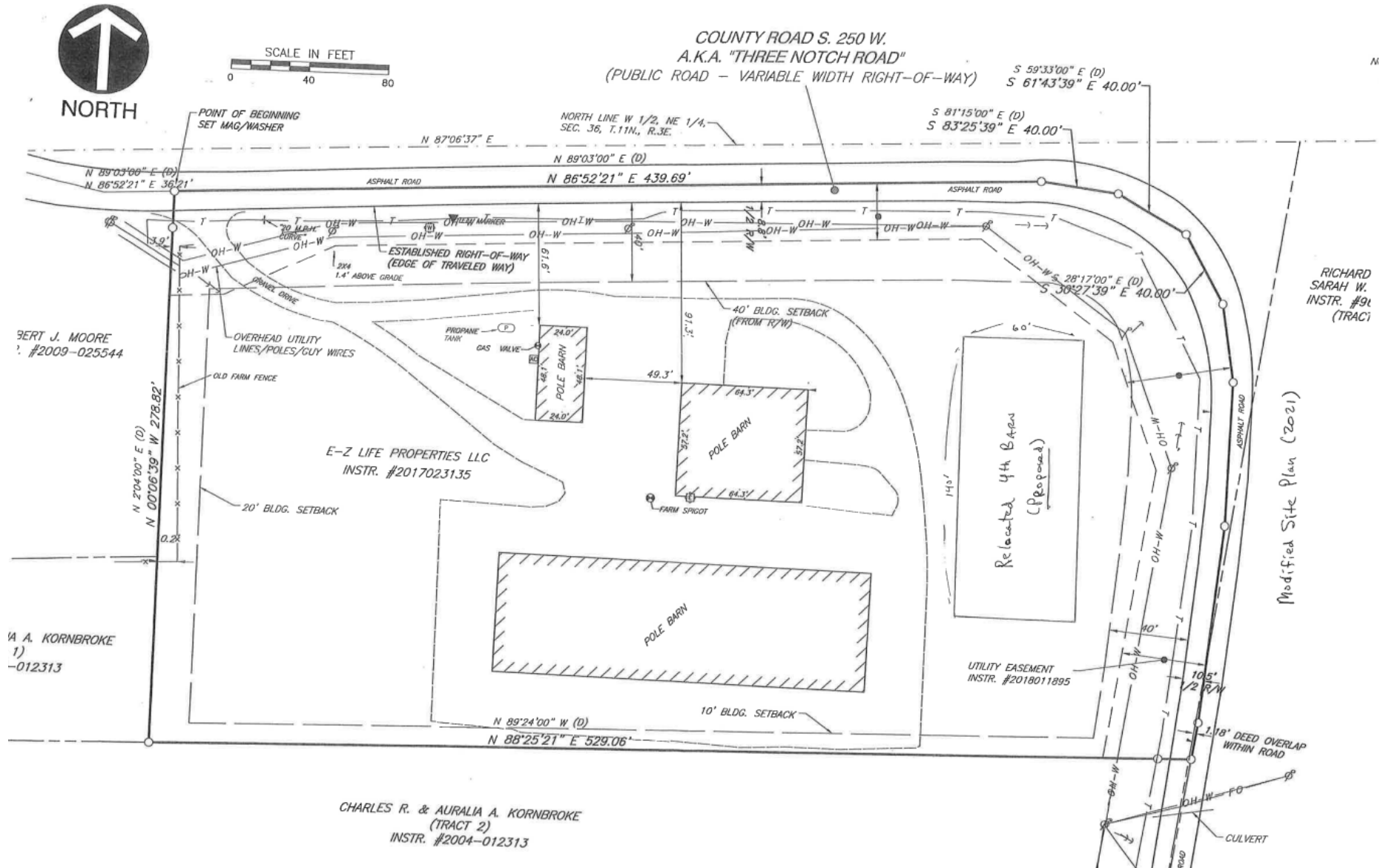
V-24-17 (M22) BIRDS EYE VIEW



ORIGINAL V-24-17 SITE PLAN



NEW MODIFIED V-24-17 (M22) SITE PLAN



**V-24-17 (M22) SITE PHOTO – VIEW LOOKING EAST AT NEW PROPOSED
LOCATION OF BARN**



Staff Report

CASE NUMBER: V-01-22
ADDRESS: 3477 200 East, Franklin
Parcel # 41-11-02-024-001.000-020
Section 2, Township 11, Range 4
PETITIONER: JBJ Industries LLC/Fathouse Fabrications

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for an automobile service shop and fabrication shop (not permitted on agriculturally zoned property).

