

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

September 3, 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:

Joanna Myers	Senior Planner
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.

Approval of Minutes:

Ms. Gray stated that Lisa Crump is mentioned twice on the bottom of page 2. The bottom of page 4 should read "have gone to". Jim Martin made a motion to approve the August 6, 2014 minutes with the corrections noted. Rev. Martin seconded the motion. The members voted to approve the minutes with corrections.

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.

Old Business:

None.

New Business:

ZB 2014-10 (V) 699 S. Morton Street:

The request is for a developmental standards variance to allow the outdoor display/storage of merchandise (vehicles) without the required screening in the Mixed-Use: Community Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 699 S. Morton St. A variance is

needed as the outdoor display and storage of merchandise within the Gateway Overlay district is required to be screened by an 8 foot tall wall or a combination of a 3 foot wall and 5 foot wrought iron fence.

Jessica Murphy, Milbourn Auto Sales, stated they plan to have 8-10 vehicles for sale. There is one handicap parking spot and several other parking spots for customers.

Ms. Murphy stated the general welfare is not going to be affected.

Ms. Murphy stated the adjacent properties are not going to be affected. The property backs up to another car lot on one side and there is an empty home on the other side.

Ms. Murphy stated there is a practical difficulty in that screening a car lot will not allow the cars to be seen.

Ms. Murphy stated the property does not go to Nineveh Road. It's a split property. Ms. Gray questioned if all the automobiles on the property will be operable. Ms. Murphy stated they would and there will be no auto repairs completed on site. Mr. Getchell stated they have 13 spots total and that will cover what they currently need for employees. Ms. Gray questioned if they would agree that all the vehicles would be operable, there will be a maximum of 10 vehicles stored on site, and that no auto repairs will be conducted on site. Ms. Murphy stated they are agreeable to the conditions.

Staff recommends approval of the petition with the following conditions:

1. Each employee, customer, and merchandise parking space shall be marked with appropriate pavement markings, as shown on the site plan, with parking spaces not less than nine (9) feet wide by eighteen (18) feet in length.
2. All vehicles will be operable
3. A maximum of 10 vehicles on site will be for sale
4. No auto repairs will be conducted on site.

Action taken on ZB 2014-10 (V) 699 S. Morton Street:

Jim Martin made a motion to approve the petition with the conditions recommended by Staff and the commitments made by the Petitioner:

1. Each employee, customer, and merchandise parking space shall be marked with appropriate pavement markings, as shown on the site plan, with parking spaces not less than nine (9) feet wide by eighteen (18) feet in length.
2. All vehicles will be operable
3. A maximum of 10 vehicles on site will be for sale
4. No auto repairs will be conducted on site.

Phil Barrows seconded the motion. The motion carried. The request was approved.

ZB 2014-11 (UV & V) Julie Stewart: 383 E. Madison Street:

The request is to allow modifications of the original approval to allow to commitments B, D, and E, to allow three (3) parking spaces, a six (6) sq. ft. projecting sign off the front porch, and a wall sign six (6) sq. ft. in size on the rear wall of the building, in the Residential: Traditional Neighborhood (RTN) zoning district. The property is located at 383 E. Madison Street. The variance is needed as a variety store is not a permitted use in the RTN zoning district. Six parking spaces are required by the ordinance, and the petitioner has agreed to commitments with the original approval which prohibited any exterior signage.

Julie Stewart stated that the general welfare will not be affected by the parking spaces. They are requesting 3 or 4 spaces instead of 5 spaces as the space is tight. She stated that most people park on Jefferson Street and walk. Mr. Getchell stated the commitment was for 5 spaces and the requirement was 6. Ms. Stewart stated that she would commit to 3 spots at 42 feet.

Ms. Stewart stated the adjacent property will have increased traffic no matter what because of all the stores on Jefferson Street.

Ms. Stewart stated the practical difficulty is that people are banging their car doors together as they are parked to close together. They are trying to keep less congestion down in the alley.

Ms. Stewart stated the parking doesn't interfere with the comprehensive plan and it will not be affected by it.

Mr. Barrow questioned if customers could park at the train depot. Ms. Stewart stated that customers do park there but the Franklin Education Foundation doesn't know what they are going to do with the building.

Mr. Getchell stated there is only 46 feet between the building to the west and the building to the east. There is a fence on the west side of the property and telephone pole in the southeast corner of the property near the building which reduces the width of the property to 40 feet and reduces the width of the parking lot to approximately 30 feet.

Ms. Stewart stated the on the front of the building the projecting sign will direct people as to which building to go to. They also want to have a sign that's flat against the building. The front of the building would have a 2 sided sign projecting from the pole.

