

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

September 4, 2013

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
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:

Jim Martin made a motion to approve the July 3, 2013 minutes as presented. Phil Barrow seconded the motion. The members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

None.

New Business:

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

The case will be continued to the October 2nd, 2013 meeting due to insufficient public notice.

ZB 2013-12 (UV & V) Julie Stewart & Christine Owens:

The petition is for a developmental standards variance and use variance to allow a variety store. Steve Huddleston, attorney representing Julie Stewart & Christine Combs, stated they would like the use the property to expand their present antique store, Salvage Sisters. The goal is to use the first floor of the structure for display and sale of merchandise. He stated they are committed to tearing down the garage at the rear of the property to make more room for parking. He stated there are two multi-family properties on either side of the subject property. Mr. Huddleston stated that East Jefferson Street has become an antique area. Their current property where Salvage Sisters is located on Jefferson Street is zoned MXD and the proposed retail space at 383 E. Madison Street is RTN. There are imposed parking requirements in the RTN district and not in the MXD district.

Mr. Huddleston stated they plan on having retail only on the 1st floor and will have only 1 employee. They are planning on tearing down the garage to allow for five new parking spaces. There will also be 2 spaces available behind Salvage Sisters, the current business location. Mr. Huddleston stated that they do not believe that they will need additional parking spaces as they already have a client base that will park where they normally do. He stated they are creating an alley walk in that area which will encourage people to park elsewhere and walk between the businesses. He stated they will commit to not putting up any additional exterior signs.

Mr. Huddleston stated the approval of the variance will not be injurious to the public. He stated the existing customer base will not be using new parking. They will not be generating new traffic.

Mr. Huddleston stated the adjacent property will not be affected in an adverse manner. He stated with the way the current buildings in the area are being used are devaluing the property. He stated that if one of the homes is converted to retail use, it will be better than the current use of rental properties. Mr. Huddleston stated the area represents a mixed use and not a residential traditional neighborhood as the city desires.

Mr. Huddleston stated the approval will not be contrary to the comprehensive plan. They will create an alley walk and an area that is similar to what is in Nashville, IN.

Steve Barnett stated he is in favor of the project and feels it's an enhancement to the area. He stated it's an opportunity to help with revitalizing the downtown.

Rob Henderson stated he welcomes the opportunity of another business in downtown.

Ms. Gray stated that the petitioner has offered the commitments that the garage will be torn down, 5 parking spaces will be provided, no signage on the house and a walkway will be provided. Mr. Barrow questioned if the parking area would be paved. Mr. Huddleston stated they would not be.

Staff recommends denial unless the Board finds sufficient evidence provided to approval it. Staff would then recommend approval with the following commitments:

- a. Existing garage will be demolished.
- b. Five parking spaces, 9 ft. in width will be provided consistent with site plan submitted.
- c. Parking area will be gravel.
- d. No exterior signage will be provided for the business.

- e. Signage directing patrons between the two businesses (subject property & Salvage Sisters) will be provided interior to the businesses only.
- f. Landscaping and the proposed walkway meeting the approval of the city will be provided.
- g. The second floor of the structure shall remain vacant.
- h. Change of use of the structure would meet all building code requirements for the change of use.

Action taken on ZB 2013-12 (UV & V) Julie Stewart & Christine Owens:

Jim Martin made a motion to approve the use variance subject to the commitments:

- a. Existing garage will be demolished.
- b. Five parking spaces, 9 ft. in width will be provided consistent with site plan submitted.
- c. Parking area will be gravel.
- d. No exterior signage will be provided for the business.
- e. Signage directing patrons between the two businesses (subject property & Salvage Sisters) will be provided interior to the businesses only.
- f. Landscaping and the proposed walkway meeting the approval of the city will be provided.
- g. The second floor of the structure shall remain vacant.
- h. Change of use of the structure would meet all building code requirements for the change of use.

Phil Barrow seconded the motion. The motion carried. The use variance has been approved.

