



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
February 28, 2023, 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 January 24, 2023 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-2-23. JCREMC By Larry Gesse. SE Corner of 300 N and 575 W Page 3

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a parcel of land to be 0.75 acres in size, under the minimum 1-acre requirement in the RR Zoning District.

SP-2-23. Sandeep Kaur Dosanjh, Mandeep Kaur. 7429 N 300 E Whiteland..... Page 11

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for a child care home/center in the A-1 (Agricultural) Zoning District.

VARIANCE OF DEVELOPMENT STANDARDS OF the Johnson County Zoning Ordinance to allow for 1 permanent freestanding sign not to exceed 32 square feet in area and 6 feet in height.

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, March 28, 2023 at 7:00 PM.

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STAFF REPORT

CASE NUMBER: V-02-23
ADDRESS: Southeast Corner of 300 N and 575 W
Parcel 41-09-04-021-004.000-036
PETITIONER: Johnson County REMC by Larry Gesse, Attorney P.C.

REQUEST

VARIANCES OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a parcel of land to be 0.75 acres in size, under the minimum 1-acre requirement in the RR Zoning District.

STAFF RECOMMENDATION:

Staff recommends the **approval** of this variance request.

PROPERTY DESCRIPTION

The parent parcel for this proposed parcel is located in Section 4, Township 13, Range 3, in Union Township at the address 2801 N 575 W. The parent parcel is 92.18 acres and is zones R-R (Rural Residential). The parent parcel is a large agricultural field with a dwelling and various accessory structures. There are no improvements on the proposed 0.75-acre parcel.

The property north of the proposed parcel is 1 acre and is improved with a Hoosier Energy substation. All other surrounding properties are used agriculturally with the occasional residence. The properties to the east and south are zoned R-R (Rural Residential), the properties to the west are zoned A-1 (Agricultural), and the properties to the north are within the town limits of Bargersville.

VARIANCE OF DEVELOPMENT STANDARDS

This request, if approved, would allow the petitioner to subdivide a 0.75 acre parcel from the existing 92.18 acre parcel for the purpose of placing a public electrical utility equipment/facility for Johnson County REMC. The petitioner indicated that 0.75 acres is all the space needed for JCREMC's facility and wishes to preserve the other land for more beneficial uses.

The Zoning Ordinance requires a minimum lot size of 1-acre in the R-R (Rural Residential) zoning district. The lot size requirement is more for the common type of development of agricultural and residential. This standard provides for single-dwelling residences at a low density no greater than one unit per acre.

If the variance and subsequent parcel split are approved, the proposed development plan will potentially need approval by the Technical Review Committee and Drainage Board. The

applicant has not provided a proposed development to the Planning and Zoning Department so Staff cannot officially confirm that the proposed 0.75 acres will accommodate the required development standards and drainage requirements for the site.

Staff, therefore, believe if JCREMC has done their due diligence to ensure that the property can be developed within the Johnso County regulations on a parcel less than what is required, staff would recommend approval of this variance request.

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.**

The proposed lot size will not impact public health, safety, morals, or general welfare.

- 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.**

A similar use has existed on the adjacent lot. The approval would not affect the use and value of the adjacent area.

- 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 that would have precluded it from being created in conformance to the Zoning Ordinance lot standards, but since this use does not require a septic system and residential space, this represents a reasonable deviation from the ordinance.

