

## Johnson County Board of Zoning Appeals

### September 27, 2022 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, September 27, 2022 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:04 PM by Chairman Chris Campbell.

#### **I. ROLL CALL:**

**Present:** Chris Campbell, Chad Bowman, Charlie Canary, James Kaylor, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting), Rachael Schaefer (Planner – not voting) and Angela Olson (Recording Secretary – not voting).

**Absent:** Paul Clodfelter (Alternate)

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#### **II. APPROVAL OF MEETING MINUTES:**

Chairman Chris Campbell called for a motion to approve the August 23, 2022 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of August 23, 2022 Board of Zoning Appeals meeting minutes. **Moved by** Charlie Canary. **Seconded by** James Kaylor. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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#### **III. PUBLIC HEARINGS:**

##### **V-12-22; Erica Quinlan – Variance of Development Standards Requests. 2614 W. St. Rd. 44**

Staff presented findings and facts to the board and recommended denial of this request.

Petitioners Jeffrey & Erica Quinlan (2614 W. St. Rd. 44, Franklin 46131) were present to speak and address questions and/or concerns.

Petitioners provided an **Exhibit** letter from Michele Lloyd, CHH-PA in support of this request.

Jerry Sullivan (245 Blue Lace Dr., Whiteland 46184) was present to speak in favor of this request.

Board members asked questions and expressed concerns which were addressed by the Petitioners and staff as follows:

- Q. Board member James Kaylor asked if there was a residence instead of a barn there would it be allowed?

A. No.

- Q. Board member Steve Powell asked for clarification that the Petitioners were not asking to extend the barn but rather to remodel said barn which will be expanding the living space?  
A. Yes.
- Q. Board member Charlie Canary inquired as to the square footage of the existing residence?  
A. The current residence is 2,254 square feet.
- Q. Board member Charlie Canary inquired as whether or not there was septic on property?  
A. There are two (2) septic systems.
- Q. Board member Steve Powell asked for confirmation that if a variance were granted, does it stay with the current property owner and what would the implications be if the family decided at some point the future to move?  
A. No, it would stay with the property because it was a variance of standards not a variance of use.
- Q. Board member Chris Campbell inquired as to whether or not the current ordinance had the requirement that if a second dwelling was no longer in use that certain items had to be removed or that it had to be occupied by a family member?  
A. No.
- Q. Board member Chris Campbell asked for the list of prior conditions that could be put in place?  
A.
  1. The secondary dwelling unit may be used as a dwelling only so long as a caregiving relationship involving a blood relative remains in place between the owner and occupant of the primary dwelling and the occupant of the secondary dwelling.
  2. The secondary dwelling unit shall not be rented or leased for any short-term or long-term occupancy or use.
  3. The subject property deed shall be re-recorded to include the following language, prior to development or use of any secondary dwelling structure or unit on the property:

Use of the secondary dwelling unit permitted by Variance # V-12-22 shall be limited to a blood relative in need of proximate care and shall occur only under the ownership of Jeffrey and Erica Quinlan. Upon any transfer of the property, Variance # V-12-22 shall be voided, and the secondary dwelling unit shall no longer be used as a dwelling. Specifically, prior to transfer of ownership, the refrigerator, oven, stove, and kitchen sink shall be removed from the

kitchen, and all associated plumbing capped; and/or the bathtub, shower, toilet, and bathroom sink shall be removed from the bathroom, and all associated plumbing capped.

**Motion:** To approve V-12-22 to allow for the construction of a 2,100 square foot accessory dwelling unit, three (3) conditions listed above and Petitioners' Findings of Fact. **Moved** by Charlie Canary. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**V-13-22; Christopher Barron & Michelle Law – Variance of Development Standards Request. 9910 Shelbyville Rd.**

Staff presented findings and facts to the board and recommended denial to allow for the construction of a 900 square foot accessory structure in a defined front yard along Shelbyville Rd.

Staff presented findings and facts to the board and recommended approval to allow for the construction of a 900 square foot accessory structure where all accessory structures will total 1,984 square feet in building area.

Petitioner Christopher Barron (9910 Shelbyville Rd., Indianapolis 46259) was present to speak and address questions and/or concerns.

