

Johnson County Board of Zoning Appeals

August 29, 2023 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, August 29, 2023 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: Chad Bowman, Chris Campbell, Paul Clodfelter (Alternate), James Kaylor, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting), and Angela Olson (Recording Secretary – not voting).

Absent: Charlie Canary

II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the July 25, 2023 Board of Zoning Appeals meeting minutes.

Motion: Approval of July 25, 2023 Board of Zoning Appeals meeting minutes. **Moved by** Chad Bowman. **Seconded** by Steve Powell. **Yes:** Bowman, Campbell, Clodfelter, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

III. PUBLIC HEARINGS:

**V-7-23; Sean Fagan – Variance of Use and Development Standards Request.
3007 E. 300 N.**

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

Attorney Ellen Fredbeck-Ramirez with Deppe Fredbeck & Yount (9 E. Court St., Franklin 46131) on behalf of Petitioner was present to speak and address questions and/or concerns. **Exhibit** packed was provided to members of the board.

Petitioner Sean Fagan (3007 E. 300 N., Franklin 46131) was present to speak and address questions and/or concerns.

Austin Ginder (6521 Woodworth Ct., Indianapolis, IN 46237) was present to speak in support of the variance requests.

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

- Q. Board member Steve Powell inquired as to whether or not the pole barn was in compliance with the zoning laws?
A. Yes.
- Q. Board member Paul Clodfelter asked what the variance was for and when was it approved for the pole barn?
A. Oversized structure variance was approved within the last two (2) years.
- Q. Board member Paul Clodfelter asked if the parcel had been located in the City of Franklin would the use have been permitted?
A. Yes.
- Q. Board member Steve Powell referred to when the size variance was approved and inquired as to whether or not any conditions had been imposed on commercial use?
A. No.
- Q. Board member Chad Bowman inquired as to whether or not the Petitioner had spoken with his neighbors since the July 2023 meeting?
A. The Petitioner wrote his neighbors a letter but did not receive a response.
- Q. Board member Chad Bowman referred to Attorney Fredbeck-Ramirez testimony and inquired as to what about the pole barn was exceeding the development standards?
A. Glass Front door and indoor/outdoor aesthetics.
- Q. Board member Chad Bowman asked what the distance was from the residence to the pole barn?
A. Approximately fifty (50) to sixty (60) feet.
- Q. Board member James Kaylor inquired as to whether or not the Petitioner already had the dust collector system installed in the pole barn?
A. No, if this variance is approved he will be installing the dust collector system.
- Q. Board member James Kaylor inquired as to whether or not the Petitioner currently had a dust collector system as his current business location?
A. Yes.
- Q. Board member Steve Powell referred to page nine (9) in the staff's report and asked Attorney Prime if he and Ms. Beavins were asking for further trees to be planted in the rear and side of the barn as well as a fence structure?
A. Yes.

- Q. Board member Chad Bowman asked Attorney Prime for clarification that the Ms. Beavins did not want the commercial development standards waived?
A. Yes, for gravel only. No, for the landscaping buffer.
- Q. Board member Paul Clodfelter asked staff what would be required for landscaping?
A. Two (2) rows of trees along pole barn.
- Q. Board member Paul Clodfelter asked the Petitioner how long had his existing business been in place?
A. Five (5) years.
- Q. Board member Paul Clodfelter inquired as to if the Petitioner ever had paid employee(s) or volunteer(s)?
A. Petitioner has had a sub-employee at one time that was paid for a short amount of time.
- Q. Board member Paul Clodfelter inquired as to whether or not the pole barn would have heating and air conditioning?
A. Yes.
- Q. Board member Chris Campbell inquired as to who had approved the flag lots?
A. Plan Commission.
- Q. Board member Chris Campbell asked staff if Remonstrator Beavins fence was currently in violation?
A. Yes.

Attorney Eric Prime with Van Valer Law Firm, LLP (225 S. Emerson Ave., Ste. 181, Greenwood 46143) on behalf of Remonstrator Jill Beavins (2989 E. 300 N., Franklin 46131) was present to express the concerns of Ms. Beavins regarding commercial landscaping requirements, a two (2) year follow up review and extension of privacy fence.

Motion: To approve V-7-23 to allow for a woodworking shop for custom furniture and Petitioner's Finding of Facts. **Moved** by Paul Clodfelter. **Seconded** by James Kaylor. **Yes:** Clodfelter and Kaylor. **No:** Bowman, Campbell and Powell. **Motion failed 2-3.**

Motion: To deny V-7-23 to allow for a woodworking shop for custom furniture and to waive parking and landscaping requirements for commercial uses and order staff to prepare Finding of Facts. **Moved** by Chad Bowman. **Seconded** by Chris Campbell. **Yes:** Bowman, Campbell and Powell. **No:** Clodfelter and Kaylor. **Motion approved 3-2.**

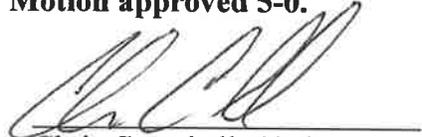
IV. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 8:05 PM.

