

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

July 2, 2014

Members Present:

Tim Holmes	President
Phil Barrow	Vice-President
Jim Martin	Secretary
Rev. Richard Martin	Member

Members Absent:

Brian Alsip	Member
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Others Present:

Alex Getchell	Associate Planner
Lynn Gray	Legal Counsel
Jaime Shilts	Recording Secretary

Call to Order:

Tim Holmes called the meeting to order at 7:00 p.m.

Swearing In:

Lynn Gray swore in the audience en masse. She stated that there must be a majority of all of the members, 3 of the 4 votes, for a petition to be approved. If there is a tie of 2 to 2, the case will be carried to the next meeting.

Approval of Minutes:

Phil Barrow made a motion to approve the June 4, 2014 minutes as presented. Jim Martin seconded the motion. The members voted unanimously to approve the minutes as presented.

Old Business:

None.

New Business:

ZB 2014-05 (V) 555 E. Adams Street:

The petition is for a developmental standards variance to allow a fence 6 feet in height in the front yard in the RTN zoning district. A variance is needed as fences are only permitted to be 3 feet in height in front yards.

Patty Paris, owner, stated they have purchased the home and it has been vacant for over a year. When purchased, it was not livable and they have put a lot of work into the house. She stated they invested in the home for resale as a single family home. She stated that the house is landscaped and a fence was placed in the front yard to block the view of the neighboring structure. Ms. Paris stated the home next door has not been maintained and the exterior is in bad shape. She stated that it had several citations due to the yard being unkempt. There were 4 citations in 2012 and one in 2014. She stated it will be cleaned up and then will fall into disrepair. She stated there is a caretaker for the property as the owner lives in Tennessee and is 81 years old. The owner does not visit the property very often. It has been 10-15 years since the house has been lived in.

Ms. Paris stated the renovation of the home and the landscaping helps the general welfare of the neighborhood.

Ms. Paris stated they are in the real estate business and it does help them out. It does improve the whole neighborhood.

Ms. Paris stated that the fence adds to the value of the neighborhood. The house next door detracts from the property values. She stated the homeowner is unable to properly care for the house.

Ms. Paris stated that the practical difficulty is that she can't improve the land or property as long as the neighboring house is deteriorating. She stated her fence does not detract from the view and value of the house. She stated the neighbor on the west side does not mind having the 6 foot fence. She stated that without the fence, the rest of the neighborhood would have to look at the unkempt yard.

Bob Sergeant, 550 E. Adams, stated he has lived across the street for 41 years. He stated the yard of the empty property has been cleaned up a bit, old cars have been removed and junk has been cleared out. He stated when you walk down the south side of the street the new fence is within a foot of the sidewalk and it looks like a large wall. He stated that it gives the impression that it's okay to leave your yard in any condition you want. Mr. Sergeant stated he does know the owner and the caretaker of the property and does think things will improve when then owner comes back to town. Mr. Sergeant stated the neighborhood looks better without the fence and it doesn't change the status of the neighboring yard.

Mr. Holmes questioned if Ms. Paris has fixed up other homes before. She stated she does and is an interior designer. Ms. Paris stated she has owned the property for two years. She held off putting the fence in until this spring. Ms. Paris stated that having the owner at the property next door would not help the state of neglect that it's in.

Mr. Holmes questioned if Ms. Paris checked with the Planning Department before putting the fence up. Ms. Paris stated that she did ask at the office about the fence, but did not get anything in writing. She stated when she went back she got the documentation and found out that it wasn't the correct height. Mr. Getchell stated that Ms. Paris had originally questioned if a permit was needed for a fence. Ms. Paris stated she wouldn't have thought to ask about putting a 6 foot fence in the front yard.

Mr. Getchell stated that there were four violations on the neighboring property in 2012. Three were for large junk and scattered trash and each time a letter was sent the property was cleared without the City having to step in. The other time was for tall weeds and grass and it was taken care of. He stated in

2014 a letter was sent for trash. Some of it was gotten rid of and the rest was put under the carport and behind the tarp. He stated that the owner allows someone to place items in the carport, which sometimes end up in the yard.

Staff recommends denial.

