

## **Johnson County Board of Zoning Appeals**

### **June 23, 2020 Meeting Minutes**

The Johnson County Board of Zoning Appeals met on Tuesday, June 23, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 7:02 PM by Chairman Chad Bowman.

#### **I. ROLL CALL:**

**Present:** Chad Bowman, Chris Campbell, Dan Cartwright, James Kaylor, Stephen Powell, Attorney Francis Mattingly (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)

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#### **II. APPROVAL OF MEETING MINUTES:**

Chair Chad Bowman called for a motion to approve the May 19, 2020 Board of Zoning Appeals meeting minutes.

**Motion:** Approval of May 19, 2020 Board of Zoning Appeals meeting minutes. **Moved by** Chris Campbell. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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#### **III. PUBLIC HEARINGS:**

##### **V-9-20; Gregory Lukenbill – Variance of Development Standards. 1856 N. 450 W.**

Staff reiterated the findings and facts to the board with proposed floor plan, advised that the Health Department has approved the use of the existing septic and recommended approval of this request subject to the following conditions:

1. The secondary dwelling unit may be used as a dwelling only so long as a caregiving relationship involving a blood relative remains in place between the owner and occupant of the primary dwelling and the occupant of the secondary dwelling.
2. The secondary dwelling unit shall not be rented or leased for any short-term or long-term occupancy or use.
3. The subject 4.32-acre property shall not be subdivided.

4. The subject property deed shall be re-recorded to include the following language, prior to development or use of any secondary dwelling structure or unit on the property:

Use of the secondary dwelling unit permitted by Variance # V-9-20 shall be limited to a blood relative in need of proximate care and shall occur only under the ownership of (name to be determined at hearing). Upon any transfer of the property, Variance # V-9-20 shall be voided, and the secondary dwelling unit shall no longer be used as a dwelling. Specifically, prior to the transfer of ownership, the refrigerator, oven, stove, and kitchen sink shall be removed from the kitchen, and all associated plumbing capped; and/or the bathtub, shower, toilet, and bathroom sink shall be removed from the bathroom, and all associated plumbing capped.

Petitioner Gregory Lukenbill (1204 W. Greenbriar Dr., Greenwood 46142) was present to speak and address concerns.

April Phillips (1223 W. Old South St., Bargersville 46106) was present to speak in favor of the variance. Mrs. Phillips is the potential buyer of the property pending the variance approval.

Realtor Carlos Higareda (273 Concord Way, Greenwood 46142) was present to speak in favor of the variance.

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

- Q. Board member Stephen Powell inquired as to whether or not the variance would transfer to the new owner?  
A. Yes, one of the conditions of the variance will be in the new purchaser's name.
- Q. Board member Dan Cartwright asked the Petitioner if he had sold the property yet?  
A. No, property is pending approval of this variance.
- Q. Board member Stephen Powell asked Ms. Phillips if she was agreeable to all of the conditions of the variance?  
A. Yes.
- Q. Board member Stephen Powell asked Ms. Phillips if she understood that in the future should she decide to sell the residence that the variance would not transfer with the new owner?  
A. Yes.

**Motion:** To approve V-9-20 to legally establish an attached secondary dwelling unit with staff's conditions and Petitioner's Findings of Fact. **Moved** by Dan Cartwright. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**V-10-20; Tyler Peterman – Variance of Development Standards. Northwest Corner of Matthews Rd. and Watson Rd.**

Staff presented findings and facts to the board and recommended approval of this request, subject to substantial compliance with the site plan submitted with the petition, and the following condition:

A single family dwelling shall be built on the property within three (3) years of approval of this petition.

Petitioner Tyler Peterman (5491 Manker St., Indianapolis 46227) 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 Stephen Powell inquired as to what would happen if the dwelling was not built within three (3) years?  
A. Homeowner would either be in violation or may request an extension by this board.
- Q. Board member Stephen Powell inquired as to whether or not there would be any size limitations?  
A. No.
- Q. Board member Stephen Powell asked the Petitioner if he was agreeable to the condition of this variance?  
A. Yes.
- Q. Board member Chad Bowman asked the Petitioner if he was needing the proposed accessory structure to store lawn mower or tractor in order to maintain the property until the residence could be built?  
A. Yes.
- Q. Board member Chris Campbell asked the Petitioner if he had any intention of temporarily residing in the proposed accessory structure?  
A. No.

**Motion:** To approve V-10-20 to allow for construction of a pole barn on a residential lot without a primary dwelling, with staff's condition and Petitioner's Findings of Facts. **Moved** by Chris Campbell. **Seconded** by Chad Bowman. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**V-11-20; Angela Boltz – Variance of Development Standards. 4145 E. 575 N.**

Staff presented findings and facts to the board and recommended approval subject to substantial compliance with the site plan and building elevations submitted with this petition, and the following conditions:

1. The secondary dwelling unit may be used as a dwelling only so long as a caregiving relationship involving a blood relative remains in place between the owner and occupant of the primary dwelling and the occupant of the secondary dwelling.
2. The secondary dwelling unit shall not be rented or leased for any short-term or long-term occupancy or use.
3. The subject 1.79-acre property shall not be subdivided.
4. The subject property deed shall be re-recorded to include the following language, prior to development or use of any secondary dwelling structure or unit on the property:

Use of the secondary dwelling unit permitted by Variance # V-11-20 shall be limited to a blood relative in need of proximate care and shall occur only under the ownership of Brian and Angela Boltz. Upon any transfer of the property, Variance # V-11-20 shall be voided, and the secondary dwelling unit shall no longer be used as a dwelling. Specifically, prior to the transfer of ownership, the refrigerator, oven, stove, and kitchen sink shall be removed from the kitchen, and all associated plumbing capped; and/or the bathtub, shower, toilet, and bathroom sink shall be removed from the bathroom, and all associated plumbing capped

Petitioners Brian and Angela Boltz (4145 E. 575 N., Whiteland 46184) were present to speak and address concerns.

