



JOHNSON COUNTY

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

Phone: (317) 346-4350
Fax: (317) 736-4722
www.co.johnson.in.us

MEETING AGENDA

Johnson County Board of Zoning Appeals
May 24th, 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 April 26th, 2022 Meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

V-4-22. Shawn Higdon, 1112 Rustic Lane, Whiteland. Page 3

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).

-NEW PETITIONS

SP-01-22. Dye's Walk Members Inc. 2080 SR 135, Greenwood..... Page 15

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for the expansion of the Golf Course and Country Club Use in an R-1 (Single-Family Residential) Zoning District.

V-7-22. Jeff Waltz, 3404 Olive Branch Road, Greenwood..... Page 32

VARIANCE OF USE of the Johnson County Zoning Ordinance to legal establish an existing landscaper contractor's office (not permitted on residentially-zoned property).

OLD BUSINESS

None.

NEW BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, June 28th, 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

ADDENDUM

The Board of Zoning Appeals approved requests a) and d) as noted below. Request b) and c) were continued to allow the applicant the opportunity to revise the site plan to better address the setback deviation. At the time of completing staff report, the Staff had not received any revised site plan.

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.

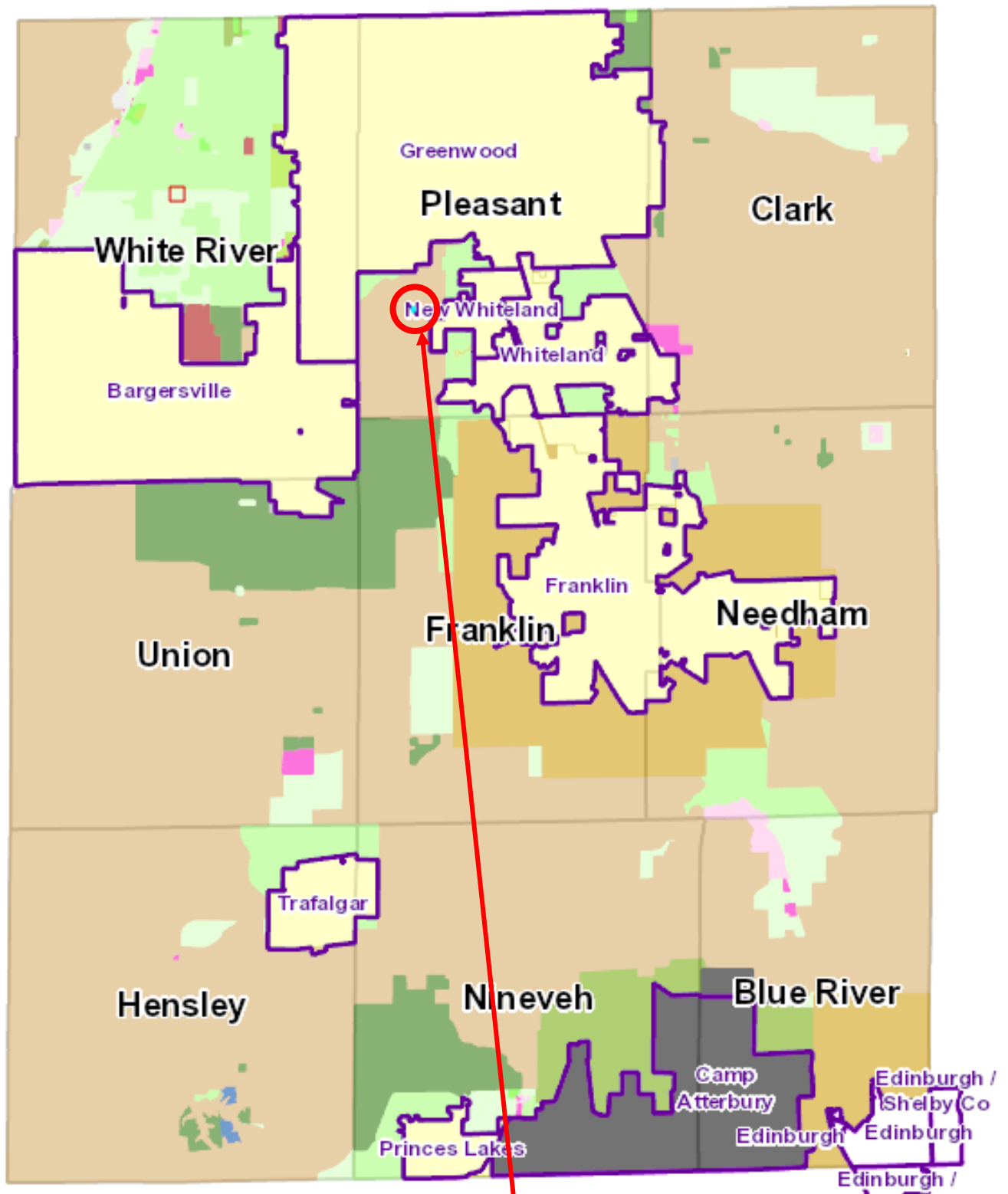
GENERAL INFORMATION

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

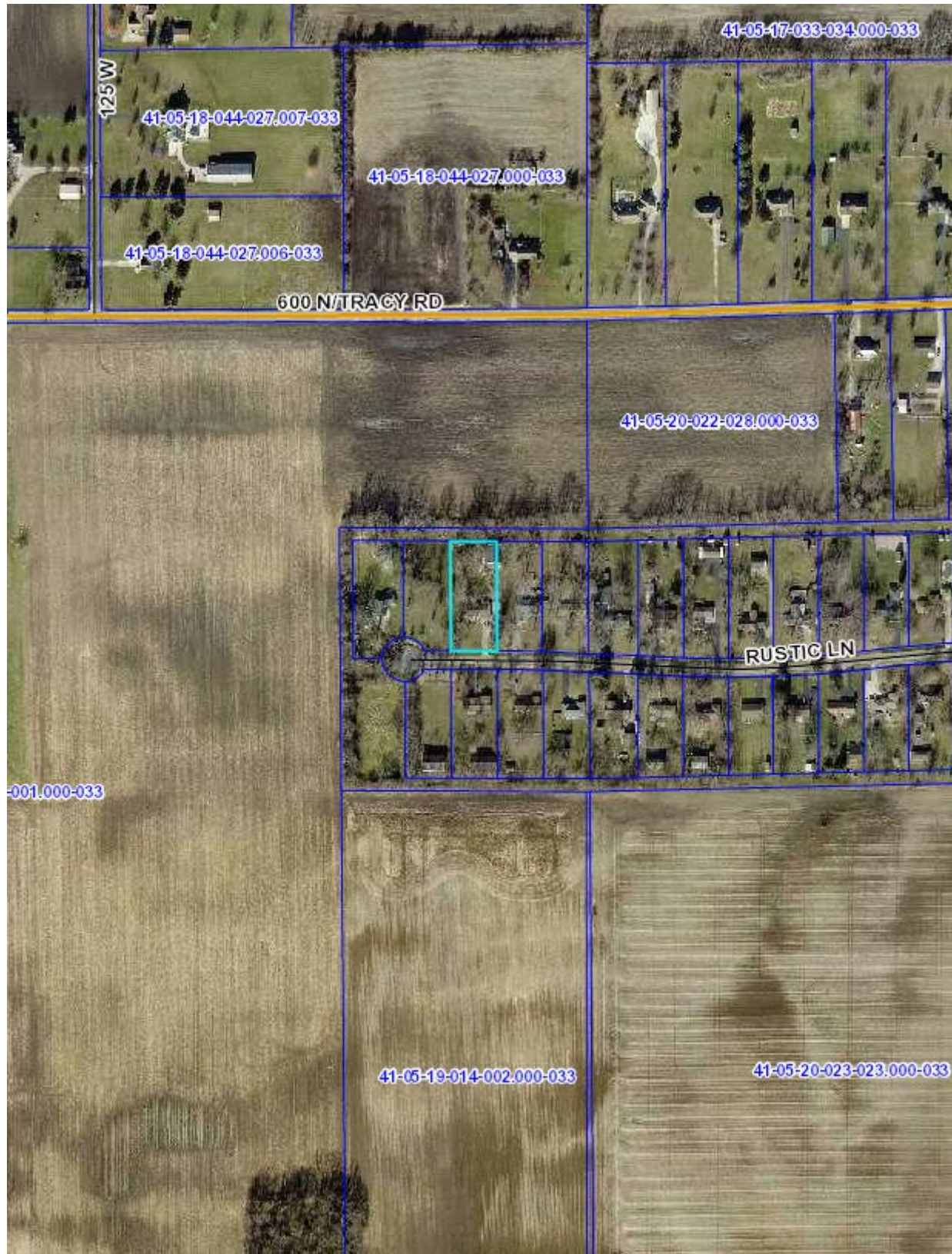
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V-04-22 BASE MAP



SUBJECT SITE

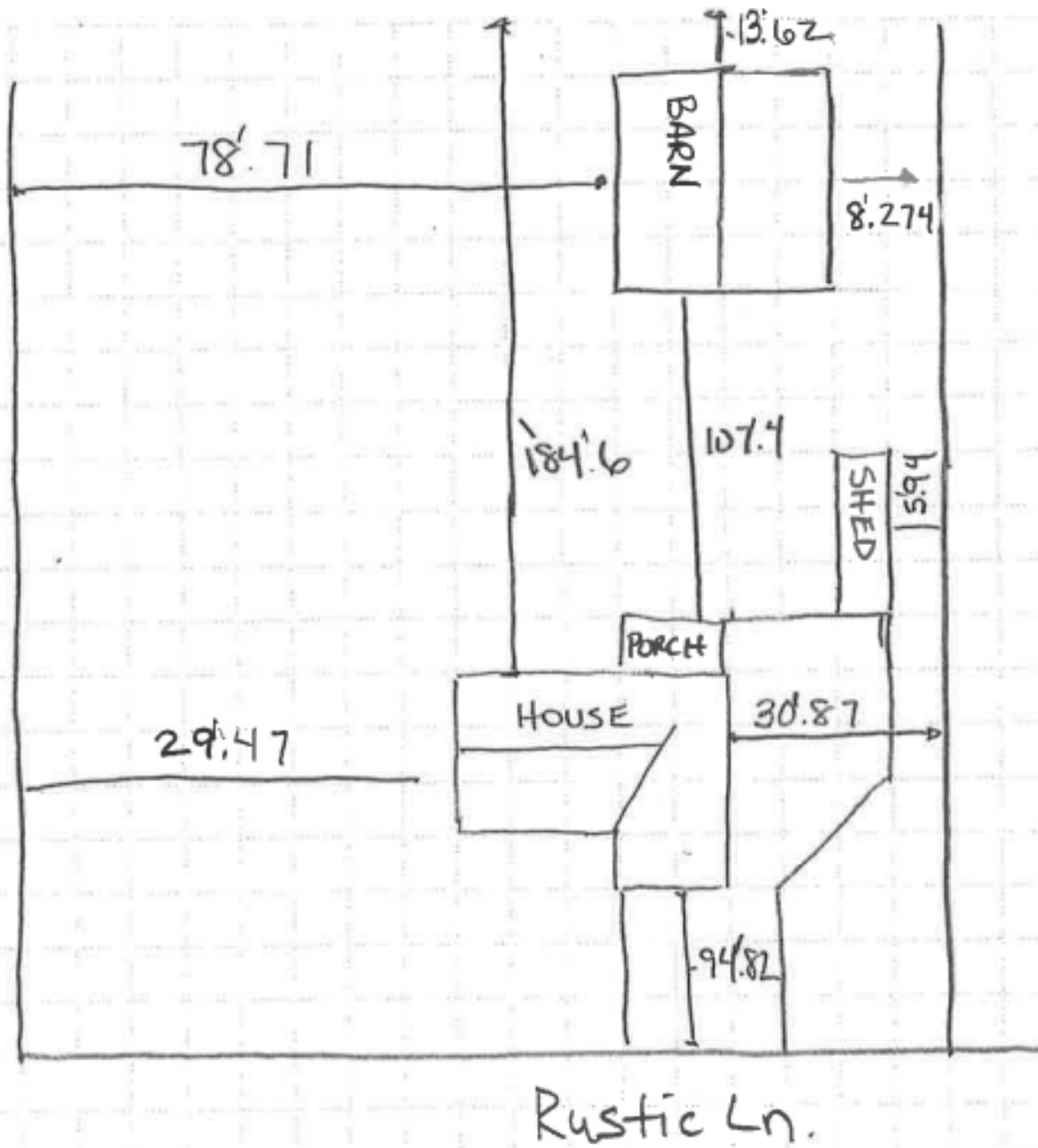
V-04-22 BASE MAP I



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: SP-01-22
ADDRESS: 2080 State Road 135, Greenwood
PETITIONER: Dye's Walk Members Inc., by Kyle Baumann

REQUEST

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for the expansion of the Golf Course and Country Club Use in a R-1 (Single-Family Residential) Zoning District.

