



JOHNSON COUNTY

Department of Planning and Zoning
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MEETING AGENDA

Johnson County Board of Zoning Appeals
August 23rd 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 July 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

V-10-22. Mike Daley, 5197 Olive Branch Rd, Greenwood Page 15

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for construction of a 2,560 sq. ft. accessory structure where all

accessory structures will total 3,376 sq. ft. in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 50% of the building area of the primary dwelling, or, in this case, 1,068 square feet.)

V-II-22. Brian Brames 5530 Camden Lane, Greenwood..... Page 26

VARIANCE OF DEVELOPMENT STANDARDS to legally establish a swim spa structure that is 13 feet from the rear property line (minimum 20-foot rear setback required.)

OLD BUSINESS

None.

NEW BUSINESS

Refiling a denied petition discussion – Board to discuss how one may file a re-docketing request.

“No petition for a variance or special exception which has been denied or dismissed by the Board shall again be placed on the docket for hearing within a period of one hundred eighty (180) calendar days from the date of such disapproval, except upon a motion duly adopted by a majority of the membership of the Board to permit such re-docketing”

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, September 27 , 2022 at 7:00 PM.

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Staff Report

CASE NUMBER: V-04-22
ADDRESS: III2 Rustic Ln, Whiteland
Section 19, Township 13, Range 4
PETITIONER: Shawn Higdon

AUGUST ADDENDUM

The Board of Zoning Appeals continued the petition to the August BZA meeting so the property owner could hire a land surveyor to assist on the property line. The staff has not received any information on a land surveyor at the time of staff report completion.

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.

