



JOHNSON COUNTY

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

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www.co.johnson.in.us

MEETING AGENDA

Johnson County Board of Zoning Appeals
April 26th, 2022 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 March 29th , 2022 Meeting.
Approval of minutes from the March 29th , 2022 Special Meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

SP-SCW-2-2022, SP-SCW-3-2022, SP-SCW-7-2022, SP-SCW-8-2022, SP-SCW-9-2022
TeleCAD on behalf of Verizon Wireless..... Page 4

Various Locations in the White River Township
Verizon Wireless has submitted a special exception for a waiver to install a new wireless support structure within an area defined as an Underground and Buried Utilities District per Johnson County Resolution 2017-R-3.

-NEW PETITIONS

V-4-22. Shawn Higdon, 1112 Rustic Lane, Whiteland. Page 14

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a 1,512 square-foot accessory structure.

- a) where all accessory structures will total 1,800 square feet in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 75% of the building area of the primary dwelling, or, in this case, 1,449 square feet).
- b) with an approximately 8-foot side setback (minimum 10-foot side setback required)
- c) with an approximately 14-foot rear setback (minimum 20-foot setback required)
- d) with a 17-foot height (maximum 16-foot height allowed).

V-5-22. Danielle Logan, 7604 S. Peoga Road, Trafalgar. Page 26

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for a wedding/event venue (not permitted on R-R zoned property).

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

- a) Waive commercial parking requirements (paved surface, curbs, stall striping, and parking lot landscaping),
- b) Reduce the required commercial landscaped buffers (minimum 20-foot landscaped buffer required where property abuts residential uses).

A withdrawal request was received by the office on April 19th 2022. This case will be removed from the public hearing.

V-6-22. Mount Pleasant Christian Church, 381 N. Bluff Road, Greenwood..... Page 45

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for an electronic variable message sign:

- 1. In an R-2 (Single-Family Residential) Zoning District (EVM signs not permitted)
- 2. With an internally lit component (signs in a residential districts may be illuminated by external illumination only)
- 3. With a sign area of 68 square feet (maximum 32 square-foot sign area)

OLD BUSINESS

None.

NEW BUSINESS

Adoption of Findings for SP-SCW-1-2022
 Adoption of Findings for SP-SCW-4-2022 through SP-SCW-6-2022
 Adoption of Findings for SP-SCW-10-2022 and SP-SCW-11-2022
 Adoption of Findings for SP-SCW-13-2022 and SP-SCW-15-2022
 Adoption of Findings for SP-SCW-16-2022 through SP-SCW-22-2022
 Adoption of Findings for SP-SCW-24-2022 and SP-SCW-25-2022
 Adoption of Findings for SP-SCW-26-2022 and SP-SCW-27-2022
 Adoption of Findings for SP-SCW-28-2022

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, May 24, 2022 at 7:00 PM.

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Staff Report

CASE NUMBERS: SP-SCW-1-2022 THROUGH SP-SCW-28-2022

CASE NAME: VERIZON WIRELESS; AGENT: TELECAD WIRELESS

Addendum

SP-SCW-2-2022, SP-SCW-3-2022, SP-SCW-9-2022 – These three cases were automatic continued from the March Special Board of Zoning Appeals Meeting.

8SP-SCW-7-2022 and SP-SCW-3-2022 were continued from the March 29th 20202 due to a split vote from the Board.

Staff Report remains similar to March BZA Packet.

PROPERTY DESCRIPTION

List of all 28 proposed locations are on page 6.

REQUESTS

All cases have the same request, a waiver, through the Special Exception process, from Resolution 2017-R-3 that prohibits the placement of all poles, overhead lines, and associated overhead structures used or useful in supplying electric, communication, or similar and associated services within the County's rights-of-way or granted utility easements.

Verizon Wireless has requested to place 43-foot tall black metal poles in the residential subdivision in the public right-of-way. All proposed poles are located in a subdivision where all utilities are underground.

Codes and Ordinances

Indiana Code 8-1-32.3 limits the local power to regulate the placement of wireless support structures.

IC 8-1-32.3-26 (a)(1) *The placement of a small cell facility and the associated supporting structure in the public right-of-way is considered a permitted use and is exempt from local zoning review if the total height of the structure supporting the small cell facility does not exceed the greater of (A) fifty feet or the height of any utility pole...within 500 feet of the proposed small cell facility...*

However, IC 8-1-32.3-15 (c) *...a permit authority may prohibit the placement of a new utility pole or a new wireless support structure in a right-of-way within an area that is designated strictly for underground or buried utilities if all of 1 through 5 apply...*

Resolution 2017-R-3, adopted April 28th, 2017, established underground and buried utility districts in the unincorporated areas of Johnson County. The underground and buried utility districts are only for major residential subdivisions where no above-ground wireless support structures, utility poles, and superstructures exist in the area.

The staff had received applications for wireless support structures for a 5G Small Cell pole in 28 locations. These 28 locations are located in a platted major subdivision where all utilities are underground. The applications were denied based on the Resolution. Per the Resolution, the applicant may seek a waiver of this prohibition from the Johnson County Board of Zoning Appeals by using the established forms and procedures for seeking a Special Exception.

Addition Pole Details

All 28 poles are designed to be 43-foot tall black metal poles; pictures are found later in the staff report. Twenty-seven poles will have three lights included. Three of the poles would replace an existing street light/street sign pole. The replacement would have a similar light style as the existing street lights in the neighborhood. However, these existing street light poles are not owned by the County, and the applicant was made aware that they would need permission for the HOA to replace that street light pole. TeleCAD has stated that Verizon will cover the electric bill and maintenance of any street light that is part of the small cell pole structure. Some of the poles are located in subdivisions that have no street lights. Street light details are included on the table of pole locations on page 6.

Highway Comments

Since all proposed poles are located in the Johnson County public right-of-way, the Highway Department has reviewed the locations of all poles. Their comments can be found on page 11.

STAFF RECOMMENDATION

Staff recommends denial of these waiver requests.

GENERAL INFORMATION

Petitioner: Emily Smith – TeleCAD on behalf of Verizon Wireless
1961 Northpoint Blvd. Suite 130
Hixson, TN 37343