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

- Q. Board member Dan Cartwright asked for confirmation on whether or not there was another owner?
  - A. Dual ownership with another family member.

- Q. Board member Stephen Powell asked the Petitioner if she understood that in the future should she decide to sell the residence that the variance would not transfer with the new owner?

A. Yes.

- Q. Board member Chad Bowman asked the Petitioner if she was agreeable to the condition of this variance?

A. Yes.

- Q. Board member Dan Cartwright inquired as to what the floor plan would include for this second dwelling?

A. The pole barn structure would contain a dining room, kitchen, bedroom, bathroom and laundry room.

**Motion:** To approve V-11-20 to allow for construction of a 900 square foot second dwelling on a single lot, with staff's conditions and Petitioner's Findings of Fact. **Moved** by Chad Bowman. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**V-12-20; Brian and Carey Folco – Variance of Use and Development Standards.  
4664 Olive Branch Rd.**

Staff presented findings and facts to the board and recommended approval of these variances, subject to the following condition, which must be satisfied prior to the issuance of a building permit. The following shall be recorded with the subject property deed:

The property known as Tract 3 in Exhibit A of the original deed shall not be sold separately from Lot 3 of the Stanley Subdivision 1<sup>st</sup> section.

Staff read into the record that three (3) **Exhibit** letters were received in support of this variance request from Bret Widdiefield, John Myers, and Rob Henderson.

Petitioners Brian and Carey Folco (4664 Olive Branch Rd., Greenwood 46143) were present to speak and address concerns. Petitioners presented **Exhibits** to the board members.

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

- Q. Board member James Kaylor inquired as to whether or not there were any other structures of this size in the area?

A. No.

- Q. Board member Chad Bowman asked for confirmation that if they were to obtain a replat there would be no use for a variance of use?

A. Correct.

- Q. Board member Chad Bowman asked for confirmation that due to the proposed building size there would still need to be a variance of the development standards?

A. Correct.

- Q. Board member Chris Campbell inquired as to whether or not a re-plat could be obtained without road frontage?

A. If re-platted they would be combining all three (3) lots in to one.

- Q. Board member Stephen Powell inquired as to whether or not the Standley Ln. would be extended or is there an easement for another road?

A. No.

- Q. Board member Stephen Powell inquired as to whether or not the Standley was a public county road?

A. No.

- Q. Board member Stephen Powell asked for confirmation from the Petitioners that they contacted all of their surrounding neighbors and all were supportive to the proposed variance request?

A. Yes.

- Q. Board member Chad Bowman inquired as to how long the re-platting process would take?

A. Planning and Zoning procedure would take approximately one (1) month. A surveyor would be needed to complete the surveying for the re-plat and may take a longer amount of time.

- Q. Board member Dan Cartwright inquired as to where the access would be to the proposed structure?

A. Access would be a gravel extension from the existing driveway to the structure.

**Motion:** To approve V-12-20 to allow the use of a residentially zoned lot primarily for storage purposes whereas the ordinance requires that a residentially zoned lot be used primarily for residential purposes, the construction of an accessory structure where all accessory structures will total 2,500 square feet in building area which will exceed the size limitation of 1,328 square feet for all accessory structures at this property, with staff's condition and Petitioner's Findings of Fact. **Moved** by Dan Cartwright. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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**V-13-20; Tricia and Justin DeMarco – Variance of Development Standards.  
5406 Travis Rd.**

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

Surveyor Andrew Barkocy with Maurer Surveying, Inc. (4800 W. Smith Valley Rd., Ste. P, Greenwood 46142) and Petitioners Justin and Tricia DeMarco (5406 Travis Rd., Greenwood 46143) were present to speak and address concerns.

Contractor James Parsetich with Parsetich Custom Homes (1897 Deer Pass, Greenwood 46143) was present to speak in favor of the variance.

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

- Q. Board member Stephen Powell inquired as to whether or not there are any other similar structures within Kensington Grove?  
  
A. No.
- Q. Board member Stephen Powell inquired as to whether or not Kensington Grove had approved the proposed accessory structure?  
  
A. Yes.
- Q. Board member James Kaylor inquired as to whether or not the two (2) vacant lots that surround this parcel were for sale?  
  
A. Yes.
- Q. Board member Stephen Powell asked for confirmation that the surrounding neighbors were supportive of the variance request?  
  
A. Yes.
- Q. Board member Dan Cartwright asked for confirmation that the next door lot had been built on and was no longer vacant?  
  
A. Yes.
- Q. Board member Chad Bowman inquired as to what the total square footage of the covered porch was?  
  
A. 765 sq. ft.
- Q. Board member Dan Cartwright asked staff if their denial recommendation was based solely on the total square footage?

A. No, the denial is based on the fact that the request does not meet the staff's three (3) conditions, including but not limited to the total square footage.

- Q. Board member Stephen Powell brought up that the contractor had made mention that another property further down the road had an oversized structure and asked staff why that structure was not taken into consideration during review?

A. That parcel is owned by Ryan Wampler and is not a part of the Kensington Grove subdivision. Further, Mr. Wampler obtained a variance for the second dwelling on said parcel.

