

Johnson County Board of Zoning Appeals

April 25, 2023 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, April 25, 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: Chad Bowman, Chris Campbell, Charlie Canary, James Kaylor, 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: Paul Clodfelter (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the March 28, 2023 Board of Zoning Appeals meeting minutes.

Motion: Approval of March 28, 2023 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-4-23; Michael and Lynn Patton – Variance of Use and Development Standards Requests. 4703 S. 537 E. and 4691 S. 537 E.

Staff presented findings and facts to the board and recommended denial of these requests. Staff presented **Exhibit** letters to staff from surrounding neighbors.

Attorney Dustin Huddleston (98 W. Jefferson St., Franklin 46131) on behalf of Petitioner was present to speak and address questions and/or concerns. Attorney Huddleston presented **Exhibits** to the board in the form of a petition of support from neighbors and visual images.

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, Remonstrators and staff as follows:

- Q. Board member Chad Bowman referred to a visual image that staff presented and inquired as to whether or not that was all that can be seen of the property off 550 East?
 - A. Yes.

- Q. Board member Charlie Canary referred to page eleven (11) of the staff report and asked for clarification of the parcel?
A. Staff provided the parcel number 41-12-08-031-034.000-004.
- Q. Board member Chad Bowman inquired as to whether or not the same Highway Department Engineer has said that it was not acceptable for business truck traffic but was acceptable for farm equipment?
A. Unknown.
- Q. Board member Charlie Canary asked for clarification as to where the second residential dwelling was and inquired as to whether or not it would be permissible if combined?
A. Yes.
- Q. Board member Steve Powell asked for confirmation that in the reason this matter is being presented is due to the fact that in 2021 the Assessor's Office notified the Department of Planning and Zoning that an accessory structure had been built on the property without a permit and then the Department Planning and Zoning began investigating in 2022?
A. Yes, however the Department of Planning and Zoning has been involved since 2021.
- Q. Board member Steve Powell inquired as to whether or not at that point was the Department of Planning and Zoning required to take action?
A. Yes, a violation letter had been sent to the property owner in 2021.
- Q. Board member Steve Powell asked for confirmation that this property has been in violation since 2021?
A. Yes, and has continued to acquire further violations since the initial violation in 2021.
- Q. Board member Chad Bowman inquired as to what the property owners were doing with stacked rows of inoperable vehicles?
A. Petitioner said that the cars were used to build new derby cars.
- Q. Board member Chad Bowman asked if the inoperable vehicles had any fluids in them?
A. No.
- Q. Board member James Kaylor inquired as to whether or not the pile of trees and skids belonged to the property owner and were they on his property?
A. Yes, the pile of trees and skids belong to the Petitioner. No, the pile is not on the Petitioner's property.

- Q. Board member James Kaylor asked if the property owner was okay with the pile of trees and skids on the property?
A. Yes.
- Q. Board member Chris Campbell referred to the Petitioner's Plan of Operation that he has on property four (4) employees with two (2) of them being family members. Mr. Campbell inquired as to where the employees doing the plumbing, where would their vehicles be located?
A. Off site.
- Q. Board member Charlie Canary inquired about where the driveway was located at that comes off 550 East?
A. Petitioner demonstrated that the driveway hugs his property off 550 East.
- Q. Board member Chad Bowman inquired if the Petitioner's property was located at the end of 537 East?
A. Yes.
- Q. Board member Steve Powell asked Remonstrator Corey Ramsey if it was his opinion that the dump trucks and larger vehicles using 537 East had increased due to the fact that the property had changed to business use?
A. Yes.
- Q. Board member Steve Powell asked Remonstrator Danna Rogers if it was her opinion that the dump trucks and larger vehicles using 537 East had increased due to the fact that the property had changed to business use?
A. Yes.
- Q. Board member Chad Bowman asked Remonstrator Danna Rogers if the Petitioner's cars were located on their property?
A. Yes.
- Q. Board member Steve Powell asked the Petitioner whether or not he knew that he needed a variance to start a business on residential property?
A. No.
- Q. Board member Steve Powell asked the Petitioner whether or not he knew that he needed a building permit to build the pole barn structure on his property?
A. No.
- Q. Board member James Kaylor inquired as to whether or not the 550 East entrance had an address?

A. Yes.

- Q. Board member James Kaylor inquired as to the height of the fence?

A. Minimum of Six (6) feet.

- Q. Board member Steve Powell asked for clarification of what would need to be done if all of the variance requests were denied?

A. The use would have to cease and a deadline would be given to staff to enforce the cease of use.

- Q. Board member Chad Bowman inquired on what type of response the staff had received on this matter?

A. Staff explained in detail what communication and meetings had transpired.

- Q. Board member Chris Campbell asked when the first contact took place?