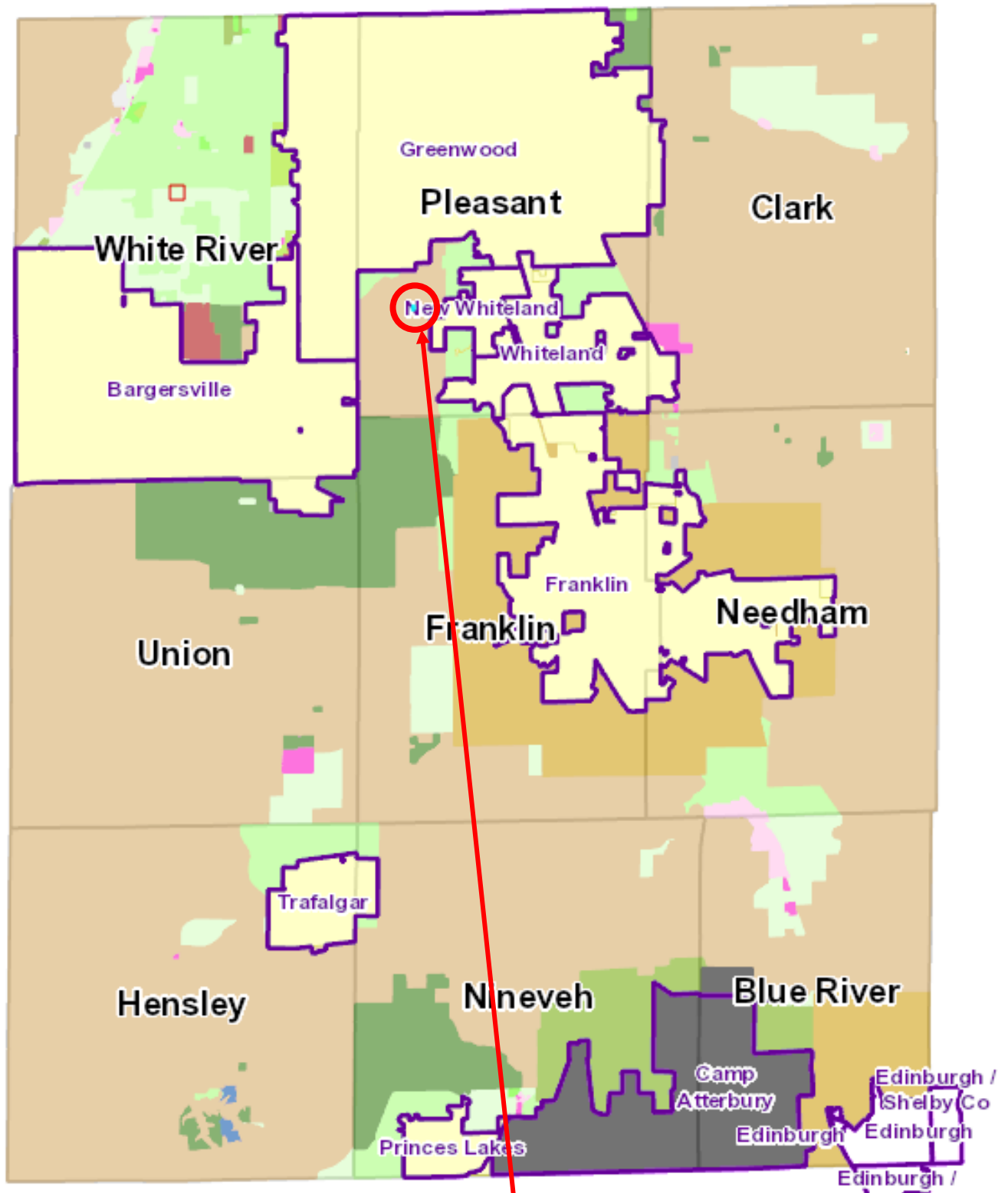
GENERAL INFORMATION

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

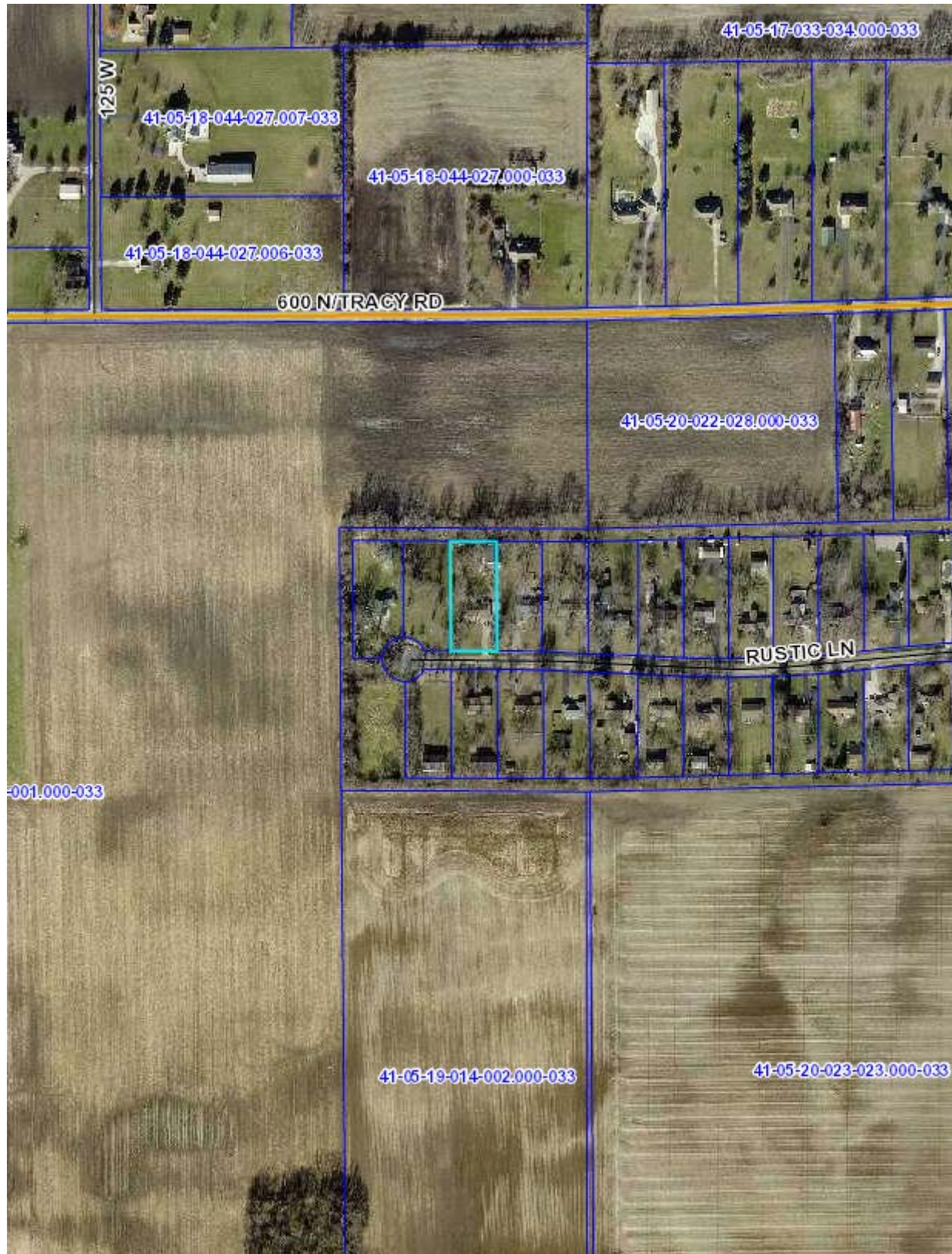
~~RLS~~

V-04-22 BASE MAP



SUBJECT SITE

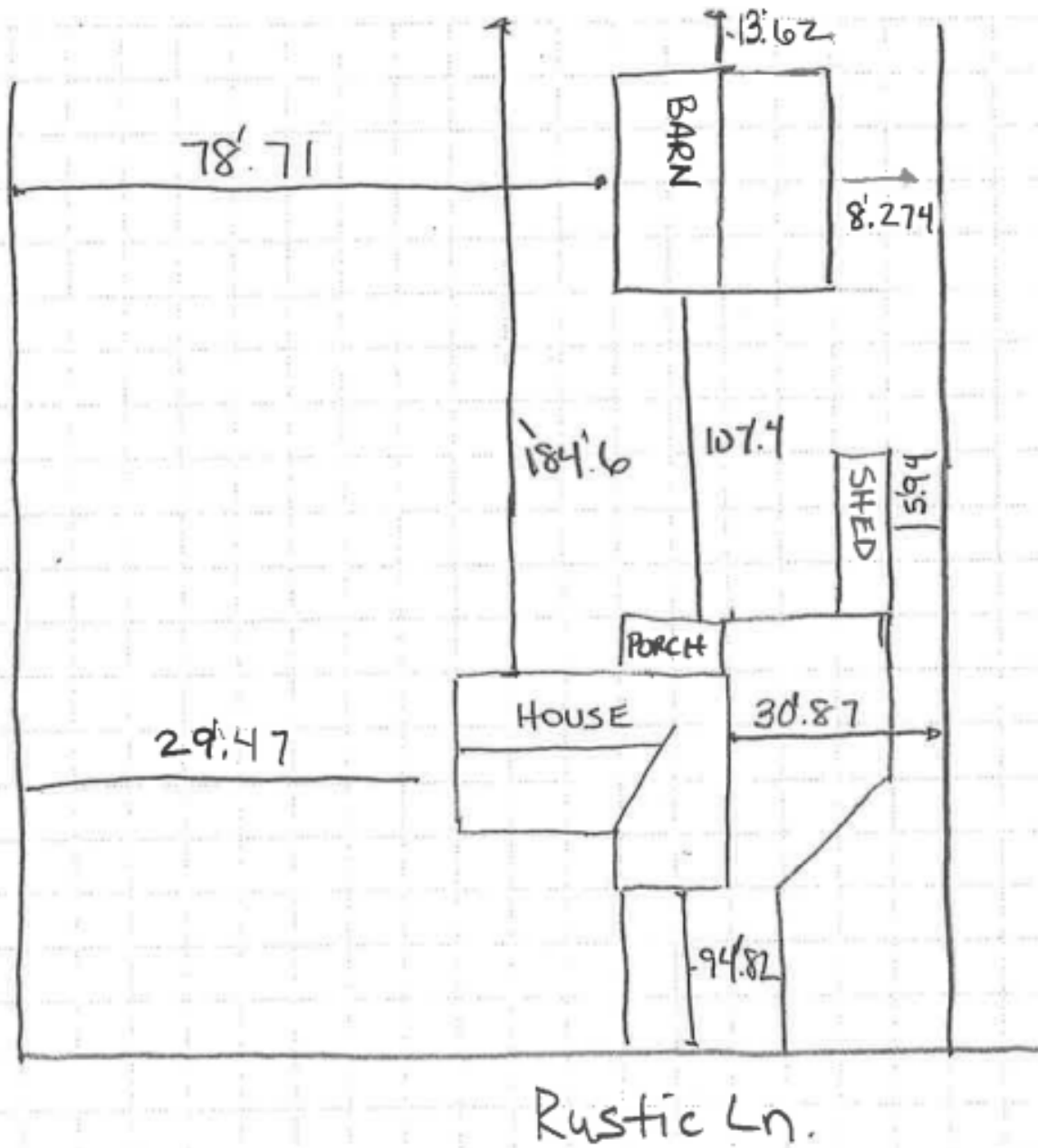
V-04-22 BASE MAP I



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-10-22
ADDRESS: 5197 Olive Branch Rd, Greenwood
Section 9, Township 13, Range 3
PETITIONER: Mike Hadley

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for construction of a 2,560 sq. ft. accessory structure where all accessory structures will total 3,376 sq. ft. in building area, (The zoning ordinance allows aggregate accessory structure area to be no more than 50% of the building area of the primary dwelling, or, in this case, 1,068 square feet.)

STAFF RECOMMENDATION:

Staff recommends approval of this variance.

PROPERTY DESCRIPTION

This 2.34-acre site is zoned R-1 (Single Family Residential) and is improved with a single-family dwelling with an attached garage, detached garage, and shed. The parcel is surrounded by R-1 zoned properties used residentially. The property to the south also has tillable ground. The properties to the immediate east and west are similar in size to the subject site while properties to the north, northwest and far west are small parcels in the Socks, Brookhaven, and Mark II Subdivisions, respectively.

VARIANCE REQUEST - ACCESSORY SIZE

This variance, if approved, will allow for the construction of an accessory structure that will be 2,560 square feet in size. The structure will be used for residential storage.

The property is improved with a 720 sq. ft. detached garage and a 96 sq. ft. shed. With the addition of the proposed barn, the total accessory structure area would be 3,376 sq. ft., which would be 158% of the building area of the primary dwelling. The Zoning Ordinance allows, on a lot zoned Single-Family Residential R-1, for an aggregate accessory building area no more than 50% of the square footage of the footprint of the principal building. The primary dwelling's footprint of 2,136 sq. ft. would allow for a total of 1,068 sq. ft. of accessory structure building area. The proposed structure in addition to the existing structures exceeds this limit by 2,308

sq. ft. This restriction is intended to discourage commercial conversion and to maintain the residential aesthetic within residential districts.

