



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

October 6, 2010

Members Present:

Richard Pfifer	Chairman
Bob Swinehamer	Vice Chairman
Tim Holmes	Secretary
Phil Barrow	Member
Rev. Richard Martin	Member

Others Present:

Joanna Myers	Senior Planner
Lynn Gray	Legal Counsel
Jaime Harshman	Recording Secretary

Call to Order:

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

Approval of Minutes:

Phil Barrow made a motion to approve the September 1, 2010 minutes as presented. Rev. Martin seconded the motion and the members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

ZB 2010-16 (V): Deborah Lacefield:

Joanna Myers stated that the request is to allow a wood deck to encroach within the side yard setback at a property located at 99 Circle Drive. The property is zoned Residential: Traditional Neighborhood. It has been before the board a couple of times. At the September meeting it was automatically continued to the October meeting due to lack of a seconded motion. The petitioner has been working with Staff but needs additional time to gather facts and information. Ms. Myers stated that the Staff would like to request a continuance to the November 3rd, 2010 meeting.

Action taken on ZB 2010-16 (V): Deborah Lacefield:

Tim Holmes made a motion to continue the case to the November 3rd, 2010 meeting. Phil Barrow seconded the motion. The motion passed unanimously.

New Business:

ZB 2010-21 (AP): Anew Black Signs: CONTINUED TO NOVEMBER 3, 2010 MEETING

Ms. Myers stated that the case has been automatically continued to the November 3, 2010 meeting as the petitioner had not met public notice requirements.

ZB 2010-22 (UV): Anthony Campbell:

Ms. Myers stated the petition is for a use variance to allow a barbershop to be operated from a property located at 30 Crescent Street. The property is currently zoned Residential: Suburban Neighborhood. The variance is needed as a barbershop is not listed as a permitted use. This particular use is not classified as a home occupation as it has more than one additional person at the property at one time and requires additional off-street parking.

Anthony Campbell, 30 Crescent Street, stated there used to be a barbershop at the same location. Mr. Campbell stated it would be an asset to the community. It would be safer for people to not have to cross US 31 or North Main Street. The location would help alleviate that issue for those walking to Great Clips. He stated that he previously had a barbershop near Camp Atterbury and another one in downtown Franklin but it was destroyed by the flood.

He stated that the approval will not be injurious to the general welfare of the public and the property values of the area will go up as they are improving the property and will maintain it. He stated that he has always passed all required inspections in all of his past barbershops.

Mr. Campbell stated there is no public safety issue and that the adjacent properties would not be affected negatively as a barbershop used to be located at the property. He stated that if the number of patrons were to pick up, people could park in his mother's parking lot at Campbell Insurance.

Mr. Campbell stated there would be a practical difficulty as a portion of the structure was set up as a barbershop originally and includes all the necessary plumbing and gas meter. He stated that all of the utilities were replaced a few years ago.

Mr. Campbell stated that it would be an unnecessary hardship to convert the property back to the current zoned use.

Mr. Campbell stated that the use will not conflict with the comprehensive plan. He stated that once the business picks up he would be able to hire someone else.

Cecilia Campbell, owner of the property, stated that they have been renovating the property. She stated the property is in good condition and the plan is to pave the existing area for parking and landscape it. Mr. Campbell has lived in the house next door to the barbershop and has made improvements to it also.

Mr. Pfifer asked if there would be issues with parking. Mr. Campbell stated there would not be as the staff would be parking at the insurance company parking lot. He stated that four mid-sized cars can fit in the parking area already provided onsite. He stated that a lot of the customers from that area will be walking or riding a bike.

Ms. Myers questioned the maximum number of employees that would be working there. Mr. Campbell stated there would only be two employees. Ms. Myers stated that the Zoning Ordinance states that the Board is to identify the number of required parking spaces.

Staff recommends approval with the following commitments:

1. Parking requirements outlined in Article 7.10 (Part 3) will be provided, which includes paving or concrete.
2. A minimum of four parking spaces shall be provided either onsite or offsite/shared, with the appropriate documentation filed with the Department of Planning.
3. A minimum of two bicycle spaces shall be provided.
4. All necessary State and local government approvals and permits shall be obtained. This includes Plan Review or approval from the Fire and Building Safety Division of the State and any building permits required by the City of Franklin.

