



JOHNSON COUNTY

Department of Planning and Zoning
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Franklin, Indiana 46131

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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.~~

WITHDRAWN - A request to withdrawal petitions: SP-SCW-2-2022, SP-SCW-3-2022, SP-SCW-7-2022, SP-SCW-8-2022, SP-SCW-9-2022 was received on 4/25/2022. The petition is now removed from the agenda.

-NEW PETITIONS

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

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).~~

WITHDRAWN - A request to withdrawal petitions V-5-22 was received on 4/19/2022. The petition is now removed from the agenda.

V-6-22. Mount Pleasant Christian Church, 381 N. Bluff Road, Greenwood..... Page 16

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 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.

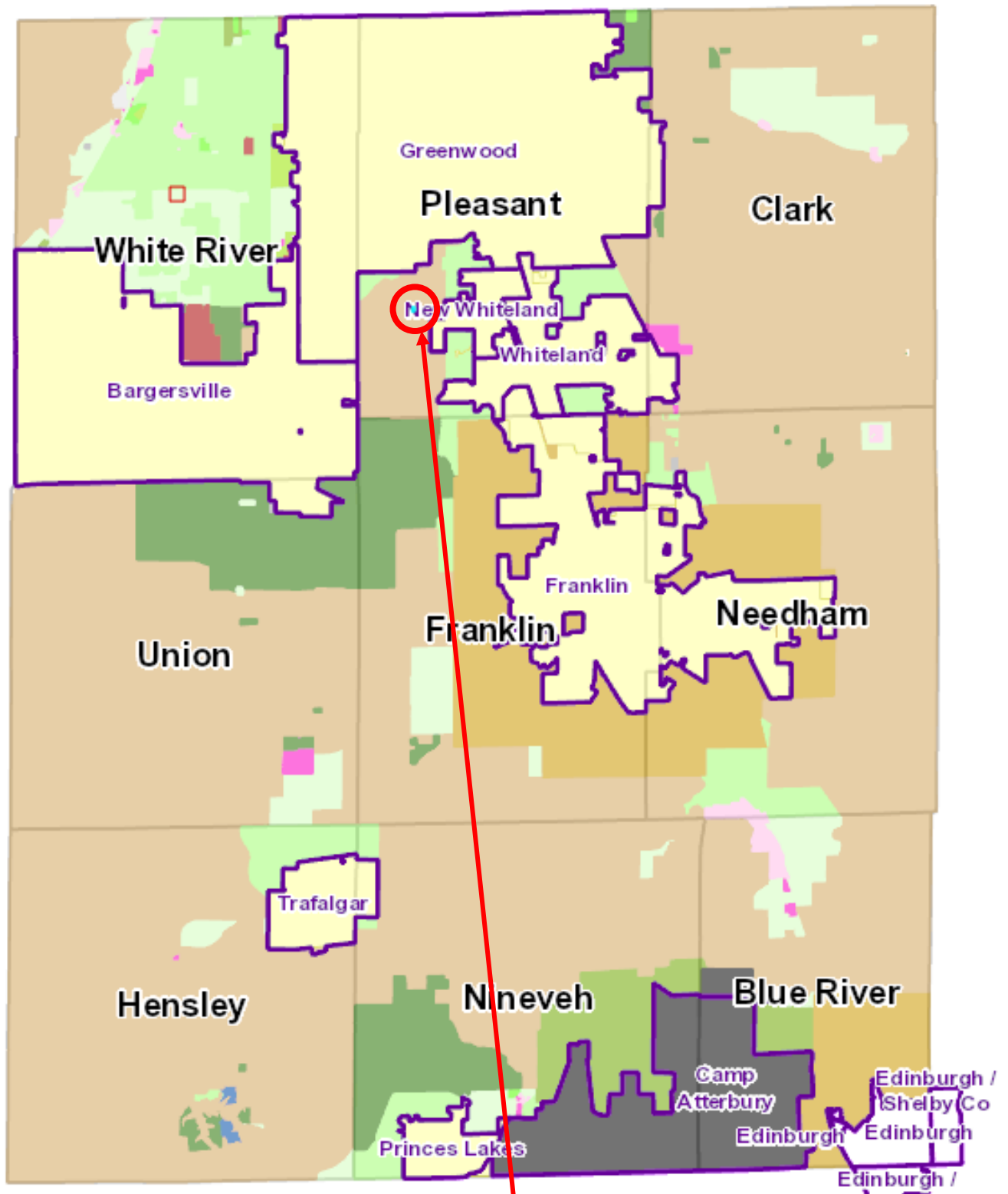
GENERAL INFORMATION

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

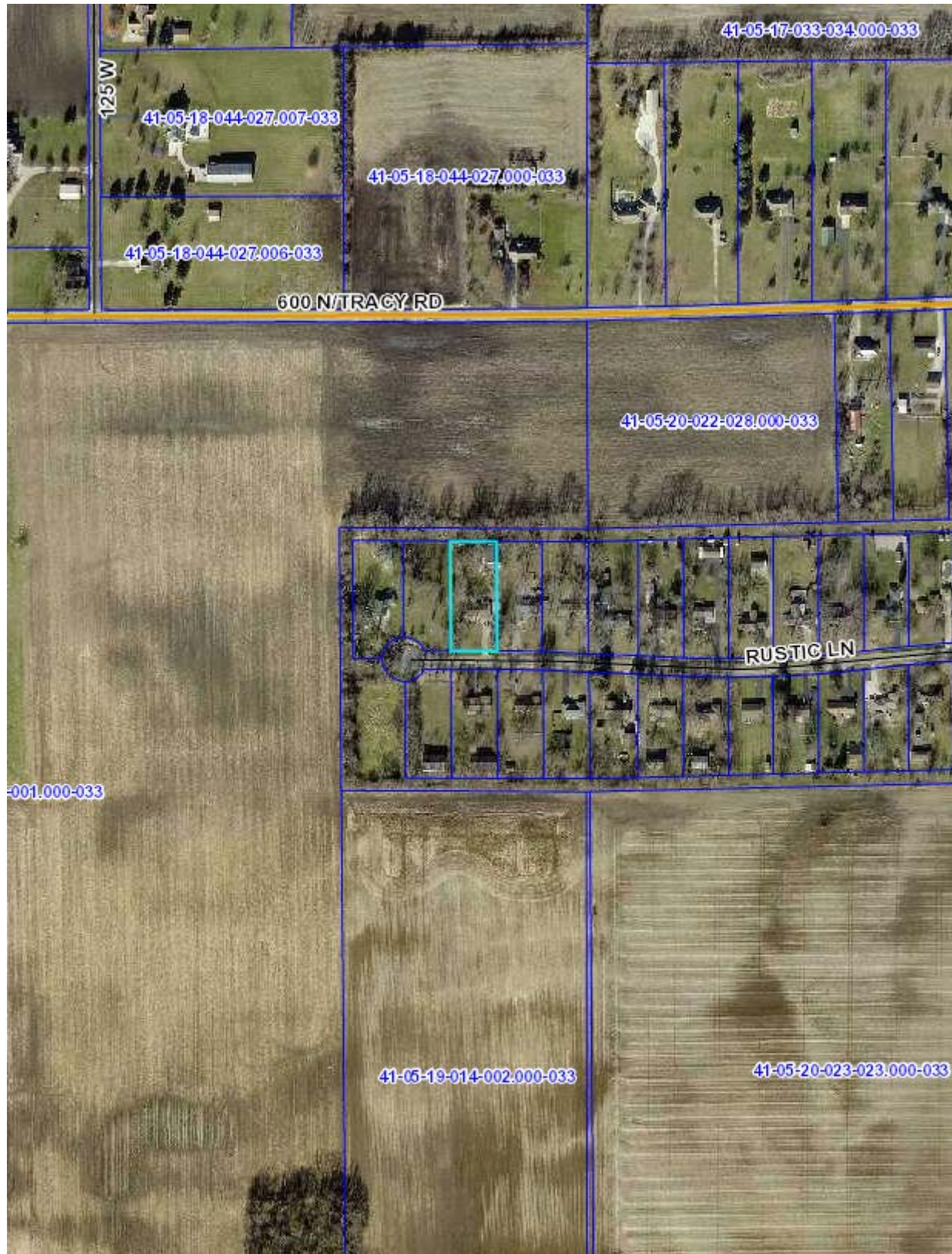
-RLS

V-04-22 BASE MAP



SUBJECT SITE

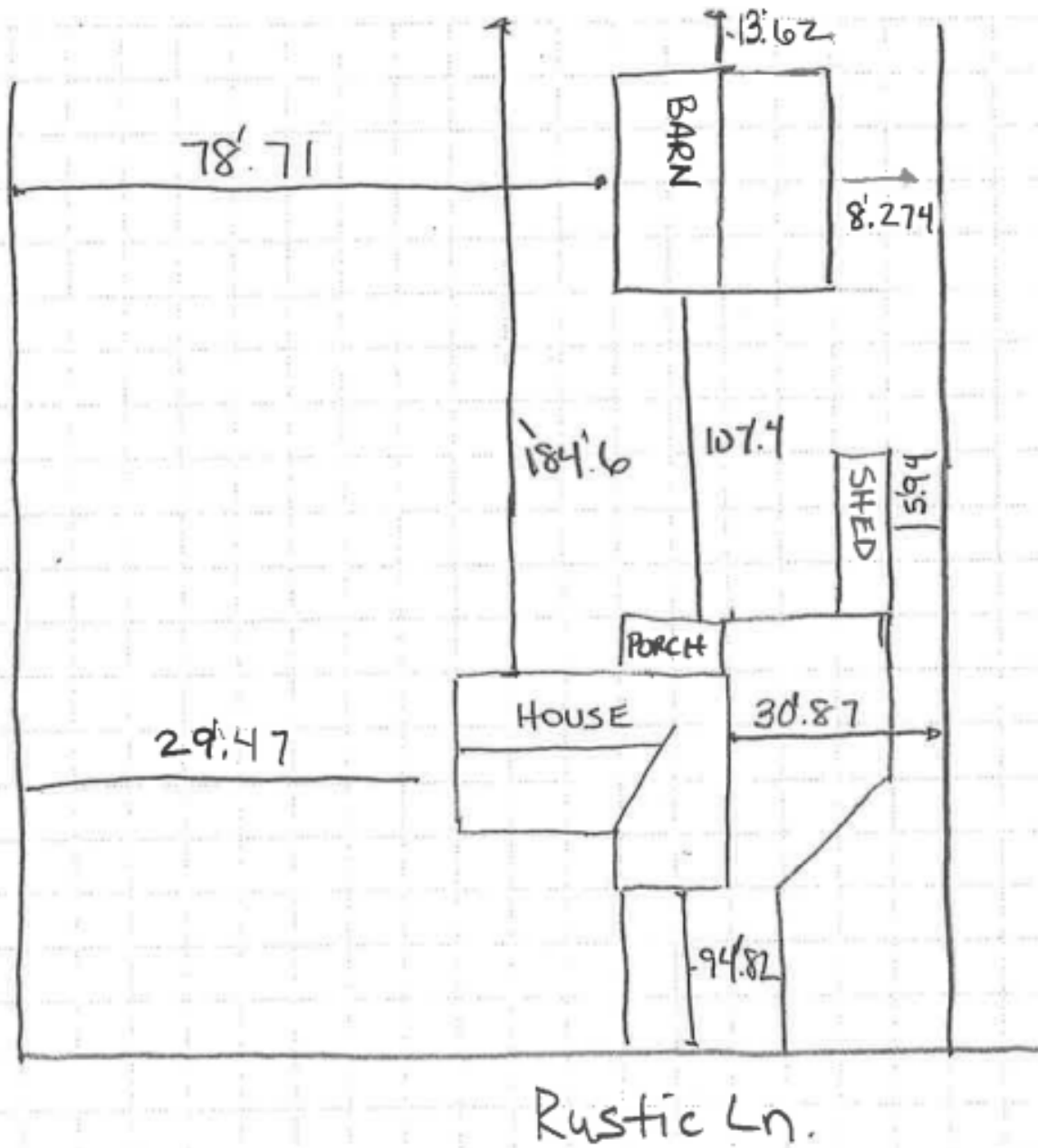
V-04-22 BASE MAP I



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-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.

