

**COPY**



**CITY OF FRANKLIN**

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

**MINUTES**

**City of Franklin, Indiana  
BOARD OF ZONING APPEALS**

**October 2, 2013**

**Members Present:**

Tim Holmes	President
Phil Barrow	Vice-President
Brian Alsip	Member
Rev. Richard Martin	Member

**Members Absent:**

Jim Martin	Secretary
------------	-----------

**Others Present:**

Joanna Myers	Senior 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:**

Phil Barrow made a motion to approve the September 4th, 2013 minutes as presented. Rev. Richard Martin seconded the motion. The members voted unanimously to approve the minutes.

**Swearing In:**

Lynn Gray swore in the audience en masse.

**Old Business:**

**ZB 2013-15 (AP) Rob Hoverman:**

Ms. Gray stated that proof of publication of the legal ad had not been received. Mr. Hoverman did not have proof of the publication with him.

**Action Taken on ZB 2013-15 (AP) Rob Hoverman:**

Rev. Martin made a motion to continue the case to the November 6, 2013 meeting with the requirement that the legal ad be run in the Daily Journal with the new meeting date. Phil Barrow seconded the motion.

**ZB 2013-11 (UV & V) Don Bunch – Auto Sales:**

The property is located at 1195 US 31. It is in the City of Franklin's buffer zone. The petition is for a developmental standards variance and a use variance to allow auto sales and the outdoor display of merchandise. The property is zoned Rural Residential (RR) and is located in the Gateway Overlay zoning districts. The variance is needed as auto sales is not listed as a permitted use in the Rural Residential zoning district and the outdoor display of merchandise is a variance from the Gateway Overlay regulations.

John Young, attorney representing Don Bunch, stated they wish to display outdoor merchandise for auto sales. He stated that there is currently a fruit stand on Mr. Bunch's property along with his residence. It is located on U.S. Hwy 31 and is a 1.668 acre lot. He stated that Mr. Bunch purchased the property with the fruit stand on the property. Under the current zoning ordinance, property zoned RR should be consist of 2- 5 acre lot size but Mr. Bunch's land has been grandfathered in. Mr. Young stated that Mr. Bunch wants to display 15-20 cars for sale. Under the current ordinance, only 13 cars could be placed on the property if sufficient parking is provided. He stated Mr. Bunch is willing to have the maximum number of cars as per the ordinance.

Mr. Young stated that Mr. Bunch has been in auto sales for over 32 years. He currently owns a car lot in Columbus, IN. Mr. Young stated Mr. Bunch would make a commitment that no lighting would be provided on the car lot and no signs other than the preexisting fruit stand sign would be provided. If the variance is granted, Mr. Bunch would cease the use of the fruit stand. Mr. Bunch is also willing to have any of the drive paved if needed.

Mr. Young stated the variance will not be injurious to the public. He stated there will be less traffic going in and out than there currently is with the fruit stand.

Mr. Young stated the granting of the variance will not be injurious to the adjacent property as they are changing one item for another. He stated it may raise property values.

Mr. Young stated there is a practical hardship in that the property was grandfathered in and there is a non-conforming use of the fruit stand. He stated it is not a 2 acre lot as it should be for the use, but it is 1.6 acres. Mr. Young stated that it is currently used as a fruit stand but a car lot is a better use. It would provide a higher property value than the existing fruit stand. The current use has been grandfathered in. He stated what they are asking for with the variances will have the same result with a legal non-conforming use.

Mr. Bunch will make a commitment that no illumination will be provided, no unapproved signs, all necessary paving, a maximum of 13 cars and all appropriate parking lines and arrows and the entrance drive will be to the south. He would also plant any additional shrubs or trees as needed.

Mr. Barrow questioned if the cars would be serviced on the lot. Mr. Young stated they would not be.

Don Bunch stated that traffic will drop 90%. He stated it will be a small operation, maybe 3-4 customers a day.

Robert Hebenstreit, 1360 S. Morton, stated he lived across the street from the subject property. He questioned what else was going to be on the lot. Ms. Myers explained that it is only the sale of the cars and the cars themselves. Mr. Robert stated his other concern is the traffic being distracted by the car lot. He stated he was concerned about his property value.

Travis Bowman, neighbor, questioned what happens if the lot is not used as a car lot, what happens to it. Ms. Gray stated if it is not used for a year, the use reverts back to the zoned use. Mr. Alsip questioned if there were issues with the sign if there is only the one put up. Mr. Bowman stated he does not have issues with it with the one sign though he has had issues in the past with Mr. Bunch's fruit signs.

