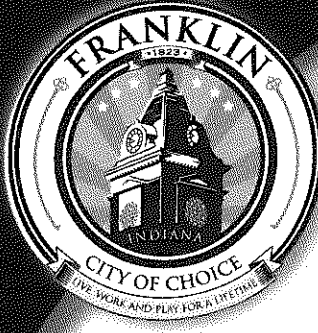




## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT · DEPARTMENT OF ENGINEERING

### MINUTES

#### City of Franklin, Indiana BOARD OF ZONING APPEALS

February 6, 2013

##### **Members Present:**

Tim Holmes  
Phil Barrow  
Jim Martin  
Brian Alsip  
Rev. Richard Martin

President  
Vice-President  
Secretary  
Member  
Member

##### **Others Present:**

Kevin Tolloty  
Lynn Gray  
Jaime Shilts

Associate Planner  
Legal Counsel  
Recording Secretary

##### **Call to Order:**

Tim Holmes called the meeting to order at 7:00 p.m.

##### **Approval of Minutes:**

Jim Martin made a motion to approve the January 2<sup>nd</sup>, 2013 minutes with the condition that the word "for" is deleted from condition #3 of the case. Phil Barrow seconded the motion. The members voted unanimously to approve the minutes with changes.

##### **Swearing In:**

Lynn Gray swore in the audience en masse.

##### **Old Business:**

None

##### **New Business:**

##### **ZB 2013-02 (V) Franklin Auto Sales:**

The petition is for a developmental standards variance to allow the outdoor display of merchandise in the Gateway Overlay zoning district. The variance is needed because the zoning does not allow unscreened outdoor merchandise.

Lori Bunch, owner of Franklin Auto Sales at 2150 N Morton Street, stated they were approached by a portable storage unit company in Kentucky. She is before the board to request a variance to sell the storage units on her property.

Ms. Bunch stated the variance will not be injurious to the public. There is farm ground 900 feet before the housing addition on the west side. On the north side there is road frontage and on the south side is Matlock Ford. She stated there are only going to be display models on the property. They will take orders and have them delivered from Kentucky.

Ms. Bunch stated the adjacent properties will not be negatively affected. There will be 8 units to the south and 7 to the north. They are only planning to put the units on gravel area, not on the soil area.

Ms. Bunch stated there is a practical difficulty as they are outside storage units and that would require a huge building to put them in which would not be practical. The office they have now is a mobile structure.

Mr. Tolloty stated the setback would affect the positions of the buildings. The side setbacks are 15 feet from the side and 30 from the front. The main issue is the structures would need to be screened. Mr. Holmes questioned if Ms. Bunch would be okay with the setback condition. Ms. Bunch stated she would.

Mr. Tolloty stated the Staff does recommend approval with the condition that the models adhere to zoning setbacks.

**Action taken on ZB 2013-02 (V) Franklin Auto Sales:**

Rev. Martin made a motion to approve the variance with the following conditions:

1. The display models adhere to the zoning setbacks.
2. The display models not extend past the Matlock frontage.

Jim Martin seconded the motion. The motion carried unanimously.

**ZB 2013-03 (V) Heidner Properties:**

The petition is for a developmental standards variance to allow a loading berth in a front yard in the MXC zoning district. The variance is needed as loading berths are not permitted in front yards.

Ken Nyenhuis stated they are requesting a variance for a front loading dock at 1538 N. Morton. The building was previous occupied by Walmart. When Walmart moved, the building was subdivided and Tractor Supply now occupies the north side of the building. The building has 68,000 sq ft with a single loading structure. There is a concrete spillway at the south yard and existing detention area in the rear yard. He stated that those conditions prevent them from having a loading dock anywhere but the front yard. The south end of the building where the loading berth is proposed is 460 feet from N. Morton Street. All the truck maneuvering will be separated from car traffic. They have delineated the area by installing parking curbs and will insure the designated car and truck routes are adhered to. It does comply with section 7.11 of the loading ordinance. Access requirements are met in the proposed plan. The only variance required is the front yard approval. Big Lots has signed a long term lease, but will break the lease if the loading berth is not able to be installed. It will bring long term jobs and tax money to the community.