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to:

1. Waive commercial parking requirements (paved surface, curbs, and stall striping),
2. Waiver commercial landscaping requirements, and
3. Provide for a free-standing sign not to exceed 6 feet in height and 32 square feet in area.

PROPERTY DESCRIPTION

This approximately 24.15-acre site is zoned A-1 (Agricultural). Since the early 1940s, the property has been utilized as the Franklin Flying Field. It is currently improved with three large pole barns, five utility sheds/barns, 4 airplane hangars, and a paved runway. There is also a fueling station on site. There is a pond on the south side of the parcel.

The property is surrounded by large agricultural fields in all directions as well as smaller parcels used residentially. To the south and west there are several single family homes that utilized the same private driveway as the subject property. The property north of the airstrip was granted a Variance in 2013 to permit agricultural chemical warehousing and distribution operation. The parcel immediately to the west of the barns the applicant proposes to use is improved with two structures and is owned by George Adams and Hunter Gary, the owners of the subject property.

VARIANCE OF USE

According to the property owners, the subject property has previously and currently been used for a flight school, airplane license maintenance and upgrades, fuel sales, maintenance facility, paragliding training, parachute training, and private flying. Parachuting training has recently been discontinued, but would previously bring 30-40 customers per week. Fuel sales, paragliding training, and airplane storage will continue on the property. The airfield uses itself are estimated to bring 20 customers per week without the parachuting training. The airfield currently has 6 contracted employees for the office, grounds maintenance, airplane maintenance, and flight instruction.

This Variance of Use request, if approved, would allow Fathouse Fabrications to operate their business which would fabricate automotive parts, service performance automobiles, store automobiles, and test automobiles on the airstrip. They intend to occupy 3 existing barns/hangars. The first for an office, inventory, and storage. The second for servicing vehicles, installation, and dynamometer testing. The third for fabrication and product development. The petitioner application indicates that they will continue airport operations, serving airplanes, storing airplanes, and allowing them to utilize the airstrip.

The petitioner has submitted a Plan of Operation, included in this report, which details the nature of the business. The submitted Plan of Operation, included in this staff report, indicates that the business will be open Monday-Friday from 8:00 am to 7:00 pm. The applicant currently has 9 employees, but anticipates growing to 15 within 2-3 years. The business is not open to retail sales and the only customers would be by appointment only. There was no indication of increased customer traffic, but no estimate of how many appointments may occur each week. There will be UPS and FedEx deliveries and pickup daily with an expected semi truck a few times per week. Trash will be picked up weekly and metals will be recycled. Used oil, coolant, and solvents will be picked up by Safety Clean. Gasoline will be stored in sealed drums until used.

The petitioner also intends to utilize the existing airstrip to test vehicles. The runway will be closed during testing and the Greenwood Airport will be notified regarding the status of the airstrip. Testing is anticipated to take less than an hour and will occur a few times per week. Details regarding use of the runway for automotive testing can be found in this staff report under the exhibit, "Franklin Flying Field - Runway Shutdown Procedure."

The site and surrounding area is currently zoned A-1 and the Johnson County Comprehensive Plan recommends Agricultural use for this site, and for the general area. Per the Zoning Ordinance, the purpose of the A-1 District is to accommodate agricultural operations and practices. The A-1 District preserves and protects agricultural land, the rural character of Johnson County, and the agricultural tradition of the county. Uses permitted in the A-1 District include agriculture, single-family residences, parks and playgrounds, cemeteries, essential services, child care services for 5 or fewer children, schools, religious institutions, and government buildings.

In agricultural, rural, and low-density residential areas, it may be reasonable, under certain circumstances, to consider certain lower-intensity commercial or industrial uses, which are not otherwise allowed by-right, to represent a reasonable deviation from the requirements of the zoning ordinance and the recommendations of the comprehensive plan. Here, however, automotive fabrication, machining, and testing represent an exceptionally higher level of intensity than the norm for the area, and so represent too far a deviation from any reasonable notion of acceptable land use expectations. Noise generated by vehicles, deliveries, machine work, testing and other business activities, has the potential to greatly impact the enjoyment of nearby residential properties.