GENERAL INFORMATION

Applicants: Larry Gesse
1010 W Jefferson St.
Franklin, IN 46131

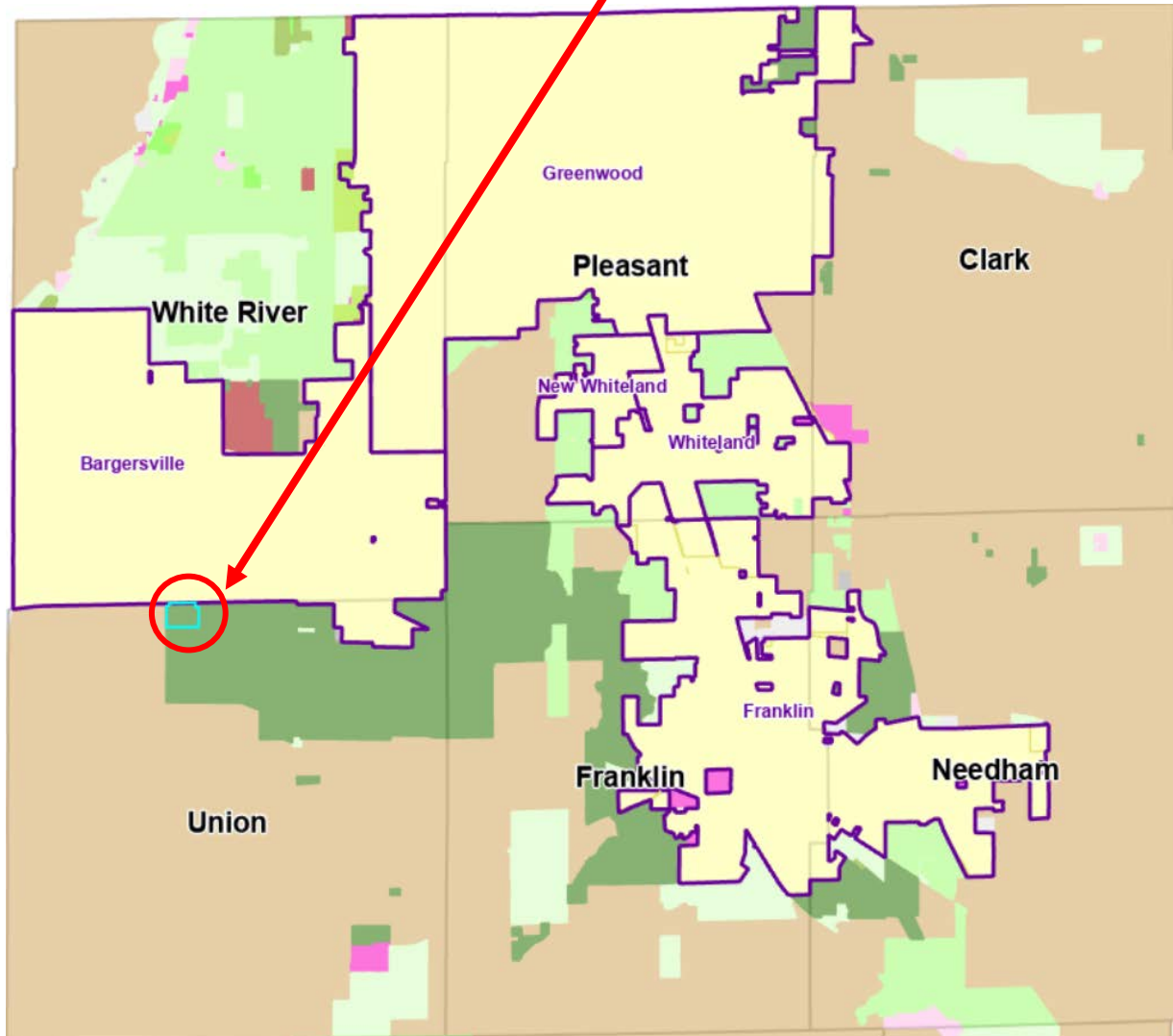
Owners: RMJ Partnership LLC
186 S 600 E
Franklin, IN 46131

Zoning: Rural Residential
Land Use: Agricultural
Future Land Use: Rural Residential

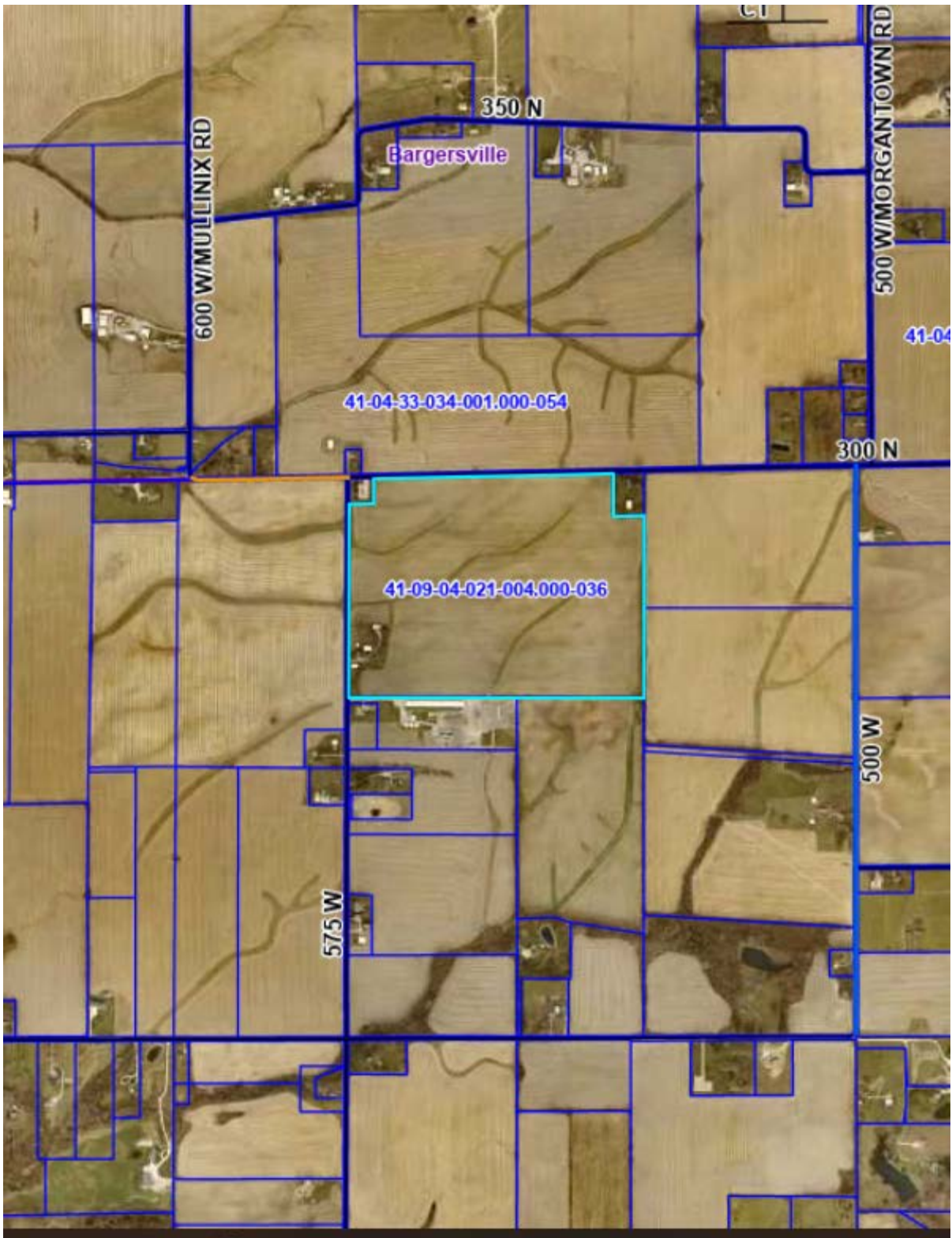
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V-02-23 BASE MAP

