

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

August 3, 2016

Members Present:

Tim Holmes	Chairman
Phil Barrow	Vice-Chairman
Jim Martin	Secretary
Brian Alsip	Member

Members Absent:

Rev. Richard Martin	Member
---------------------	--------

Others Present:

Alex Getchell	Associate Planner
Lynn Gray	Legal Counsel
Julie Spate	Recording Secretary

Call to Order:

Tim Holmes called the meeting to order at 7:01 pm.

Approval of Minutes:

Phil Barrow made a motion to approve the June 1, 2016 minutes. Jim Martin seconded the motion. The motion to approve the minutes was unanimously approved.

Swearing In:

Lynn Gray swore in Scott Setser.

Old Business:

None.

New Business

ZB 2016-10 (V) – Scott Setser

Alex Getchell introduced the case. ZB 2016-10 is a petition for two developmental standards variances. The first is a variance from Article 5.4 to allow outdoor storage and display of merchandise vehicles in the Gateway-Overlay district and the second is a variance from Article 7.10 to allow merchandise vehicles to be parked without individually painted parking spaces in the MXC and Gateway-Overlay zoning districts. A variance is needed as merchandise is not allowed to be stored outside unless immediately adjacent to the building or enclosed by a wall or a wall and fence combination. All vehicles including merchandise vehicles are also required to be parked in individually striped parking spaces, and the applicant is requesting merchandise vehicle storage areas without individually painted parking spaces.

Scott Setser presented their desire for parking spaces and the plan for 25-30 cars parked for sale there. Eventually, they want to be able to expand to the south, as well. He further introduced himself and his background in the business, stating he operates used car businesses in Greenwood and Trafalgar. Mr. Setser stated, if approved, he would move the Trafalgar store to this location. Mr. Setser broke down the layout of the entire property of parking spaces, dumpster and emergency vehicle access.

Mr. Setser then addressed the statutory criteria:

General Welfare – The plan is to improve the property to avoid any health hazard.

Adjacent Property – The same plan was identified as presented for General Welfare.

Practical Difficulty – The current variance only allows for 10 cars and requires painted delineated spaces, so it is impossible for a used car lot without the variances. Mr. Setser stated without the variances, he would not be able to have a display area for customers to shop vehicles.

Ms. Gray also asked if Mr. Setser could comply with the staff recommended conditions and he assured that he could comply with every one of the staff recommendations. Mr. Setser stated the required property survey (from staff recommended conditions) is in the process of being completed.

Mr. Barrow asked if Mr. Setser would have to come before BZA again if he wants to expand into the south lot. Mr. Getchell clarified that this request is for both pieces of property. Purchase agreements are in place for both properties. Ms. Gray cited staff's recommended condition "i.", and stated that condition would require Mr. Setser to return to BZA to receive approval for the later expansion. Mr. Getchell concurred.

Mr. Barrow asked about the planned use for the actual building space. Mr. Setser explained plans for the building are not completely in place. Ms. Gray instructed Mr. Setser to stay in touch with Mr. Getchell for any future proposed changes. Mr. Barrow asked if there will be any outside car repair work done. Mr. Setser assured no plans for such.

Mr. Martin asked if the lot will be paved. Mr. Setser cited that it would. Mr. Getchell stated the gray areas shown on Exhibit B, are all currently paved and further explained staff's reasoning for condition "a." Mr. Getchell stated the survey required by condition "a." would show exactly what areas are paved and where those areas are, in relation to the property lines. Condition "a." will allow staff to determine if what Mr. Setser is proposing can actually be accomplished onsite.

Mr. Barrow asked if one handicap space is enough and Mr. Getchell stated that one handicap space is all that is required.

Tim Holmes called for the staff recommendation. Mr. Getchell reported the recommendation for approval with identified conditions.

- a. A site plan (to scale) delineating the individual parking stalls and the merchandise display areas shall be provided to Planning Staff for review and approval prior to pavement markings being placed and the commencement of the automobile sales business. An ALTA/ACSM Land Title Survey shall be included in the site plan submittal in order to establish the exact limits of the properties to ensure that all improvements are provided on site and meet minimum requirements of the Zoning Ordinance.
- b. The merchandise vehicle storage areas, without individually painted parking spaces, shall have a solid white line, marked with appropriate pavement markings, for the entire boundary of the storage areas, as approved by Planning Staff per Item A above.

- c. All merchandise vehicles shall be stored completely within the marked boundaries of the merchandise vehicle storage areas. Merchandise vehicles parked over the boundary line or within any of the required employee or customer parking spaces or interior drives shall be strictly prohibited.
- d. Merchandise vehicle parking within the public right-of-way shall be strictly prohibited.
- e. Vehicle parking, of any kind, in the grass or on an unpaved surface shall be strictly prohibited.
- f. Required parking spaces for employees and customers shall be provided as individually delineated parking spaces and shall be marked with appropriate pavement markings, as indicated on the attached site plan, and in accordance with the zoning ordinance standards.
- g. Storage of car carrier trucks and/or trailers, including loading/unloading, in excess of two (2) hours shall be prohibited.
- h. The south entrance from Nineveh Street shall be completely blocked off (onsite) to prevent vehicular traffic, with appropriate barriers, not merchandise vehicles, until such time as the business expands to the south and/or a new merchandise vehicle storage plan is designed and approved.
- i. Redesign of the parking lot and traffic flow upon the existing improvements, as approved by Planning Staff per Item A above, or the expansion of the automobile sales operation, including merchandise display areas, shall require Board of Zoning Appeals review and approval.
- j. All applicable permits/approvals shall be obtained, including but not limited to: site development plan approval, building permits, sign permits, etc.

Mr. Holmes asked Mr. Setser if the conditions were acceptable. Mr. Setser responded that the conditions were "very acceptable."

Mr. Martin made a motion to approve the variances requested with staff recommendations A through J. Mr. Barrow seconded the motion. The variances were granted with conditions A through J.

Other:

None.

Adjournment:

There being no further business, the meeting was adjourned at 7:23 pm.

Respectfully submitted this 7th day of September, 2016.

Tim Holmes, Chairman

Jim Martin, Secretary