- Q. Board member Stephen Powell asked for confirmation that the proposed structure could be built without the variance with less square footage?

A. Yes.

- Q. Board member Stephen Powell asked if the homeowners association was being ran by the developers or the homeowners?

A. Homeowners, however one of the board member's is the developer.

- Q. Board member Dan Cartwright inquired as to whether or not the proposed structure would still be built without the covered porch?

A. Yes.

Remonstrators Phyllis Faiman (2944 Camden Ct., Greenwood 46143) was present to express her opposed views and concerns regarding the height of the proposed structure and the nature of the area.

**Motion:** To deny V-13-20 to allow for the construction of 2,265 square foot accessory structure and adopt staff's Findings of Fact. **Moved** by Stephen Powell. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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#### **IV. OLD BUSINESS:**

##### **UB-1-19; Stephen E. Malone – Unsafe Building Structure. 5637 W. Walnut Dr.**

Staff reiterated prior findings and facts of this matter to the board. Staff advised the board that funds had been secured by the homeowner, insurance company and bank to remodel the residence. The homeowner applied for a building permit and the Planning Engineer determined that this parcel was in the flood hazard area (when the house was first built this area was not in a flood hazard area) and that in order to be rebuilt in compliance the structure would need to be raised two (2) feet. As such, the residence would have to be rebuilt instead of remodeled. All parties have been silent thus far regarding how they will be remedying this issue.

Respondent Stephen Malone, Jr. (5637 W. Walnut St., Greenwood 46142) was present to speak and address concerns.



Attorney Kurt Laker with Doyle & Foutty, P.C. (41 E. Washington St., Indianapolis 46204) on behalf of U.S. Bank was present to speak and address concerns. Attorney Laker stated that U.S. Bank would be able to help by contacting insurer as well.

Braden Prochnow, White River Fire Marshall (366 N. Morgantown Rd., Greenwood 46142) was present to speak and address concerns.

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

- Q. Board member Stephen Powell asked the attorney representing the bank if he had any recommendations?  
  
A. No, only that it is Mr. Malone lot and he is going to have to decide what he is going to do with it. There is a pool of money from the insurance to be able to use for repair or to pay down on the mortgage loan.
- Q. Board member Chad Bowman asked the attorney if he or the bank had been in contact with the insurance company?  
  
A. No, personally the attorney has not and it is unknown as to whether or not the bank has been.
- Q. Board member Chad Bowman referenced that if the homeowner and mortgage company is mutually on the policy and inquired why the bank would allow a policy to be written that did not cover the amount of the mortgage?  
  
A. The attorney believed that the policy had been written to cover the amount of the mortgage but is uncertain as to whether or not that is being contested.
- Q. Board member Dan Cartwright inquired as to whether or not from a legal standpoint if the matter would be a total loss?  
  
A. Homeowner needs to contact the insurance company and either file a new claim or make a claim adjustment to account for the new flood hazard area issue and the need to rebuild versus remodel the residence.
- Q. Board member Chris Campbell inquired as to what U.S. Bank's course of action be if there is a change of foreclosure on this property?  
  
A. First, would have to determine whether or not this is a federally funded property because if so due to COVID-19 nothing could be done until September 2020 by order of the federal government. Otherwise, if the bank was to move forward with the closure once receiving a judgement from the court, fines and fees would need to be addressed and then there would be a sheriff's sale. More likely than not, the bank will not want to go that route due to the fact that a structure can't be built there.

- Q. Board member Chris Campbell inquired as to whether or not U.S. Bank arranged the insurance through the mortgage?

A. The attorney did not believe so.

- Q. Board member Dan Cartwright inquired as to how long the mortgage had been in default prior to the fire?

A. The attorney said that he was not authorized to disclose that information.

- Q. Board member Stephen Powell asked the Fire Marshall if there were any actions that he could take regarding this matter? Can he deem it unsafe and/or a fire hazard.

A. None, other than to provide opinion and/or awareness. Yes, after the fact for the matters such as this.

- Q. Board member Chad Bowman asked the Respondent if he had spoken to the insurance company? What is the current problem with the insurance company?

A. Yes. The original contact at the insurance company is no longer with the company and there is now a new person. Mr. Malone said that he explained to the new person the current matter and the insurance has not moved from the present stance as far as financing and told him to contact U.S. Bank.

- Q. Board member Chad Bowman asked the Respondent if he was free to pick with whom the mortgage was insured by?

A. No, the insurance was lender placed by U.S. Bank.

- Q. Board member Dan Cartwright inquired as to whether or not U.S. Bank was only the lender for the mortgage?

A. Yes.

- Q. Board member Chad Bowman asked the Respondent if he had documentation?

A. Yes.

Remonstrator Susan James (5580 W. Walnut Dr., Greenwood 46142) was present to express her safety and delay concerns.

**Motion:** To order staff to proceed with previously approved demolishing the unsafe structure, to obtain fund approval through the county council, accept demolition bids and continue to enforce order. **Moved** by Dan Cartwright. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

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## **V. NEW BUSINESS:**

Chair Chad Bowman inquired as to whether or not there is anything the board could do to assist staff with the secondary dwelling for a blood relative to get that in the zoning ordinance?

That and other ordinance revisions have been written up and either have been or will be coming to the Plan Commission. Staff will prepare items for next month's agenda in this regard.

