

Johnson County Board of Zoning Appeals

December 20, 2022 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, December 20, 2022 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:03 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)

II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the September 27, 2022 Board of Zoning Appeals meeting minutes.

Motion: Approval of September 27, 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.**

III. PUBLIC HEARINGS:

V-15-22; Caleb Harbert – Variance of Use and Development Standards Requests. 5703 W. Smith Valley Rd.

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

Petitioners Caleb Harbert (5703 W. Smith Valley Rd., Greenwood 46142) was present to speak and address questions and/or concerns.

Petitioner presented video presentation, several document **Exhibits** to the board and added that he wanted the proposed outdoor sign to be lighted.

Deborah Donaldson (5811 W. Smith Valley Rd., Greenwood 46142) was present to speak in support of these variance requests.

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

- Q. Board member Steve Powell asked for confirmation that Design Studio means part of the landscaping business for designs for outdoor landscaping?
A. Yes.
- Q. Board member Steve Powell asked for confirmation that the Comprehensive Plan calls for mixed use?
A. Yes, mixed density and neighborhood commercial business.
- Q. Board member Chad Bowman inquired as to the variance of use date of the adjacent property?
A. Exact date unknown but the year was 1988.
- Q. Board member Chad Bowman asked for confirmation that a previous variance had been petitioned back in 2016?
A. Yes, Petitioner and staff provided a brief description of what transpired when the variance had been petitioned and denied back in 2016.
- Q. Board member Chad Bowman asked the Petition for a definition of a small dumpster?
A. The equivalent of two (2) trash cans with wheels.
- Q. Board member Chad Bowman inquired as to how many employers the proposed business would have?
A. Twenty-four (24) currently and seventy (70) proposed for the future.
- Q. Board member Chad Bowman inquired as to whether or not the property would be able to accommodate approximately fifty-eight (58) parking spaces?
A. Petitioner believes that only eight (8) employees would be parking vehicles on the property.
- Q. Board member Chris Campbell asked the Petitioner how long he has owned the property?
A. Since 2015.
- Q. Board member Chris Campbell asked the Petitioner if he currently resides on the property?
A. Yes, but has purchased another home and will be moving.
- Q. Board member Steve Powell asked for confirmation that the variance, if granted, doesn't stay with the property if sold?
A. Correct.

- Q. Board member Chris Campbell referred to page five (5) of the staff report and asked for interpretation of “Extra care must be given when reviewing any new projects to ensure their compatibility with surrounding uses. Buffering and planning will be required to mitigate potential impacts on surrounding property owners.”?

A. Board and staff had a discussion on the interpretation.

Remonstrator Attorney Tom W. Vander Luitgaren with Van Valer Law Firm, LLP (225 S. Emerson Ave., Ste. 181, Greenwood 46143) was present on behalf of property owner RCP Realty, LLC aka Bob Poynter and Team A, LLC aka Judge Richard Poynter to express his opposition to the use in this matter.

Remonstrator Jon Holbrook (813 Mullinix Rd., Greenwood 46143) was present to express his concerns regarding the use of the property.

Remonstrator Roland Burden (960 S. Stone Rd., Greenwood 46143) was present to express his concerns regarding drainage and utilities.

Remonstrator Earsel Rogers (979 S. Stone Rd., Greenwood 46143) was present to express his concerns changes in the nature of the area.

Remonstrator Chris Hommel (971 S. Stone Rd., Greenwood 46143) was present to express his concerns regarding property values, change in the nature of the area, health and safety.

Remonstrator Ann Hommel (971 S. Stone Rd., Greenwood 46143) was present to express her concerns regarding noise, traffic, drive way and parking lot.

Remonstrator Marjorie Koons (1059 Mullinix Rd., Greenwood 46143) was present to express her concerns regarding changes to the nature of the area, flooding, septic, storage and equipment.

Motion: To deny V-15-22 to provide for a design studio, contractor’s office, contractor’s yard, waive commercial parking requirements, waive commercial landscaping requirements, allow for a free standing sign not to exceed 32 square feet in area and 6 feet in height and Staff’s Findings of Fact. **Moved** by Steve Powell. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** Bowman. **Motion approved 4-1.**

**V-16-22; Rita Horton – Variance of Development Standards Request.
2.39 acre parcel east of 3590 E. 250 S.**

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

Petitioner Tony Horton (3590 E. 250, 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 and staff as follows:

- Q. Board member Charlie Canary asked for confirmation that the Board of Zoning Appeals would have to approve before the matter would go to the Plan Commission?
A. Staff explained to the board that the Subdivision Control Ordinance defines how land can be divided and that the Zoning Ordinance defines the lot standards. Staff briefly advised the board of the processes.
- Q. Board member Charlie Canary asked for confirmation that if the Board of Zoning Appeals decides to approve this matter that the Plan Commission doesn't have to approve?
A. Correct.
- Q. Board member James Kaylor asked the Petitioner where he currently resided?
A. Right next door to this parcel.
- Q. Board member James Kaylor asked the Petitioner how many original acres did he purchase?
A. Approximately three (3) acres.
- Q. Board member Steve Powell asked for clarification on this variance request?
A. Staff explained the lot split history and the purposed variance request.

Motion: To deny V-16-22 to legally allow for 130 feet lot width on an illegally created parcel and Staff's Findings of Fact. **Moved** by James Kaylor. **Seconded** by Steve Powell. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** Bowman. **Motion approved 4-1.**

IV. NEW BUSINESS:

Adoption of Findings of Fact for V-14-22 Variance of Development Standards A and B.

