

**Johnson County Board of Zoning Appeals**  
**January 24, 2023 Meeting Minutes**

The Johnson County Board of Zoning Appeals met on Tuesday, January 24, 2023 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:04 PM by Attorney William Barrett.

**I. ROLL CALL:**

**Present:** Chad Bowman, Chris Campbell, Charlie Canary, James Kaylor and Steve Powell, Attorney William Barrett (Legal Counsel - not voting), Michele Hansard (Director - not voting), Rachael Schaefer (Planner – not voting) and Angela Olson (Recording Secretary – not voting).

**Absent:** Vacant Position (Alternate)

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**II. ELECTION OF OFFICERS FOR 2023:**

**Motion:** To renew Chris Campbell as Chairman for 2023. **Moved** by James Kaylor. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**Motion:** To appoint Steve Powell as Vice Chairman for 2023. **Moved** by James Kaylor. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**Motion:** To appoint Charlie Canary as Secretary for 2023. **Moved** by James Kaylor. **Seconded** by Steve Powell. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**Motion:** To renew Angela Olson as Recording Secretary for 2023. **Moved** by James Kaylor. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**III. APPROVAL OF MEETING MINUTES:**

Chairman Chris Campbell called for a motion to approve the December 20, 2022 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of December 20, 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.**

#### **IV. PUBLIC HEARINGS:**

##### **SP-1-23; Indy RC South – Special Exception Request. Parcel southeast of 3793 E. 700 N.**

Staff presented findings and facts to the board and recommended approval of this request with the following conditions:

1. Hours of operation limited to 8:00 a.m. to sunset.
2. There shall be no commercial lighting installed.

Staff provide to the board an updated site plan (**Exhibit**).

Staff provided the board members with correspondence (**Exhibit**) from Remonstrator Peter Norton (6634 N. Hurricane Rd., Whiteland 46184) addressing his opposed views and concerns regarding safety and noise.

Staff provided the board members with correspondence (**Exhibit**) from Jerrel and Julia Dougherty (6566 N. Hurricane Rd., Whiteland 46184) in support of this request.

Petitioner Charles Baker (7850 Pennroyal Ln., Indianapolis 46237) and property owner James Reisert were present to speak and address concerns.

Tony Skillman, Safety and Technical Director for the Academy of Model Aeronautics (10514 N. St. Rd. 9, Fountaintown 46130) was present to speak in favor of this request.

Petitioner provided to the board members correspondence (**Exhibit**) from John Taylor (24354 E. 750 N., Whiteland 46184) in support of this request, a copy of the Academy of Model Aeronautics National Model Aircraft Safety Code and 2022 Park Pilot Membership Insurance (**Exhibits**).

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

- Q. Board member Chad Bowman asked staff if the hours of operation were being amended from 8:00 a.m. to 9:30 a.m. to sunset?  
A. Yes.
- Q. Board member Steve Powell asked for confirmation of where the property was located?  
A. Mr. Reisert provided directions.
- Q. Board member Steve Powell inquired as to whether or not the club is renting or leasing the property?  
A. Yes, the club will be renting.
- Q. Board member Steve Powell inquired as to whether or not the four (4) nonpermanent structures would be placed on the property at the first of the season and removed at the end of the season?

- A. No, the four (4) nonpermanent carports will be left year round for as long as the club continues to rent the property.
- Q. Board member Steve Powell asked if there would be a permanent air strip surface installed?  
A. Yes, sometime in the future.
  - Q. Board member Steve Powell asked if the property was currently being used as a bean farm field?  
A. Yes.
  - Q. Board member Steve Powell inquired as to what the current driveway had been used for?  
A. The driveway had been placed for a potential residence by the previous property owner that is no longer being built.
  - Q. Board member Steve Powell asked if the driveway would be used for access to the club parking lot?  
A. Yes.
  - Q. Board member Chris Campbell inquired as to who would be mowing and maintaining property?  
A. The club will hire a mowing service.
  - Q. Board member Chris Campbell asked what are the legalities for this type of club activity with the over fly area and are you limited to that or is that what you think the club will need?  
A. The over fly area is the area that the club will try their best to stay within.
  - Q. Board member Chris Campbell inquired as to what the legal ceiling that the club will have to avoid somebody else?  
A. Below 400 feet.
  - Q. Board member Chris Campbell inquired as to how low can the club be over someone else's property legally?  
A. Up to 400 feet per the safety of the Federal Aviation Administration.
  - Q. Board member Chris Campbell asked do drones have to be a licensed operator at some point?  
A. The Federal Aviation Administration (FAA) calls everything the club flies as a drone each operator is registered with the FAA and must put the registration number on each of the drones.

