

## JOHNSON COUNTY

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

☎ (317) 346-4350  
🌐 [www.JohnsonCounty.in.gov](http://www.JohnsonCounty.in.gov)  
Courthouse Annex

## MEETING AGENDA

### Johnson County Board of Zoning Appeals

January 27, 2026, 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 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** Meeting minutes from December 16, 2025

### **PUBLIC HEARINGS**

**CONTINUED PETITIONS** None.

### **NEW PETITIONS**

### **V-1-26. Darren Poynter, Vickie Poynter. 4912 Olive Branch Rd, Greenwood**

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Unified Development Ordinance legally allows a 2,400-square-foot accessory structure, where all accessory structures will total 3,150 square feet in building area

**OLD BUSINESS** None.

### **NEW BUSINESS**

Approval of 2026 Contract for Johnson County Board of Zoning Appeals Attorney with Williams Barrett & Wilkowski, LLP.

**REPORTS AND RECOMMENDATIONS** None.

**ADJOURNMENT** **ADDITIONAL NOTES ON SECOND PAGE**

*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](mailto:bdavis@co.johnson.in.us).*

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, February 24<sup>th</sup>, 2026, at 7:00 PM.

[LIVE STREAMING AVAILABLE HERE](#) Meeting ID: 897 5488 6455 Passcode: 418634

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

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# Staff Report

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CASE NUMBER: V-1-26  
ADDRESS: 4912 Olive Branch Road, Greenwood 46143  
(parcel #: 41-09-32-014-001.000-034)  
PETITIONER: Darren Poynter, Vickie Poynter by David Gilman

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## REQUEST

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Unified Development Ordinance legally allows a 2,400-square-foot accessory structure, where all accessory structures will total 3,150 square feet in building area. (The zoning ordinance allows aggregate accessory structure area to be no more than 100 % of the building area of the primary dwelling, or, in this case, 1,360 square feet).

## PROPERTY DESCRIPTION

This 0.94-acre site is zoned SR (Single Family Residential) and improved with a residential home and two additional structures.

The property is surrounded are similar-sized parcels used residential on the north side of Olive Branch Road and larger lots used residential on the south side of Olive Branch Road.

## VARIANCE REQUEST

This variance request seeks approval to classify an existing 2,400-square-foot building as an accessory dwelling, despite it exceeding the maximum allowable square footage for accessory structures on a single tract of land. Under the current Unified Development Ordinance (UDO), the total area of all accessory structures is limited to the size of the primary residence. On this specific property, the primary dwelling measures 1,360 square feet. Because there is already an existing 750-square-foot detached garage, the addition of this 2,400-square-foot structure significantly exceeds the permitted allotment.

The history of this structure began in June of 2023 when the property owners applied for a building permit for a primary dwelling addition following consultations with county staff. Due to the scale of the proposed project, the owners submitted plans depicting an attached addition rather than a detached building. The design featured a fully enclosed breezeway intended to connect the 2,400-square-foot structure to the main house. However, the connection was never built. As the permit neared expiration, staff notified the owners that failure to construct the breezeway resulted in a zoning violation, as the building remained a non-compliant detached structure.

While several options exist to bring the property into compliance, the owners have chosen to seek a variance to bypass the requirement for the connecting breezeway. It is worth noting that when this project was initially permitted, the previous zoning ordinance was even more restrictive, limiting accessory structures to 50% of the primary dwelling's size and requiring that they not exceed the height of the main house.

Both the previous and current standards are designed to ensure that accessory buildings remain secondary to the primary residence and preserve the character of single-family developments. Large, oversized accessory structures often fail to blend with neighborhood aesthetics and can inadvertently encourage land uses that are not typically permitted within residential districts.

## 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 structure 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.

This oversizing is inconsistent with the established single-family character of the adjacent properties, there are no similar size structure in the area. 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. The petitioner presented building and site plans that would achieve the standard set forth and attainable. The Petitioner's findings of fact list the distance and elevation as problematic; the property owner decided to locate the structure in that spot.