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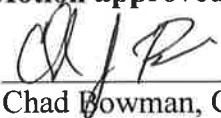
**VI. ADJOURNMENT:**

Chair Chad Bowman called for a motion to adjourn the meeting at 9:35 PM

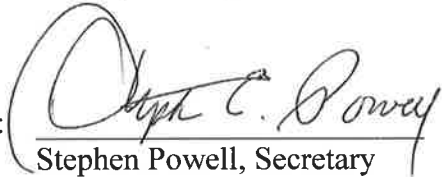
**Motion:** Adjourn the meeting. **Moved** by Dan Cartwright. **Seconded** by James Kaylor. **Yes:** Bowman, Campbell, Cartwright, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: July 28, 2020

By:

  
Chad Bowman, Chairman

Attested By:

  
Stephen Powell, Secretary

## Hansard Michele - Planning & Zoning

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**From:** Bret Widdifield <mcbret@comcast.net>  
**Sent:** Saturday, June 20, 2020 12:16 PM  
**To:** Hansard Michele - Planning & Zoning  
**Cc:** brianfolco@gmail.com; careyfolco@yahoo.com  
**Subject:** Petition Number V-12-20 (Brian and Carey Folco)

**To:** Michele Hansard, Senior Planner  
Johnson County Planning & Zoning  
86 West Court Street  
Franklin, IN 46131  
Tel: 317-346-4353  
E-mail: [mhansard@co.johnson.in.us](mailto:mhansard@co.johnson.in.us)

**From:** Bret & Karen Widdifield  
4638 Olive Branch Rd.  
Greenwood, IN 46143  
Tel: 317-989-5598  
E-mail: [mcbret@comcast.net](mailto:mcbret@comcast.net)

June 20, 2020

Dear Michele Hansard,

This e-mail is a response to **petition number V-12-20** filed by Brian & Carey Folco for the "VARIANCE OF USE" and "VARIANCE OF DEVELOPMENT STANDARDS" for their property at 4664 Olive Branch Rd., in Greenwood, Indiana.

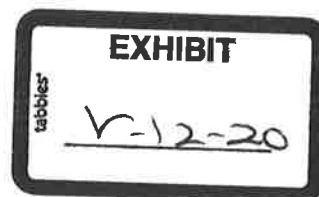
We are neighbors and fully support their project to build a pole barn on their property. We hope that the Planning and Zoning Board can expedite their request since we know they are anxious to get this project completed.

If you have any questions, please feel free to contact Karen or myself at the information above.

Best Regards,

Bret Widdifield

cc. Brian and Carey Folco



## Hansard Michele - Planning & Zoning

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**From:** Hittle David - Planning & Zoning  
**Sent:** Friday, June 19, 2020 11:52 AM  
**To:** Hansard Michele - Planning & Zoning  
**Subject:** FW: June Variance Hearing

Support letter...

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**From:** Myers John - County Council  
**Sent:** Friday, June 19, 2020 11:51 AM  
**To:** Hittle David - Planning & Zoning  
**Subject:** June Variance Hearing

David,

The BZA will be hearing two variance requests at their June meeting for the property located at 4664 Olive Branch Rd, Greenwood, IN. The property owners, Brian and Carey Folco are requesting to build a pole barn on their newly purchase residence of 4192 square feet and 1.5 acres. Mr. & Mrs. Folco bought the residence/property on Olive Branch Rd, due their residence/property on Jay Dee Ln, being taken by imminent domain for the construction of I-69. Mr. & Mrs. Folco are wanting to build a pole barn that is similar in size to the one they had on Jay Dee Ln. Mr. & Mrs. Folco wanted to stay in the White River Township area and Center Grove school district for their children.

I drove by Mr. & Mrs. Folco residence. After looking at their property and other properties in the immediate area on Beacon and Google Earth, I believe approving the two request will not decrease the value of any properties in the immediate area. Please forward this email to the BZA board for the June hearing and accept this email as my support of the variances being approved by the board.

Best regards,

John Myers  
Johnson County Council

## Hansard Michele - Planning & Zoning

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**From:** Hittle David - Planning & Zoning  
**Sent:** Tuesday, June 16, 2020 8:00 AM  
**To:** Hansard Michele - Planning & Zoning  
**Subject:** FW: Folco / 4664 Olive Branch Rd

Support letter for Falco, below...

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**From:** Rob Henderson [mailto:Rob.Henderson@mutualsavingsbank.net]  
**Sent:** Sunday, June 14, 2020 11:39 PM  
**To:** Hittle David - Planning & Zoning  
**Subject:** Folco / 4664 Olive Branch Rd

Hello David –

I am writing to share my support of the two (2) variances being sought by Mr. Brian Falco at 4464 Olive Branch Rd., his personal residence, to facilitate the construction of a barn.

Sincerely,

**Rob Henderson**  
**EVP, Chief Lending Officer**  
**1124 N Main Street**  
**Franklin, IN 46131**  
**Office: 317-736-1713**  
**Cell: 317-650-0034**



This message contains confidential information and is intended only for the named addressee. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail from your system. Finally, the recipient should check this e-mail and any attachments for the presence of viruses. Mutual Savings Bank accepts no liability for any damage caused by any virus transmitted by this e-mail.

BRIAN & CAREY FOLCO  
4664 Olive Branch Road  
GREENWOOD, INDIANA 46143

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SUPPLEMENT TO:

MEETING AGENDA  
Johnson County Board of Zoning Appeals  
June 23, 2020

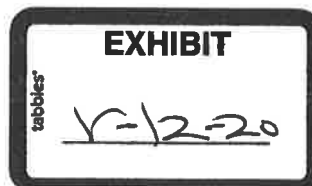
PUBLIC HEARING

NEW PETITION

V-12-20. Brian and Carey Folco, 4664 Olive Branch Road  
Variance of Use  
Variance of Development Standards  
Pages 31-43

Supporting Documents

- 1) Comments for Public Hearing by Petitioner Brian Folco
- 2) Property Aerial View, Page 36
- 3) Site Plan, Page 37
- 4) Property Photos, Pages 42-43
- 5) Letters of support and reference from former neighbors and friends<sup>3</sup><sub>2</sub>
- 6) Letters of support from current neighbors<sup>7</sup>



## Comments for Public Hearing – June 23, 2020

by Petitioner Brian Folco

Good evening,

My name is Brian Folco, and this is my wife Carey.