Additionally, such higher-intensity uses tend to expand over time. Potential future expansions could further exacerbate the inappropriateness of the use, and compromises neighbors' use and enjoyment of property, as well as surrounding property values.

For these reasons, staff recommends denial of this request.

VARIANCE OF DEVELOPMENT STANDARDS – COMMERCIAL PARKING & LANDSCAPING

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 area behind the existing barns is currently paved, but not striped or landscaped. The lack of curbs, striping, and completely paved surfaces does not meet the required off-street parking standards of the Zoning Ordinance and thus requires the variance. The site would be accessed from the existing private driveway off of 200 E/Airport Rd. The applicant states in the findings of facts the intention to resurface the runway and private entry driveway. The parking lot will also be in deficient of the perimeter landscaping requirement.

The proposed development does not meet the Findings of Fact for a Use Variance. Therefore, Staff recommends that the Board dismiss the development standards variances due to irrelevancy.

VARIANCE OF DEVELOPMENT STANDARDS – FREE STANDING SIGN

This request, if approved, would provide for the future placement of a non-lit free standing sign at the intersection of the 200 E/Airport Rd and the private driveway. The sign shall not exceed 32 square feet in area or 6 feet in height. The Zoning Ordinance prohibits business/commercial signage on agriculturally-zoned parcels.

The proposed development does not meet the Findings of Fact for a Use Variance. Therefore, Staff recommends that the Board dismiss the development standards variances due to irrelevancy.

FINDINGS OF FACT: VARIANCE OF USE

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

The proposed use would be inconsistent with the predominantly residential and agricultural uses in the area.

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 proposed use necessarily involves outdoor storage and movement of large equipment, testing of automobiles, and noise associated with fabricating and machining. The proposed use would represent an inappropriate intrusion of heavy commercial activity

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

The property is zoned and developed for use as a private airstrip and may continue to be used that way.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.

The property is zoned and developed for use as a private airport and may continue to be used that way.

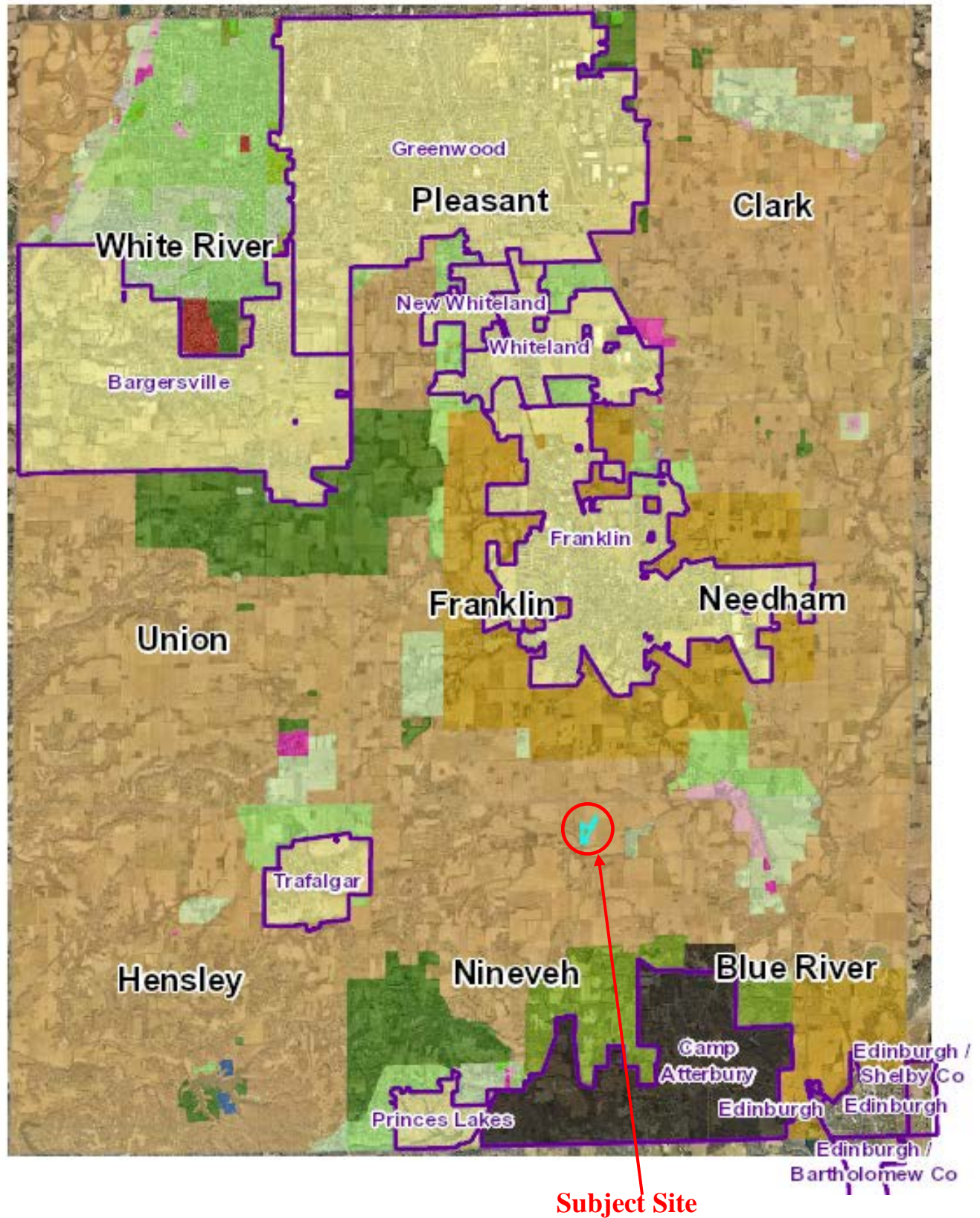
5. The approval does not interfere substantially with the Comprehensive Plan.

