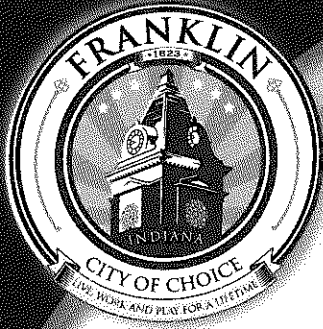




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

November 6, 2013

Members Present:

Tim Holmes	President
Phil Barrow	Vice-President
Jim Martin	Secretary
Brian Alsip	Member
Rev. Richard Martin	Member

Others Present:

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

Call to Order:

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

Approval of Minutes:

Ms. Gray stated that on page 3 of the October 2, 2013 minutes, the word "approved" needs to be added to Brian Alsip's motion.

Phil Barrow made a motion to approve the October 2, 2013 minutes with the corrections noted by Ms. Gray. Jim Martin seconded the motion. The members voted unanimously to approve the minutes as amended.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

ZB 2013-15 (AP) Rob Hoverman:

Ms. Myers stated that the petition had been withdrawn by the petitioner. The petitioner is going to move the rocks to a different location on their property with Staff's approval.

New Business:

ZB 2013-17 (SE) New Beginnings Community Church:

Ms. Myers stated the property is located at 600 Ironwood Drive, Suites D-F. The property is zoned Mixed Use: Community Center and is in the Gateway Overlay District. The petition is for a special exception to allow a church to operate in the MXC zoning district. The variance is needed as a church is not listed as a permitted use, but is listed as a special exception.

Mel Fairchild, elder at New Beginnings Community Church, stated the church was established 2 years ago. They have been operating out of three separate locations in Franklin. They had the opportunity to use 3 consecutive units within the same building and have now signed a 3 year lease with their landlord, Greg Moore. They would like to hold their church services at the new location. He stated that they have a good relationship with the neighboring tenants. He stated they have not done any exterior work to their building but have kept the building clean. Mr. Fairchild stated they are not noisy and don't block the driveways or sidewalks. They have hired an architect to submit plans to the state for their proposed renovations. He stated they are willing to get all permits and inspections they need. He stated that their long-term goal is to build a church elsewhere within 3-5 years.

Greg Moore, landlord, stated he is also the owner of the Sylvan Learning Center and has been in the building for 7 years. Mr. Moore stated New Beginnings Church is a good neighbor. He stated there are 92 parking spaces in the front and 8-10 in the back for the tenants. He stated there are no parking issues as their service times don't conflict with the other units' business hours.

Mr. Fairchild stated the petition is not injurious to the general welfare of the public. They are cooperative with their neighbors and get along with them.

Mr. Fairchild stated they will need a maximum of 20-25 parking spaces and possibly 6 during the evening. They have not had a problem with traffic congestion.

Mr. Fairchild stated the petition will not be contrite to general purposes. They try to work with anyone they can.

Mr. Fairchild stated the comprehensive plan will not be harmed. They do provide sufficient parking and invite their neighbors to participate in their church.

Ms. Gray questioned if they would comply with any state or city permitting requirements. Mr. Fairchild stated they would.

Action taken on ZB 2013-17 (SE) New Beginnings Community Church:

Jim Martin made a motion to approve the variances with the following commitments:

1. A minimum of 20 parking spaces will be provided.
2. All federal, state, and local requirements will be met.

Brian Alsip seconded the motion. The motion carried. The petition was approved with commitments

ZB 2013-18 (UV & V) Megan Smither:

The property is located at 1107 N. Main Street. The petition is for developmental standards variances and a use variance to allow 15-16 one and two bedroom apartments. The developmental standards variance as filed is for a reduction of the minimum parking spaces required. Ms. Myers stated there are additional developmental standards variances that need to be added. The added variances are to allow back out parking spaces into the right-of-way, a reduction of the parking stall size from 10x20 to 9x18, and to allow parking spaces within the sight visibility triangle. The property is zoned Mixed Use: Neighborhood Center.

Megan Smither, property owner, stated the last use of the building was as an assisted living facility. The building has since fallen into disrepair. She would like to convert the building into apartments. The building is approximately 16,000 sq. ft. and is evenly divided over two levels. She stated the current zoning would allow for apartments on the second level, each of which would be at least 450 sq. ft. in area. The first level would have to be used for commercial, retail, or public use in order to be consistent with the zoning requirements of the area.

Ms. Smither stated she would like to put apartments on both levels. She requested 15-16 apartments at the most.

Ms. Smither stated the petition is not injurious to the general welfare of the community. She stated that allowing apartments on the first & second level will not harm the community. She stated within blocks of the property there are already restaurants, banks, spas, offices, a church, etc. and does not feel that there is a need for any additional retail uses within the area. She feels the apartments fit in with the neighborhood.

Ms. Smither stated the comprehensive plan states there is a need for more commercial housing in that area. She stated parking is going to be an issue with any proposed use at that location. Ms. Smither submitted a list of permitted uses for the building to the Board as Exhibit A. She would like to provide 1.5 parking spaces per apartment. She stated it seems that it's not practical to put anything else commercial in the building due to the need for additional parking.

Ms. Smither stated the practical difficulty is that if her petition is denied, she'd have apartments on the 2nd floor but not on the first. The first floor would end up being sealed off and not used. The apartments would range in size from 450 sq. ft. to 1,000 sq. ft. She submitted a floor plan as Exhibit B. She stated that she has consulted with an architect and they stated it was not advisable to change the load bearing walls, thus resulting in the need for smaller, 450 sq. ft., apartments.