Owner: Johnson County, IN

Zoning: R-1 and R-2, Single Family Residential

Land Use: Right-of-way

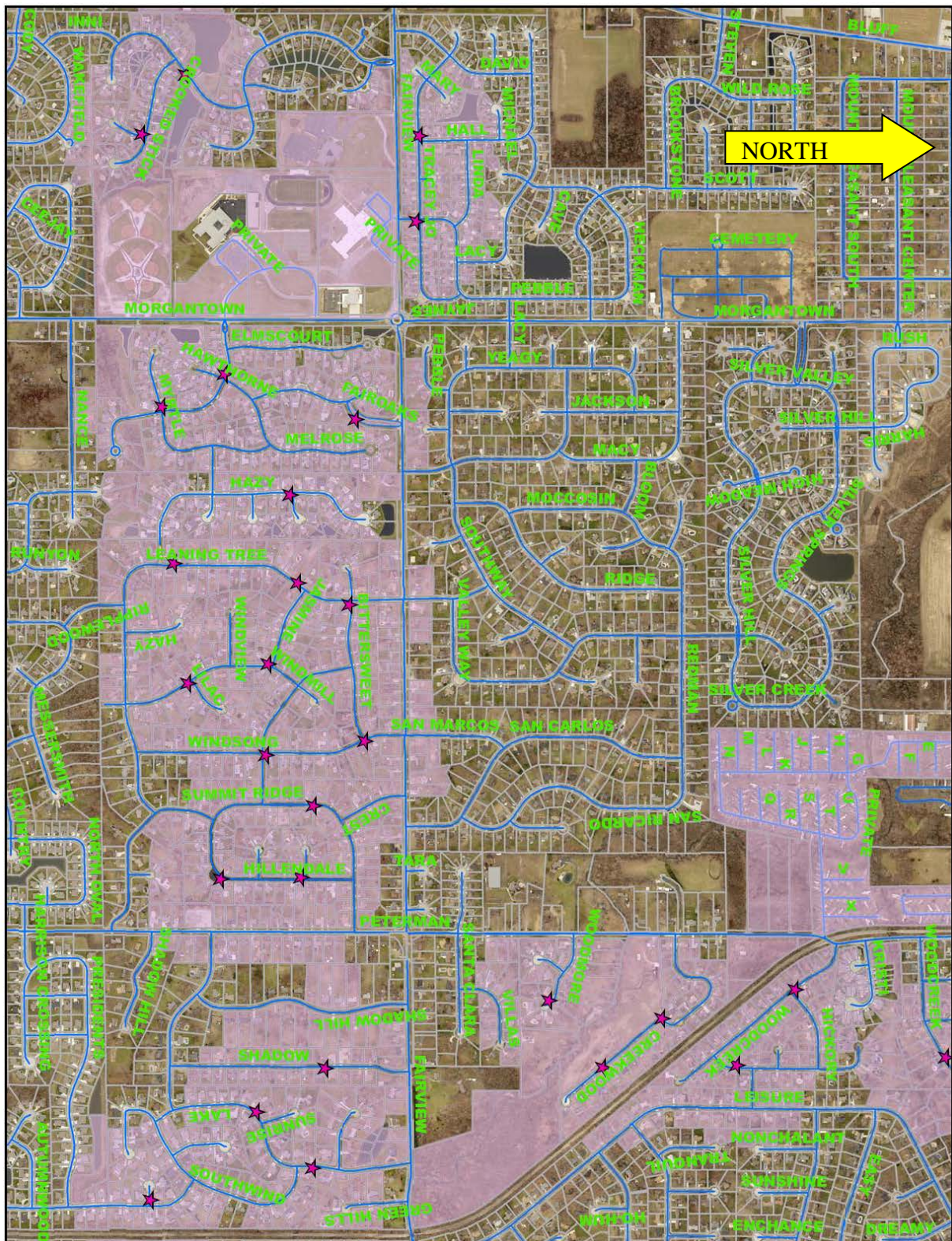
Future Land Use Suburban Residential

-MNH

LIST OF 28 SMALL CELL FACILITIES

Johnson County Case #	Near By Residential Address	Subdivision	Proposed Street Light	Existing Street Light in Sub.
SP-SCW-1-2022	354 Melrose Lane	Fairoaks	standard street light	Street Light - Lantern
SP-SCW-2-2022	4820 Myrtle Lane	Fairoaks	standard street light	Street Light - Lantern
SP-SCW-3-2022	4927 Auburn Ford	Fairoaks	standard street light	Street Light - Lantern
SP-SCW-4-2022	73 Hill Ct.	Fairview Heights	no street light	No street lights
SP-SCW-5-2022	229 Hillendale Dr	Fairview Heights	standard street light	No street lights
SP-SCW-6-2022	317 Summit Ridge	Fairview Heights	standard street light	No street lights
SP-SCW-7-2022	84 Racquet Court	Innisbrooke	Lantern Light- Replacement	Street Light - Lantern
SP-SCW-8-2022	5398 Crooked Stick Court	Innisbrooke	Lantern Light- Replacement	Street Light - Lantern
SP-SCW-9-2022	251 Hazy Lane	Makena Ridge	Lantern Light- Replacement	Street Light - Lantern
SP-SCW-10-2022	5191 Tracey Jo Road	Pebble Run Sec 2	standard street light	No street lights
SP-SCW-11-2022	412 Hall Drive	Pebble Run Sec 3	standard street light	No street lights
SP-SCW-12-2022	391 Shadow Road	Shadow Hill	standard street light	
SP-SCW-13-2022	60 N Southwind Lane	Southwind Estate	standard street light	Street Light - Lantern
SP-SCW-14-2022	313 Lake Dr	Southwind Estate	standard street light	Street Light - Lantern
SP-SCW-15-2022	188 Lake Dr	Southwind Estate	standard street light	Street Light - Lantern
SP-SCW-16-2022	322 Leaning Tree	Windsong	standard street light	No street lights
SP-SCW-17-2022	296 N Windmill Trail	Windsong	standard street light	No street lights
SP-SCW-18-2022	4359 Bittersweet Lane	Windsong	standard street light	No street lights
SP-SCW-19-2022	4070 Rolling Trails Road	Windsong	standard street light	No street lights
SP-SCW-20-2022	373 Windsong Lane	Windsong	standard street light	No street lights
SP-SCW-21-2022	135 N Windmill	Windsong	standard street light	No street lights
SP-SCW-22-2022	122 Leaning Tree Road	Windsong	standard street light	No street lights
SP-SCW-23-2022	1270 Woodcreek	Wood Creek Estates	standard street light	No street lights
SP-SCW-24-2022	160 Hickory Ct.	Wood Creek Estates	standard street light	No street lights
SP-SCW-25-2022	820 Wood Creek Place	Wood Creek Estates	standard street light	No street lights
SP-SCW-26-2022	3913 Creekwood Dr	Woodcreek Terrace	standard street light	No street lights
SP-SCW-27-2022	3714 Creekwood Dr	Woodcreek Terrace	standard street light	No street lights
SP-SCW-28-2022	3953 Woodmore Drive	Woodridge Estates	standard street light	Street Light - Lantern

pg. 7



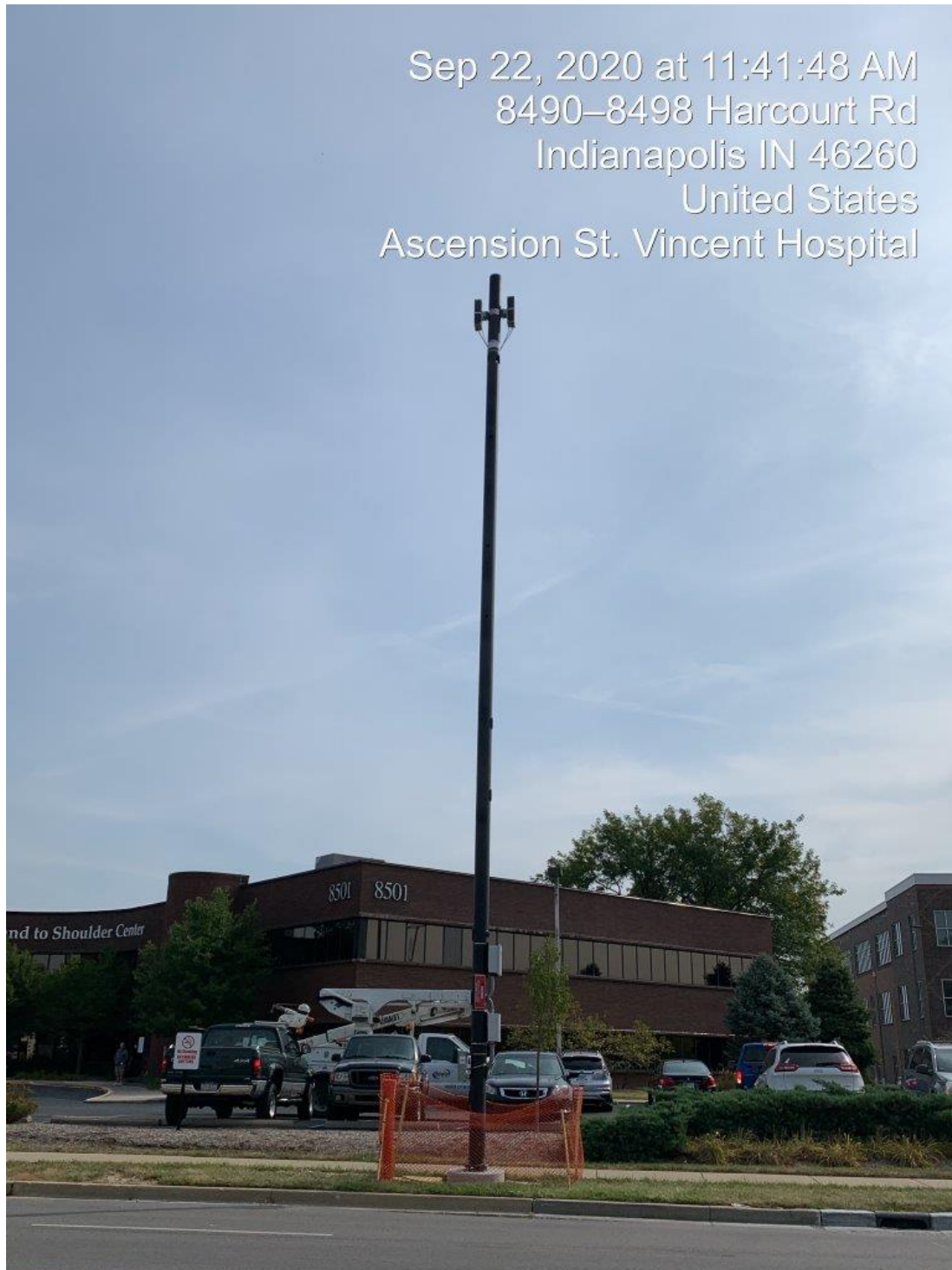
EXAMPLES OF EXISTING SMALL CELL FACILITIES 1 OF 3



EXAMPLES OF EXISTING SMALL CELL FACILITIES 2 OF 3



EXAMPLES OF EXISTING SMALL CELL FACILITIES 3 OF 3



JOHNSON COUNTY HIGHWAY DEPARTMENT COMMENTS



Johnson County Highway Department

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highway@co.johnson.in.us

Lucas M. Mastin
Highway Supervisor

Daniel E. Johnston, P.E.
Highway Engineer

Date: March 22, 2022
To: Michele Hansard, AICP, Director, Johnson County Planning & Zoning
From: *DEJ* Daniel Johnston, P.E., Highway Engineer
cc: Richard R. Hoover, P.E. Johnson County Planning & Zoning

Subject: Verizon Wireless 5G small cell tower variance requests

The Highway Department has reviewed the variance requests for 28 small cell tower installations within neighborhoods for the March 29, 2022 BZA meeting.

First and foremost, we believe Board of Commissioners Resolution 2017-R-3 establishing an underground and buried utilities district is applicable to these variance requests and consistent with the provisions of IC 8-1-32.3. As such, we do not support these 28 waiver requests.

However, if waivers are granted, the Highway Department provides the following comments:

- 1) Indiana Design Manual Chapter 49 establishes minimum clear zone widths from the edge of the traveled way intended to provide obstruction-free recover area for vehicles. In the case of these 28 waiver requests, with design speeds less than 40 mph, ADT assumed less than 750 vpd, and 6:1 or flatter slopes, the pole locations need be a minimum of 7-10' from the edge of the traveled way. None of the proposed pole locations meet this minimum distance.
 - a. This measurement should be taken from the nearest edge of travel way. Some of the exhibits provided by the applicant show measurements from a point that is not the nearest edge of traveled way.
 - b. If complying with the 7-10' causes conflicts with existing sidewalks, the vendor needs to provide maximum offset from the travel lane without impacting the sidewalk.
- 2) Three of the proposed poles (1187, 1223, 1327) replace existing light poles within a neighborhood. Johnson County does not maintain these light poles, they are installed and serviced by the neighborhood's HOA. The Highway Department cannot grant permission to modify these light poles; this must come from the HOA.
- 3) Any pole locations granted waiver requests would require approval of a Highway Department Utility Permit to finalize installation location within the right-of-way and adherence to clear zone requirements, with the approved permit provided to Planning and Zoning prior to final approval and installation. Applications for these 28 locations have already been received.
- 4) Pole locations must be compliant with the respective fire department's clearance requirements from fire hydrants. The petitioner needs to contact the local fire department to confirm the minimum clearance.

