MINUTES

City of Franklin, Indiana
BOARD OF ZONING APPEALS

June 6, 2018

Members Present

Jim Martin	Chairman
Rev. Richard Martin	Secretary
Charlotte Sullivan	Member

Others Present

Alex Getchell	Senior Planner I
Heath Johnson	Legal Counsel
Julie Spate	Recording Secretary

Call to Order
Jim Martin called the meeting to order at 6:00pm.

Roll Call & Determination of Quorum

Approval of Minutes
Richard Martin made a motion to approve the minutes as submitted. Charlotte Sullivan seconded the motion. Passed.

Swearing In
Heath Johnson swore en masse anyone planning to speak.

Old Business
None.

New Business

ZB 2018-04 (V) – Johnson County Fairgrounds Sign
Alex Getchell introduced the request by Tharp Realty Group at 480 N Morton Street, the Dairy Queen restaurant. The property is zoned MXC for Mixed Use Community Center and is in the Gateway Overlay District. The Comprehensive Plan calls for this area to be a Community Activity Center. The requests are related to the existing Johnson County Fairgrounds sign located on the Dairy Queen corner. Mr. Getchell stated they want to change out the sign and add additional tenant panels for the operation center building behind the Dairy Queen and Pizza Hut. Mr. Getchell stated there were two variances requested. The first variance is for two free-standing signs to be on a property. The zoning ordinance only allows for one freestanding sign on this property. The second variance is related to the conversion to a multi-tenant sign. He stated the Zoning Ordinance does not permit multi-tenant signs and individual free-standing signs on outlots in the same development.

Mr. Getchell stated the existing Johnson County Fairgrounds sign was approved by variance previously, and at that time it was due to it being an off-premise sign. He stated at that time two free-standing signs were permitted. The current sign standards only allow one freestanding sign and multi-tenant signs are not permitted with other individual freestanding signs utilized. The Public Notice was completed correctly and the case is ready for discussion and action.

Indianapolis attorney Bill Niemier presented on behalf of the Dairy Queen owners, Don and Carol Napier. Mr. Niemier stated his clients were requesting the two variances as aforementioned by Mr. Getchell. Mr. Niemier explained the development to be made up of four different parcels making up the Leonard Miner plat. There is an existing sign eight feet from the curb of the private access driveway between Wendy's and Dairy Queen. Their proposal is to move that sign 10 feet to the south so it will free up sightlines of motorists and pedestrians. The four properties in the plat are the Dairy Queen, an office building behind it known as the Operations Center, Pizza Hut and Horizon Bank. Mr. Getchell stated he believed the Horizon Bank was not part of the plat. Mr. Niemier stated his copy of the recorded plat shows Horizon Bank is part of it. Mr. Niemier stated the Johnson County Fairgrounds sign will be upgraded to look nicer and sign panels added below the reader board. Mr. Niemier believed the request should be granted because by moving the sign they are greatly increasing the safety in the neighborhood. They are not requesting additional signs, just the location and makeup of the existing sign will be altered.

Mr. Niemier addressed the statutory criteria:
General Welfare: He represented it will not be adverse because one of the goals of the sign ordinance is to eliminate actual or potential hazards. The current signage obstructs vision, so by moving it 10 feet to the south a much safer situation is being created and will benefit the general welfare.

Adjacent Property: There is no indication that moving an existing sign and allowing sign panels will negatively impact surrounding properties.

Practical Difficulty: Mr. Niemier stated the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. He noted his client's voluntary allowance of the placement of the sign by the fairgrounds, and at no cost, though not a member of the plat. He also stated, that due to the limited space along Morton Street, due to the configuration of the plat, there is no other meaningful location for freestanding tenant signage. Additionally, they would like to highlight the Health Department's location in the Operations Center building, to assist patrons.