Mr. Nyenhuis stated the variance will not be injurious to the public. They have designed a drive aisle independent from any car parking. No cars will be able to enter the area for safety.

Steve Ryno, architect, stated they will not adversely impact the neighboring properties. They are not changing the occupancy or use of the building and will not be obstructing any neighboring access. Mr. Nyenhuis stated they will help the neighboring building as the property is currently vacant.

Mr. Nyenhuis stated there is a practical difficulty. There are wetlands and a spillway on two sides of the facility. On the south side is a spillway where the drainage goes. There is no possibility of putting the berth on either side. Tractor Supply has the only loading berth available.

Rev. Martin questioned what Tractor Supply thought. Mr. Nyenhuis stated they are fine with it and it will help them when Big Lots go in. Mr. Holmes questioned what the loading dock would look like. Mr. Nyenhuis stated it would have a roll up door with a lift. It will be fenced on both sides with a gate that closes.

Mr. Tolloty stated the only thing that would impact the building would be color and building material because it is in the Gateway Overlay.

**Action taken on ZB 2013-03 (V) Heidner Properties:**

Mr. Tolloty stated the Staff does recommend approval with the condition that they obtain an ILP permit.

Rev. Martin made a motion to approve the variance with the condition. Brian Alsip seconded the motion. The motion carried unanimously.

**ZB 2013-04 (V) Pickett, LLC:**

The petition is for a developmental standards variance to allow a 10 acre lot in the IBD zoning district. The variance is needed because the maximum lot size permitted is 5 acres.

Steve Williams, representing Pickett, LLC. at 200 Earlywood Drive, is in need of another warehouse to store parts in. Mr. Williams stated that Mr. Pickett purchased 10 acres from Mr. Whitaker. Mr. Williams was told by Mr. Whitaker that the property was annexed by the City 15 years ago. Joanna Myers in the Planning Department told Mr. Williams that it was in violation of the subdivision control ordinance. The county allows 10 acres without a subdivision but the City does not. No lot can be bigger than 5 acres. Mr. Williams stated they do not want to subdivide or sell the lots. If the property is divided, the pond goes on one side of the lot and the entrance on another.

Mr. Williams stated the variance will not be injurious to the public as the use is consistent with existing property tract sizes. To divide the two lots into two tract sizes would impose lot line setbacks and easements, damaging the intended warehouse complex use.

Mr. Williams stated the area adjacent to the property will not be adversely affected due to the unique nature of the property. It is located on the outskirts of town and is 40 acres of farm ground and used to be located in the county.

Mr. Williams stated the value will be enhanced by the new construction and the 34 required trees.

Mr. Williams stated there will be a practical difficulty as it will damage the development area. There is no desire to divide the property into 2 or more industrial tracts. Mr. Tolloty stated the property is in the City Buffer zone and would still have to follow the City requirements.

Mr. Williams stated that Mr. Pickett found out that the property was in the City in November of last year. Mr. Tolloty stated the IBD is for smaller businesses, not for large scale industries. Mr. Barrow questioned where Mr. Pickett's property is located. Mr. Williams stated he owns the two lots on Earlywood Drive that are not connected to the acreage. He stated they looked at rezoning, but it takes a lot longer to do so.

Mr. Tolloty stated that Staff recommends denial. He stated the land usage could differ in 5 years if Pickett moves away. He stated Staff doesn't see the practical difficulty in using the 5 acres instead of the 10 acres as requested. The building will fit on a 5 acre lot.

**Action taken on ZB 2013-04 (V) Pickett, LLC:**

Brian Alsip made a motion to approve the variance with the following conditions:

1. A site development plan shall be submitted for review and approval by the Technical Review Committee.
2. All applicable permits shall be obtained before construction.

There was no second. The case was automatically continued to the March 6<sup>th</sup>, 2013 meeting.