Motion: To approve adoption of Findings of Fact for V-14-22 Variance of Development Standards A and B. **Moved** by Charlie Canary. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approval of 2023 Board of Zoning Appeals Calendar

Motion: To approve the 2023 Board of Zoning Appeals Calendar. **Moved** by Chris Campbell. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

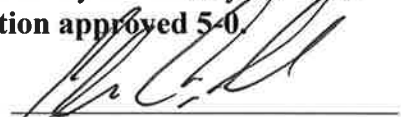
V. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:47 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.**

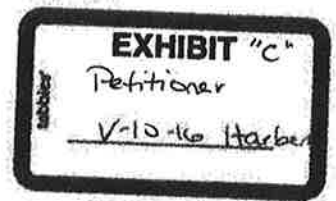
Approved on: January 24, 2023

By:


Chris Campbell, Chairman

Attested By:


Steve Powell, Secretary



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www.angieslist.com › Local Reviews › IN › Greenwood › Angie's List
Sep 23, 2015 - Reviews you can trust on HOMMEL LAWN CARE & LANDSCAPING SERVICE from Angie's List members **971 STONE ROAD Greenwood, IN**

Hommel Lawncare & Landscaping Service in Greenwood, Indiana

www.gosmith.com › ... › Lawn Service › Hommel Lawncare & Landscaping Service
★★★★★ Rating: 5 - Review by Smith
Hommel Lawncare & Landscaping Service: Rating: 5.0 (6 reviews) Specialties: Lawn Service, Gutter Cleaning, Gutters, Landscaper, Leaf Remova Serving 15 ...

HOMMEL LAWN CARE & LANDSCAPING SERVICE, Lawn & Garden ...

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HOMMEL LAWN CARE & LANDSCAPING SERVICE - Greenwood ...

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Hommel Lawncare. Company.

HOMMEL LAWN CARE & LANDSCAPING SERVICE Address

www.officfind.com/hommel-lawncare--landscaping-service-20164593454908
HOMMEL LAWN CARE & LANDSCAPING SERVICE is phone number : (317) 882-5296, Postal code 46143 **Address 971 STONE ROAD** Examine the detail ...

hommel lawncare & landscaping service - homeyou - Home ...

www.homeyou.com › Categories › Landscaping › Indiana › Greenwood
HOMMEL LAWN CARE & LANDSCAPING SERVICE: Landscaping | Roofing - Greenwood, IN. HIGHLIGHTS: Roofing in Whiteland, IN; Roofing in Bargersville, IN ...

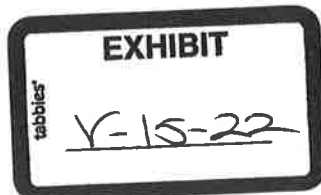
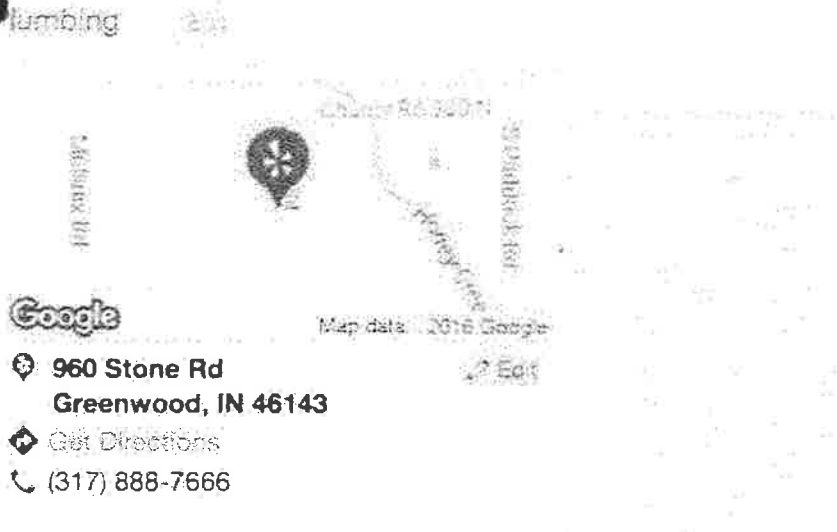


EXHIBIT "D"
Petition
- Visible Harquet

Burden Roland Peanut

★ Write a Review

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Is this your business?

Respond to reviews and privately message customers. Claiming is free, and only takes a minute.

Claim This Business



Roto-Rooter Plumbing & Drain Services

17 reviews

🕒 Open now

Quinn P. said "Cleared a main blockage that had sewer backing up into shower and tubs. Tried to update me on "chemical" treatment for an extra 60\$. I denied at first but gave in and my suspicions were right. 60\$ for a..." read more

✎ Edit business info

Hours

➕ Add business hours



Hope Plumbing

28 reviews

👤 [Yelp users rock! Click here to contact us]

Bill J. said "I read the Yelp reviews and figured I couldn't go wrong. And I didn't. Everything was 100% smooth and easy and they scheduled an appointment for me without much advance notice. The plumber that came onsite..." read more

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In favor of The Gardens by Precision Outdoors

To: Johnson County Board of Zoning Appeals

The plans for our property (at 5703 W Smith Valley Rd, Greenwood, IN 46142) are not in alignment with the Board of Zoning Appeals. We're asking for an exemption for what is currently allowed on residentially owned property. We plan to use the home as an office/design studio and the grounds around it as our outdoor display/gardens. In the back, we will run our crews and park/store all of our materials. The gardens that we plan to build for the Indianapolis Flower and Patio Show will be brought to our Design Studio for showcasing. Ultimately, we'd like to build an outdoor venue and hangout space: this will be geared towards families and family friendly entertainment. Our goal would be lawn games, food trucks and pop up shops to help provide an awesome family spot. Furthermore, to help showcase local boutiques and other small businesses, we want to do pop-up shops (we love the look of modernized shipping containers for them to come out and display their items but not have to do a permanent store front). Additionally, we would have a white event barn to help house weddings or local booster events/book clubs/etc. Kids Play Cafe: Also, since we have little kids, we have noticed that outside of our local parks...there isn't much for our kids to do on the Southside. One of our goals will be a kids play cafe where parents and their children can come, hangout and have a ton of fun as a family! We have loved these types of places when we travel and want to build something similar. Lastly, Seasonal Events: Because will have the BoHo Co and plenty of bounce houses and other things, we may do major holiday events for families to come out and have a blast and hangout (similar to Waterman Farms or Kelsay Farms fall fest event spaces).

