



JOHNSON COUNTY

Department of Planning & Zoning
86 West Court Street
Franklin, Indiana 46131

Phone: (317) 346-4350

www.co.johnson.in.us

MEETING AGENDA

Johnson County Advisory Plan Commission

August 28th 2023 - 6:00 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 24th 2023 meeting.

PUBLIC HEARINGS

-CONTINUED HEARINGS-

M-2-23 through M-7-23 – Minor Plats on Possum Hollow and Watson RoadPage 3

Approval of six Minor Residential Subdivisions - 124.814 acres at the intersection of Watson Rd and Possum Hollow Rd

-NEW HEARINGS –

W-6-23. Eric Williams. 3319 E 700 N, WhitelandPage 10

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision :

1. to allow the subdivision on a non-original lot of record,
2. Where the subdivision is of a 10-acre Agriculturally-zoned lot (must be at least 12 acres in area to be subdivided via the Roadside Subdivision process),
3. where both lots will have between 50 and 88 feet of road frontage (any lot newly created via Roadside Subdivision must have at least 200 feet of road frontage), and
4. where both lots will be approximately 5 acres (new lots created via the Roadside Subdivision process must have an area of exactly 2 acres).

OLD BUSINESS None.

NEW BUSINESS

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for September 25, 2023 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

STAFF REPORT

CASE NUMBERS: M-2-23, M-3-23, M-4-23, M-5-23, M-6-23, & M-7-23
ADDRESS: 124.814 acres at the intersection of Watson Rd and Possum Hollow Rd
NW Section 31 Township 14 Range 5 & NE Section 21 Township 14
Range 5
PETITIONER: Gregory Leugers

REQUESTS

Petition #	Request
M-2-23	Approval of a Residential Subdivision Plat, to be known as Watson Road West Minor Subdivision, dividing 20.019 acres into four lots.
M-3-23	Approval of a Residential Subdivision Plat, to be known as Watson Road North Minor Subdivision, dividing 20.079 acres into four lots.
M-4-23	Approval of a Residential Subdivision Plat, to be known as Watson Road East Minor Subdivision, dividing 20.005 acres into four lots.
M-5-23	Approval of a Residential Subdivision Plat, to be known as Possum Hollow West Minor Subdivision, dividing 20.036 acres into four lots.
M-6-23	Approval of a Residential Subdivision Plat, to be known as Possum Hollow North Minor Subdivision, dividing 20.103 acres into four lots.
M-7-23	Approval of a Residential Subdivision Plat, to be known as Possum Hollow South Minor Subdivision, dividing 20.572 acres into three lots.

STAFF RECOMMENDATION:

Staff recommends approval of these Minor Plats subject to satisfaction of all amendments requested by the Technical Review Committee and checkpoint agencies. Also with the condition that an approval perimeter drainage plan is approved by the Health Department prior to recording of plat. Further detail will be provided verbally at the hearing.

PROPERTY DESCRIPTION

This 124.814-acre site in Clark Township is zoned R-1, Single-Family Residential. The site is comprised of 6 approximately 20-acre parcels. The parcels are unimproved with tillable land and wooded areas. Leatherwood Creek runs northwest to the southeast through the properties. The properties to the north and east are large agriculturally used properties that are zoned A-1, Agricultural. The parcels to the south and east are also large agricultural lots that are

zoned R-1 and are used residentially and agriculturally. A 2-acre parcel with a dwelling, barn, and pool is located along Watson Rd and between the proposed Watson Road West and Watson Road North Minor Subdivisions.

PROPOSED MINOR PLATS

This request, if approved, would provide for the subdivision of the 6 subject site into four lots each except for Possum Hollow South which has 3 lots for a total of 23 lots. All lots will utilize private septic systems. Lot sizes and road access options for each lot are listed in the table below.

