



JOHNSON COUNTY

Department of Planning and Zoning
86 West Court Street
Courthouse Annex
Franklin, Indiana 46131

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www.co.johnson.in.us

MEETING AGENDA

Johnson County Board of Zoning Appeals
January 23, 2024, 7:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

CALL TO ORDER BY BOARD OF ZONING APPEALS ATTORNEY

ROLL CALL

ELECTION OF PLAN COMMISSION OFFICERS

- a. Chairman
- b. Vice-Chairman
- c. Secretary

OTHER APPOINTMENTS

APPROVAL of MINUTES

Approval of minutes from the December 19, 2023 meeting.

PUBLIC HEARINGS

-CONTINUED PETITIONS

None.

-NEW PETITIONS

V-1-24. Audrey and Tanner Dean, 49 W 300 S, Franklin Page 3

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of an accessory structure in a defined front yard of W 200 S (accessory structures may not be built in front of the associated primary dwelling).

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for a house addition with a 15-foot rear setback (minimum 20-foot rear setback required).

OLD BUSINESS

None.

NEW BUSINESS

Approval of 2024 Contract for Johnson County Board of Zoning Appeals Attorney with Williams Barrett & Wilkowski, LLP.

REPORTS AND RECOMMENDATIONS

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, February 27, 2024 at 7:00 PM.

In accordance with American Disabilities Act, any person attending the public meeting in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on an agenda item should contact the Johnson County ADA coordinator, Barb Davis, at 86 W. Court St., Franklin, IN 46131, (317) 346-4329, bdavis@co.johnson.in.us.

STAFF REPORT

CASE NUMBER: V-01-24
ADDRESS: 49 W 300 S, Franklin
PETITIONER: Audrey and Tanner Dean By Church Church Hittle & Antrim

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of an accessory structure in a defined front yard of W 200 S (accessory structures may not be built in front of the associated primary dwelling).

RECOMMENDATION:

Staff recommends the **denial** of this variance request

PROPERTY DESCRIPTION

This 3.94-acre combined property is zoned A-1 (Agricultural) and is improved with a single-family dwelling and a detached garage. The area around this property contains various sizes of parcels used residentially and agriculturally.. All surrounding properties are zoned A-1.

VARIANCE REQUEST – FRONT YARD

This request, if approved, would legally allow an existing 864-square-foot accessory structure within the site’s front yard. This structure was discovered by the Planning and Zoning Staff near the end of October 2023. The structure was already constructed on the property. The picture provided in the Staff Report was taken the day a Stop Work Order was placed on the property.

The zoning ordinance prohibits the location of an accessory structure in front of a primary structure so that garages, sheds, pole barns, and similar structures do not become the dominant visual feature of a residential lot, or of a residential area. The existing residence is 96’ from the front property line and the new garage is 48’ away from the front property line, 48’ closer to the front property line than the residence. The petitioner requests the placement of the garage in this particular area due to the contours of the area and to eliminate the need for driveway expansion.

Only one other accessory structure within a half mile of this property has an accessory structure closer to the road than the primary structure.

The staff understands the convenience the variance might afford the petitioner. However, the staff ultimately asserts that the required findings have not been met and that the accessory structure can be located to meet ordinance standards.

Staff, therefore, recommends denial of this request.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS – FRONT YARD

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff finds the approval of the proposed variances will not be injurious to the public health, safety, morals, or general welfare of the community.

- 2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.**

Approval of the variance request to allow an accessory structure closer to a public right of way than residential structures in the area. It would affect the overall residential nature and standards. It would substantially affect the intent of the ordinance.

- 3. The strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.**

There is nothing unique to this property that would preclude an accessory structure from being built outside of the front yard. There are several areas within the property where a structure may be placed to meet the Zoning Ordinance requirements. The gentle slope of the property is common throughout the county. Additionally, staff finds the property has a consistent slope, and fill dirt will likely be needed regardless of the location of the structure, as is evidenced by fill dirt already being brought in for the current location of the accessory structure.