I would like to start by thanking the Johnson County Department of Planning and Zoning for their thoughtful and thorough report on the variance requests included in tonight's Meeting Agenda. Thank you, Michele Hansard, for coming to our property to take pictures and for taking time to guide us through this process. Thank you also to the Board of Zoning Appeals for the opportunity to speak at this hearing tonight.

I would like to begin my comments by giving the Board a little background on what brought us here this evening.

Last summer, after many years of rumors, the Indiana Department of Transportation contacted us about starting the buyout process for our property bordering State Road 37 as part of Section 6 of the I-69 project in Johnson County. We lived on that property for nearly 17 years and did not plan on moving. We renovated the house, and my friends and I built the barn there from the ground up.

After a long search, we were happy to find a property just a few miles away that had a good home and enough land to build a barn comparable to what we had before. As I'm sure you can imagine, there was a lot of pressure in finding the right new home on a short timeline in the current housing market in the Johnson County and Center Grove area where our children go to school.

Part of our family life and experiences have been made possible by having a barn that serves as storage for my tools, supplies and projects. My desire to learn new skills and save money by doing work myself began with my time as a young US Marine, and grew with jobs as a building contractor, plumber, iron worker at the Chrysler foundry, powerplant operator at IPL, and my current job as a Greenwood police officer. Over the years I have been fortunate to learn a lot and also to collect quite a few tools. My barn workshop has seen countless projects, from changing oil to wood-working projects to welding. My friends and coworkers jokingly call me MacGyver or Bob Vila. I just enjoy making things and being able to help others.

Until our builder applied for a permit, we were not aware that our new property is three separate parcels. We may have been willing to file a re-plat of the subdivision, but we were concerned about the expense and that the process would take a long time. As explained in the Staff Report, a variance of use would allow us to build on the back part of our property that is currently unimproved and really has no other use. There is no easement, and the lot in question



is completely landlocked. The only access to the lot is from the driveway to the dwelling. The two lots forming the back part of the property are heavily shielded by a tree line on all three sides. We plan to add additional trees, shrubs or fencing as needed to improve the property and add visual appeal.

The second request covered in the Staff Report is for a variance of development standards for the size of the structure we would like to build. We are pleased that the Staff Report supports this request based on the conditions noted in the report, and also because the structure will be behind our dwelling, lined with vegetation and mostly obscured from adjoining neighbors and the public right of way. The variance will allow a sufficient structure to contain the extensive collection of tools, materials and equipment. I understand the ordinance is intended to discourage commercial conversion, and I have no intention of using the property or the barn for any commercial venture. It will simply be a place for me to leave behind the stresses of life and my job. It was my place of refuge before and has been sorely missed.

Included with a copy of my comments this evening are letters from 3 former neighbors and 2 Johnson County Council members. The letters we received from former neighbors and friends offered their encouragement and kind words of support, including reassurance our former barn was always well-kept and attractive, with no non-residential use.

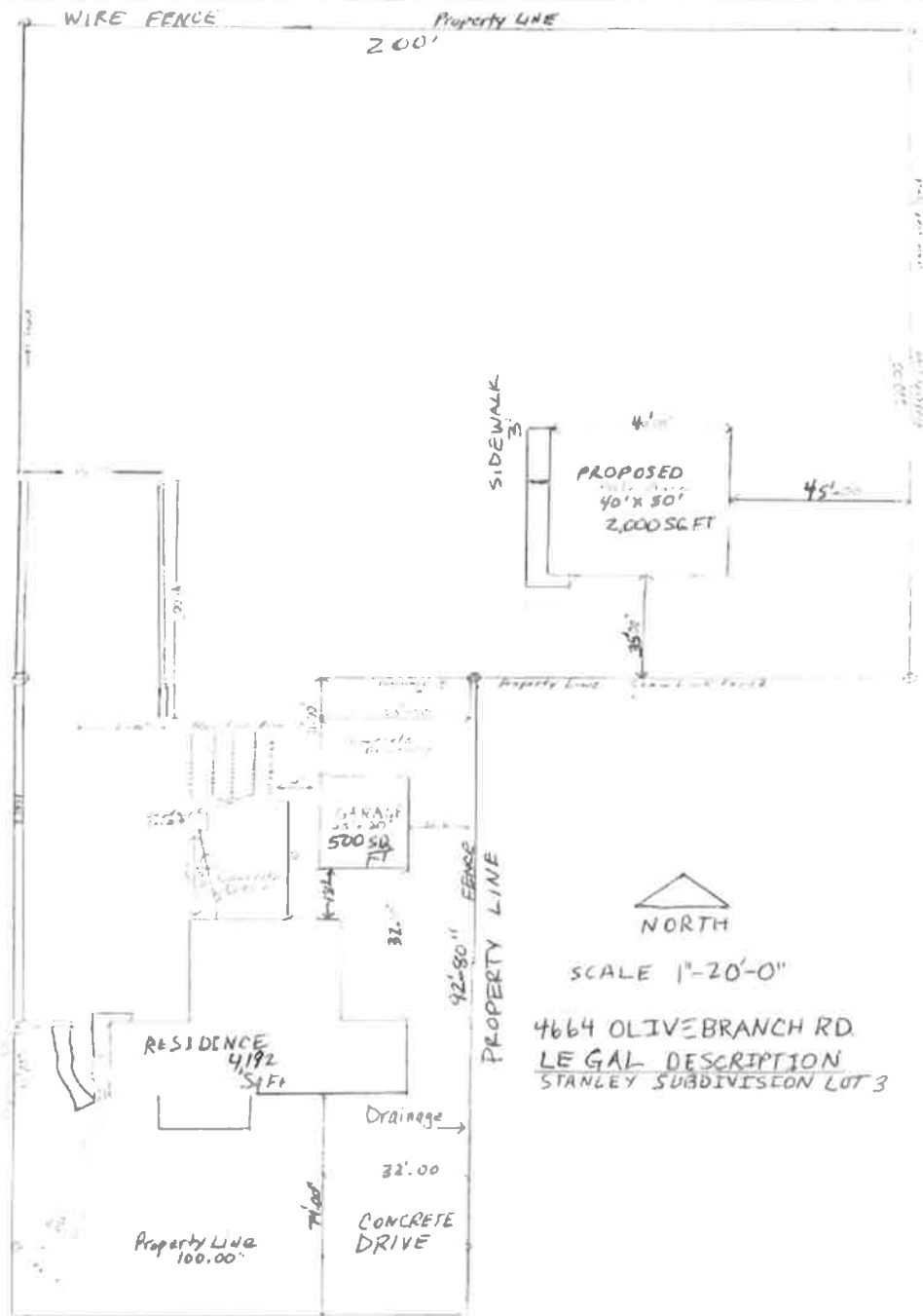
Also included are letters from 7 of our new neighbors who have offered support of our plan to build a barn.