A. Director David Hittle sent the first letter in January 2021.

Remonstrator Greg Baker (5343 E. St. Rd. 252, Franklin 46131) was present to express his concerns regarding trash, safety, traffic and changes to the nature of the area. **Exhibit** of photos of the property were presented to the board.

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

Remonstrator Wilbur Hendley (5375 E. St. Rd. 252, Franklin 46131) was present to express his concerns regarding safety and traffic.

Remonstrator Danna Rodgers (4673 S. 537 E., Franklin 46131) was present to express her concerns regarding safety and traffic.

Remonstrator Joe Wheeler (4953 S. 537 E., Franklin 46131) was present to express his concerns regarding noise, safety, traffic and road conditions.

Remonstrator Paul Morphew (4605 S. 537 E., Franklin 46131) was present to express his concerns regarding noise, safety, traffic and road conditions.

Remonstrator Jimmy Rodgers (4673 S. 537 E., Franklin 46131) was present to express his concerns regarding property owners not following county rules and regulations, safety and change in the nature of the area.

Motion: To deny V-4-23 to allow for the outdoor storage of several unlicensed, hobby vehicles in an R-1 District and for staff to prepare negative Findings of Facts. **Moved** by Chris Campbell. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Canary, Kaylor and Powell. **No:** None. **Motion approved 5-0.** Board has ordered the Petitioner to remove all but one (1) of the unlicensed, hobby vehicles within the next sixty (60) days.

Motion: To approve V-4-23 to allow for a 3,200 square feet of total aggregate accessory structures on an R-1 zoned property and Petitioner’s Findings of Facts. **Moved** by Chad Bowman. **Seconded** by Charlie Canary. **Yes:** Bowman, Campbell, Canary and Kaylor. **No:** Powell. **Motion approved 4-1.**

Motion: To approve V-4-23 to allow for a contractor’s office, yard with eight (8) foot solid fence/gate, main commercial entrance only permitted off 550 East and Petitioner’s Findings of Facts. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Canary and Kaylor. **No:** Bowman, Campbell and Powell. **Motion denied 2-3.**

Motion: To deny V-4-23 to allow for a contractor’s office, yard with eight (8) foot solid fence/gate, main commercial entrance only permitted off 550 East and Staff’s Findings of Facts. **Moved** by Chris Campbell. **Seconded** by Steve Powell. **Yes:** Campbell and Powell. **No:** Bowman, Canary and Kaylor. **Motion denied 2-3.**

Motion: To continue V-4-23 to the June 27, 2023 Board of Zoning Appeals meeting. **Moved** by Chris Campbell. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Kaylor and Powell. **No:** Bowman. **Motion approved 4-1.**

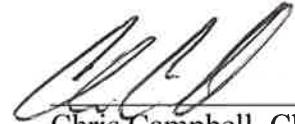
IV. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 9:16 PM.

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

Approved on: May 23, 2023

By:


Chris Campbell, Chairman

Attested By:








Charlie Canary, Secretary

CONSENT AND SUPPORT OF VARIANCE REQUESTS OF

MICHAEL AND LYNN PATTON

CASE V-04-23 – JOHNSON COUNTY BOARD OF ZONING APPEALS

I, the undersigned, hereby consent and support the variance of use (contractor's office and yard) and three variances of developmental standards (waiver of commercial parking; allowance of accessory structure; allowance of outdoor storage of hobby vehicles) that Mike and Lynn Patton are requesting approval from the Johnson County Board of Zoning Appeals.

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS
Christopher Buckle		4880 E 500 S Franklin, IN 46131
Jason Blaker		4590 S 550 E Franklin IN 46131
Royce Anderson		5441-E, 252 Franklin
Beatrice Pfaff		4682 South 550 East Franklin, IN 46131
Troy Tucker		4549 S. 537 East Franklin, IN 46131
William Callon		1109 N main St Apt 2C Franklin IN 46131



Dustin Huddleston

From: Patton Plumbing Michael Patton <pattonplumbing7014@gmail.com>
Sent: Tuesday, April 25, 2023 8:20 AM
To: Dustin Huddleston
Subject: Fwd: Variance for Board of Zoning Appeals

Hey Dustin, here is an email from the lady with the corn field next to us. I reached out to them via phone call!

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

From: Diane Ratliff <drat62@yahoo.com>
Date: Mon, Apr 24, 2023 at 8:20 PM
Subject: Variance for Board of Zoning Appeals
To: PattonPlumbing7014@gmail.com <PattonPlumbing7014@gmail.com>

Hi Michael,

Thank you so much for touching base with Josh and for sending pictures of the property. And thank you for cleaning up along the fence line.

I have no objections for your variance and you can use this email as my agreement to your request. I've always found that conversation can usually clear up any misunderstandings. Again, thank you for reaching out to Josh and I.

Diane Ratliff
970-778-5683
679 Red Jewel Drive
Windsor, CO 80550

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Mike Patton
Owner
317-412-3317- cell
317-412-8160- office





EXHIBIT
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V-4-23



