

**Johnson County Board of Zoning Appeals**  
**February 22, 2022 Meeting Minutes**

The Johnson County Board of Zoning Appeals met on Tuesday, February 22, 2022 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:** Chad Bowman, Chris Campbell, Charlie Canary, Paul Clodfelter (Alternate), 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:** James Kaylor

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**II. APPROVAL OF MEETING MINUTES:**

Chairman Chris Campbell called for a motion to approve the January 25, 2022 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of January 25, 2022 Board of Zoning Appeals meeting minutes. **Moved** by Chad Bowman. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary, Clodfelter and Powell. **No:** None. **Motion approved 5-0.**

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**III. PUBLIC HEARINGS:**

**V-1-22; JBJ Industries, LLC/Fathouse Fabrications – Variance of Use and Development Standards. 3477 S. 200 E.**

Staff presented findings and facts to the board and recommended denial of these variance requests.

Attorney Jacob Brattain with McNeely Law, LLP (4412 N. Morristown, Shelbyville 46176) on behalf of the Petitioner and Petitioner Benjamin Stoner (1156 Burgess Hill Pass, Westfield 46074) were present to speak and address concerns. **Exhibit** packet was provided to the board members.

George Adams (3477 S. 200 E., Franklin 46131) was present to express his support of the purposed variances.

Robert Henderson (917 Windstar Blvd., Franklin 46131) was present to express his support of the purposed variances.

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

- Q. Board member Steve Powell asked for clarification on who JBJ Industries, LLC is?  
A. Purposed lessee.
- Q. Board member Steve Powell inquired as to the property zone?  
A. A-1.
- Q. Board member Charlie Canary inquired as to whether or not one of the images that the Petitioner presented showing the inside of their current building was a showroom?  
A. No.
- Q. Board member Charlie Canary asked whether or not people could drop by and make purchases?  
A. Yes.
- Q. Board member Steve Powell asked for clarification as to whether or not the reason that the fabrication company was interested in this parcel was due to the runway?  
A. Yes.
- Q. Board member Paul Clodfelter inquired as to what 321 on the runway meant in the Petitioner's presentation?  
A. Orientation of the runway, 30 degrees by 210 degrees heading as you are approaching the airport depending upon the wind direction.
- Q. Board member Paul Clodfelter inquired as to whether you are purposing to lease the buildings on the property or purchase the property?  
A. Purchase the property.
- Q. Board member Chad Bowman asked if Fathouse Fabrication has a retail license?  
A. Yes.
- Q. Board member Charlie Canary asked for clarification on what would be purchased?  
A. Twenty-four (24) acres which includes the three (3) buildings, airstrip and driveway.
- Q. Board member Charlie Canary inquired as to whether or not these facilities hook up to a septic?  
A. Yes.
- Q. Board member Chad Bowman asked if Petitioner knew what it would take to have lightening per FAA?

A. Yes.

- Q. Board member Charlie Canary inquired as to whether or not the three (3) buildings would be separated from the airport property for tax purposes?

A. No. Tax matters are unknown at this time.

- Q. Board member Steve Powell asked George Adams to confirm that he was purposing to selling or leasing the property to Fathouse Fabrication?

A. Selling.

- Q. Board member Paul Clodfelter asked staff for clarification on the runway lights?

A. Staff advised that this variance is only dealing with the request of the auto fabrication business but that if the company purchases the property they can fix the lights and have the lights operational per FAA rules and regulations for the runway.

Remonstrator John Canary (2318 E. 300 S., Franklin 46131) was present to express his concerns regarding setting precedence, future growth, driveway usage, draining and lightening.

Remonstrator Thomas Keene (3475 S. 200 E., Franklin 46131) was present to express his concerns regarding noise, environmental impact, FFA requirements, safety, taxes, property owner, burns, compliance and nature of the area.

Remonstrator Fred Williams (1900 S. 510 E., Franklin 46131) was present to express his concerns regarding noise, lightening, pavement of runway and driveway.