In closing, I would again like thank the planning and zoning department staff. And to the board, thank you for listening. I am happy to answer any questions, and I hope that you will approve these requested variances. Thank you.

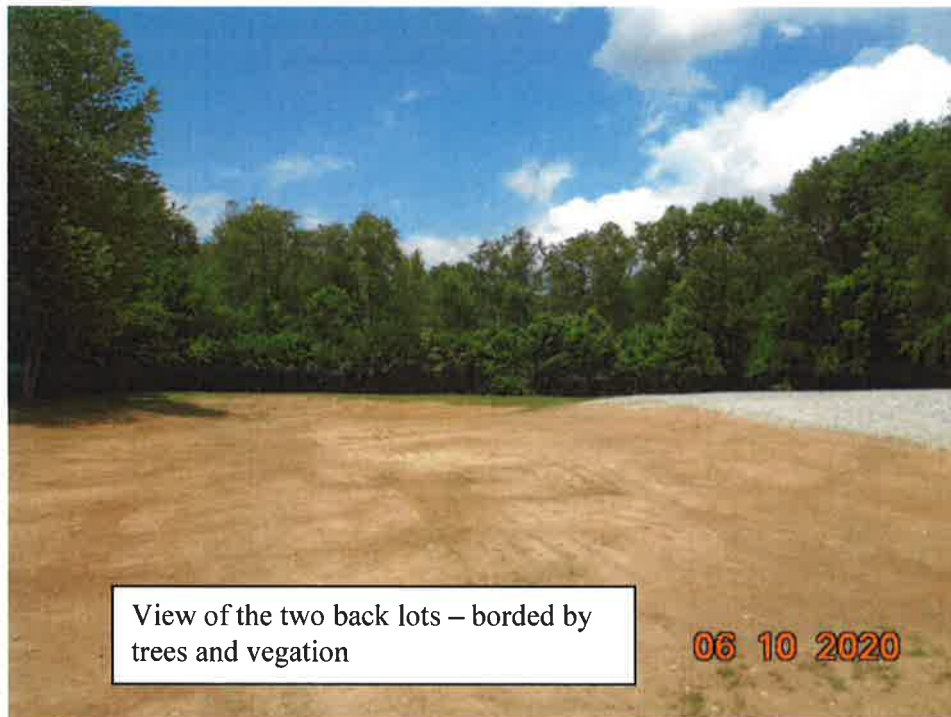
## V-12-20 AERIAL II



# V-12-20 SITE PLAN



## V-12-20 – PHOTOGRAPHS







View of the adjoin neighboring property – the only un-obstructed view



View of the house from the street.  
Proposed Barn will not be viewable  
from the public right of way

## Email for Board of Zoning Appeals

From: Pugleysue (pugleysue@aol.com)

To: careyfolco@yahoo.com

Date: Monday, June 22, 2020, 03:23 PM EDT

Brian and Carey Folco (now residing at 4664 Olive Branch Road) purchased the home across from our home on Jay Dee Lane, Greenwood.

They are a wonderful and caring family.

They always kept their yard and property in very pristine shape. The barn that was built on the property was not an eyesore. Brian never had items stored outside and always kept the area around the barn just as trimmed and mowed like the property where the house was located.

We certainly miss them as neighbors. As we are getting up in age now, they have helped us on numerous occasions when help was needed with machine break downs help or watching our property while we were away for extended times.

Harry and Kathleen Snyder

Former  
Neighbor

## Email for Board of Zoning Appeals

From: Dianna Casteel (dcasteel59@gmail.com)

To: careyfolco@yahoo.com

Date: Monday, June 22, 2020, 12:27 PM EDT

Dear Board of Zoning Board Appeals:

My name is Dianna Casteel, I lived right across the street on Jay Dee Lane from the Folco's. They were the best neighbors anyone could ask for.

