



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
August 29th 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 July 25th, 2023 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

V-7-23 Sean Fagan. 3007 E 300 N, Franklin Page 3

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for a
woodworking shop for custom furniture (not permitted in the R-2 zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson
County, Indiana to waive parking and landscaping requirements for commercial uses.

-NEW PETITIONS

None

OLD BUSINESS

NEW BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, September 26th, 2023 at 7:00 PM.

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Staff Report

CASE NUMBER: V-7-23
ADDRESS: 3007 E 300 N, Franklin
Section 1, Township 12, Range 4
PETITIONER: Sean Fagan

ADDENDUM

V-7-23 was continued from the July 25th BZA meeting as a result of a 2-2 vote. No additional items were provided by the applicant or any remonstrators at the time of publishing the staff Report.

REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for a woodworking shop for custom furniture (not permitted in the R-2 zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive parking and landscaping requirements for commercial uses.

STAFF RECOMMENDATION:

Staff recommends the **approval** of these variance requests.

PROPERTY DESCRIPTION

This 2-acre site is zoned R-2 (Single Family Residential) and is improved with a single-family and a 2,016 square foot detached garage. The site is surrounded by parcels of varying sizes and all zoned A-1. The site is located in the Leugers D Minor Subdivision. The parcel is surrounded by R-2-zoned properties used residentially. The properties to the north are used residentially and agriculturally. Nearby properties to the west, east, and south are in the City of Franklin. A commercial park is located to the west. The parcels south of the Leugers D Minor Subdivision were annexed by the City of Franklin for a proposed major residential subdivision that will abut the existing Heritage Subdivision.

VARIANCE REQUEST – USE

This Variance of Use request, if approved, would allow the applicant to use the existing detached garage as a woodworking shop to create custom furniture for clients. The petitioner has an existing business that produces custom cabinets and other furniture at another location. Since building his house on this property, the petitioner wishes to bring his shop to his property.

In the petitioner's statement, he states that he would be the sole employee of the business with no plans to hire employees. Customers do not come to the property, as he will travel to their property to meet and deliver the products. Deliveries will not be more than regular anticipate deliveries of a residential area. Other information can be found in his statement in this staff report.

Given adherence to the submitted Plan of Operation, staff would assert that the use as proposed could operate similarly to a Home Occupation. If it was located in the existing house or attached garage, the petitioner would be allowed to operate this use by right. Since it is located in a detached structure, it is not considered a home occupation. This is one standard that staff is working to include in the new Unified Development Ordinance.

Staff, therefore, asserts that the request represents an acceptable deviation from the zoning ordinance and recommends approval.

VARIANCE OF DEVELOPMENT STANDARDS REQUEST - COMMERCIAL LANDSCAPE AND PARKING

The use of a woodworking shop is subject to commercial development standards for parking, maneuvering area, drive aisles, and landscaping.

This Variance of Development Standards request, if approved, would allow for commercial use of the proposed structure without providing the paved maneuvering and parking areas required of commercial properties. The property currently has a gravel driveway and parking area. The existing gravel and proposed expanded gravel area will also lack curbs and stall striping, whereas the zoning ordinance requires all commercial parking and maneuvering areas to be paved and curbed and to have parking stalls marked in paint. Staff would assert that gravel maneuvering and parking areas would better fit the rural environment and context, particularly since there would be no customer visitation and limited truck traffic. Application of this regulation will make the visual appearance more commercial than residential.

This request also seeks to waive the buffering landscaping between the residential uses to the south. Specifically, the zoning ordinance requires a landscape buffer with a minimum width of twenty feet, planted with staggered rows of shrubs and trees at least six feet in height, along with the northern lot line. If the plan of operation is followed, not outdoor use of use will occur making the standard not necessary.

Staff would regard the ongoing use of gravel as a surface for the parking and maneuvering area associated with this use to be generally appropriate and suitable for the area, should the Board favor grant of the associated Use Variance. Similarly, should the Board favor grant of the Use variance, staff would support relief from the commercial landscaping standards.

VARIANCE OF USE FINDINGS OF FACT: STAFF ANALYSIS

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

Staff Analysis: The proposed use would be contained, and therefore would not have an impact on the public health, safety, morals, and general welfare of the community. The petitioner will dispose of any waste off site.

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.

Staff Analysis: The proposed use would not adversely impact the use and value of the adjacent properties as it will appear residential in nature.

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

Staff Analysis: The proposed use would be contained within a typical residential structure, and therefore would have negligible impact on the realization of the Comprehensive Plan.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.