**Motion:** To deny V-1-22 to provide for an automobile service shop, fabrication shop and staff's Findings of Fact. **Moved** by Chris Campbell. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary and Clodfelter. **No:** Bowman and Powell. **Motion approved 3-1.**

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**V-2-22; Anthony DiPilla – Variance of Development Standards. 2658 Hurricane Rd.**

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

Staff received three (3) **exhibit** e-mails regarding this matter and presented those to the members of the board.

Petitioner Anthony DiPilla (2658 N. Hurricane Rd., Franklin 46131) was present to speak and address concerns.

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

- Q. Board member Chad Bowman inquired as to whether or not City of Franklin has any intention of annexing the buffer zone next to this property in the near future?

A. Unknown.

- Board member Charlie Canary made mention of the natural tree barrier of the property and that it may not always be there.

Staff advised the board that the majority of the tree barrier was a wetlands and would remain wetlands.

- Q. Board member Paul Clodfelter inquired as to whether or not the road ended right there at their driveway?

A. Yes, it is a private drive.

- Q. Board member Steve Powell asked Petitioner where the wetland designation comes from and what does it prohibit the resident from being able to do on his land?

A. It is a state designation and nothing can be altered in the wetland area.

**Motion:** To approve V-2-22 to allow for the construction of a 2,608 square foot accessory structure where all accessory structures will total 2,608 square feet in building area and Petitioner's Findings of Fact. **Moved** by Paul Clodfelter. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary, Clodfelter and Powell. **No:** None. **Motion approved 5-0.**

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#### **IV. REPORTS AND RECOMMENDATIONS:**

Staff advised the board members that at the March 2022 Board of Zoning Appeals meeting they would be hearing numerous cell tower node requests in addition to the normal requests and recommended that said meeting begin at 6:00 p.m. instead of 7:00 p.m.

Board members directed staff to begin the meeting at 6:00 p.m. if more time was needed in order to hear both the cell tower nodes and the normal requests.

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

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:57 PM.

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

Approved on: March 29, 2022

By:

  
Chris Campbell, Chairman

Attested By:

  
Steve Powell, Secretary

# Variance Request V-1-22

## JBJ Industries LLC d/b/a Fathouse Performance & Fathouse Fabrications

Jacob Brattain with McNeelyLaw LLP - Attorney for Applicant

Ben Stoner, Jeremy Howell, & John Lucas - Applicants & Owners of Fathouse  
Fabrications & Fathouse Performance

**FATHOUSE**  
FABRICATIONS

**FATHOUSE PERFORMANCE**  
SPEED BUILT RIGHT



# Variance Request

**Request to allow Fathouse Fabrications / Fathouse Performance to Build Industry-Renowned Performance Cars at Franklin Flying Field, which is currently zoned as A-1.**

Proposed Operations Include:

- Non-Production Scale Fabrication of Automotive Parts
- Servicing of Performance Automobiles
- Short-Term Storage of Customer Vehicles
- Vehicle Testing on the Existing Runway

**FATHOUSE**  
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# Findings of Fact, Use Variance

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

The proposed use is similar to current operations. The petitioner plans to continue airport operations, servicing airplanes, storing airplanes, and allowing them to land on the airstrip. The petitioner plans to service automobiles, store automobiles, and test them on the airstrip.

The proposed use will result in less noise or traffic than previous or allowable aviation uses and will be concealed from the majority of neighboring properties.

# Findings of Fact, Use Variance

*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 proposed use is similar to current operations, the petitioner plans to make improvements to the property that will only increase the value of the surrounding area.

The properties surrounding the airport are subject to noise covenants and the noise produced by Fathouse is within FAA guidelines.



# Findings of Fact, Use Variance

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

This property makes it possible for us to remain in Johnson County, add employees to our business, test our products in a safe manner on a closed course (the airstrip), and improve the current airport conditions as both the runway and entry drive will be paved or resurfaced.

The petitioner will be forced to look for suitable property outside of Johnson County. This property is the only one like it we have found in Johnson County. The Petitioner requires a private site for testing that only a property such as the airport can provide.