Ms. Myers stated that Staff recommends denial, however if the Board finds sufficient evidence to approve the variance, she would recommend the following conditions:

1. All parking areas and interior drives will be paved/concrete.
2. The vehicle display parking spaces and additional parking spaces shall be identified by the appropriate pavement markings consistent with the attached site plan.
3. A maximum of 13 vehicles shall be on display at one time and shall be parked within the delineated parking spaces.
4. The interior drives shall be marked with appropriate pavement markings indicating one-way traffic.
5. The operation of the produce market would cease.
6. No additional outdoor lighting would be provided.
7. No additional signage would be provided.
8. Three (3) trees consistent with the site development plan will be provided.
9. Property will be paved in areas not already paved.
10. The legal non-conforming use of the produce stand would be relinquished.
11. There will be no auto repair on the property.
12. There will be no sales of any other type on the property.
13. The existing sign face would be changed but the structure will remain in its current location with no additional lighting added.

**Action Taken on ZB 2013-11 (UV & V) Don Bunch – Auto Sales:**

Brian Alsip made a motion to approve the variance with the following conditions and commitments stated by Staff and the Petitioner:

1. All parking areas and interior drives will be paved/concrete.
2. The vehicle display parking spaces and additional parking spaces shall be identified by the appropriate pavement markings consistent with the attached site plan.
3. A maximum of 13 vehicles shall be on display at one time and shall be parked within the delineated parking spaces.
4. The interior drives shall be marked with appropriate pavement markings indicating one-way traffic.
5. The operation of the produce market would cease.
6. No additional outdoor lighting would be provided.
7. No additional signage would be provided.
8. Three (3) trees consistent with the site development plan will be provided.
9. Property will be paved in areas not already paved.
10. The legal non-conforming use of the produce stand would be relinquished.
11. There will be no auto repair on the property.

12. There will be no sales of any other type on the property.
13. The existing sign face would be changed but the structure will remain in its current location with no additional lighting added.

Phil Barrow seconded the motion. Brian Alsip-yes, Phil Barrow-yes, Rev. Martin-yes, Tim Holmes-no. The motion carried 3 to 1.

**New Business:**

**ZB 2013-16 (SE & V) Church of the Bible:**

Sam Hoskins, Youth Pastor for Church of the Bible, stated they are asking for an additional parking lot to be added to their church at 211 Hamilton Avenue. They have purchased a property adjacent to the church but it did not meet drainage standards for a parking lot. He stated they currently have cars parking on the grass area.

Ms. Myers stated there are four requests. The petition is for a special exception for the expansion of the church facility itself and its use to the adjoining properties that the church has purchased over the years. It is considered a legal non-conforming use and under the City zoning ordinance, it cannot expand any further than its current limits without approval from the City. She stated the other requests are for developmental standards variances that are specific to the site development plan for the parking lot expansion. It has gone through the technical review committee and these are the items that needed to be reviewed.

Mr. Hoskins stated the variance would not be injurious to the public. There is already a parking lot next to the property. There is a City park across the street and many people at the park will use the church parking lot. He does not think there will be any safety concerns.

Mr. Hoskins stated they have met with the technical review committee and addressed all drainage issues.

Mr. Hoskins stated the granting of the variance will not be contrary to the comprehensive plan. There are rental properties across from the church. He doesn't see putting a parking lot in as an issue. They have not had any complaints regarding the variance.

Mr. Hoskins stated there would not be any issues with the comprehensive plan.

Mr. Hoskins stated they will be installing a rain garden as was suggested by the City. Mr. Hoskins stated they don't have neighbors, only the City park.

Ms. Myers stated Staff would recommend approval with commitments A-G:

- A. One street tree and four additional site trees to be provided.
- B. 25 new plantings, including bushes and landscape grass per site plan.
- C. A 10' x 20' rain garden, with appropriate plantings, per landscape plan.
- D. A 4' landscaped strip separating the new and existing spaces.
- E. A 6' wood privacy fence to be placed west of the new lot.
- F. Parking spaces will have bumpers.
- G. The rain garden will have a 6" concrete curb, constructed to assist drainage and protect plantings.

**Action Taken on ZB 2013-16 (SE & V) Church of the Bible:**

Rev. Martin made a motion to approve all variances as requested with the following commitments:

- A. One street tree and four additional site trees to be provided.
- B. 25 new plantings, including bushes and landscape grass per site plan.
- C. A 10' x 20' rain garden, with appropriate plantings, per landscape plan.
- D. A 4' landscaped strip separating the new and existing spaces.
- E. A 6' wood privacy fence to be placed west of the new lot.
- F. Parking spaces will have bumpers
- G. The rain garden will have a 6" concrete curb, constructed to assist drainage and protect plantings.

Phil Barrow seconded the motion. The motion carried.

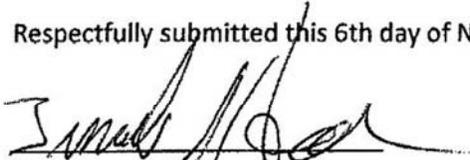
**Other:**

Ms. Myers stated that the Plan Commission had recommended a favorable recommendation on the Comprehensive Plan to the City Council. It will be heard Monday, October 7<sup>th</sup>, 2013.

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th day of November, 2013.

  
Tim Holmes, Chairman

  
Jim Martin, Secretary