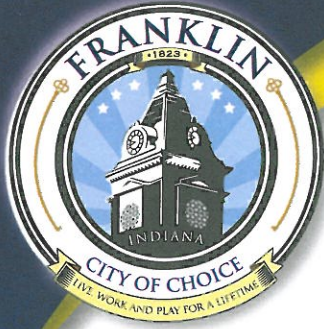




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

November 2, 2011

Members Present:

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

Chairman
Vice Chairman
Secretary
Member
Member

Others Present:

Joanna Myers
Kevin Tollot
Jim MacAbee
Jaime Harshman

Senior Planner
Associate Planner
Legal Counsel
Recording Secretary

Call to Order:

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

Approval of Minutes:

Bob Swinehamer stated that the word “if” should be “of” in the last sentence at top of the second page in the first paragraph. Tim Holmes made a motion to approve the September 7th, 2011 minutes with corrections. Bob Swinehamer seconded the motion. The members voted unanimously to approve the minutes.

Swearing In:

Jim MacAbee swore in the audience en masse.

Old Business:

None.

New Business:

ZB 2011-15 (SE) Jayson Gardner:

Kevin Tolloty stated the petition is for a special exception to allow an accessory dwelling in the Residential Traditional Neighborhood zoning district. A special exception is required by the ordinance for accessory dwellings under 1000 feet in the RTN zoning district.

Jayson Gardner, 101 Pitt Street, stated that he wants to put a room addition onto his house with a kitchen in it which would be considered an accessory structure. The structure would be between the house and the garage. He stated they have already received approval to get a permit without the kitchen. This would be living space for his mother that has moved in with him.

Mr. Gardner stated that approval of the case would not be injurious to the community. He stated it's a room that is not going to be in anyone's way. He stated they have a two car garage and a gravel driveway. Staff is requesting that they put in four parking spaces and he has agreed to do so. Mr. Tolloty stated that they could use two of their garage spaces towards the total four parking spaces. Mr. Gardner stated they will go ahead and install the four spaces.

Mr. Gardner stated they have already received a building permit and have several inspections they will need to have done.

Mr. Gardner stated the addition will not bother anyone.

Mr. Gardner stated the addition will not conflict with the comprehensive plan. The area is all residential and he doesn't see how it would cause any issues.

Mr. Gardner stated that they intended to use it as an extension of their house and don't see how it would go against City planning.

Mr. Swinehamer questioned what the intent would be if Mr. Gardner's mother moves out. Mr. Gardner stated that they have no bedrooms on the first floor and as they get older they would use the area too. He stated it could also possibly be used by one of their sons or as a rental, but he is not really in favor of renting.

Mr. Tolloty stated that Staff recommends approval with the condition that the parking space requirement is met.

Action taken on ZB 2011-15 (SE) Jayson Gardner:

Phil Barrow made a motion to approve the case with requirement of the addition of four paved parking spaces. Tim Holmes seconded the motion. The motion was approved unanimously.

ZB 2011-16 (UV) Kim Murray:

Mr. Tolloty stated the petition is for a use variance to allow a two family dwelling in a Residential Suburban Neighborhood zoning district. The variance is needed as two family dwellings are only permitted in Residential Multi-Family zoning and because both dwelling units would be over 1000 square feet they would not be considered accessory dwellings.

Kim Murray, 1630 Graham Road, stated in March of 2009 they received a building permit to add a second story to their home. She stated now they would like the second story to have its own address. Ms. Myers stated that the permit issued to her did not have a kitchen included. Her mother and step-father lived in the house with her at the time.

Ms. Murray stated the approval of the case will not be injurious to the neighbors or the community.

Ms. Murray stated that the apartment won't affect the neighbors in anyway. The second story is already there. It shouldn't make their neighbor's property taxes go down.

Ms. Murray stated it would be a difficulty for her if the petition were not approved. She is a full time college student and needs the income.

Ms. Murray stated that it would not cause an unnecessary hardship on anyone but herself if it is not done.

Ms. Murray stated that the granting of the variance would not interfere with the comprehensive plan.

Ms. Murray stated that originally she, her children, and her parents lived there. The house was not built for two families but the second floor has a separate entrance. She talked to all of her neighbors and no one had any concerns. Mr. Swinehamer stated that there may be an issue with parking. Ms. Murray stated that there is a one car garage, two cars can fit on the paved driveway and two cars can park in the gravel area. She stated there is also street parking. She only has one vehicle.

Mr. Barrow questioned where the entrance for the 2nd floor is. Ms. Murray stated that the entrance is on the north side, behind the garage. She stated that there is a door to the second floor through the garage. Mr. Swinehamer questioned if the house met code. Ms. Myers stated that it currently meets code but she doesn't know the code for a two family dwelling. Ms. Myers stated that if the building code is not able to be met, then the Board is finished with the case. She stated the bigger issue is parking. Mr. Tolloty stated that according to the ordinance, five parking spaces are needed as only two of the current spaces qualify. Ms. Murray stated she didn't realize she needed five spaces. She has not considered alternate parking.

Mr. Pfifer stated that Ms. Murray could request a continuance on the case. Ms. Myers stated she could also file a variance for the parking spaces.

Ms. Murray requested that the case be continued to January 4th, 2012 meeting.

Action taken on ZB 2011-16 (UV) Kim Murray:

Mr. Swinehamer made a motion to continue the case to the January 4th, 2012 meeting. Phil Barrow seconded the motion. The motion was approved unanimously. The case will be continued to the January 4th, 2012 meeting.

Other Business:

Mr. Tolloty presented the proposed 2012 calendar of meeting dates.

Phil Barrow made a motion to approve the 2012 calendar and Tim Holmes seconded the motion. The motion was approved unanimously.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 4th day of January, 2012.

Richard Pfifer, Chairman


Tim Holmes, Secretary
Acting Chairman