IMPORTANT LINKS

Applications for each case can be found here

https://co.johnson.in.us/egov/apps/document/center.egov?eGov_searchTopic=149&eGov_searchType=30

Google Street Views of each location

Johnson County Case #	Near By Residential Address	Link
SP-SCW-2-2022	4820 Myrtle Lane	https://goo.gl/maps/zoUX1LmdZjZG62K2A
SP-SCW-3-2022	4927 Auburn Ford	https://goo.gl/maps/fDQJgWiUrvEs7KVg8
SP-SCW-7-2022	84 Racquet Court	https://goo.gl/maps/SuGc1VQKyXeAHcX87
SP-SCW-8-2022	5398 Crooked Stick Court	https://goo.gl/maps/MzFMWrZRJZnrXScA7
SP-SCW-9-2022	251 Hazy Lane	https://goo.gl/maps/ykjCjZYXTTRMEEv9



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March 24, 2022

To: Michele Hansard, AICP, Director, Johnson County Planning & Zoning
From: Williams Barrett & Wilkowsky, LLP
Re: Legal Standard for Consideration of Small Cell Tower Waiver Requests

We provide this memo in connection with case numbers SP-SCW-1-2022 to SP-SCW-28-2022 (collectively the “Small Cell Tower Waiver Requests” or “Waiver Requests”) pending before the Johnson County Board of Zoning Appeals (“BZA”). This memo is to be utilized to guide staff of the Johnson County Planning & Zoning office, the BZA, petitioners, and remonstrators in relation to the review, analysis, discussion, consideration, and determination of the pending Waiver Requests and any future waiver requests of this kind that may be submitted to the BZA under the currently applicable laws, regulations, ordinances, resolutions, and procedures.

Because State and Federal lawmakers, and their agencies and regulators, have adopted laws, regulations, and policies facilitating the installation of small cell tower networks, including within areas designated for underground utilities, the BZA has limited authority when considering Waiver Requests for the placement of small cell towers. Consequently, in order to exercise the BZA’s limited authority within the boundaries of these laws and regulations, legal counsel for the BZA recommends that the following be considered the legal standard to be applied in determining the approval or denial of the Small Cell Tower Waiver Requests:

A Waiver Request is entitled to be approved if all of the following criteria are satisfied:

- 1. Denial of the waiver request would effectively prohibit, or materially inhibit, the proposed wireless service in the area.**
- 2. The proposed structure and its proposed location are not unreasonably dangerous.**
- 3. The proposed structure and its proposed location do not violate any other applicable law or regulation, including generally applicable highway right of way regulations.**

Staff Report

CASE NUMBER: V-04-22
ADDRESS: 1112 Rustic Ln, Whiteland
Section 19, Township 13, Range 4
PETITIONER: Shawn Higdon

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of a 1,512 square-foot accessory structure.

- a) where all accessory structures will total 1,800 square feet in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 75% of the building area of the primary dwelling, or, in this case, 1,449 square feet).
- b) with an approximately 8-foot side setback (minimum 10-foot side setback required)
- c) with an approximately 14-foot rear setback (minimum 20-foot setback required)
- d) with a 17-foot height (maximum 16-foot height allowed).

STAFF RECOMMENDATION:

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

PROPERTY DESCRIPTION

This 0.85-acre site is zoned A-1 (Agricultural) and is improved with a single-family dwelling and two accessory structures. The site is surrounded by residential properties in the Rustic Acres Subdivision. The property to the north is a large agricultural field.

VARIANCE REQUEST

These requests, if approved, would legally establish a 1,512 square foot accessory structure that is 8 feet from the side property line, 14 feet from the rear property line, and 17 feet tall. While completing other site visits staff observed the accessory structure being constructed without a permit. A stop work order was placed and issued on September 10, 2021 (see exhibits labeled V-04-22 – CONSTRUCTION AS OF 9/10/22...). The petitioner then submitted a building permit on September 21, 2021. The petitioner was then notified on September 23, 2021 that the barn was not in compliance with multiple zoning standards and would require a variance to be issued a building permit and to continue the project. Since receiving the stop work order and being notified about the need for a variance, the petitioner has continued constructing the barn. If the variance is not approved, the structures will need to be removed to meet ordinance standards.

VARIANCE REQUEST – ACCESSORY BUILDING AREA

This request, if approved, would legally establish a 1,512 square foot existing accessory structure where the total accessory structure area would be 1,800 square feet. The size limitation of the

accessory structure on this property is 1,449 square feet. The other accessory on the property is 288 square feet.

The Zoning Ordinance allows for an aggregate accessory building area of no more than 75% of the square footage of the footprint of the principal building on an under 2-acre lot zoned A-1. This restriction is intended to discourage commercial conversion and to maintain the residential aesthetic within residential areas. The single-family home on the property has a footprint of 1,932 square feet. The existing 288 square foot structure is believed to have been constructed in 2000. The accessory structure in question has been under construction since September 2021 without a building permit.

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 structures do not meet the provisions as stated above. The area is characterized by small suburban-residential lots, and oversized accessory structures are not common. There are three oversized accessory structures that are considered legally nonconforming as they were built prior to the current zoning ordinance. All other properties in the area have conforming accessory structures. The accessory structure is visible from Rustic Ln and surrounding properties.

Staff asserts that the required findings relevant to the aggregate accessory building area have not been met, and that the accessory structure presents over development of the property. Staff, therefore, recommends denial of this variance component pertaining to aggregate accessory building area.

VARIANCE REQUEST – REAR SETBACK, SIDE SETBACK, & HEIGHT

These requests, if approved, would legally establish an accessory structure that is 8 feet from the side property line, 14 feet from the rear property line, and 17 feet tall. The zoning ordinance requires a 10 foot side setback, a 20 foot rear setback, and that accessory structures shall not exceed the height of the principal building. The principal structure on this property is 16 feet.

The staff understands the convenience the variance might afford the petitioner. However, staff believes the required findings have not been met and that property provides enough space where the building could be built within the standards of the zoning ordinance. Staff asserts that no practical difficulty unique to this property has been proven to justify these variances.

Staff, therefore, recommends denial of these requests.

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 structure was built without proper permits and inspections to ensure the safety of the 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 the accessory structures to become a dominant feature in a residentially used area.

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

There is nothing unique to this property and structure which would prevent it from being developed to meet the ordinance standards.

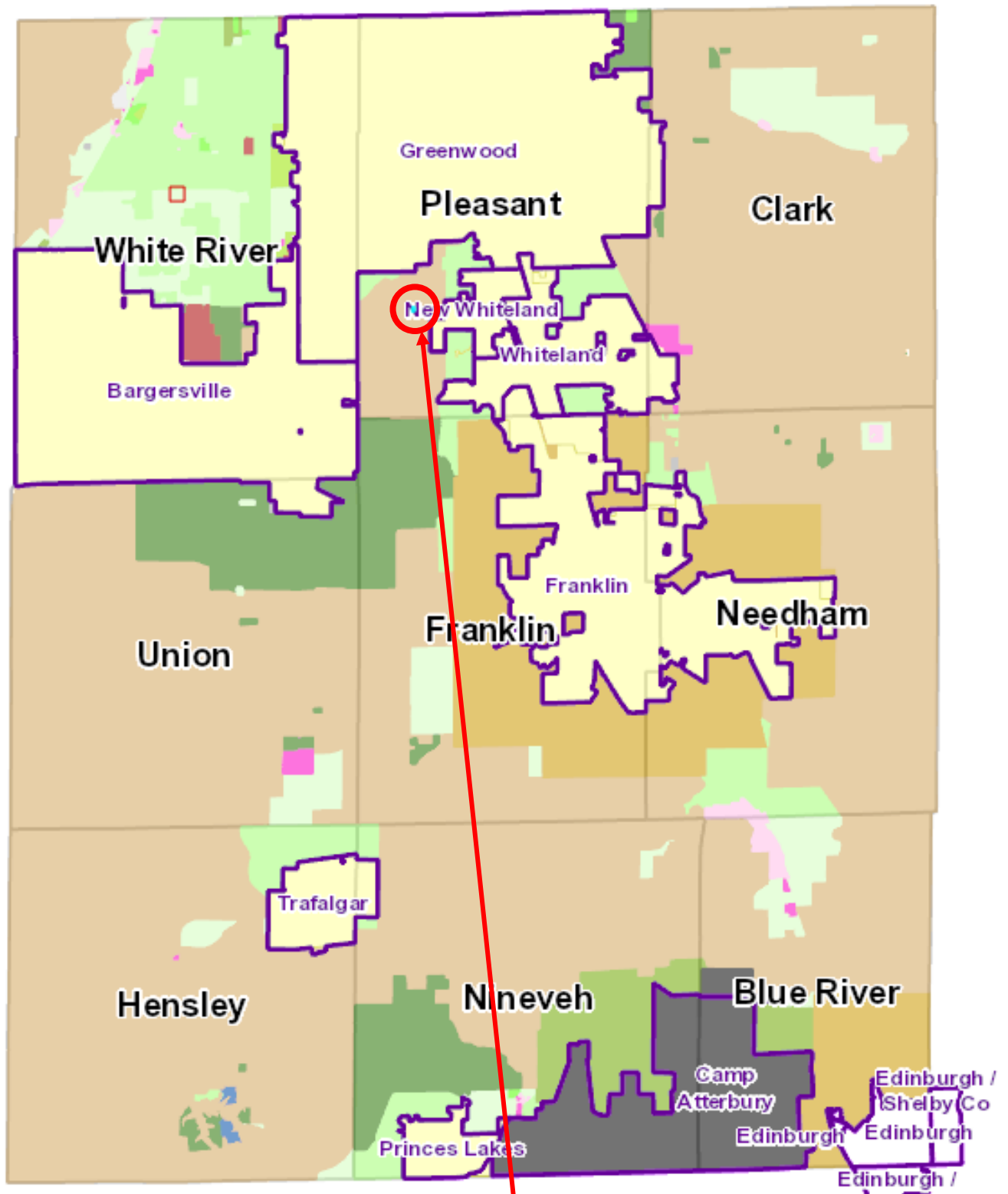
GENERAL INFORMATION

Applicant/Owners: Shawn and Nikki Higdon
1112 Rustic Ln
Whiteland, IN 46184

Zoning: A-1 (Agricultural)
Land Use: Single-family Residential
Future Land Use: Suburban Residential