Chairman Martin opened the public hearing, by asking if there was anyone in the audience wishing to speak for or against the request. No one came forward. Chairman Martin asked if there were any questions from the Board of either the petitioner or of staff. There were none. Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation that if the Board finds sufficient evidence to approve the variance, the following condition was recommended:

1. Sign permits shall be obtained prior to installation of all signage.

Mr. Niemier proposed one additional commitment, that if the request is granted, the petitioner would agree not to request any additional signage. Mr. Getchell asked who was specifically was making that commitment. Mr. Niemier responded that it was each member of the plat. Mr. Getchell stated he did not believe Mr. Niemier had the authority to make that commitment on behalf of the other parties unless they have specifically granted him authorization to do so. Mr. Niemier amended his proposed commitment to include only Dairy Queen and the Operations Center building, for which he also has authority to speak. Mr. Getchell asked if that commitment included building signage or was just for freestanding signage. Mr. Niemier clarified the commitment was just for freestanding signage only. Mr. Getchell stated he believed that to be acceptable and enforceable since Mr. Niemier represents both parties.

Ms. Sullivan asked if any more than the four presented panels would be added. Mr. Niemier stated no more signage would be added.

Mr. Getchell asked for confirmation that the existing cabinets will be reused in the proposed sign. Mr. Niemier could not confirm that due to technological advances. Rev. Martin agreed that it is a positive to move the sign further south. Mr. Getchell said this information about new sign cabinets changes the situation under review because there would be less of a practical difficulty in the amount of square footage being used. He stated changing the sign cabinets out for new ones, rather than reusing the existing cabinets and reader board, is introducing the option to constrain it a little bit. Mr. Getchell recommended another condition of approval that the new cabinets and reader board not exceed the existing cabinet sizes. Mr. Niemier gave petitioner's agreement to the size restraint, but not the technology. Mr. Getchell restated the three recommended conditions – 1.) obtain sign permits prior to construction, 2.) Dairy Queen and the Operation Center building will not request any additional free-standing signage in the future, and 3.) the top two cabinets must not exceed the dimensions of the existing two cabinets from the Johnson County Fairgrounds sign.

Rev. Martin made a motion for approval with the three recommended conditions. Ms. Sullivan seconded the motion. The motion passed unanimously, 3-0.

ZB 2018-05 (V) – 198 S. Main St. (CONTINUED – Improper Notice

Mr. Getchell explained this to be continued to the July meeting because they didn't get their notification to the paper in time.

ZB 2018-06 (UV) – Truster Building & Fence

Mr. Getchell introduced this request from Matt Legan with Truster Building & Fence. The property is located at 285 Province Street and is approximately three-quarters of an acre. The property is zoned IG for Industrial General and the Comprehensive Plan calls for this area to be Manufacturing. The request is for a Use Variance to be permitted a contractor's warehouse or storage facility in the IG zoning district. He stated that to the south of the property is residential and to the north, east, and west is more manufacturing and industrial uses. The petitioner proposes a six-foot opaque fence to surround the outdoor storage area to the back of the property and adding parking spaces for their employees. He stated they are required to have seven spaces and are providing eight. The Public Notice was completed correctly and the case is ready for discussion and action.

Mr. Legan from Truster Building & Fence addressed the five decision criteria:
General Welfare: Mr. Legan stated the building has been in disrepair and they plan to invest to increase its curb appeal.
Adjacent Property: He stated to the east, west and north are all commercial type businesses. Mr. Legan maintained that what they have would fit well with the surrounding area.

Peculiar Situation: He stated that since it is a smaller lot and business, he thought they had ample room for growth. Not a lot of inventory is kept on hand but received on an as needed basis.
Unnecessary Hardship: He stated it was the same response as criteria #3.
Comprehensive Plan: He stated he agreed with staff findings.

Mr. Legan described his business of building post frame buildings, pole barns and fences.