GENERAL INFORMATION

Applicant: Church Church Hittle & Antrim
Andrew Wert
2 North 9th Street
Noblesville, IN 46060

Owner: Audrey and Tanner Dean
49 W 300 S
Franklin IN

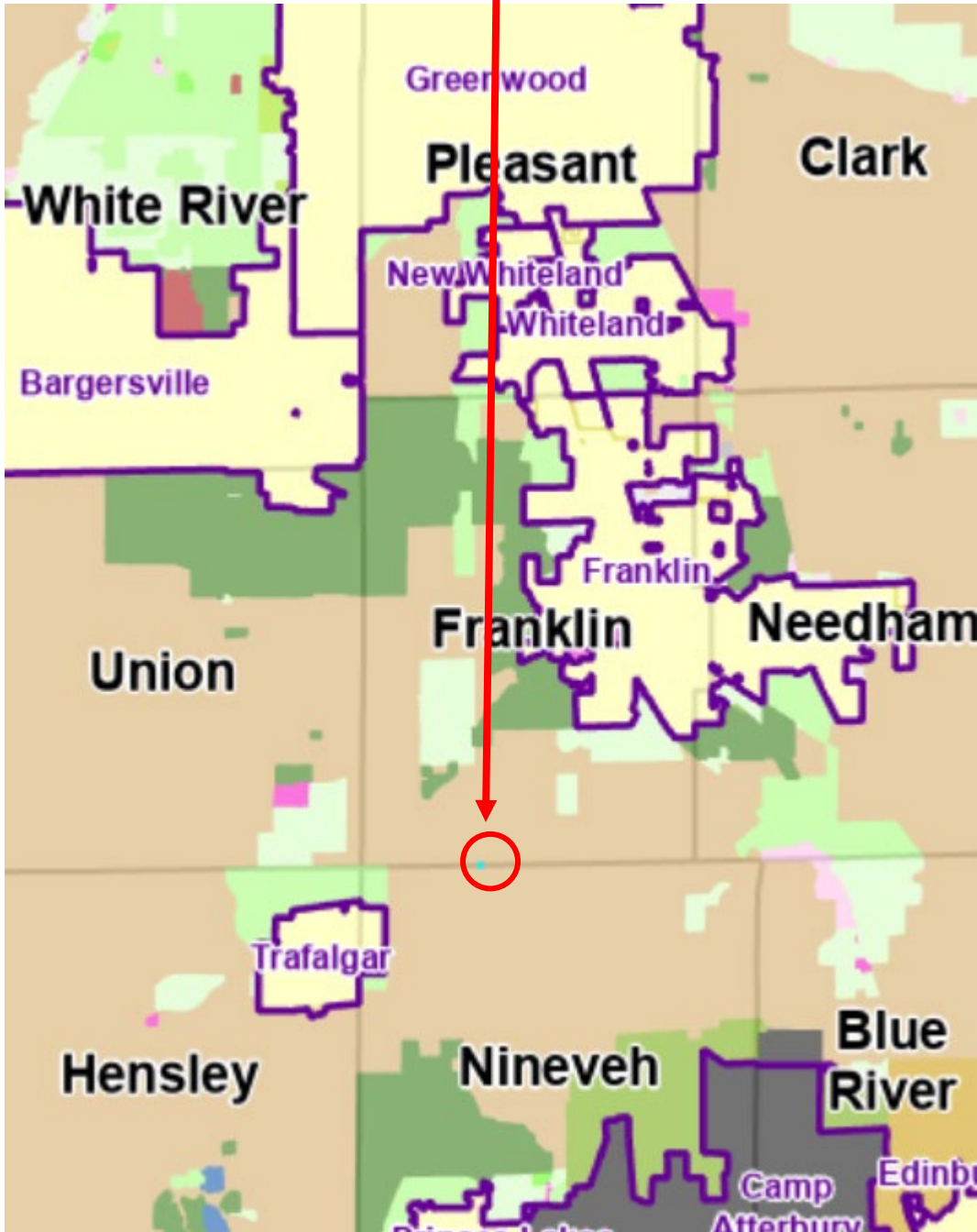
Zoning: A-1 (Agricultural)
Land Use: Residential