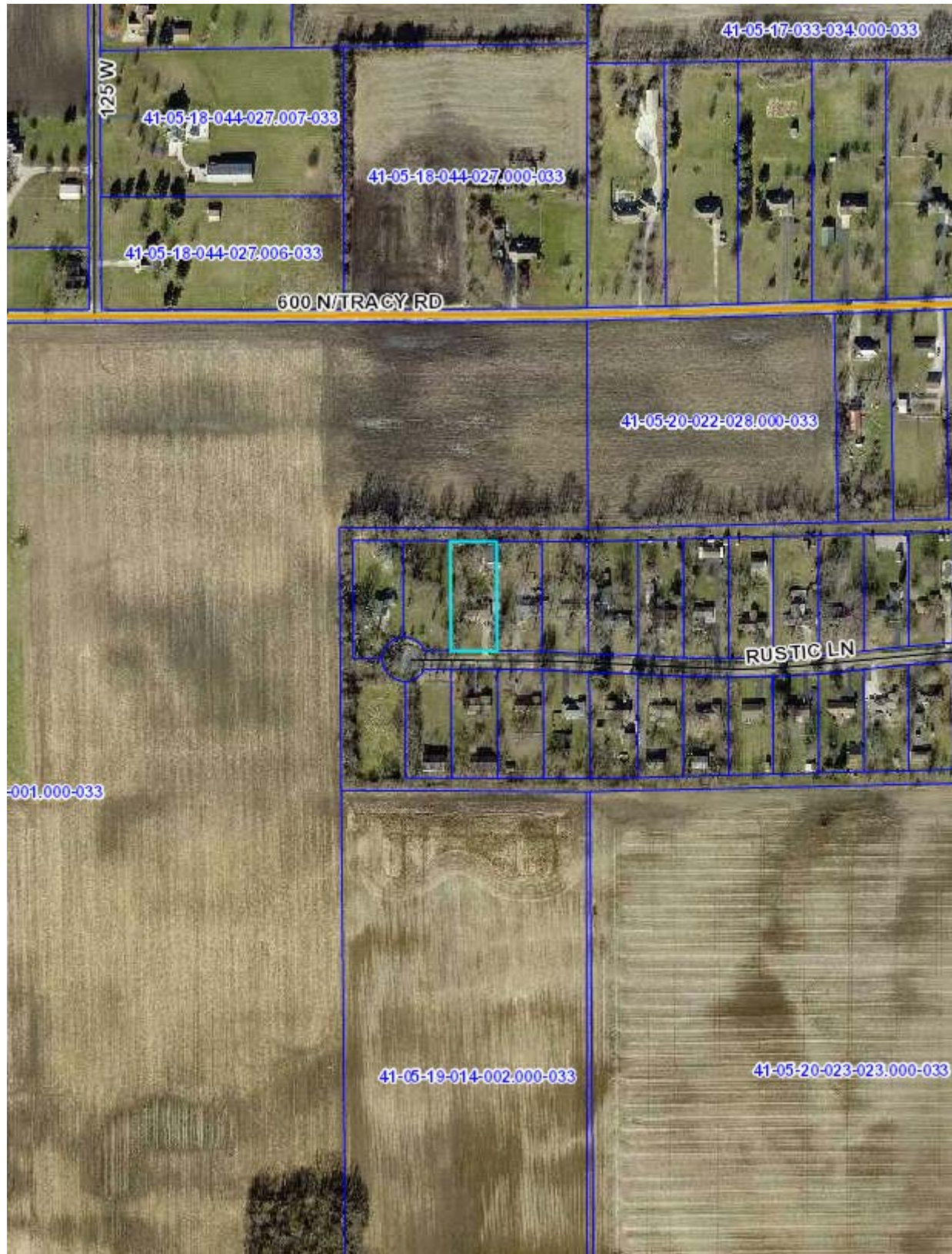
-RLS

V-04-22 BASE MAP



SUBJECT SITE

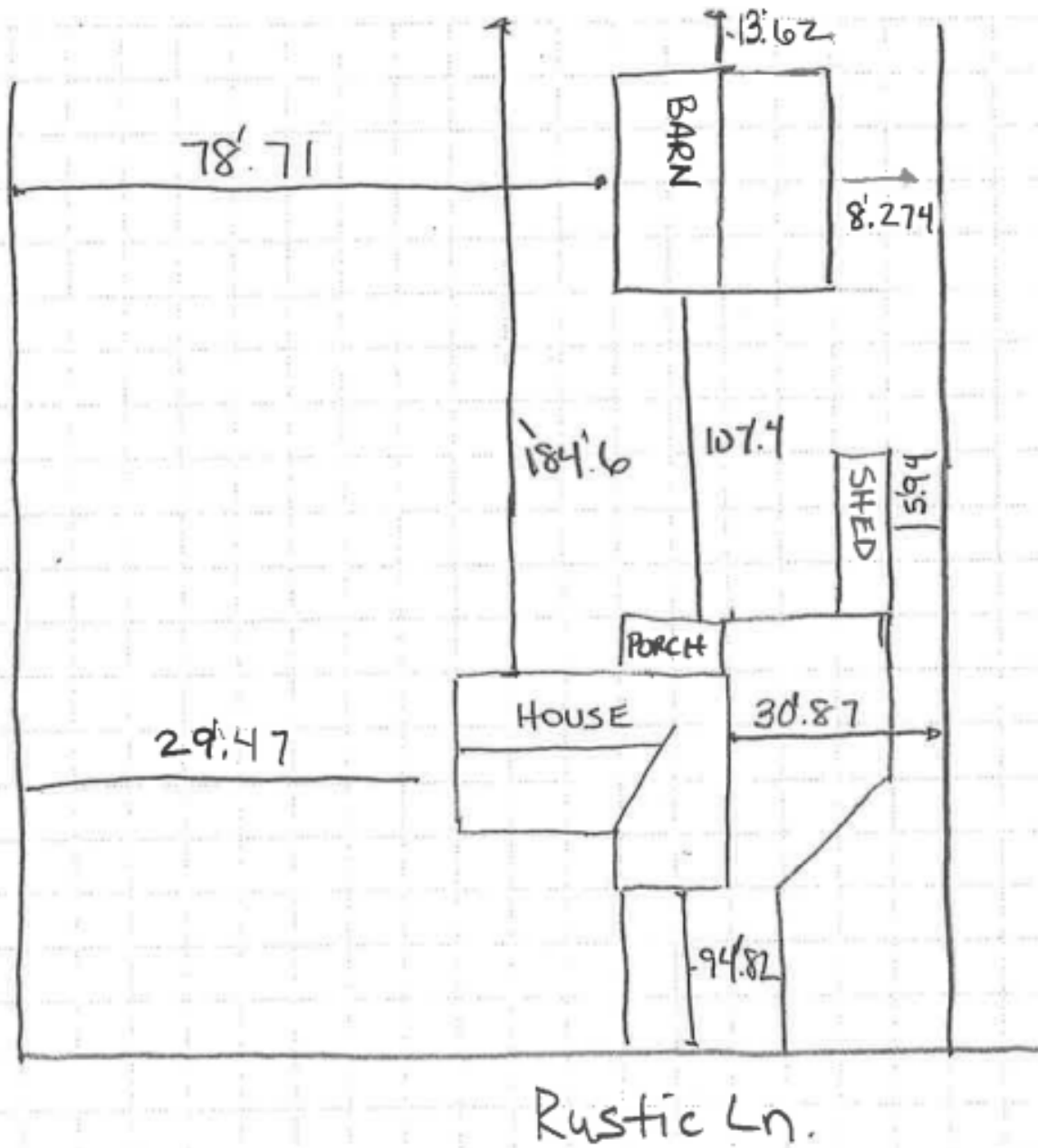
V-04-22 BASE MAP I



V-04-22 BASE MAP II



V-04-22 SITE PLAN



V-04-22 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:

This structure won't be injurious to public health, safety or morals because it's a
barn on personal property with the intended use for storage of vehicles,
tools, lawn and other non hazardous items.

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 structure will not negatively impact any adjacent properties since it's solely for
the purpose of storing items and is not on or over the property boundaries.

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

The structure would have to be moved 3 ft from the side property line and 7 feet from the back property line causing
interference with the septic. Total square footage and height is necessary due to the storage of the vehicles and equipment.

The other accessory structure can be removed if necessary to decrease overall square footage.

Petitioner requests consideration of other accessory structures on properties in Rustic Acres as a comparison.

**V-04-22 – CONSTRUCTION AS OF 9/10/22
WHEN THE STOP WORK ORDER WAS ISSUED**



V-04-22 – SITE PHOTOS



V-04-22 – SITE PHOTOS



Looking South



Looking North



West of Structure



East of Structure

V-04-22 – OVERSIZED ACCESSORY STRUCTURES IN THE AREA



Staff Report

CASE NUMBER: V-05-22
ADDRESS: 7604 S Peoga Rd, Trafalgar
Section 30, Township 11, Range 4
PETITIONER: Danielle Logan

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for a wedding/event venue (not permitted on R-R zoned property).

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

1. Waive commercial parking requirements (paved surface, curbs, stall striping, and parking lot landscaping),
2. Reduce the required commercial landscaped buffers (minimum 20-foot landscaped buffer required where property abuts residential uses).

STAFF RECOMMENDATION

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

PROPERTY DESCRIPTION

This 16-acre site is zoned R-R (Rural Residential) and is improved with a single-family dwelling, four accessory structures, and a pool. There are wooded areas on the northeast, south, and western portions of the site. A small pond is located on the western side of the property. The property is currently used as the petitioner's residence.

