



City of Franklin

Department of Planning & Economic Development ♦ Department of Engineering

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

April 8, 2009

Members Present:

Richard Pfifer
Bob Swinehamer
Tim Holmes
Phil Barrow
Rev. Richard Martin

Chairman
Vice Chairman
Secretary
Member
Member

Others Present:

Joanna Myers
Tim Prior
Lynn Gray
Jaime Harshman

Senior Planner
Planner
Legal Counsel
Recording Secretary

Call to Order:

Richard Pfifer called the meeting to order at 7:00p.m.

Approval of Minutes:

Phil Barrow made a motion to approve the March 2009 minutes as presented. Richard Martin seconded the motion and the members voted unanimously to approve the minutes.

Swearing In:

En masse, Ms. Gray swore in all individuals in the audience who were going to be presenting testimony.

Old Business:

None.

New Business:

Case ZB 2009-06 (V): Johnson County Animal Shelter.

Joanna Myers stated that an administrative continuance was requested due to a change of the interim warden at the Animal Shelter. The case will be continued to the May meeting.

Case ZB 2009-07 (SE): Gary Young

Ms. Myers stated that the case will be continued due to improper notification. The case will be continued to the May meeting.

Case ZB 2009-08 (V): Greg Conwell

Ms. Myers stated that the request is for a variance from the City of Franklin Zoning Ordinance Article 7, Chapter 3 to allow an accessory structure to be constructed on a lot without a primary structure in a Residential: Traditional Neighborhood (RTN) zoning district. The property is located at 750 Ott Street. The ordinance states that the primary structure for any residentially zoned property shall be the residential structure. Mr. Conwell owns two lots in the Earlywine Addition, lots 5 & 6, and would like to construct a single family dwelling on lot 6 and a detached garage on lot 5.

Greg Conwell, 750 Ott Street, stated that he wanted to build a detached garage first and then the primary structure second. He wants to build the garage first in order to store building materials that are currently being stored in the garage of his house that he is wanting to sell. By relocating the building materials to the new garage on lot 5, he will save money on rental fees for a storage unit.

Mr. Conwell stated that he would construct a house on lot 6 that has an apartment over the garage and a detached garage on lot 5.

Criteria:

1. General Welfare: Mr. Conwell stated that the garage would be consistent with the style of the neighborhood. It would not hurt the community as he is improving the property.
2. Adjacent Property: He stated that the adjacent property would not be negatively affected. The house would be used as a rental unit and he would store his items in the garages.
3. Practical Difficulty: Mr. Conwell stated that it would be a practical difficulty for him since he would have to rent a separate location when he could have a permanent garage to store the building materials in.

Ms. Myers stated that the proposed structure located on lot 6 would have the garage on the first floor and the second floor would be the residence.

Richard Martin questioned if there were plans to build a residence on lot 5. Mr. Conwell stated that there was not, the detached garage was to be the only structure.

Lynn King, 797 N. Young Street, stated that her property runs along Mr. Conwell's property. She wanted to make sure the structures were 20 feet away from her property line.

Ms. Myers stated that the required side yard setback is 5 feet and the rear yard setback is 20 feet. She stated that Ms. King's property is located to the north of the property, which would be a side yard setback.

Mr. Conwell stated that he would agree to the 20 feet setback.

Phil Barrow questioned the ultimate use for the detached garage. Mr. Conwell stated that it would be for storage, not for the residents of the apartment.

Mr. Holmes asked if Mr. Conwell would be willing to commit to keeping all construction materials and tools inside the garage. Mr. Conwell stated that he would, that he would not be running a business out of the garage but just storing items in it.

Further discussion was held in regard to the use of the garage. Mr. Conwell stated that he would probably be in the garage approximately 2 days a month.

Richard Pfifer questioned whether the tenants could use the garage. Mr. Conwell stated that tenants could use the garage for storage, but not for cars.

Lynn Gray questioned if it was considered home occupation. Ms. Myers stated that in the initial conversation with Mr. Conwell, she understood that he was going to live in the apartment and some of his tools and excess materials would be stored in the detached garage which would be consistent with a home occupation as identified in the zoning ordinance.

Mr. Pfifer asked if Mr. Conwell would agree to the conditions mentioned earlier in the meeting.

- 1) The detached garage be located at least 20 feet off the north property line.
- 2) No outside storage.
- 3) Electric service could be provided but no plumbing.

Ms. Myers stated that Staff recommends approval of the request to build an accessory structure on lot 5 without a primary structure currently on lot 5 with the following conditions:

- 1) Lots 5 & 6 shall utilize a shared drive off of Ott Street.
- 2) The detached garage shall be a minimum of 20 feet from the north property line.
- 3) There shall be no outside storage.
- 4) There shall be no plumbing serving the detached garage.
- 5) The detached garage will be used for residential accessory purposes only.

Ms. Gray inquired about the time table for constructing a residence on lot 6. Mr. Conwell stated that he would be able to build as soon as the house he is lives in sells. Ms. Gray asked if the Board thought there should be a timetable for the completion of the residence.

Discussion was held on the different possible outcomes of setting a deadline for residential completion on lot 6. Ms. Myers suggested to continue the case to the May 6, 2009 meeting to allow Staff to discuss the case with the petitioner and provide an updated Staff report.

Action Taken on ZB 2009-08 (V): Greg Conwell

Tim Holmes made a motion to continue case ZB 2009-08 to the May 6, 2009 meeting. Phil Barrow seconded the motion. The Board voted unanimously to continue the case. The case will be continued to the May 6, 2009 Board of Zoning Appeals meeting.

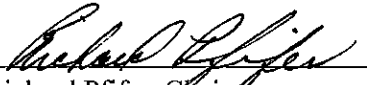
Other Business:

Joanna Myers introduced Tim Prior, the new Planner, who will be observing the BZA and Plan Commission meetings and may be the Staff Planner for the Board in the future.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th day of May, 2009.



Richard Pfifer, Chairman

Tim Holmes, Secretary