- Q. Board member Charlie Canary inquired as to how close will the club be from any livestock?  
A. There are a few property owners within approximately ¼ mile that have horses.
- Q. Board member Charlie Canary asked if the over fly area would be in the area of the livestock?  
A. Yes.
- Q. Board member Chris Campbell inquired as to the legalities of retrieval of the drones?  
A. The club member would need to ask for permission of the property owner to retrieve the drone.
- Q. Board member Steve Powell referred to Peter Norton's correspondence and inquired as to where his property is located near this property?  
A. Mr. Norton's property was illustrated on the overhead projection images.
- Q. Board member James Kaylor inquired as to which direction the club would fly over Peter Norton's property?  
A. Direction (depending on the wind direction) was illustrated on the overhead projection images.
- Q. Board member James Kaylor asked other than the electric planes what other fuel planes would be flown?  
A. Glow (methanol) fuel planes.
- Q. Board member James Kaylor asked if the Glow fuel planes would catch fire if they crashed?  
A. No.
- Q. Board member Steve Powell asked staff for confirmation of the plan of operation and if this request would limit them to said plan?  
A. Staff confirmed the full details of the plan of operation. Yes, the club would be limited to the plan of operation and site plan.
- Q. Board member Chris Campbell inquired as to why this was a special exception and not a variance request?  
A. Staff explained to the board that the zoning ordinance has this type of use a special exception.
- Board member Chris Campbell referred to page eleven (11) of the staff report illustrating the fly over area and commented on his concern for the neighboring property value and/or use that would be affected.

- Q. Board member Charlie Canary confirmed that the site plan had been updated for the over fly area?

A. Yes.

**Motion:** To approve SP-1-23 to allow for a private club to use the property for radio-controlled model aircrafts in an A-1 Zoning District with staff's amended conditions and Petitioner's Findings of Facts. **Moved** by Chad Bowman. **Seconded** by Charlie Canary. **Yes:** Bowman, Canary and Powell. **No:** Campbell and Kaylor. **Motion approved 3-2.**

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**V-1-23; Greg Schaefer – Variance of Use and Development Standards.  
4467 W. County Line Rd.**

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

Petitioner Greg Schaefer (5766 Columbia Cir., Greenwood 46142) was present to speak and address concerns. Petitioner presented a visual presentation to the board and challenged some of the staff's development conditions.

Eileen Meyer (5336 Brooks Bnd., Greenwood 46143) was present to speak in favor of these requests.

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

- Q. Board member Steve Powell referred to page twenty-eight (28) of the staff report and inquired as to whether or not the aerial photo had been recently taken?

A. Yes.

- Q. Board member Steve Powell referred to page thirty-five (35) of the staff report and for confirmation that it had been taken back in 2014?

A. Yes.

- Q. Board member Steve Powell asked for confirmation that from 1961 to present that the zoning has always been R-2 Zoning District?

A. Yes.

- Q. Board member Chris Campbell referred to page twenty-five (25) of the staff report and inquired as to what uses were allowed in the R-2 Zoning District?

A. Staff referred to page thirty-six (36) of the staff report listing the permitted uses for an R-2 Zoning District.

- Q. Board member Chris Campbell inquired as to how many of the permitted uses are allowed in a floodway or flood fringe?