Staff often supports variance requests for oversized residential accessory structures where most or all of the following conditions are met:

The subject lot is located in a rural or agricultural area, or in an area generally characterized by large lots and open, expansive spaces.

The subject lot is located in an area where oversized accessory structures are common.

The oversized accessory structure would be obscured from view from surrounding properties and rights-of-way.

The proposed oversized accessory structure generally meets all of these provisions.

This area is situated behind the single-family dwellings along Olive Branch Road on lots greater than 2 acres in size. The trees and placement of the homes and accessory structures will eliminate the view of the proposed structure from Olive Branch Rd. The views from the neighboring homes will be slightly obscured by the placement of the structure relative to the homes and existing trees. Oversized accessory structures are somewhat common in this area (see exhibit V-10-22 – *Square Footage of Surrounding Accessory Structures*). Most notably, the property to the west, 5221 Olive Branch Rd, has multiple accessory structures with the largest being similar in size to the proposed structure.

Due to the obscured view and surrounding accessory structures, staff asserts that the request represents an acceptable deviation from the requirements of the zoning ordinance and recommends its approval.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS - ACCESSORY BUILDING AREA

4. 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.

5. 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 not affect the use and value of the adjacent area as the structure will not be visible from the public right-of-way.

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

The proposed accessory structure would be in keeping with the development pattern for the area. It would allow for the enclosed keeping of vehicles and residential items, which would generally be considered a more desirable scenario than the outdoors.

GENERAL INFORMATION

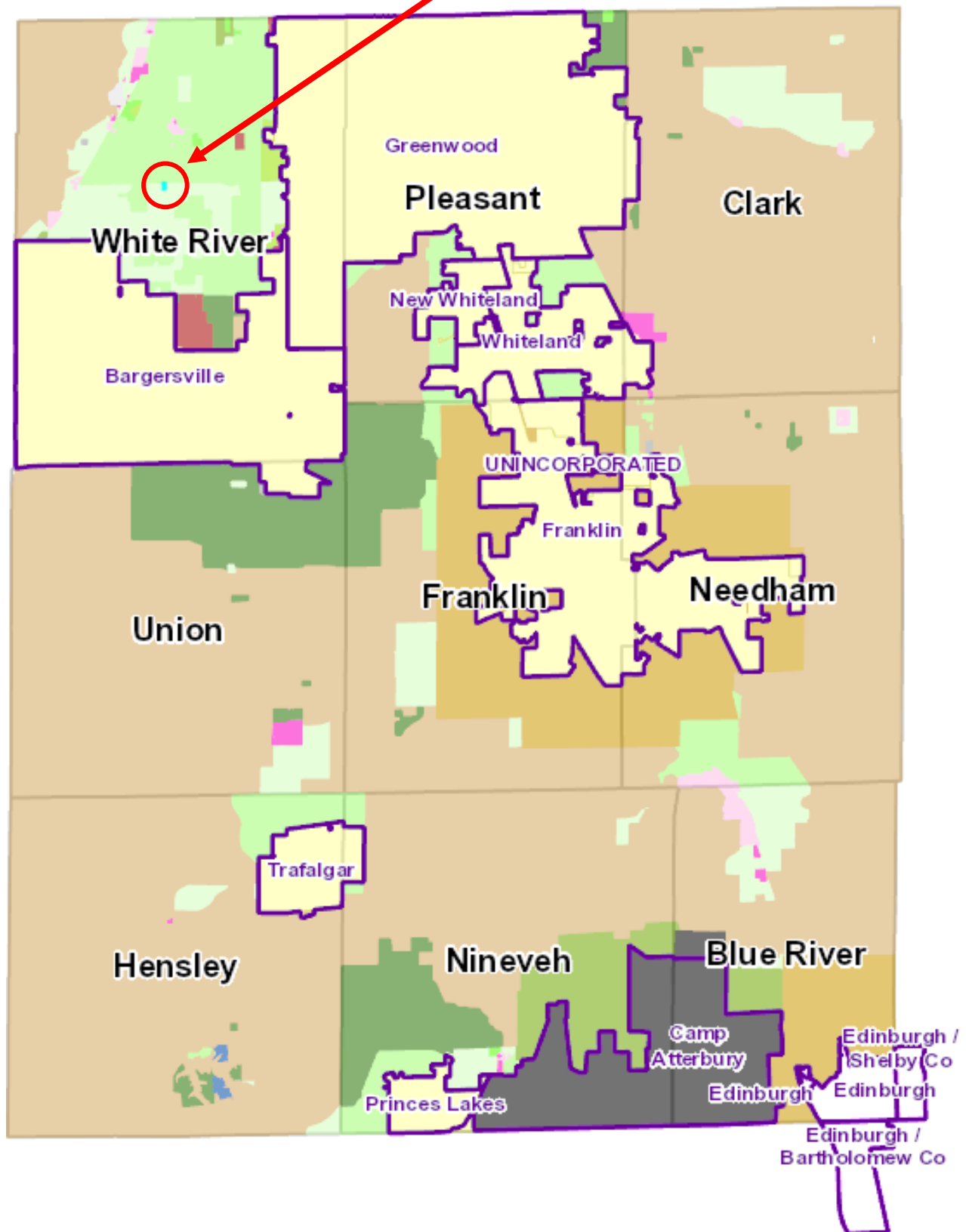
Applicant/Owner: Mike Hadley
Address: 5197 Olive Branch Rd
City, State, ZIP: Greenwood, IN 46143
Phone number: 317-428-8814
Email: hadley427@comcast.net