Jim Martin made a motion that the developmental standards variance be approved with the commitments mentioned previously. Tim Holmes seconded the motion. The motion carried.

ZB 2013-13 (V) Robert & Alexa Schofield:

Jeff Eggers, attorney representing Robert & Alexa Schofield, stated that the Schofields live at 99 E. Madison Street and wish to construct a swimming pool. He stated they will need land deeded from Ron and Nancy Collins, located at 60 N. Water Street, who in turn, will also need a portion of land deeded to them from the Schofields. The deeding will be a requirement to put the pool in as the pool will need to be located on the Schofield's property. The property is zoned MXD and has been a residential property for years.

Mr. Eggers stated the approval of the variance will not be injurious to the public. Mr. Schofield intends to put in a fence between the properties and the alley. There is a fence to the south and they will install a fence to the north and the east.

Mr. Eggers stated the adjacent property will not be affected in an adverse way. He stated from an aesthetic point of view, this will only increase the tasteful appearance of the property.

Mr. Eggers stated there is a practical difficulty as it is zoned commercial. The property has been used as a residence for over 100 years.

Ms. Gray stated that the setbacks in the MXD zoning district is zero feet.

Ms. Myers stated Staff recommends approval with the following commitments:

1. If it is determined that the pool would encroach on the property to the south, the transfer of property between the petitioner and south property owner, meeting the minimum setback requirement of the Zoning Ordinance, shall be recorded prior to obtaining an improvement location permit.
2. An improvement location permit shall be obtained prior to construction.

Action taken on ZB 2013-13 (V) Robert & Alexa Schofield:

Rev. Martin made a motion to approve the case with the following commitments:

1. If it is determined that the pool would encroach on the property to the south, the transfer of property between the petitioner and south property owner, meeting the minimum setback requirement of the Zoning Ordinance, shall be recorded prior to obtaining an improvement location permit.
2. An improvement location permit shall be obtained prior to construction.

Jim Martin seconded the motion. The motion carried.

ZB 2013-14 (V) Bill Neville-Storage Barn:

The property is located at 3030 RJ Parkway. The petition is for 8 developmental standards variances to allow the development of a cold storage warehouse. The property is currently zoned IBD.

Gregg Cantwell, CKW Land Surveying, stated they are proposing a cold storage barn facility on a 2 acre lot that will not be open to the public but would be for the business only. It will be used for storage and delivery of product. They will be storing sawdust.

Mr. Cantwell stated the driving surfaces do have gravel or gravel working areas. They are not public areas.

Mr. Cantwell stated the approval of the variance will not be injurious to the public. It is a storage area in an industrial area and is not open to the public.

Mr. Cantwell stated the adjacent property will not be affected in an adverse way. He stated they are not introducing anything new to the area. The improvements to the site will add value.

Mr. Cantwell stated there is a practical difficulty as evidenced by the other properties in the area.

Mr. Cantwell stated the approval of the variance will not be injurious to the public. He stated bicycle parking would be a hazard in a working area.

Mr. Cantwell stated the front loading berth approval will not be injurious to the public. They are trying to face the industrial building to the front road.

Mr. Cantwell stated the approval of the variance will not be injurious to the public. The building will face the street.

Mr. Cantwell stated the adjacent property will not be affected in an adverse way. The building will face the street and will look nice. There will be no loading docks below grade.

Mr. Cantwell stated they are proposing a building with no loading docks or storage areas below grade and the building will face the front.

Mr. Cantwell stated there is a practical difficulty. He stated they want to build a building to meet their business needs and practices. They don't want to build a building to have to change their business practices.

Mr. Cantwell stated the approval of the loading berth size will not be injurious to the public. The storage barn will not have an office or staffed or open the general public

Mr. Cantwell stated the adjacent property will not be affected in an adverse manner. They are not trying to cut corners, Mr. Neville only wants what is needed to run his business.

Mr. Cantwell stated there will be a practical difficulty. The loading and unloading takes place inside the barn.

