

Johnson County Board of Zoning Appeals

June 27, 2023 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, June 27, 2023 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:02 PM by Chairman Chris Campbell.

I. ROLL CALL:

Present: Chris Campbell, Charlie Canary, Paul Clodfelter (Alternate), James Kaylor, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting), and Angela Olson (Recording Secretary – not voting).

Absent: Rachael Schaefer (Planner – not voting) and Chad Bowman

II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the May 23, 2023 Board of Zoning Appeals meeting minutes.

Motion: Approval of May 23, 2023 Board of Zoning Appeals meeting minutes. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Clodfelter, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

III. PUBLIC HEARINGS:

V-4-23; Michael and Lynn Patton – Variance of Use and Developmental Standards. 4703 S. 537 E. and 4691 S. 537 E.

Staff presented findings and facts to the board and recommended denial of this use request and recommended that the Developmental Standards request be dismissed.

Attorney Dustin Huddleston (98 W. Jefferson St., Franklin 46131) on behalf of Petitioner was present to speak and address questions and/or concerns.

Petitioner Michael Patton (4703 S. 537 E., Franklin 46131) was present to speak and address questions and/or concerns.

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

- Q. Board member Charlie Canary referred to the yellow rectangle on the map visual illustration and asked for confirmation that was the only property regarding this matter?
A. Staff advised that they would also be using the adjoining property to access this property.

- Q. Board member Charlie Canary asked for clarification on the driveway access and for confirmation that the driveway(s) were on the Petitioner properties?

A. Staff advised that they would also be using the adjoining property to access this property. Staff cannot legally say where the property line is and the GIS property lines are not 100 percent accurate.
- Q. Board member Steve Powell inquired as to how long the business has been in operation?

A. Since 2017.
- Q. Board member Steve Powell inquired as to how long the business has been in operation?

A. Since 2017.
- Q. Board member Steve Powell asked for confirmation that the hours of operation and the amount of intensity of use for the business will not be increasing if the variance is approved?

A. Correct, the hours of operation and intensity of use will not increase.
- Q. Board member James Kaylor asked what the time table for having the fence built currently was?

A. As soon as possible, if the variance is approved.
- Q. Board member Steve Powell asked Remonstrator Greg Baker if his position was in opposition of the variance request and his primary reason was the area was zoned residential and you want it to remain residential in use?

A. Yes.
- Q. Board member Paul Clodfelter asked the Petitioner who uses the dead end road other than him and why?

A. The only other people that use the dead end road are the people who live or own property on the road.
- Q. Board member Chris Campbell asked the Petitioner for confirmation that the trucks that the employees used out in the field were going home with them at night?

A. Not always in the past but going forward we are having the employees take the vehicles home.
- Q. Board member Chris Campbell asked the Petitioner for clarification that their contracting employees are they generally working on one (1) job or several?

A. Several.

- Q. Board member Chris Campbell asked the Petitioner for clarification on the employees are getting supplies off of the business yard?
A. One (1) employee deliveries all of the supplies.
- Q. Board member Chris Campbell asked the Petitioner for confirmation that not every employee has a company truck?
A. Approximately three-quarters ($\frac{3}{4}$) of the employees have a vehicle.
- Q. Board member Charlie Canary asked the Petitioner for confirmation that the biggest concern for the neighbors was traffic off county road 537 East?
A. Yes.
- Charlie Canary expressed concerns regarding the materials that had been dumped on Greg Bakers property and the need for them to be cleaned up. As well as relocating various vehicles that still remain on the property.
- Q. Board member Paul Clodfelter inquired as to how many employees are there on and off-site?
A. Fourteen (14).
- Q. Board member Steve Powell asked staff for confirmation that the reason for their opposition is due to the fact that the business is in a residential zoned area?
A. Yes.

Remonstrator Corey Ramsey (4583 S. 537 E., Franklin 46131) was present to express his concerns regarding safety, traffic, road conditions and changes to the nature of the area.

Remonstrator Greg Baker (5343 E. St. Rd. 252, Franklin 46131) was present to express his concerns regarding changes to the nature of the area.

Motion: To approve V-4-23 to provide for a contractor's office and yard, with the condition that the road signage be placed regarding no deliveries on county road 537 East, in addition to incorporating plan of operation of the commitments outlined by counsel for Petitioner and Petitioner's Findings of Facts. **Moved** by Paul Clodfelter. **Seconded** by James Kaylor. **Yes:** Canary, Clodfelter, Kaylor and Powell. **No:** Campbell. **Motion approved 4-1.**

Motion: To approve V-4-23 to waive commercial parking and landscaping requirements, continuing paving off county road 550 East (Old U.S. 31) to main parking area of business and Petitioner's Findings of Facts. **Moved** by Chris Campbell. **Seconded** by Paul Clodfelter. **Yes:** Campbell, Canary, Clodfelter, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

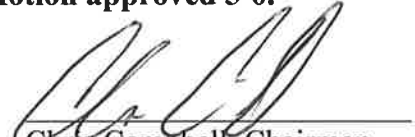
IV. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:25 PM.

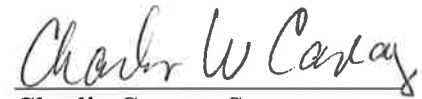
Motion: Adjourn the meeting. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Clodfelter, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: July 25, 2023

By:


Chris Campbell, Chairman

Attested By:


Charlie Canary, Secretary