STAFF RECOMMENDATION

Staff recommends approval of this request subject to substantial compliance with the submitted site plan.

PROPERTY DESCRIPTION

This approximately half-acre site is zoned R-1 (Single Family Residential). The site is currently undeveloped. It is southeast of the existing Dye's Walk Clubhouse.

SPECIAL EXCEPTION REQUEST

This Special Exception request, if approved, would allow for the expansion of the Dye's Walk Golf Course and Country Club use. The use is currently considered legal nonconforming. Under the current Johnson County Zoning Ordinance, the expansion of the nonconforming uses in the R-1 zoning district requires granting of a special exception to permit the golf course and country club use.

The submitted Plan of Operation, included in this report, indicates that the petitioners plan to develop a facility for golf related activities. A golf "pro" shop and locker rooms will be located on the first floor. The second floor will house a golf simulator and seating area. Shipping, receiving, waste handling, and storage will be handled using the existing building adjacent to this new proposed structure. The building will be open in the winter from 8:00 am to 10:00 pm and in the summer from 6:00 am to 8:00 pm.

The property has been utilized as a golf course and country club since 1961. Staff believes the proposed expansion of the existing golf course and country club use is consistent with the current development of the area and will not interfere with the enjoyment of neighboring properties.

Staff recommends approval of this request.

FINDINGS OF FACT: STAFF ANALYSIS

1. **State Requirement:** The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question.

The Zoning Ordinance specifically lists “golf courses” and “private clubs” as uses permitted by Special Exception in the R-1 zoning district.

2. **State Requirement:** The Special Exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.

The use is adequately served by necessary facilities.

3. **State Requirement:** The special exception shall not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance.

The use complies with all Zoning Ordinance development standards and creates no conditions which may be dangerous, injurious, or noxious to any property or person.

4. **State Requirement:** The Special Exception shall be sited, oriented, and landscaped to produce a harmonious relationship to buildings and grounds to adjacent buildings and property.

The plans indicate the new structure will be harmonious with adjacent grounds and buildings.

5. **The Special Exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

The proposed development will match the visual impression and environment of existing commercial development in the area. It will exist harmoniously with adjacent buildings, ground, and uses.

6. **State Requirement:** The Special Exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

The use will generate little additional traffic and provides vehicle access and parking.

7. **State Requirement:** The Special Exception shall preserve the purpose of the Zoning Ordinance, and shall not interfere substantially with the Comprehensive Plan.

The use will maintain the residential relationship with the area and will not interfere with the Comprehensive Plan.

GENERAL INFORMATION

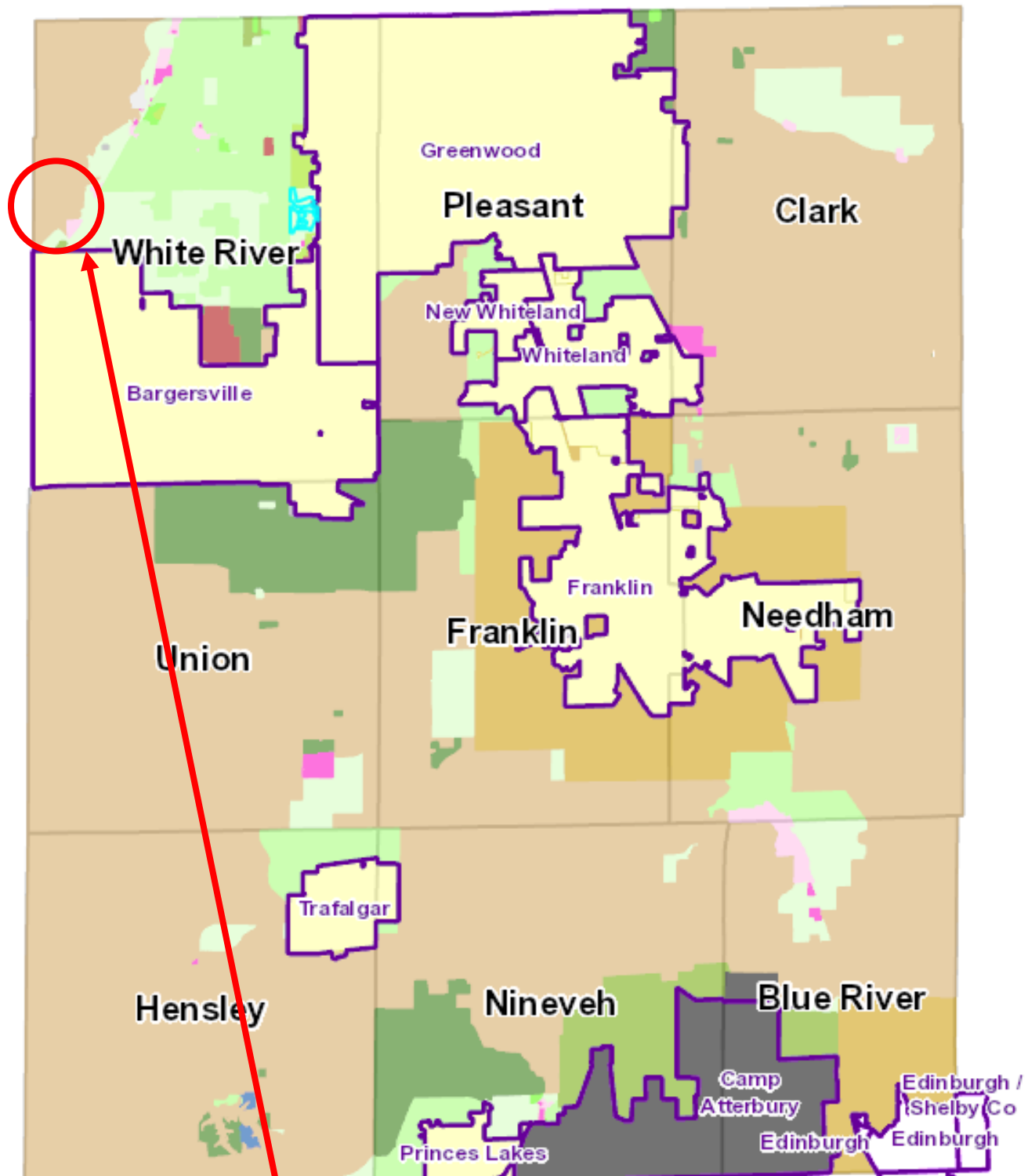
Applicant: Kyle Baumann
2080 S State Rd 135
Greenwood, IN 46143