- A. None in the floodway. Development within the flood fringe is permitted within reason with certain development restrictions.
- Q. Board member Chris Campbell inquired as to how long the flood fringe restrictions have been in place?  
A. Unknown.
  - Q. Board member James Kaylor inquired how the Petitioner intends to keep things insider secure and prevent theft?  
A. Locks, keycard access on doors, cameras and lighting.
  - Q. Board member Charlie Canary asked if there were working restrooms and septic on property?  
A. Yes, the Petitioner believes so.
  - Q. Board member Charlie Canary asked if there would be any residential dwellings within these structures?  
A. No.
  - Q. Board member Charlie Canary asked for confirmation that the Petitioner would own the whole parcel?  
A. Yes.
  - Q. Board member Charlie Canary inquired as to how you will maintain the property?  
A. Petitioner will mow and maintain the property.
  - Q. Board member Charlie Canary asked for confirmation that the water was city water?  
A. Yes.
  - Q. Board member Chris Campbell asked for confirmation that the property would be used by hobbies only not for profit?  
A. Yes.
  - Q. Board member Chris Campbell inquired as to how the Petitioner was going to insure that the spaces would not be for jobs for hire?  
A. Keycard access logs and cameras.
  - Q. Board member Steve Powell asked for confirmation that this is for a purposed commercial use business?  
A. Yes.

- Q. Board member Charlie Canary inquired as to whether or not there have been any EPA noncompliance issues?  
A. Unknown.
- Q. Board member Chris Campbell inquired as to whom policies the disposal of fluids for a business such as this?  
A. Health Department.

Remonstrator Sam Weber (1028 Silver Creek Ct., Greenwood 46142) was present to express his concerns regarding floodway, drainage, safety and the change in nature of the area.

Remonstrator Kathy Peacock (820 Lawson Ct., Greenwood 46142) was present to express her concerns regarding hours of operation, noise and septic.

**Motion:** To approve V-1-23 to provide for the operation of an automotive repair and maintenance facility and Petitioner's Findings of Facts. **Moved** by Chad Bowman. **Seconded** by Charlie Canary. **Yes:** Bowman, Canary and Powell. **No:** Campbell and Kaylor. **Motion approved 3-2.**

**Motion:** To deny V-1-23 to waive commercial parking and landscaping and staff's Findings of Facts. **Moved** by Charlie Canary. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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#### **V. NEW BUSINESS:**

Chairman Chris Campbell advised the board members that Williams, Barrett and Wilkowski had presented their proposed legal counsel contract for the same amount for meeting attendance and an increase in rate to \$240.00 per hour billable in units of one quarter for research and work done on behalf of the board for 2023 and called for a motion.

**Motion:** Approval of 2023 Legal Counsel Contract. **Moved** by Charlie Canary. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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#### **VI. REPORTS AND RECOMMENDATIONS:**

Staff briefed the board on the upcoming 2023 Unified Development Ordinance and asked if any of the members would be or knew of anyone who would be interested in participating on the advisory committee to please let the Director of Planning & Zoning know.

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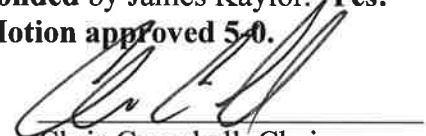
**VII. ADJOURNMENT:**

Chairman Chris Campbell called for a motion to adjourn the meeting at 9:10 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: February 28, 2023

By:

  
Chris Campbell, Chairman

Attested By:

  
Charlie Canary, Secretary



Hurricane Creek Airpark Plan

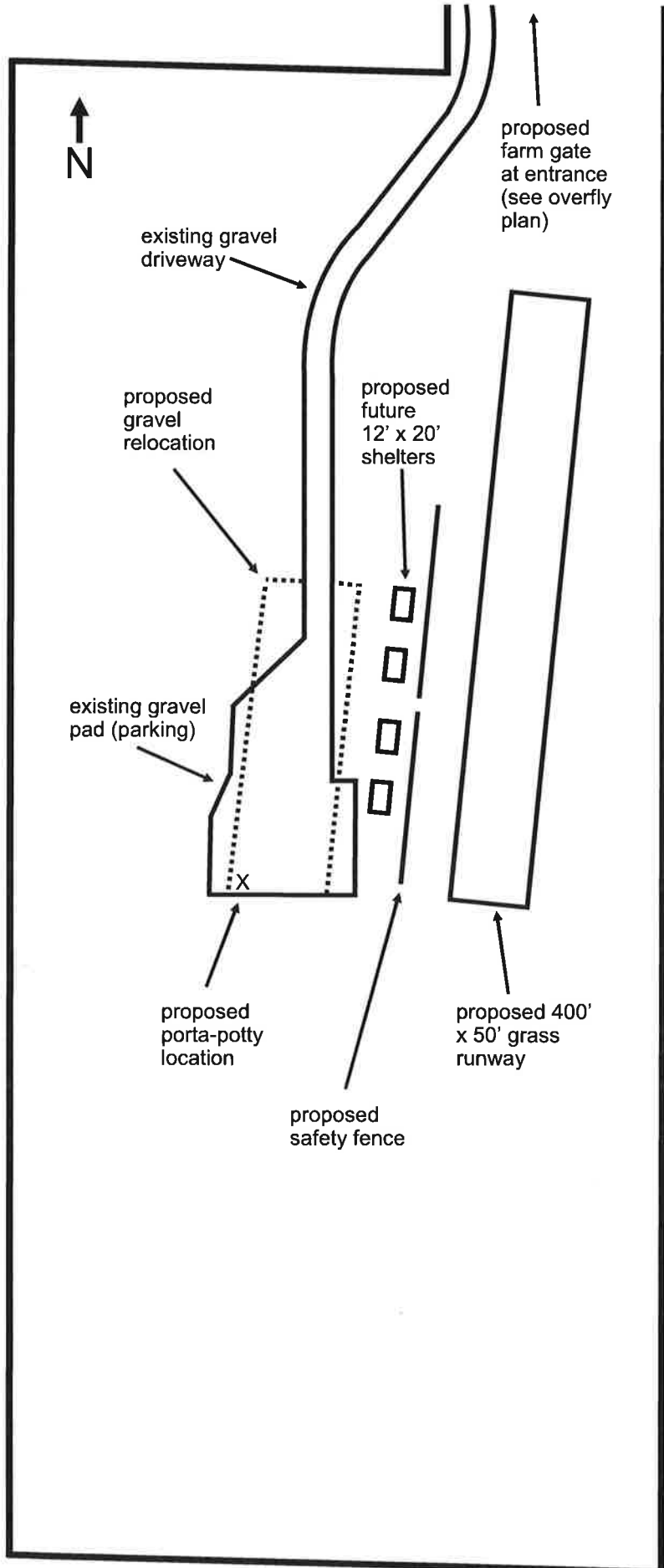
Scale 1" = 100'

Detail of southern part of parcel  
41-05-13-011-013.000-006

Existing gravel driveway and pad  
(parking area) were installed by prior  
owners - Daniel B and Robin S Hall.

Proposed 400' x 50' runway will initially  
be short cut grass, with taller grass  
surrounding.  
Potential future improvement might be  
installation of geotex fabric runway.

Proposed future shelters would be non-  
-permanent carport shelters.



**EXHIBIT**  
tabbies  
SP-1-23

## Schaefer, Rachael - Planning & Zoning

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**From:** Peter Norton <pnorton@hurricanespecialized.com>  
**Sent:** Tuesday, January 24, 2023 3:15 PM  
**To:** Schaefer, Rachael - Planning & Zoning  
**Subject:** Comments for this evening

Rachel,

Thank you for taking our call today in regards to Charles Baker's filing of a special exemption. I have taken the time to meet with Mr. Reisert & Mr. Baker to discuss my concerns of them allowing RC Airplanes to be flown adjacent to our property. I have the following concerns:

-  
The pilots have no required credentials or training to be flying planes in this club, therefore, with the planes being close to where my children play outside, I believe this presents a safety risk if there was a plane malfunction or pilot error.

-  
These planes can create excessive noise that could disrupt the peace for my family, as well as the other homes in close proximity.

-  
As I mentioned to Mr. Baker, I'm not willing to allow the planes to be flown over my boundary line, or will I allow access to be granted to any person to enter my property to retrieve a crashed plane. Mr. Baker specifically asked that I allow permission because accidents do, sometimes happen. Referring back to my first point, there is no guarantee of the safety of these planes.

-  
Mr. Baker is a Marion County resident. I believe it would best for him to find a location in his county or a less populated area where there is no chance of harm to surrounding families.

