

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

November 1, 2017

Members Present

Tim Holmes	Chairman
Phil Barrow	Vice Chairman
Jim Martin	Secretary
Richard Martin	Member

Members Absent

Brian Alsip	Member
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Others Present

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

Call to Order

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

Approval of Minutes

Phil Barrow made a motion to approve the September 6, 2017 minutes. Jim Martin seconded the motion. The minutes were approved, 4-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2017-15 (V) – Emerson Masonry, Inc.

Alex Getchell introduced the case and stated it was publicly notified appropriately and in a timely manner. Mr. Getchell stated the request is a use variance request by Emerson Masonry for the property at 917 Graham Street. The property is approximately 0.38 acres and is zoned Residential Traditional Neighborhood (RTN). The Comprehensive Plan also calls for the area to be Traditional Residential. The applicant's request is for a use variance to be allowed a contractor's warehouse or storage facility in the RTN zoning district. Mr. Getchell further identified the five decision criteria that would need to be addressed by the petitioner.

Mr. Holmes asked staff what other uses had been on the property in the past. Mr. Getchell stated he was aware of light-intensity commercial businesses, such as draperies and wallpaper storage without

customers on site and with only one or two employees, and a carpet cleaning storage business with one or two employees on site and no customer traffic.

Petitioner, and owner of Emerson Masonry, Chris Emerson thanked Mr. Getchell and the Board for their attention to this case. Mr. Emerson addressed four of the decision criteria:

General Welfare – Mr. Emerson stated they have no plans to affect the public health, safety or morals of the surrounding properties. They have no plans for the outside of the property other than employee parking. Vehicles will be pulled inside occasionally and some tool storage.

Adjacent Property – Mr. Emerson stated they would not affect the use and value of the adjacent properties. They plan to make the property look better by removing algae from the siding, trimming back overgrown bushes and maintaining the gravel parking lot.

Peculiar Situation – Mr. Emerson stated it is a commercial property in a residential environment. It is unlikely that an investor would come in at this time and level the building to put in a residence.

Unnecessary Hardship – Mr. Emerson stated that because of the peculiar situation, it brings an unnecessary hardship for what an investor would do on this property.

Comprehensive Plan – Mr. Emerson stated he is in full agreement with staff's report.

Mr. Emerson stated they have full intentions to comply with all staff recommendations. They want to use if only for interior warehouse storage. Currently they lease a building in Bargersville that they want to now use this building for, and it is all interior storage. The business is growing and they may add a fourth employee in the future, acknowledging that a maximum of four in the office will be plenty for them. They want to have small security cameras on the exterior of the building.

Mr. Holmes opened the public hearing by asking if there was anyone in the audience wishing to speak for or against the request.

Bobby Seng, resident of 915 Graham Street just south of the property, spoke in support of granting the use variance. He felt Mr. Emerson will make the property look better and upgrade and beautify the neighborhood and increase security. Ms. Gray added that security cameras do not violate any aspect of the ordinance, in regard to lighting standards.

Mr. Holmes asked the petitioner if he would agree to all ten of staff's recommended conditions of approval. Mr. Emerson confirmed he agreed with staff's conditions.

Richard Martin stated he thought seven parking spaces were required but did not see a condition from staff. Mr. Getchell explained that with the nature of the use request being indoor storage and the proposed condition for vehicles and trailers to be stored indoors, he did not include a condition for number of required outside parking on the gravel lot, as the gravel area is more than sufficient for the three or four employees. Ms. Gray added that with the gravel lot, the condition is only that it be maintained and can't be expanded, so that addressed the issue.

Mr. Emerson asked if putting a fence in the back of the property in the future would be permitted. Ms. Gray explained that nothing about the use prohibits putting up a fence as long as it is in accordance with setback requirements and developmental standards requirements. Mr. Getchell added that since the property is in a residential zoning district, the fence would have to adhere to the residential fence guidelines. It can go up to six feet in height for a privacy fence and up to the property lines. Mr. Getchell clarified that a permit is not needed as long as it is built per guidelines.

Mr. Barrow asked if there is any fencing on the property currently. Mr. Seng identified a small three-foot chain link fence on the north side of the parking lot.

Mr. Getchell gave staff's recommendation for approval with conditions as enumerated in staff report. Mr. Emerson confirmed his agreement with the conditions.

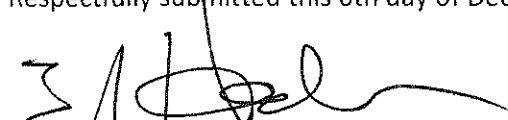
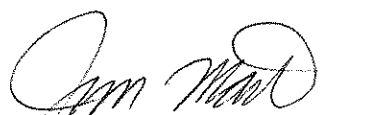
Mr. Martin made a motion to approve the use variance, ZB 2017-15, with staff recommended conditions a. through j. Rev. Martin seconded the motion. The motion passed unanimously, 4-0.

Other Business

Adjournment:

There being no further business, the meeting was adjourned at 7:17 pm.

Respectfully submitted this 6th day of December, 2017.


Tim Holmes, Chairman
Jim Martin, Secretary