Why is this important?

This is important to us because it will impact our community in many positive ways. It will bring our business close to home, it will eventually create more jobs and will help increase revenue for small businesses with our pop-up shop ideas. It will hopefully provide families with a place to come play with their kids, versus having to drive to the East or North side of Indianapolis. If we lose, our land will become an apartment complex and restaurants, which many of our locals do not want. Our city needs more family friendly activities.

Signed by 317 people:

Name	Postcode
Kayla Crump	46106
Kari .	46143
Sarah Johnson	46143
Tiffany Christy	46143
Laura Miller	46143
Anesa Abdalla	46181
Morgan Bye	46131
Karen Liford	46143
Amanda Raber	46160
Enza Griffin	46143

Name	Postcode
Lauren Tuggle	46106
Amanda Tellmann	46143
Natalie Freeman	46106
Mikayla Patrick	46142
Shane Confehr	46131
Samantha Norris	46106
Melanie Piper	46106
Kristol Hancock	46142
Angie Podesta	46142
Kacey Wiggins	46151
Allison Bentel	46143
Abigail Edel	46143
Lindsey Morris	46143
Meaghan Surface	46184
Acile springer	46143
Monica Danhauer	46106
Kierstyn Grepke	46143
Kim Foote	46142
Shalynn Adams	46143
Erin St John	46131
Kristin Gurley	46106
Shelley Greenwood	46106
Stacy Hollars	46143
Helina Fox	46106
Corinna Knapp	46142
Judy Hart	46143
Kim Hoereth	46143
Angela Wock	46106
Courtney Oldham	46132
Matthew Vaughn	46131
Amber Staller	46106
Megan Lee	46237

Name	Postcode
McKenzie Begala	46106
Destiny Brumfield	46142
Jamie Hanan	46142
Alicia Funk	46131
Amber Guernsey	46106
Bryant Breanna	46217
Amanda A	46106
Kimberly Long	46142
Bettie Bedan	46143
B C	46142
Sheri Bryant	46217
Belva Sample	46160
Erin Bolin	46113
Kevin OGara	46142
Renee Raber	46160
Christa Spear	46181
Shari Mullins	46151
Robin Shaffer	46143
Jessica Kohlstaedt	46142
Chelsey Halcomb	46259
Drew Dozier	46143
Allison York	46143
Kathleen Spencer	46143
Nickie Hunt	46143
Jenna Spencer	46106
Sasha H	46142
Nikki Venne	46142
Paula Peters	46143
Allison Wilkins	46143
Olivia Twitty	46143
Kelli Oleksiak	46142
Tanya Lakes	46106-8519

Name	Postcode
Julie Bowling	46106
Suzanne Bardy	46143
Megan Tucker	46143
Lisa Pease	46143
Jen Pittman	46143
Syd Surface	46142
Kimberly Brickley	46143
Michael Pickard	46143
Sheryl T	46106
Nichole Minor	46131
Mindy Meyers	46142
Vanna Silvers	46221
Nathan Loomis	46143
Amanda Gettelfinger	46142
Sarah Forbes	46164
Londaay Szostak	46143
Scott Hootman	46143
Douglas Peters	46143
Melinda Ward	46142
Jamie Killingbeck	46143
Jordan Crowder	46143
Brandi Waters	46131
Amanda Jacobs	46106
James Williams	46143
Dawn White	46217
Jeanna Okey	46142
Anthony Lime	46143
Christine Garrett	46142
Tinamarie Payne	46106
Steven Payne	46106
Vaughn Sebree	46143
Rebecca Dobbins	46131

Name	Postcode
Michael Leigh	46106
Megan Clawson	46143
Meranda Faller	46106
Haylee Cadigan	46106
David Cadigan	46106
Jessica Shaffer	46142
Allison Snyder	46143
Patty Russell	46106
Hali Householder	46142
Joe Gutzwiller	46143
Heather Schott	46106
Shawn Smith	46143
Kayla Bullock	46131
John Johnson	46143
Britney Merchant	46143
Kacey Collins	46181
Monica Smither	46143
Terry Davidson	46143
Nicole Knotts	46143
Alyssa R	47240
Zarina Raza	46143
Janis Ross	46144
Alexandria Andrews	46143
Jessica Brown	46142
Janelle McDonald	46143
Sarah Laptiste	46142
Steve Moore	46106
Meghan Watts	46131
Danielle Sullivan	46143
Michael Krivulka	46106
Teresa Bauer	46158
Cheryl Latkowski	46143

Name	Postcode
Janet Icenogle	46106
CINDY WEAVER	46143
Jean Nunnally	46143
Becca Belser	46131
Jacque Miller	46143
Kristy Hopwood	46184
Trey mclaughlin	46256
Whitney Foughty	46240
Amber Reed	46143
John McCullen	46113
Reagan Higdon	46131
Chad Mertz	46143
Brian Williams	46142
Deborah Walls	46184 1156
Michelle Wagner	47960
Andrea Martinez	38024
Kristen Henley	46142
Ian Anthony	46106
Callie Runion	46106
Pamela Jones	46106
Leah McNeal	46151
Lillian A Piver	46143
Kimberly Anthony	46106
Shakell Henton	46217
Amy Wright	46142
Monica B	47203
Janell Maldonado	46037
Sandy Moats	46259-6787
Robert Moats	46142
Catherine Richason-Finch	46181
Kathy Bush	46143