Thank you for hearing my points on this matter. I hope the board sees and realizes the concerns I have for my family and the neighbors that surround us.

Please consider my points when making your vote this is evening.

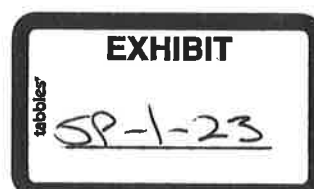
Regards

*Peter J Norton*  
*President*  
*Hurricane Specialized LLC*

*C 317.412.3633*

*P 317.494.6575*

*F 317.494.6586*



From: **Julia Dougherty** <[juliadougherty26@yahoo.com](mailto:juliadougherty26@yahoo.com)>

Date: Mon, Jan 23, 2023, 8:04 PM

Subject: RC Flying Club

To: <[jreisert@gmail.com](mailto:jreisert@gmail.com)>

We will not be able to attend the zoning board meeting Tuesday January 24th. We have no problem with RC Flying Club using your field which is near our property. We support it.

Jerrel and Julia Dougherty

6566 N Hurricane Rd

Whiteland IN

Sent from my iPhone



March 4th, 2020

Jon Taylor  
2434 E 750 N  
Whiteland, IN 46184

To Whom It May Concern:

I invite your attention to the Indianapolis R/C South flying club which has rented three and a half acres of Taylor farmland for nearly 45 years. This rental relationship is unfortunately ending because of area commercial development and farmland sale.

The model aircraft flying club has shown themselves to be responsible tenants and a credit to the community. They have used their flying hobby in support of the area Grade Schools, Boy Scouts, Fire Department Events, and Greenwood Airport Aviation Days. Additionally, they have generated more than \$150,000 over the past 34 years for the American Diabetes Association via their annual Airshow.

I recommend local landowners with suitable acreage consider renting property to the Indianapolis R/C South flying club. Such a rental can be mutually beneficial and keep the flying club within the community.

Sincerely,



Jon Taylor

EXHIBIT

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SP-1-23



**YOUR PASSION. HOBBY. ONE COMMUNITY.**  
Academy of Model Aeronautics 5161 E. Memorial Dr. Muncie IN 47302 | (765) 287-1256 | [modelaircraft.org](http://modelaircraft.org)

## Academy of Model Aeronautics National Model Aircraft Safety Code

Effective January 1, 2018

**A model aircraft is a non-human-carrying device capable of sustained flight within visual line of sight of the pilot or spotter(s). It may not exceed limitations of this code and is intended exclusively for sport, recreation, education and/or competition. All model flights must be conducted in accordance with this safety code and related AMA guidelines, any additional rules specific to the flying site, as well as all applicable laws and regulations.**

### As an AMA member I agree:

- I will not fly a model aircraft in a careless or reckless manner.
- I will not interfere with and will yield the right of way to all human-carrying aircraft using AMA's See and Avoid Guidance and a spotter when appropriate.
- I will not operate any model aircraft while I am under the influence of alcohol or any drug that could adversely affect my ability to safely control the model.
- I will avoid flying directly over unprotected people, moving vehicles, and occupied structures.
- I will fly Free Flight (FF) and Control Line (CL) models in compliance with AMA's safety programming.
- I will maintain visual contact of an RC model aircraft without enhancement other than corrective lenses prescribed to me. When using an advanced flight system, such as an autopilot, or flying First-Person View (FPV), I will comply with AMA's Advanced Flight System programming.
- I will only fly models weighing more than 55 pounds, including fuel, if certified through AMA's Large Model Airplane Program.
- I will only fly a turbine-powered model aircraft in compliance with AMA's Gas Turbine Program.
- I will not fly a powered model outdoors closer than 25 feet to any individual, except for myself or my helper(s) located at the flightline, unless I am taking off and landing, or as otherwise provided in AMA's Competition Regulation.
- I will use an established safety line to separate all model aircraft operations from spectators and bystanders.