The request would be inconsistent with the land use recommendations of the Johnson County Comprehensive Plan, which recommends Agricultural use and development of the site.

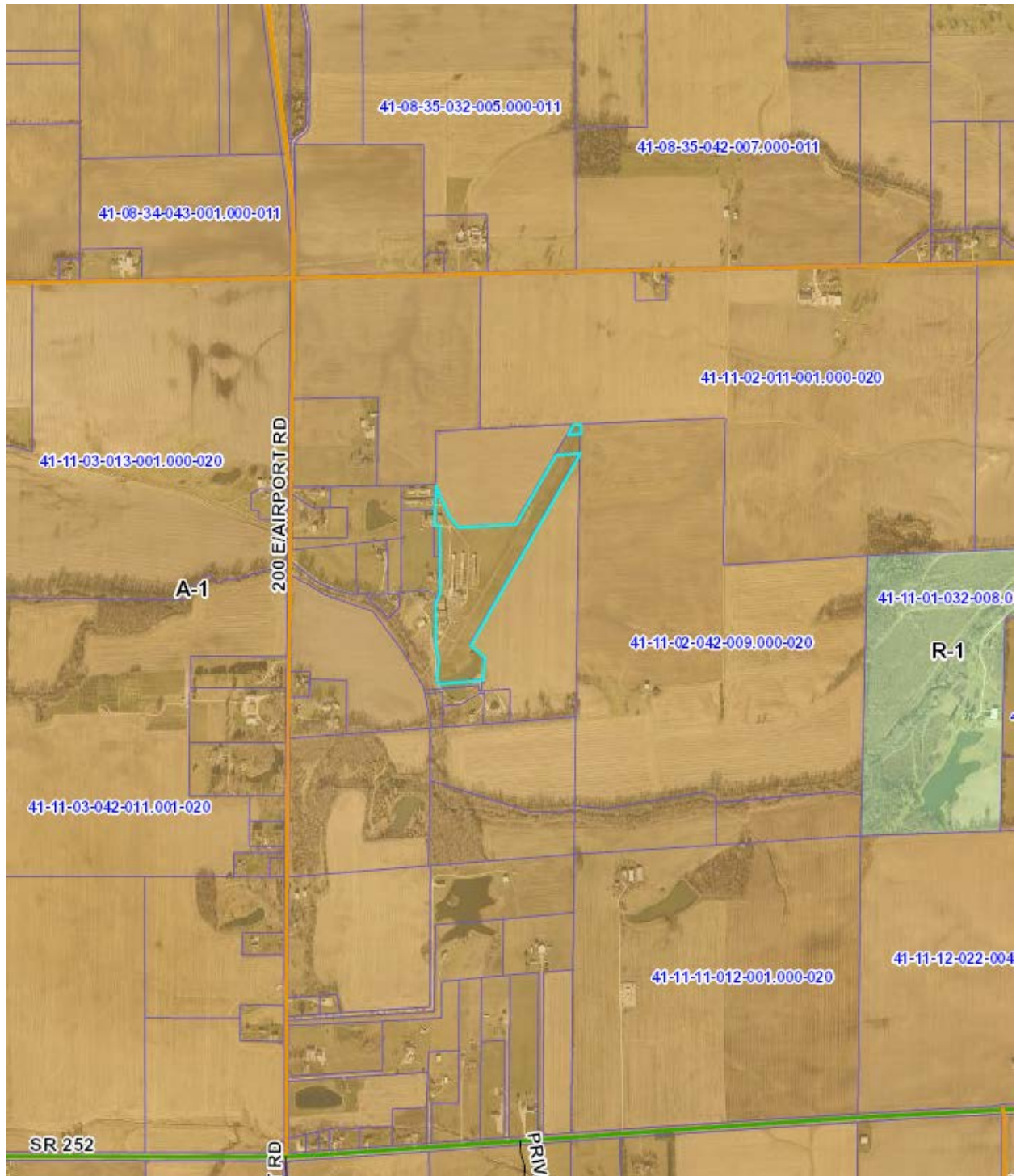
GENERAL INFORMATION

Applicant:	Benjamin Stoner 9685 Old State Road 31 N Martinsville, IN 46151	Zoning:	A-1 (Agricultural)
		Land Use:	Private Airfield
		Future Land Use:	Agricultural
Owner:	George Adams & Hunter Gary 3477 S 200 E Franklin, IN 46131	-RLS	