Zoning: R-1 (Single-family Residential)
Land Use: Single-family Residential
Future Land Use: Rural Residential

-RLS

V-10-22 BASE MAP

SUBJECT SITE



V-10-22 AERIAL I



V-10-22 AERIAL II



V-10-22 SITE PLAN



V-10-22 – 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 BUILDING IS TO BE USED FOR DRY STORAGE ONLY.

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 BUILDING IS SIMILAR TO OTHER BUILDINGS IN THE AREA.

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

PERSONAL STORAGE COULD NOT BE STORED INSIDE.

V-10-22 – SQUARE FOOTAGE OF SURROUNDING ACCESSORY STRUCTURES



V-10-22 SITE PHOTOS



View South from Olive Branch Rd



**View of Proposed Barn Location
(South of Existing Detached Garage)**

V-10-22 – SITE PHOTOS



View Southwest of Neighboring Accessory Structures



View North from House



View Northwest along Olive Branch Rd



View Northeast along Olive Branch Rd

Staff Report

CASE NUMBER: V-11-22
ADDRESS: 5530 Camden Lane, Greenwood
Section 16, Township 13, Range 3
PETITIONER: Brian Brames

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS to legally establish a swim spa structure that is 13 feet from the rear property line (minimum 20-foot rear setback required.)

STAFF RECOMMENDATION:

Staff recommends denial of this variance request.

PROPERTY DESCRIPTION

This 0.32 -acre site is zoned R-2 (Single-family Residential) and is improved with a single-family dwelling with an attached garage. The parcel is in the Kensington Grove Major Subdivision and is surrounded by R-2 zoned properties used residentially. All of the surrounding properties are within the Kensington Grove Major Subdivision.

VARIANCE REQUEST

These requests, if approved, would legally establish an approximately 140 sq. ft. swim spa that is 13' from the rear property line. While submitting building plans for an addition and deck extension for the home, the Planning and Zoning staff noted the swim spa structure that was not permitted. The petitioner was informed that a permit is required for the swim spa. The petitioner then submitted a building permit for the swim spa. Upon review of the site plan, staff notified the petitioner that the swim spa encroaches on the 20' rear setback and that a variance would be required. The swim spa and the vault it was placed in were done with construction and placement prior to staff's knowledge of the encroachment. If the variance is not approved, the structures will need to be altered or removed to meet the 20' rear setback requirement.

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 swim spa 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

- 7. 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.

- 8. 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 provide for a swim spa located unreasonably and conspicuously close to a neighboring property.

- 9. 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.