Action taken on ZB 2010-22 (UV): Anthony Campbell:

Bob Swinehamer made a motion with the following commitments:

1. Parking requirements outlined in Article 7.10 (Part 3) will be provided, which includes paving or concrete.
2. A minimum of four parking spaces shall be provided either onsite or offsite/shared, with the appropriate documentation filed with the Department of Planning.
3. A minimum of two bicycle spaces shall be provided.
4. All necessary State and local government approvals and permits shall be obtained. This includes Plan Review or approval from the Fire and Building Safety Division of the State and any building permits required by the City of Franklin.

Rev. Martin seconded the motion. The motion passed unanimously.

ZB 2010-23 (UV): Indiana Athletics:

Ms. Myers stated that the petition is for a use variance to allow a cheerleading, gymnastics and dance facility to be located at 2110 Earlywood Drive. The property is currently zoned Industrial General (IG). The variance is needed as the cheerleading, gymnastics and dance training facility is listed as a personal service use which is not listed as a permitted use within the IG zoning district.

Patrick Cowherd, the business owner, has been in the area around 8 or 9 years. He stated that he has been coaching for 26 years. He is going to bring the program to Franklin for training for cheerleading as Franklin does not have a location where people can go. This will be the 5th location for Indiana Athletics in the state of Indiana.

Billy Bemis, owner of the building, stated that the use will not be injurious to the general welfare of the community. He stated that it is going to be a place to give youth a sense of belonging. It will be a place to exercise and learn. Mr. Bemis stated that he talked to the owner of Indy Tractor, Gary Reynolds, and Mr. Reynolds supports any type of growth and does not see any type of a conflict with what Mr. Cowherd is proposing. Indy Tractor has hours from 7:30am to 5:30pm daily. Indiana Athletics will be open from 4:30pm to 9:00pm.

Mr. Bemis stated that the adjacent property will not be affected in an adverse manner. He stated the business will remain in the confines of the leased space.

Mr. Bemis stated that there will be a practical difficulty in the sense of what they want to do, which is to bring cheerleading and dance to Franklin. He stated that high ceilings and big open spaces are needed for this type of use. The building's sidewalls are 18-20 feet in height and the needed floor space is clear of columns. The building has space where mats can be rolled out for the safety of the trainees. Mr. Bemis stated that there are a couple of other gymnastic businesses in located in the industrial areas of Franklin.

Mr. Bemis stated that there is an unnecessary hardship. The building might have been constructed for industrial use 25 years ago but there are now many different businesses in the industrial park. Retail and personal businesses are not unique in that area. He stated that Earlywood Drive is now a major thoroughfare that gets people from I-65 to US 31. The hardship is not allowing a business that needs that type of facility to not relocate there.

Mr. Bemis stated the comprehensive plan doesn't interfere with the granting of the variance. He stated that there is a tremendous amount of land that is already zoned for industrial uses that is not being used. They will not be taking space away from another user.

Mr. Swinehamer questioned if the space is completely separate from Indy Tractor. Mr. Bemis stated that it is completely separate. It is sprinkled and has separate heating and cooling. The entire building is 46,000 square feet and the Indiana Athletics section is 12,500. Mr. Bemis stated there are 90 plus parking spaces and parking has never been an issue. Mr. Cowherd stated there would be 5-7 employees at the facility at one time. He stated that a lot of parents drop off and pick up their children at the door.

Rev. Martin questioned if there would be emissions problems from anything at Indy Tractor. Todd Bemis stated that there is a gated area that is locked, but most of the inventory is kept outside and would not be in conflict.

Ms. Myers questioned the number of Indy Tractor employees. Todd Bemis stated that there are between 8-10 employees. Ms. Myers stated that a total of 92 parking spaces would be required for Indy Tractor and 70 would be required for Indiana Athletics. Ms. Myers stated that the current parking will be sufficient. For clarification purposes, Ms. Myers stated that personal service uses are a permitted use in all of the Mixed Use zoning district and the Industrial Light zoning district.

