

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

July 10, 2024

Members Present

Jim Martin	Chairman
Bill Carson	Vice Chairman
Clayton Black	Secretary
Clinton Nalley	Member

Not Present

Joe Abban	Member
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Others Present

Alex Getchell	Senior Planner I
Lynn Gray	Legal Counsel

Call to Order

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

Roll Call & Determination of Quorum

Approval of Minutes

Bill Carson made a motion to approve the June 5, 2024 minutes. Clayton Black seconded. The motion passed unanimously, 4-0.

Old Business

ZB-24-3 (V) – O'Mara Contractor, Inc. – Alex Getchell presented updates to the petitioner's variance requests. The location is 597 Johnson Avenue. Last month's five variance requests have dropped to four. For the first variance, there have been some changes to the site. They are including an additional five feet of setback landscape area across Johnson Avenue north of the building. It results in approximately two percent of the lot coverage, so instead of the 88% requested last month and the ordinance maximum of 75%, it is now 86%. For the second variance request for parking lot perimeter landscaping, previously the petitioner was going to provide the setback but not the accompanying plantings. They have amended their site plan to provide all the landscaping and will now meet the setback; the request for this variance has been withdrawn. The third variance request for parking lot interior landscaping was to not provide this at all. It involves landscape islands in the middle of the storage yard. This request remains unchanged. For the fourth variance request for the Buffer Yard Type 3, the petitioner will provide the six-foot fence which is an option to meet the standard. They are also adding an additional five feet of setback along Johnson Avenue north of the building. They continue to request not to provide any of the Buffer Yard Type 3 plantings. For the fifth variance request for the outdoor storage area screening, the petitioner is providing a six-foot fence around the boundary and will

now add the plantings along the north and west sides along Johnson Avenue and Terre Haute Street. They are still requesting a variance from providing evergreen shrubs along the south and east sides.

Mr. Getchell stated the property is zoned IBD (Industrial: Business Development). A contractor storage yard is a permitted use of the property. The petitioner is still providing all street trees as required. Mr. Getchell located landscaping elements on a site plan shown at the meeting. He stated the reason given by petitioner as to why they cannot go further than the additionally added five feet is relative to how they can park vehicles inside the area. Between the building and fence line along Terre Haute Street is wide enough for three vehicles as currently designed. Any reduction in this would no longer allow for three vehicles, making the site less useful and effective for the petitioner.

Swearing In

City Attorney Lynn Gray swore en masse anyone planning to speak.

Petitioner Craig Shireman from O'Mara presented. He stated they will mulch all shrub areas and trees will all have mulch rings as well. They are seeking to maximize the storage space. Ms. Gray asked Mr. Shireman to address the decision criteria. Mr. Black further explained from petitioner's request letter submitted that decision criteria needed to be addressed for each variance and not only for the development as a whole. Ms. Gray added the requirement for the petitioner to address why these variances are required under the decision criteria. Mr. Shireman stated that the reason for the variance requests is to make the site functional for O'Mara.

1. General Welfare: The site will be fenced with all materials inside the fence and not available to public access.
2. Adjacent Property: Other landowners will not be affected. They have spoken with them.
3. Practical Difficulty: They are trying to utilize the space to their maximum ability.

Mr. Black asked if the neighbors on Terre Haute Street along the northeast corner of the site are agreeable to the fence backing right up to their existing buildings. With the five feet added along Johnson Avenue up to the corner, Mr. Black asked the petitioner if they couldn't add five feet along Terre Haute Street as well. Mr. Shireman stated that those landowners have been spoken to and prefer the fence to remain where it is to provide them privacy. Ms. Gray asked if the fence is on their property. Mr. Getchell explained that if the fence was setback with landscaping from the property to the north east, it would be difficult to manage and maintain. It is likely scrub brush and weeds would develop. Staff finds no landscaping in that area to be a better scenario. The property to the northeast along Terre Haute Street is a legal non-conforming single-family residential property, zoned IBD (Industrial: Business Development).

A public hearing was held with no respondents. The public hearing was closed. Mr. Carson asked petitioner if they agreed to staff's four conditions from the staff report. Petitioner assured of their agreement.

Chairman Martin requested staff's recommendation. Mr. Getchell gave staff's recommendation for approval with four conditions, as outlined in the staff report.

- a. Site Development Plan Review approval required.
- b. All landscaping must be properly maintained, & kept in a neat and orderly appearance, free from all debris and refuse. All plant material which is unhealthy or dead shall be replaced by the end of the next spring or fall planting season. Landscape materials are intended to grow, spread and mature

over time; pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.

- c. Fence & gates must be a minimum of six-feet in height and 100% opaque, made of wood, brick, stone, or similar opaque material. Gates shall remain closed at all times, except when immediate access to the area is required/occurring.
- d. Land Disturbance Permit is required prior to construction.

Mr. Black asked what material would be used for the opaque fence. Petitioner responded white vinyl which meets staff's approval as long as it is 100% opaque.

Mr. Carson moved for approval with the four conditions recommended by staff. Clinton Nalley seconded. Passed unanimously, 4-0.

New Business

Other Business

Adjournment:

There being no further business, a motion to adjourn was made by Mr. Carson and seconded by Mr. Black for adjournment. Passed unanimously, 4-0.

Respectfully submitted this 7th day of August, 2024.

Jim Martin, Chairman

Clayton Black, Secretary