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 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 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: David Gilman  
211 S Ritter Avenue, Ste H  
Indianapolis IN 46219

Owner: POYNTER DONALD L & POYNTER DARREN E & POYNTER VICKIE L  
5035 Cordia CT  
Indianapolis, IN 46237

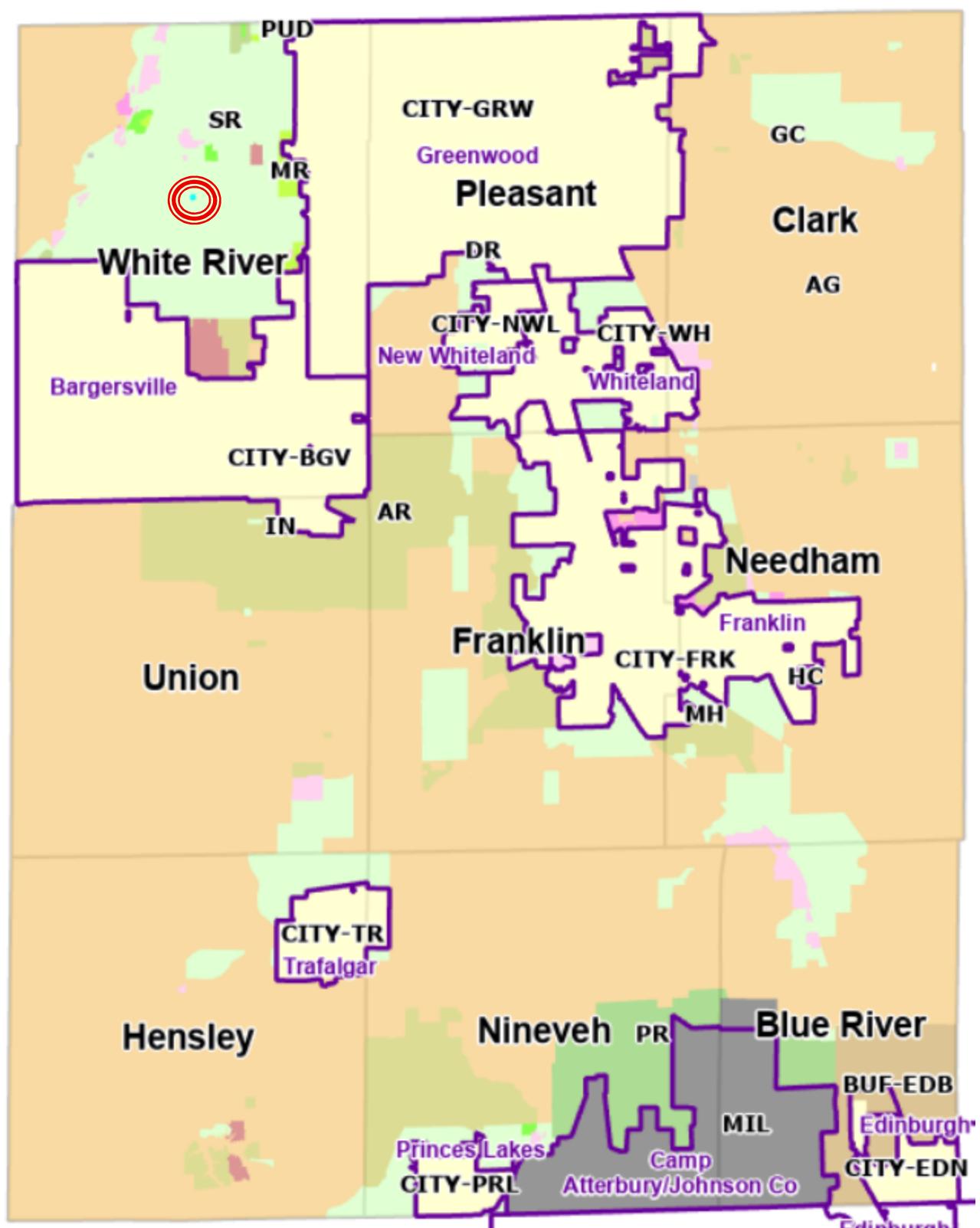
Current Zoning: SR (single-family residential )