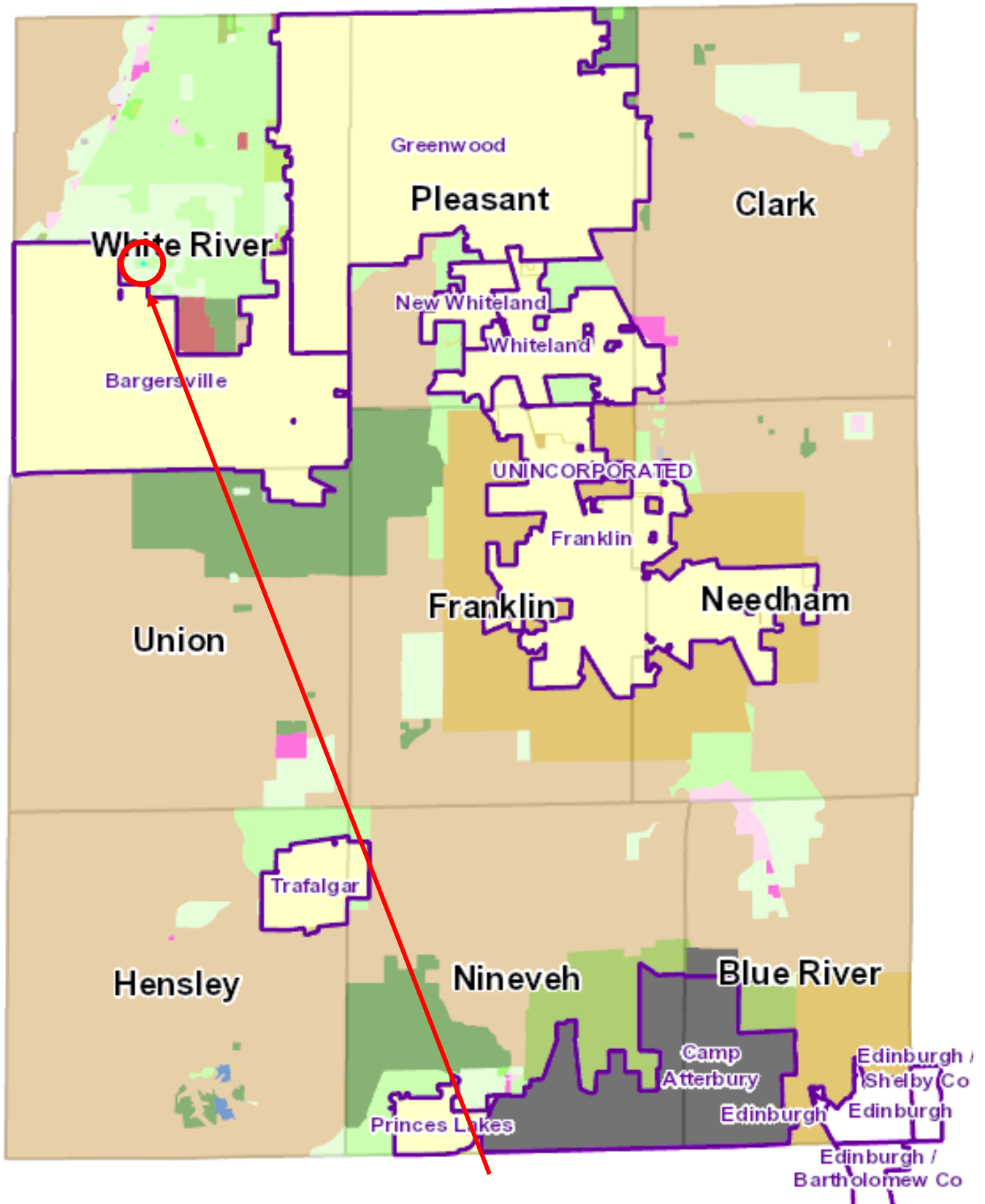
GENERAL INFORMATION

Applicant/Owners: Brian & Jill Brames
5530 Camden Lane
Greenwood, IN 46143

Zoning: R-2 (Single-family Residential)
Land Use: Single-family Residential
Future Land Use: Suburban Residential

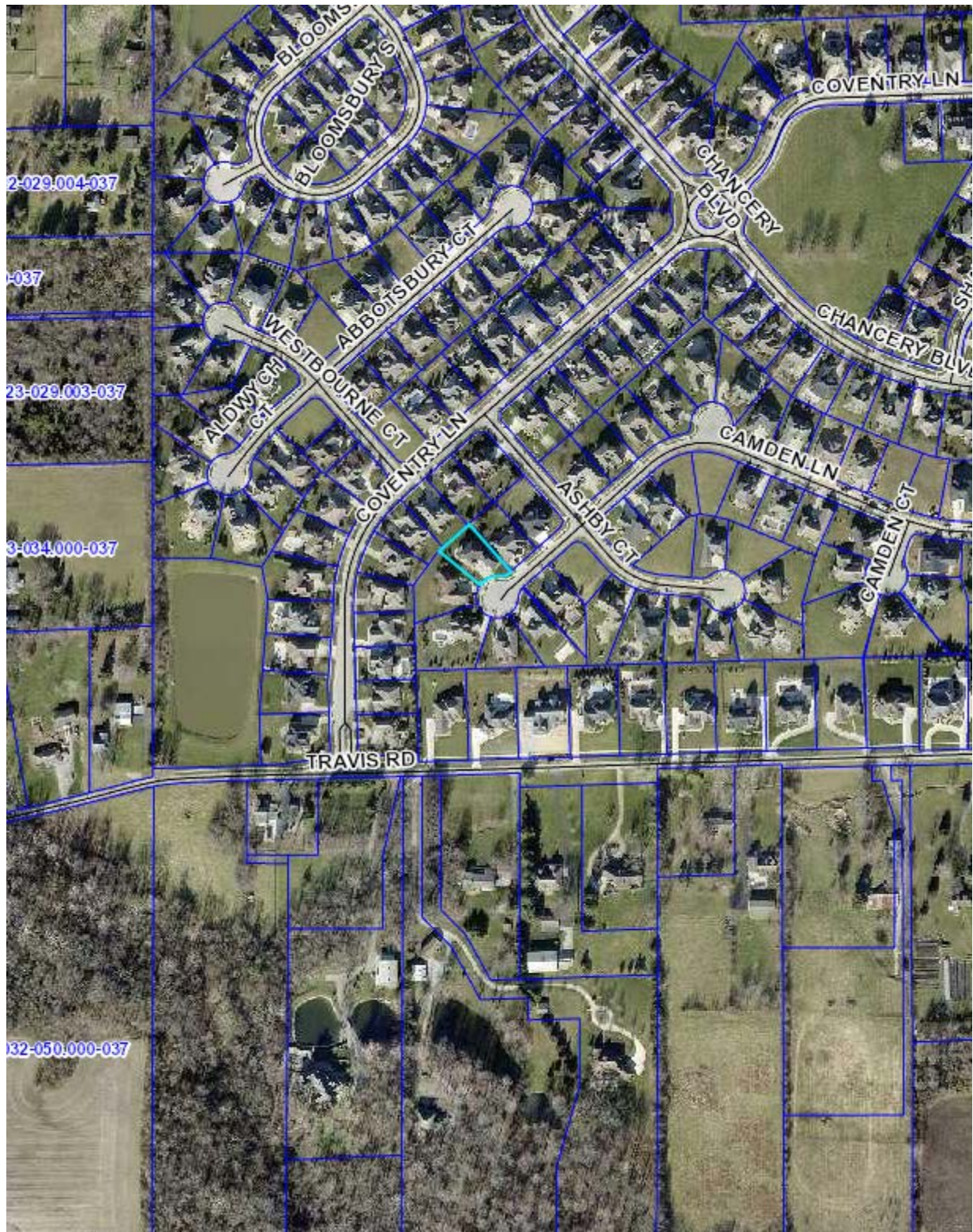
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V-11-22 BASE MAP