Name	Postcode
Michelle McDowell	46184
Lori Kay Ahmed	46142
Janina Kowal	46131
Mary Jo Montagna	46143
Daniel Majestic	46203
Marcia Cheatham	46142
Mark Moreno	46106
Sam Cinbat	46142
Jerry Rode	46184
David Johnston	46143
Ryan Hale	46106
Lorre Chapman	46131
Edward Harney	46144
Michelle Burt	46106
Jason Olding	46142
Mindy Lewis	46142
KATHLEEN Petgen	46131
Khristina McPherson	46184
Linda LaCroix	46143
Mike Sanders	46131
Lindy Olding	46142
Leah McNeil	46142
Beth Alden	46131
DEBORAH ASH	46143
Denita johnson	46143
Tara Mann	46142
Melissa Freyberger	46131
Louis Havely	46143
Kelly Horner	46143
Kristi Combs	46106
Maureen Marlow	46181

Name	Postcode
Sharon Stoutner	46142
Tricia Sharp	46160
Dawn Shelton	46227
James Duffie	46142
Ryan Thie	46143
Donna Silvertooth	46143
Melissa Gray	46131
Ellen Stewart	46181
Josh Kennedy	46142
Daniel Burton	46164
Janet Champer	46142
Mary Kennedy	46142
Cathy Salyer	46143
Michaela Hammel	46106
Jessica Miller	46143
Mckenzie Davis	46186
Portia Hughes	46106
Leanne Crowder	46160
Glenn Julius	46143
Heather Paul	46142
DT SMITH	46142
DEBRA TOON	46143
Christina Hayes	46106
Lisa Crowder	46106
Ashley Tilson	46160
Randy Mcgarr	46160
Rebecca Fields	46106
Jessica Ginder	46106
Natalie Fiorenza	46106
Garrett Fiorenza	46106
Dwayne Doles	46143
Rick Goodman	46142

Name	Postcode
Marissa Pease	45431
Sabine Lewis	46184
Kristina Pedro	46143
Dennis Linner	46202
Calie Wilson	46131
Robert Twardowski	46106
Samantha Cridlin	46142
Brittany Cole	46151
Bridget Sisson	46131
Weslee Wilson	46158
Lyndee Applegate	46106
Jessica Carothers	46143
Emily Abrams	46237
Evan Shortridge	46237
Michelle Walker	46151
Deanna Cross	46167
Grant Linson	46259
Kim Kreuzman	46142
Mary Laughlin	46143
Suzanne Boyd	46131
Nicole Hughes	46131
Marla Thornton	46227
Christina Heaton	46227

From: Schultz Elizabeth - Health Dept eschultz@co.johnson.in.us

Subject: Change of Use

Date: December 14, 2022 at 11:04 AM

To: Payne, Brian BPayne1@isdh.IN.gov

Cc: Caleb Harbert charbert@precisioncutlawn.com, Quinn, Alice R AlQuinn@isdh.IN.gov, Miller, Mark A MaMiller3@isdh.IN.gov



Mr. Harbert currently owns a home at 5703 W Smith Valley Road, Greenwood, Indiana.

I have included the septic record. He is planning to convert the property into a business/home office. Please see his completed change of use form attached (Precision Cut Service LLC.pdf). The parcel is in the flood- zone/fringe. I have also included his plot plan. His variance request hearing is this coming Tuesday December 20th & this is one of the concerns.

Thank You,
Elizabeth Schultz
Environmental Health Specialist
Johnson County Health Department
460 N Morton St., Ste. A
Franklin, IN 46131
317.346.4373



Change of Use 5703 W Smith 94-281.pdf
Proces...-14.pdf Valley...A.PDF



COMMERCIAL ON-SITE SEWAGE SYSTEM PRE-APPLICATION

State Form 56275 SR (5-19)
INDIANA STATE DEPARTMENT OF HEALTH
ENVIRONMENTAL PUBLIC HEALTH

FOR INTERNAL USE ONLY

Project number

- INSTRUCTIONS:
1. All commercial applicants must complete the questions below and submit with the soil report.
 2. Provide accurate information and factor in long term use of the site.
 3. E-mail questions to soe@isdh.in.gov or call (317) 233-7611.
 4. Completed applications may be submitted via e-mail at soe@isdh.in.gov, via fax at (317) 233-7047, or via mail at: Environmental Public Health Division, Indiana State Department of Health, 100 N. Senate Ave., Room N655, Indianapolis, IN 46204

1. PROJECT INFORMATION			
Name of project / business <i>Precision Cut Lawn Service LLC</i>			
2. PROJECT LOCATION (if no address exists, please use an approximate location - e.g. 1/2 miles west of 123 W. Hwy 26 or the nearest intersection.)			
Project / business location <i>5703 W Smith Valley Rd Z: 46142</i>			
Project / business city <i>Greenwood</i>		County location of project / business <i>Johnson</i>	
3. APPLICANT / AGENT CONTACT INFORMATION			
Name of applicant / agent representative <i>Caleb Harbert</i>			
Postal address of applicant / agent (number and street, city, state, and ZIP code) <i>5703 W Smith Valley Rd Greenwood IN 46142</i>			
E-mail address of applicant / agent <i>charbert@precisioncutlawn.com</i>		Telephone number of applicant / agent <i>(317) 343-3538</i>	Extension <i>()</i>
Fax number of applicant / agent <i>()</i>			
4. GENERAL PROJECT DETAILS			
Specify the days and hours of operation for the facility. <i>M-F 6:30am to 10pm and Sat + Sun 6:30am to 9pm BUT not occupied must be it</i>			
Number of employees at peak staffing: (include any anticipated future growth)			
First Shift:	Full time	Part Time	Seasonal
Second Shift:	Full time <i>N/A</i>	Part Time	Seasonal <i>up to 60 BUT only if</i>
	Full time	Part Time	Seasonal



Restrooms and Sanitation Requirements



Workers' Rights

Overview

OSHA requires employers to provide all workers with sanitary and immediately-available toilet facilities (restrooms). The sanitation standards (29 CFR 1910.141, 29 CFR 1926.61 and 29 CFR 1928.110) are intended to ensure that workers do not suffer adverse health effects that can result if toilets are not sanitary and/or are not available when needed.