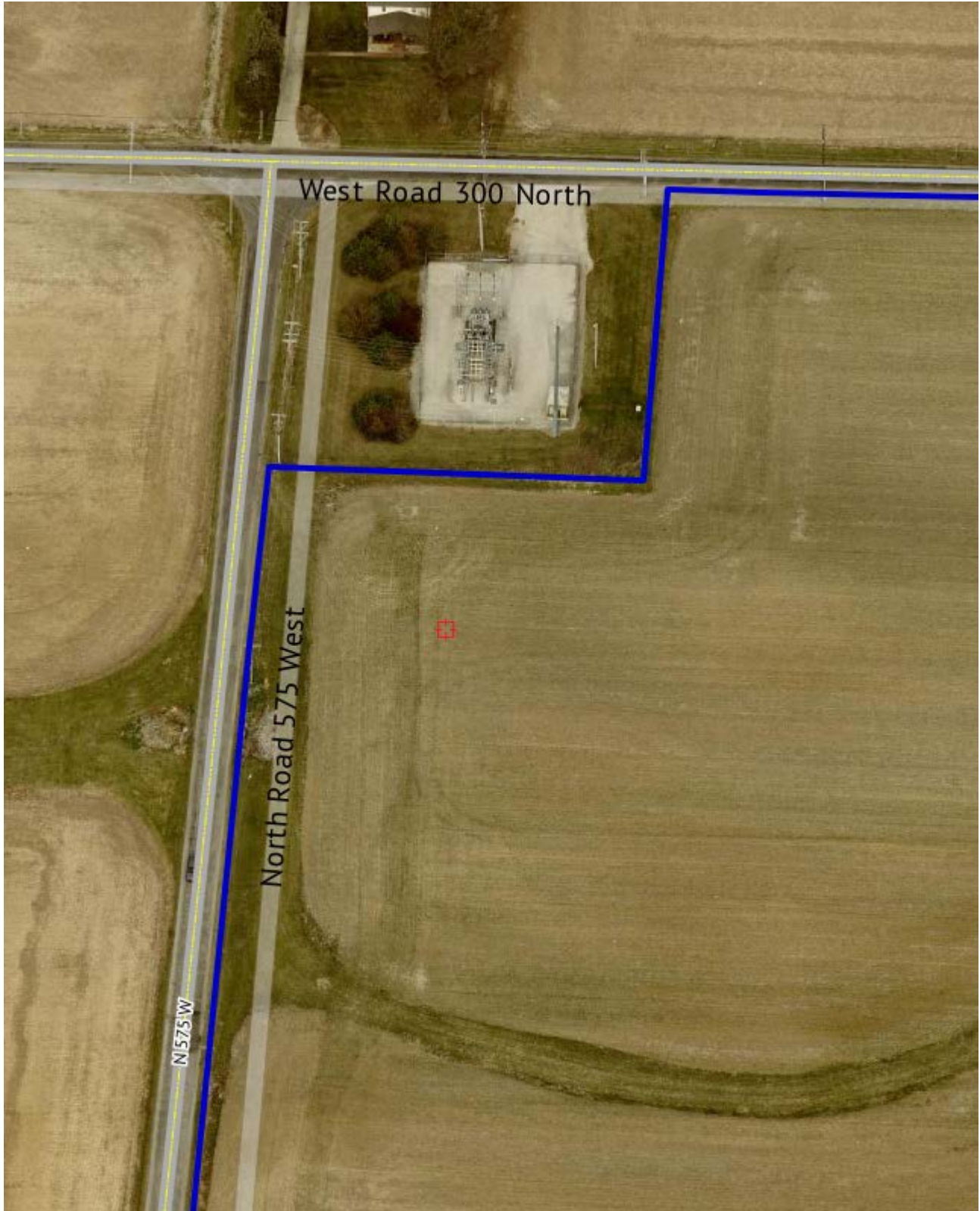
SUBJECT SITE



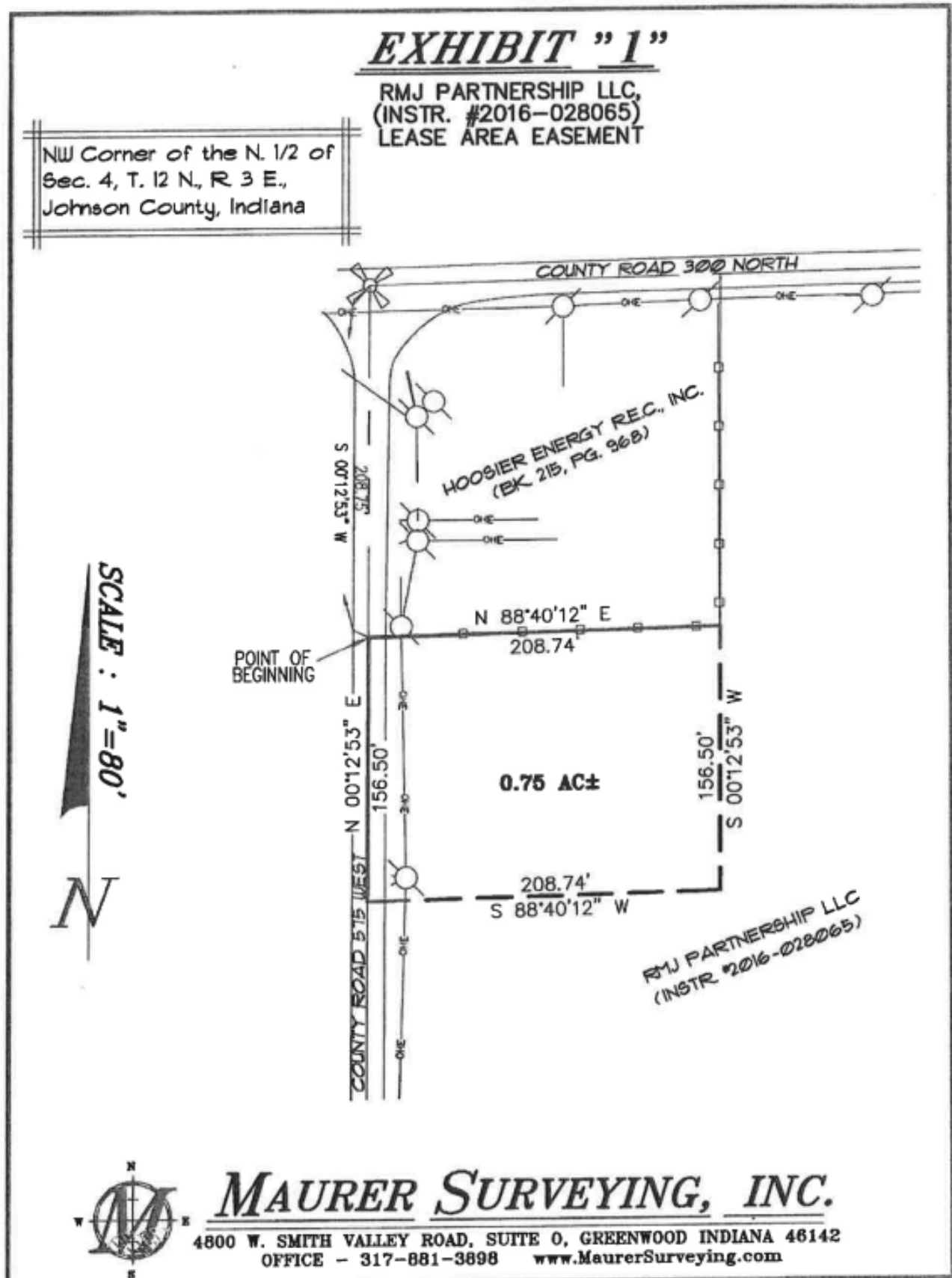
V-02-23 AERIAL MAP



V-02-23 AERIAL MAP II



V-02-23 Proposed Subdivision



V-02-23 PETITIONER FINDINGS OF FACT

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

THERE IS AN EXISTING ELECTRIC UTILITY FACILITY WHICH THIS USE
WILL BE SMALLER AND IMMEDIATELY ADJACENT. THERE WILL BE
RESTRICTED ACCESS WITH NO PUBLIC ACCESS.

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:

EXISTING ADJACENT USE IS AGRICULTURAL. THERE HAS BEEN
AN EXISTING ELECTRIC UTILITY FOR YEARS AND THIS USE IS FOR
ELECTRIC BACKUP FOR PUBLIC BENEFIT.

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

THERE IS NO REASONABLE NEED FOR THE ELECTRICAL FACILITY OF
THE EXCESS LAND AND WOULD THEREFORE CONSUME LAND THAT COULD BE
UTILIZED FOR OTHER BENEFITS.

V-02-23 SITE PHOTO



STAFF REPORT

CASE NUMBER: SP-2-23
ADDRESS: 7429 N 300 E, Whiteland
Section 12, Township 13, Range 4
PETITIONER: Sandeep Kaur Dosanjh & Mandeep Kaur

REQUEST

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for a child care home/center in the A-1 (Agricultural) Zoning District.

VARIANCE OF DEVELOPMENT STANDARDS OF the Johnson County Zoning Ordinance to allow for 1 permanent freestanding sign not to exceed 32 square feet in area and 6 feet in height.

STAFF RECOMMENDATION:

Staff recommends **approval** of these requests subject to substantial compliance with the submitted site plan.

PROPERTY DESCRIPTION

This 15.6-acre property is zoned A-1 (Agricultural) and is improved with a dwelling, attached garage, barn, and hoop house. The improved portion of the site is approximately 3 acre of fenced in space which also includes a pond. The remaining 12.6 acres surround the fences in area and are used as agricultural land. Trees line the paved drive and there are several clusters of mature trees around the structures on the property.

The parcels to the north and west are within the city limit of Greenwood. The parcels to the west are large agricultural fields and the parcels to the north are used residentially and agriculturally with a portion of them being developed as a residential subdivision. The parcels to the south and east are used agriculturally and residentially. All surrounding parcels are zoned A-1 other than the residential parcels to the southeast that are zoned R-R (Rural Residential).