The site is surrounded to the north and south by parcels ranging from 2 to 10 acres in size with single-family dwellings, accessory structures, and heavily wooded areas. The parcel that abuts the northeast portion of the subject parcel is home to the Dayspring Baptist Church of Central Indiana. To the west is a large tract of land that is heavily wooded.

VARIANCE OF USE

This request, if approved, would allow for the subject property to be used as an event/wedding venue. The site would be accessed from the existing driveway off of Peoga Rd. The submitted Plan of Operation, included in this staff report, indicates that the venue would be available for events April through November on Fridays, Saturdays, and Sundays. There would be a maximum of 30 wedding events per year. The hours of operation would be from 1:00 pm to 11:00 pm on Fridays and Saturdays and 12 pm to 10 pm on Sundays. The plan of operation indicates that there would be a maximum of 125 guests and 6 employees at each event.

Of the four accessory structures on the property, two would be utilized for the events. The first building is an 1,200 square feet white barn and is currently used as the petitioner's office. In

addition to being utilized as an office, it is proposed to be used as a dressing area for the wedding party. There is one restroom facility in that building. The approximately 2,000 gray metal pole barn is proposed to be renovated and used as a reception space for events. The structures to be used by customers and the public will be required to have a State Design release which could result in some remodeling of the structures. and County commercial building permit. The pole barn is approximately 230 feet from the entrance to the property. The primary residence of the applicant is located south of the pole barn. The application does not indicate any plans to construct new buildings for event use. The open field east of the pond will be utilized as the outdoor ceremony space.

The petitioner proposes a parking lot composed of gravel located approximately 300 feet from the pole barn on the northern portion of the site. There will be 70 parking spaces in the parking lot, which meets the required off-street parking standards of the Zoning Ordinance. The petitioner states the parking lot will provide accessible parking spaces as well. Three accessible spaces are required by the ordinance. There will be no landscaping around the gravel parking lot. The petitioner intends to add a landscape buffer between the parking area and the property to the north. There will be no permanent signs.

The Johnson County Highway Department reviewed the proposal and noted a concern with establishing an adequate site line for vehicles exiting the property. The Highway Department letter can be viewed in the exhibits below.

Per the Zoning Ordinance, the purpose of the RR District is to provide for low density, one-family residential development while maintaining the existing rural character of Johnson County. Uses permitted in the RR District include single-family residences, parks and playgrounds, cemeteries, agriculture, home occupations, child care services for 5 or fewer children, schools, religious institutions, bed and breakfast homes, golf courses, and government buildings. There is one business 0.2 miles away on 750 S, Coy's Metal, which was established in 1977.

Noise generated by vehicles, people, music, and other venue activities, especially in the evening, would impact the enjoyment of nearby residential properties. A large-scale operation would conflict with the rural and residential character of the area.

Staff understands the convenience the variance might afford the petitioner. However, staff ultimately asserts that the required findings have not been met and that a wedding/event center at the subject site is not appropriate. Staff, therefore, recommends denial of this request.

VARIANCE OF DEVELOPMENT STANDARDS

This request seeks to provide for gravel-surfaced parking and maneuvering areas, which 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. 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 this development standards variance due to irrelevancy.

FINDINGS OF FACT: VARIANCE OF USE

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

Required improvement permits from applicable regulatory agencies would precede any site development to accommodate such use.

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

Noise associated with an event venue, especially in the evening, would impact the enjoyment of nearby residential properties. The presence of up to 131 people and associated vehicles arriving at the same time would deviate from the rural residential character of the area.

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

No obvious condition particular to the property prevents use of the property for residential purposes or supports commercial use of the property.

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 can accommodate a single-family residence in compliance with the Zoning Ordinance.

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

The Future Land Use Map of the Comprehensive Plan indicates Agriculture as the future land use of the property. The characteristics of the proposed use do not consist with the characteristics of typical agricultural or rural residential operations in the County.

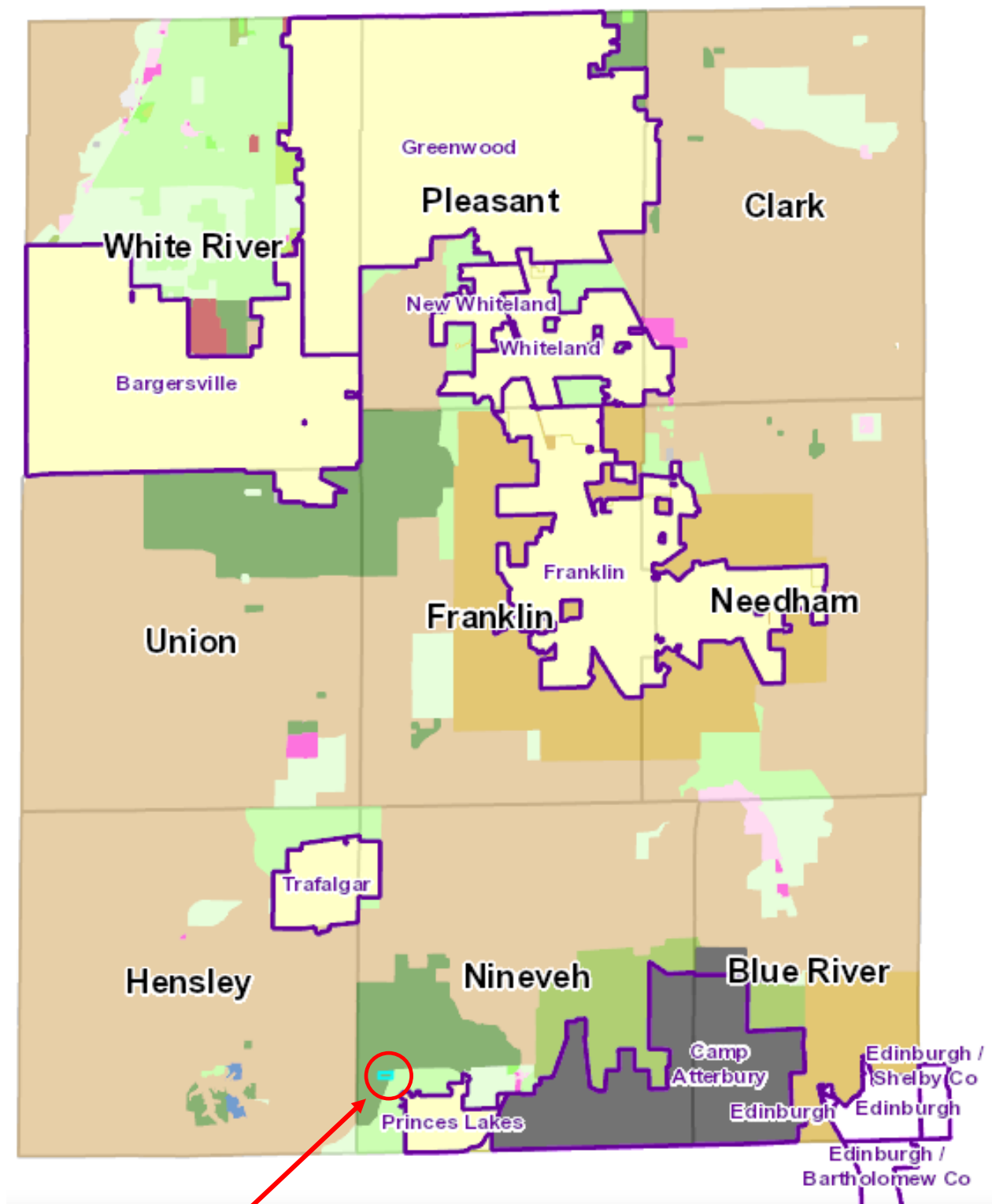
GENERAL INFORMATION

Applicant: Danielle Logan
7604 S Peoga Rd
Trafalgar, IN 46181

Owner: Gregory Bowling
1444 W Curry Rd
Greenwood, IN 46143

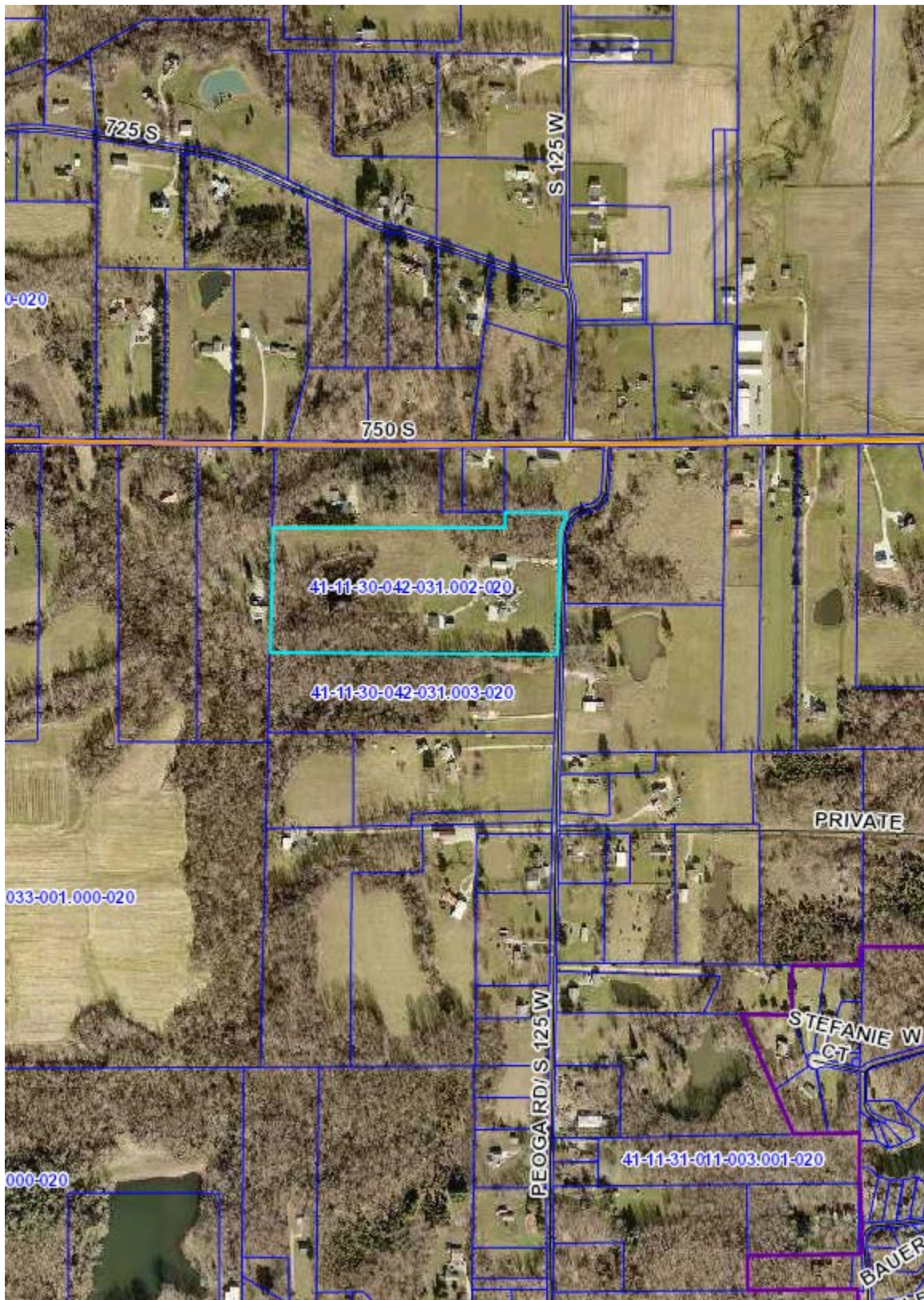
Zoning: RR (Rural Residential)
Land Use: Single Family Residential
Future Land Use: Agricultural -RLS