Owner: Dye's Walk Members Inc.
2080 S State Rd 135
Greenwood, IN 46143

Zoning: R-1
Land Use: Golf Course & Country Club
Future Land Use: Rural Residential

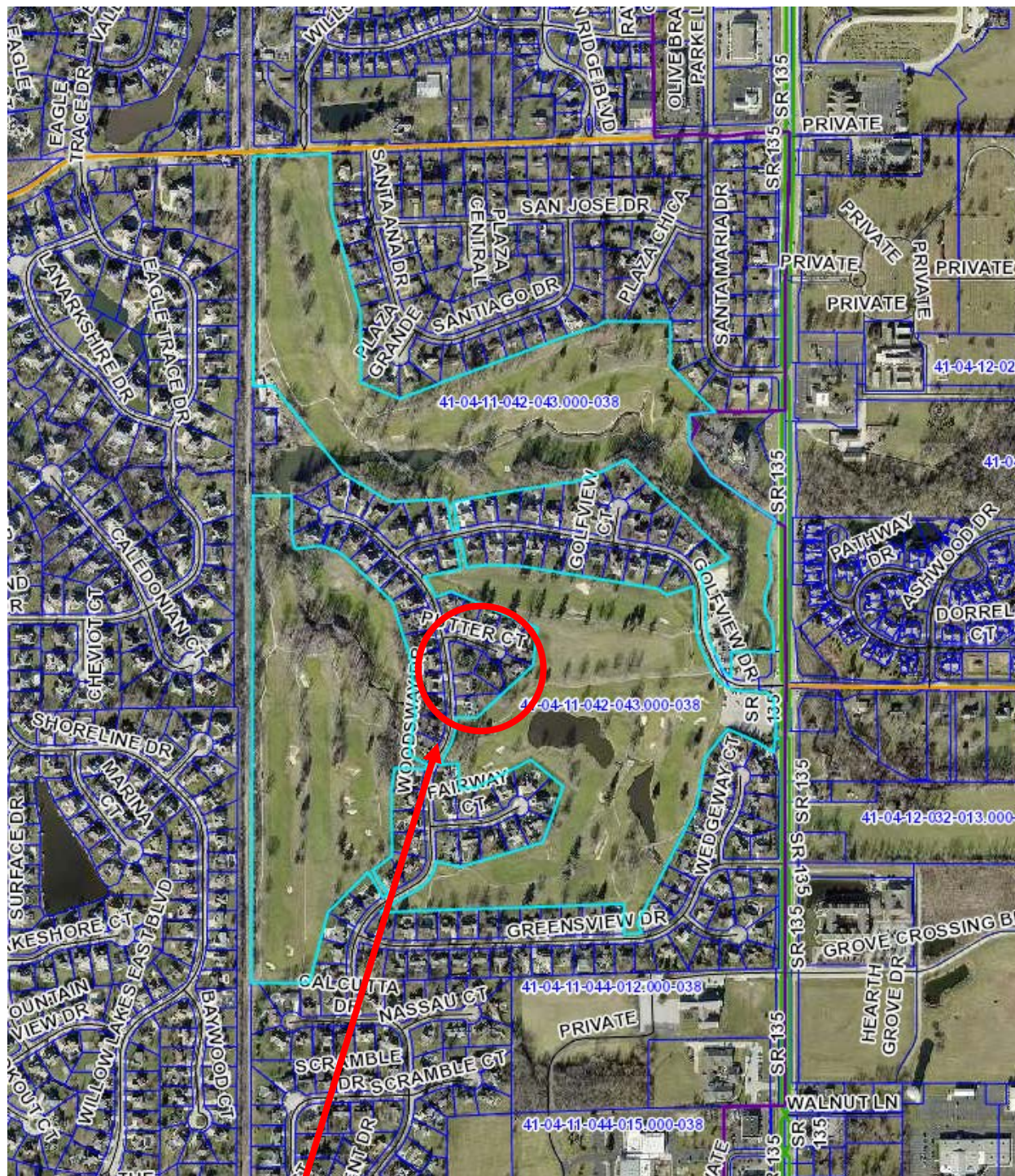
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SP-01-22 BASE MAP I