Petition #	Plat Name	Lot Sizes		Road Frontage
M-2-23	Watson Road West Minor Subdivision	Lot 1	6.701 acres	Watson Rd
		Lot 2	2.100 acres	
		Lot 3	8.240 acres	
		Lot 4	2.617 acres	
M-3-23	Watson Road North Minor Subdivision	Lot 1	7.168 acres	Watson Rd
		Lot 2	5.000 acres	
		Lot 3	2.051 acres	
		Lot 4	5.547 acres	
M-4-23	Watson Road East Minor Subdivision	Lot 1	6.222 acres	Watson Rd & Possum Hollow Rd
		Lot 2	6.224 acres	
		Lot 3	3.835 acres	
		Lot 4	2.644 acres	
M-5-23	Possum Hollow West Minor Subdivision	Lot 1	2.121 acres	Possum Hollow Rd
		Lot 2	6.166 acres	
		Lot 3	7.699 acres	
		Lot 4	3.614 acres	
M-6-23	Possum Hollow North Minor Subdivision	Lot 1	3.570 acres	Watson Rd & Possum Hollow Rd
		Lot 2	5.152 acres	
		Lot 3	11.673 acres	
		Lot 4	2.918 acres	
M-7-23	Possum Hollow South Minor Subdivision	Lot 1	2.672 acres	Possum Hollow Rd
		Lot 2	3.239 acres	
		Lot 3	13.793 acres	

GENERAL TERMS AND CONDITIONS

Technical Review Committee

The Technical Review Committee reviewed all six plats on January 27, 2023, and its aggregate comments are included in the attached Technical Review Committee Letters. Approval from each Technical Review Committee member agency is required before the final plat may be approved for recording.

Johnson County Drainage Board

The Johnson County Drainage Board reviewed and approved the drainage plan for all six plats at its August 1st, 2023 meeting.

Johnson County Planning Engineer, Johnson County Highway Department, JCREMC

Each of the above entities has reviewed this petition and has indicated no objections.

Johnson County Health Department

The Health Department has reviewed this petition and has made comments that need to be addressed.

Needham Fire District, Centerpoint Energy

The entity above has reviewed this petition but has not provided follow-up approval or objections. A follow up will be provided verbally at the Planning Commission Meeting

GENERAL INFORMATION

Applicant: Gregory Leugers
26 E Jefferson St
Franklin, IN 46131

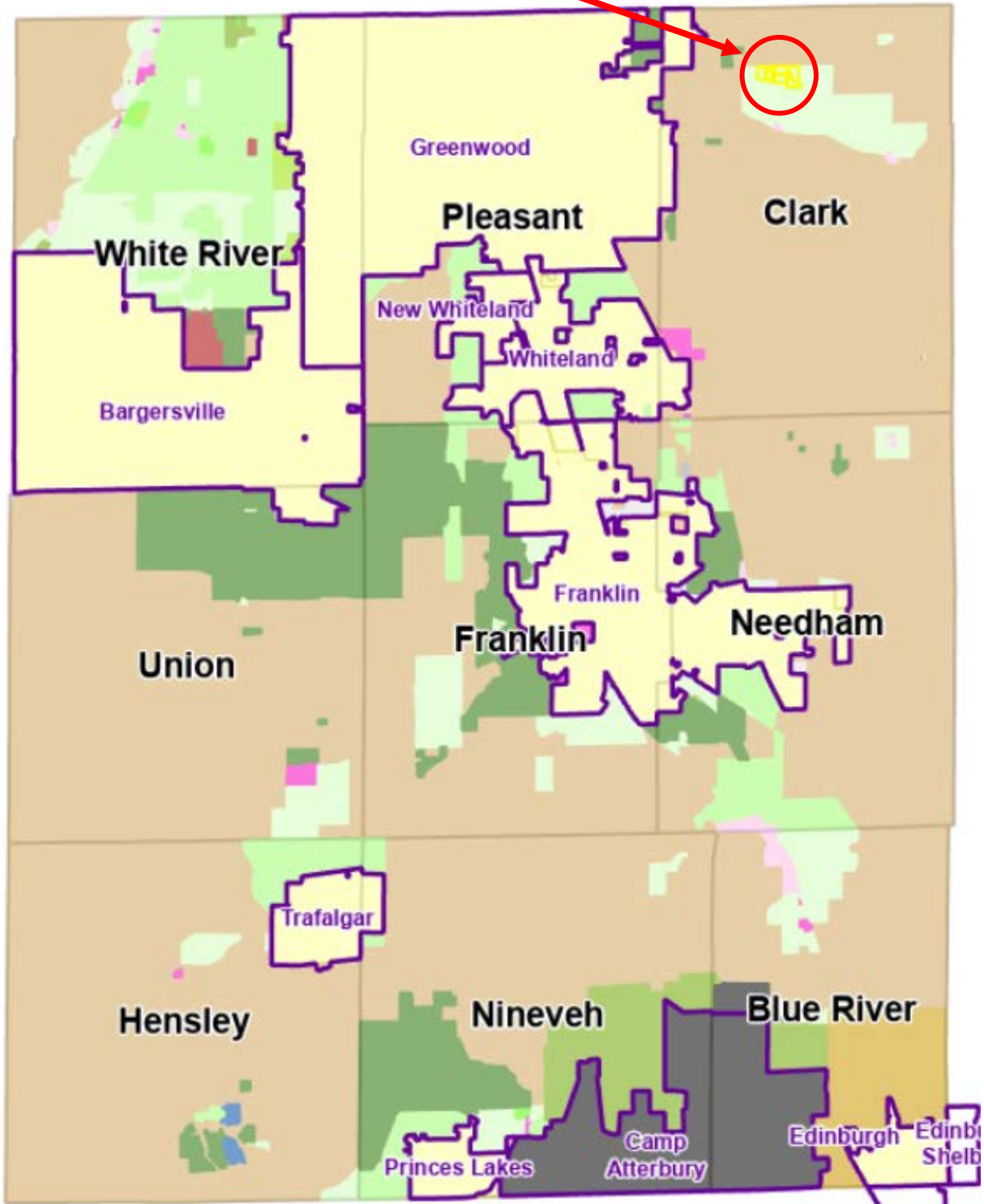
Owner: Randal Adkins & Terry Johnson
506 N 100 W
Franklin, IN 46131