V-05-22 BASE MAP



Subject Site

V-05-22 BASE MAP II



V-05-22 ARIAL OF SURROUNDING PROPERTIES



V-05-22 AERIAL



V-05-22 SITE PLAN



V-05-22 LANDSCAPE PLAN



V-05-22 PLAN OF OPERATION

Goal

Ability to hold weddings between the months of April-November on the property in which the (owner) resides. The (owner) is a wedding photographer and understands how wedding venues operate and would love to provide a place for couples to get married.

Description of desired use of property

The outdoor ceremony option would take place in the open field directly behind the residence. The existing pole barn located to the north of the residence will be where the reception portion would be held. There is also an existing building located to the west of the horse barn that is being made into an office and could also be used for the dressing area for the wedding party.

- The maximum amount of people would include 125 guests and 6 employees.
- Events would take place Friday- Sunday between the hours of 1 pm- 11 pm. between the months of April- November
- Maximum number of wedding events for the year would be 30

Facility information

On the property there are four buildings/ barns. Two being in use for venue. The building Behind to the west of horse barn is a 1,200 sq. Ft. open building that would act as an office but could act as the dressing area for the wedding party. There will be one restroom facility located in that building.

There is a (size) pole barn where the reception events will take place located____ ft from the main entrance. This building will be remodeled including improving the appearance of the inside and outside and providing adequate lighting for the event. There will also be onsite portable restrooms that will be rented for the guests at each event.

The primary residence of the "owner" will be located just to the south of the pole barn.

There will be a gravel parking area added that will extend approximately 300 ft to the west of the pole barn. The parking lot include 70 parking spaces, including handicap parking spaces.

There is an open field with trees on both sides which is located to the west of the reception pole barn area. This field includes about 2 acres where the ceremony site would take place with a movable arch and fold up chairs.

Operation days and times

Day of week	Time of day
Mon - Thursday	No events will be held
Friday	1pm-11 pm
Saturday	1 pm- 11 pm
Sunday	12 p.m.- 10 p.m.

Max number of people 131 including employees

V-05-22 PETITIONER'S FINDINGS OF FACTS – USE VARIANCE

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

the size and location of the property is secluded enough to not bother or hinder any specific use or enjoyment of any neighboring landowners or their tenants. Required improvement permits or developmental variances from applicable regulatory agencies would precede any site development to accomodate such use.

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:

All neighboring property owners/users have been contacted and have no objection to this request.

The secluded nature of the property provides ample buffer for any noise or light pollution arising from events.

The intermittent use of the property as an event venue will keep the property's primary function as the petitioner's primary residence.

3. The need for the variance arises from some condition peculiar to the property involved because: currently, there are no zoning districts that provide for a temporary, intermittent event venue as a permitted use. However, this property is zoned Rural Residential which does provide for a public park and religious institutions as permitted uses, which both are regularly utilized for nuptial ceremonies, or for family gatherings like reunions, for example.

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.

this request is for temporary, intermittent use for special events. There would be no substantial change to the property. The granting of this variance will not change the nature or character of this property or that of the surrounding properties. Strict application of the Zoning Ordinance wouldn't allow for this particular usage in any of the Zoning Districts.

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

it does not change the nature, or character of the property in any way. It can and will continue to be utilized as a primary residence, which is consistent with the zoning district. Further, the intermittent nature of the use will not interfere with any other use or enjoyment of this property, or that of the surrounding properties.

V-05-22 PETITIONER'S FINDINGS OF FACTS – DEVELOPMENT STANDARD VARIANCES

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

Events will have a maximum number of guests so lesser parking area is required. Staff member
will direct with parking to ensure the safety of the guests.

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:

There will be many improvements made to the overall appearance of the property
and buildings to add to value. There will be a landscape buffer added by the parking
area to the north that will help disguise parking area. The property has is surrounded
with trees on 3 sides which allows for more privacy for adjacent neighbors.

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

The cost of pavement and striping compared to gravel is significant more. The use of
the venue will not be full time so this would be an unnecessary expense. The
pavement is more of a permanent option rather than the use of gravel that could be
removed easier at a later date if needed.

JOHNSON COUNTY HIGHWAY DEPARTMENT V-05-22 REVIEW

Johnson County Highway Department

1051 Hospital Road | Franklin, Indiana 46131 | Phone: (317) 346-4630 | Fax: (317) 738-5378

Lucas M. Mastin
Director

Daniel E. Johnston, P.E.
Highway Engineer

Date: April 14, 2022
From: Daniel E. Johnston, P.E.
Nathanial J. Annis, Engineer Technician
cc: Michelle Hansard, AICP Director
Subject: **7604 S Peoga Rd, Trafalgar – wedding venue**

Johnson County Highway Department has reviewed the proposed wedding venue at the above address in Nineveh Township.

Our Department's concern is adequate sight line. Peoga Road is classified a local road with a posted speed of 40 mph. Based on IDM (Indiana Design Manual) chapter 46 guidelines, a minimum sight line of 440' in each direction shall be achieved. Petitioner will need to meet the conditions for sight line for vehicles to safely exit the property. Trees, vegetation, boulders, grading, etc. removals may need to occur. This is not limited to the petitioner's property. If neighboring properties have obstructions petitioner will need to coordinate with land owner(s) to seek approval. A formal sight line study was not performed by the Highway Department but was visually inspected. The Petitioner will be required to conduct a sight line study when applying for a permit or before the Highway Department will give its approval.

Based on the use and volume of proposed vehicles, the entrance will be required to be a minor commercial entrance. Acceleration and deceleration lanes will need to be provided. Roadside drainage, shoulder improvements, utility coordination, and associated entrance work will be required.

V-05-22 SITE PHOTOS

Location of proposed parking lot and event outdoor event space



Looking northeast at existing pole barn



Looking west at existing pole barn



Looking southwest at existing horse barn and office building



Looking southeast at existing house



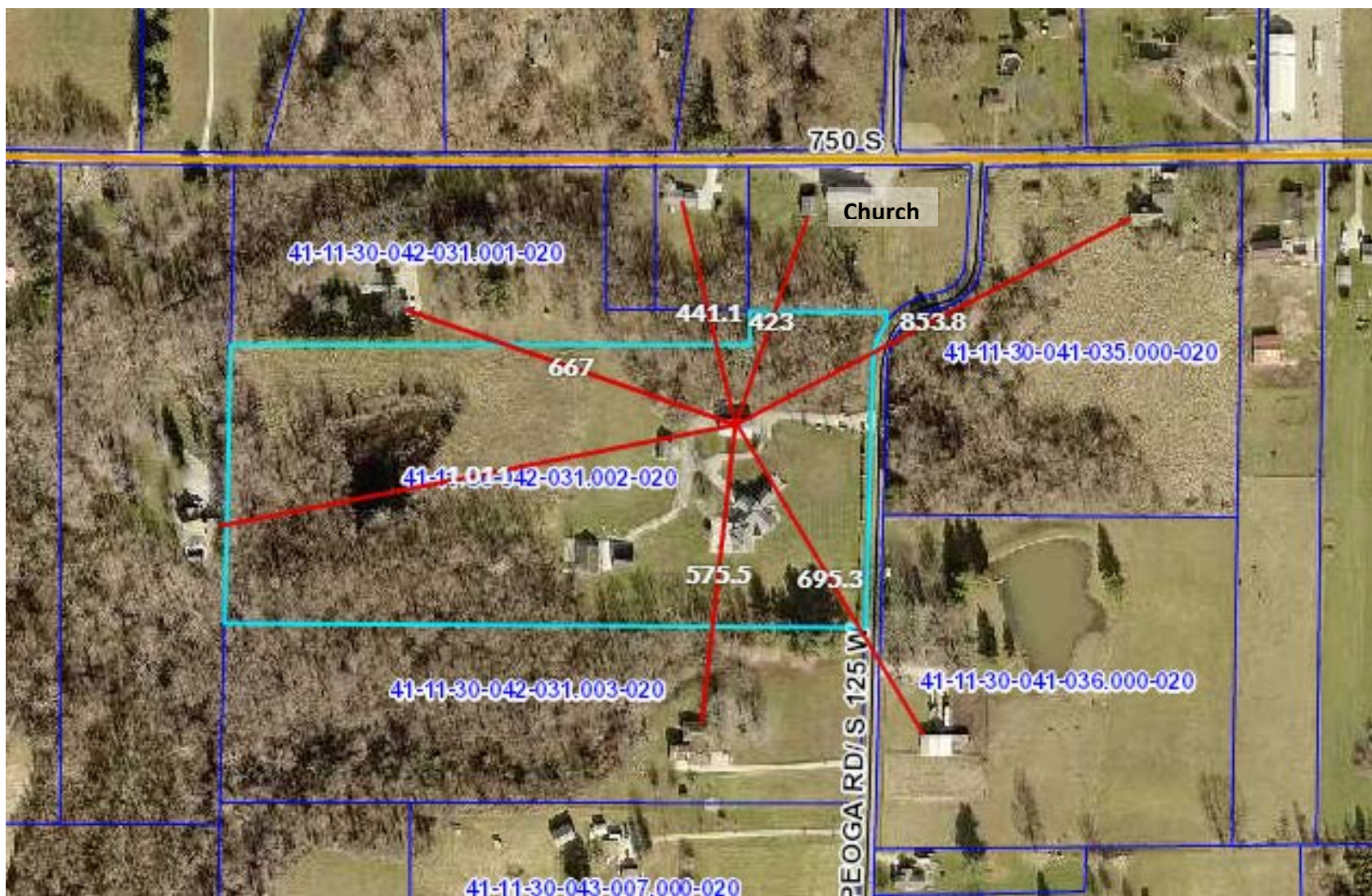
Looking north from driveway at neighboring church