SUBJECT
CONFIDENTIAL

SP-01-22 BASE MAP II

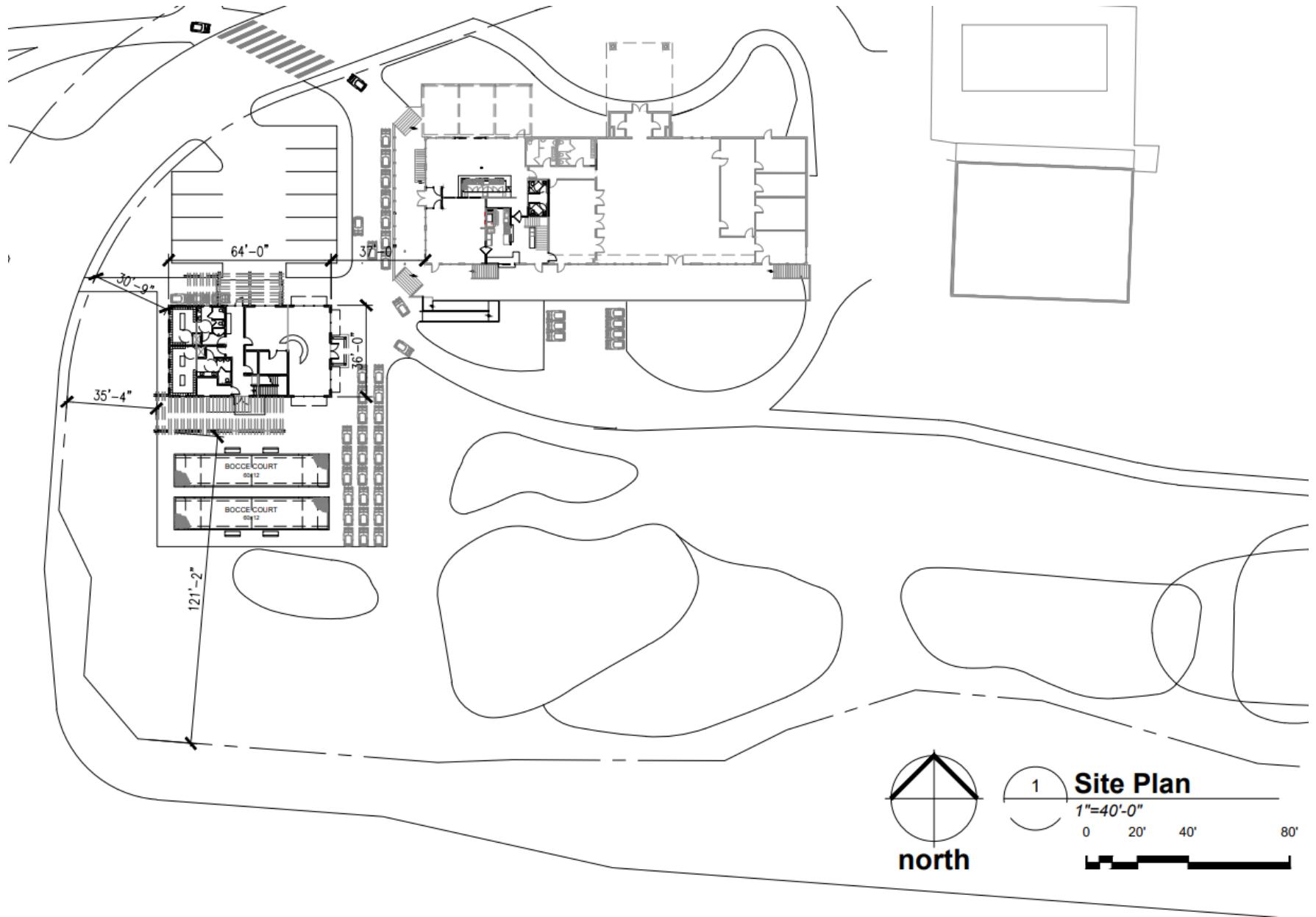


BUILDING LOCATION

SP-01-22 AERIAL OF BUILDING LOCATION



SP-01-22 SITE PLAN



SP-01-22 PRO SHOP MODEL FRONT



SP-01-22 PRO SHOP MODEL BACK



SP-01-22 PLAN OF OPERATION



2080 S. State Rd 135
Greenwood, IN 46143

Plan of Operation
Clubhouse Annex
Dye's Walk Country Club

The plan of operation for this facility would consist of golf related activities. On the first floor there will be a new golf shop for retail space and a men's and women's members only locker room. The second level will be the simulator room, which will consist of three simulators and a seating area. Shipping, receiving, waste handling, storage and display will all be handled under the current protocol as this structure is an annex of the existing building. The following are the operational details.

Hours of Operation

This will vary by season.

Winter 8:00 am to 10:00 pm

Summer 6:00 am to 8:00 pm

Anticipated Number of Customers

1st floor will be pass through traffic as the golf members and guests navigate the retail space and restrooms.

2nd floor would be a max of 18 as members use the simulators. The highest volume of traffic will be on the winter off season.

SP-01-22 PETITIONER'S FINDINGS OF FACT

1. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question because:

The petitioner's property is zoned legal non-conforming R-1. The golf course is requesting a special exception to build a clubhouse annex which will facilitate golf specific activities and the Pro Shop.

2. The special exception can be served with adequate utilities, access roads, drainage and other necessary facilities because:

The special exception is located on existing property that is already served with adequate utilities access roads, drainage, and facilities. One exception would be the lack of sanitary sewer.

Sanitary sewer facilities will be added as part of the construction process.

3. The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance because:

The special exception is an addition of the current property and will be constructed to comply with current design development standards.

4. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and property because:

The special exception is an additional building that will be constructed in the likeness of the current clubhouse and facility structures. All grounds and landscaping will match upon completion.

5. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood because:

The new building will be residential type construction, 2 story and resemble the current clubhouse and neighboring houses

6. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood because:

The new building will be erected adjacent to an existing parking lot and will use the ingress and egress that is already in place.

Additional provisions for pedestrian walkways and golf carts will be incorporated to improve upon the current flow.

7. The special exception shall preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan because:

The new building will maintain a residential appearance.

Staff Report

CASE NUMBER: V-7-22
ADDRESS: 3404 Olive Branch Road, Greenwood
Section 23, Township 12, Range 3
PETITIONER: Jeff Waltz

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to legal establish an existing landscaper contractor's office (not permitted on residentially-zoned property).

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PROPERTY DESCRIPTION

This 4.69-acre site is zoned R-4 (Multi-Family Residential) and is improved with a single-family dwelling and a large accessory structure. The site is surrounded by major subdivisions.

VARIANCE REQUEST

This request, if approved, would legally establish an existing contractor business that specializes in providing landscaping services for customers off-site. The business operates from a portion of an existing 5,900 square-foot pole barn. The proprietor has operated his business at this location for about 8 years. Prior to that other landscape businesses have operated out of the same location for about 33 years.

Operation of the business would be guided by and limited to the submitted Plan of Operation, included in this report. The Plan of Operation indicates that the business would employ the owner and three additional employees. Employees would start the workday at this location and park their personal vehicles along the north side of the property as shown on the site plan. The employees will then use the company vehicle and equipment to go to offsite locations. General operating hours are Monday through Friday and occasional Saturdays during the spring season. Most operations will be from March through November. The property experiences no customer traffic.

All equipment and trailers will be located and stored inside the structure. Only one vehicle will be parked outside.