Zoning: R-1 (Single-Family Residential)
Land Use: Agricultural
Future Land Use: Agricultural

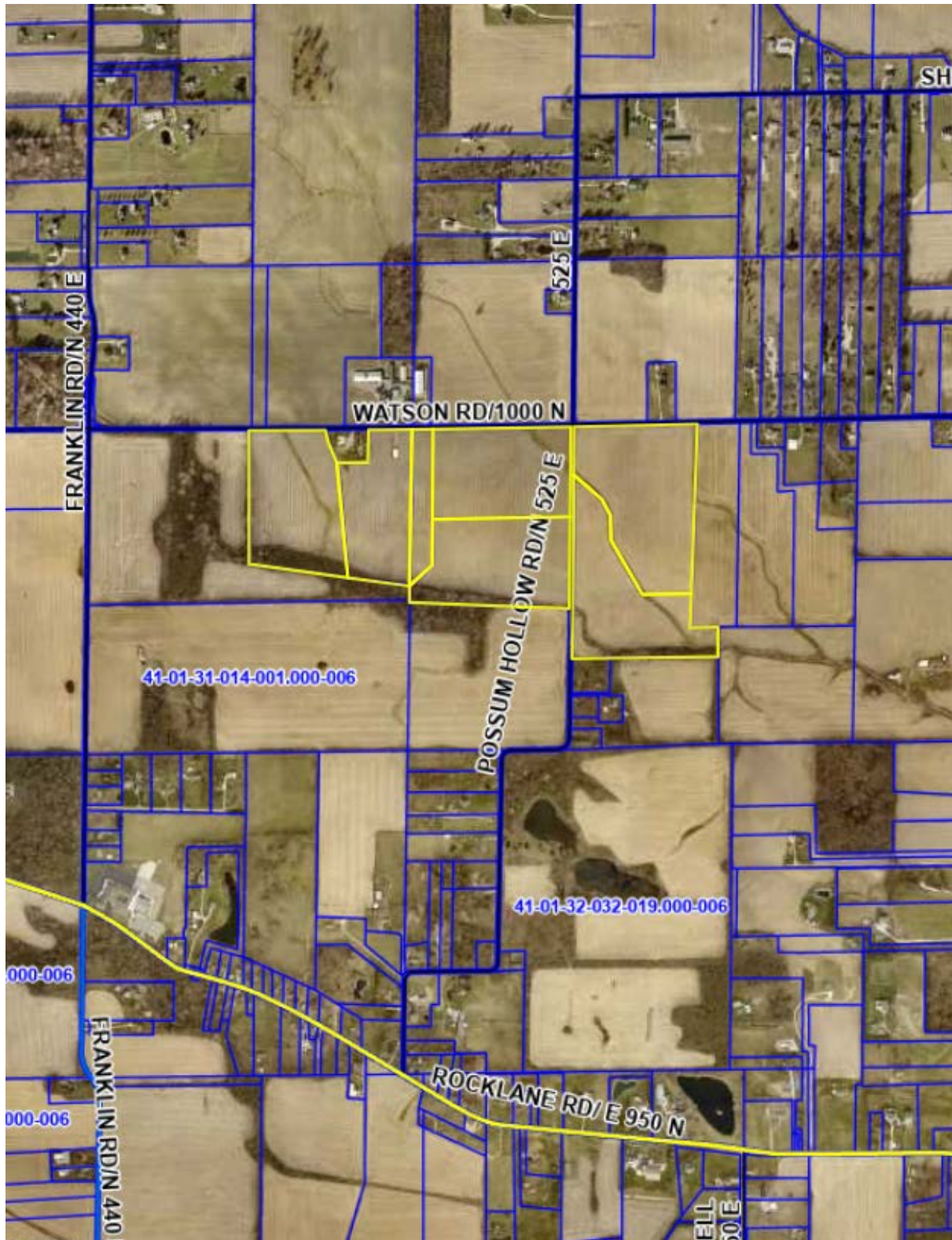
-RLS/MNH

BASE MAP

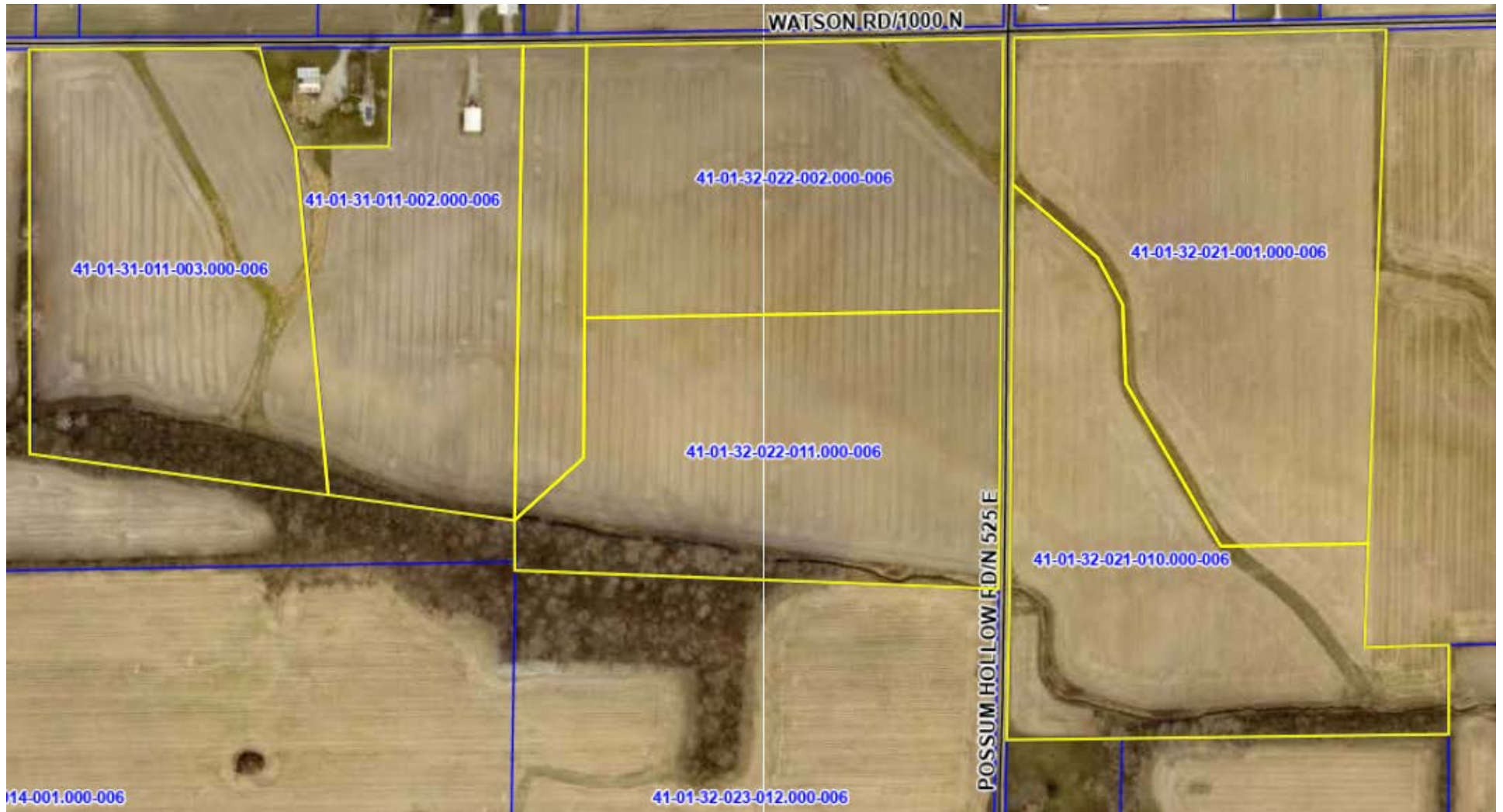
SUBJECT SITE



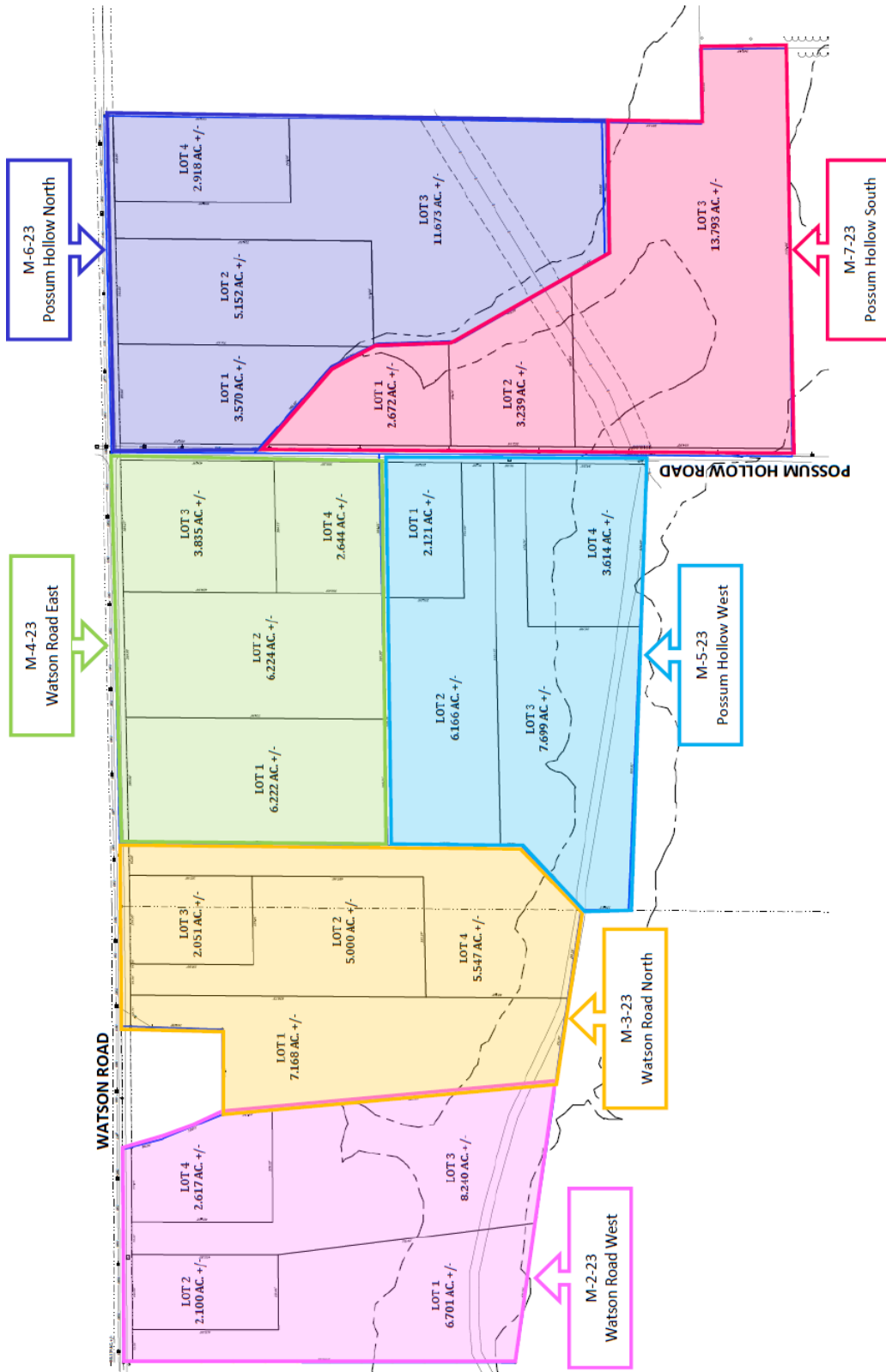
AERIAL MAP



AERIAL MAP II



PROPOSED SUBDIVISIONS



STAFF REPORT

CASE NUMBER: W-6-23
ADDRESS: 3319 E 700 N, Whiteland
PETITIONER: Eric Williams

REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision :

5. to allow the subdivision on a non-original lot of record,
6. Where the subdivision is of a 10-acre Agriculturally-zoned lot (must be at least 12 acres in area to be subdivided via the Roadside Subdivision process),
7. where both lots will have between 50 and 88 feet of road frontage (any lot newly created via Roadside Subdivision must have at least 200 feet of road frontage), and
8. where both lots will be approximately 5 acres (new lots created via the Roadside Subdivision process must have an area of exactly 2 acres).