**ZB 2013-05 (V) FLS Realty, LLC:**

The petition is for a developmental standards variance to allow a reduction in side and rear yard setbacks in the IG zoning district. The variance is needed as setbacks are now 50 feet for side and rear as opposed to 20 and 25 feet when the lot was first platted.

Paul Maurer, representing FLS Realty, stated they are requesting a variance on the setbacks at 550 International Drive. Mr. Maurer stated that it's an empty lot surrounded by existing businesses. Greenwood Machine is located to the east, NAPA auto parts to the south and to the west the gymnastics center and veneer business. Carter Lumber is to the south of International Drive. He stated the lot went through site plan review in 2007 and received the same variance. They meet the setbacks that were in affect at that time. All the surrounding buildings are less than 50 feet off their lot lines.

Mr. Maurer stated the variance will not be injurious to the public. It's a landlocked property only accessible by access easements. They are planning on expanding the Greenwood machine business into the building. There is an access easement on the south part of the lot.

Mr. Maurer stated the value of the adjacent property will not be adversely affected. He stated it should help increase the business.

Mr. Maurer stated there is a practical difficulty as the building would have to be centered up in the lot and narrowed and they would not be able to meet parking requirements.

Mr. Tolloty stated Staff does recommend approval with conditions.

**Action taken on ZB 2013-05 (V) FLS Realty, LLC:**

Jim Martin made a motion to approve the variance with the conditions mentioned by Staff:

1. A site development plan shall be submitted for review and approval by the Technical Review Committee.
2. All applicable permits shall be obtained upon approval of variance and site plan.

Phil Barrow seconded the motion. The motion passed unanimously.

**ZB 2013-06 (V) Franklin Parks & Recreation:**

The petition is for a developmental standards variance to allow 9 feet x 20 feet parking stalls and 10 feet x 18 feet parking stalls in the IN zoning district. The variance is needed as the zoning ordinance requires parking stalls to be 10 feet x 20 feet in size.

Mr. Tolloty stated that certified letters were sent out instead of certificates of mailing.

Jim Martin made a motion to accept the certified letters in place of the certificates of mailing. Phil Barrow seconded the motion. The motion passed unanimously.

Derek Snyder, CrossRoad Engineers, stated that they are requesting a variance of 10'x18' and 9'x20' located at the Park and Rec Center. The project consists of a new parking lot, reconfiguring the existing parking lot to maximize the number of spaces, improving drainage from the building, and dry detention for the subdivision control ordinance.

Mr. Snyder stated the project not be injurious the public. The 180 sq ft parking spaces are accepted in a lot of municipalities including Indianapolis. They are providing at a minimum, 180 sq ft per parking space. More people will be able to access the fitness center with more parking.

Mr. Snyder stated the adjacent properties will not be affected. The additional parking spaces will help alleviate the neighboring properties.

Mr. Snyder stated the practical difficulty is that the new parking is being retrofitted onto an existing site with mature trees and good grass cover. The intent is not to rip out the existing park setting, but to use maximize the use of the site.

Chip Orner stated that the pool is being built on the old Beeson parking lot which has 36 spaces. There will be a net gain of 13 spots. He stated there is not enough parking with the retrofitted lot and they are using some of the College's parking in the summer. They are going to create on street parking on South Street. The current spaces are similar in size or smaller than what is being proposed.

Mr. Tolloty stated that Staff recommends approval.

**Action taken on ZB 2013-06 (V) Franklin Parks & Recreation:**

Jim Martin made a motion to approve the variance as presented. Rev. Martin seconded the motion. The motion passed unanimously.

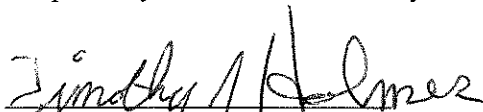
**Other:**

The property located at 1107 N. Main Street, the former health care facility, is now under new ownership.

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th day of March, 2013.

  
Tim Holmes, Chairman

  
Jim Martin, Secretary