



## JOHNSON COUNTY

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

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## MEETING AGENDA

Johnson County Board of Zoning Appeals  
July 26<sup>th</sup>, 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 May 24<sup>th</sup>, 2022 Meeting.

### PUBLIC HEARINGS

-CONTINUED PETITIONS

-NEW PETITIONS

V-8-22. Greg Schaefer, 4467 W County Line Rd, Greenwood ..... Page 3

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for the operation of an automotive repair and maintenance facility, including outdoor vehicle storage (not permitted in the R-2 zoning district).

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

1. Waive commercial parking requirements (paved surface, curbs, and stall striping),
- and 2. Waive landscaping requirements (landscape buffer 20 feet in width)

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to construct a single-family dwelling with 694 square feet of living space in the A-1 zoning district

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, August 23<sup>rd</sup>, 2022 at 7:00 PM.

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# Staff Report

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CASE NUMBER: V-8-22  
ADDRESS: 4467 W County Line Rd, Greenwood (Parcel 41-03-27-012-008.000-038)  
Section 27, Township 11, Range 3  
PETITIONER: Greg Schaefer

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## REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to provide for the operation of an automotive repair and maintenance facility, including outdoor vehicle storage (not permitted in the R-2 zoning district).

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

1. Waive commercial parking requirements (paved surface, curbs, and stall striping), and
2. Waive landscaping requirements (landscape buffer 20 feet in width)

## STAFF RECOMMENDATION:

Staff recommends **denial** of the use variance request.

Staff recommends that the Board **dismiss** the development standards variances due to irrelevancy.

## PROPERTY DESCRIPTION

This 2.3 acre site is zoned R-2 (Single-Family Residential) and is improved with two barns. The Center Grove Estates Manufactured Home Community is east of the subject site and zoned R-5 (Mobile Home Park District). Similar vacant buildings are to the north and south. Farther south is the Silver Springs Major Subdivision. The properties to the west are vacant and heavily wooded. All properties to the north, south, and west are zoned R-2. Based on historic aerial images, the property was used as a truck repair facility as recently as the end of 2014.

## VARIANCE OF USE

If approved, this variance request would allow the petitioner to operate an automotive repair and maintenance facility and rental space for outdoor storage for vehicles. The petitioner intends to use the existing 5,080 sq. ft. building and 11,200 sq. ft. warehouse as a co-working, automotive makerspace. Proposed activities include vehicle disassembly, modification, storage, and assembly. The automotive makerspace would allow an individual to rent building space to perform automotive services for themselves and others. Similar business structure to a hair salon where stylist rent a chair in the salon but salon equipment is shared.

In addition, a secondary business is proposed on the unimproved 0.75 acres north of the buildings to allow outdoor storage space for recreational vehicles (RVs, campers, boats, etc.).

The submitted Plan of Operation, included in this staff report, indicates that the automotive space will be open Monday through Sunday from 8:00 am to 10:00 pm. Apart from the petitioner, no certain number of employees were noted in relation to the automotive makerspace. The petitioner does not anticipate many “customers”, but did indicate that the makerspace would be membership based with a maximum of 20 members.

For the self-storage component the plan of operation indicates that the short term and long term storage operation will be accessible by customers seven days a week, 24 hours a day. Again, the petitioner does not anticipate regular customer traffic. Customers are on-site to drop-off or pick up items stored.

The site and much of the surrounding area is currently zoned R-2 and the Johnson County Comprehensive Plan 2017 White River Township Update recommends Town Residential as the zoning for this site, and for the general area. Per the Comprehensive Plan, the purpose of the Town Residential District is to accommodate compact, single family residential development. Currently the site is zoned R-2 where the permitted uses include: one-family dwellings, public parks and playgrounds, cemeteries, essential services, agriculture, home occupations, child care services (for 5 or fewer children), public and parochial schools, religious institutions, and government buildings.

Both structures on the property are within the Floodway (FEMA Zone AE Floodway) and the remainder of the property is within the Special Flood Hazard Area (FEMA Zone AE). These zones are indicated by the blue and red stripes (Floodway) and solid blue area (Special Flood Hazard Area) in the “V-08-22 Flood Map” exhibit. Land in these zones is considered to have a high flood risk where development of any kind is discouraged. Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Any improvements that require a building permit will be required to gain written approval from DNR before seeking local approvals from the Planning and Zoning Office.

In agricultural, rural, and low-density residential areas, it may be reasonable, under certain circumstances, to consider certain lower-intensity commercial or industrial uses, which are not otherwise allowed by-right, to represent a reasonable deviation from the requirements of the zoning ordinance and the recommendations of the Comprehensive Plan. Here, however, in a higher density residential area and within the Floodway, an automotive repair and maintenance facility and outdoor vehicle storage, represents an exceptionally higher level of intensity than the norm for the area. The requested uses represent too far a deviation from any reasonable notion of acceptable land use expectations. Noise generated by vehicles, machine work, testing, and other automotive activities, has the potential to greatly impact the enjoyment of nearby residential properties. Additionally, such higher-intensity uses tend to expand over time. Potential future expansions could further exacerbate the inappropriateness of the use, and compromises neighbors’ use and enjoyment of property, as well as surrounding property values.

