



# CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

# COPY

July 14, 2014

Don Bunch  
1195 S. US 31  
Franklin, IN 46131

## NOTICE OF VIOLATION

**Re: Commitments agreed to with approval of ZB 2013-11 (ZON 2014-068)**

Dear Mr. Bunch:

An inspection of the property located at **1195 S. US 31** was conducted on July 10, 2014, regarding the commitments that were agreed to with the approval of ZB 2013-11 (UV & V). The following commitments (a. through m.), the results of the inspection, and the action required are shown below:

- a. All parking areas and interior drives will be paved/concrete.

Inspection Results:

All parking areas, as indicated on the approved site plan, appear to be paved/concrete; however, several vehicles were parked in the grass in multiple areas of the property.

**Action Required:**

**All vehicles parked in the grass shall be removed no later than Thursday, July 24, 2014.**

- b. The vehicle display parking spaces and additional parking spaces shall be identified by the appropriate pavement markings consistent with the attached site plan.

Inspection Results:

No pavement markings present.

**Action Required:**

**All parking spaces shall be marked with appropriate pavement markings, consistent with the attached site plan, no later than Thursday, July 24, 2014.**

- c. A maximum of 13 vehicles shall be on display at one time and shall be parked within the delineated parking spaces.

Inspection Results:

**Approximately 25 vehicles were on display on the date of the inspection, including in the grass in multiple locations.**

**Action Required:**

**Reduce and maintain the number of vehicles on display to 13 or less at all times, and park all vehicles within the delineated parking spaces no later than Thursday, July 24, 2014.**

- d. The interior drives shall be marked with appropriate pavement markings indicating one-way traffic.  
Inspection Results:  
No pavement markings present.  
**Action Required:**  
Mark one-way traffic with appropriate markings, consistent with attached site plan, no later than **Thursday, July 24, 2014.**
- e. The operation of the produce market would cease.  
Inspection Results:  
Completed.  
**Action Required:**  
None.
- f. No additional outdoor lighting would be provided.  
Inspection Results:  
No new lighting was apparent to staff.  
**Action Required:**  
None.
- g. No additional signage would be provided:  
Inspection Results:  
Only one freestanding sign was visible to staff.  
**Action Required:**  
None.
- h. Three (3) trees consistent with the site development plan will be provided.  
Inspection Results:  
No trees have been planted.  
**Action Required:**  
Plant three (3) trees, consistent with the attached site plan, no later than **Thursday, July 24, 2014.**
- i. Property will be paved in areas not already paved.  
Inspection Results:  
All parking areas, as indicated on the approved site plan, appear to be paved/concrete.  
**Action Required:**  
None.
- j. The legal non-conforming use of the produce stand would be relinquished.  
Inspection Results:  
Completed.  
**Action Required:**  
None.
- k. There will be no auto repair on the property.  
Inspection Results:  
No auto repair visible to staff.  
**Action Required:**  
None.

- I. There will be no sales of any other type on the property.

Inspection Results:

No other type of sales apparent to staff.

**Action Required:**

None.

- m. The existing sign face would be changed but the structure will remain in its current location with no additional lighting added.

Inspection Results:

Freestanding sign exists in same location, with new sign face, and no additional lighting appeared to be present.

**Action Required:**

None.

In summation, commitments a., b., c., d., and h. need to be addressed, in order to bring the use of the property into compliance with the use variance approval and the zoning ordinance. Failure to comply with the commitments agreed to with a use variance constitutes a violation of the zoning ordinance. Please bring the property into compliance with the above commitments **no later than Thursday, July 24, 2014**. Failure to comply with the commitments could result in further enforcement actions including, but not limited to, fines of \$100 per day, per violation and legal action.

If you have any questions or concerns regarding this matter, please feel free to contact me at [agetchell@franklin.in.gov](mailto:agetchell@franklin.in.gov) or at (317) 736-3631.

Sincerely,



Alex Getchell  
Associate Planner

CC: File (ZON 2014-068 & ZB 2013-11)