V-01-22 BASE MAP



V-01-22 BASE MAP II

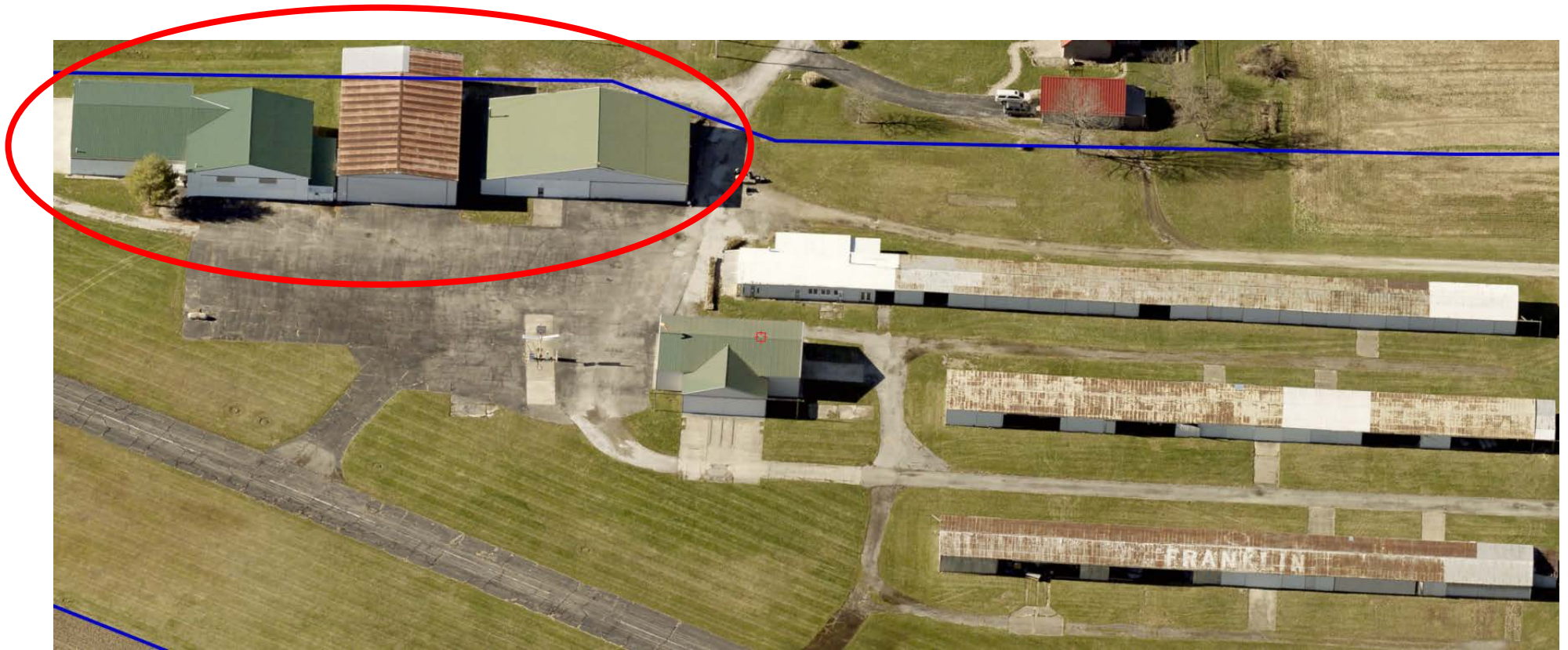


V-01-22 AERIAL

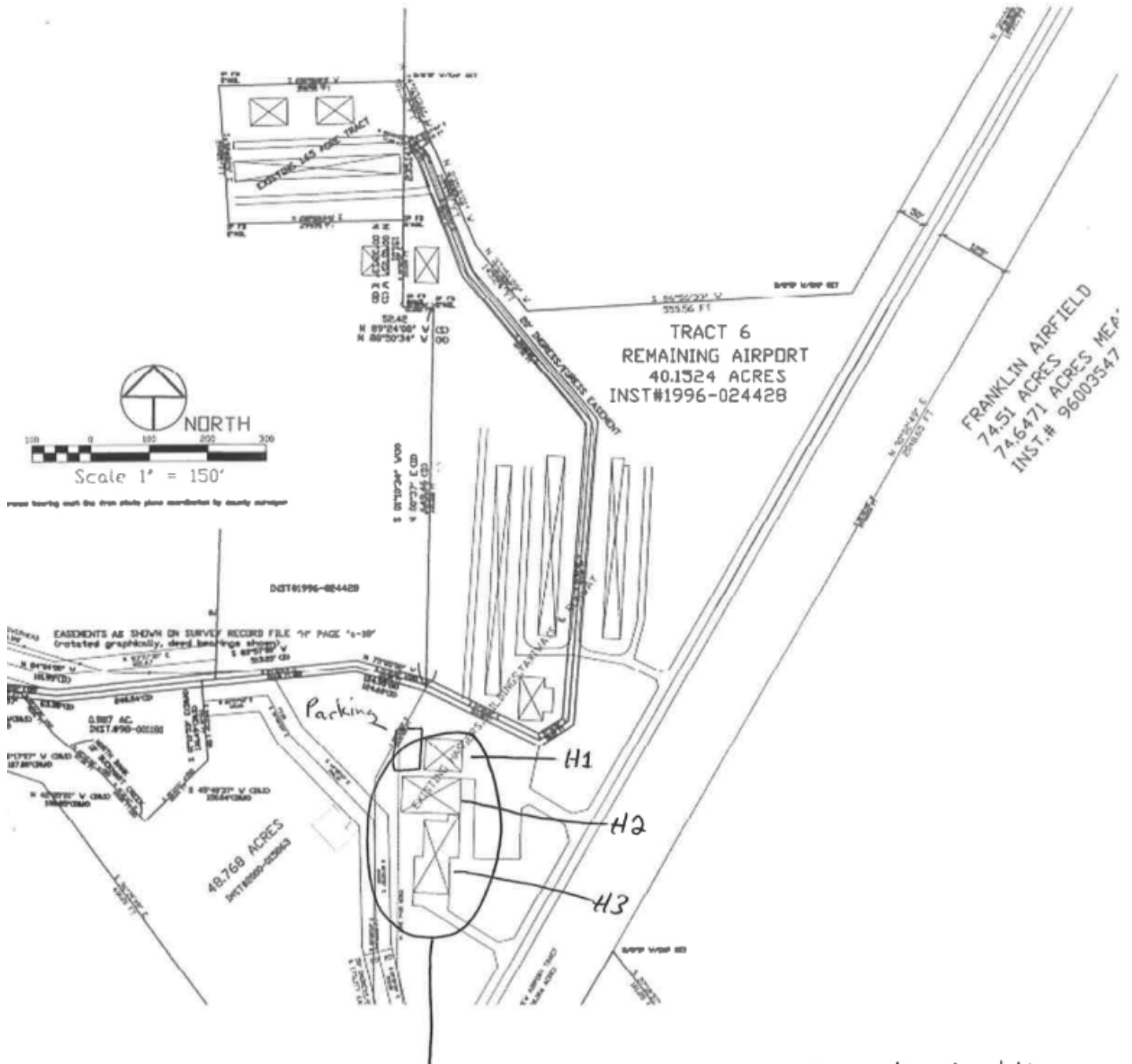


V-01-22 AERIAL OF MAIN STRUCTURES

Fathouse Fabrications Proposes to Occupy 3 Existing Buildings



V-01-22 SITE PLAN



Fathouse Fabrications to occupy these 3 existing buildings

V-01-22 SIGNAGE PLAN



V-01-22 PLAN OF OPERATION

Plan of Operations

JBJ Industries, LLC/Fathouse Fabrications Use Variance

Fathouse Fabrications plan of operations is as follows.

Airport operations will remain intact as is, some hangars may be used for automobile storage. Many of our customers are into flying as well as cars so this fits well with the dual purpose use of the airport.

Fathouse Fabrications is a niche performance shop working on high end Shelby Mustangs and other sports cars. We do not perform general repair, we do not store junk cars outside. We are very clean and neat.

Automobile service in the form of performance builds for brands like Shelby American, building Mustang GT500 and GT350. Adding supercharger and turbocharger systems, building roll cages, modifying engines and other drivetrain related parts of the vehicle.

Fabrication of automotive parts, including welding, machine work, and some CNC machining.

Dynamometer testing for automobiles on our indoor chassis DynoJet

Testing of vehicles on the runway, the runway will be closed during testing and Greenwood Airport will be notified of the status of the airstrip. Typical testing is less than 1hr a few times per week.