Because the site is located in the Floodway and Special Flood Hazard Area, it subject to the Zoning Ordinance’s Flood Hazard Reduction standards. The first standard listed is “New construction and substantial improvements shall be anchored to prevent flotation, collapse or

lateral movement of the structure”. The outdoor storage component of this request, goes against this harm reduction standard, as recreational vehicles parked on this property have the potential to float away in a flood event. The standards also state that recreational vehicles in flood areas should be parked on site for less than 180 days. Ensuring that the petitioners meet this standard has the potential to bring administrative burden to the Planning and Zoning Office who are required to enforce compliance and ensure safety in the area.

For these reasons, Staff recommends denial of the use variance request.

#### VARIANCE OF DEVELOPMENT STANDARDS

This Variance of Development Standards request, if approved, would allow for commercial use at this location without providing the paved maneuvering and parking areas required of commercial properties. The area north of the existing barns is currently paved, but not striped or landscaped. The lack of curbs, striping, and completely paved surfaces does not meet the required off-street parking standards of the Zoning Ordinance and thus requires the variance. The site would be accessed from the existing private driveway off County Line Rd. The applicant states in the findings of facts the intention to make landscaping and cosmetic improvements in the future. The petitioner also indicated that the existing paved area allows room for 6 vehicles to park, but did not indicate an intention to repave, curb, or stripe the stalls as required by the ordinance at this time. The parking lot will also be in deficient of the perimeter landscaping requirement due to the limited space on the site.

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

#### FINDING OF FACTS - USE VARIANCE

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

The proposed use would be inconsistent with the predominantly residential uses in the area. Any improvements that require a building permit will be required to gain written approval/permits from DNR before seeking local permit approval from the Planning and Zoning Office.

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

While the property is screened from public view from the north, south, and west, the proposed use involves outdoor storage, movement of vehicles, and noise associated with repairs which have the potential to adversely impact the surrounding properties.

The need for the variance does not arises from some condition peculiar to the property involved.

The property can accommodate a permitted used as listed in the Zoning Ordinance. However, the flood hazard area prevents any development of this property.

The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which variance is sought.

The property can accommodate a permitted use as listed in the Zoning Ordinance. However, the flood hazard area prevents any development of this property.

The approval does interfere substantially with the Comprehensive Plan.

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

#### GENERAL INFORMATION

Applicant: Greg Schaefer  
5766 Columbia Circle  
Greenwood, IN 46142

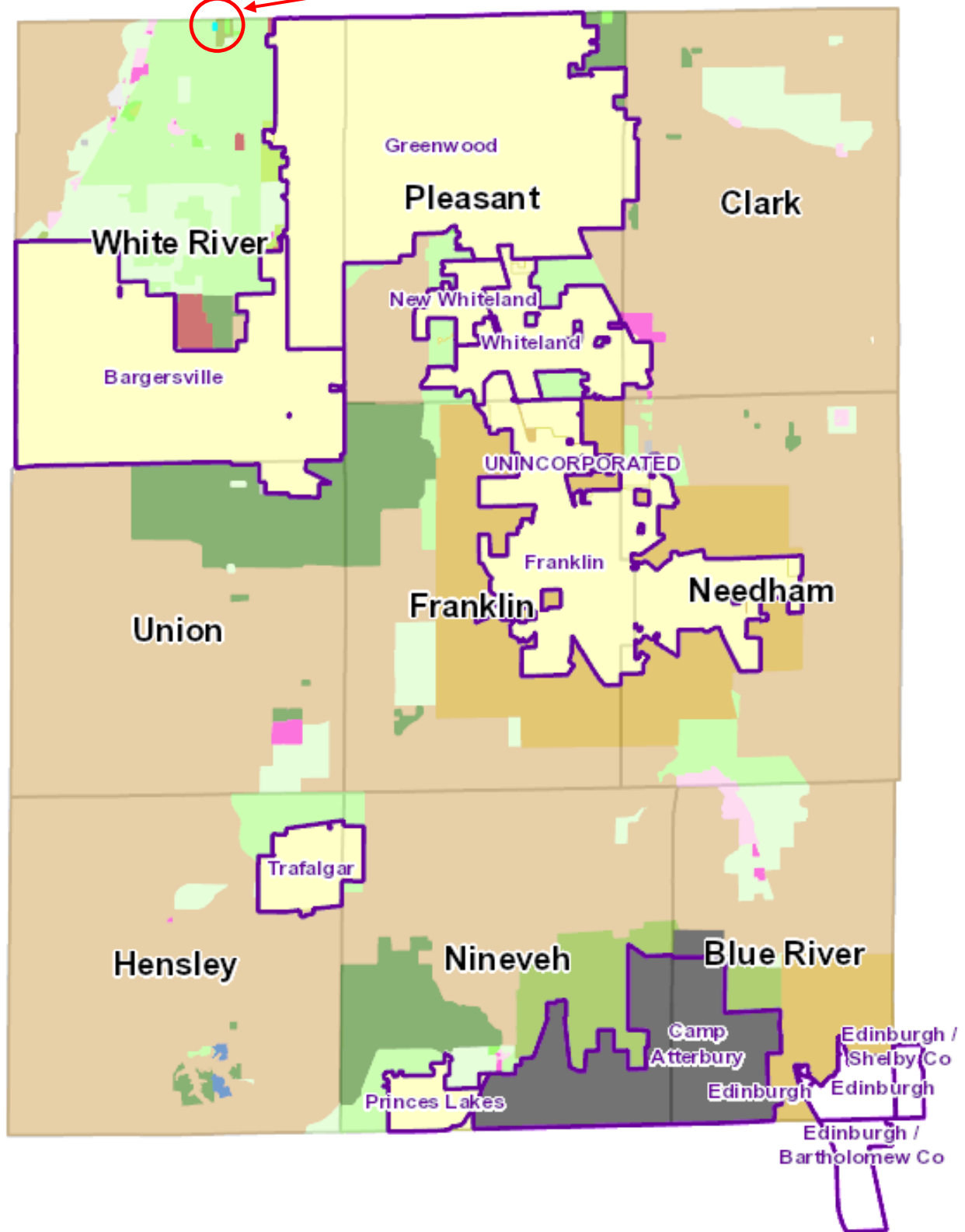
Owner: Meyer Realty  
2934 Saddle Club Rd  
Greenwood, IN 46143