The property has been used in this nature for about forty years. Planning Staff could not find any documentation that could legally establish this business. The property has been zoned residential since at least 1961. The applicant has worked with the neighbors to the north and developed a plan to install some landscaping materials along the north property line. The applicant has also moved some of their equipment and other business-related items around to satisfy the concerns of the adjacent property owners.

The land use recommendation of the *Johnson County Comprehensive Plan* is for Agricultural use. Staff, however, regards the request as appropriate given the use's long-standing, apparently benign presence, and its modest scale.

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.

The approval of the use will not be injurious to the community while operating within the existing building and parking area. Storage of equipment in an enclosed structure will not increase the commercial appearance to a structure that has been on the property since 1990.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The approval would provide for limited contractor use within a residential area within an enclosed structure for storage of equipment and will have no adverse impacts on adjacent properties.

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

The property contains a large accessory structure that has been historically used as storage for various businesses throughout the years. The structure is a large structure that could not be used residentially. The proposed use will use the existing buildings and will not change the appearance 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 contains a large accessory structure that has been historically used as storage for various businesses throughout the years. The structure is a large structure that could not be used residentially. The proposed use will use the existing buildings and will not change the appearance of the property.

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

The request would be generally inconsistent with the land use recommendations of the *Johnson County Comprehensive Plan*, which recommends rural residential use and development of the site. However, the proposed use is similar to a home occupation where no physical modifications to the primary use of the land which is residential. The inconsistency with the Comprehensive Plan would not interfere with the Plan in any substantial fashion.

GENERAL INFORMATION

Applicant: Jeffrey Waltz

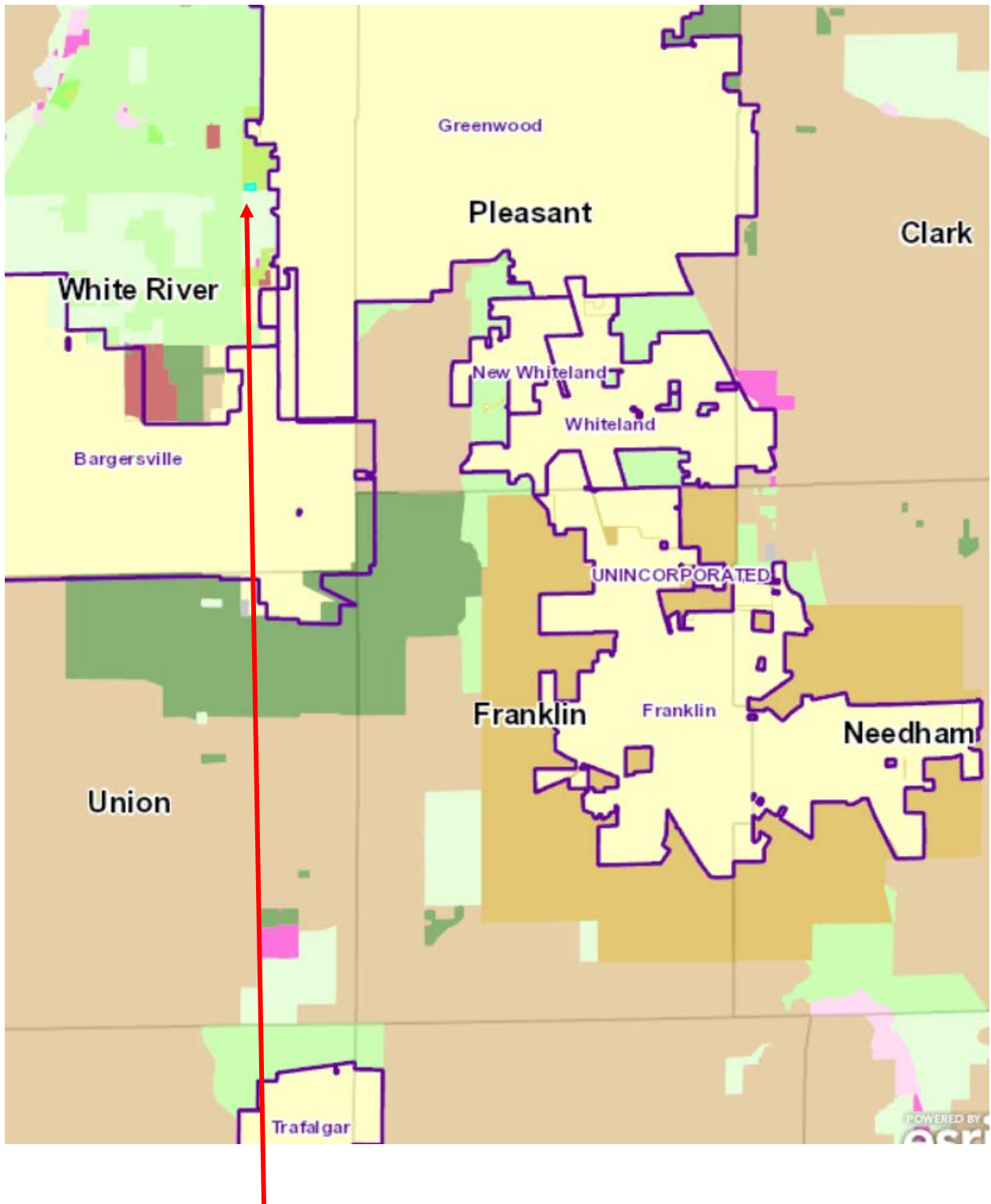
4237 Valley Way Drive
Greenwood IN 46142

Owner: Myron and Nancy DeBaun Jr.
3404 Olive Branch Road
Greenwood IN 46142

Zoning: R-4 (Multi Family Residential)
Land Use: Single-family Residential and Commercial Contractor
Future Land Use: Rural Residential

