

Johnson County Board of Zoning Appeals

May 21, 2024 Meeting Minutes

The Johnson County Board of Zoning Appeals met on Tuesday, May 21, 2024 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: Chris Campbell, Charlie Canary, Douglas Gray, James Kaylor, Steve Powell, Attorney Jacob Bowman (Legal Counsel - not voting), Michele Hansard (Director - not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Roger Meyer (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chairman Chris Campbell called for a motion to approve the March 26, 2024 Board of Zoning Appeals meeting minutes.

Motion: Approval of March 26, 2024 Board of Zoning Appeals meeting minutes. **Moved** by James Kaylor. **Seconded** by Douglas Gray. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

III. PUBLIC HEARINGS:

V-7-24; M/I Homes of Indiana, LLP – Variance of Development Standards Request. 33.36 acres south of 4135 W. Smith Valley Rd.

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

Attorney Eric Prime with Van Valer Law Firm, LLC (225 S. Emerson Ave., Ste. 181, Greenwood 46143) on behalf of the Petitioner 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 James Kaylor inquired when the design standards were established in regards to the windows were the standards for safety or for looks?
 - A. They were established for the aesthetics.
- Q. Board member Steve Powell asked for clarification of the property location in this matter?

- A. Staff provided clarification of the property location.
- Q. Attorney Jacob Bowman inquired as to whether or not any and all other lots will comply with the development standards?
A. Yes.
 - Q. Board member Steve Powell asked if the M/I Homes of Indiana, LP was the only builder within this subdivision?
A. Yes.
 - Q. Board member Steve Powell asked if there were any other M/I Homes of Indiana, LP subdivisions in Johnson County with similar situations?
A. No, this is the first one.
 - Q. Board member Douglas Gray inquired as to whether or not there would be a safety issue with no windows on the second floor?
A. There are no plans that have zero windows on the second floor.
 - Q. Board member Chris Campbell asked for clarification that the variance was just for corner lots?
A. Corner lots and common area lots.
 - Q. Board member James Kaylor asked if residences could be built with no windows upstairs?
A. Staff explained in great detail to the board members the window placement in residences and that each bedroom has to have a window per building codes.
 - Q. Board member Charlie Canary inquired as to whether or not a large window on the main floor would count a one (1) window or two (2) windows?
A. Staff explained in great detail to the board members what size windows were considered one (1) or two (2) windows.
 - Q. Board member Charlie Canary inquired as to whether or not this is the first subdivision that is building under the new standards?
A. Yes.
 - Q. Board member Douglas Gray asked for confirmation that if there is a bedroom on the second floor it will have a window?
A. Yes.
 - Q. Board member Steve Powell asked for confirmation that the requirement of a window in the bedroom is not because of developmental standards but because of building code requirements?

A. Yes.

- Q. Board member Steve Powell asked for confirmation that the variance is granting flexibility of window placement?

A. Yes.

- Q. Board member James Kaylor inquired as to whether or the board can define what the deviation of design standards is in the Findings of Facts so that the deviation isn't open ended?

A. Our ordinance sets the minimum standards for which they have to meet. This variance, if approved, will change those minimum standards so they are meet in a different way.

Motion: To approve V-7-24 to allow a deviation in Residential Design Standards regarding the window requirements for twenty (20) lots within the Berry Chase Subdivision, to allow the homes to be constructed on real estate to contain a total of four (4) or more windows on any façade facing a street, rear lot or common area and Petitioner's Findings of Facts. **Moved** by James Kaylor. **Seconded** by Charlie Canary. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**


IV. ADJOURNMENT:

Chairman Chris Campbell called for a motion to adjourn the meeting at 7:38 PM

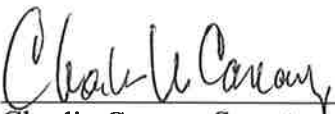
Motion: Adjourn the meeting. **Moved** by Charlie Canary. **Seconded** by James Kaylor. **Yes:** Campbell, Canary, Gray, Kaylor and Powell. **No:** None. **Motion approved 5-0.**

Approved on: June 25, 2024

By:


Chris Campbell, Chairman

Attested By:


Charlie Canary, Secretary