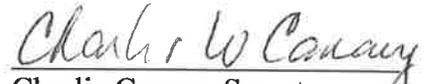
Motion: Adjourn the meeting. **Moved** by James Kaylor. **Seconded** by Paul Clodfelter. **Yes:** Bowman, Campbell, Clodfelter, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: September 26, 2023

By:


Chris Campbell, Chairman

Attested By:


Charlie Canary, Secretary

Simple, Silent & Safe Dust Collection

Nederman is The Clean Air Company and the S-Series is a turn-key dust collection solution for industrial applications including woodworking.



Reliable and Effective Indoor Filtration

The S-Series is an enclosureless, silent and simple to set up dust collector suitable for wood and sawdust applications (furniture, cabinetry, windows, doors, flooring, particle board, MDF, building materials, marine, and sawmills) and for general dust collection where feasible.

It is designed for indoor installation compliant with NFPA combustible dust regulations. They are available in three sizes: the S-500, S-750 and S-1000 ranging from 1,500 - 5,000 CFM, providing a cost-effective filtration solution for small and medium-sized workshops.

Features:

- Designed for Indoor Installation
- NFPA Compliant
- SuperBag Technology (99.9% Efficiency)
- Easy Installation
- Quiet & Simple Operation
- Low Energy Consumption
- Small Footprint
- Available Shaker Cleaner Option
- Multiple Waste Collection Options - Bags, Barrels or Bin



Applications:

- High-Speed Routing
- Sawing & Cutting
- Single-Cell Manufacturing
- After-Filters

Applying the S-Series

Enclosureless dust collectors like the S-Series offer a convenient and effective solution for combustible dust applications within the woodworking and manufacturing industries but are subject to several important application constraints when handling combustible dusts. The S-Series maximum airflow is limited to 5,000 CFM (8,500 m³/hr) and they are not recommended for sanders, molders, or abrasive planes having mechanical feeds as well as cannot be used to vent or serve metal grinding, hot work processes, and machinery that can generate or produce sparks. For safe use, maintenance protocols including filter cleaning and waste removal outlined within the NFPA standards and Nederman manuals must be strictly followed.

Nederman is a global leader for NFPA and ATEX compliant dust collection solutions. Our comprehensive approach throughout the design, application, installation and maintenance sets us apart in providing complete and compliant solutions. Nederman is the global leader for ATEX and NFPA compliant dust collection solutions. Our comprehensive approach throughout the design, installation and maintenance processes sets us apart to provide a complete, safe and compliant solution.

Long-Lasting, Effective, Easy to Use

Designed for longevity and minimizing operational cost. Our highly efficient, quiet running radial fans are designed to transfer high concentrations of wood dust and chips.

- **Reduced Maintenance Cost** - Built with high performance Superbags reducing your routine bag replacement needs down to 3-5 years with longer bag life depending on the dust particle size.
- **Reduced Noise Level** - High performance fans run 10-15 dB(A) over normal conversation sound levels, 70 - 75 dB(A) @ 10 in.w.g
- **Higher Productivity** - Lower filter resistance, highly efficient fans and interlocked design allows for greater and more consistent suction.
- **Bag Replacement Without Any Tool** - Heavy-duty plastic collection bags are connected with Quick-Fit clamps allowing for tool-less removal and installation.

SUPERBAG Filters - The Heart of the System

The Nederman SUPERBAG technology delivers high efficiency, low energy consumption, combustible dust safety and extended life.



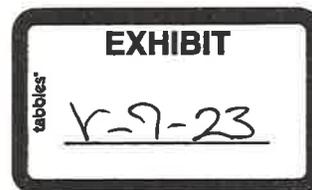
- Achieve recommended dust emission levels and improved ambient air
- Low pressure drop requires less energy
- Durable construction with seamless, woven construction
- Reduced risk of fire and explosion with anti-static woven carbon fibers

NFPA Compliant, Safe and Reliable Solution

S-Series dust collectors provide a safe and reliable solution to combustible dust compliance in accordance with the latest NFPA standards when properly applied and maintained. For full NFPA compliance with combustible dust applications including woodworking, owner/operator must install and operate the collector in accordance with the requirement for enclosureless dust collectors as outlined within the following standards.