SPECIAL EXCEPTION REQUEST

This special exception request, if approved, would allow the petitioners to utilize the subject property as a child care home/center. The zoning ordinance allows by right for child care services for up to five children in any structure in the agricultural zoning district, but requires the Board of Zoning Appeals to grant a special exception for a child care home or child care center. By definition a child care home involves provision of child care services for between five and sixteen children while a child care center involves provisions of child care services for more

than seventeen children. Both a child care home and center are required to be licensed by the State of Indiana. The petitioners are currently in the process of becoming licensed by the State of Indiana and gaining zoning approval is a step in this process.

The submitted Plan of Operation, included in this report, indicates that the petitioners will offer preschool-like care and education to 3 and 4-year-olds. Two class options will be available Monday through Friday with a maximum of 12 children in each class. After 3 years of operation, the petitioner plans to expand their services to 24 children in each class. In both scenarios, the hours of operation will be 8:30 am – 3:30 pm. The two petitioners will be the employees of the child care center/home, one of which is a resident of the subject property.

The petitioners plan to utilize the 576 square foot finished living space in the existing barn as the child care facility. A bathroom already exists in the structures and according to the petitioner, the Health Department has confirmed that the existing septic system and well are sufficient for the proposed additional capacity. A playground will be added to the adjacent fenced-in yard. The site is already equipped with a paved circle drive with paved parking available for 6 vehicles. The plan of operation indicates four designated 25-minute drop-off and pick-up windows per day, two for the morning class and two for the afternoon class.

The structure proposed to be used for the child care home/center is 450 feet from 300 E/Five Points Rd and 575 feet from Worthsville Rd/E 750 N. The nearest homes are approximately 400 feet (northeast) and approximately 800 feet (southeast) away from the structure. In addition to the distance from other structures and public roads, the farmed land, fence, and trees on the property also obscure the site from the surrounding area. The paved circle drive, parking spaces, and designated drop off windows will help minimize the potential negative traffic impacts for the area.

The property's use, which is primarily residential and secondarily the provision of child care services, is consistent with the Comprehensive Plan's recommendation of agricultural use and development. The subject child care home is relatively isolated from adjoining sites by virtue of large lot sizes and a residential and agricultural surrounding area. As the child care use has little opportunity to create a nuisance or undue traffic congestion, as it serves a genuine need for an area of the county that offers few similar services, and as the use does not compromise the primarily residential appearance and use of the subject property, staff recommends approval of this request.

VARIANCE REQUEST

The Petitioner is also asking for permission to construct a 1 permanent freestanding sign not to exceed 32 square feet in area and 6 feet in height. The Zoning Ordinance prohibits business signage on an agriculturally-zoned parcel. The Plan of Operation indicates a plan to construct a 24-square-foot sign 10 feet from 300 E/Five Points Rd to help customers locate the facility.

Staff recommends approval of this variance.

FINDINGS OF FACT – SPECIAL EXCEPTION

- 4. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question.**

The Zoning Ordinance specifically lists “child care homes” and “child care centers” are uses permitted by Special Exception in the A-1 zoning district.

- 5. The Special Exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.**

The proposed use is able to be adequately served by necessary facilities.

- 6. 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.

- 7. 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 existing structure will be harmonious with adjacent grounds and structures. The existing trees and distance from neighboring residences is adequate to create a harmonious relationship with the surrounding properties.

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

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

- 9. The Special Exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

The site will provide vehicles with adequate access and parking.

- 10. 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 agricultural and residential relationship with the area and will not interfere with the Comprehensive Plan. Since this use will not utilize new permanent structures, it will adapt easily to agricultural and residential area.

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 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 not substantially affect the properties in an adverse manner.

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

Because of the location of the child care facility, a sign is required to direct customers.

