

**Johnson County Board of Zoning Appeals**  
**February 23, 2021 Meeting Minutes**

The Johnson County Board of Zoning Appeals met on Tuesday, February 23, 2021 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:00 PM by Attorney Jeremy Fisk.

**I. ROLL CALL:**

**Present:** Chad Bowman, Chris Campbell, James Kaylor, Steve Powell, Attorney Jeremy Fisk (Legal Counsel - not voting), David Hittle (Director - not voting), Michele Hansard (Planner – not voting) and Angela Olson (Recording Secretary – not voting).

**Absent:** Paul Clodfelter (Alternate)

Chairman Chad Bowman informed the board members that Dan Cartwright will no longer be serving as a member of the Board of Zoning Appeals.

---

**II. APPROVAL OF MEETING MINUTES:**

Chair Chad Bowman called for a motion to approve the January 26, 2021 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of January 26, 2021 Board of Zoning Appeals meeting minutes. **Moved** by James Kaylor. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

---

**III. PUBLIC HEARINGS:**

**V-4-21; Dale Raber – Variance of Development Standards.**  
**Approximately 1865 Old St. Rd. 37.**

Staff advised the board members that this matter has been withdrawn.

-----

**V-3-21; Roger Emmert – Variance of Development Standards. 3812 W. Smith Valley Rd.**

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

Petitioner Roger Emmert (3812 W. Smith Valley Rd., Greenwood 46142) was present to speak and address concerns.

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

- Q. Board member Chad Bowman asked staff for confirmation that this matter was made aware of by a complaint?  
A. Yes.
- Q. Board member Chad Bowman referred to a visual image of the property and inquired as to whether or not the structure to the right of the structure in violation was a residence?  
A. Yes.
- Q. Board member Chad Bowman asked staff if there was a privacy fence along the north side of the property?  
A. Yes.
- Q. Board member Steve Powell asked staff for clarification that two (2) of the accessory structures were built at separate times? What year were they built?  
A. Yes. 2017 and 2020.
- Q. Board member James Kaylor inquired as to the use of the structure?  
A. Raising pheasants and quails.
- Q. Board member James Kaylor inquired as to whether or not the second dwelling structure was being rented out?  
A. No.
- Q. Board member Chad Bowman referred to a photo in the staff report and asked Remonstrator Sally Rossa for confirmation that one of the structures is still not finished?  
A. Yes.
- Q. Board member Chad Bowman asked Remonstrator Sally Rossa if she would still have issue with the structures on the property if the structures were finished?  
A. Yes, she feels there are too many structures on the property.
- Q. Board member Steve Powell asked Remonstrator Attorney David Jacuk for confirmation that Mr. Emmert's property does not belong to the Harrison Crossing Subdivision?  
A. Yes.
- Board member James Kaylor expressed his concerns to Mr. Emmert with regards to failure to pull building permits with a contractor background.
- Q. Board member Chad Bowman inquired as to whether or not animals could be raised within a Residential – 1 (R-1) zone?  
A. Yes.

- Q. Board member Chris Campbell inquired as to what the combined square footage of the two (2) structures was?

A. 1,399 square feet.

Remonstrators Sally Rossa (3821 W. Smith Valley Rd., Greenwood 46143) was present to express her concerns regarding nature of the area and property values.

Remonstrators Attorney David Jacuk with Kovitz Shifrin and Nesbit (6125 E. East St., Ste. A, Indianapolis 46227) on behalf of Harrison Crossing Homeowners Association was present to express their concerns regarding lack of building permits, property values, nature of the area, health hazard due to animals and setting precedence.

**Motion:** To deny V-3-21 to legally establish two (2) existing accessory structures and staff's Findings of Fact. **Moved** by Steve Powell. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

**Order:** Petitioner has 120 days (6/23/21) from today's date (2/23/21) to come into compliance.

-----

**V-5-21; Dye's Walk Members, Inc. – Variance of Development Standards.  
2080 S. St. Rd. 135**

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

Petitioner Kyle Baumann, General Manager with Dye's Walker Members, Inc. (2080 S. St. Rd. 135, Greenwood 46143) 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 Steve Powell inquired as to whether or not the deck would be enclosed?

A. The deck will be covered by a pergola roof structure but will not be enclosed.

- Q. Board member Steve Powell asked if the deck met the minimum setback requirement?

A. No.

- Q. Board member James Kaylor inquired as to whether or not they would be eating outside on the deck?

A. Yes.

- Q. Board member Steve Powell asked if Dye's Walker Members, Inc. and Dye's Walk the Addition were separate? If so, do they have a Homeowners Association?

- A. Yes, Eldorado a voluntary Homeowners Association.
- Q. Board member Steve Powell inquired as to whether or not this proposal has been discussed with the Eldorado Homeowners Association? If so, was there any objection.
  - A. Yes, it was discussed. No, there were no objections.
- Q. Board member Chris Campbell asked if there was only one (1) entrance into Eldorado?
  - A. No, there are two (2). The other entrance is off Golfview.
- Q. Board member Chris Campbell inquired as to how many homes that entrance serviced?
  - A. Approximately twenty (20) to thirty (30) homes.

**Motion:** To approve V-5-21 to allow for construction of a deck extension with an eight (8) foot front yard setback along Golfview Drive and Petitioner's Findings of Fact. **Moved** by James Kaylor. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

#### **IV. ADJOURNMENT:**

Chair Chad Bowman called for a motion to adjourn the meeting at 8:07 PM.

**Motion:** Adjourn the meeting. **Moved** by Chris Campbell. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Kaylor and Powell. **No:** None. **Motion approved 4-0.**

Approved on: March 23, 2021

By:

  
Chad Bowman, Chairman

Attested By:

  
Steve Powell, Secretary





**EXHIBIT**  
Y-3-21