Board members asked questions and expressed concerns which were addressed by the Petitioner and staff as follows:

- Q. Board member Steve Powell asked for confirmation that the only reason that the Petitioner did not want to build his proposed structure in the back was because he did not want to extend his driveway?  
A. Yes, and he wanted to use the foundation from the existing structure.
- Q. Board member Steve Powell asked for confirmation as to whether or not there were any other structures currently in the front yards of other surrounding area properties?  
A. Maybe one (1) which was built prior to the existing ordinance.

**Motion:** To approve V-13-22 to allow for the construction of a 900 square foot accessory structure where all accessory structures will total 1,984 square feet in building area, not allow for the construction of a 900 square foot accessory structure in a defined front yard along Shelbyville Rd and Staff's Findings of Fact. **Moved** by Chris Campbell. **Seconded** by Steve Powell. **Yes:** Bowman, Campbell, Canary and Powell. **No:** Kaylor. **Motion approved 4-1.**

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**V-14-22; RPM Equipment – Variance of Use and Development Standards Request. 4216 N. Hurricane Rd.**

Chairman Chris Campbell recused himself from this matter.

Staff presented findings and facts to the board and recommended denial of this request and that the board dismiss development standards variances due to irrelevancy.

Staff provided to the board members a redacted **Exhibit** Plan of Operation and Findings of Fact.

Petitioner David Gilman (211 S. Ritter Ave., Ste. H, Indianapolis 46219) on behalf of RPM Equipment was present to speak and address questions and/or concerns. Mr. Gilman presented to the board members an **Exhibit** packet.

Kristen Windhorst (4216 Hurricane Rd., Franklin 46131) was present to speak in support of said request.

Tom Stewart (4494 N. Hurricane Rd., Franklin 46131) was present to speak in support of said request.

Board members asked questions and expressed concerns which were addressed by the Petitioner and staff as follows:

- Q. Board member Steve Powell asked for confirmation that the City of Franklin was across from this property?  
A. No.
- Q. Board member Charlie Canary asked staff to explain the boundary retracement process?  
A. Staff explained and illustrated the retracing of the property lines.
- Q. Board member Chad Bowman asked for clarification of the size of the proposed sand box?  
A. 300x300.
- Q. Board member Steve Powell inquired as to why it wouldn't be in the best interest to rezone?  
A. There is no sewer.
- Q. Board member James Kaylor inquired as to whether or not the current employees would continue to be employed?  
A. Yes.

**Motion:** To approve V-14-22 to provide for agricultural and construction equipment sales, services and repair and Petitioner's Findings of Fact. **Moved** by James Kaylor. **Seconded** by None. **Motion failed due to lack of second.**

**Motion:** To approve V-14-22 to provide for agricultural and construction equipment sales, services and repair and Petitioner's Findings of Fact. **Moved** by James Kaylor. **Seconded** by Charlie Canary. **Yes:** Bowman, Canary and Kaylor. **No:** Powell. **Motion approved 3-1.**

**Motion:** To deny V-14-22 to provide for agricultural and construction equipment sales, services and repair with a waiver of commercial landscaping requirements and for staff to prepare Findings of Fact. **Moved** by Chad Bowman. **Seconded** by Steve Powell. **Yes:** Bowman, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

**Motion:** To deny V-14-22 to provide for agricultural and construction equipment sales, services and repair with a waiver of commercial parking requirements and for staff to prepare Findings of Fact. **Moved** by Chad Bowman. **Seconded** by Steve Powell. **Yes:** Bowman, Canary, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

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#### **IV. NEW BUSINESS:**

##### **V-8-22; Greg Schaefer – Re-Docketing Request. 4467 W. County Line Rd.**

Staff presented to the board Mr. Schaefer's request for re-docketing V-8-22.

**Motion:** To deny V-8-22 to re-docket. **Moved** by James Kaylor. **Seconded** by Steve Powell. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** Bowman. **Motion approved 4-1.**

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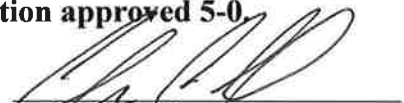
#### **V. ADJOURNMENT:**

Chairman Chris Campbell called for a motion to adjourn the meeting at 9:13 PM.