PROPERTY DESCRIPTION

This 10-acre site in Clark Township is zoned A-1, Agricultural, and is improved with a single-family dwelling. The site is surrounded by various-sized parcels used residentially and agriculturally. All surrounding areas are zoned A-1.

These waiver requests, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 10-acre parent parcel into 2 lots. Each parcel will be 5 acres in size.

WAIVER REQUEST 1: NON-ORIGINAL LOT OF RECORD

The subject 10-acre parcel is not considered an original lot of record, as it was not in existence in its current configuration prior to February 19, 2003. The parcel was split off from a 35.68 acre parcel in 2018 per an exempt subdivision. Only two parcels were created from the parent parcel of 35.68 acres. This proposed division of 10 acres would create three parcels from the original tract of land prior to 2003.

WAIVER REQUEST 1: PARCEL PARCEL AREA

A parcel must be at least 12 acres in area in order to be eligible for Roadside Subdivision. This parcel, at 10-acres, falls short of that requirement. This requirement is intended to preserve agricultural land as well as prevent further division of small tracts of land that would allow encroachment of significant residential density into agricultural areas. The proposed subdivision would conflict with the large-lot, rural residential character of the area. The owners

of the surrounding large parcels have the reasonable assumption that the County would not allow the density of the area to increase beyond the 5-acre lot size with adequate road frontage when choosing to purchase and develop their properties. The size of the proposed lots would limit future agricultural uses. To subdivide the property in this manner, the property should have a residential zoning designation and the drainage and utility easements required with a Minor Plat to support continued residential use of the property.

Granting of this waiver could lead to similar requests from parcels that do not meet the minimum standard as well.

WAIVER REQUEST 2: ROAD FRONTAGE

New lots created via the Roadside Subdivision process must have a minimum of 200 feet of road frontage. The existing tract of land has about 138 feet of road frontage. As proposed, the newly created lot will have 88 feet of road frontage and the remaining tract will have 50 feet. The applicant will prove an 50' ingress-egress easement to allow for a shared drive from 700 N. The requirement of 200' of roadfrontage discourages the creation of 'flag' lots, which represent disorderly development, often producing property line disputes, difficulty in locating and identifying specific dwellings from the public right-of-way, and generally inefficient land use. As proposed, one of the new tracts would be designed as a flag lot, with majority of the parcel situated behind an existing improved parcel.

The flag lot configuration is however already in existence in the area with nearby parcels. Staff however does not recommend increasing nonconforming lots in this area by allowing a new flag lot.

WAIVER REQUEST 3: LOT OVER 2 ACRES

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre minimum ensures that a new lot has enough area, but no more than is necessary, to accommodate a septic system. The two-acre maximum, implemented county-wide over time, is intended to preserve the amount of land available for agricultural use within the county and to limit residential encroachment into agricultural areas.

This request, if approved, would allow for an even split of 5 acres for each tract of land. Roadside Subdivision regulations are intended to provide property owners the opportunity to create tracts of land for residential development, but in a manner that minimizes encroachment of residential uses into agricultural areas. This request would not support the intent of the subdivision regulations. Further, there is no hardship present, unique to this property, which warrants relief from the regulations' requirements. Further, the grant of this waiver could encourage future requests for additional, similar splits.

FINDINGS OF FACT

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

The division of the property would not impact public safety, health or welfare, or be injurious to nearby property.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.

Nothing unique to the property itself to validate an additional split for the parent parcel.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

This parcel does not present any particular physical condition that prevents the parcel from adhering to the ordinance.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

The Comprehensive Plan designates the future land use of the property as Agricultural. The first goal of the Comprehensive Plan is "protect the farmer's right to farm while preserving rural character." This request would allow for an additional lot, which would alter the rural character of the area. The development of the original tract of land has resembles more of a rural residential land use.