Future Land Use: Agricultural

-MNH

V-1-24 BASE MAP

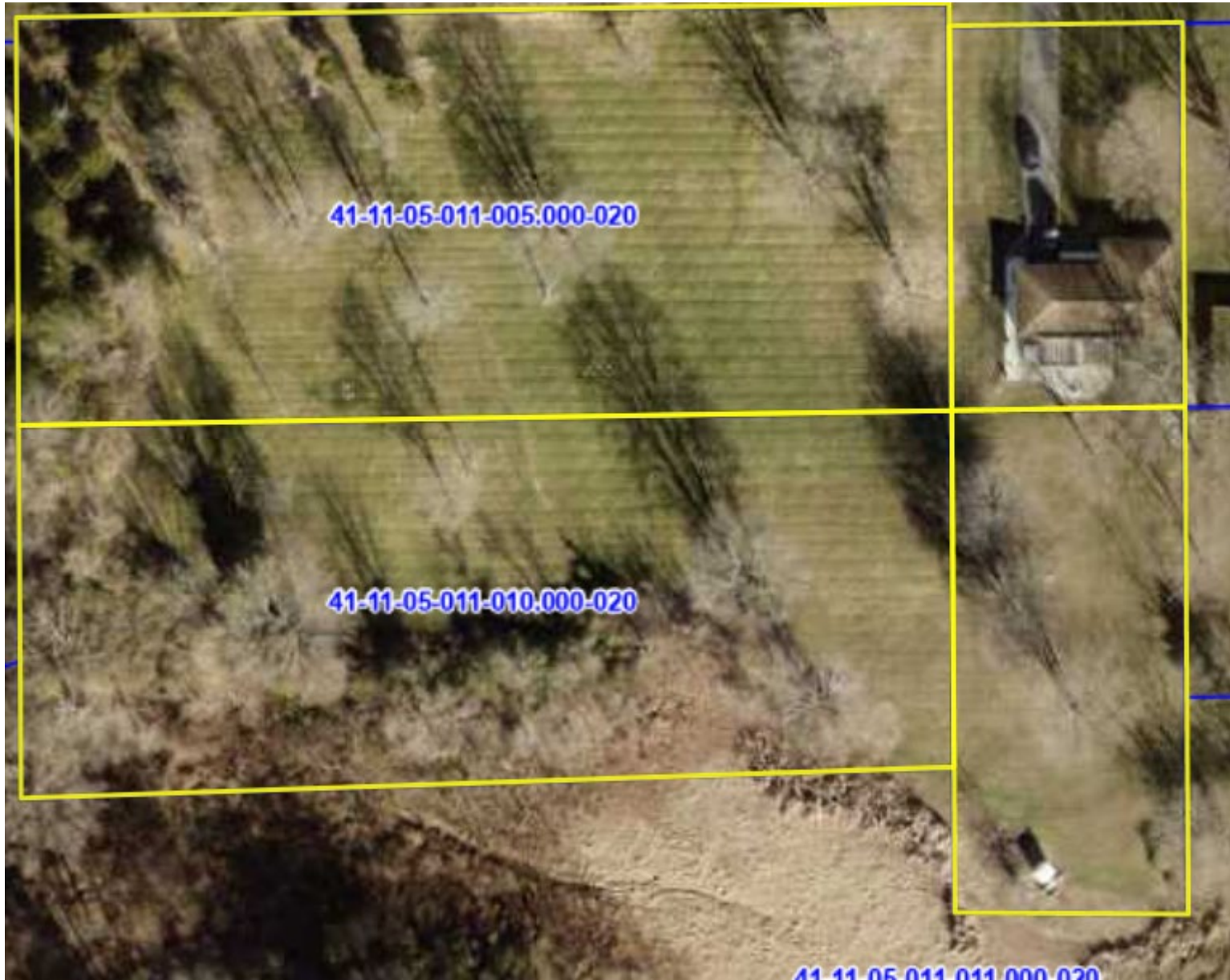
SUBJECT SITE



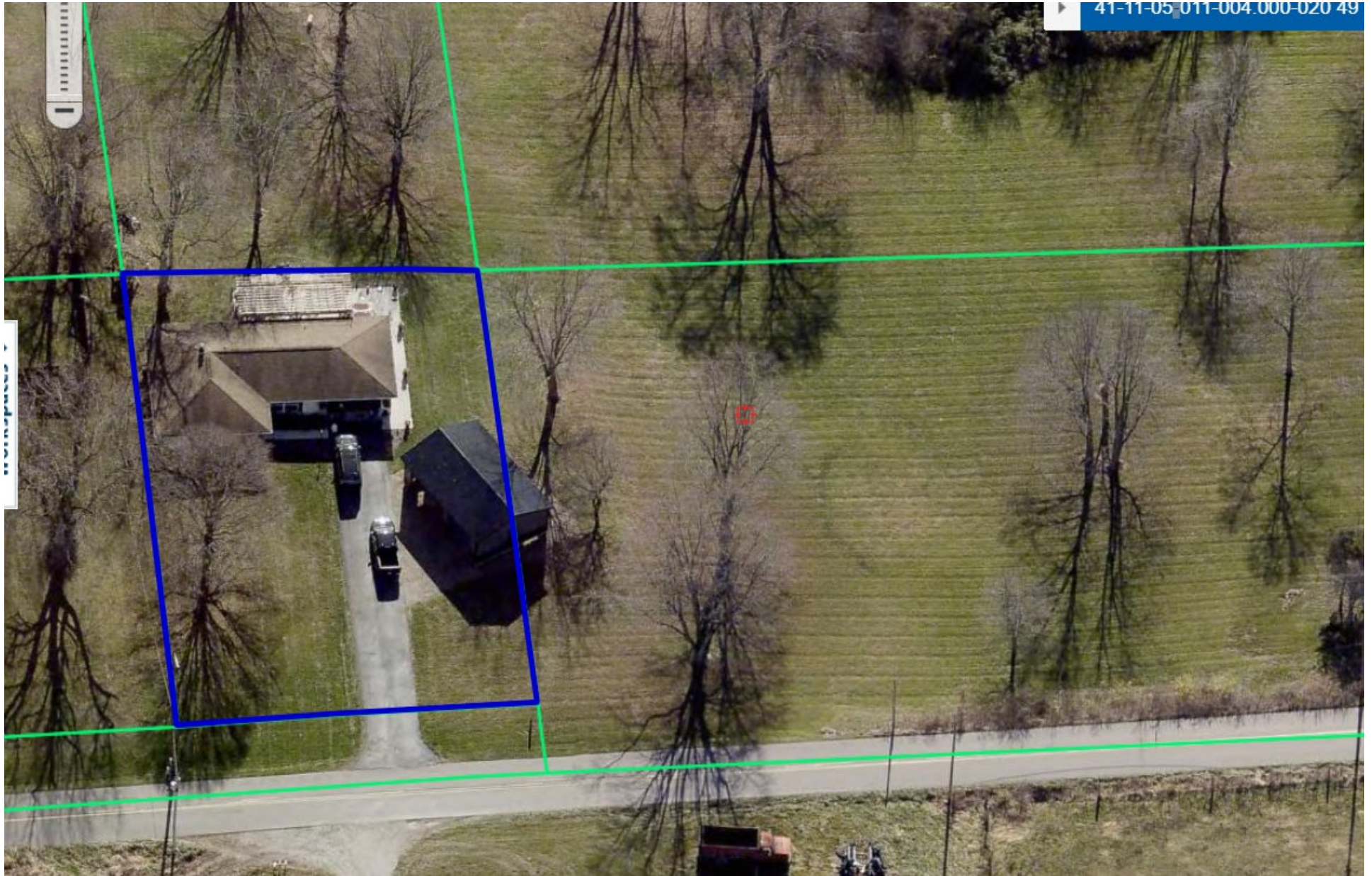
V-1-24 AERIAL MAP



V-1-24 AERIAL MAP II



V-1-24 AERIAL MAP III



V-1-24 PETITIONER FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

the proposed accessory building will be aesthetically pleasing and will
meet or exceed all State of Indiana building codes.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the location and configuration of the proposed accessory building is
consistent and in harmony with the character of the area.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

topography of the property west and south of the existing driveway falls
off considerably. An alternate location for the building would require
placement of fill.

V-1-24 SITE PHOTOS



October 2023 – Day Stop Work Order was placed



Street View – May 2023

STAFF REPORT

CASE NUMBER: V-02-24
ADDRESS: 3139 Fairway Court, Greenwood