Staff Analysis: The strict application of the terms of the ordinance would preclude the use of the site in the proposed manner, which would otherwise comply with the spirit and intent of the ordinance. The proposed use could operate elsewhere on the same property but within the existing dwelling. A detached structure does not create harm to the standard.

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

Staff Analysis: The proposed use would be within a structure and appear residential, and therefore would have no negligible impact on the realization of the Comprehensive Plan.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS OF FACT: STAFF ANALYSIS

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

Staff Analysis: The proposed graveled parking and maneuvering area, lacking curbs and stall striping, would not create adverse impacts as it would be sufficiently removed from the road and adjoining properties so as not to cause undue migration, dust or noise. Since the use will be within an enclosed structure that will appear similar to a detached garage, the lack of landscape buffer will not adversely impact the area of mostly rural residential uses.

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.

Staff Analysis: The proposed graveled parking and maneuvering area, lacking curbs and stall striping, would not create adverse impacts as it would be sufficiently removed from the road and adjoining properties so as not to cause undue migration, dust or noise. Since the use will be within an enclosed structure that will appear similar to a detached garage, the lack of landscape buffer will not adversely impact the area of mostly rural residential uses.

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

Staff Analysis: The site would not be well served by the introduction of a sizable paved parking area, which would needlessly add to the site's impervious area and would be aesthetically out-of-place in this rural residential environment.