GENERAL INFORMATION

Applicant: Sandeep Kaur Dosanjh
7429 N 300 E
Whiteland, IN 46184

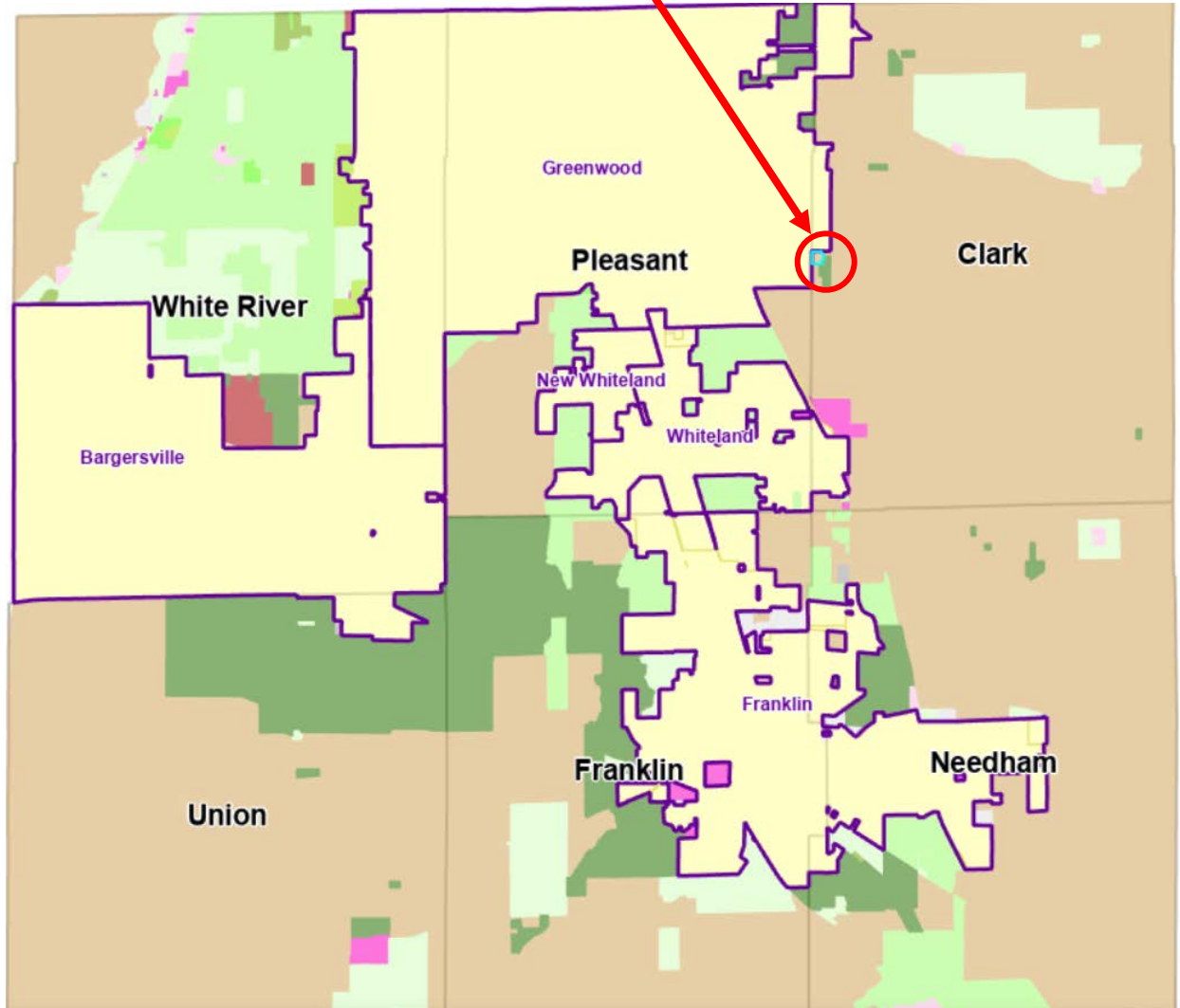
Owners: Jagtar Singh Kang
7429 N 300 E
Whiteland, IN 46184

Zoning: A-1 (Agricultural)
Land Use: Residential & Agricultural
Future Land Use: Agricultural

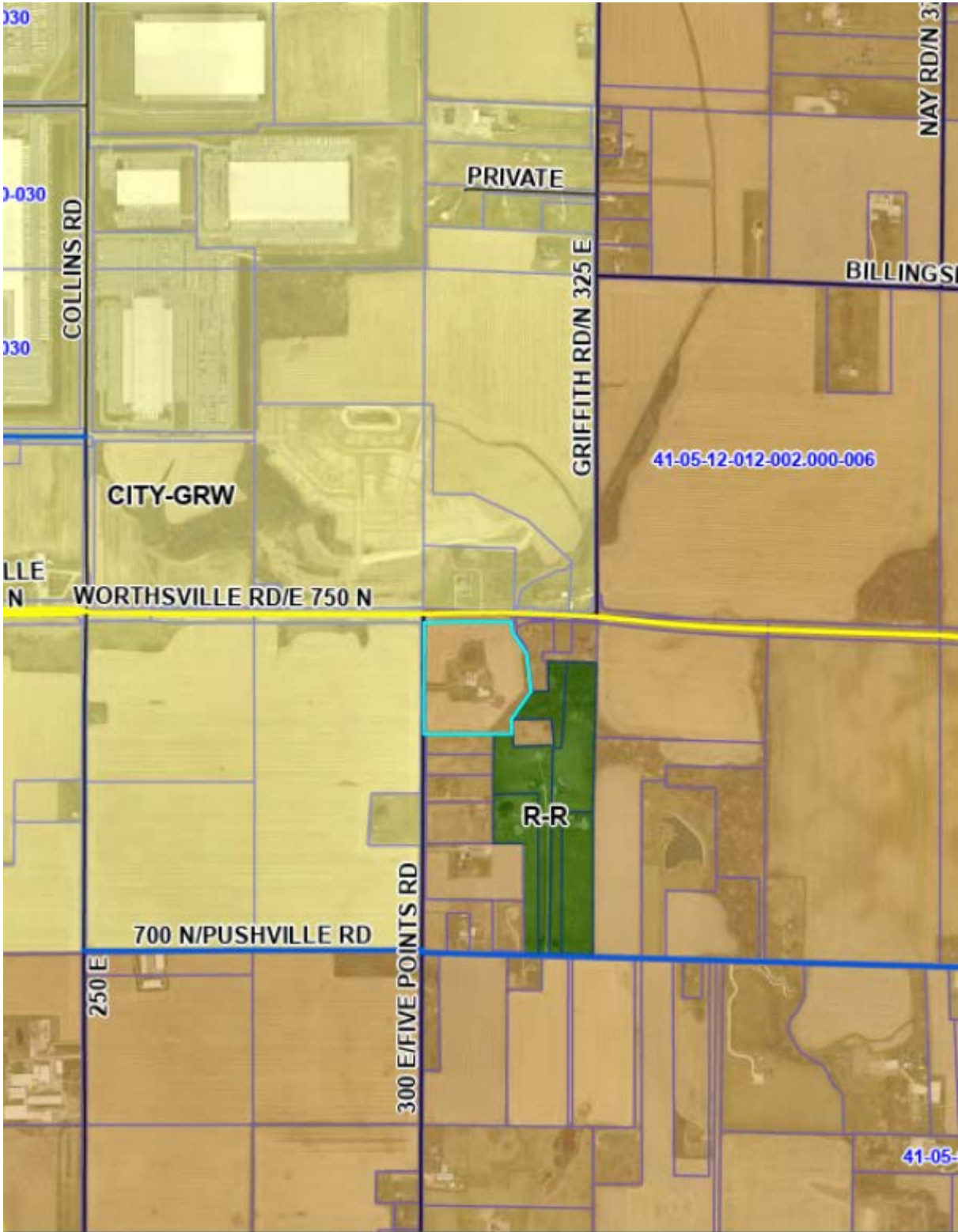
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SP-2-23 BASE MAP