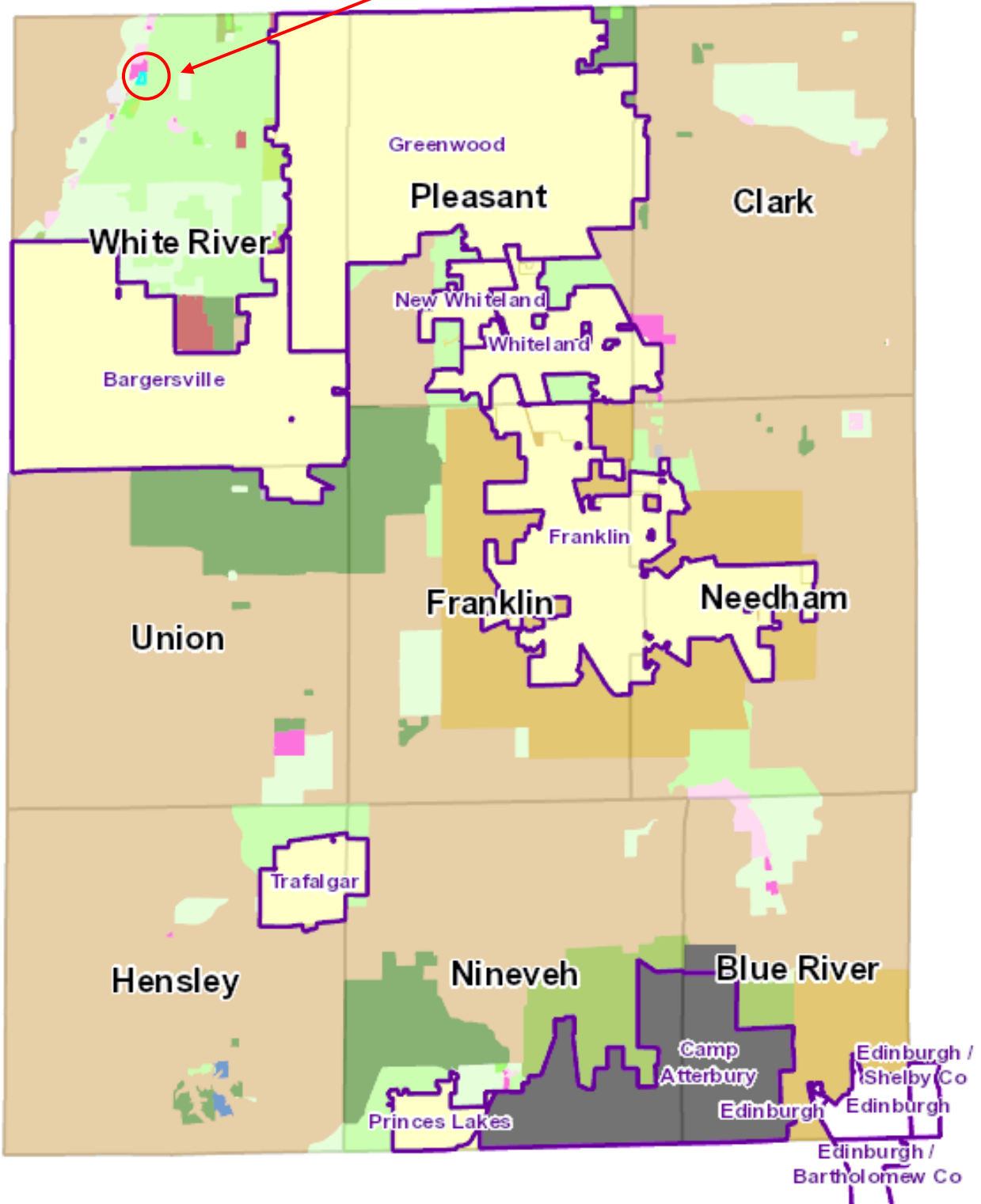
Use of the subject property as a church will not in any way be hampered by a strict application of the terms of the Zoning Ordinance.

