

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

October 1, 2014

Members Present:

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

Others Present:

Alex Getchell	Associate 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:

Lynn Gray made a note that the reason for the denial on page 4 was for the reasons stated by Staff during the recommendations. Phil Barrow made a motion to approve the September 3rd, 2014 minutes with the corrections noted. Rev. Martin seconded the motion. The members voted to approve the minutes with corrections.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

None.

New Business:

ZB 2014-12 (UV) Homeview Center:

The case is located at 510 and 530 Palmer Street. The petition is for a use variance to allow the construction and operation of a parking lot as a primary use on the properties which are both within the institutional zoning district. A variance is needed as a parking lot or garage as a primary use is listed as a non-permitted use in this district.

Stephen Bourquein, Land Focus Consulting, representing Homeview Health Center, stated that the petition is for the construction of a parking lot on two parcels. The owners of Homeview have contracts to purchase both parcels which are located directly across from the nursing home. They are currently short of parking

and need it for an expanded employee center. He stated they have submitted drawings of the parking lot but it has not gone through Plan Commission yet.

Mr. Bourquein stated that the general welfare will not be affected. They are establishing additional parking for an existing use in the neighborhood.

Mr. Bourquein stated the adjacent property will not be affected in an adverse manner. They have made an attempt to buffer the adjoining properties with landscaping.

Mr. Bourquein stated there will be a practical difficulty in the use of the properties as the land is zoned institutional. He stated the small size of the property will not be usable without adding additional parcels to it. He stated they are trying to use the property as an addition to the nursing home property they own across the street.

Mr. Bourquein stated there is an unnecessary hardship as the properties are not large enough to be applicable for an institutional use and the supporting parking.

Mr. Bourquein stated the granting of the variance doesn't interfere with the comprehensive plan. He stated the use of the property as a parking lot adheres to the comprehensive plan as support for the institutional zoning.

Allen Brown, 540 Palmer Street, requested to see the drawings of the plan.

Ms. Gray stated that they are requesting a parking lot only on the lots. If they were to put up a structure they could put up the parking lot because it is a permitted use when built with a structure. She stated because the parking lot property is not adjacent to Homeview's current property and they are not putting a structure up, just a parking lot, they must ask for a variance as a parking lot by itself is not allowed. If approved, they will then have to go to Technical Review Committee.

Mr. Brown stated they want to make sure it's a parking lot and Palmer Street will not be considered a driveway for Homeview as they still need access to their house. Ms. Gray confirmed that the variance has nothing to do with the house or on-street parking. Mr. Getchell stated there is no buffer requirement because it is zoned institutional. They will still have to submit a site plan for Site Development Plan approval.

Mr. Bourquein stated they are committing to a 10 foot buffer yard between the parking lot and the houses that they are going to landscape. Mr. Brown questioned if they could still put a building on the property after they are approved for a parking lot. He stated he would like to be notified when the tech meeting is held. Ms. Gray stated they technically could put a building on the lot at any time, however, the specifications of the lot would make that difficult to do. Mr. Brown stated that they are not against the parking; their concerns are that they are still residents on that street and want to make sure the street is still open for use, including emergency vehicles and mail delivery.

Ms. Deneice Brown, 540 Palmer, stated they care about the depreciation of their home and want it to have value in later years.

Georganna Haltom stated she owns the property on the other side of what is to be the parking lot. Ms. Haltom stated she does not object to the parking lot. She stated that she would like to suggest that there not be a building placed on the property and would like a buffer placed on her side of the parking lot.

Ms. Gray stated that if the petitioner commits to the items requested by the adjoining property owners and the use variance is granted, if the property passes to someone else they could put a structure on the property if the parking lot is removed.

Rev. Martin questioned how many residents live on Palmer Street. Mr. Holmes stated there is a 3 unit apartment and the Brown's house. Mr. Alan questioned if Homeview could put a garage on the property. Ms. Gray stated they could put a structure on it but they would have to comply with the ordinance. Rev. Martin questioned if Homeview is sure that they are going to build a parking lot. Mr. Bourquein stated at this point he is sure that if a use variance is granted, they will build a parking lot. If they don't get a use variance, there is a good chance they will have to move the entire facility.

Staff recommends approval with the following conditions:

- a. A site development plan approval is required prior to construction.
- b. Final design of the site shall be substantially similar to the proposed preliminary site plan dated August 20, 2014.
- c. Notification is to be given to the adjoining property owners of the date and time of the technical review committee meeting, at least five days in advance.
- d. The buffering as presented will be in place for all adjoining property owners.
- e. No building is to be built on the property.

Mr. Bourquein stated they do agree with the conditions in the staff report and the 3 additional conditions recommended by Ms. Gray. Mr. Barrow asked staff if the landscaping requirements have been met in the preliminary drawings. Mr. Getchell stated that in reference to the buffering, the ordinance calls for landscaping along the street but does not require it between the adjoining properties because they are all zoned institutional.

Ms. Haltom stated there is a fence between her property and Homeview's property and she would like it to remain there or another one put in its place. Mr. Bourquein stated they will keep the fence in place.

Action taken on ZB 2014-12 (UV) Homeview Center:

Phil Barrow made a motion to approve the variance with the following conditions:

- a. A site development plan approval is required prior to construction.
- b. Final design of the site shall be substantially similar to the proposed preliminary site plan dated August 20, 2014.
- c. Notification is to be given to the adjoining property owners of the date and time of the technical review committee meeting, at least five days in advance.
- d. The buffering as presented will be in place for all adjoining property owners.
- e. No building is to be built on the property.

Jim Martin seconded the motion. A roll call vote was taken and the motion carried. The request was approved unanimously.

Other:

Approval of the 2015 BZA Calendar of Meeting Dates:

Jim Martin made a motion to approve the 2015 Calendar as presented. Brian Alsip seconded the motion. The motion carried.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 5th day of November, 2014.

Tim Holmes, Chairman

Jim Martin, Secretary