GENERAL INFORMATION

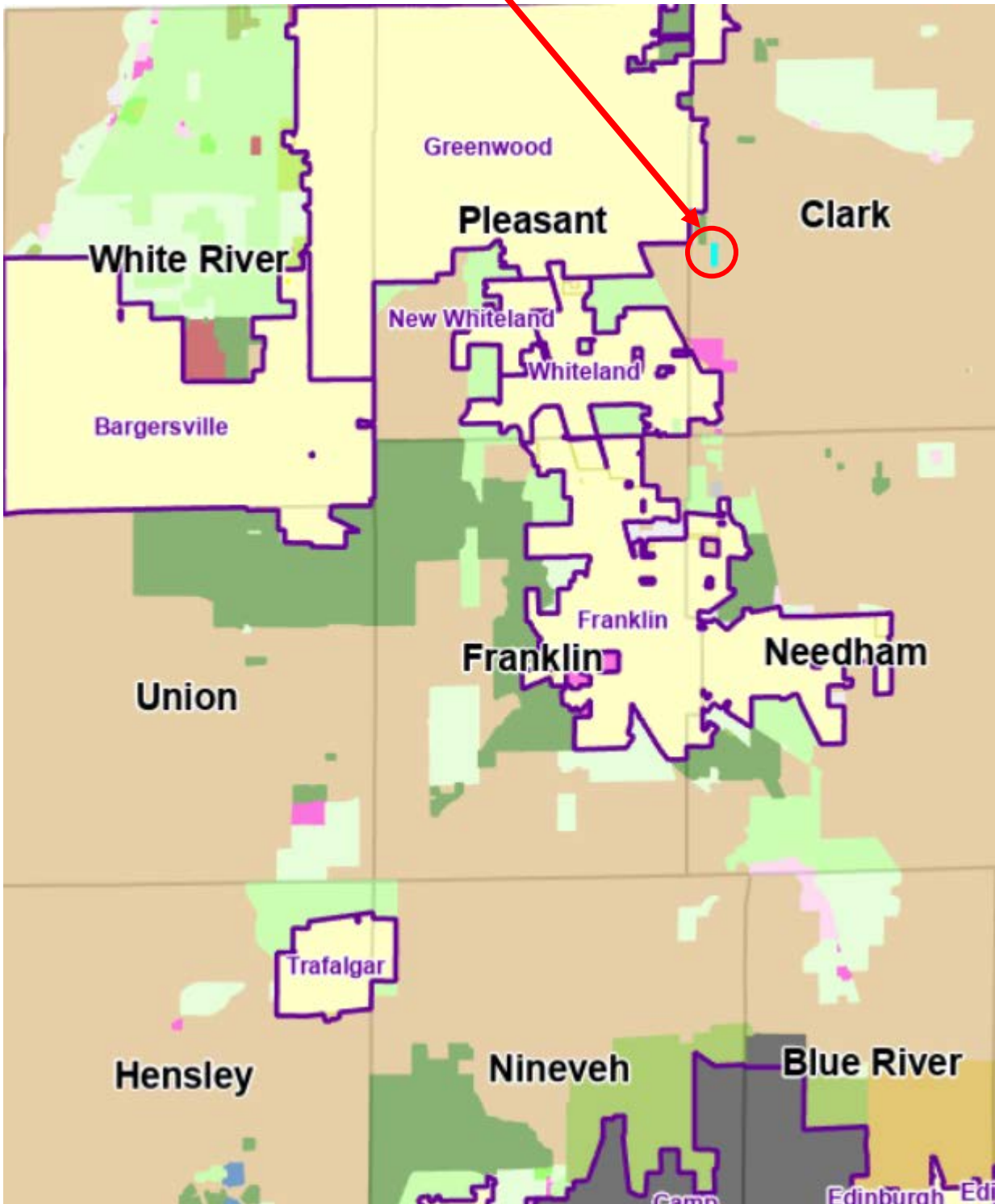
Applicant/Owner : Eric Williams
3319 E 700
Whiteland, IN 46184