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

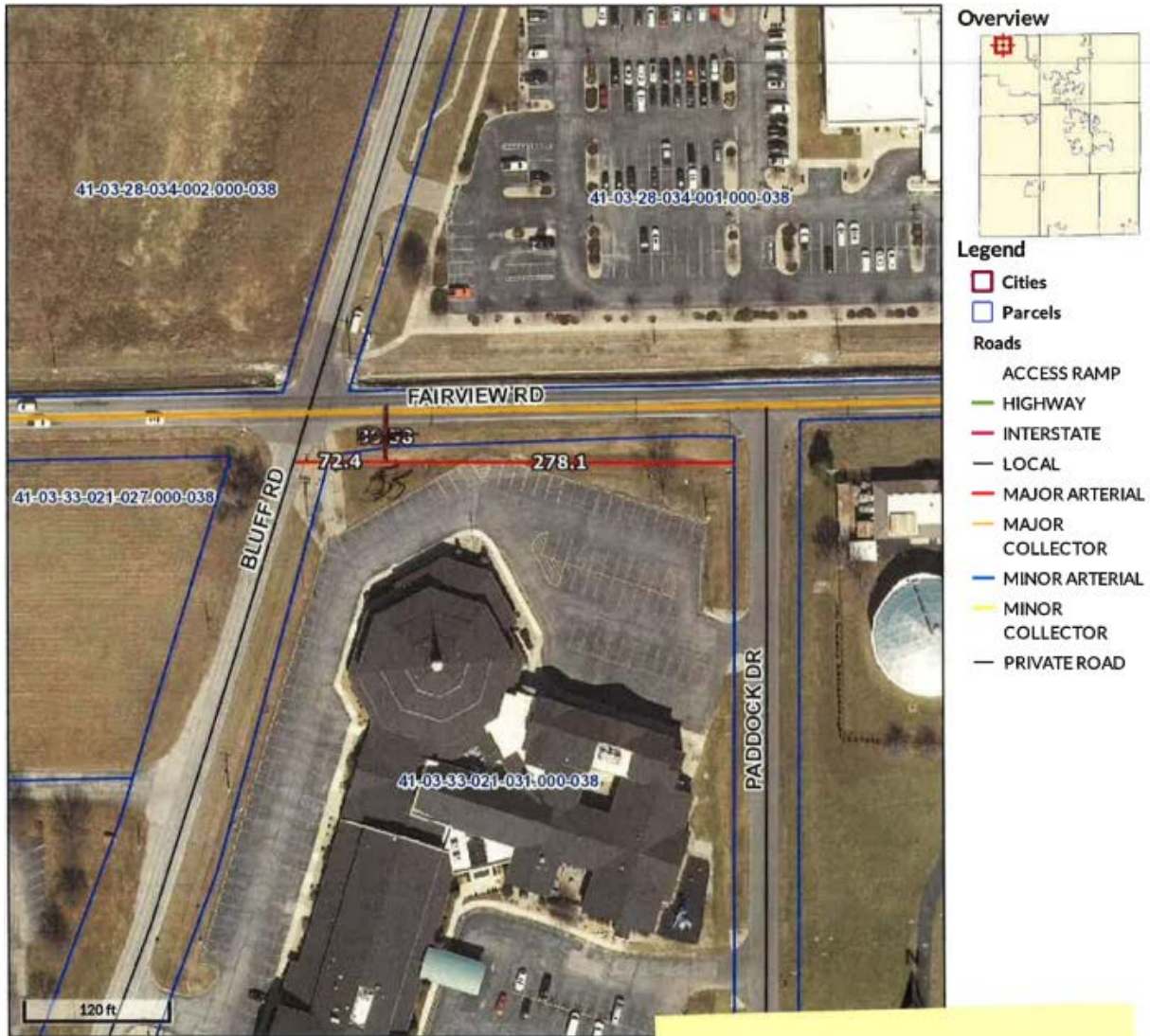
SUBJECT SITE



V-6-22 VICINITY MAP



V-6-22 SITE PLAN



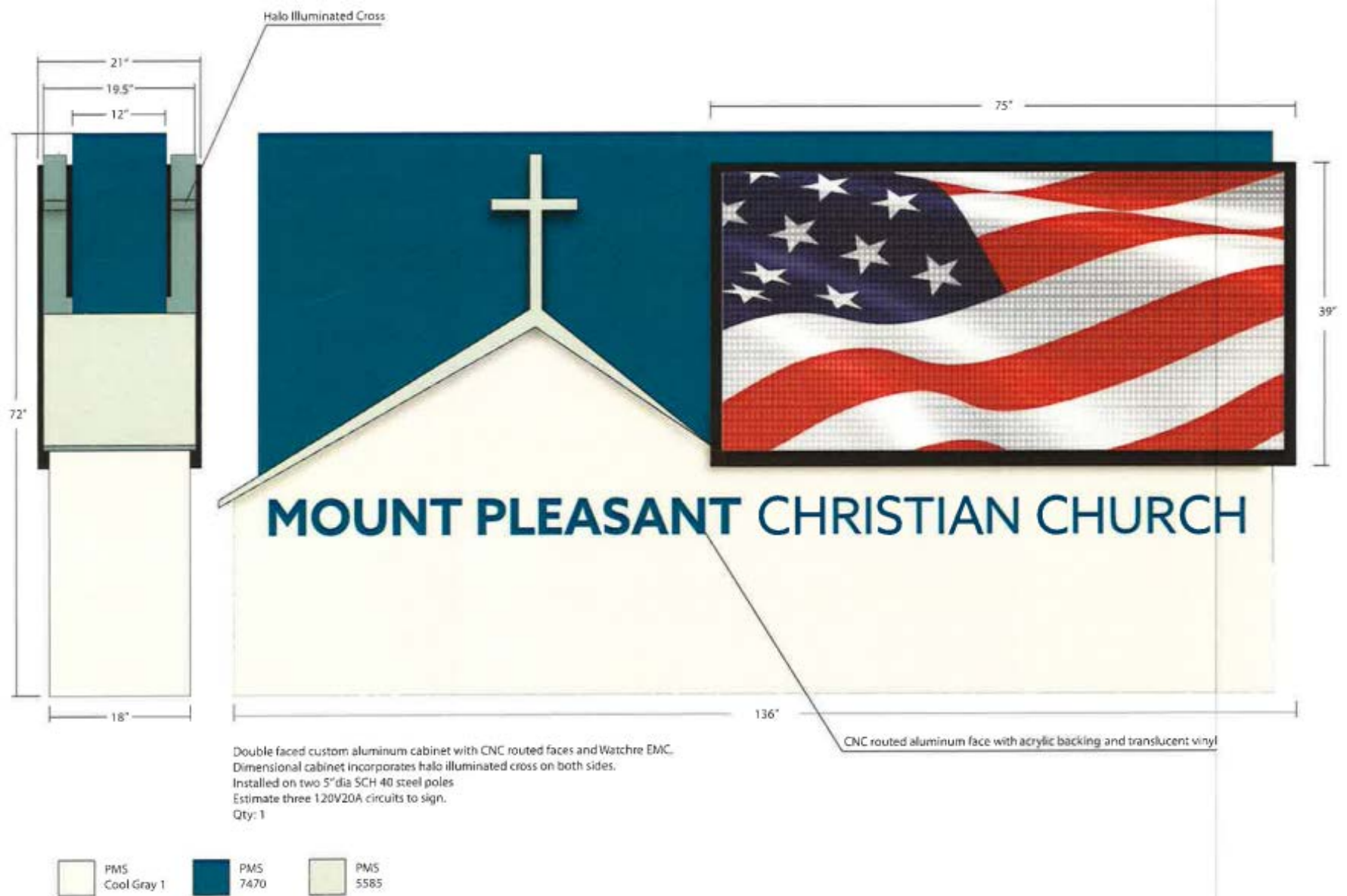
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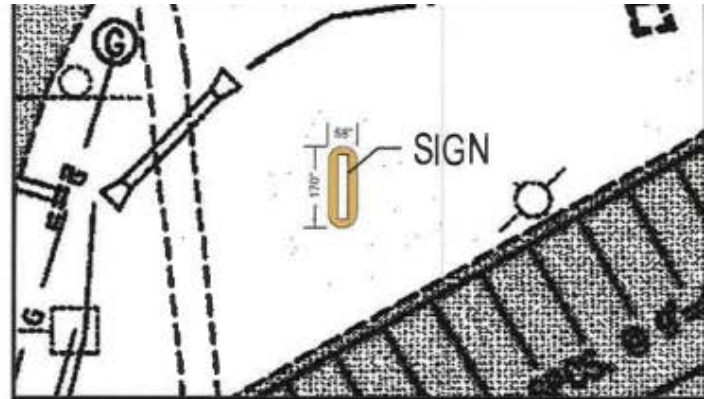
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V-6-22 PROPOSED SIGN



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 proposed 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