# Findings of Fact, Use Variance

*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:*

Strict application of the Zoning Ordinance would result in empty space that could otherwise be utilized for productive purposes. This property has been operating for many years under its current status, and has caused no issues with neighbors or surrounding properties. There is excess space that was built prior to this application that is no longer necessary to operate or support the core functions of the airport operations, and that empty space should be used to help create jobs and revenue in Johnson County. If the variance is granted, the proposed use will be less invasive and intense than expanding airport operations or fully using all available space for airport-related matters.

# Findings of Fact, Use Variance

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

The area in question will remain virtually the same with only light construction in the form of improvement to the property taking place. The proposed site is also listed in the opportunity sites/areas according to Figure 3-1 in the Comprehensive Plan.

Current application of the Comprehensive Plan and Zoning Restrictions makes it impossible for replication of the property and operations at the property.

# Franklin Flying Field History & Operations

## Franklin Flying Field – 3FK

- Private Owned/Public Use Airport Opened March of 1942
- Approximately 24.15 Acre Site with 3 Large Barns, 5 Utility Sheds/Barns, 4 Hangars, & Paved Runway
- 3/21 Runway Orientation – 2400' x 35'
- Current & Former Uses Include:
  - Aircraft Repair & Maintenance
  - Flight School
  - Fuel Sales
  - Paragliding & Parachute Training
  - Airplane Restoration & Repainting
  - Private Flying & Airplane Storage

**FATHOUSE**  
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# Fathouse History & Operations

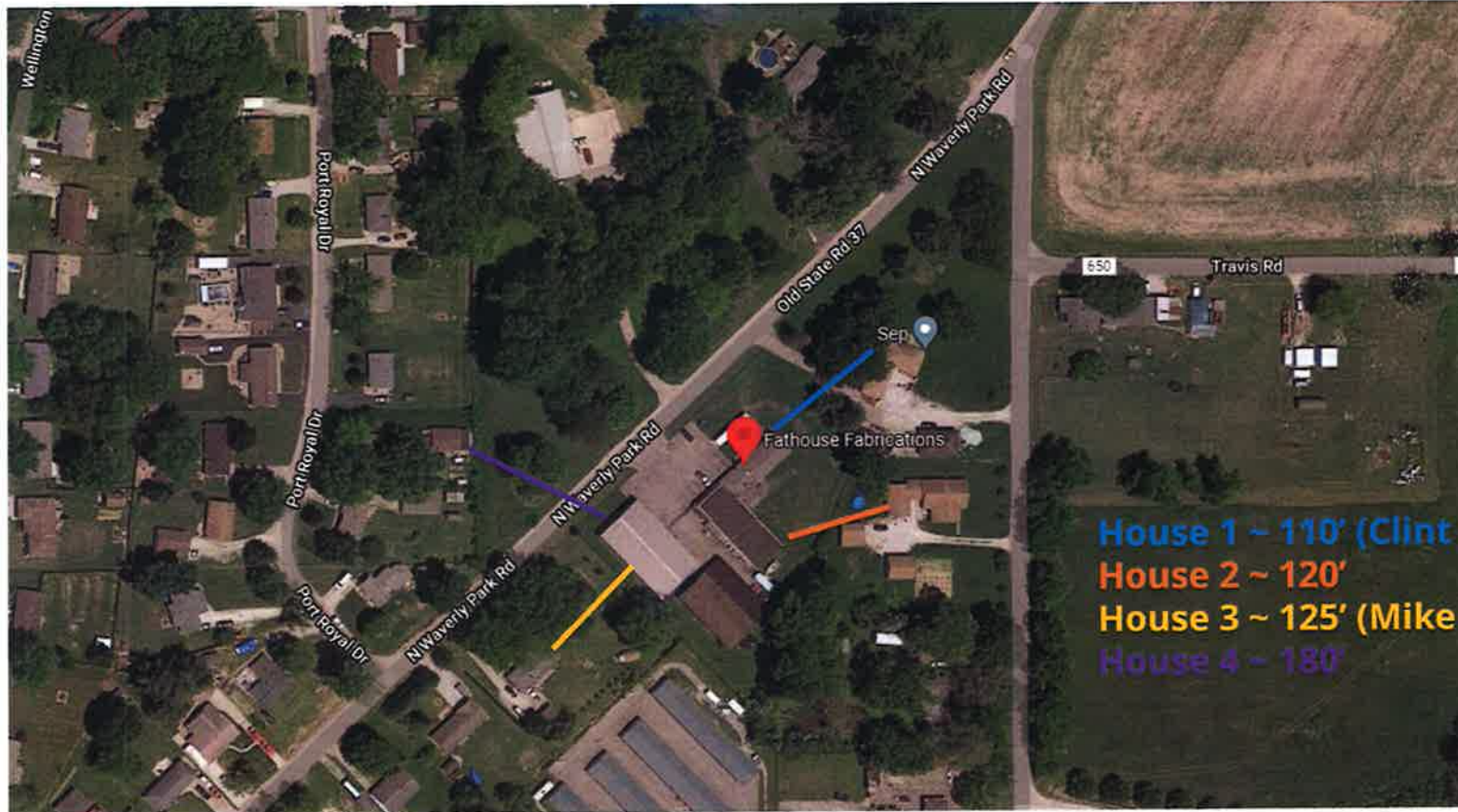
## Fathouse Fabrications & Fathouse Performance