Fathouse Fabrications does not expect much of an increase in retail traffic, our facility is not open to retail sales and is by appointment only.

Employees: Currently 9 and expect to grow to 15 within 2-3 years.

Shipping and receiving will be limited to UPS and FedEx deliveries and pickups daily with an expected semi truck a few times per week.

Trash dumpster pickup weekly and all metals will be recycled. Any used oil, coolant, or solvents will be picked up by Safety Clean and stored properly in sealed containers until they are picked up. Gasoline will be stored in sealed drums until time of use.

Hours of operation will be from 8am until 7pm Monday through Friday.

Fathouse Fabrications will occupy 3 existing hangars as listed below.

Hangar 1 - Office, inventory, storage

Hangar 2 - Service, installation, and dynamometer

Hangar 3 - Fabrication and product development

Franklin Flying Field - Runway Shutdown Procedure

According to the Non-Towered Airport Flight Operations Advisory put out by the FAA, section 9.7 states the following about non radio aircraft.

9.7 No-Radio Aircraft. Pilots should be aware that procedures at airports without operating control towers generally do not require the use of two-way radios; therefore, pilots should be especially vigilant for other aircraft while operating in the traffic pattern. Pilots of inbound aircraft that are not capable of radio communications should determine the runway in use prior to entering the traffic pattern by observing the landing direction indicator, the wind indicator, landing and departing traffic, previously referring to relevant airport publications, or by other means.

NOTAM will also receive notice that the runway is closed. If closed for more than 15 min Fathouse will place a large yellow X at either end of the runway to signal that the runway is closed. We will also be monitoring the radio channel 122.7 for chatter about incoming aircraft and alert them of the status of the runway. Driver of the car will have a radio in the car as well as one staff member in the office will have a radio to alert incoming planes if they announce themselves over the radio. This is the same procedure that will be used for runway maintenance, repairs, and clearing snow.

We will take every possible measure to ensure the runway is safe during testing. Ultimately it's the pilots responsibility to make sure the runway is open and clear for landing before attempting to land at any non towered airport.

On a final note we have no plans to turn this into a drag strip or as a place to hold sanctioned events. This will be for private use. However there are many sanctioned events at larger airports run every year so this is possible and can be safe. For example <https://airstripattack.co/> is a sanctioned body that holds events at multiple airports including Marion Indiana each year.