Chairman Martin opened the public hearing, by asking if there was anyone in the audience wishing to speak for or against the request. No one came forward. Chairman Martin asked if there were any questions from the Board of either the petitioner or of staff. There were none. Chairman Martin requested staff's recommendation.

Mr. Getchell stated staff's recommendation is for approval with the following conditions:
1. Use Variance approval for a contractor's warehouse/storage facility is limited to, and runs with the applicant, Matt Legan, at the subject property.
2. The legal non-conforming gravel/stone parking surface can be maintained but is not permitted to expand.
3. The outdoor storage area must be screened from the view of public streets and adjacent properties with a minimum 6 foot tall, 100% opaque fence of wood, brick, or stone construction, consistent with Article 7, Chapter 17, Part 2 (A), as depicted by the petitioner in Exhibit C of the Staff Report.
4. Expansion of the stone and/or hard surface area within the fenced storage area shall require Site Development Plan Review and approval, if the expansion results in a greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the storage area currently available on the property.
5. A minimum of seven (7) delineated parking spaces are required to be provided on hard surface, asphalt or concrete, a minimum of 9 feet wide and 18 feet length, for employee parking.
6. At least one parking space reserved for disabled persons must be provided, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.

Petitioner stated he agreed to the recommended conditions.

Ms. Sullivan made a motion to approve with the recommended conditions. Rev. Martin seconded the motion. The motion passed unanimously, 3-0.

ZB 2018-07 (V) – Bastin Logan Water Services, Inc.

Mr. Getchell introduced the two developmental standards variance requests from Bastin Logan Water Services for the property they are looking to develop at 1010 N. Hurricane Road. He stated the property is approximately 9.62 acres and is zoned IG for Industrial General. The Comprehensive Plan calls for the area to be Manufacturing. The first request is for stone or gravel or crushed stone to be used as a surface material in the storage area instead of asphalt or concrete. The Zoning Ordinance requires all parking spaces and interior drives to be a hard surface. Asphalt is planned for the parking lot. The second variance is for the outdoor storage area to be screened by a six-foot tall black vinyl coated chain link fence with rigid black slats. He stated the ordinance requires a solid opaque fence. He stated that where the property abuts the residential properties they propose a solid opaque wood fence.

Jeff Smith of Projects Plus presented on behalf of Bastin Logan Water Services. He repeated the two variances being requested. He also highlighted their desire for the proposed chain link fence to be

around the perimeter of the dumpster area. He reviewed the reasons for the move of Bastin Logan and also again the details for the property and its location. Mr. Smith addressed the three decision criteria:
General Welfare: He stated the equipment required to move the material around in the storage area would tear up asphalt. The chain link fence will start at the rear of the building 300 feet away from the road. Other neighboring properties have similar fencing.
Adjacent Property: He stated the adjacent properties all have industrial uses and they have agreed to screen the residential properties.
Practical Difficulty: He stated other industrial properties in the area have been allowed to use stone in the storage area and screen it with chain link fencing. Mr. Smith expressed that it was not practical to require this site to install the privacy fence. The chain link fence will be partially screened from Hurricane Road by the building itself and proposed substantial landscaping.

Chairman Martin opened the public hearing, by asking if there was anyone in the audience wishing to speak for or against the request. No one came forward. Chairman Martin asked if there were any questions from the Board of either the petitioner or of staff. There were none. Chairman Martin requested staff's recommendation.

Mr. Getchell stated staff's recommendation is for approval with one condition:
1. Expansion of the crushed stone outdoor storage area shall require Site Development Plan Review and approval, if the expansion results in a greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the storage area previously available on the property.

Rev. Martin made a motion for approval with the one recommended condition. Ms. Sullivan seconded the motion. The motion passed unanimously, 3-0.

Other Business

Adjournment:
There being no further business, the meeting was adjourned.

Respectfully submitted this 11th day of July, 2018.

Jim Martin

Jim Martin, Chairman

Richard C. Martin

Rev. Richard Martin, Secretary