How do employers ensure restrooms are accessible?

Employers must provide at least the minimum number of toilet facilities, in toilet rooms separate for each sex (see the table in 29 CFR 1910.141(c)(1)(ii)), and prompt access to the facilities when needed. Restroom access frequency needs may vary significantly from worker to worker, and may be affected by medications, fluid intake, air temperature and other factors.

In response to questions about reasonable access to toilet facilities, OSHA published letters of interpretation that, together, describe how employers must ensure prompt access to toilet facilities (see references for letters of interpretation under Additional Resources below).

Employers must:

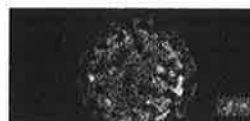
- Allow workers to leave their work locations to use a restroom when needed.
- Provide an adequate number of restrooms for the size of the workforce to prevent long lines.
- Avoid imposing unreasonable restrictions on restroom use.
- Ensure restrictions, such as locking doors or requiring workers to sign out a key, do not cause extended delays.

Employers may need to be flexible in developing procedures to ensure that workers have access to toilet facilities as needed. Employers with mobile workers must provide readily available transportation that provides prompt access (i.e., less than 10 mins) to restrooms if they are not available at the work location. Toilets for farmworkers must be located no more than a quarter mile from the location where workers are working on similar findings. Also, when work stations require constant coverage (e.g., production lines and bus drivers), employers may implement a system for workers to request relief as long as there are sufficient relief workers to assure the wait is not unreasonably long.

Additional Resources

- Portable Toilet and Sanitation Best Practices for Women in Construction, OSHA and the National Association of Women in Construction Alliance, (2015). For more information about the NAWIC alliance, please visit the alliance page.
- Guidance to Employers: Best Practices - A Guide to Restroom Access for Transgender Workers. OSHA Publication 3795, (2015).
- Requirements for Washing Facilities in Construction Industry under 29 CFR 1926.61(f)(1) and in Agriculture Industry under 29 CFR 1928.110. OSHA Memorandum, (July 20, 2005).
- 1926.61(c)(4): Sanitation and Mobile Crews. OSHA Memorandum, (June 7, 2002).
- 29 CFR 1910.141(c)(1)(ii), Toilet Facilities. OSHA Letter of Interpretation, (April 6, 1998). Clarification about this memorandum was provided in OSHA's letter dated April 23, 2003. Additional clarification on restricting worker's access to restrooms is provided in OSHA's letter dated February 2, 2006.
- Other related OSHA Letters of Interpretations.

In Focus



OSHA's COVID-19 Safety and Health Topics page provides specific information about protecting workers from coronavirus during the ongoing outbreak.

Highlights

Employers must maintain restrooms in a sanitary condition. Restrooms must provide hot and cold running water or lukewarm water, hand soap or similar cleansing agent and warm air blowers or individual hand towels (e.g., paper or cloth). Waterless hand cleaner and towels/rags are not adequate substitutes for soap and water.



For more information on regulatory requirements for toilet facilities at construction sites and also best practices for improving sanitary conditions at these sites for both men and women see the National Association of Women in Construction Alliance product, Portable Toilet and Sanitation Best Practices for Women in Construction.



FEDERAL GOVERNMENT

OCCUPATIONAL SAFETY & HEALTH

ABOUT THIS SITE

Town of Bargersville
24 N. Main Street
PO Box 420
Bargersville, IN 46106



Ph. 317-422-5115
Fax 317-422-5117

www.townofbargersville.org

December 20th, 2022

Michele Hansard
Johnson County Planning and Zoning
86 West Court Street
Franklin, IN 46131

RE: Precision Cut Lawn Service, LLC - 5703 W. Smith Valley Road, Greenwood, IN

Ms. Hansard:

The Town of Bargersville has been in communication with Mr. Caleb Harbert of Precision Cut Lawn Service regarding his property at 5703 W. Smith Valley Road regarding a variance request. This property is inside the Wellhead Protection Area for the Town's North Water Treatment Plant located on Smith Valley Road. Based on a phone conversation with Mr. Harbert on December 20, 2022 the Town understands the following:

1. The property will be the location of a lawn care business, Precision Cut Lawn Service LLC; who also owns Precision Outdoors - a landscape company.
2. The business uses the site to store equipment and some chemicals that include salt, fertilizers and gasoline.
3. Chemical storage will occur on concrete floors inside pole building structures on site.
4. The business may utilize a double walled gasoline storage tank located outside the buildings.
5. The residence on the site may be converted to a business office and continue to use the on-site septic system for domestic waste disposal.

Bargersville requests the following to be considered in the site commitments in some form:

1. Underground storage tanks for fuel storage should be prohibited.
2. Fuel storage shall be limited to that incidental to the operation of the business and stored in above ground tanks with containment capable of storing 100 percent of the tank contents. Small fuel containers shall be limited to five gallons and stored inside or on trucks.
3. Wash out of chemical containers and equipment containing fertilizers, salt or other chemicals shall be prohibited on site.
4. Chemical storage shall be inside the buildings and pallets or shelves on concrete floors.

