



JOHNSON COUNTY

Department of Planning and Zoning

86 West Court Street

Franklin, Indiana 46131

(317) 346-4350

www.JohnsonCounty.in.gov

Courthouse Annex

MEETING AGENDA

Johnson County Board of Zoning Appeals

December 16th, 2025, 7:00 PM

Public Auditorium, West Annex Building

86 West Court Street, Franklin, Indiana

Pursuant to Indiana Code 5-14-9 (the "Act"), board member terms and appointing authority:

Name
Board Position
Appointed By
Term
Charley Canary
Secretary
Plan Commission
1/1/25 to 12/31/25
James Kaylor
Vice-Chairman
County Commissioners
1/1/24 to 12/31/27
Chris Campbell
Chairman
County Commissioners
1/1/24 to 12/31/27
Douglas W. Gray
Plan Commission Member
County Commissioners
1/1/24 to 12/31/27
Mike Hoffman
Member
County Council
1/13/25 to 12/31/28
Roger Meyer
Alternate Member
County Council
1/1/25 to 12/31/25

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES Meeting minutes from November 18th, 2025

PUBLIC HEARINGS

CONTINUED PETITIONS None.

NEW PETITIONS

V-13-25. Christoper and Teresa Hogue. 6268 W 250 S, Morgantown
VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,950-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

OLD BUSINESS None.

NEW BUSINESS None.

REPORTS AND RECOMMENDATIONS None.

ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, January 27, 2026, at 7:00 PM.

[LIVE STREAMING AVAILABLE HERE](#)

(Link can also be found on the County Website under Events Calendar – Click on Events Website)

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-13-25
ADDRESS: 6268 W 250 S, Morgantown
(parcel #: 41-09-32-014-001.000-034)
PETITIONER: Christoper and Teresa Hogue

REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for a 1,950-square-foot accessory dwelling unit (a maximum of 1,000-square-foot accessory dwelling is permitted).

PROPERTY DESCRIPTION

This 22.12-acre site is zoned AG (Agricultural) and improved with a residential home under construction and two barns.

The property is surrounded are similar-sized parcels used agriculturally with occasional residents.

VARIANCE REQUEST

This variance request, if approved, would allow for an accessory dwelling with a building area of 1,950 square feet. The applicant wishes to complete a second dwelling on the property that is attached to the primary dwelling by a garage. The residence that was permitted in 2024 included a residential addition that did not include a kitchen, therefor it was not considered an accessory dwelling but part of the primary dwelling. Construction of the structure has been completed, and the applicant wishes to install a full kitchen on the west side of the house. The portion of the structure that is separated by an unfinished space (garage) is 1,950 square feet, exceeding the limitation of an accessory dwelling by 950 square feet.

The Zoning Ordinance states a maximum of 1,000 square feet of building area for an accessory structure. The creation of accessory dwelling standards was intended to allow an opportunity for property owners to provide care for a family member, or to provide accommodation for visiting family or friends, which is generally considered a benign secondary use of residential. A 1,000 square feet is an adequate living space to achieve the intent to provide care for a family member while encouraging independent living.

This is a similar request that was requested earlier this year that was denied by the Board.

FINDINGS OF FACT: VARIANCE OF DEVELOPMENT STANDARDS

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

The second dwelling will not impact public health, safety, morals, or general welfare, as it will be verified that it is built to local and state building codes.

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

The proposed ADU exceeds the permitted square footage, resulting in a structure that is more akin to a second primary dwelling. This oversizing is inconsistent with the established single-family character of the

adjacent properties and the intent of the AG zoning district. A variance of similar requests could be sought by other property owners 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.

The petitioner has failed to demonstrate that there are unique physical circumstances or conditions particular to this specific parcel of land—such as irregular lot shape, exceptional topography, or pre-existing infrastructure—that prevent them from adhering to the established development standards for an accessory structure.