PETITIONER: Katie and Cameron Rhoten, By Rehan Campbell REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to provide for a house addition with a 15-foot rear setback (minimum 20-foot rear setback required).

RECOMMENDATION:

Staff recommends the **denial** of this variance request

PROPERTY DESCRIPTION

This 0.34-acre site, Lot 154 of El Dorado III, is zoned R-1 (Single-family Residential). It is improved with a single-family dwelling. The site is surrounded by a residential subdivision and to the south / east is a golf course.

VARIANCE REQUEST – FRONT YARD

This variance request, if approved, would provide for the construction of a 236-square-foot addition to the existing house with a rear yard setback of 15-feet from the property line. The rear setback requirement is a minimum of 20 feet. This proposed addition will consist of an office addition.

This variance request does not present valid practical difficulty or hardship unique to this property which warrants relief from the Zoning Ordinance lot standards or the Subdivision Control Ordinance. Further, approval of this variance request could encourage others to seek similar requests.

The staff understands the convenience the variance might afford the petitioner. However, staff ultimately asserts that the required findings have not been met and that property provides other areas where a structure could be constructed and meet the ordinance.

Staff, therefore, recommends denial of this request.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS – FRONT YARD

1. The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community.

The proposed addition will not impact public health, safety, morals, or general welfare.

- 2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.**

A variance of similar requests could be sought by other property owners of the area based on the same findings presented by the petitioner.

- 3. The strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.**

There is nothing unique to this property that would preclude an addition from being built within the setback requirements. There are several areas within the property where a structure may be placed to meet the Zoning Ordinance requirements.