5. Salt storage shall be limited to a large hoop building with a concrete floor. This will be for bulk ice melt. Storage of bulk ice melt shall only be allowed with water tight containment. Bagged ice melt can be stored inside pole barns and/or in the hoop building.
6. Snow storage shall not occur on site.
7. Any dumpsters on site shall be water-tight and stored on impervious concrete.
8. No surface impoundments or lagoons except for approved stormwater detention shall be allowed.
9. The Owner grants the Town of Bargersville the right to enter the Real Estate during normal business hours to ensure these commitments are being followed.
10. In the event of a release or spill on the site the owner shall notify the Town of Bargersville within 24 hours.

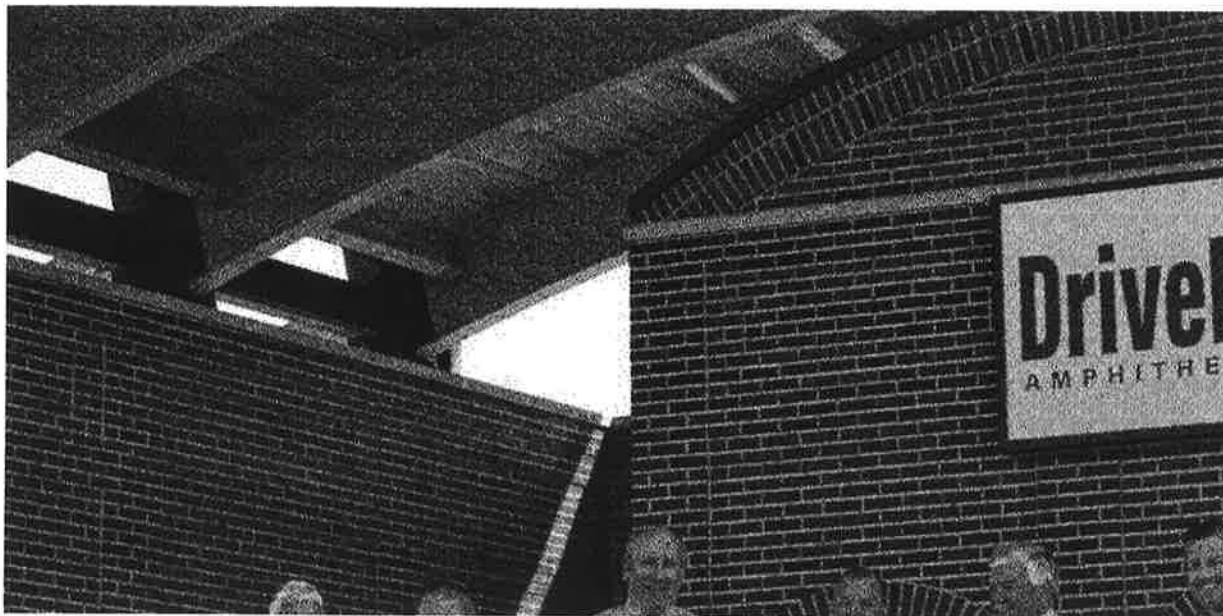
Please call or let Bargersville know if there are any questions related to this matter as this represents a very brief evaluation of this request. I can be reached at 317-422-3170.

Sincerely,

Kevin Killinger

Kevin Killinger

Utilities Manager



Dream Fulfilled: New park 'elevates quality of life'

By Leeann Doerflein - May 20, 2022

A 15-acre parcel that was decimated by floodwaters three times in 14 years is now home to Fra

Three mayors of Franklin dealt with devastating downtown floods from 2008 to 2017. After the the parcel into something that can stand up to nature and improve quality of life, said Steve Ba

"After that flood in 2017, it was the right time to start a conversation with the city council, the l five property owners," Barnett said. "We knew we wanted to transform this area, which was an transform it into a vibrant space for people to enjoy for a lifetime."

The \$9 million park was designed with large greenspaces to absorb floodwaters and amenities t amenities include an amphitheater with a 5,000-seat capacity lawn, an inclusive playground, pi

accommodate food trucks and farmer's market vendors, and the city's first splash pad.

The park is also an economic development tool that is hoped to attract tourists, new businesses

"The DriveHubler.com Amphitheater and Youngs Creek Park are milestones in preserving our sn this journey to excellence," he said.

The grand opening ceremony on Friday morning featured remarks from city officials and sponsc official performance at the amphitheater –a trumpet rendition of the national anthem by Steve



Mayor Steve Barnett, right, tells the family and friends of Marty and Carolyn Williams about the plaza named in their honor.

LEEANN DOERFLEIN | DAILY JOURNAL

Countless city employees, sponsors and people who believed in the project helped get it across Barnett said.

"This elevates Franklin's quality of life to the next level," Barnett said. "A project of this size tak — it takes time to get to where we got to today, five years later. Quality of life and collaborator live, work and play."

The city officials and the contractor, Fishers-based Myers Construction Management, were work prepare for the event, said Chip Orner, Franklin's parks and recreation director.

There are still a few final touches to go, but the park is fully ready to use. Some of the punch list items like the playground, concrete patching and other fine detail work most won't even notice is missing.

Sponsors raised \$649,870 for programming at the park, which has enabled the city to make all said. Some of the sponsors were Indiana American Water, Mutual Savings Bank, The Branigin Family and others.

The Spray Park at Youngs Creek Park was made possible by a donation from the American Water Works Association, which opened a few days ago, but the ribbon was cut this morning.