Zoning: R-2  
Land Use: Vacant Commercial  
Future Land Use: Town Residential

-RLS

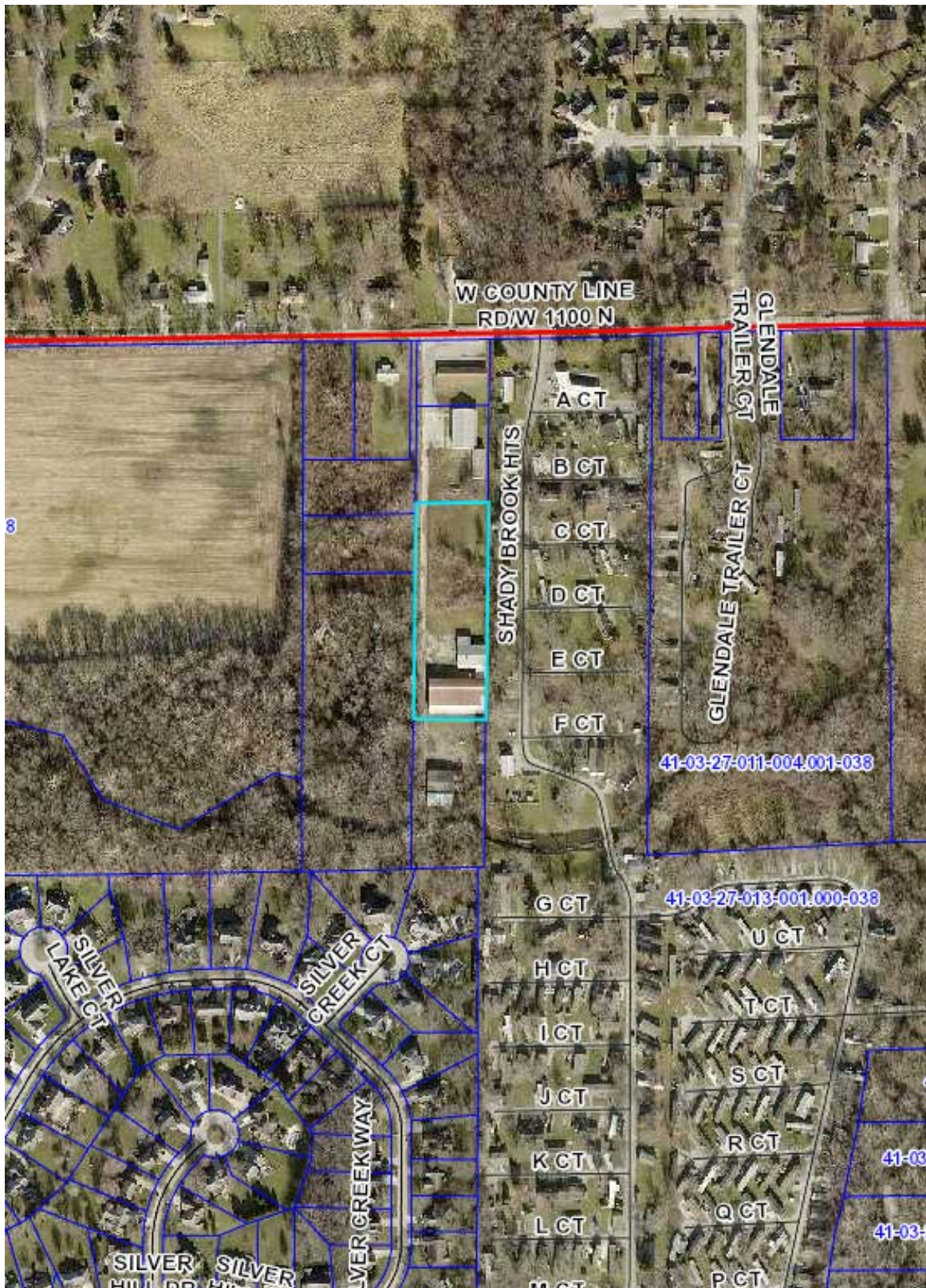
# V-08-22 BASE MAP

Subject Site





## V-08-22 BASE MAP II



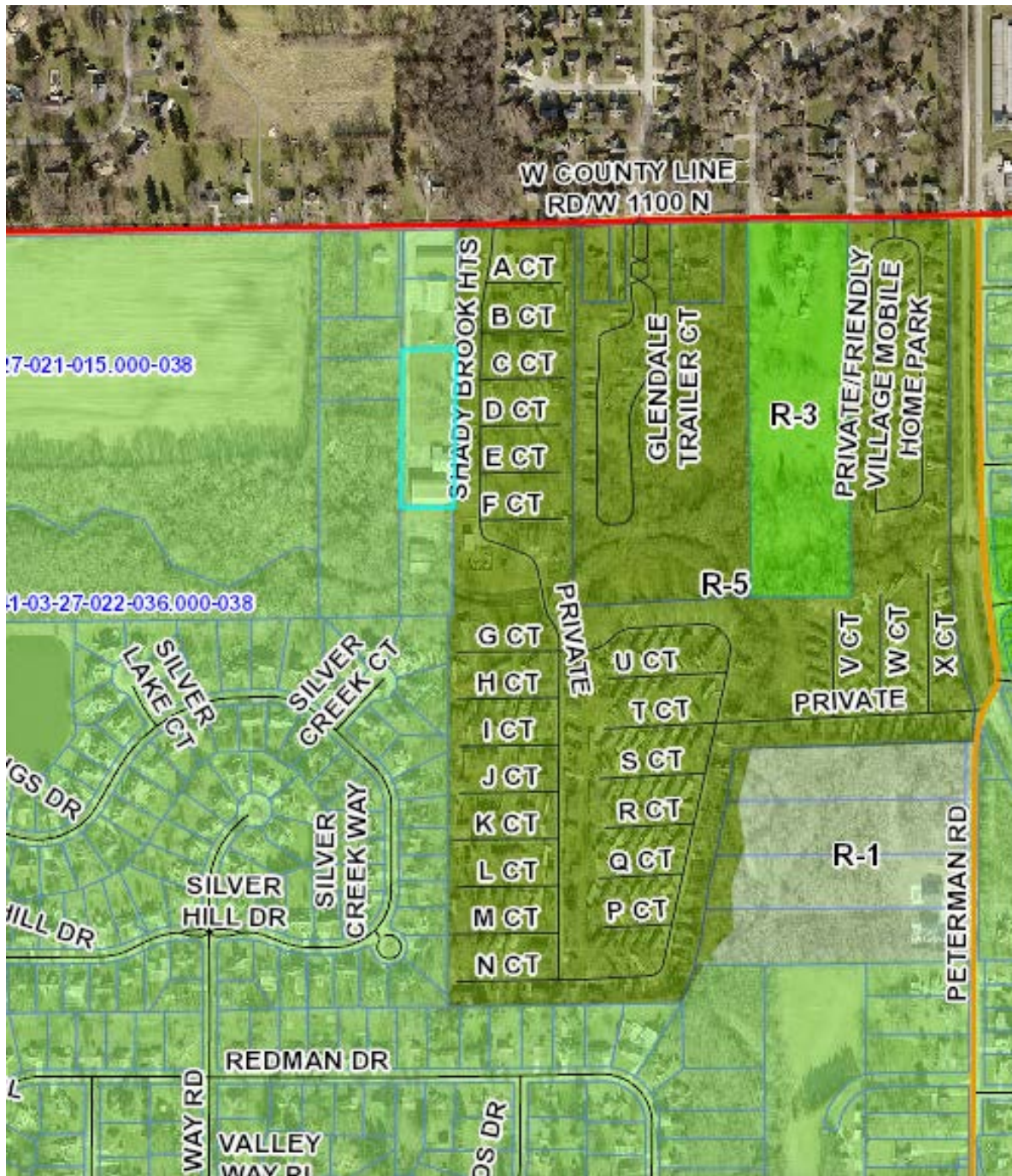


## V-08-22 AERIAL



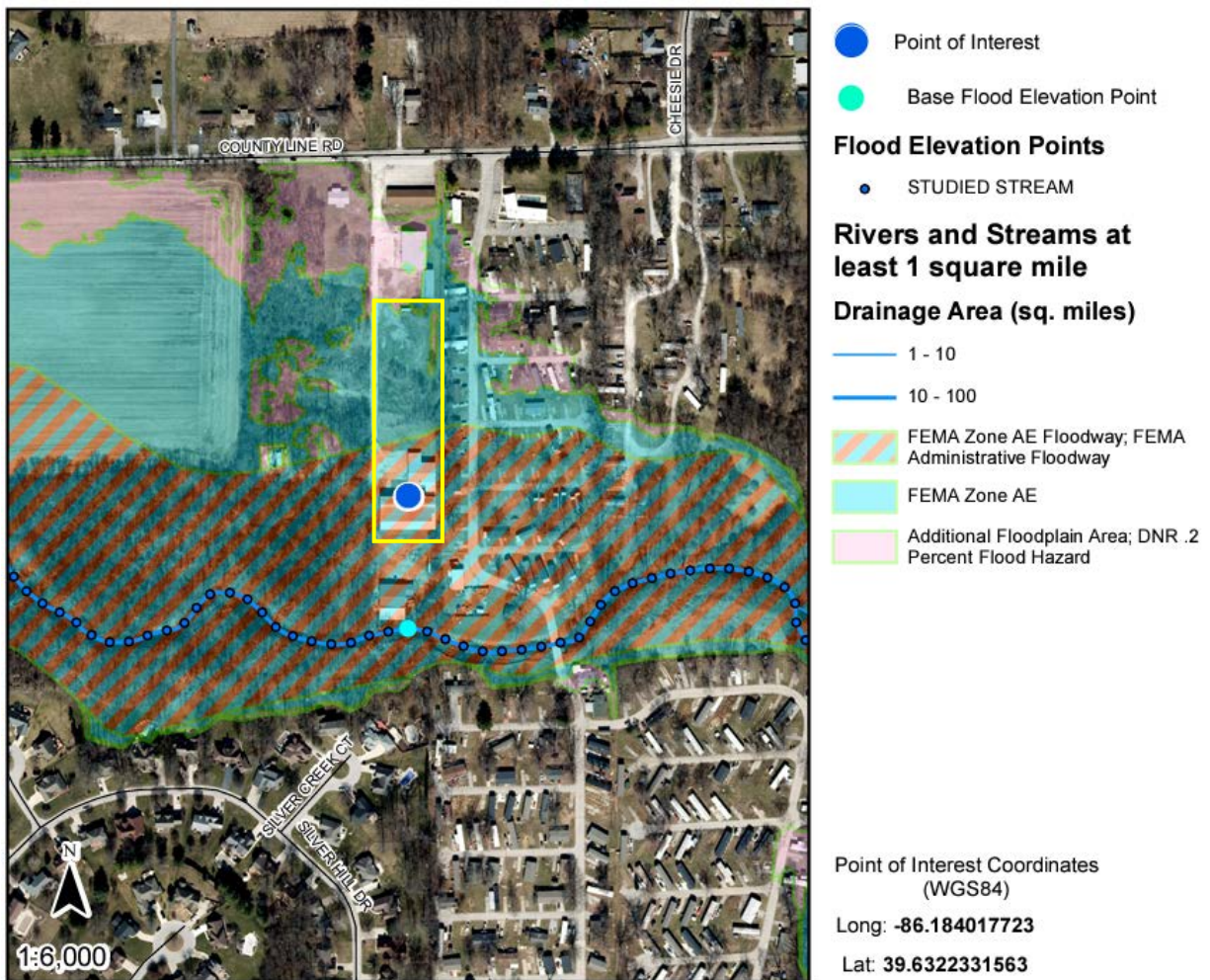


## V-08-22 Zoning Map

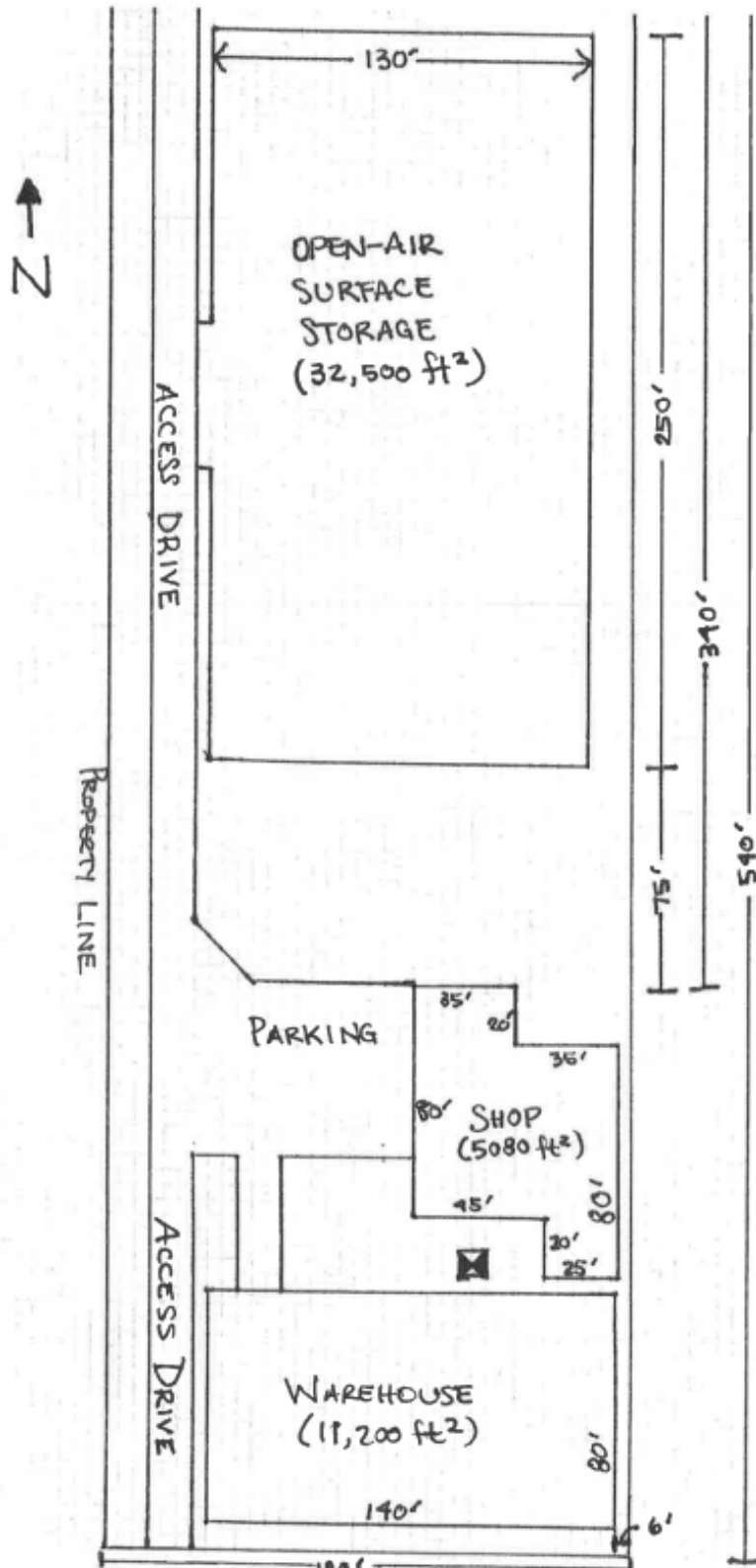




## V-08-22 Flood Map



# V-08-22 SITE PLAN



## SITE PLAN

4467 W. COUNTY  
LINE ROAD

### LEGAL DESCRIPTION:

NW NE S27 T14 R3

### PARCEL ID:

41-03-27-012-008.000-038

SCALE 1" = 50'

### LEGEND:

☒ = SEVERE WEATHER  
SIREN

## V-01-22 PLAN OF OPERATION

### PLAN OF OPERATION

#### **LOCATION**

Parcel: 41-03-27-012-008.000-038

Address: 4467 West County Line Road

#### **BACKGROUND**

The petitioner for this parcel is planning to own and operate an automotive makerspace for enthusiasts who need co-working space and equipment to repair and restore their vehicles. The makerspace will use the 5,080 sq. ft. building and 11,200 sq. ft. warehouse for vehicle disassembly, modification, storage, and assembly. In addition, the petitioner plans to use .75 acres of unimproved land for surface self-storage.

#### **PLANNED OPERATIONS**

The operations for this parcel would consist of two types of business:

1. Shop and warehouse.

Hours of Operation:

Monday through Sunday, 8:00am – 10:00pm

Anticipated number of customers:

Minimal. Membership in the makerspace would be maxed at 20 due to working space limitations.

2. The self-storage

Intended Use:

Short to long term storage for recreational vehicles (RVs, campers, boats, open and enclosed trailers, cars, etc.)

Hours of Operation:

Customers will be able to access the self-storage seven days a week, 24 hours a day.

Anticipated number of customers:

Since the nature of the use is storage, the number of customers entering the property will be minimal. The time onsite will be brief to drop off or pick up of the storage item.

## V-08-22 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 intended use of the property does not offer any environmental impact.  
Secondly, the use request doesn't allow for any morally degrading operations.  
Lastly, the petitioner plans to regulate the use of the property  
according to the variance and ensure statements above are upheld.

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 are no new construction or existing, building changes planned,  
including bright signage or changes that would impact adjacent areas.

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

the property contains two commercial structures that are not residential.  
Since the construction of these structures, they have been used in a  
commercial nature. The requested use would 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 the variance is sought because:

the large structures on the property have been used commercially since  
construction. The existing buildings do not lend themselves for residential  
use.

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

the existing buildings have served a commercial capacity since the early  
1980s. The use does slightly conflict with the Comprehensive Plan which  
calls for town residential, but does not substantially interfere.



## V-08-22 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:

the intended use of the property doesn't impose any environmental,  
noise, or aesthetic impact to the surrounding areas.

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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:

current conditions for parking and landscape buffer are out of compliance  
now. In the future, landscape and cosmetic improvements will bring the  
property closer to adhering to the zoning ordinance.

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

the amount of space needed for landscape buffer isn't available on the  
east side of the buildings. Also, the current parking area in front of the  
shop allows for 6 parking spots (5 regular, 1 handicap). The construction  
of new spots would encroach on septic system or utility easement.

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**V-08-22 HISTORIC IMAGE (MAR 2014 – MAY 2014)**



# Staff Report

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CASE NUMBER: V-9-22  
ADDRESS: 433 W 375 S, Trafalgar  
Section 5, Township 11, Range 4  
PETITIONER: Lee Townsend by Ellen Mae Paris

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## REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to construct a single-family dwelling with 694 square feet of living space in the A-1 zoning district (The permitted minimum ground floor area for the principal use is 1000 square feet for single-story structures).

## STAFF RECOMMENDATION:

Staff remains impartial on this variance.

## PROPERTY DESCRIPTION

This 6.54-acre site is zoned A-1 (Agricultural) and is improved with three barns and a dwelling that was recently destroyed in a fire. The petitioner is requesting to replace the destroyed home with a 694-square-foot manufactured home. A portion of the property is wooded with some tillable ground north of the existing structures. The 2.4 acre parcel to the east was recently subdivided off of this property via the Roadside Subdivision process after receiving a waiver in 2021. The properties to the north and east of the site are small residential parcels while the properties to the south and west are large tracts of land used agriculturally and residentially, all are zoned A-1.

## VARIANCE REQUEST

This request, if approved, would allow for the placement of a manufactured home with 694 square feet of living space. The ordinance requires a minimum of 1000 square feet for single-story homes in the A-1 district.

## FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS

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

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

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

There is nothing unique to this property and structure which precluded it from being developed in accordance with the Zoning Ordinance.

#### STAFF ANALYSIS & RECOMMENDATION

Based on strict terms of the law, the request does not meet all of the findings of fact therefore the staff would typically suggest the Board consider denial of this request. Approval of this variance could encourage future growth not consistent with other developments in the A-1 Zoning District.

However, Staff recognizes that certain conditions particular to this property may mitigate some of the negative impacts associated with the proposed use, including:

- The subject property is located in a very low-density, agricultural area and the closest residences sits nearly 450 feet from the proposed structure.
- The structure be placed roughly 200 feet from 375 S, and will be partially obscured by mature trees. Mature trees also obscure the view of the structure from properties to the east, west, and south.

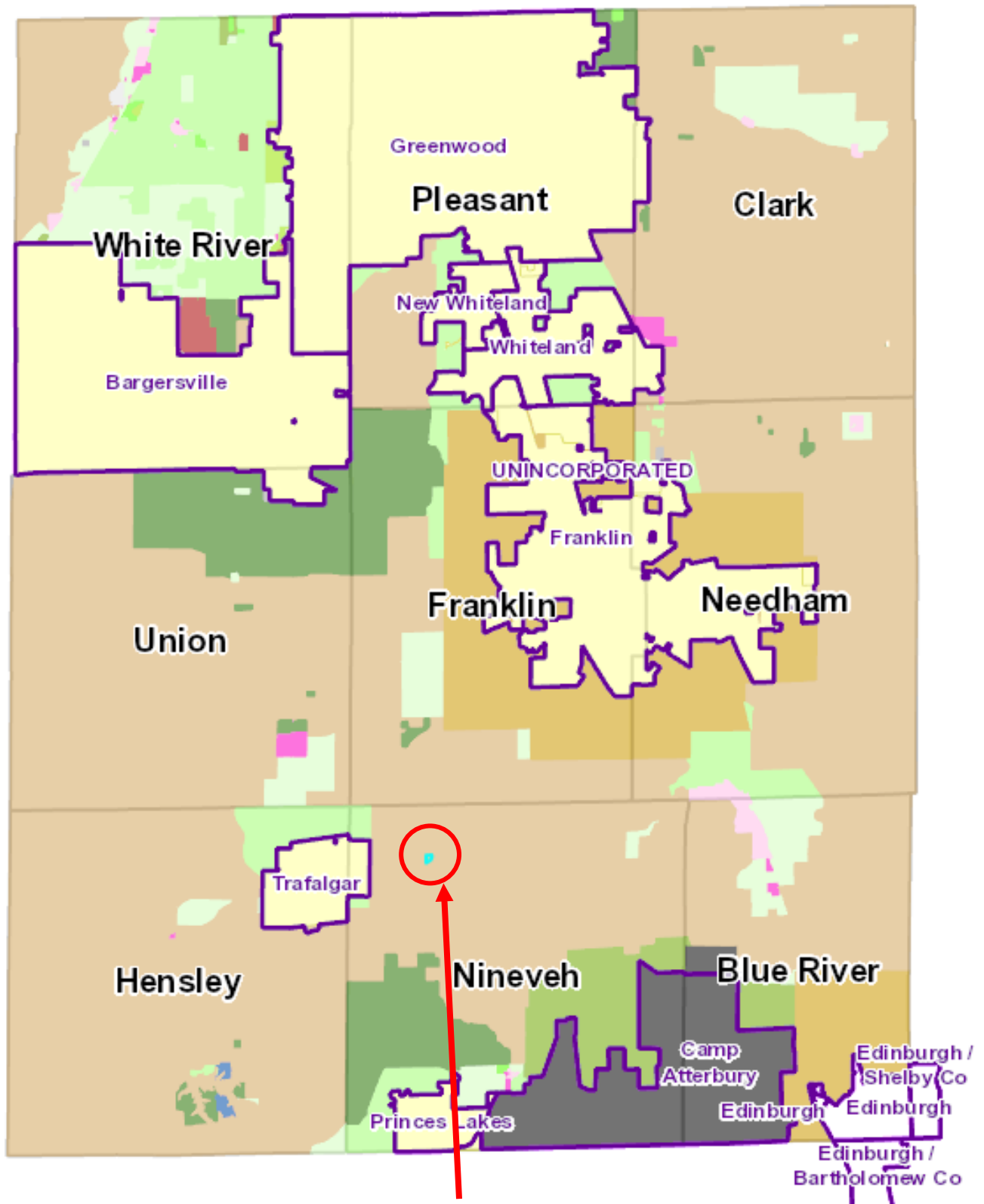
If the Board chooses to approve the variance, Staff recommends the Board use the petitioner's findings of facts for approval. The Staff would suggest a condition to accompany an approval motion to address the existing dwelling structure. The existing dwelling shall be removed prior to a final inspection of the new structure.