- Started in the Owner's Garage in 2012
- Records & Recognition
  - Quickest & Fastest GT 350 Mustang in the World
  - World's Fastest Stick-Shift Mustang
  - Current Partnership with Shelby American to Build Limited 30-Run GT 500 Mustang
- Fathouse Owners & Operators:
  - Jeremy Howell
  - Ben Stoner
  - John Lucas
- Business Expansion & Continuation

**FATHOUSE**  
FABRICATIONS

**FATHOUSE PERFORMANCE**  
S P E E D B U I L T R I G H T

# Current Location - 9685 Old State Rd 37 North, Martinsville, IN 46151



- House 1 ~ 110' (Clint Plumber)
- House 2 ~ 120'
- House 3 ~ 125' (Mike O'Neal)
- House 4 ~ 180'

**FATHOUSE**  
FABRICATIONS

**FATHOUSE PERFORMANCE**  
S P E E D B U I L T R I G H T

# Current Location - 9685 Old State Rd 37 North, Martinsville, IN 46151



**FATHOUSE**  
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# Proposed Location - 3477 200 East, Franklin, IN 46131



**FATHOUSE**  
FABRICATIONS

**FATHOUSE PERFORMANCE**  
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# Proposed Location - 3477 200 East, Franklin, IN 46131



**Building 1 - Office,  
Inventory, & Storage**

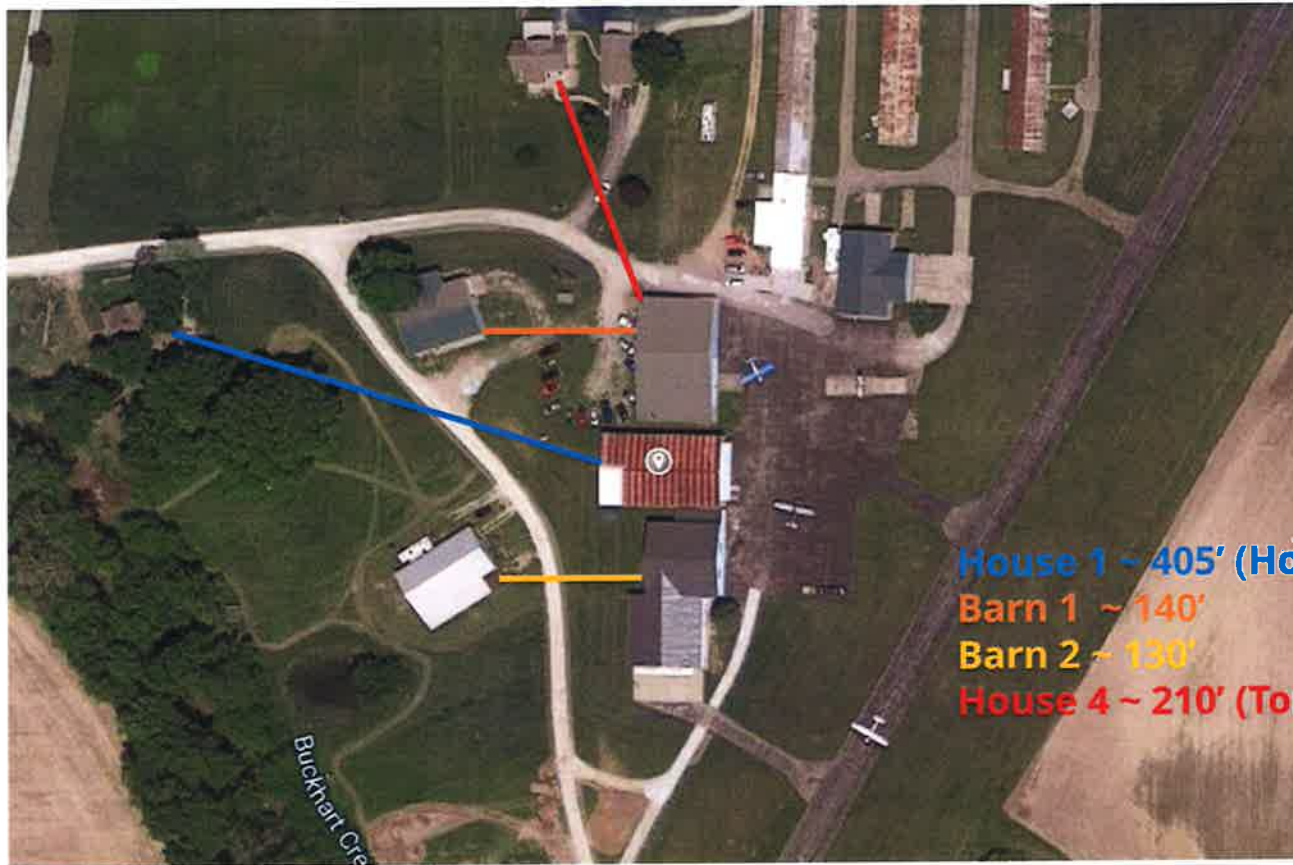
**Building 2 - Service,  
Installation, &  
Dynamometer**

**Building 3 - Fabrication &  
Development**

**FATHOUSE**  
FABRICATIONS

**FATHOUSE PERFORMANCE**  
S P E E D   B U I L T   R I G H T

# Proposed Location - 3477 200 East, Franklin, IN 46131



House 1 ~ 405' (Hollie Creviston)

Barn 1 ~ 140'