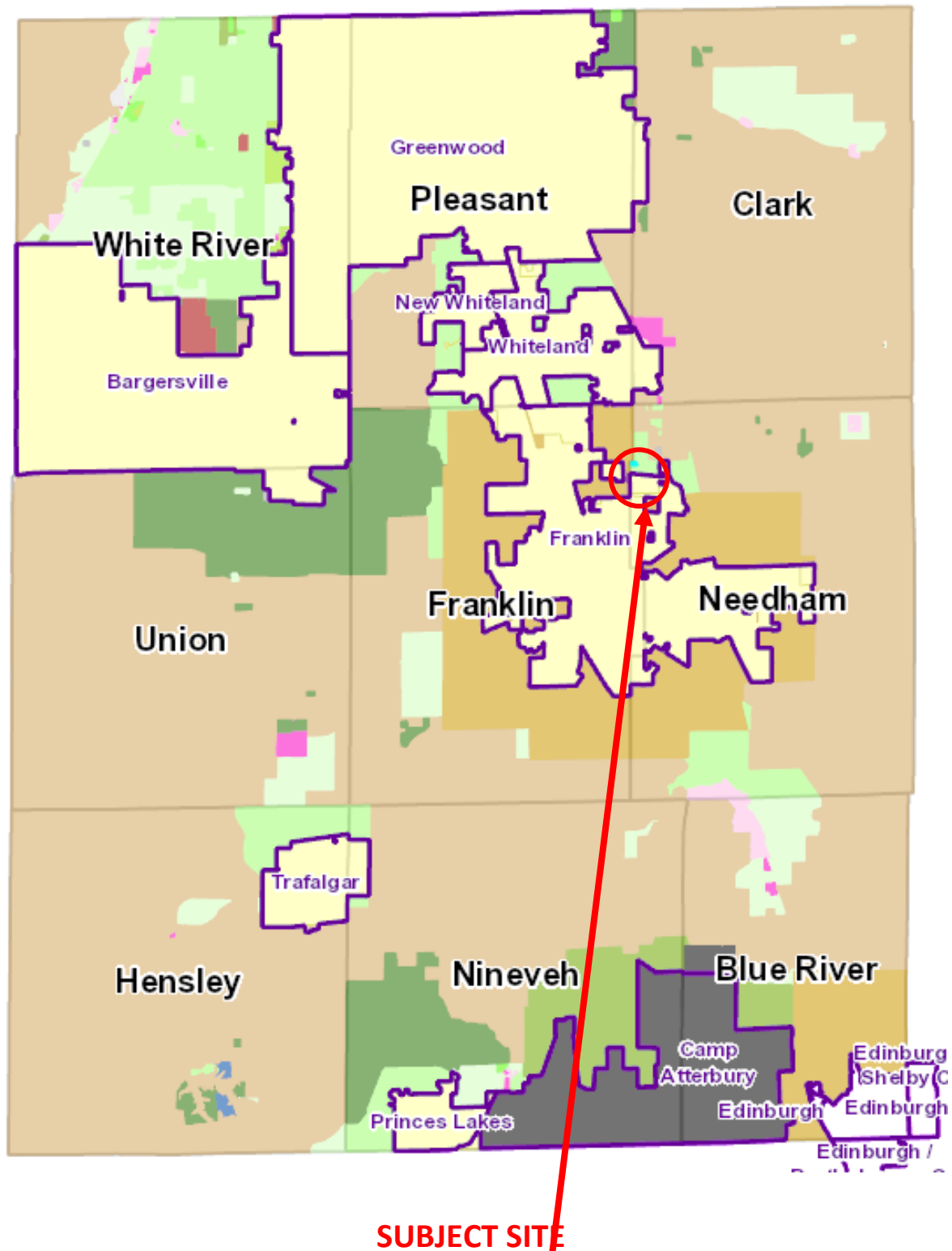
GENERAL INFORMATION

Applicant/Owner: Sean Fagan
3007 E 300 N,
Franklin, IN 46131

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

-MNH

V-07-23 BASE MAP



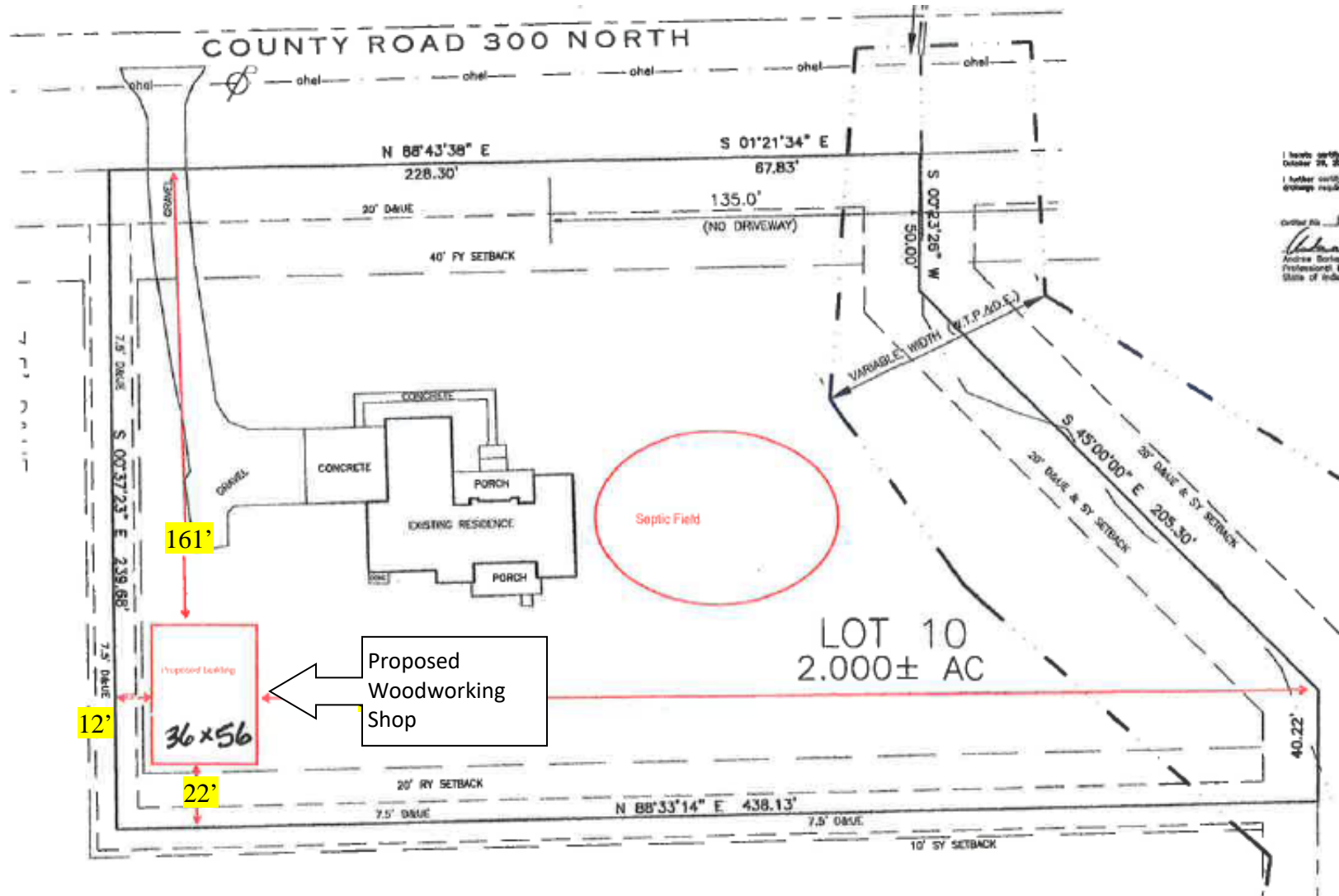
V-07-23 AERIAL MAP



V-07-23 AERIAL MAP II



V-07-23 SITE PLAN



V-07-23 PETITIONER 'S FINDING OF FACTS

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 barn is insulated and contains a sophisticated dust collection system; therefore, the use will not cause any excessive dust, noise, odors or nuisances in general. Due to the business model of the Petitioner, the use will not increase traffic to the property.