Ms. Smither stated her second request is the variance from developmental standards regarding the number of parking spaces.

Ms. Smither stated the general welfare will not be adversely affected. Ms. Smither submitted Exhibit C showing the proposed parking layout. She stated Staff noted that parking spaces #1-3 are located in the sight visibility triangle. She stated that you can't see spaces #1-3 from Main Street. She doesn't believe they will cause any visibility issues and should remain parking spaces due to the distance they are from the travel lanes and intersection itself.

Ms. Smither stated that she does not believe that the parking spaces that back out onto Highland Avenue are any more dangerous than any others.

Ms. Smither stated the parking spaces she is requesting would be a minimum of 9x18. She stated she has a meeting scheduled with the City Engineer to discuss keeping some of the parking that is to be turned into green space along North Main Street.

Ms. Gray questioned what the impact of the North Main Street project will have on parking. Ms. Myers stated if there were spaces there, they would be considered public parking spaces and not be counted towards the number required for the apartments.

Ms. Smither stated there are currently 21 proposed parking spaces onsite. Ms. Smither stated there is a lot behind the building that is 50x50 that is owned by Mr. Anderson. She would be interested in purchasing the land from him and expand the parking area.

Ms. Smither stated she is requesting that the parking requirements for the apartments be based on the number of parking spaces she can fit onsite. She is also requesting that some of the apartments be smaller than 550 sq.ft. due to the way the building was constructed. She requested that the use variance be granted regardless of the parking. She also requested to use the Staff recommendation of the parking stall size of 9x18 and that 1.5 parking spaces be provided for each unit.

Dave Kahre, neighbor, stated he his office is across the street and is concerned about the parking. He stated he was using the parking spaces in front of the nursing home, which are now going away with the North Main Street Project. He stated he disagrees with having apartments there. He owns a CPA firm and has 8 parking spaces. He stated he doesn't believe there will be enough parking for the apartments and believes the structure should be torn down.

Ms. Myers stated that if any parking is proposed on N. Main Street it will be parallel parking and not be permitted as it currently is.

Ms. Smither stated she does have some parking. She stated she thinks the use variance could be granted based on the fact that there is parking already but it would change the number of apartments that would be able to be used. She stated 15-16 is the maximum number of apartments she would have in the building, no matter what the parking situation is like.

Mr. Alsip questioned the time frame of construction. Ms. Smither stated ideally they would like to have everything done in a year.

Mr. Barrow questioned what was happening to the structures behind the building. Ms. Smither stated that the stairwell will stay and the storage unit will be torn down.

Ms. Myers stated Staff would recommend approval of the use variance with the following commitments:

- a. The maximum number of dwelling units permitted would be based off of the calculation of 1.5 parking spaces be provided onsite per dwelling unit, not to exceed 16 dwelling units.
- b. Each dwelling unit shall be a minimum of 525 sq.ft. in area.
- c. The project shall be consistent with the documents provided by the petitioner entitled Planned Improvements to 1107 N. Main Street, Appendix 1 and Appendix 2.
- d. All local, state, and federal requirements/permits will be met and obtained prior to construction.

Ms. Myers stated Staff would recommend approval of the developmental standards variances with the following commitments:

- a. The parking requirement shall be set at a minimum of 1.5 parking spaces to be provided onsite per dwelling unit.

- b. The project shall be consistent with the documents provided by the petitioner entitled Planned Improvements to 1107 N. Main Street, Appendix 1 and Appendix 2.
- c. Verification that the full extent of each parking space is provided onsite shall be provided.
- d. A site development plan for the proposed parking shall be reviewed and approved by staff prior to any permits being issued for construction.

Action taken on ZB 2013-18 (UV & V) Megan Smither:

Phil Barrow made a motion to approve the use variance with the commitments outlined by Staff:

- a. The maximum number of dwelling units permitted would be based off of the calculation of 1.5 parking spaces be provided onsite, not to exceed 16 dwelling units.
- b. Each dwelling unit shall be a minimum of 525 sq.ft. in area.
- c. The project shall be consistent with the documents provided by the petitioner entitled Planned Improvements to 1107 N. Main Street, Appendix 1 and Appendix 2.
- d. All local, state, and federal requirements/permits will be met and obtained prior to construction.

Jim Martin seconded the motion. Phil Barrow-yes, Rev. Martin-yes, Jim Martin-yes, Tim Holmes-yes, Brian Alsip-no. The motion carried 4-1.

Jim Martin made a motion to approve the developmental standards variances with the commitments outlined by Staff:

- a. The parking requirement shall be set at a minimum of 1.5 parking spaces to be provided onsite per dwelling unit.
- b. The project shall be consistent with the documents provided by the petitioner entitled Planned Improvements to 1107 N. Main Street, Appendix 1 and Appendix 2.
- c. Verification that the full extent of each parking space is provided onsite shall be provided.
- d. A site development plan for the proposed parking shall be reviewed and approved by staff prior to any permits being issued for construction.

Phil Barrow seconded the motion. Phil Barrow-yes, Rev. Martin-yes, Jim Martin-yes, Tim Holmes-yes, Brian Alsip-no. The motion carried 4-1.

Other:

Ms. Myers stated that the 2014 Calendar of Meeting Dates will be presented at the next meeting for approval.

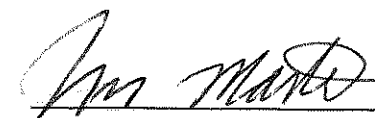
She stated second interviews for the Associate Planner will be held in a couple of weeks.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 4th day of December, 2013.


Tim Holmes, Chairman


Jim Martin, Secretary