Existing Land Use: Residential

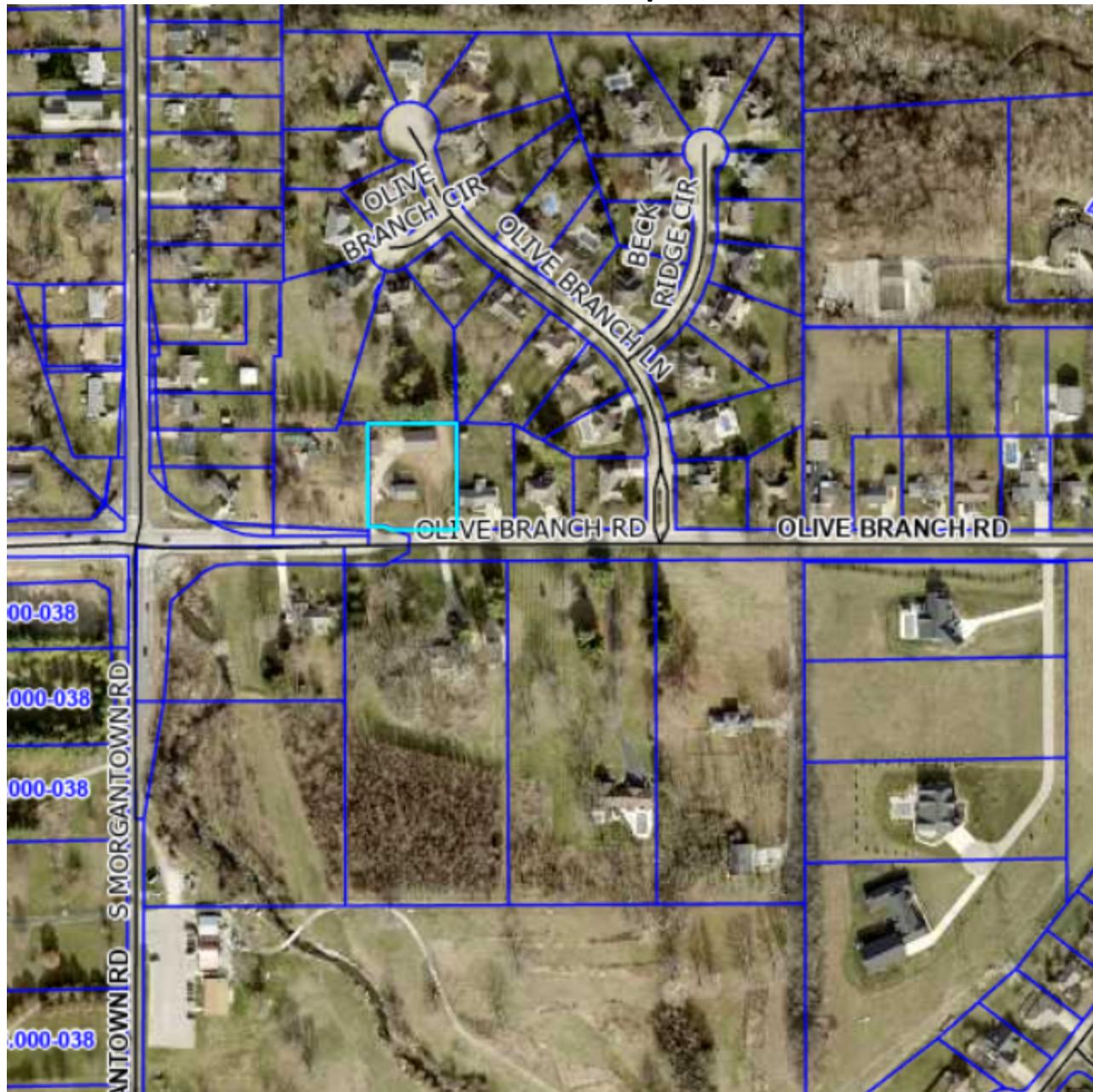
Future Land Use: Suburban Residential

-MNH

## V-1-26 Base Map

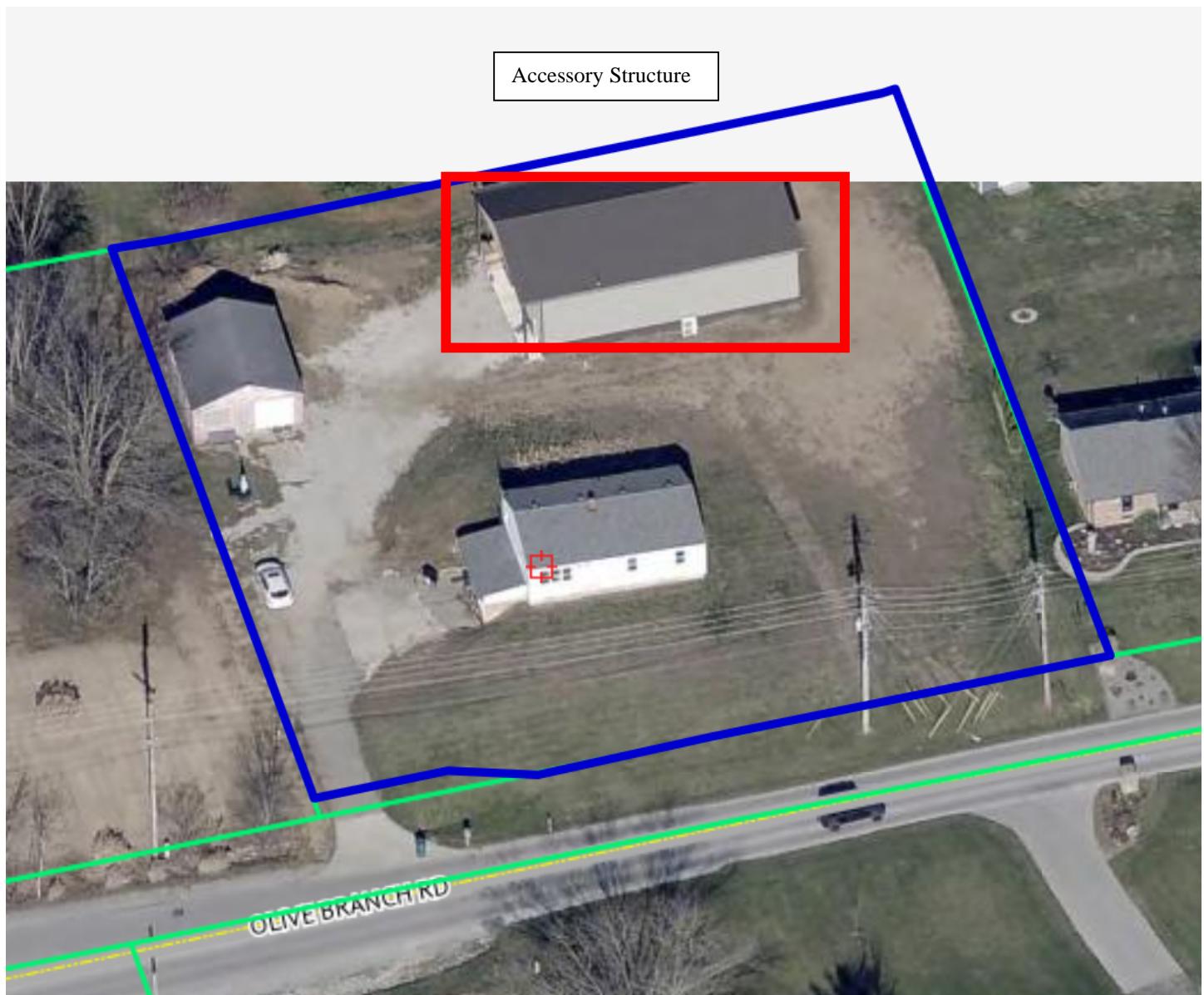


V-1-26 Base Map II