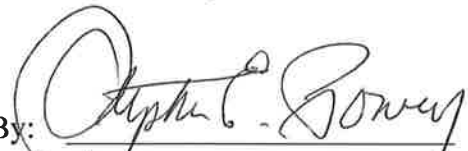
**Motion:** Adjourn the meeting. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: December 20, 2022

By:

  
Chris Campbell, Chairman

Attested By:

  
Steve Powell, Secretary

09/21/2022

Dear Johnson County Board of Zoning Appeals,

My name is Michele Lloyd, DHH-DT-PA and I work with the Quinlan family as a Parent Advisor with the Center for the Deaf and Hard of Hearing Education Network & First Steps. I have been working closely with the Quinlan family for the last 2 years. I've worked with Deaf children for many years and have witnessed family dynamics in Deaf households.

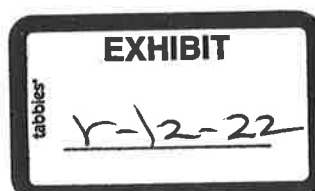
Extended family support is important for Deaf families for different reasons. One major reason is communication, the more people involved in a Deaf child's life that are able to communicate via visual language (ASL) or aural-oral language (Listening and Spoken language) takes time to learn. Many people do not know Deaf people or about the unique culture that surrounds the Deaf. Living in smaller towns makes it even more difficult to have multiple people that can effectively communicate. The Blessing of having extended family available to be in the childrens' lives and to help them strive in effective communication is a major contribution to the success of their education and therefore future.

Over the next few years, the Quinlans will drive thousands of miles to get their children to school, language therapy, doctor appointments, and more. It is a logistical puzzle that can be solved with family help. They say it takes a village to raise a child, the Quinlan's have two children who are Deaf and having family onsite, would be one step toward providing a solid emotional base for the growth and development of the whole Deaf child(ren). Please be a part of their Village by considering approving the Quinlans request to build a mother in law quarters in the existing barn, to provide the much needed family support.

Sincerely,

A handwritten signature in black ink that reads "Michele Lloyd, DHH-PA". The signature is written in a cursive, flowing style.

Michele Lloyd, DHH-PA



**Plan of Operation  
203 West Morris Street  
8/25/2022**

**BACKGROUND**

The site is located on the westside of Hurricane Road just north of the I-65S overpass, locally known as the Windhorst farm. There are several metal buildings and a single-family residence on the lower portion of the property. The buildings are used for agricultural and a welding fabrication business. A portion of the site is wooded along the interstate. The site is zoned AG, has adequate utilities available, good access and frontage on Hurricane Road and proper drainage to the north and south sides of the site.

**Proposed Use**

The proposed use will be for equipment sales, service, and repair. The equipment will be both agricultural and construction to serve the needs of both industries in area. The site is well suited for the proposed use by its location, the existing buildings and site improvements.

**Workforce**

The workforce is not large and will start with approximately 10 full time employees and potentially grow to 15 employees. Most of the employees will transfer from another location owned and operated by the petitioner.

**Hours of Operation**

Typical business hours will be 7am to 6pm Monday to Friday, Saturday 7am to 3pm and an occasional Sunday in the event of emergency repair work.

**Off-Street Parking**

There are 5 customer spaces (to include a van accessible ADA space) and 15 employee parking spaces.

**Signage**

There will be business wall sign(s), subject to the sign standard for the classification of the proposed use.

**Clients and Customers**

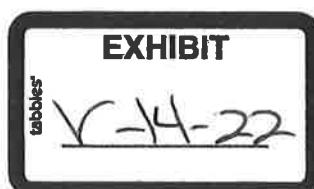
The equipment sales will be mostly done on-line with a few necessary office visits. The service and repair will be mostly a drop off and delivery by either the petitioner or the customer.

**Shipping and Receiving**

Larger equipment will be delivered to the site via flatbed trailers and parts will be delivered by the parts vendor, FedEx or UPS box trucks.

**Waste**

All waste would be picked up by utilizing a private or County waste disposal service.