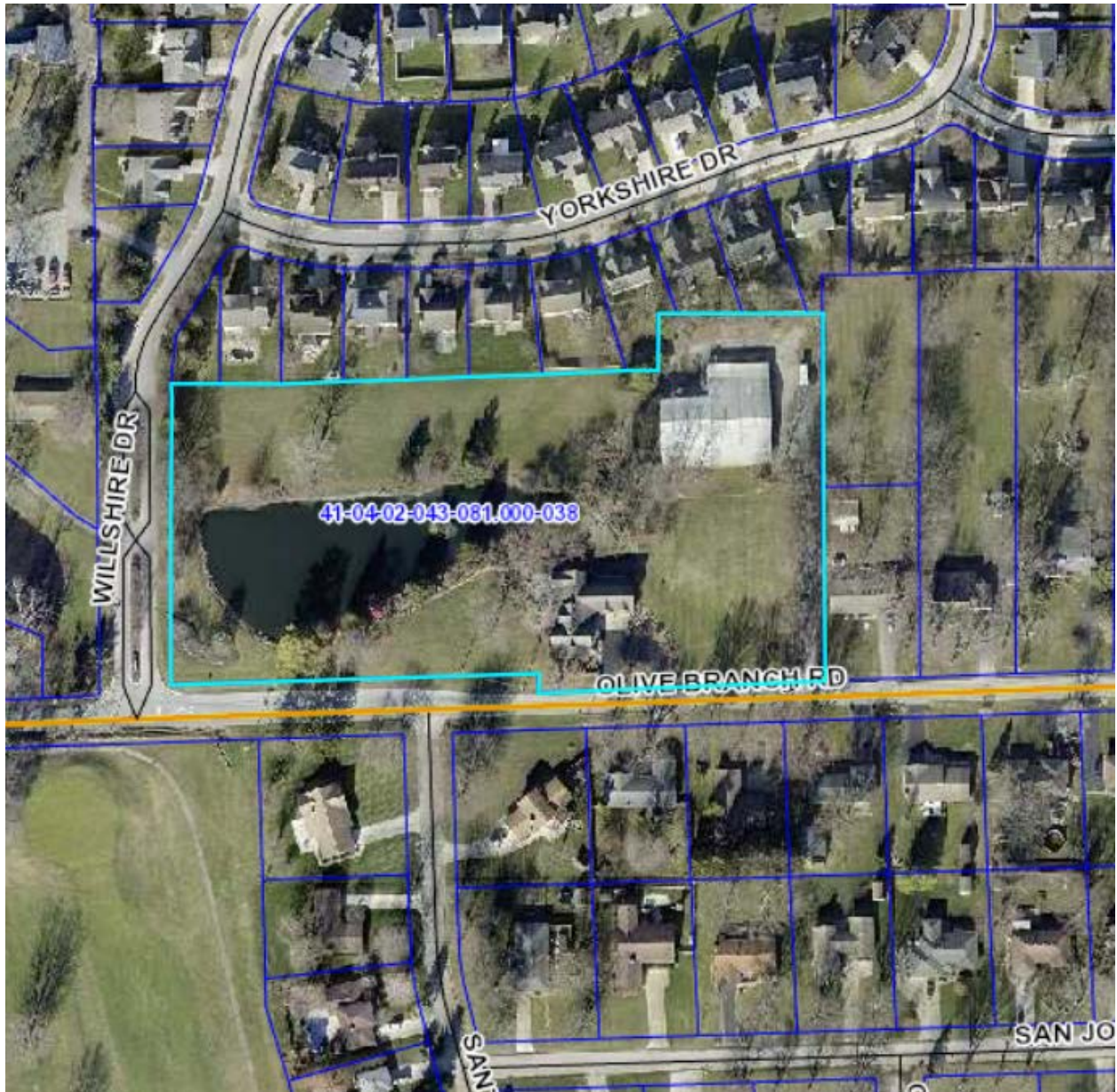
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V-7-22 BASE MAP