For a complete copy of AMA's Safety Handbook please visit:  
[modelaircraft.org/files/100.pdf](http://modelaircraft.org/files/100.pdf)



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## **2022 Park Pilot Membership Insurance Summary Benefits** The Facts About AMA's Park Pilot Insurance For Individual Members

### **General Liability Coverage (Effective March 31)**

The AMA Park Pilot Liability Protection applies to bodily injury or property damage caused by an AMA Park Pilot member. It is not limited flying at a chartered club site, but also applies to model operation on private or public property. It responds to accidents arising from the operation of model aircraft (as defined for the Park Pilot Program), in accordance with the AMA *Park Flyer Safe Operating Recommendations*, as well model cars, boats, and rockets.

- The "per occurrence" limit of coverage available by this policy is \$500,000 for claims involving bodily injury and/or property damage. These limits are for claims occurring during the policy period. Coverage is provided only for accidents arising from the model activities.
- There is no coverage for injury to a member to his own family (Household and Relative(s) living in the member's household) for claims or suits.
- The policy does NOT cover business pursuits; that is any activity that generates income for a member beyond reimbursement of expenses, except this business pursuit exclusion does not apply to individual members providing modeling instructions for pay to AMA members.
- AMA insurance is "excess" to any other applicable coverage, such as homeowner's.
- Has a \$250.00 deductible (property damage only), which is the responsibility of the AMA member causing the accident.

To report an incident, request claim forms, or inquiry about filing procedures please call (765) 287-1256 or e-mail [claims@modelaircraft.org](mailto:claims@modelaircraft.org). Regular business hours are Monday—Friday, 8 am—5 pm EST.

To report an incident that involved serious injuries to individuals outside our regular business hours, please call (765) 749-9210.

This information is merely a brief summary. Complete details of coverage and exceptions are contained in the master policy available at [www.modelaircraft.org/documents](http://www.modelaircraft.org/documents), Safety & Member Benefits tab, document #500-L.

# Academy of Model Aeronautics

5161 East Memorial Drive  
Muncie, Indiana 47302  
(765) 287-1256 – Business  
(765) 289-4248 – Fax  
(800) 435-9262 – Membership Services  
<http://www.modelaircraft.org>



## ***Liability Insurance Program For Site Owners***

The AMA General Liability Insurance Program insuring AMA, members and clubs for liability resulting from aeromodelling activities includes broad and unique coverage for flying site owners. AMA recognizes the importance of providing site owners with insurance to protect them for potential liability for injury or damage resulting from club activities on a flying site and has negotiated a custom policy with a major insurer to provide such coverage.

This policy has special coverage provisions for site owners as follows:

1. Westchester Surplus Lines Insurance Company has an A.M. Best rating of A+ XV.
2. Authorization for AMA to issue certificates of insurance naming site owners as additional insured. This is the equivalent of issuing an endorsement to the policy and assures the site owner of coverage equal to or exceeding coverage for AMA, its members and clubs.
3. Site owner's coverage through AMA is primary. This means that the AMA policy pays on the site owner's behalf without involvement of the site owner's own insurance.
4. Acts voiding coverage by any other insured do not apply to site owners. Should an AMA member or club either do something, or fail to do something that voids coverage for that member or club, the site owner still has coverage under this policy.
5. Contractual liability coverage. This coverage clause reinforces the club's contractual obligations (if any) to indemnify and hold harmless the site owner for injury or damage in connection with the club's use of the site.
6. The policy limit is \$2,500,000 per occurrence (accident) and \$5,000,000 annually for all claims per location (flying site). This limit of liability usually exceeds the site owner's requirements and the per location aggregate means the site owner does not share the limit with other site owners. It has the effect of a separate policy for each site owner.
7. The insurer must give AMA 90 days notice of cancellation or non-renewal. This allows ample time for AMA to replace the coverage and to notify certificate holders of the change in coverage. AMA pays the entire annual premium at the beginning of the policy year so the policy cannot be cancelled for non-payment.

While this policy provides very broad coverage, as with any policy, there are limitations and exclusions. The actual policy should be reviewed and site owners may want to consult their insurance agent, insurance advisor or risk manager.

Coverage questions need to be directed to the Safety & Member Benefits-Department at AMA Headquarters in Muncie, IN (800) 435-9262 or [insurance@modelaircraft.org](mailto:insurance@modelaircraft.org).