4. The variance is not primarily for the economic benefit of the petitioner.

While economic benefit is present with this variance and could be a secondary consequence, it is not the primary motive need for the variance.

5. The variance request is not the minimum deviation that is needed to be awarded to the applicant.

The applicant has failed to present compelling reasoning that the entire amount of the requested variance is essential to overcome the physical hardship. No data was presented demonstrating that a smaller, compliant, or near-compliant structure would not serve the basic intended purpose. Specific justification for the size, particularly concerning the additional care of a family member, has not been adequately documented or presented as a necessity that overrides the zoning standard. The request appears to be driven by desire rather than an absolute, physically necessary requirement.

6. The variance request is due to hardship caused by the current owners of the property.

The petitioner had reasonable and feasible design options available that would have satisfied the ordinance requirements or substantially minimized the deviation sought. The pursuit of a non-conforming design, despite clear alternatives, means the hardship is one of choice or preference, not one inherent to the land itself.

GENERAL INFORMATION

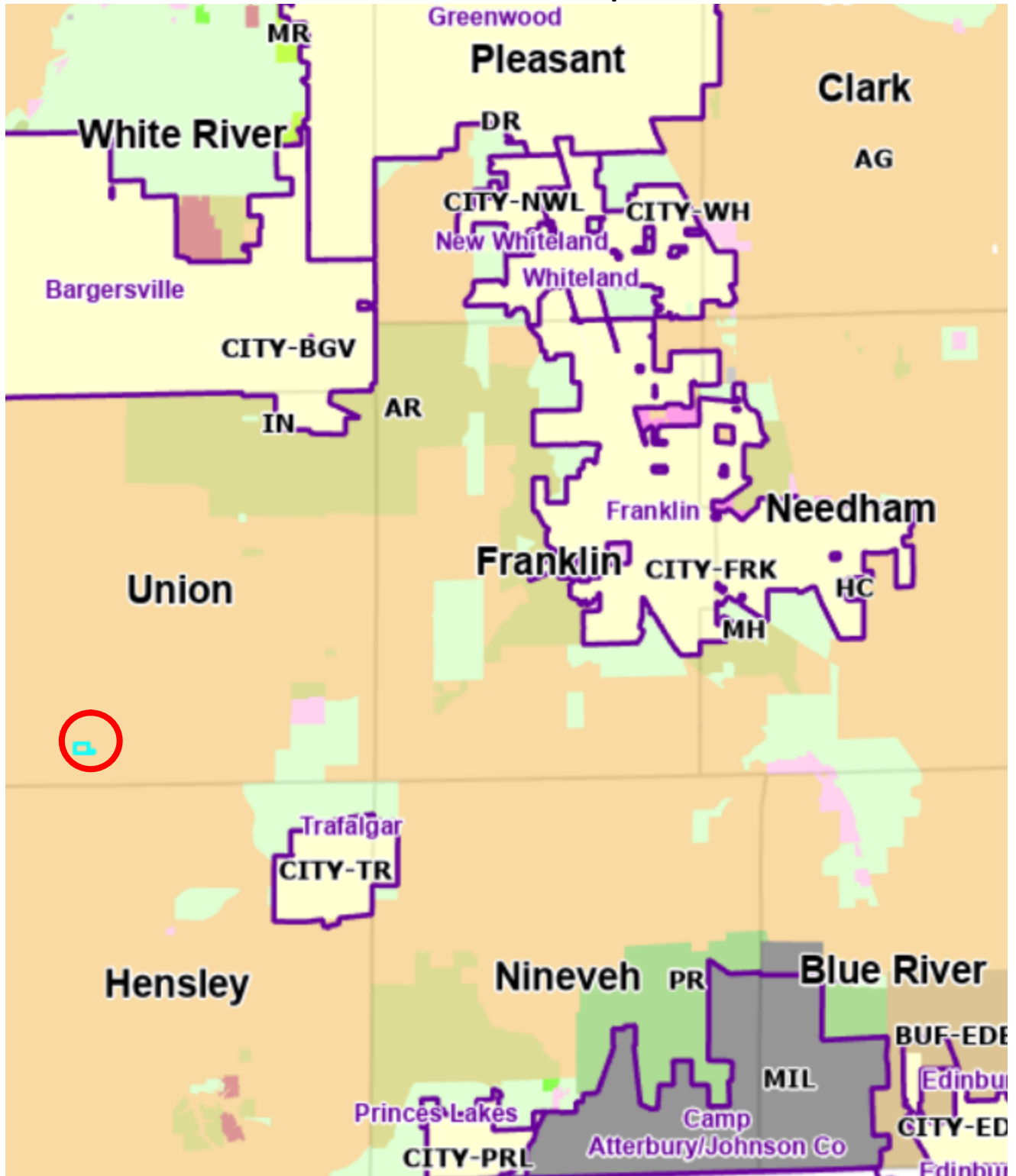
Applicant: Teresa and Christoper Hogue
6268 W 250 S
Morgantown In 46160