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

-MNH

W-6-23 BASE MAP

SUBJECT SITE

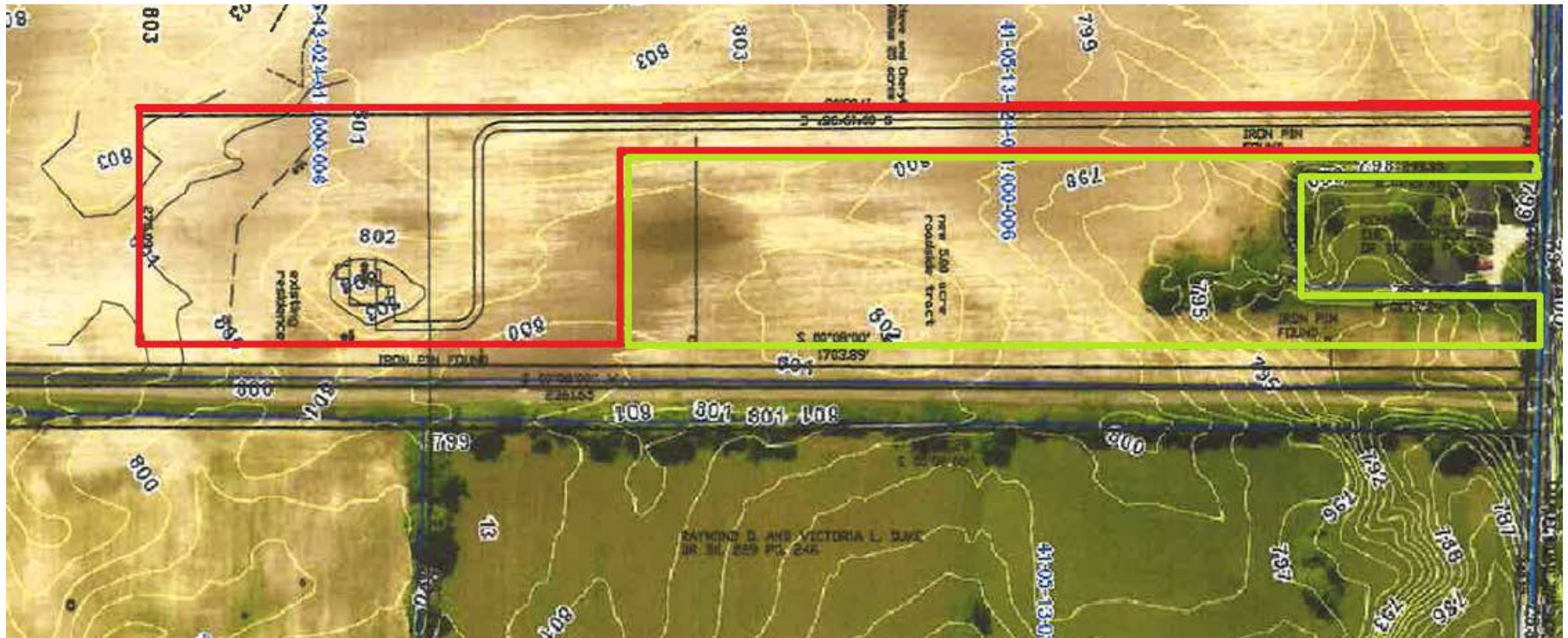


An aerial photograph of a rural area with various land parcels. The parcels are outlined with blue lines, and one specific parcel is highlighted with a cyan border. Several identification numbers are overlaid on the map in blue text. The numbers include: 41-05-12-034-001.000-006, 700.1, 41-05-13-012-001.000-006, 41-05-13-013-008.000-006, 41-05-13-024-011.000-006, 41-05-13-024-011.001-006, 41-05-13-042-000-006, 41-05-13-043-000-006, 6.001-006, and 1.000-006. The terrain is a mix of light brown, tan, and green, suggesting different types of land use or vegetation.

W-6-23 AERIAL MAP II



W-6-23 Proposed Subdivision



W-6-23 PETITIONER FINDINGS OF FACT

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
The 5 acre new house site has adequate drainage and soil for a septic system and drains.
The existing 5 acre house tract is 4 years old and typical to the area with good drainage and a superior septic system and well and other infrastructure.
Large estate tracts are typical to this area (see exhibits).
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
The existing drive entrance will be shared and an easement will be placed on 50 feet of width for said drive. Other properties in the area are similar (see exhibits) and it is not believed to be unique to the area. The reason for the roadside subdivision is to sell 5 acres to afford medical treatment for my wife (liver disease).
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
The subject 10 acres has 198 feet of road frontage and is 1 acre short of 11 acres
The tracts are 5 acres, not 2, due to the nature of the area containing large estate tracts and newer homes in the \$500,00 to \$1,000,000 range.
There is no real mere inconvenience that is noted.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
The area is still considered agricultural with a local road (no trucks)
Although, large estate tracts have been allowed in the past and continue to be allowed.