GENERAL INFORMATION

Applicant: Rejan Campbell
1202 East 23rd Street, Suite C
Indianapolis, IN 46205

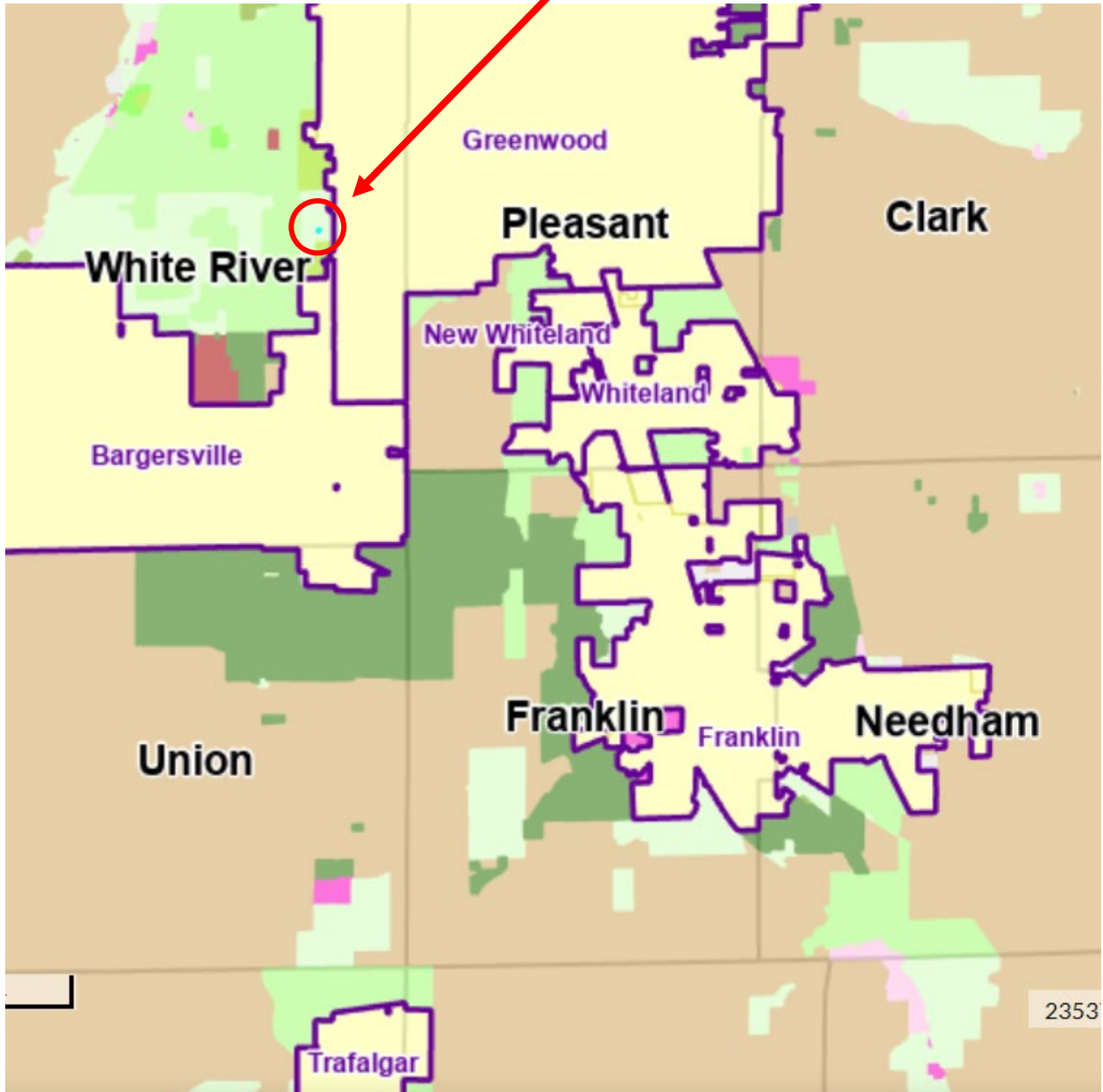
Owner: Katie and Cameron Rhoten
3139 Fairway Court
Greenwood IN 46143

Zoning: R-1 (Single Family Residential)
Land Use: Residential
Future Land Use: Residential