Brian always kept their yard immaculate!! His barn was very neat and well taken care of. When Brian was in his barn he was never disruptive or

noisy. He never bothered any of the neighbors. His barn was where he tinkered and was never used for any business.

Brian was always the first one on the street to keep his grass cut and keeping their place looking nice.

He helped my husband out on projects he was working on and Brian always volunteered to help my husband!!!

As a matter of fact, I really miss them being across the street. It makes me very sad every time

I see their house sitting empty.

So there shouldn't be any questions that the Folco's will take very good care of any barn they would build on their property. Feel free to contact me

if you have any questions or concerns!!!

Dianna Casteel

(317) 440-1416

Former  
Neighbor

## Board of zoning appeals

From: Michelle Hauk (mrs.hauk@yahoo.com)

To: careyfolco@yahoo.com

Date: Monday, June 22, 2020, 07:23 AM EDT

Hi Carey & Brian!

We sure miss you guys! We hope to see you in the near future.

Below is a letter for the zoning board that we hope helps. You are the best neighbors to have and your new ones will soon realize that once they get to know you. Thank you for the multiple times you've helped us thru the years. You were AMAZING neighbors and we sure miss and appreciate you!!! 😊😊

Much Love!!

The Hauk's

Dear Board of Zoning Board Appeals,

I'm writing to request and recommend that you allow Brian and Carey Folco to build a barn as stated in their variance request. We were neighbors for ten years, and we were sad to move away from each other when the state of Indiana forced us to move earlier this year due to the I-69 road project. Brian always kept up his barn very well, and we never had any issue with it. In fact, there were a few times Brian helped us out with various projects. We never saw the barn being used for business purposes. We are sure Brian and Carey will be good, responsible neighbors for their new neighbors just like they were with us.

Thank you for considering, and hopefully approving, their request.

Michael and Michelle Hauk

Formerly 3014 Jay Dee Lane Greenwood, IN 46143

Sent from my iPhone

Former  
Neighbor



**From:** John Myers, Jr. <myersje@greenwood.in.gov>  
**Sent:** Friday, June 19, 2020 12:04 PM  
**To:** Brian Folco <folcob@greenwood.in.gov>  
**Subject:** Variance Request

Brian,

I just wanted to let you and Carey, know of the email that I sent to David Hittle, supporting your request. I hope it helps. See email below.

David,

The BZA will be hearing two variance requests at their June meeting for the property located at 4664 Olive Branch Rd, Greenwood, IN. The property owners, Brian and Carey Folco are requesting to build a pole barn on their newly purchase residence of 4192 square feet and 1.5 acres. Mr. & Mrs. Folco bought the residence/property on Olive Branch Rd, due their residence/property on Jay Dee Ln, being taken by imminent domain for the construction of I-69. Mr. & Mrs. Folco are wanting to build a pole barn that is similar in size to the one they had on Jay Dee Ln. Mr. & Mrs. Folco wanted to stay in the White River Township area and Center Grove school district for their children.

I drove by Mr. & Mrs. Folco residence. After looking at their property and other properties in the immediate area on Beacon and Google Earth, I believe approving the two request will not decrease the value of any properties in the immediate area. Please forward this email to the BZA board for the June hearing and accept this email as my support of the variances being approved by the board.

Best regards,

John  
Myers

Johnson County Council

Officer

**GREENWOOD**

186 Surina Way

Greenwood, IN 46142

317-882-9191 Office

317-887-5214 Fax

[myersje@greenwood.in.gov](mailto:myersje@greenwood.in.gov)

County  
Council  
Member

----- Original message -----

From: Ison James - County Council <jison@co.johnson.in.us>

Date: 6/22/20 8:55 PM (GMT-05:00)

To: Brian Folco <folcob@greenwood.in.gov>

Subject: Fwd: 4664 Olive Branch Rd.

\*\*\*This message is from an outside source\*\*\*

Sent from my iPhone

Begin forwarded message:

From: Hittle David - Planning & Zoning <dhittle@co.johnson.in.us>

Date: June 8, 2020 at 11:22:06 AM EDT

To: Ison James - County Council <jison@co.johnson.in.us>

Subject: RE: 4664 Olive Branch Rd.

Received. Thank you.

David Hittle, AICP, Director  
Johnson County Department of Planning and Zoning  
86 West Court Street  
Franklin, IN 46131  
(317) 346-4350 main

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

From: Ison James - County Council

Sent: Monday, June 08, 2020 11:18 AM

To: Hittle David - Planning & Zoning

Subject: 4664 Olive Branch Rd.

David,

The BZA will hear two variance requests for the property located at 4664 Olive Branch Rd. at their June meeting. The homeowner, Brian Folco was displaced from his residence on Jay Dee Ln. due to imminent domain for the construction of I69. He is wanting to build a barn on his new property that is similar in size to what he had at the Jay Dee Ln. property. He has hired a custom builder, Rick Campbell, to construct the barn.

Mr. Folco has the written support of his neighbors, and will provide these letters prior to the hearing. Please accept this email as my written support of the variances being approved.