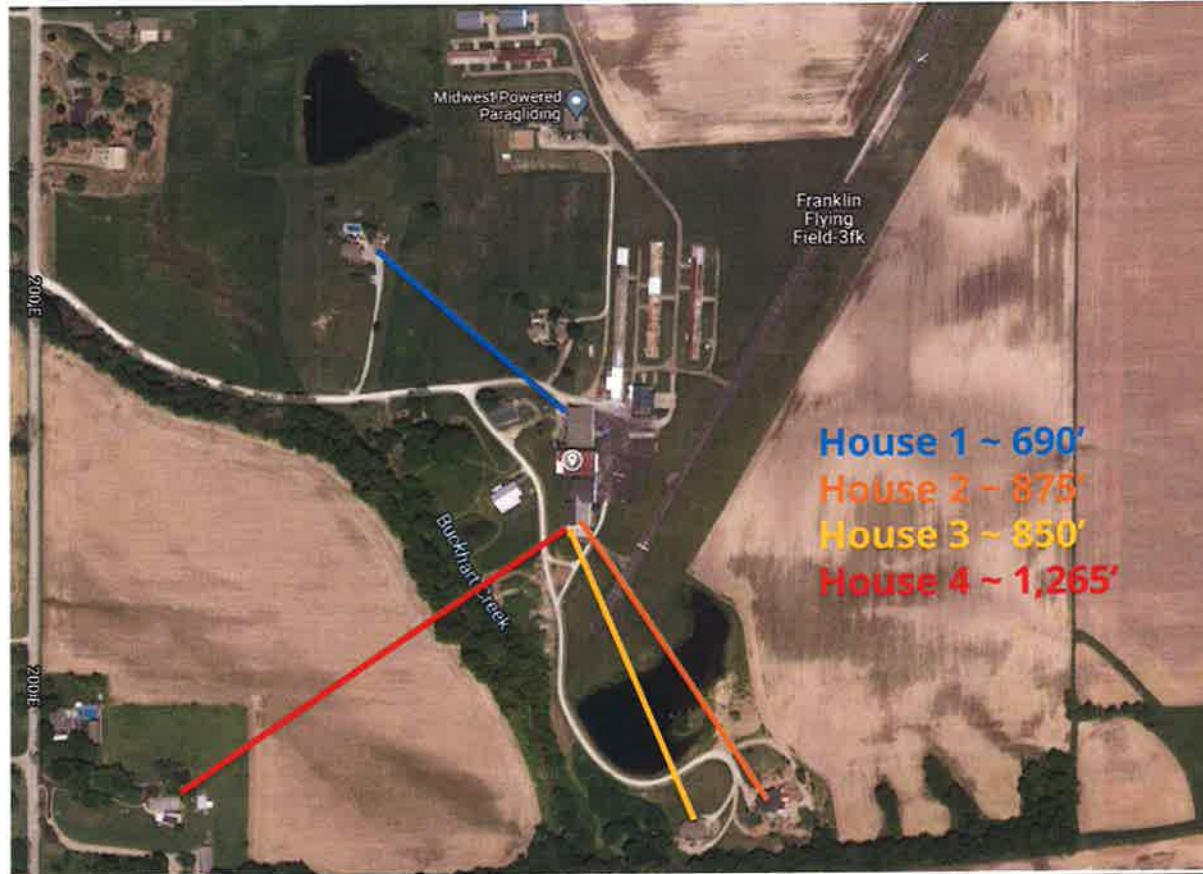
Barn 2 ~ 130'

House 4 ~ 210' (Tom Keene)

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# Proposed Location - 3477 200 East, Franklin, IN 46131



**FATHOUSE**  
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S P E E D B U I L T R I G H T

# Proposed Plan of Operations

## Airport Operations

- Maintain Current Operations with Upgraded Efficiency
- Flight School, Airplane Storage, Maintenance, & Repair, Fuel Sales, Paragliding, & General Aviation

## Fathouse Operations

- Performance Shop Building High-End Mustangs & Other Cars
- Tuning & Testing of Vehicles, Including on the Airstrip
- No Retail Sales – By Appointment Only
- Shipping/Receiving for Parts and Orders
- Planned Trash, Metals, and Solvent Disposal
- Hours of Operation from 8am-7pm M-F
- Nine Current Employees with Expansion Plans

**FATHOUSE**  
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S P E E D . B U I L T . R I G H T

# Planned Improvements

## Phase I

- Repave Runway & Pave Driveway
- Renovate Offices & Operational Areas

## Phase II

- Fix & Upgrade Hangars
- Repair Runway Lights

# Community Support

## **Fathouse Owners & Employees**

- Ben, John, Jeremy, and Trevor

## **Current Fathouse Neighbors**

- Jessica & Clint Plummer
- Michael O'Neal

## **Johnson County Economic Development**

- Rob Henderson

## **Current Airport Owner & Nearby Homeowner**

- George Adams
- Hollie Creviston

## **Letters in Support**

- INDOT Office of Aviation
- Current Neighbors
- Airport Homeowners

**FATHOUSE**  
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S P E E D B U I L T R I G H T

# Variance Request

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# Questions & Answers

**FATHOUSE**  
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# V-1-22 JBJ Industries LLC

VARIANCE OF USE of the Johnson County Zoning Ordinance to  
relocate Fathouse to the Franklin Flying Field

**FATHOUSE**  
FABRICATIONS

**FATHOUSE PERFORMANCE**  
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February 18, 2022

To: Johnson County Board of Zoning Appeals

Re: Petition Number V-2-22; Mr. Anthony Di Pilla

Gentlemen:

Our family has owned the farm property to the south of Mr. Di Pilla's single family lot for over 100 years. The property is currently annexed to the Town of Franklin and is zoned single family residential. Unfortunately, we cannot attend this hearing in person due to scheduling conflicts, but we have several questions and observations we wish the Board will discuss.