SUBJECT SITE

V-11-22 BASE MAP I



V-11-22 BASE MAP II



V-11-22 SITE PLAN I

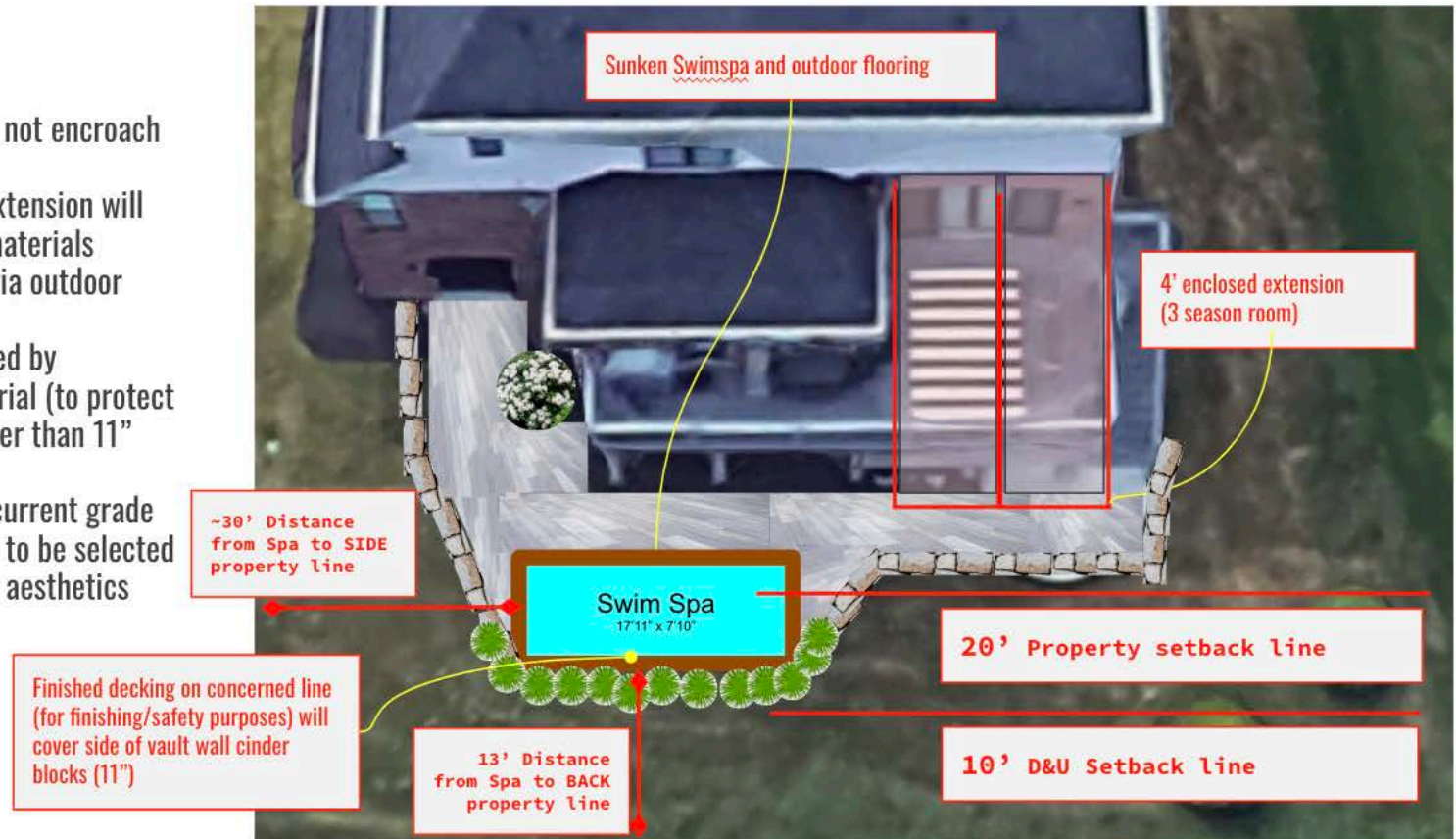
Updated (8/1/22) Proposed Enhancements

Callouts

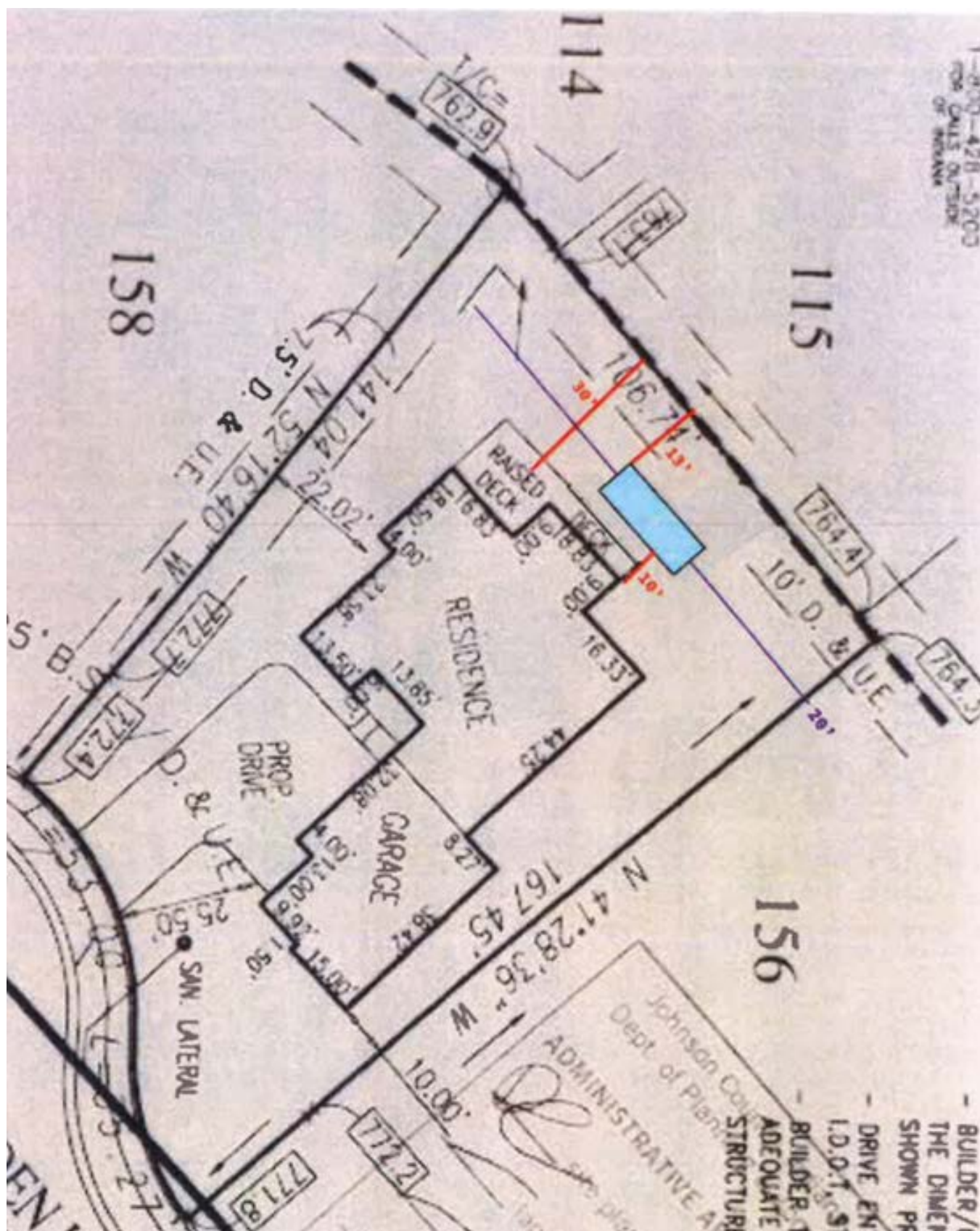
- Deck extension of 4' will not encroach on 20' setback
- New roof and siding of extension will utilize matching house materials
- Ground patio extension via outdoor flooring
- Swimspa to be surrounded by removable decking material (to protect and cover vault) - no wider than 11" near setback
- Swimspa vault is below current grade
- All landscaping greenery to be selected for soil conservation and aesthetics



5530 Camden Lane
Jill & Brian Brames



V-11-22 SITE PLAN II



V-11-22 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 spa location will be in the backyard w/ a cover and landscaping designed to be visually and environmentally friendly. The surrounding neighbors have been consulted and are in agreement w/ plans.

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 spa will be entirely on petitioners lot.

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

the size of the property is limited in space however the variance requested is outside D+U setbacks.

V-11-22 – SITE PHOTOS





V-11-22 – SITE PHOTOS



View NW from Camden Ln



View SE from House



View NE from House



View SW from House