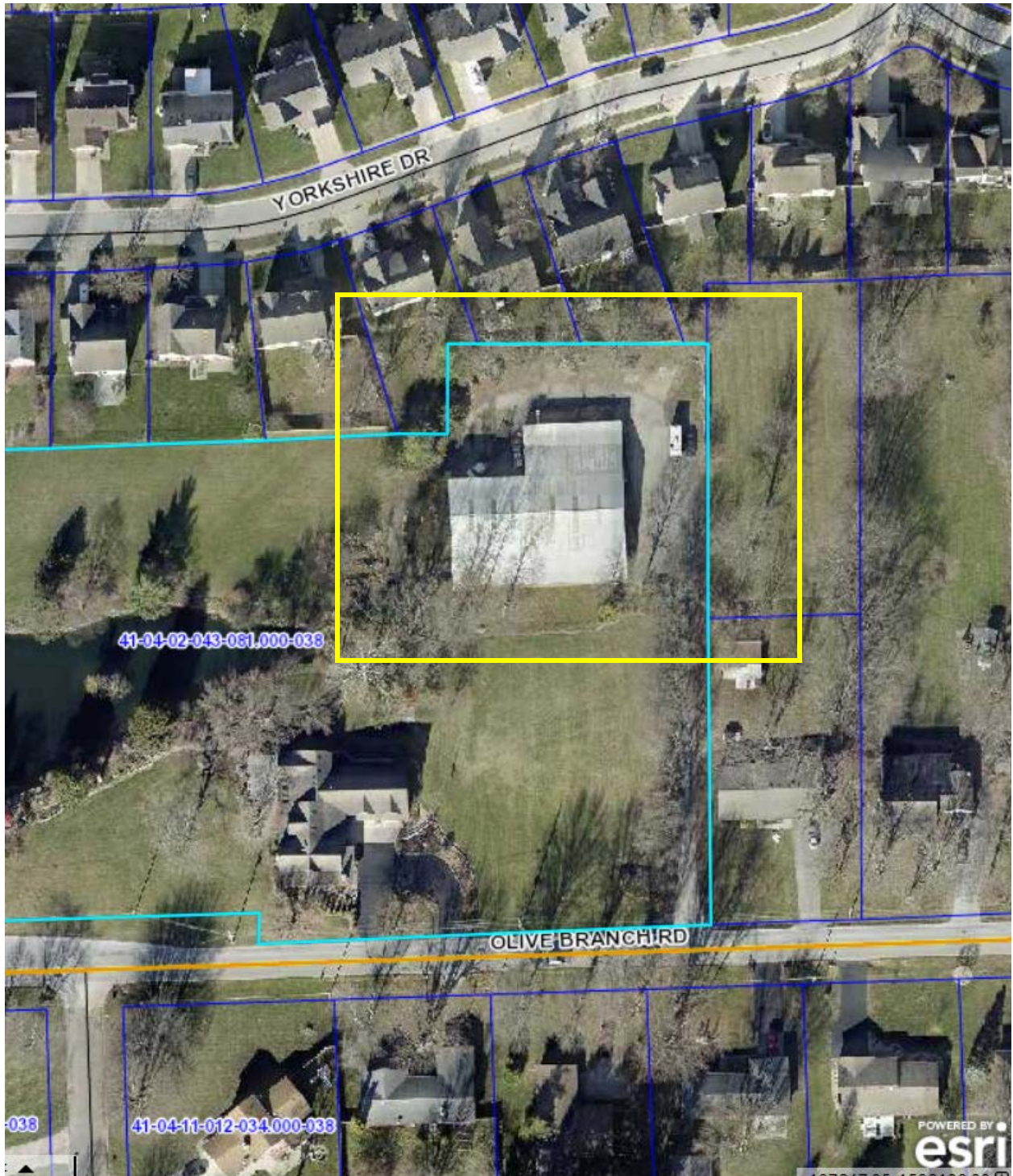


subject site

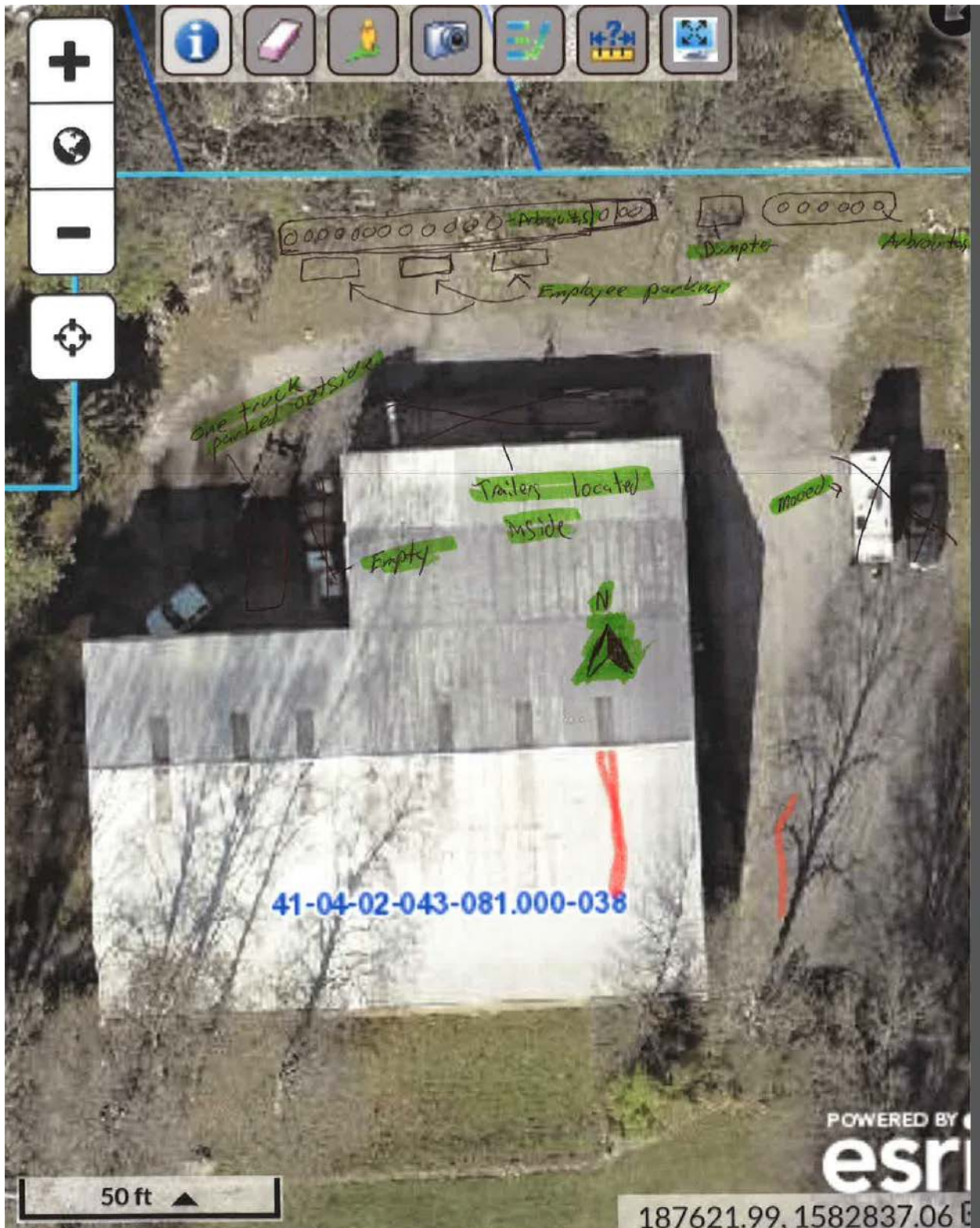
V-7-22 AERIAL PHOTO I



V-7-22 AERIAL PHOTO I



V-7-22 AMENDED SITE PLAN



V-7-22 PLAN OF OPERATION (AMENDED)

Plan of Operations

Monday-Friday

Start time 7:00 am 3 employees arrive to get in mowing truck and trailer that is stored inside to leave for there 10–12-hour shift. 1 time per week lawn mower blades will be sharpened inside with doors close to minimize noise, this takes approximately 30 minutes. Second truck and trailer will load supplies for landscaping work, and this takes approximately 15 minutes.

End time varies for both trucks and are only at location to put away equipment and clock out to leave for the day.

Occasional Saturdays more in the spring due to weather

1 truck will depart, and minimal time is spent on arrival and departing.

These daily operations only occur from March 15 – November 15.

This is a seasonal company and no daily operation occur for 4 winter months.

During winter months if snow removal is required. 1 truck will be used and very minimal time will be spent at property for plow truck to be picked up and dropped off.

PETITIONER'S FINDINGS OF FACT

FINDINGS OF FACT, USE VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

Case Number: _____

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

We will always be mindful and conscious of our surrounding neighbors in how we carry out our daily activities

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:

We have made improvements to the area as approved by adjacent neighbors and making area very clean and physical appealing

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

Business activities being carried out on a residential property

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.

If variance is not granted my business could possible have to close.

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

Our daily ^{operations} are limited and brief and will remain as such. Our operations are minimal and will not be disturbing to community.