## FINDINGS OF FACT, USE 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:

The site has access to a public road, adequate utilities and proper drainage.

The site is already improved with several buildings that will be used in the new business.

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 existing improvements on the site will be re-used for the new business

The new business will serve the agricultural and construction community with new equipment sales, service and repairs.

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

The site has several buildings used to service and repair agricultural equipment

The variance request will expand the use to include sale, service and repair of both agricultural and construction equipment.

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 need to expand the use to include construction equipment sales, service and repair

is in direct response to the rapid growth of the residential, commercial and industrial development

in this area of Johnson County.

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

The underlying AG zoning will remain in place and the variance request is to

improve the use and function of the existing site. The Comprehensive Plan recommends agricultural use

for this area. However, the County has the property designated for industrial use under a recent TIF approval.

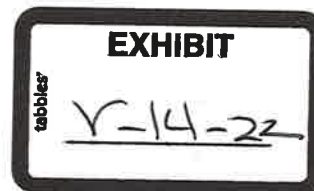


# 4216 N Hurricane Road

V-14-22

13.65 acres

RPM Equipment by David Gilman



## 4216 Area Map North

Subject site with majority of acreage still used for AG but ready for Industrial Development from Whiteland Road

### Legend

📍 4216 N Hurricane Rd

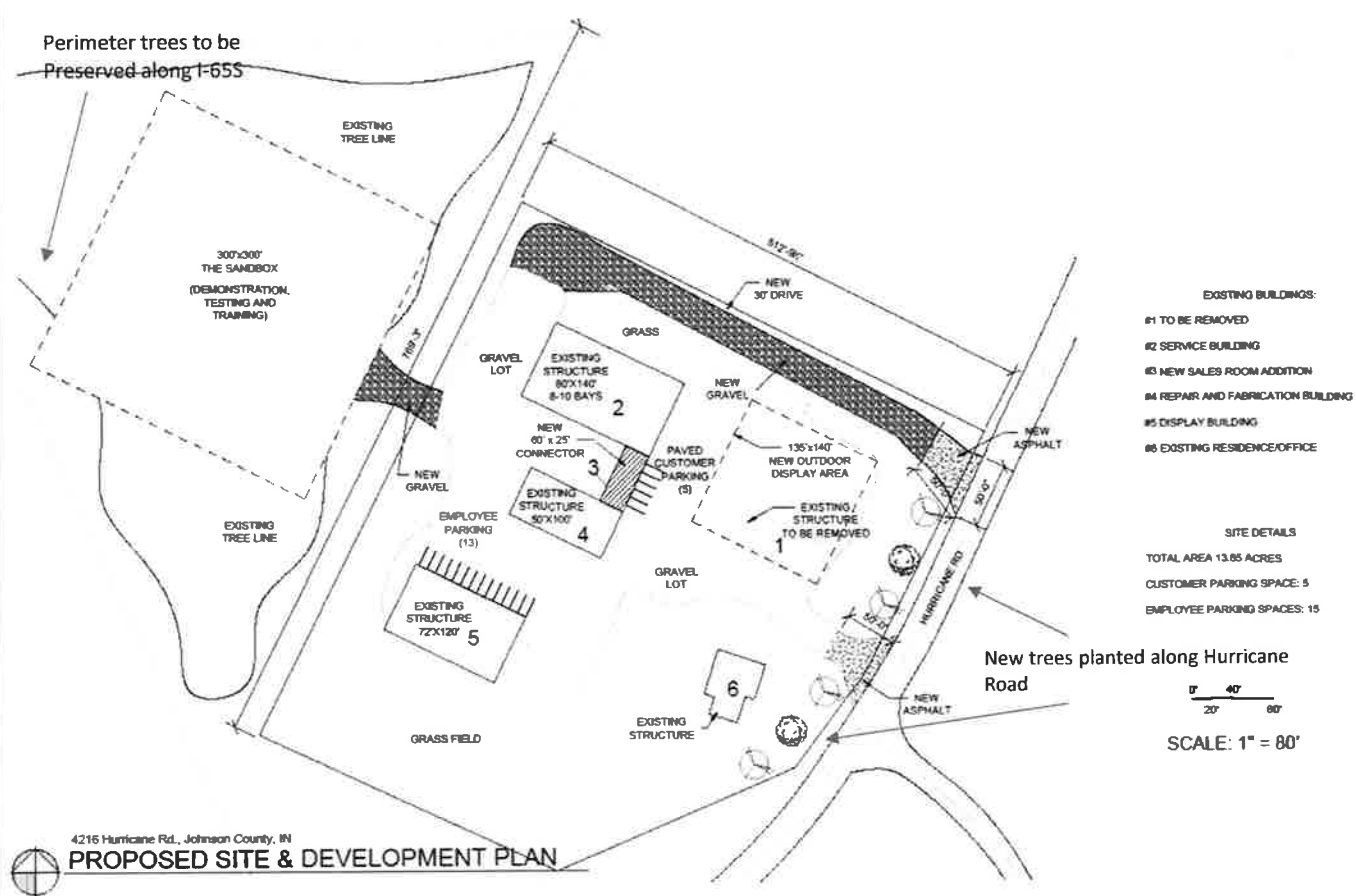


## Windhorst Farm

Re-use of all existing buildings to service ag and commercial equipment

Legend







# CASE

## Agricultural and Construction Equipment



- Originally a manufacture of agricultural equipment the company began to pioneer equipment for road construction and CASE had established itself as the leading manufacturer of construction equipment.
- The petitioner has 3 Case Equipment dealerships offering sales, repair and service departments. The subject site has a history of servicing the area for needed repairs of both agricultural and commercial equipment.
- The unique skills and talent to fabricate parts and work on a variety of farm and commercial equipment was the legacy Rex Windhorst. His skills went hand in hand with the surrounding farms and commercial businesses.

- **LAND USE**

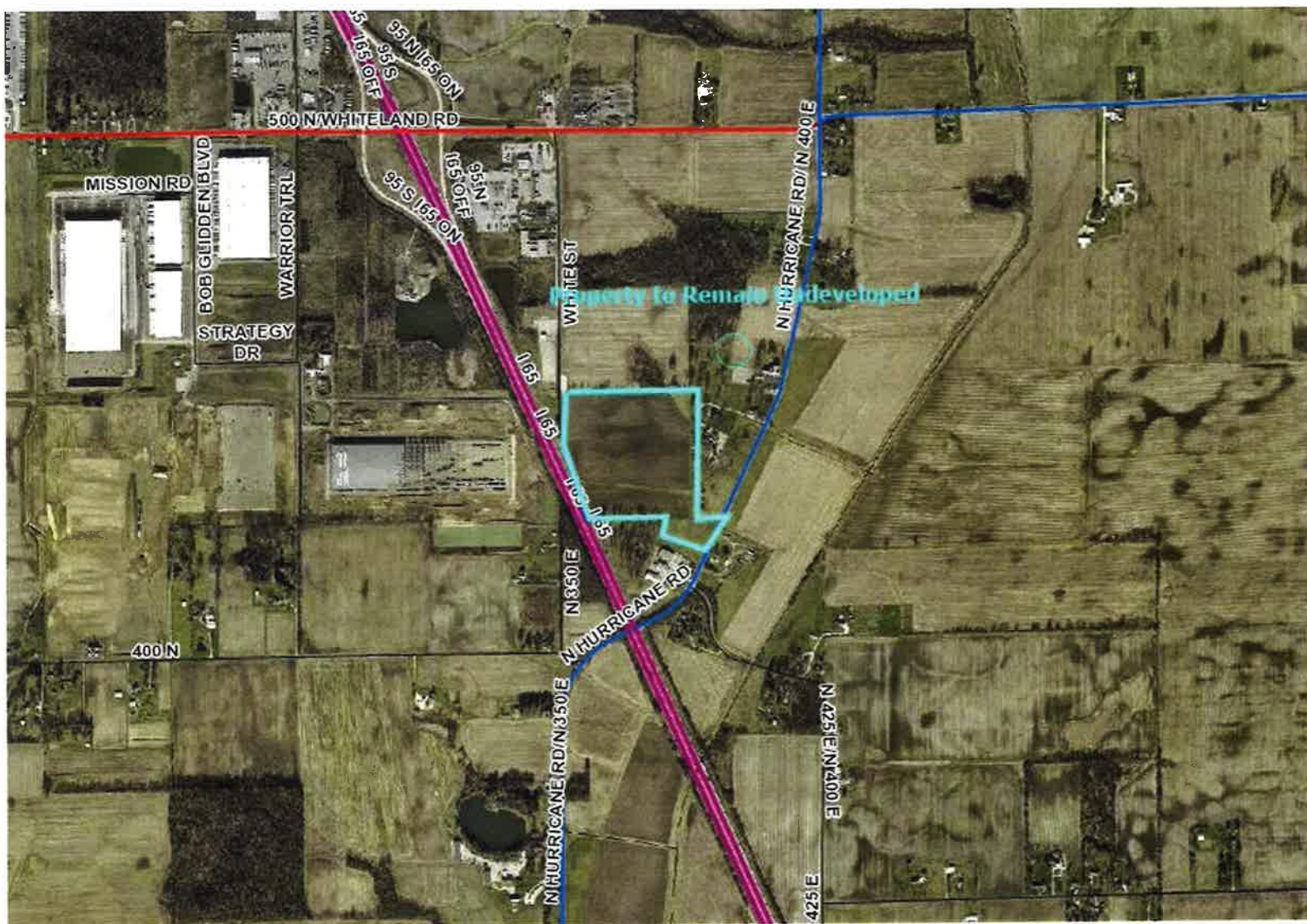
- **Agriculture:** This land use designation is intended to support *modern agricultural practices* on large tracts of land with minimal land use conflicts. Mainly, it encompasses lands where farming is the principal use and can reasonably be protected from intrusion by incompatible land uses. This category includes crops, animal production and woodlands. Farmsteads, barns, stables, grain elevators, related agricultural buildings, and “**agri-businesses**”.