SUBJECT SITE



SP-2-23 ZONING MAP



SP-2-23 AERIAL MAP I



SP-2-23 AERIAL MAP II



SP-2-23 AERIAL MAP III



SP-2-23 SITE PLAN



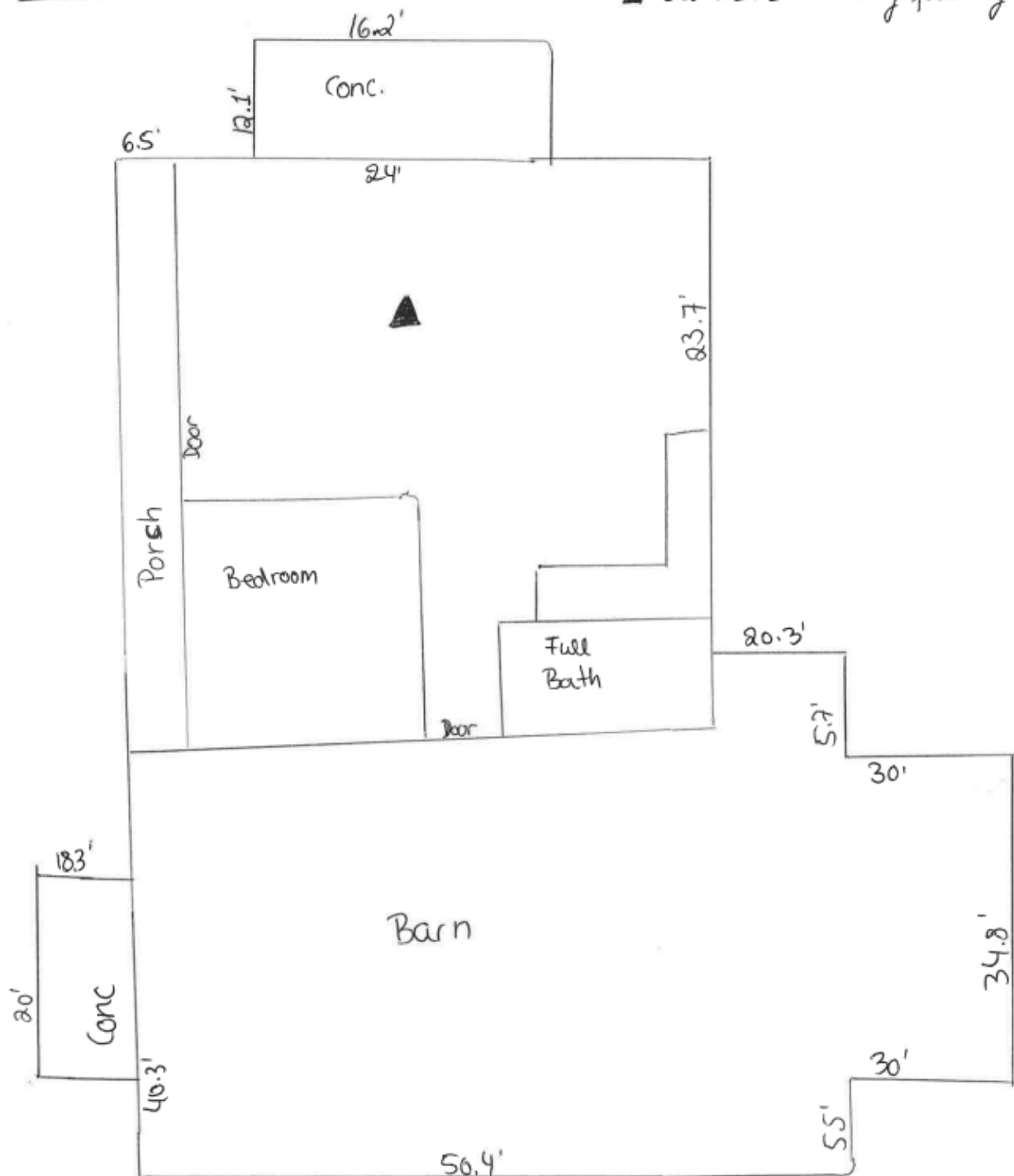
Map data ©2023, Map data ©2023 20 ft

- Legend
- ▲ Child care Learning Facility
 - Drop-off & Pick-up Zone
 - Playground
 - ◆ Six Parking Spaces
 - ★ Overflow Parking

SP-2-23 FLOOR PLAN

DETAIL 2

▲ childcare learning facility



SP-2-23 INTERIOR PHOTOS



SP-2-23 PETITIONER PLAN OF OPERATION

Description of Use:

To provide state licensed child care learning services.