Bill Neville, owner, stated he hauls and delivers sawdust to horse farms. He purchases it from various sawmills and it is brought in by the semi-load. Ms. Myers stated if the entire length of the loading berth is interior, no variance is needed for the loading berth lane. Mr. Neville stated that he operates out of his truck. He won't have an office at the building. He stated there will be 6 garage doors.

Mr. Cantwell stated there is about 45 ft of green space to the north and 22 to the south. The building will face east. He stated they would not have enough room if they turned the building the other way. They are proposing adding 8 street trees and an additional 15 trees on site as well as planting beds. Ms. Myers stated they did go above and beyond for the onsite landscaping.

Ms. Myers questioned what the 20x25 area will be used for internally. Mr. Neville stated it will be for secured storage of tools and a battery charger. He does not intend to have a restroom or an office. He is the only employee.

Ms. Gray outlined the commitments offered and agreed to by the petitioner:

- a. The facility will not have an office area.
- b. The facility shall not be staffed by employees.
- c. The facility will not be open to the general public.
- d. The facility will for be used for personal business storage purposes only.
- e. Activity on the site will be limited to storage, and loading/unloading of materials involved in the business.
- f. All activity will conform to federal, state and local ordinances and regulations, including fire codes.
- g. Property will be developed per the site development plan and will provide landscaping consistent with the landscape plan.
- h. Size of the facility will be 60' x140'.
- i. The facility will not have any external docks not at grade.
- j. All loading and unloading will take place inside the facility.
- k. Facility and loading berths will be accessed by a 24' wide access lane on both the north and side sides.
- l. The two entrances will be installed per the site development plan.
- m. Eight street trees, 15 site interior trees, and 20 shrubs and plantings will be provided as well as raised or planting berms 2' in height for screening and planting protection as shown on the landscape plan.
- n. Asphalt millings shall be rolled and compacted in accordance with the City Engineer's approval.

Ms. Myers stated that with the withdrawal of request # 5, Staff recommends approval of requests #3, #4, #6, #7, and #8 with the commitments provided by Ms. Gray. She stated that Staff recommends denial of #1 & #2 regarding pavement surface, loading berth and parking areas. She stated that if the conditions of the loading berth and parking areas are not met, they must be paved with asphalt or concrete.

Mr. Neville stated he would not be able to afford putting down concrete or asphalt. He asked to be allowed to put down the millings, which is ground up asphalt, to make a hard surface and control the dust. Ms. Myers stated that it does take longer for the millings to harden. Ms. Gray questioned if the millings could be rolled and compacted subject to the city engineer's approval. Ms. Myers stated she would change her recommendation of denial to approval with that commitment. The petitioner agreed.

Action taken on ZB 2013-14 (V) Bill Neville-Storage Barn:

Phil Barrow made a motion to approve the motion with the following commitments:

- a. The facility will not have an office area.
- b. The facility shall not be staffed by employees.
- c. The facility will not be open to the general public.
- d. The facility will for be used for personal business storage purposes only.
- e. Activity on the site will be limited to storage, and loading/unloading of materials involved in the business.
- f. All activity will conform to federal, state and local ordinances and regulations, including fire codes.
- g. Property will be developed per the site development plan and will provide landscaping consistent with the landscape plan.
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- l. The two entrances will be installed per the site development plan.
- m. Eight street trees, 15 site interior trees, and 20 shrubs and plantings will be provided as well as raised or planting berms 2' in height for screening and planting protection as shown on the landscape plan.
- n. Asphalt millings shall be rolled and compacted in accordance with the City Engineer's approval.

Jim Martin seconded the motion. The motion carried.

ZB 2013-15 (AP) Rob Hoverman:

The case will be continued to the October 2nd, 2013 meeting due to insufficient notice.

Other:

Draft of the Comprehensive Plan is on the City website and will be before the Plan Commission at their next meeting.

The Associate Planner position has been posted. Resumes will be accepted until September 27, 2013.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 2nd day of October, 2013.

Tim Holmes, Chairman

Jim Martin, Secretary