## V-1-26 BIRDS EYE VIEW

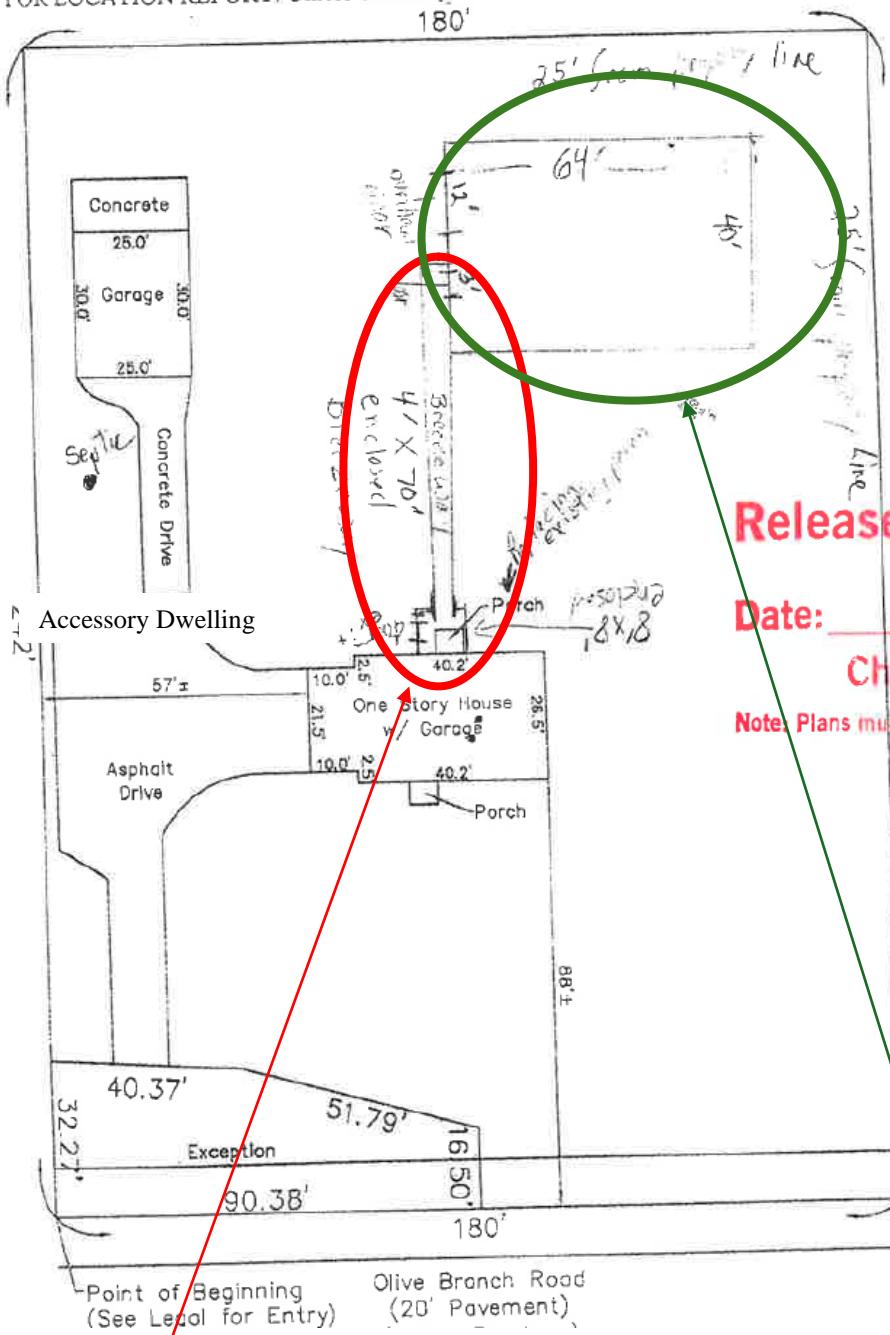


## V-1-26 GOOGLE STREET VIEW



# V-1-26 SITE PLAN SUBMITTED WITH BUILDING PERMIT

REVEYOR LOCATION REPORT, Unless otherwise noted there is no variation.



Scale: 1"=40'

**Released for Construction**

Date: \_\_\_\_\_

Chief Building Official

Note: Plans must be on-site and available for inspection.

Johnson County, IN  
Dept. of Planning & Zoning  
**Site Plan Approved**  
Per: PLS Date: 6/12/23  
Notes: \_\_\_\_\_