Owner: HOGUE CHRISTOPHER & TERESA K & DAMING LINDA L
6268 W 250 S
Morgantown, IN 46160

Current Zoning: AG (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-MNH

V-13-25 Base Map



V-13-25 Base Map II

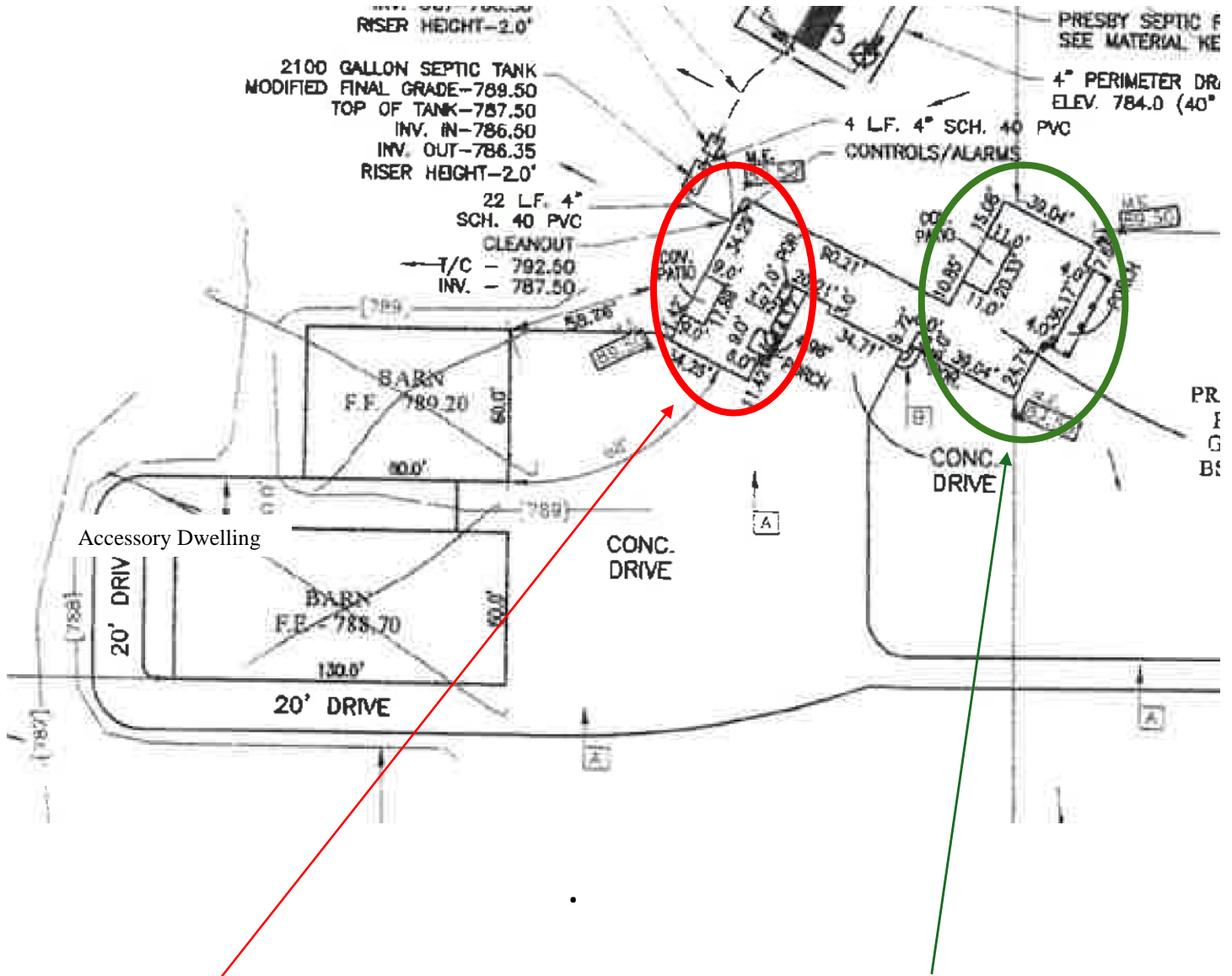




V-13-25 BIRDS EYE VIEW



V-13-25 SITE PLAN



ACCESSORY DWELLING

PRIMARY DWELLING

V-13-25 FLOOR PLAN

A separate document is attached to the staff report

V-13-25 Petitioner's Findings of Facts

Hogue
11/30/2025

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:

The requested accessory dwelling unit (ADU) will only be used by the petitioner and the petitioner's family. The ADU is located on the petitioner's private property and will not be used for any other purpose than living. No activities will be held on the property that endangers public health or safety. The general community has been enhanced by the home we have built, as it has increased the property value of this parcel and it is a picturesque home set off the road surrounded by woods.

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:

Please see attached sheet.

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

Without the requested ADU, the petitioner's mother cannot live an independent life. The petitioner's mother is currently required to go to the petitioner's kitchen to cook and bake. This includes everyday cooking, as well as cooking and baking for family gatherings and entertaining friends. This is a burden on the mother, as the mother feels she interrupts the day of the petitioner, who works from home and homeschools her niece. This is also a safety hazard for the mother, having to carry hot dishes between the petitioner's living area and the mother's living area. The mother also feels limited in her independence.

4. The variance is not primarily for the economic benefit of the petitioner because:

This variance is for the health and wellbeing of the petitioner and her family. There is no financial gain to be had from making the living space an accessory dwelling unit. It will serve as the petitioner's mother's home.

5. The variance request is the minimum deviation that needs to be awarded to the applicant because:

The size requested is the space need for the petitioner's mother to continue to live her independent life, which consists of entertaining and hosting family and friends. The space requested allows for this. Anything smaller would not meet the needs of the petitioner's mother.

6. The variance request is not due to a hardship caused by the current owner of the property.

The current owner of the property is the petitioner. This request is not due to a hardship of this petitioner. This request is for the mental wellbeing and independent living of the petitioner's mother.

2. The value of this property has been assessed to be significantly higher than before the petitioner built this home, when the parcel was a wheat field. The home is complete, and the requested ADU is not an additional build project. The ADU will be the living area that is currently located on the west end of the home. No construction is necessary to make it an ADU. The installation of an oven/cooktop will complete the conversion of this living area into an ADU. In addition, this is not the first ADU in Johnson County approved by the Board of Zoning appeals since the size limitation was created in 2021. According to research of the meeting notes of the Board of Zoning Appeals since 2021, multiple ADUs over the size of 1000 square feet have been approved. Therefore, the request by this petitioner will not set a precedent, and will not adversely affect the value of property adjacent to the property in this variance request.