Looking east at the entrance



PROXIMITY (IN FEET) FROM PROPOSED RECEPTION BARN TO NEIGHBORING RESIDENCES



Staff Report

CASE NUMBER: V-6-22
ADDRESS: 381 N Bluff Rd, Greenwood
Section 33, Township 14, Range 3
PETITIONER: Mount Pleasant Christian Church, by Thomas Hopkins

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for an electronic variable message sign:

1. In an R-2 (Single-Family Residential) Zoning District (EVM signs not permitted)
2. With an internally lit component (signs in a residential districts may be illuminated by external illumination only)
3. With a sign area of 68 square feet (maximum 32 square-foot sign area)

STAFF RECOMMENDATION:

Staff recommends **approval** of requests 1 and 2, subject to the following conditions:

1. The sign shall not display any scrolling, flashing, animated, or otherwise moving image, and shall emit no noise.
2. The sign's image shall change at a rate no greater than once per eight seconds.

Staff recommends **denial** of request 3.

PROPERTY DESCRIPTION

This approximately 11-acre property is zoned R-2 (Single-family Residential) and is home to Mount Pleasant Christian Church. The properties to the north and west are zoned B-2 (Community Business District). The property to the north is also owned by the Mount Pleasant Christian Church as is home to their Community Life Center. The other B-2 zoned properties are used commercially or are vacant. The properties to the east and south are zoned R-2 like the subject site. The large property to the east is used by the Indiana American Water Company, Inc. The properties to the south are used residentially.

VARIANCE REQUEST

This request, if approved, would provide for the placement of a new 68 square feet freestanding sign containing an EVM (Electronic Variable Message) and identically lit component. This will replace the free standings EVM sign that was removed from the property during a road project in 2019. The proposed sign will be in the same location as that sign. The Planning and Zoning Department and the applicant have no permit records for the previously existing sign, but it is believed that the sign either predated current zoning regulations or did not receive a permit

when originally constructed. Aerial imaging shows that the previous sign was present on the property from at least 2006-2019, but its original construction date is unknown.

The proposed sign will

1. Have an EVM component that is 75" x 39" (approximately 20 square feet).
 - a. EVM signs not permitted in the R-2 zoning district.
2. Have a halo-illuminated cross on both sides.
 - a. Signs in residential districts may be illuminated by external illumination only
3. Will have a sign area of 68 square feet where 32 square feet is the maximum sign area allowed

SIGN SIZE

The proposed sign will be double in size than what would typically be permitted in the zoning district. In all Johnson County zoning districts, a free-standing sign can have a sign face of no greater than 32 square feet. The proposed sign area is more than double the permitted area. The size of the sign face is larger than the ordinance's commercial standards. The petitioner's findings of facts have not stated a need for a size increase.

Therefore, staff asserts that the proposed sign area of 68 square feet represents an unnecessary deviation from the ordinance.

SIGN ILLUMINATION AND EVM

The proposed sign will have a portion of the sign that is internally illuminated and a portion that will be an EVM component. The electronic component will allow information to be displayed in an accessible format that is viewable by patrons and motorists. Here the electronic component is proposed to be approximately 20 square feet where 10.5 is permitted by code in all zoning districts. The internally illuminated portion will be the cross.

Internal illumination of signs and the use of EVM components is allowed on the neighboring B-2 properties. The nearest residential property is approximately 600 feet from the sign.

Staff believes that the proposed halo-lit cross is a reasonable deviation from the zoning ordinance. Staff also asserts that the EVM component is a reasonable deviation as 20 square feet is still less than the allowed 32 square feet for the total sign face.

Staff believes that the set of operational conditions that prohibit moving images, noise, and limit the frequency of display change, would mitigate potential traffic hazards to vehicular traffic on thoroughfares along which the sign is oriented.

For these reasons, staff asserts that the variances relating to the EVM and internally lit components of the proposal merit approval with the conditions recommended at the beginning of this report.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS – EVM AND ILLUMINATION

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

Required sign 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 proposed sign would allow for use of a sign technology commonly used on similar sites in similar areas. The sign is replacing an existing sign of similar size and location, it would be unlikely to create adverse impacts.

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

The proposed sign, amended to be compliant with the zoning ordinance's sign face limitation, would appropriately allow the church to utilize a relatively new technology to communicate effectively with the general public.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - SIZE

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

Required sign permits must be issued prior to the development of the subject structure.

5. 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 proposed sign would not substantially affect the adjacent business district in an adverse manner.

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

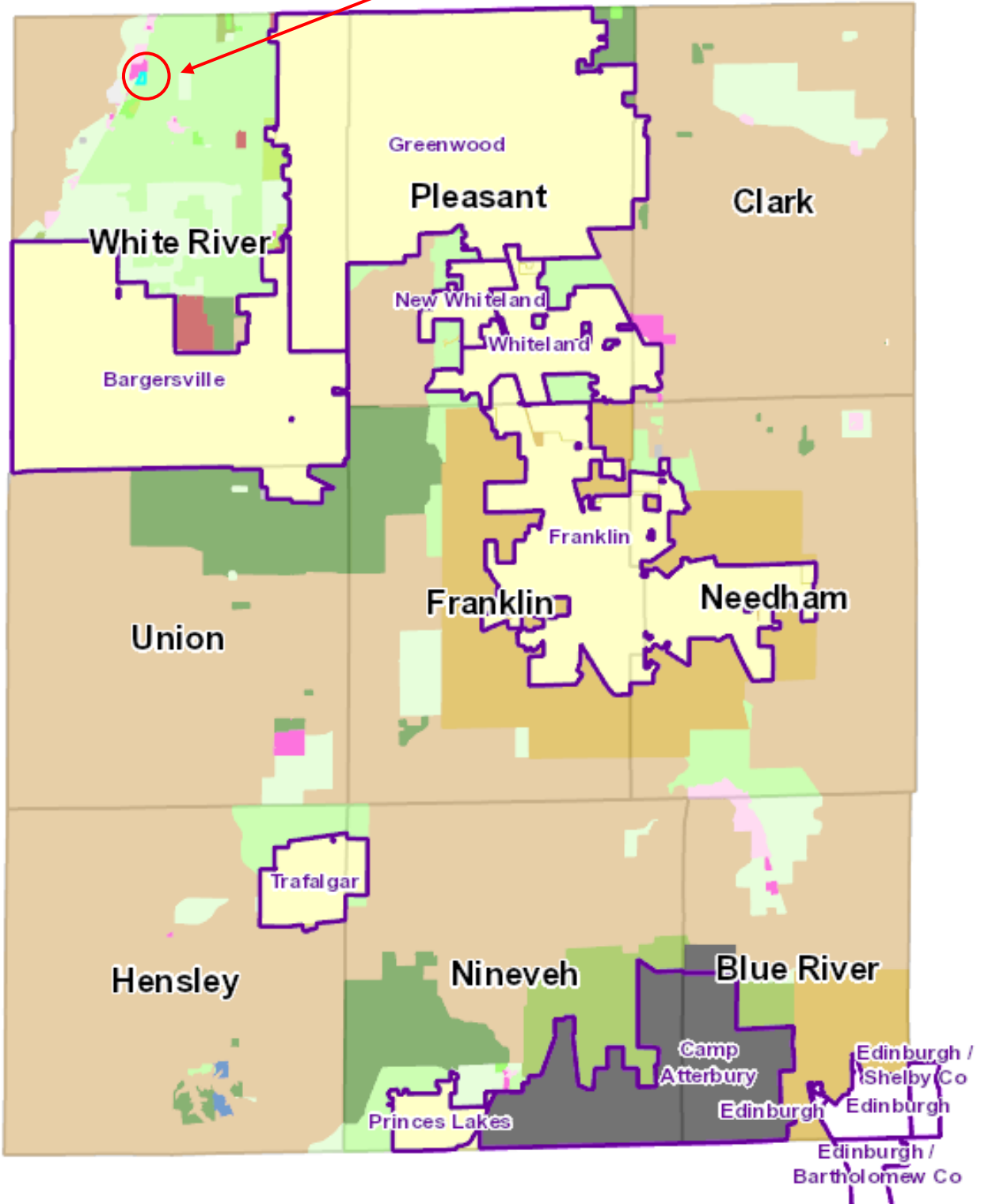
Use of the subject property as a church will not in any way be hampered by a strict application of the terms of the Zoning Ordinance.