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:

A passerby would be highly unlikely to notice that the barn is used for a business as opposed to personal or recreational use. Neighboring property owners will not be affected in the use of their property any more than they would be by living next to a recreational woodworker or farmer. Therefore, no factors would point to a negative effect on the use and value adjacent to the property.

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

This is a low-density residential area that is already close to agricultural and commercial parcels; the proposed use is not as disruptive as agricultural or traditional commercial use in terms of traffic, dust, noise, storage, odors and the like.

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

The policy behind the Zoning Ordinance is to prevent commercial activity that disrupts citizens' enjoyment of their homes in predominately residential areas. The barn was constructed for the purpose of this use and per the business model, will not be as intense as a typical commercial use. The proposed use is more akin to a residential use, and therefore a deviation from the Zoning Ordinance is justified.

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

The future land use map of the Comprehensive plan shows the vicinity as suburban residential and industrial; it is also very close to the City of Franklin, with parcels already zoned as suburban residential and industrial.

V-07-23 PETITIONER PLAN OF OPERATION STATEMENT

The Petitioner, Sean Fagan, is the owner and sole employee of Martell and Co., a company that specializes in custom woodworking and cabinetry. The proposed plan is to move Martell and Co.'s day-to-day operations from a current rented facility to Mr. Fagan's newly constructed pole barn on his home property.

Mr. Fagan has no plans to hire any employees in the future. The relocation of Martell and Co's operations to the pole barn will not result in a large increase of traffic to the area. Clients and customers are very rarely present on-site, as Mr. Fagan travels to meet them at their project location. Materials used in the course of business are wood, plywood, and hardware. Notably, Martell and Co. only receives two or three deliveries per month. These deliveries are brought on a singular straight truck. These trucks are very similar in size and scope to that of the frequently observed UPS or Amazon truck. Moving Martell and Co's operations to the barn will not bring an influx of semi-trucks or other large construction trucks to the site. It is also important to note that there will not be on-site waste removal. Mr. Fagan has contracted to use off-site dumpsters in order prevent any eyesores on the premises. Therefore, there will be no large garbage truck going to and from the property. Mr. Fagan has also contracted for off-site finishing which will mean no noxious odors will emanate from the property. The barn is fully insulated in order to drastically limit the amount of noise coming from the property. On top of the above-mentioned measures to prevent potential nuisances, Mr. Fagan has installed a sophisticated dust collection system to prevent any dust from escaping the premises.

The pole barn will be used for Mr. Fagan to build custom cabinetry. Moving Martell and Co's operations to the pole barn will give Mr. Fagan a larger facility that will allow him to conduct his operation in a safer, cleaner, and less congested environment with no commute. The pole barn will be used and operated during standard business hours, just as the rented facility is being used now. There will be no signage indicating that the barn is being used as a Martell and Co facility. All of Martell and Co's machinery, equipment, and projects will be stored in and confined to the barn itself. Mr. Fagan will not be storing any equipment outside of the barn for neighbors and other community members to see. From the perspective of a neighbor or passerby, the proposed use is not very different than a recreational woodworker, other than Mr. Fagan putting in place the above measures to eliminate any possible nuisances. Living next to one of the many agricultural parcels nearby would likely expose neighbors to more dust and noise than Mr. Fagan's proposed use.

In summary, Martell and Co. wishes to move its operations to a fully insulated barn on Mr. Fagan's property. Off-site finishing, off-site waste disposal, and dust collection systems are currently in place to ensure no nuisances to neighbors. Martell and Co. receives only two to three deliveries a month, meaning that the operations are generating no more traffic than the standard Amazon delivery truck. Also, Mr. Fagan travels to visit and meet with almost all of his customers, meaning that there will be very few, if no, customers ever present at Mr. Fagan's property. Mr. Fagan is the only employee. The day-to-day operations of Martell and Co. are entirely confined to inside the barn, so the use will generate no disruption to the area.

V-07-23 BIRDS EYE VIEW

