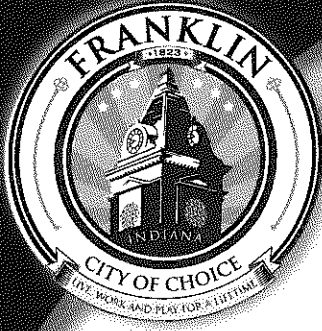




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

November 5, 2014

Members Present:

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

President
Vice-President
Secretary
Member
Member

Others Present:

Alex Getchell
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 October 1st, 2014 minutes as presented. Phil Barrow seconded the motion. The members voted to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

None.

New Business:

ZB 2014-13 (V) 1675 S Old US Hwy 31:

The petition is for development standards variance to allow a parcel where a septic system is used to be split and/or reduced to less than two acres in lot area in the Rural Residential zoning district. A variance is needed as the petitioner wants to split a 3 acre parcel down to a 1 acre parcel with residence and combine the remaining 2 acres with an adjoining property to the south. The zoning ordinance requires lots served by septic systems to be on at least 2 acres to allow enough room onsite to construct a backup, or secondary, septic system in the event the original should ever fail.

Scott Coons, owner, stated he called John Bonsett from the Health Department. He stated that Mr. Bonsett originally told him that they don't have enough room on the proposed one acre parcel for another septic system. He stated that he and Mr. Bonsett walked the property, and after few minutes,

Mr. Bonsett agreed that it was a big back yard with a lot of room. Mr. Coons stated that he provided Mr. Bonsett with measurements of the property and Mr. Bonsett gave him a letter by that afternoon, that it was okay. The house is in the corner of the lot with one tree and one big yard. He is requesting to split off one acre and combine the remaining two acres with his other property.

Mr. Coons stated the petition will not be injurious to the public. He stated they have enough room to put a large septic system in. He stated Mr. Bonsett told him there is enough room in the one acre lot.

Mr. Coons stated the adjacent property will not be affected in a substantial manner.

Mr. Coons stated there is a practical difficulty in that the one acre is all that the people that want it can handle. Mr. Getchell stated that he owns two separate parcels. He wants to split one acre off the front of the three acre parcel and combine the remaining two acres with the parcel to the south. Both parcels have homes on them. Mr. Coons stated his mother lives in one house and she can't take care of three acres. Mr. Coon explained that the new septic system will be 25 feet off of all borders of the parcel.

Staff recommends denial of the variance, however if the Board finds sufficient evidence to approve the variance, Staff makes the following condition:

- a. Petitioner shall record a secondary septic system easement, as shown on the site plan submitted with this petition (marked "Future Septic Field"), at the same time as the recording of the parcel split which would reduce the lot to one acre. A copy of the recorded secondary septic system easement shall be provided to City of Franklin Planning staff within 30 days of recording.

Action taken on ZB 2014-13 (V) 1675 S Old US Hwy 31:

Brian Alsip made a motion to approve the petition with the condition mentioned by Staff:

- a. Petitioner shall record a secondary septic system easement, as shown on the site plan submitted with this petition (marked "Future Septic Field"), at the same time as the recording of the parcel split which would reduce the lot to one acre. A copy of the recorded secondary septic system easement shall be provided to City of Franklin Planning staff within 30 days of recording.

Rev. Martin seconded the motion. The motion carried.

ZB 2014-14 (UV/V) 350 E. Madison Street:

The petition is for a use variance to allow the operation of a variety store in the RTN zoning district and also a request for a developmental standards variance to allow more than 6 sq ft of sign area in the RTN zoning district. A variance is needed as they are requesting 140 sq ft of wall signage and to be allowed window signage in two windows proposed on the west facade of the building.

Rob Shilts, Executive Director of Franklin Heritage, Inc., stated the property was built in 1918 and was a bakery. It is now owned by Holbrook Manufacturing and is mainly used for storage, there is no actual manufacturing going on there. FHI has been looking for a downtown location for their salvage operation. They've been looking for four years for a suitable location as they are now located out on Hamilton Avenue at the old Street Department. He stated they are requesting a variance because the entire area is zoned residential and they would be using the building for a commercial purpose.

Mr. Shilts stated the approval will not be injurious to the public. He stated it has been a commercial building since 1918. They will provide public parking on the adjacent piece of land.

Mr. Shilts stated the adjacent property will not be affected in an adverse manner. He stated their goal is to restore a property to its original condition and it has historically always been commercial.

Mr. Shilts stated the application of the ordinance will result in a practical difficulty. He stated it's located in a residential zoning district and the property has only ever been used as commercial.

Mr. Shilts stated there will be an unnecessary hardship. They are looking at reusing it as a commercial property as it can't be used as a residence.

Mr. Shilts stated it does not interfere substantially with the comprehensive plan. They are taking a commercial building and keeping it a commercial building. They will be restoring the building to its original look and feel.

Staff recommends approval for the use variance with the following conditions:

- a. Retail area limited to 2,100 sq. ft. in area.
- b. A minimum of nine (9) parking spaces shall be provided specifically for the variety store use.
- c. An application shall be submitted to the Division of Fire & Building Safety Plan Review Branch of the Indiana Department of Homeland Security for the change of use, and the structure shall meet all building code requirements for the change of use.
- d. There will be no outdoor storage of products.