Not only does the spray park provide fun, it also gives back to the environment by recycling water and sharing facts about water conservation on educational signs, said Matthew Prine, president of the park.

"We look forward to this space where children and families can enjoy and have fun while learning about protecting our environment and our water right here in Franklin," Prine said.

The DriveHubler.com Amphitheater is named for the major sponsorship by the car dealership of 1982. The sponsorship was a given, as the company wanted to give back to the community through the general manager for Bradley Hubler Chevrolet.

"Over the past 40 years we've seen changes to this community – all of them to change this small town now. With that the Hubler Group has grown ... to 14 different locations in Central Indiana," Your community's help."

Several amenities also bear the names of community members who devoted their time and money to the park.

Fred Paris, who was mayor during the 2008 flood, said the Paris Station Trailhead Bridge is a project. The bridge over Youngs Creek connects the park to an existing section of trail in Greenlawn Cemetery.

William E. and Barbara Paris gave back to the community in many ways, far beyond their contributions as the developers of Paris Estates, he said. Paris Estates sits on the land that used to be the farmland.

"We were able to tell our mom about our plan just a few short months ago before her passing. The trailhead connecting this park to the Greenlawn Cemetery was the original location of the bridge. It serves as our trailhead. It once passed our gas station and when we were kids it passed by our house. We spent a lot of time watching that train go back and forth and playing in the creek next to it. Now we have this beautiful facility."

One plaza is named for the Branigin Foundation, which bears the name of Elba L. and Gene Por.

"This will provide ways to enjoy Franklin in ways we have yet to experience. As I look and see them from the front row ... I'm envious of all of them and the years they're going to have to enjoy this place,"

Foundation representative. "The Branigin Foundation is excited to be part of this for years to co

A surprise naming was for Marty and Carolyn Williams, who founded Discover Downtown Frankl
Franklin Farmers Market. City officials kept the naming a secret from family members and unve
volunteer of the year award is also named after the couple.

Their daughter, Stacey Ogden, and other Williams family members were moved to tears by the

"It is wonderful to see that so many of you knew my dad and loved my mom," Ogden said. "Th
and volunteers who made this wonderful day possible. It is an honor to know how much my pai
community."

Both the Branigin and Williams plazas will be home to the farmer's market and vendor areas fo

The grand opening ceremonies were part of a two-day event to celebrate the park.

IF YOU GO

The celebration of Youngs Creek Park's opening weekend continues:

Friday

The grand opening continues into the evening.

Food trucks open at 4:30 p.m. and close at 10 p.m.

The opening act, Gavin Curry, will play from 5:30 to 6:30 p.m. and the main act, Blue River Bai

Saturday

Festival Country Luau is hosting a tropical luau-theme event to kick-off the festival season.

Food trucks are open 5 p.m. to 10 p.m.

The opening act, Indyca, plays 5:30 to 6:30 p.m. and the main act, Parrots of the Caribbean ta

Source: Franklin Parks and Recreation

From: Roy Harbert nancysbeefcake@gmail.com
Subject: Fwd: 5703 Smith Valley Road Post Inspection Report- Indiana American Water
Date: December 14, 2022 at 5:00 AM
To: Caleb Harbert charbert@precision-outdoors.com



----- Forwarded message -----

From: <Katherine.Jamriska@amwater.com>
Date: Fri, Jul 29, 2016 at 12:49 PM
Subject: 5703 Smith Valley Road Post Inspection Report- Indiana American Water
To: <nancysbeefcake@gmail.com>
Cc: <dhitte@co.johnson.in.us>, <eschultz@co.johnson.in.us>, <jbonsett@co.johnson.in.us>

Mr. Harbert-

Attached is my final report as requested. Please review and let me know if you have any questions.

Thanks!

Katie Jamriska
Superintendent - Water Quality and Environmental Compliance
Indiana American Water
2501 Endress Place
Greenwood, Indiana 46143

P: 317.881.0270 x4804
C: 317.300.4779
katherine.jamriska@amwater.com
www.amwater.com

From: Roy Harbert <nancysbeefcake@gmail.com>
To: eschultz@co.johnson.in.us, katherine.jamriska@amwater.com, jbonsett@co.johnson.in.us, dhitte@co.johnson.in.us
Date: 07/29/2016 12:03 PM
Subject: Fwd: FW: Message from "RNP371A9D"

This email was sent from outside the company. Please use caution and verify the sender before opening attachments or clicking links.

I know you are very busy and I have taken the liberty of writing a summary of the July 21st inspection. If this is accurate please respond to this email and let me know. thanks again for all your help, Roy Harbert

----- Forwarded message -----

From: **HARBERT, ROY**
Date: Fri, Jul 29, 2016 at 10:43 AM
Subject: FW: Message from "RNP371A9D"
To: Roy Harbert <nancysbeefcake@gmail.com>

-----Original Message-----

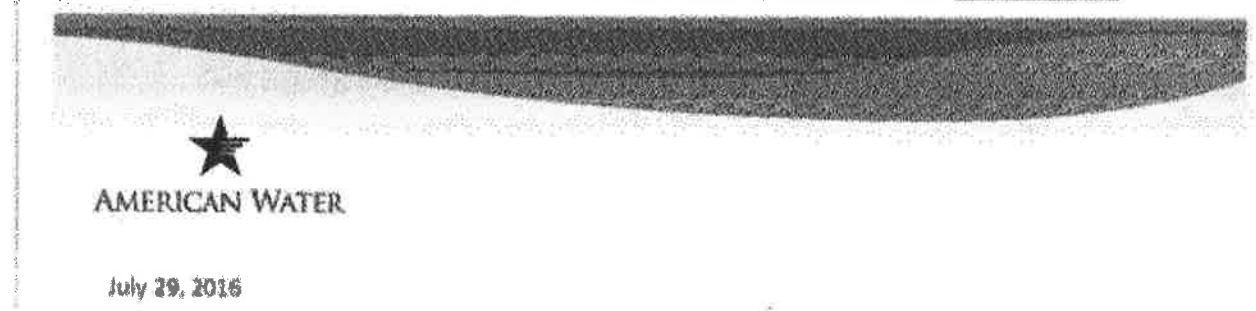
Sent: Friday, July 29, 2016 7:35 AM
To: HARBERT, ROY
Subject: Message from "RNP371A9D"

This E-mail was sent from "RNP371A9D" (Aficio MP 6001).