Per the statistics, Johnson County has over 8000 children under the age of 5 and only 2000 seats in the day care facilities in the area. This is a huge underserved market in the county. Our mission is to provide quality learning to preschool aged kids.

We will offer two class options for the children with twenty four (24) total number of children that can be registered at the facility with twelve (12) maximum number of children allowed on-site at any given time.

In our third year, we plan to incorporate the existing built structure to extend our services to forty eight (48) children as the total number of registered children with maximum twenty four (24) allowed on-site at any given.

Hours of Operation:

Our hours of operation are listed below. Our plan is to provide two class options (morning and afternoon) for 3 and 4 year old children.

Monday – Friday 8:30 am – 3:30 pm

Saturday, Sunday Closed

Drop off and pick up window for the respective classes as follows:

Drop off: Morning→ 8:45am – 9:10am; Afternoon→ 12:15pm – 12:40pm

Pick up: Morning→ 11:30am – 11:40am; Afternoon→ 3:00pm – 3:10pm

Number of Employees:

Two employees

Employee 1 is the property resident

Employee 2 will be part time

Structure(s) for use :

24' X 23.7'

In barn adjacent structure consisting of one bedroom, one bathroom and living room as marked on the Detail 2 of site plan.

Description of outdoor use and location:

A playground will be set up in the fenced yard as marked on the site plan. Current property has enough landscape buffers in place as to not disturb the adjacent neighbors.

Customer/clientele/patron characteristics:

Customers will drop off and pick up their child(ren) from the designated drop off and pick up zone around the circle asphalt driveway. Other customer visits are by appointment only.

Parking and surface:

6 parking spots for employees and parents are available on the concrete structure, with additional overflow parking available as marked on the site plan. Designated drop off and pick up zone around the front circle for easier access.

Utilities: Use of well water and septic tank. We confirmed with the Johnson County Health Department that the current septic tank is sufficient for our purposes.

Signage: A free standing sign at the front of the property for identification. The sign will be 10' from the nearest road with measurement 4'x6' max (24' square feet in area).

SP-2-23 PETITIONER FINDINGS OF FACT – SPECIAL EXCEPTION

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

to operate a State licensed child care facility with more than five children.

According to the Johnson County Zoning Ordinance child care centers and child care homes are listed as special exceptions in the A-1 zoning district.

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

the existing property has adequate utilities and access to private road with ample parking space for intended use. The application for 'change of use'

for the septic tank and well water is underway with Johnson County Health Department

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 will not cause any danger to any adjacent property owners.

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:

No changes to the existing external structure will be made under this special exception. Current property has adequate landscape buffers to produce a harmonious relationship of buildings and grounds to adjacent buildings and property.

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

There are no plans to change the appearance of the existing property besides the installation of permanent sign of the size 4'x 6' (max, 24sqft)

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

There is ample amount of parking space available at the current property with designated pick-up and drop off zones which will not create traffic congestion for the neighbors

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

The ordinance is preserved because the property's primary use is agriculture and residential

SP-2-23 PETITIONER PLAN OF OPERATION – DEVELOPMENT STANDARD VARIANCE

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

the proposed business is for childcare learning facility which does not
pose any threat to public health, safety, morals and general welfare.

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 only change to the development standard variance is the installation of
permanent sign about the childcare facility. The sign will meet all the
Johnson county zoning ordinance (not to exceed 32 square feet in area
and 6 feet in height). This change shall not impact use and 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:

without the free standing sign, it will be very difficult for the customers to
locate the child care learning facility.

SP-2-23 SITE PHOTOS

View of Property from 300 E/Five Points Rd (East)



View of House, Parking Area, and Barn/Child Care Facility from Circle Drive



View of Barn/Child Care Facility (Southeast)



View of Barn/Child Care Facility (Southeast)



View Parking Area (Northwest)



View Playground Area (Northwest)



SP-2-23 A-1 (Agricultural) Zoning District Uses

The following uses are permitted within the A-1, Agricultural District:

- a. Agricultural operations, including confined feeding lots
- b. One-family dwellings
- c. Public parks and playgrounds
- d. Cemeteries
- e. Essential services
- f. Accessory uses
- g. Roadside agricultural produce stands
- h. Home occupations
- i. Feed mills and fertilizer sales
- j. Grain elevators
- k. Child care services for 5 or fewer children
- l. Dairies
- m. Public and parochial schools
- n. Religious institutions
- o. Federal, State, County, or municipal buildings
- p. Accessory dwelling unit

Special Exceptions

The following special exceptions shall be permitted within the A-1, Agricultural District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 6-101-2.G (Administration and Enforcement, Special Exceptions) of this Ordinance:

- a. Child care homes
- b. Child care centers
- c. Bed & breakfast homes
- d. Public or private utility structures
- e. Public swimming pools
- f. Nursing homes
- g. Mobile homes required by farmers
- h. Private clubs
- i. Private camps
- j. Mineral excavation
- k. Sanitary landfills
- l. Veterinary hospitals
- m. Private air strips
- n. Kennels
- o. Cellular communications facilities