

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

January 3, 2018

Members Present

Tim Holmes
Phil Barrow
Jim Martin
Brian Alsip (Arrived at 7:06pm)
Rev. Richard Martin

Chairman
Vice Chairman
Secretary
Member
Member

Others Present

Alex Getchell
Lynn Gray
Julie Spate

Senior Planner
Legal Counsel
Recording Secretary

Call to Order

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

Election of Officers

a. Chairman – Mr. Martin made a motion to elect Mr. Holmes as Chairman. Mr. Barrow seconded. The motion passed unanimously.

b. Vice-Chairman – Mr. Martin made a motion to elect Mr. Barrow as Vice-Chairman. Mr. Holmes seconded. The motion passed unanimously.

c. Secretary – Rev. Martin made a motion to elect Mr. Martin as Secretary. Mr. Barrow seconded. The motion passed unanimously.

Appointment of Legal Counsel

Mr. Martin made a motion to appoint Lynn Gray as Legal Counsel. Mr. Barrow seconded. The motion passed unanimously.

Approval of Minutes

Mr. Martin made a motion to approve the minutes as submitted. Mr. Holmes 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 2017-17 (V) – Direct Conveyors

Alex Getchell introduced the case as a request for developmental standards variance for the Direct Conveyors project, with Runnebohm Construction representing the request. Mr. Getchell stated the subject property is at 91 Linville Way and is approximately 5.07 acres. The zoning of the project is Industrial Light (IL) and the Comprehensive Plan also calls for this area to be used as Light Industrial. He stated the specifics of the variance request are to permit an accessory structure, in this case a dumpster enclosure, in a front yard. Last month they had a similar request to allow for loading berths to be located in a front yard along Linville Way. The property has two front yards, one along Commerce Parkway and one along the new Linville Way. The 10'x10' dumpster enclosure will be at the end of the truck turnaround. Mr. Getchell reminded the Board the three decision criteria, related to the General Welfare, Use and Value of Adjacent Properties, and Practical Difficulty. Mr. Getchell stated the request was publicly notified correctly and in a timely fashion.

Mr. Alsip arrived during Mr. Getchell's introduction of the case, at 7:06pm.

Ms. Gray asked Mr. Getchell if the request is only for the dumpster enclosure location to be in the front yard. Mr. Getchell confirmed and stated the petitioners would still have to meet the requirements for screening and landscaping of the dumpster enclosure.

Kris Lasure from Runnebohm Construction presented on behalf of Runnebohm Construction. Mr. Lasure addressed the three decision criteria:

General Welfare: Mr. Lasure stated approval will not be injurious. The new public street will only serve industrial users. It is not proposed for the higher traffic area of Commerce Parkway.

Adjacent Property: Mr. Lasure stated the use and value will not be affected substantially in an adverse manner as the dumpster enclosure is proposed for the front yard of Linville Way, a local street only serving other industrial users. Surrounding properties are Light Industrial zoned properties, industrial users and agricultural crop fields.

Practical Difficulty: The strict application of the ordinance would result in a practical difficulty. The proposed location of the enclosure is for the east side of the building along Linville Way to accommodate adequate access. It will be designed and screened as per Franklin code.

Chairman Holmes opened the public hearing by asking if there was anyone in the audience wishing to speak for or against the request. No one appeared.

There being no further questions from the Board, Chairman Holmes asked staff to present their recommendation. Mr. Getchell stated staff's recommendation is for approval with two conditions, as outlined in the staff report:

- a. Approval of a dumpster enclosure in a front yard is limited to the Linville Way front yard only.
- b. The dumpster must be screened from adjacent properties and the public right-of-way in accordance with Article 7, Chapter 17, Part 2 (A), Buffering & Screening Standards, which include an opaque fence or wall six feet in height and landscape plantings surrounding the dumpster.

Mr. Lasure stated the proposed conditions are acceptable to the applicant.

Mr. Martin made a motion to approve ZB 2017-17 (V) with the two conditions recommended by staff. Mr. Barrow seconded. Ms. Gray reminded due to his late arrival that Mr. Alsip was eligible to either vote or recuse himself from voting. The motion passed, unanimously, 5-0.

Other Business

Mr. Martin asked if the board would be willing to move the meeting time to 6:00 p.m. Mr. Alsip stated he could not easily and consistently make 6:00 p.m. Ms. Gray said with Plan Commission's change from 7:00 p.m. to 6:00 p.m., BZA is the latest City meeting. Ms. Gray also stated it needs to be determined if it is too late to change the meeting time, if the calendar has already been legally published for the year. Mr. Getchell added that as a smaller board, if a member is frequently unable to attend, it could become difficult to have a quorum at times. Ms. Gray summarized that first the Board must determine if they want to change the meeting time to 6:00 p.m. and then secondly if it is legally possible.

Mr. Martin made a motion to change the meeting time to 6:00 p.m. starting with the February meeting, if legally possible. Mr. Barrow seconded. Motion passed 3-2 with nays from Mr. Alsip and Chairman Holmes. Ms. Gray will research if the change is legally possible and the Board will be notified with the listed meeting time on February's agenda.

Adjournment:

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

Respectfully submitted this 7th day of February, 2018.

Tim Holmes, Chairman

Jim Martin, Secretary