- **Define Agri-business #1: CASE EQUIPMENT**

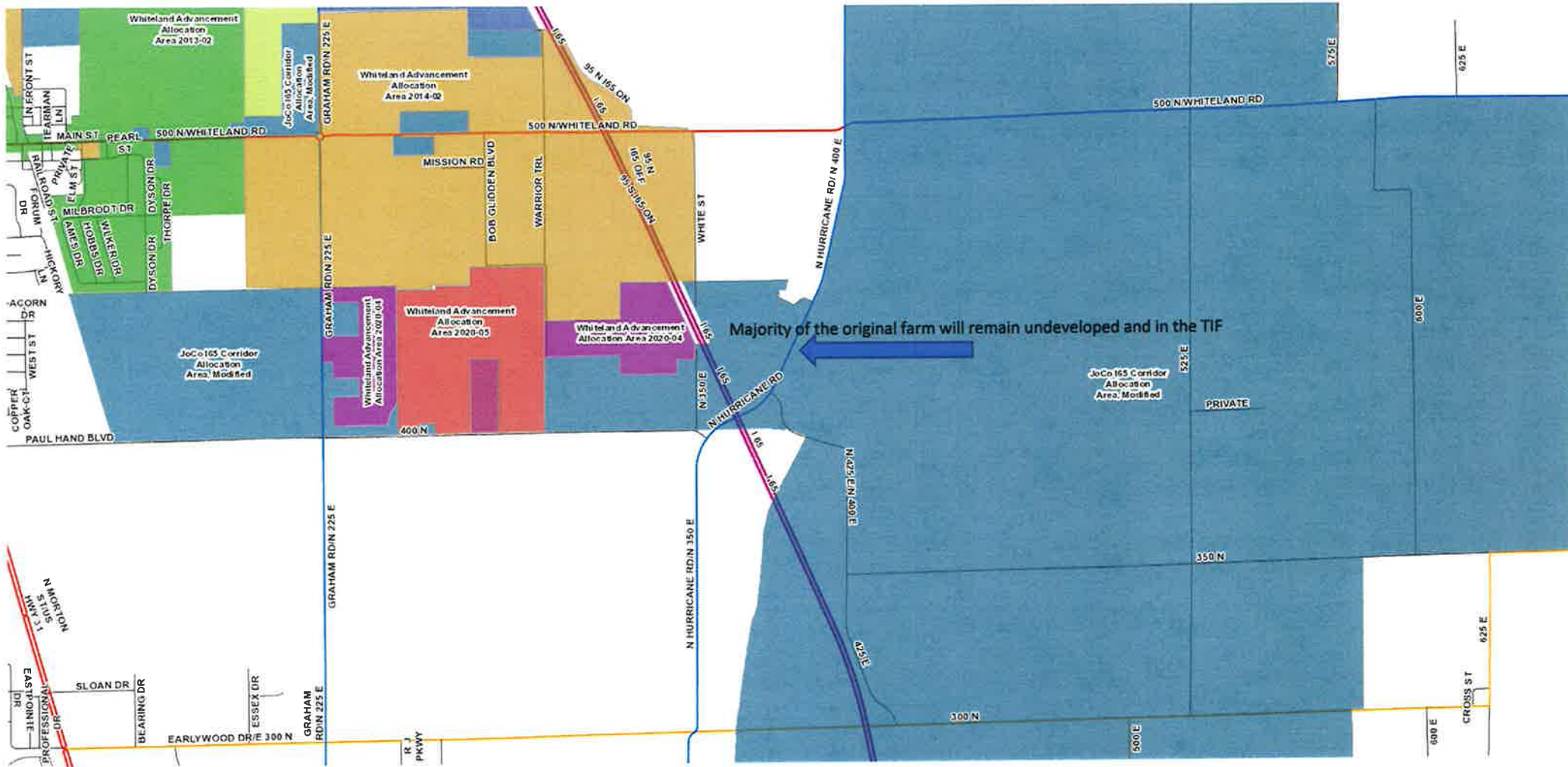
- The manufacturing and development of farm equipment and machinery is essential for farmers to harvest their crops and complete various tasks around the farm. These businesses develop the farming tools and machinery used during the agricultural process, such as tractors. Construction equipment is necessary to install field tile, remove stumps, tree lines, repair drainage ditches.