Mr. Shilts agreed with the conditions.

Mr. Shilts stated the approval of the signage will not be injurious to the public. He stated the purpose is to put the building back historically accurate. He stated they are trying to bring back the period signage to what it was.

Mr. Shilts stated the approval will not be injurious to the community. He stated as they restore properties they are respectful of the properties and that includes the signage.

Mr. Shilts stated the adjacent property will not be affected in an adverse manner. The signage will be similar to what was there for almost 50 years.

Mr. Shilts stated there is a practical difficulty in that the use of the property is zoned RTN and they would be reduced to about 6 feet of signage. They would be improving the area and restoring the sign to something similar that was there originally.

Staff recommends approval on the signage with the following conditions:

- a. Sign permit shall be obtained prior to installation of the sign.
- b. Sign shall be externally lit only, as shown on the proposed building elevation, and all lighting shall meet the standards outlined in Article 7, Chapter 18, Exterior Lighting Standards, of the zoning ordinance.

Mr. Getchell noted that the word "eternally" in the second condition in the staff report should be changed to "externally".

Mr. Shilts agreed with the conditions.

Action taken on ZB 2014-14 (UV/V) 350 E. Madison Street:

Jim Martin made a motion to approve the use variance with the following conditions:

- a. Retail area limited to 2,100 sq. ft. in area.
- b. A minimum of nine (9) parking spaces shall be provided specifically for the variety store use.
- c. An application shall be submitted to the Division of Fire & Building Safety Plan Review Branch of the Indiana Department of Homeland Security for the change of use, and the structure shall meet all building code requirements for the change of use.
- d. There will be no outdoor storage of products.

Rev. Martin seconded the motion. The motion carried. The variance was granted.

Jim Martin made a motion to approve the developmental standards variance with the following conditions:

- a. Sign permit shall be obtained prior to installation of the sign.
- b. Sign shall be externally lit only, as shown on the proposed building elevation, and all lighting shall meet the standards outlined in Article 7, Chapter 18, Exterior Lighting Standards, of the zoning ordinance.

Phil Barrow seconded the motion. The motion carried. The variance was granted.

ZB 2014-15 (UV) Franklin Heritage, Inc.:

The petition is for a use variance to construct a parking lot on the property directly west of 350 E Madison Street between the railroad tracks and Depot Street. The property is in the RTN zoning district. A variance is needed as a parking lot as a primary use is not permitted in the RTN district.

Mr. Shilts stated the general welfare of the community will not be affected in an adverse manner. He stated the store will have 1 spot per every 300 feet of retail space plus space for employees. He stated the area is growing and they hope to help some of the other businesses with parking. Ms. Gray stated that they have to meet a minimum of 9 spaces but they could put in more than that.

Mr. Shilts stated the adjacent property will not be adversely affected. He stated many of the neighbors park there already and the parking lot will help those parking in the grass.

Mr. Shilts stated there will be a practical difficulty in complying with the parking standards. There is no parking on the actual site as the building takes up 98% of the lot.

Mr. Shilts stated there will be an unnecessary hardship. He stated they would be unable to construct any of the required parking spaces for the salvage operation, employees, and customers.

Mr. Shilts stated the variance will not interfere with the comprehensive plan. He stated the area is quite vibrant right now and the parking will have an impact on the businesses.

Rob Henderson, City Council, stated he supports the project. He's visited the site and heard the plans and believes it will be a complimentary use. He stated the additional parking will be valuable to the area. Mr. Henderson questioned the private parking signage recommendation in the staff report. Mr. Getchell stated the variance is specifically for their 9 parking spaces that are required. If they want to add more spaces, they can.

Mr. Barrow questioned if there would be any outside storage. Mr. Shilts stated there will not be. They will have large garage doors that will be opened. Mr. Shilts stated Holbrook Manufacturing owns the building and the area where the parking will be. The lot currently has grass and gravel in it.

Staff recommends approval for the parking lot with the following conditions:

- a. Site Development Plan shall be reviewed and approved by the Technical Review Committee prior to construction.
- b. At least one (1) space shall be reserved for disabled persons, consistent with the requirements in Article 7, Chapter 10, Part 3, Non-Residential Parking Standards, in the zoning ordinance.
- c. Signage to be provided indicating nine (9) parking spaces are for use of Franklin Heritage, Inc. Architectural Salvage Patrons only.

Mr. Shilts stated he agreed with all the conditions.

Action taken on ZB 2014-15 (UV) Franklin Heritage, Inc.:

Phil Barrow made a motion to approve the motion with conditions recommended by Staff:

- a. Site Development Plan shall be reviewed and approved by the Technical Review Committee prior to construction.
- b. At least one (1) space shall be reserved for disabled persons, consistent with the requirements in Article 7, Chapter 10, Part 3, Non-Residential Parking Standards, in the zoning ordinance.
- c. Signage to be provided indicating nine (9) parking spaces are for use of Franklin Heritage, Inc. Architectural Salvage Patrons only.

Jim Martin seconded the motion. The motion carried. The variance was granted.

Other:

None

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 3rd day of December, 2014.


Tim Holmes, Chairman


Jim Martin, Secretary