Ms. Stewart stated there's no harm to the general welfare by putting a sign out.

Ms. Stewart stated the adjacent property will not be harmed. The signs will direct people to the right building. She stated they are only open 10:30-4:30pm.

Ms. Stewart stated there is a practical difficulty in that people need to know where to go to and where to walk to.

Ms. Stewart stated the unnecessary hardship goes with the practical difficulty in that people will know where to go.

Ms. Stewart stated it does not interfere with the comprehensive plan.

Ms. Stewart stated there is still increased traffic whether the variance is passed or not. She stated the neighboring houses have parking in the back. Holbrook Manufacturing across the street has a building that they pick things up from.

Ms. Gray questioned if the second floor of the business was vacant. Ms. Stewart stated there were no residences there. Mr. Barrow questioned if there was merchandise on the second floor. Ms. Stewart stated there is and thought that the condition only applied to a residence. Joanna Myers, Senior Planner stated that the variance was based on the square footage of the house being used for sales and the variance was only for the first floor.

Steve Barnett, City Council, stated that they are trying to build businesses like this downtown. He stated the City is trying to address the parking issue.

Tom Campbell, 399 Madison Ave, stated his house is adjacent to the property. He stated that anytime there is more traffic you decrease property values. Mr. Campbell stated there are cars that travel the wrong way on Yandes Street. He stated there are cars struggling to find places to park in the residential area. Ms. Gray stated they are only before the BZA for certain variances and the Board cannot address

all of his concerns. Mr. Campbell stated that the business continues to operate as they please without any regard for the BZA. He stated that with the signage they are attracting more people and causing more parking problems and litter problems. He stated they do have a good business, but the residents can't find a place to park and signage would contribute to that more.

Diane London, neighbor, stated that there are 3 families that live in her house and they have several cars and can't always find a parking space. She stated it's dangerous for the kids that play on that street with the increased traffic. She stated that there's an issue with having the business in a neighborhood. She stated that having additional parking by the train depot is a good idea.

Ms. Myers stated there was a time when 2'x3' signs were placed on Jefferson Street by Salvage Sisters. Due to the placement of the signs, it did increase the number of cars turning north onto Yandes Street. She stated that in regard to the modification of the request, she questioned if they were requesting to delete the commitment of no exterior signage and to remove the commitment that signage directing patrons between the businesses would be interior only and replace with the two signs for 383 E. Madison. Ms. Stewart stated that the signs Ms. Myers is speaking of were removed months ago. She stated they are not requesting signs to direct traffic. She stated they are only requesting a sign for the front of the house and back.

Ms. Gray clarified that they are requesting that no exterior signage will be provided for the business except for a 6 square foot projecting of the front and 6 square foot on the back.

Mr. Campbell stated they had signage all over the area before they were sent a letter from Joanna. He stated that he understood that there's not to be any outdoor storage. He submitted a photo to the Board of merchandise. He stated they continually ignore the rules.

Ms. Stewart confirmed that there is to be no exterior signage other than the signs they are requesting and they can have interior signage. Ms. Myers stated that is correct. Ms. Myers questioned if the CDR had been filed. Ms. Stewart stated she had sent it to the Fire Inspector. Ms. Myers stated she needs to submit it to the state. Ms. Stewart stated she was not requesting merchandise on the second floor right now.

Tim Holmes stated that at the last meeting it was said that people were going to find their way to the store and there were not going to be any more signs.

Staff recommends denial of the petition, but if the Board does find sufficient evidence to approve it that sign permits must be obtained. Also, that the modification is to be read as indicated by the petitioner: To add to commitments D & E, "except for a 6 sq ft projecting sign and a 6 sq. ft. wall sign to be placed in the locations indicated in the Staff report" and that B be modified to 3 parking spaces from 5.

Action taken on ZB 2014-11 (UV & V) Julie Stewart: 383 E. Madison Street:

Jim Martin made a motion to approve the variance with Staff recommendations and commitments mentioned by the petitioner to B, D, and E.

Tim Homes seconded the motion. Phil Barrow-no, Rev. Martin-no, Jim Martin-yes, Tim Holmes-no.

The motion failed.

Tim Holmes made a motion to deny the variance. Phil Barrow seconded the motion. Phil Barrow-yes Rev. Martin-yes, Jim Martin-no, Tim Holmes-yes. The petition was denied. The modifications and commitments stand as previously committed to.

Other:

None

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 1st day of October, 2014.

Tim Holmes, Chairman

Jim Martin, Secretary