# LIST OF RMP EQUIPMENT CUSTOMERS

- County Highway Departments (multiple)
- Franklin Community School Corp
- Franklin City Street Department
- City of Greenwood
- Needham Fire Department
- Bargersville Fire Department
- Coops
- Premier Ag
- Local Farming Community (multiple)
- Local Construction Companies (multiple)







Majority of the original farm will remain undeveloped and in the TIF

## Existing Facility Franklin, IN

Write a description for your map.

Legend







**CASE**  
CONSTRUCTION

**RPM Machinery**









## Adjacent AG Operation

Outdoor operation, multiple buildings. Repair on equipment is a standard part of any agricultural operation.

### Legend

4216 N Hurricane Rd



Google Earth

Image Landsat / Copernicus

400 ft



## Compass AG Services

Large agricultural operation adjacent to south with luxury home sites. No limitation on outdoor operation, hours of services, built

### Legend

4216 N Hurricane Rd





## Compass AG Services 2

Large agricultural operation adjacent to south with luxury home sites. No limitation on outdoor operation, hours of services, bulk

### Legend

4216 N Hurricane Rd



# Conclusions

1. The proposed use will re-use the existing buildings and minimal site alterations will be needed to continue to serve the existing AG community and future business and industrial development targeted by the newly adopted I65S TIF District.
2. The petitioners use for CASE equipment is listed as the #1 example of agri-business and follow it's the CASE brand to expand into commercial construction equipment.
3. The Use variance protects the area from developing pre-maturely with several safeguards in the Plan of Operation and the Site Plan so as not to set an unwanted precedent.
4. The majority of the Windhorst farm is still used for AG purposes. Open fields, tree preservation and new landscaping along Hurricane Road are in place to buffer the adjacent uses.
5. The petitioners are seeking the BZA approval to allow them to expand an existing business within the County. This is a perfect site to maintain a local presence and continue to serve the agricultural and commercial development industries.
6. The petitioners agree to work with the County Health Department and State to have the septic inspected and improved, if required, to adequately serve the proposed employees.
7. The variance grant will be for the petitioner's use only and subject to the Plan of Operation and Site Plan.