GENERAL INFORMATION

Applicant:	Thomas Hopkins	Zoning:	R-2 (Single-family Residential)
Owner:	Mount Pleasant Christian Church Inc. 381 N Bluff Rd Greenwood, IN 46142	Land Use:	Religious Intuition
		Future Land Use:	Single-family Residential
		-RLS	

V-6-22 BASE MAP

SUBJECT SITE



V-6-22 VICINITY MAP



V-6-22 SITE PLAN



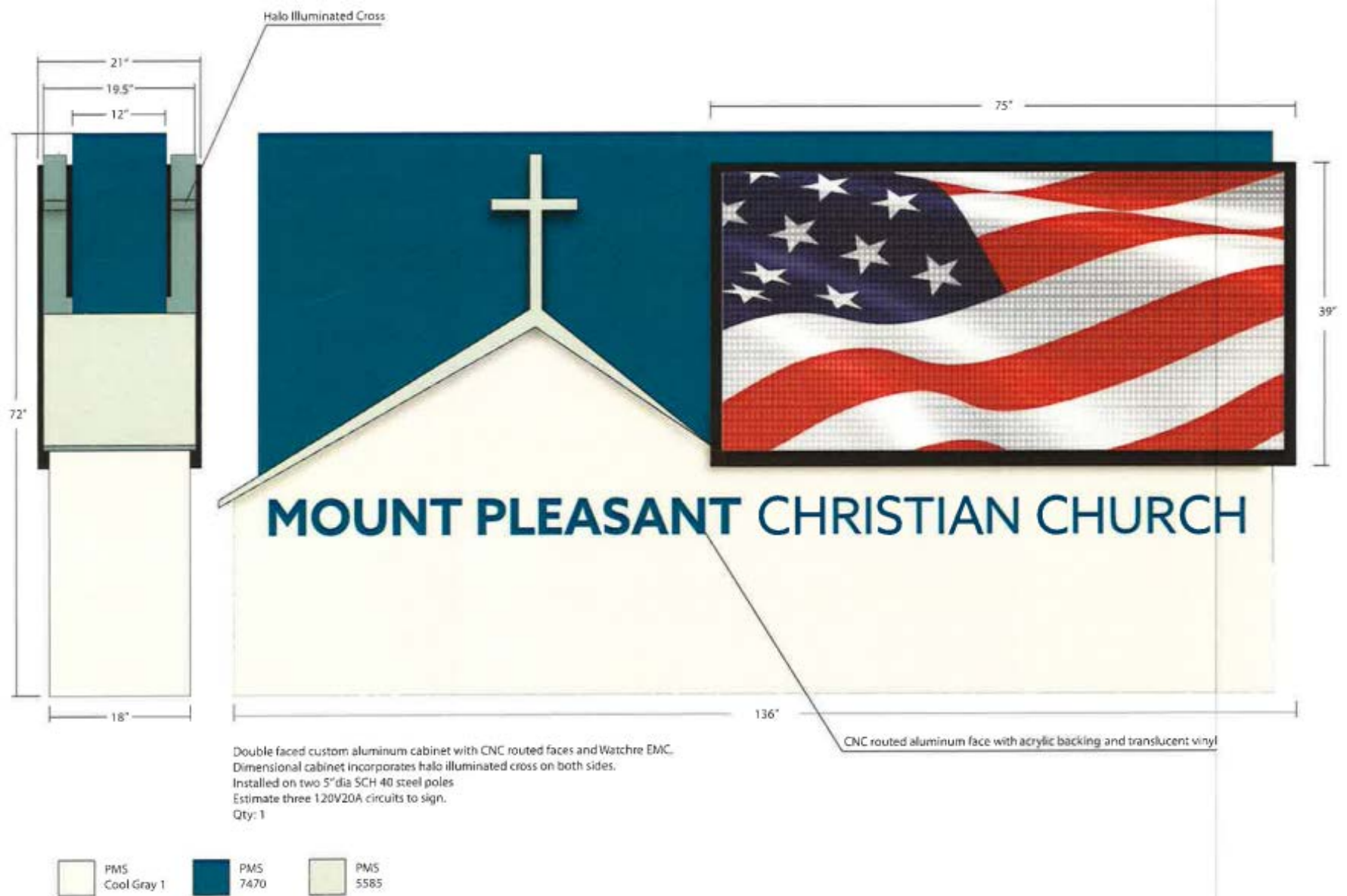
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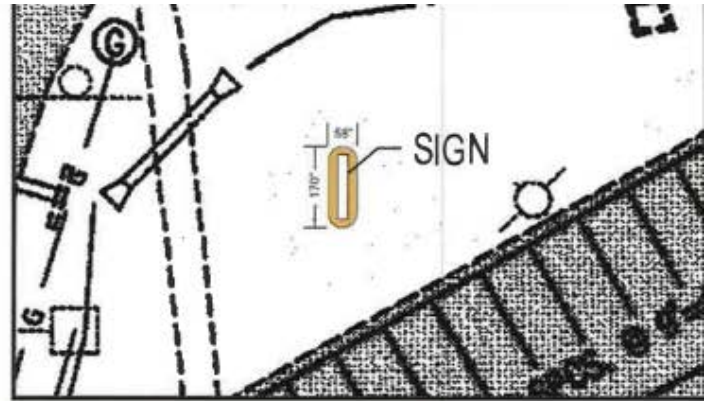
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V-6-22 PROPOSED SIGN



V-6-22 PROPOSED LANDSCAPE PLAN



V-6-22 PETITIONER'S FINDINGS OF FACT

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

the propsoed sign is attractively designed and does not block traffic sight lines on the contrary, it can be used to notify the public of emergency weather or Amber Alert.

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 sign is professionally designed and landscaped because the sign can be used for public service, it should enhance the use and value of adjacent areas.

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

It is extremely important to the mission of the church to make the local community aware of the numerous programs & events available through the church. Electronic message centers have been proven to be a significantly more effective way of communications than outdated manual changeable letters. From a practical standpoint, it is much easier for the church to change messages from a computer than to go outside in often times bad weather and awkwardly change a manual sign.

V-6-22 PREVIOUSLY EXISTING SIGN (GOOGLE STREET VIEW FROM JULY 2015)



V-6-22 SITE PHOTOS



SP-SCW-1-2022

Fairoaks

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

Waiver Requests were denied, in part, based on the following criteria, which had not been satisfied:

1. Denial of the waiver request would effectively prohibit, or materially inhibit, the proposed wireless service in the area.

Petitioner was unable to submit documentation supporting the assertion that denying the waiver request would effectively prohibit, or materially inhibit, the proposed wireless service in that area.

2. The proposed structure and its proposed location is not unreasonably dangerous.

Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

3. The proposed structure and its proposed location would violate other applicable law or regulation, including generally applicable highway right of way regulations.

Contemplating the memorandum provided by the Johnson County Highway Department, dated March 22, 2022 (“Highway Department Memo”), the location of the proposed wireless support structure(s) does/do not meet Indiana Design manual Chapter 49: clear zone distance from a traveled way. The Highway Department Memo was provided to the Petitioner and to remonstrators for consideration prior to the March 29, 2022, Special Meeting.

SP-SCW-4-2022, SP-SCW-5-2022, SP-SCW-6-2022

Fairview Heights

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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2. The proposed structure and its proposed location is not unreasonably dangerous.

Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

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SP-SCW-10-2022 and SP-SCW-11-2022

Pebble Run

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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SP-SCW-13-2022 and SP-SCW-15-2022

Southwind Estate

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

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**SP-SCW-16-2022, SP-SCW-17-2022, SP-SCW-18-2022,
SP-SCW-19-2022, SP-SCW-20-2022, SP-SCW-21-2022
SP-SCW-22-2022**

Windsong

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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Petitioner was unable to submit documentation supporting the assertion that denying the waiver request would effectively prohibit, or materially inhibit, the proposed wireless service in that area.

2. The proposed structure and its proposed location is not unreasonably dangerous.

Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

3. The proposed structure and its proposed location would violate other applicable law or regulation, including generally applicable highway right of way regulations.

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SP-SCW-24-2022 and SP-SCW-25-2022

Wood Creek Estates

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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2. The proposed structure and its proposed location is not unreasonably dangerous.

Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

3. The proposed structure and its proposed location would violate other applicable law or regulation, including generally applicable highway right of way regulations.

Contemplating the memorandum provided by the Johnson County Highway Department, dated March 22, 2022 (“Highway Department Memo”), the location of the proposed wireless support structure(s) does/do not meet Indiana Design manual Chapter 49: clear zone distance from a traveled way. The Highway Department Memo was provided to the Petitioner and to remonstrators for consideration prior to the March 29, 2022, Special Meeting.

SP-SCW-26-2022 and SP-SCW-27-2022

Woodcreek Terrace

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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2. The proposed structure and its proposed location is not unreasonably dangerous.

Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

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SP-SCW-28-2022

Woodridge Estates

Findings of Facts

On March 29, 2022, in a Special Meeting of the Johnson County Board of Zoning Appeals (“BZA”), the BZA considered waivers of Resolution 2017-R-3 (“Resolution”). The Resolution established underground and buried utility districts in the unincorporated areas of Johnson County. Petitioner, TeleCAD on behalf of Verizon Wireless, submitted requests for waivers of the Resolution, and sought to place small cell facilities in underground and buried utility districts. The BZA heard testimony and evidence from the Petitioner, heard testimony and evidence from remonstrators, and made determinations considering, *inter alia*, local, state, and federal regulations and guidelines.

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2. The proposed structure and its proposed location is not unreasonably dangerous.

Subject to the findings in criteria #3, below, the Petitioners proposed wireless support structure(s) and its proposed location(s) is/are not unreasonably dangerous.

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