#### GENERAL INFORMATION

Applicant:	Ellen Mae Paris 265 East 300 South Franklin In 46131
Owner:	Lee Townsend 433 West 375 South Trafalgar IN 46181
Zoning:	A-1 (Agricultural)
Land Use:	Residential
Future Land Use:	Agricultural

-RLS

## V-9-22 BASE MAP



## **SUBJECT SITE**



## V-9-22 AERIAL I

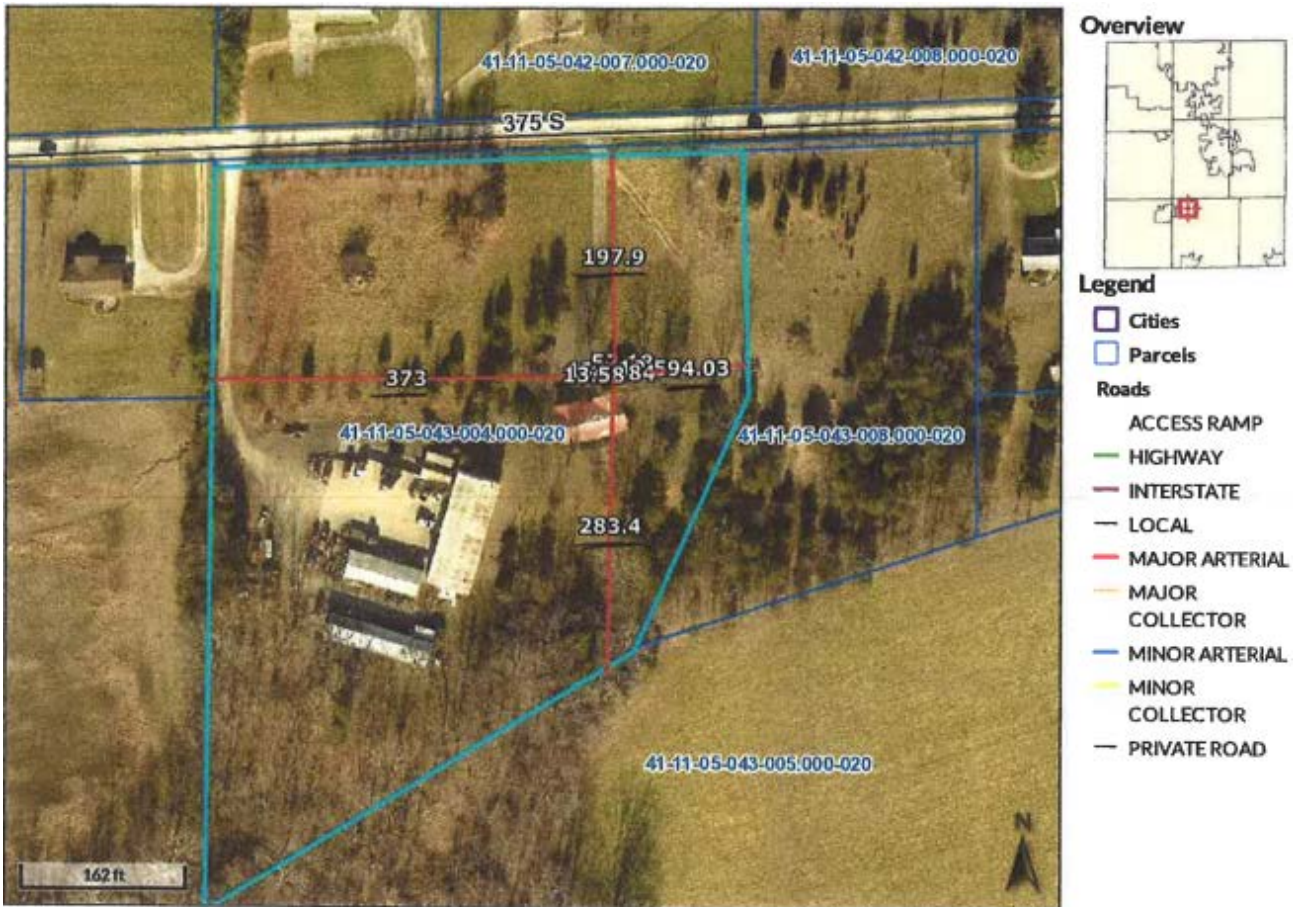




## V-9-22 AERIAL II



## V-9-22 SITE PLAN



Parcel ID 41-11-05-043-004.000-020

Sec/Twp/Rng 5

Property Address 433 W 375 S

TRAFALGAR

District 020

Brief Tax Description SW SE S5 T11 R4

(Note: Not to be used on legal documents)

Alternate ID 8000 05 01 031/00

Class Res 1fam unplatted 0-9.99 ac

Acreage 6.5439

Owner Address Townsend Lee

433 W 375 S

Trafalgar, IN 46181

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Date created: 6/20/2022

Last Data Uploaded: 6/17/2022 9:26:43 PM

Developed by  Schneider  
GEOSPATIAL

*Manufactured Home  
is 13.5 X 52 ft.  
To be placed in front  
of the old residence.*



## V-9-22 PETITIONER FINDINGS OF FACT

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

the manufactured home will be placed in front of the original residence that was  
destroyed by fire. The size and placement of the home will not be  
injurious to the public safety, health or welfare of the community.

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 size of the manufactured home will be similar to the smaller homes  
currently on the west and east side of the property.  
It will not affect the use or value of adjacent property.

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

A fire destroyed the current residence and Lee wishes to return to his  
property and live there. Lee does not wish to have a 1,000 sq. ft home  
for just himself. If the variance is not approved Lee will not be able to live  
on his property.