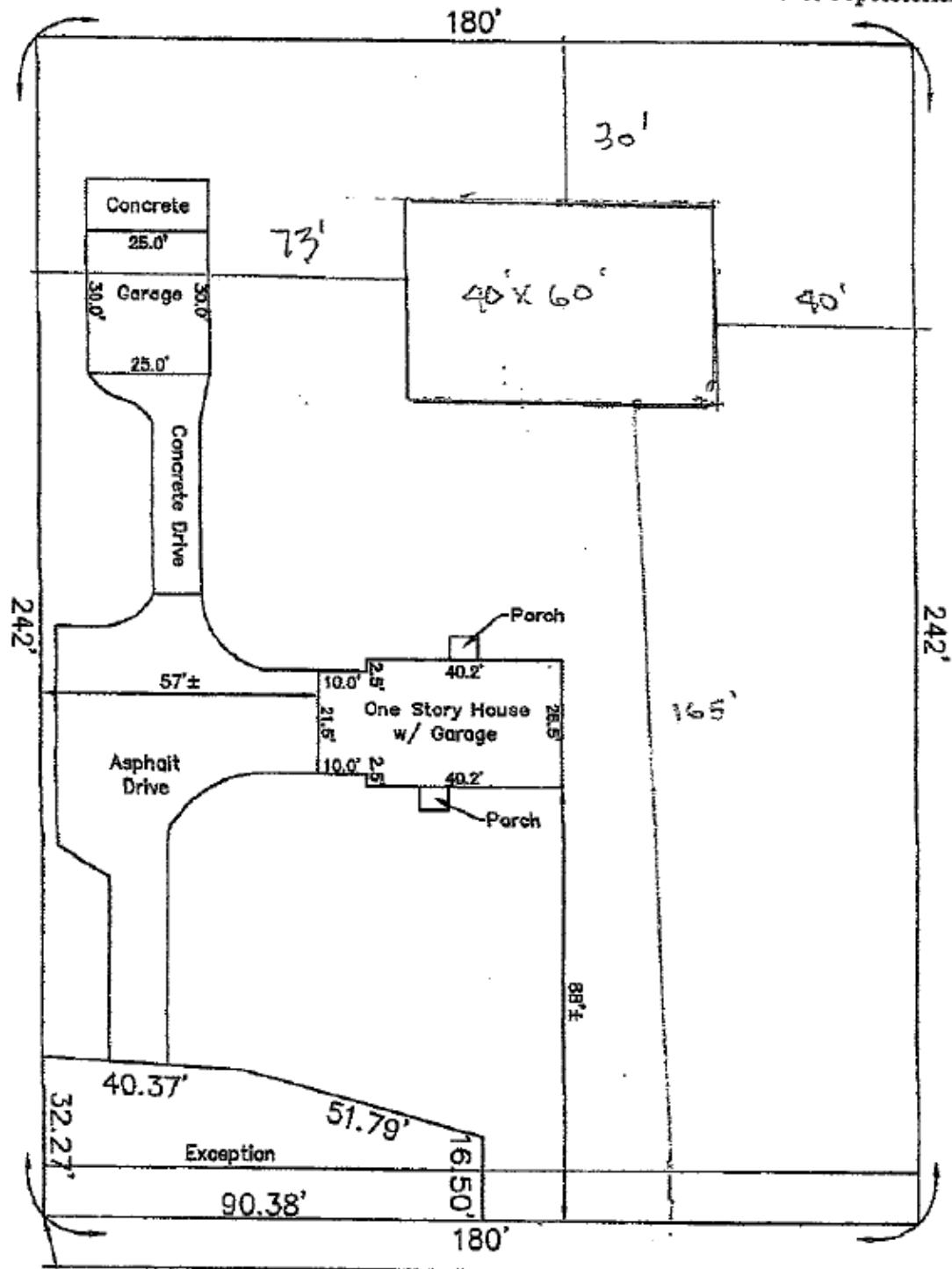
*Marshall Dugay*  
6-12-23

**4' X 70' BREEZWAY**

**2,400 Square Foot Structure**

# V-1-26 VARIANCE SITE PLAN – WITHOUT BREEZEWAY

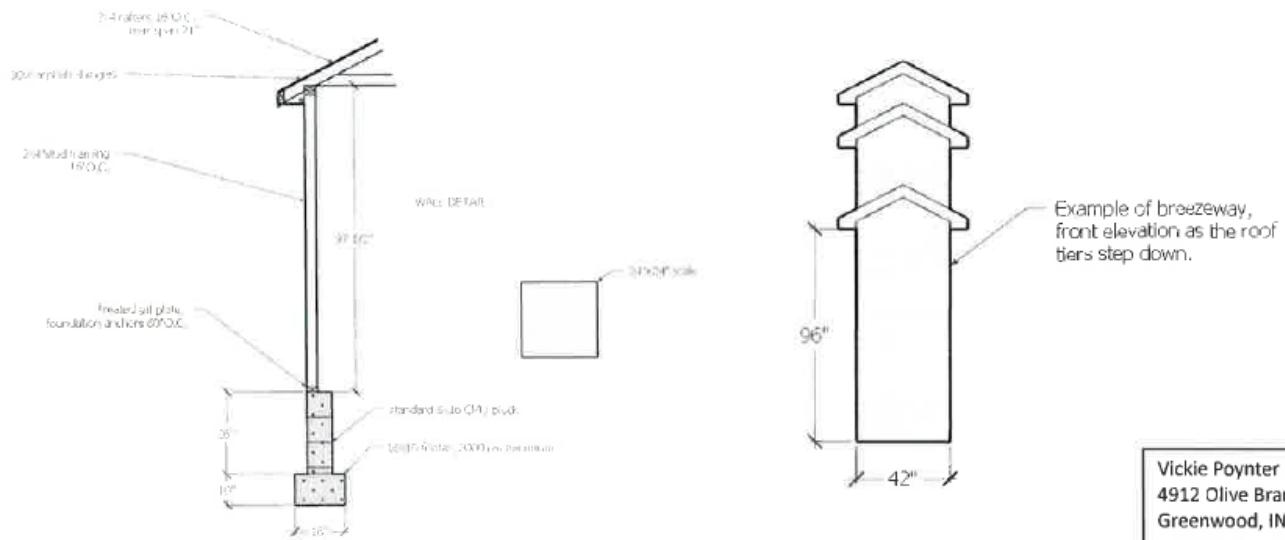
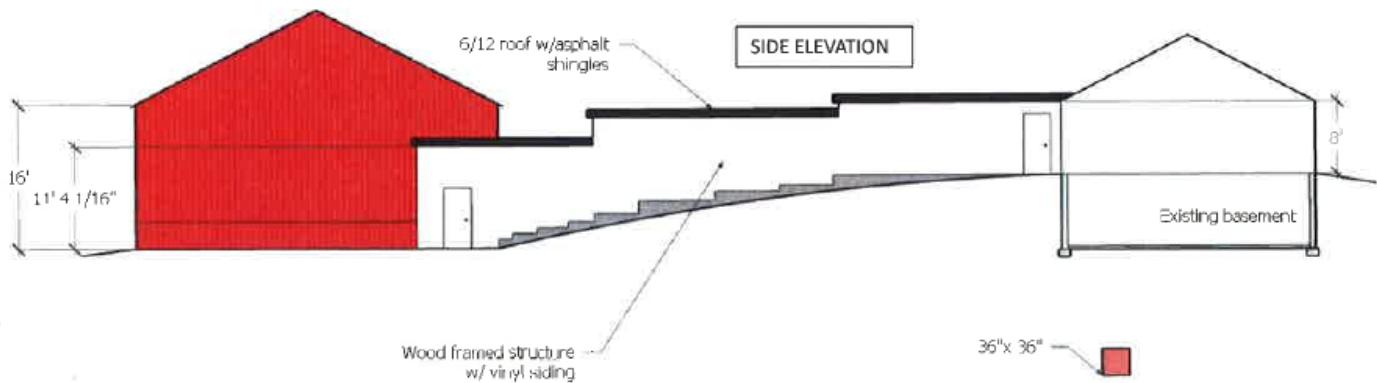
to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 30 of the SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines.



# V-1-26 BUILDING PERMIT BREEZEWAY BUILDING PLANS

Chief Building Official

Note: Plans must be on-site and available for inspection.



Vickie Poynter  
4912 Olive Branch Rd.  
Greenwood, IN 46143

*Dorothy Ray AB*  
672-23

## V-1-26 Petitioner's Findings of Facts

### 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 accessory building is constructed to meet the applicable building codes and has passed the required inspections.

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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 accessory building is located several feet lower and behind the adjacent residence(s) that mitigate its larger size. The accessory building will be screened with year round evergreen trees and subject to a detailed landscape plan that will stipulate size, species, planting schedule and maintenance responsibilities.

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

To meet the standards of the ordinance will require an 80 ft long fully enclosed breezeway, relocate the primary dwelling or remove the vast majority of the new accessory building.

All of these remedies will result in a practical difficulty and will be a burdensome on the owners.

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

The accessory building is strictly for private storage and is subordinate in use to the to serve the primary dwelling.

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

The accessory building meets all the required setback and height standards.

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

There are multiple owners of the subject property. The owners were not fully aware of the architectural criteria and the aesthetic standards associated with attaching the accessory building to the primary dwelling. Their lack of familiarity with these provisions combined with the complexity of the applicable development standards led to the current condition. The request is to reconcile the property with the ordinance in a manner consistent with its intended use, not to remedy a hardship of the owners making.