V-01-22 PETITIONER'S FINDINGS OF FACTS – 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 purposed use is similar to current operations. The petitioner plans to continue
airport operations, servicing airplanes, storing airplanes, and allowing
them to land on the airstrip. The petitioner plans to service automobiles, store
automobiles, and test them on the airstrip.

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 purposed use is similar to current operations, the petitioner plans to
make improvements to the property that will only increase the value of the
surrounding area

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

This property makes it possible for us to remain in Johnson County, add employees
to our business, test our products in a safe manner on a closed course (The Airstrip),
and improve the current airport conditions both the runway and entry drive will be
resurfaced

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 petitioner will be forced to look for suitable property outside of Johnson
County. This property is the only one like it we have found in Johnson County.
The petitioner requires a private site for testing that only a property such as the
airport can provide.

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

The area in question will remain virtually the same with only light construction
in the form of improvements to the property taking place. The proposed
site is also listed in the opportunity sites/areas according to Figure 3-1 in
the Comprehensive Plan.

V-01-22 Site Photo – View East on the Private Drive



V-01-22 Site Photo – The 3 Existing Buildings Fathouse Fabrications Proposes to Occupy



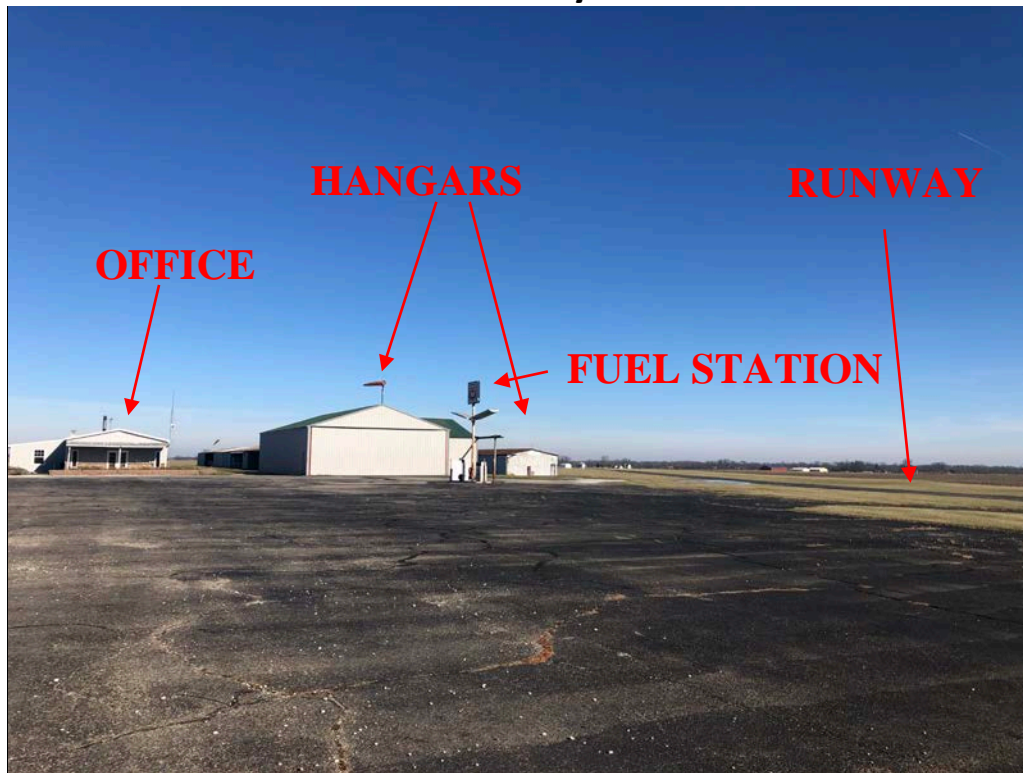
V-01-22 Site Photo – Looking South at Existing Paved Drive



V-01-22 Site Photo – Looking South at Existing Concrete by Southernmost Structure



V-01-22 Site Photo – Looking Northeast at Existing Paved Drive and Runway



V-01-22 Site Photo – Existing Office and One of the Hangars



V-01-22 Site Photo – Property West of Subject Property Owned by Same Owner



V-01-22 Site Photo – Residential Properties West of Subject Property



V-01-22 Site Photo – Residential Properties West of Subject Property



V-01-22 Site Photo – Residential Properties South of Subject Property