- **NFPA 654:** Standard for the prevention of fire and dust explosions from the manufacturing, processing and handling of combustible particulate solids [Chapter 9.3.13.1.1.2 (4)]
- **NFPA 664:** Standard for the prevention of fires and explosions in wood processing and woodworking facilities [Chapter 9.3.4 (7)]

The owner/operator is responsible for compliance with all applicable federal, state and local codes. NFPA standards are available at NFPA.org.

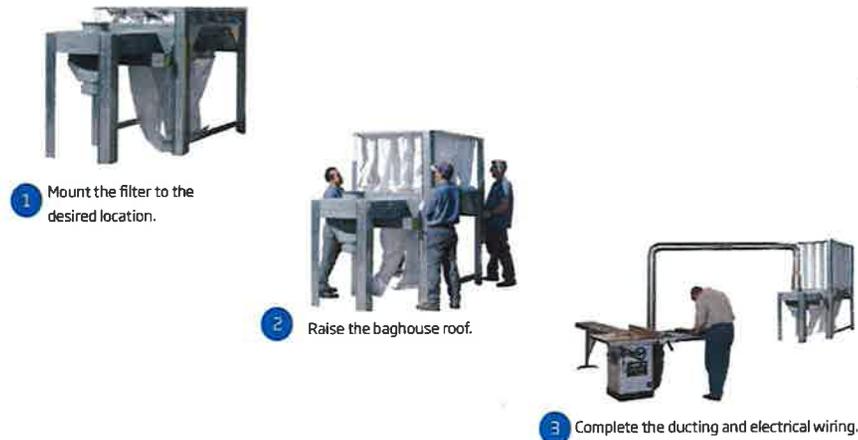


Fast, Efficient & Effective



Quick and Easy Installation

The unique collapsible design provides compact shipping and ease of installation. Fan and SuperBags are pre-installed further minimizing installation time and effort. Installation is completed in three simple steps:



World's Fastest Industrial Ducting

Simple to install for faster installation the clamp together components can be taken apart and reused. It is easy to connect to existing duct work and the components make it fit every system. Also with adjustable QF fittings it simplifies duct connections, with smooth interior surfaces it helps prevent blockages.



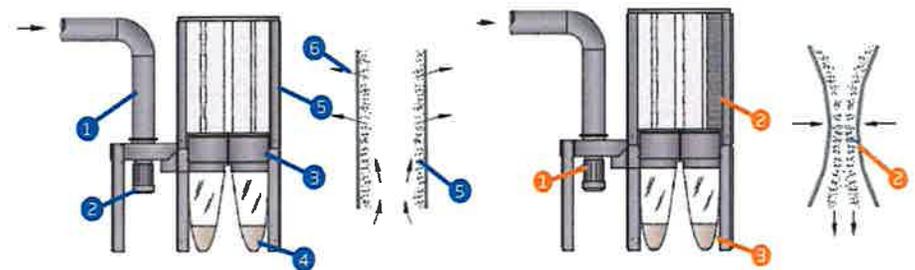
How It Works

During normal operation:

- 1 Dust laden air from the plant travels down the supply duct
- 2 Dirty air then enters the COMBIFAB material handling fan
- 3 Dust then enters the hopper section of the filter
- 4 As air slows down within the hopper, the heavier dust particles fall down into the inside of the collection bags
- 5 The remaining dust then travels up into the inside of the filter bag
- 6 The air, which originated from the plant, is now clean and passes through the filter bag into the surrounding atmosphere

While cleaning:

- 1 The S-Series may only clean "off-line", when the COMBIFAB fan has stopped rotating
- 2 The S-Series is cleaned by applying physical force to the outside of the filter bag which in effect, shakes them off
- 3 The dust cake, which hangs on the inside of the filter bag falls into the hopper section and then into the collection bags below



STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

AFFIDAVIT

I, David R. Short, being first duly sworn upon my oath, state as follows:

1. On or about August 1, 2018 I entered into an agreement with the property owner and a co-tenant, Sean Fagan, to share a rented space located at 190 Commerce Drive, Suite 3 Franklin, Indiana 46131.

2. For approximately four years, I used my portion of the space for my general contracting business, Sean Fagan used his portion for his cabinetry and woodworking business, and the costs were shared between us.

3. In 2022 I decided to stop using the space, which left Sean Fagan as the sole tenant and user of the entire space. My final rent check was remitted in November of 2022.

I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Date: 8/28/23

Signature: David Short

Printed: DAVE SHORT

Before me, a Notary Public within and for said County and State, on this 28th day of August, 2023, personally appeared David R. Short who signed the foregoing and acknowledged the execution thereof as his free act and deed.



Ellen L. Fredbeck-Ramirez
Ellen L. Fredbeck-Ramirez, Notary Public
Commission Number: 693089
Commission Expires: November 10, 2024
County of Residence: Johnson