Staff would recommend approval with the following conditions:

1. All dumpsters shall be compliant with the regulations outlined in the Zoning Ordinance.
2. All parking spaces shall be available for the parking of vehicles and not be used for storage.
3. A minimum of 162 parking spaces shall be provided onsite.
4. All necessary State and local government approvals and permits shall be obtained. This includes Plan Review or approval from the Fire and Building Safety Division of the State and any building permits required by the City of Franklin.
5. Site shall be compliant with all conditions required by previous variance requests.
6. Outdoor storage of items, specifically pallets, shall be properly stored.

Ms. Myers stated that the property owner is the person responsible for compliance. She stated the only issue is with the large implements being outside the property. Ms. Myers stated the ordinance does state that property needs to be in compliance with the ordinance. Todd Bemis stated that he would contact Gary Reynolds, the owner of Indy Tractor.

Action taken on ZB 2010-23 (UV): Indiana Athletics:

Rev Martin made a motion to approve the petition with the following conditions as mentioned by Staff:

1. All dumpsters to be compliant with the zoning ordinance in regard to enclosures and screenings.
2. All parking spaces to be available for the parking of vehicles.
3. A minimum of 162 parking spaces be provided.
4. All approvals from stated and local agencies and building permits to be obtained.
5. All conditions of previous variances to be adhered to.
6. All items currently stored outdoors, including pallets, to be stored properly.

Phil Barrow seconded the motion. The motion passed unanimously.

ZB 2010-24 (V): Advanced Audiology:

Ms. Myers stated that the petition is for a development standards variance to allow a freestanding sign to encroach within the minimum front yard setback for signage. The property is located at 1020 W. Jefferson Street in the Mixed Use: Community Center zoning district. The variance is needed as the minimum setback for freestanding signs is 10 feet from the right-of-way. The proposal is to locate a freestanding sign approximately one foot from the right-of-way. The petitioner has provided two proposed sign designs that they have been working on with their sign company. One of which is 7 feet wide and the other is 5 feet wide. Renderings of the signs were provided to the Board.

Ms. Myers stated that public notification requirements will require a waiver from the rules and procedures as certified letters were sent instead of certificates of mailing.

Bob Swinehamer made a motion to waive the public notification requirement. Tim Holmes seconded the motion. The motion was approved unanimously.

Joe Villanueva, Advanced Audiology, stated the area near the road will be a raised landscape berm and it is the desired location for the freestanding sign. He stated that the sign would be located in the parking lot area in order to be 10 feet from the right-of-way. They are requesting to locate the sign within the bermed area.

Mr. Villanueva stated that the sign location will not be injurious to the general welfare of the community. He stated that the sign will be similar in size to the other signs located along W. Jefferson Street. He stated they are looking at installing a 4'x7' two-post, double sided wooden sign. Mr. Villanueva submitted Petitioner's Exhibit 2 to the Board. He stated the official logo of the business is horizontal in style and thus, a rectangle sign is required. They also plan to illuminate the sign with landscaping lights.

Mr. Villanueva stated the sign will not adversely affect the neighboring properties, as most are already commercially zoned and have signage also.

Mr. Villanueva stated that there is a practical difficulty as a wall sign or awning sign is not a feasible option as the front of the building has large windows which limits where these types of signs could be located. He stated that these types of signage are not visible unless you are facing the property. Awnings would project the image at an upward angle and would not be visible.

Mr. Holmes questioned the width of the landscape area next to the road. Mr. Villanueva stated that it is 10' wide with a slight elevation in the middle due to the berm. There is a 2 foot rise from the end to the highest point. Ms. Myers questioned if they could move the sign farther north. Mr. Villanueva stated that they would have no problem keeping it as far north as they can.

Ms. Myers stated that the Staff recommends denial, however if the Board finds sufficient evidence was provided to grant approval, Staff would recommend approval with the following commitment:

1. Place the sign as far north as possible without impeding vehicular traffic.

Action taken on ZB 2010-24 (V): Advanced Audiology:

Phil Barrow made a motion to approve the variance with the commitment offered by the petitioner:

1. Place the sign as far north as possible without impeding vehicular traffic.

Rev. Martin seconded the motion. The motion was approved unanimously.

ZB 2010-25 (UV/V): Candice Hash-CONTINUED TO NOVEMBER 3, 2010

The case has been continued to the November 3, 2010 meeting as the petitioner had not met public notice requirements.

Other Business:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 3rd day of November, 2010.


Richard Pfifer, Chairman

Tim Holmes, Secretary