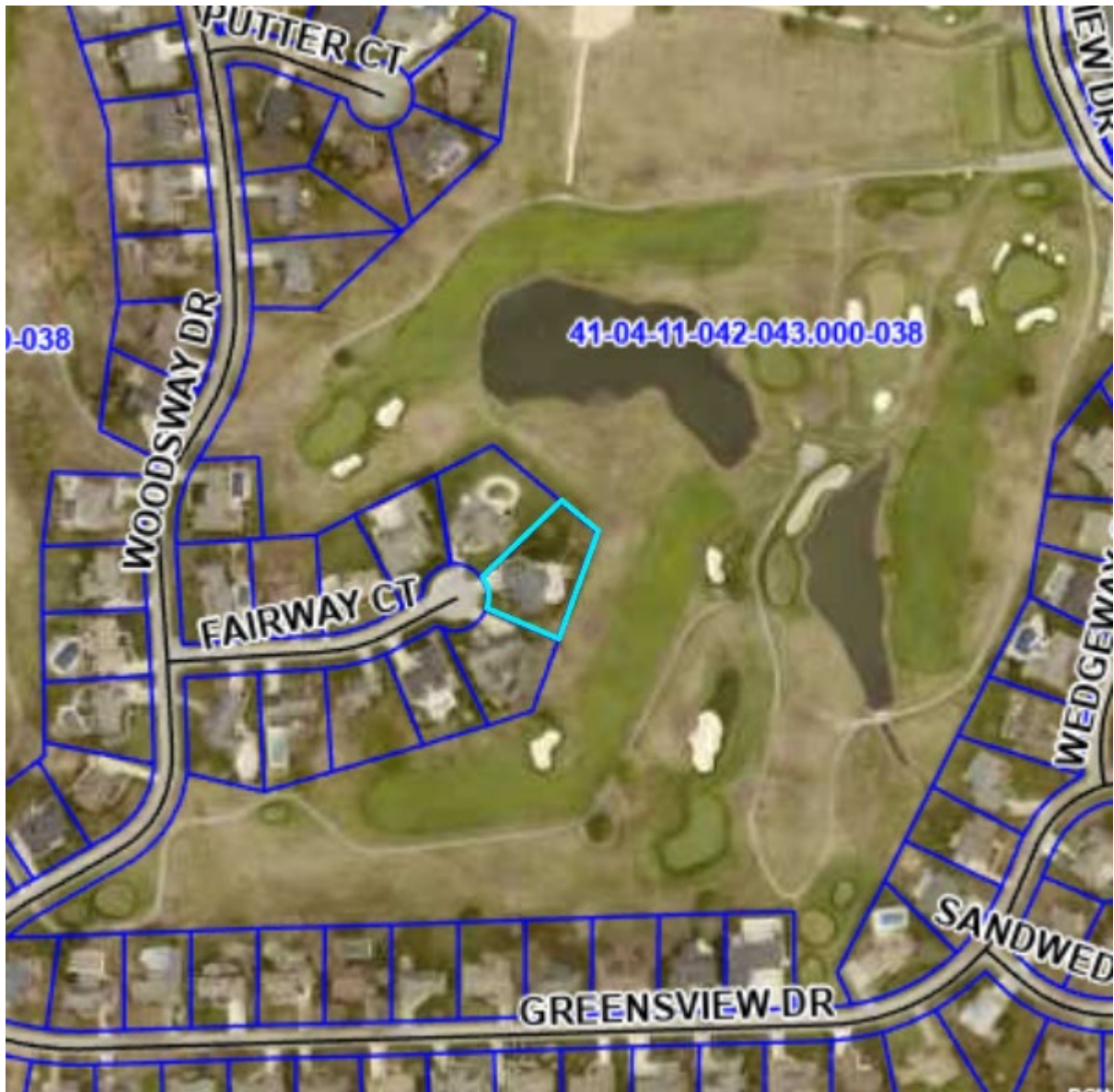
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V-2-24 BASE MAP

SUBJECT SITE



V-2-24 AERIAL MAP



V-2-24 AERIAL MAP II



V-2-24 AERIAL MAP III



V-2-24 PETITIONER FINDINGS OF FACT

FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

Petitioner is seeking to build a home office/addition (1-story) at the rear section of the home to minimize its visual impact from the street. Because the home abuts a golfcourse/fairway, and the proposed addition will not be visible from the street, Petitioner does not believe the project will cause undue hardship or injury to the community's public health, safety or general welfare.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The new addition's exterior materials will match the existing home's brick and siding to reflect a natural extension of the home and add value to the property. Because the addition also will not encroach on side setback requirements, Petitioner does not believe the proposed addition will have an adverse affect on the uses or values of adjacent properties.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

Strict adherence to the 20' rear setback and existing concrete patio/pool limit practical or feasible options for the size and location of the proposed 1-story addition.