Scan Date: 07.29.2016 07:35:10 (-0400)

[attachment "20160729073510654.pdf" deleted by Katherine Jamriska/INAWC/AWWSC]

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AMERICAN WATER

July 29, 2016

Ms. Desiree Claderella
Johnson County Planning and Zoning
86 W. Court Street
Franklin, Indiana 46131

RE: W. Smith Valley Road Greenwood, IN 46142

Ms. Calderella:

On July 21st, 2016 Elizabeth Schultz, from the Johnson County Health Department, and myself met with the owners of Precision Cut Lawn Service, LLC at 5703 W. Smith Valley Road.

Overall, things seemed to be in order as the couches and other debris that Indiana American Water was concerned about had been removed from the location.

The one thing we discussed while at the property that concerns Indiana American Water is secondary containment for all chemicals stored on-site. Currently, there are not any bulk chemicals on-site besides a few gas cans and the gas in the equipment. However, if barns and an on-site fueling station are to be built (as Mr. Caleb Harbert has indicated), then we would like to see secondary containment (at 110% of storage volume) to reduce the risk of aquifer contamination. We would also like to be notified if a spill or leak of over five (5) gallons occurs so we can model our aquifer and sample our wells to ensure compliance with State and Federal Regulations for Drinking Water.

In summary, 5703 W. Smith Valley Road currently does not appear to have any materials on-site that pose an immediate threat to the groundwater. However, proper precautions should be taken in the future if and when chemicals are stored on-site.

Please contact me if you have any questions or need additional information.

Sincerely,

Katie Jamriska

Superintendent of Water Quality and Environmental Compliance

Indiana American Water- CIO

317.881.0270 x4808

katherine.jamriska@amwater.com



ATTORNEYS
Tom Vander Luitgaren
Eric W. Prime*
Ty M. Craver
Matthew S. Schoettmer†
Mark A. Hatfield
Mary E. Christ

December 20, 2022

Board of Zoning Appeal
Co Johnson County Planning and Zoning
86 West Court Street
Franklin, IN 46131

OF COUNSEL
Kevin A. Hoover

Joe N. Van Valer
(1935-2011)

To whom it may Concern:

On behalf of RCP Realty, LLC aka Bob Poynter and Team A, LLC aka Judge Richard Poynter, this firm makes this submission in opposition to the Use Variance requested by Caleb and Cassandra Harbert as V-15-22. Mr. and Mrs. Harbert seek to use their real estate for a use otherwise excluded from the residential zoning applicable to their real estate. They want to operate a design studio, contractor’s office, and contractor’s yard with 60 employees operating from 6:30 am to 10:00 pm, more or less, six days a week. This letter only speaks to the use variance.

In order to obtain a favorable decision on their use variance, Mr. and Mrs. Harbert needed to present evidence to the Board of Zoning Appeals to Use satisfying five statutory criteria. They have neglected to do so. A brief review of the criteria and the evidence presented can be quickly summed up as follows:

1. THE VARIANCE REQUEST WILL INJURE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE a design studio, contractor’s office, and contractor’s yard will be inconsistent with the adjoining residential & agricultural type use in the area. It is a higher intensity use than the adjoining properties and it will be out of character in the area.
2. THE VARIANCE REQUEST WILL SUBSTANTIALLY AFFECT THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY IN AN ADVERSE MANNER BECAUSE a design studio, contractor’s office, and contractor’s yard will reduce the use and enjoyment as well as the value of the neighboring properties as agricultural/residential properties.
3. THERE IS NO CONDITION PECULIAR TO THE PROPERTY NECESSITATING THE VARIANCE REQUEST BECAUSE the property has been and can continue to be used for residential purposes. This variance request only seeks its highest and best use, or most profitable use as a commercial business enterprise. The shape, size, and topography of the property is much like the surrounding properties insofar as they are large properties near a new interstate exit ramp. There is nothing peculiar here.
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE IMPOSE NO UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE the property has been and can continue to be used for residential purposes. This variance request only seeks its highest and best commercial use. Reasonable uses under the ordinance are permitted.

A NAME YOU KNOW AND TRUST

225 S. Emerson Ave., Ste. 181 / Greenwood, Indiana 46143
 Phone: (317) 881-7575 / Fax: (317) 859-2159 / www.vanvalerlaw.com
 *Registered Civil Mediator/†Registered Domestic Relations Mediator

EXHIBIT

tabbies
Y-15-22

5. THE VARIANCE REQUEST WILL SUBSTANTIALLY INTERFERE WITH THE COMPREHENSIVE PLAN BECAUSE the proposed use considers not at all the county's aspirations for the area as stated in the comprehensive plan as a mixed-use development or business that serve the surrounding neighborhood.

Based on the foregoing, RCP Realty, LLC aka Bob Poynter and Team A, LLC aka Judge Richard Poynter respectfully request that you deny the use variance.

Sincerely yours,

VAN VALER LAW FIRM, LLP

A handwritten signature in black ink, appearing to read 'Thomas W. Vander Luitgaren', written over a horizontal line.

Thomas W. Vander Luitgaren