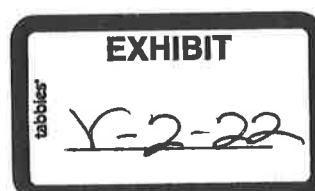
Our first concern is the physical location of the pole barn. We understand that the Zoning ordinance establishes the Front Yard setback in the R-2 Zoning District as 25 feet and that no accessory structure can be located within the front yard setback. However, all the homes along the private road serving this lot have setbacks of approximately 100 feet. We believe that this should be assumed to be the front yard setback in an established area. We definitely do not believe that an accessory building should sit in front of the primary building on any lot. We believe that the accessory structure should be located behind the primary building, similar to the accessory building on the lot directly east of Mr. Di Pilla.

There has been no discussion as to the actual height of the proposed pole barn. We have not been provided the height of the walls and because of the inclusion of a hydraulic lift, but we believe that this structure will exceed the 25 foot height limit.

In Mr. Di Pilla's petition, he has stated that the pole barn will be screened from the residential property to the south by an existing line of trees. The trees are deciduous and do not have leaves for five months of the year, eliminating the screening. Also, there has been no discussion of the exterior of the pole barn facing south other than it will be metal siding with vertical ribs. The side facing our property will be 64 feet in length and only 25 feet from the common property line. Again, as stated previously, we believe this pole barn should be relocated to the rear of the primary residence.

Mr. Di Pilla's petition has stated that there will be no commercial activity conducted on the property. The petitioner has remained silent on whether there will be automobile shows or other large gatherings conducted on the property. Will the work area and automotive lift be used to rebuild automobile engines and start and rev the engines? Again, we believe this pole barn should be relocated further away from our residentially zoned property.

Please note that our family is not opposed to Mr. Di Pilla erecting a pole barn on his property, we just believe that the barn should be located behind the primary residence.



Please note that our family is not opposed to Mr. Di Pilla erecting a pole barn on his property, we just believe that the barn should be located behind the primary residence.

If this is not possible, we believe that being located in the side yard, behind the front line of the existing residence would be an acceptable location, although not the preferred location.

Thank you for your consideration in the review of this zoning variance.



Stephen W. Starek



Bruce A. Starek

**Roscoe B. Starek III**

Roscoe B. Starek, III

## Schaefer, Rachael - Planning & Zoning

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**From:** Sean Fagan <sean@martellandco.com>  
**Sent:** Wednesday, February 16, 2022 8:03 PM  
**To:** Schaefer, Rachael - Planning & Zoning  
**Subject:** Tony Di Pilla Variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Petition Number: V-2-22

Hello,

I am sending you an email in support of Tony Di Pilla's recent variance request. I too believe that the percentage allowance for additional structures on residential zoned lots to be far too low.

Thanks,

Sean  
[sean@martellandco.com](mailto:sean@martellandco.com)  
317-752-2847

Martell & Co  
[www.martellandco.com](http://www.martellandco.com)

## Schaefer, Rachael - Planning & Zoning

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**From:** Katie Mercer <katie.mercer@me.com>  
**Sent:** Tuesday, February 22, 2022 8:53 AM  
**To:** Schaefer, Rachael - Planning & Zoning  
**Subject:** DiPilla's

I apologize for such a late response. We are the owners of 2726 Hurricane Road and are aware of the square footage and height variance being requested by Mr DiPilla. We have reviewed the design and building materials for this project, as well as, physically walked the property to view the site plan. We are in favor and support of his request for a variance for the barn.

Sincerely,  
Katie and David Mercer

Sent from my iPhone