Action taken on ZB 2014-05 (V) 555 E. Adams Street:

Jim Martin made a motion to deny the request as recommended by Staff. Phil Barrow seconded the motion. Richard Martin-yes, Jim Martin-yes, Tim Holmes-yes, Phil Barrow-yes. The motion carried. The request was denied.

ZB 2014-06 (V) K & B Real Estate Holdings, Inc.:

The petition is for 1189 N. Morton Street to allow a developmental standards variance for outdoor display/storage of merchandise (vehicles) without the required screening and to allow parking space for the vehicles without individually delineated or painted parking spaces. The property is located in the MXC and Gateway Overlay zoning district. A variance is needed as outdoor display and storage of merchandise is required to be screened by a 8 foot wall or a combination of a 3 foot wall and 5 foot wrought iron fence on top of that wall. Also, all parking areas are to be clearly painted to show parking spaces.

Kris Henthorn, K & B representative, stated they have a potential tenant that has a used car dealership, and owns over 50 locations in three states.

Mr. Henthorn stated that the variance will not cause any issues to the general welfare of the community. He stated the whole area is commercial and there is currently an auto dealer across the street from the property.

Mr. Henthorn stated the adjacent property will not be harmed as there is an auto parts store next door. The car dealer will fit with the other businesses that are along the corridor.

Mr. Henthorn stated the practical difficulty is not being able to have outdoor merchandise for the vehicles. He stated without the variance they can't have the merchandise and won't be able to improve the property.

Mr. Getchell stated in the Gateway Overlay district there would need to be a fence if there is going to be outdoor merchandise if no variance is given.

Mr. Barrow questioned if the building was vacant. Mr. Henthorn stated that it is vacant; it used to be D Rose Video. He stated he would be committed to storing the vehicles outside of the sign-visibility-triangle. He committed to the delineated parking spaces and that the vehicles would be stored completely within the marked boundaries. He stated he was committed to all of the conditions recommended by Staff.

Staff recommends approval with the following conditions:

- a. The vehicle merchandise areas with non-delineated parking spaces, as shown on the site plan, shall have a solid white line marked with appropriate pavement markings, for the entire boundary of the vehicle merchandise area, excluding the two areas marked as "sight-visibility-triangle."
- b. All vehicles for merchandise shall be stored completely within the marked boundaries of the non-delineated parking areas. Vehicles parked over the boundary line shall be prohibited.
- c. The 90-degree, delineated parking spaces shall be marked with appropriate pavement markings, as shown on the site plan.

- d. The interior drive between the non-delineated parking area and the building shall be marked with appropriate pavement markings indicating one-way traffic travelling north.

Action taken on ZB 2014-06 (V) K & B Real Estate Holdings, Inc.:

Phil Barrow made a motion to approve the variance with the following conditions:

- a. The vehicle merchandise areas with non-delineated parking spaces, as shown on the site plan, shall have a solid white line marked with appropriate pavement markings, for the entire boundary of the vehicle merchandise area, excluding the two areas marked as "sight-visibility-triangle."
- b. All vehicles for merchandise shall be stored completely within the marked boundaries of the non-delineated parking areas. Vehicles parked over the boundary line shall be prohibited.
- c. The 90-degree, delineated parking spaces shall be marked with appropriate pavement markings, as shown on the site plan.
- d. The interior drive between the non-delineated parking area and the building shall be marked with appropriate pavement markings indicating one-way traffic travelling north.

Jim Martin seconded the motion. Phil Barrow-yes, Rev. Martin-yes, Jim Martin-yes, Tim Holmes-yes. The motion passed unanimously.

Other:

Joanna Myers, Senior Planner, stated that Staff brought forward a couple of zoning amendments at the June Plan Commission meeting. She stated that one was in regard to parking stall sizes being reduced from 10x20 to 9x18 for standard size vehicles and for accessible spaces to be compliant with ADA regulations. The other zoning amendment was for electronic message boards. The recommendation is that the signs may now be full color but are to remain 8 second static per frame and no scrolling or animation or flashing. The ordinances will be before the City Council on July 7th, 2014 for approval.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th day of August, 2014.

Tim Holmes, Chairman

Jim Martin, Secretary