Respectfully,

James Ison  
County Council

Sent from my iPhone

County  
Council  
Member

## Petition Number V-12-20 (Brian and Carey Folco)

From: Bret Widdifield (mcbret@comcast.net)  
To: mhansard@co.johnson.in.us  
Cc: brianfolco@gmail.com; careyfolco@yahoo.com  
Date: Saturday, June 20, 2020, 12:16 PM EDT

**To:** Michele Hansard, Senior Planner  
Johnson County Planning & Zoning  
86 West Court Street  
Franklin, IN 46131  
Tel: 317-346-4353  
E-mail: [mhansard@co.johnson.in.us](mailto:mhansard@co.johnson.in.us)

**From:** Bret & Karen Widdifield  
4638 Olive Branch Rd.  
Greenwood, IN 46143  
Tel: 317-989-5598  
E-mail: [mcbret@comcast.net](mailto:mcbret@comcast.net)

June 20, 2020

Dear Michele Hansard,

This e-mail is a response to **petition number V-12-20** filed by Brian & Carey Folco for the "VARIANCE OF USE" and "VARIANCE OF DEVELOPMENT STANDARDS" for their property at 4664 Olive Branch Rd., in Greenwood, Indiana.

We are neighbors and fully support their project to build a pole barn on their property. We hope that the Planning and Zoning Board can expedite their request since we know they are anxious to get this project completed.

If you have any questions, please feel free to contact Karen or myself at the information above.

Best Regards,

Bret Widdifield

cc. Brian and Carey Folco

[brianfolco@gmail.com](mailto:brianfolco@gmail.com)

[careyfolco@yahoo.com](mailto:careyfolco@yahoo.com)

Current  
Neighbor

6-17-2020

TO: WHOM IT CONCERNS

This letter is in response to the:

Johnson County Zoning Appeal

Petition# V-12-20

Location: 4664 Olive Branch Rd.

As neighbors of the above address, we would like to show our support for their future building project. I see in no way that this would have a negative impact on our adjacent property.

Kim Williamson  
4688 Olive Branch Rd

Bill Williamson  
4688 Olive Branch Rd

Current  
Neighbor

6-6-2020

To: Brian & Cary Folco

I have no problem  
with you building  
a Barn of that size.  
I would welcome  
you to our little  
part of Center Grove.  
My husband & I  
bought our home  
in 1988 and we have  
seen many changes  
in the growth of the  
area.

I wish you well

Luann



Luann B. Rush  
4511 W. Stanley Ln.  
Greenwood, IN 46143

Current  
Neighbor

## Barn

From: donald\_wilson\_907 (donald\_wilson\_907@att.net)

To: careyfolco@yahoo.com

Date: Sunday, June 7, 2020, 01:48 PM EDT

Hello Carey,

My name is Jennie Wilson and my husband Donny and I live at 4774 Olive Branch. We are aware of the weird property problem we all face. We haven't dealt with it before because we have not needed to build anything though we've talked about it before. I'm not real sure how it would work with having a surveyor come out and redo the subdivision but yes it would probably be costly which part of the reason we haven't dealt with it. Part of the reason we live here is because there is no neighborhood HOA crap and we thought we wouldn't have any worries. Anyway we have no problem with you building a barn, as we see it, it's your yard. Also your house is amazing so I'm sure it will only look better with anything you add to it. We can meet anytime you'd like and you can use this email if it helps you at all in the process. Good luck to you!

Regards,

Donny and Jennie Wilson

Current  
Neighbor

## Barn on land

From: Ellen Wilson (emwilson710@aol.com)

To: careyfolco@yahoo.com

Date: Thursday, June 4, 2020, 05:33 PM EDT

Sent from myiPhon

This is Ellen Wilson on 4519 W Staley Ln. We are ok with Brian and Carey Folco building a barn on their land. 4664 Olive Branch Road.

Thanks Ellen Wilson

Current  
Neighbor

Fwd: Your letter of 6/1/2020

From: Brian Folco (brianfolco@gmail.com)

To: careyfolco@yahoo.com

Date: Thursday, June 4, 2020, 06:16 PM EDT

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

From: **Don Mcatee** <donmcatee@aol.com>

Date: Thu, Jun 4, 2020, 6:10 PM

Subject: Your letter of 6/1/2020

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

Cc: [lyndalmcatee@aol.com](mailto:lyndalmcatee@aol.com) <[lyndalmcatee@aol.com](mailto:lyndalmcatee@aol.com)>

First and foremost, welcome to the neighborhood. Lyinda and I live in Hunters point across from you, the property behind the power tower with the tree's in the back yard. We are on West Hunters Ridge Lane, Hunters Point addn.

We take no issue with your interest in constructing a pole barn and hope you are successful with your request in process.

I am sure like you we are looking for a way to stop the speeding, reckless driving and noise from cars traveling in access of the speed limit on Olive Branch Rd. The Johnson county sheriff does some patrolling the road but never seem to be in the right place at the right time. If you and others have any interest in starting a task force to address this issue please include us. I can't imagine we are the only one's boarded by Olive Branch Rd. that gets tired of the noise etc. Thank you for your letter.

Best regards as new neighbors.

Don & Lyinda McAtee

Current  
Neighbor



## Petition V-12-20 Variance of Use for Pole Barn

From: Mary Ann Tellmann (manewt4@hotmail.com)

To: brianfolco@gmail.com; careyfolco@yahoo.com

Date: Wednesday, June 10, 2020, 02:39 PM EDT

We are residents of Olive Branch Estates and our address is 1575 Beck Ridge Circle. We received your letter asking for support for your variance request to erect a pole barn at the back of your property located at 4664 Olive Branch Road. We do not object to your request. Our home is far enough away that we wouldn't even be able to see the barn, so we don't think it would diminish our quality of life in any way. We are happy to support your request to the Johnson County Zoning Board, and feel free to use this email if needed.

Ron and Mary Ann Tellmann  
317-619-1826

Current  
Neighbor