

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

April 5, 2023

Members Present

Jim Martin
Bill Carson
Joe Abban
Brian Alsip

Chairman
Vice Chairman
Member
Member

Not Present

Ashley Zarse

Secretary

Others Present

Alex Getchell
Lynn Gray

Senior Planner I
Legal Counsel

Call to Order

Jim Martin called the meeting to order at 6:00 pm.

Roll Call & Determination of Quorum

Approval of Minutes

Brian Alsip made a motion to approve the January 4, 2023 minutes with a typo correction. Bill Carson seconded. The motion passed unanimously, 4-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Swearing In of New Member Joe Abban

Old Business

None.

New Business

ZB-23-1 (V) – Sheila Ingle – Alex Getchell introduced this developmental standards variance request at 149 N Jackson Street. The request is to be allowed to add a driveway for the property requiring backing and maneuvering into the public street. Ms. Ingle's property is located in the MXD (Mixed Use: Downtown Center) district, and properties in that district are not permitted to have parking that requires vehicles to back in to or maneuver in public streets. The property is located one and a half blocks north of Jefferson Street, on the east side of Jackson Street. Ms. Ingle's property is primarily covered by her house. Her yard is to the south of her house and approximately 10-12' wide. The use of her property as a single-family residence is considered to be a legal, non-conforming use in the MXD

(Mixed Use: Downtown Center) district. The house was established in the '30's. The zoning came about afterwards and since it's continued to be used legally as a residence, it can continue to be. It still must meet current requirements for the district as updates are made. There is RTN (Residential: Traditional Neighborhood) immediately north, up to Herriott Street. This is the first property that is single-family residential going north. This block and the one north are both one-way traveling northbound. The ordinance intent is for the properties to use alleys or single entry point parking lots. A traditional, residential driveway such as Ms. Ingle is asking for is not exempted in the ordinance. There is an alley immediately adjacent to the north, but because of how the house is situated on the property, there is no way to add a driveway that could connect to the alley instead of the street. The lot is only 49' by 50'. The Comprehensive Plan Land Use Plan calls for downtown uses in this area. Ms. Gray sought clarification that if this property was zoned residential, this request would not be required. Mr. Getchell confirmed. If Ms. Ingle was one lot north, this petition would not be required.

Petitioner and homeowner Sheila Ingle thanked the board for hearing her request. She presented a background on herself and residency in Franklin. She explained that the increased activity the new amphitheater has brought to town is what has caused her difficulty in parking near her home. Street parking is usually full. She identified that her requested driveway would be on the south facing side of the house. There is not enough space at the back of the house connected to the alley to place a driveway as the property only extends a few inches beyond the sidewalk at the back of the lot. A neighbor two houses up already has a driveway and has not experienced any issues backing out of their driveway. The law office also backs out on to a public street with no issues. Ms. Ingle believes parking off the street will decrease potential damage caused to their cars. It would also give downtown visitors more parking. Their property has a clear view of oncoming traffic from that side of their house. She reviewed the three decision criteria.

1. General Welfare: The petitioner does not believe granting her request for the driveway will be injurious in any way.
2. Adjacent Property: Ms. Ingle mailed out notifications to her adjoining neighbors and has received no concerns.
3. Practical Difficulty: There is no room at the back of the lot nor on the north facing side of the house.

Chairman Martin opened the Public Hearing, by asking if there was any present that wanted to speak for or against the request. No one came forward.

Joe Abban believed the case to be self-explanatory and a smart solution.

Mr. Carson asked the petitioner how many vehicles they plan to park. Ms. Ingle answered two, and that the length of the driveway would accommodate the two vehicles.

There being no further questions, Chairman Martin requested the staff recommendation. Mr. Getchell gave staff's recommendation for approval with two conditions, as outlined in the staff report:

- a. All applicable permits and approvals shall be obtained prior to placement/construction of the driveway, including but not limited to a Right-of-Way Permit.
- b. The driveway must be paved with asphalt or concrete.

Ms. Gray asked the petitioner if they would be able to park their vehicles and not block the sidewalk. Ms. Ingle confirmed. Mr. Alsip asked it to be added as a condition. Mr. Getchell further advised that it is

a law on the books and police can enforce. The petitioner agreed to all terms. Mr. Alsip made a motion for approval with two staff conditions and the added condition that vehicles cannot block the sidewalk. Mr. Carson seconded. The motion passed unanimously, 4-0.

Other Business

None.

Adjournment:

There being no further business, Mr. Carson moved to adjourn. Mr. Alsip seconded. Passed unanimously, 4-0.

Respectfully submitted this 3rd day of May, 2023.

Jim Martin, Chairman

Ashley Zarse, Secretary