

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

October 2, 2019

Members Present

Jim Martin	Chairman
Phil Barrow	Vice Chairman
Brian Alsip	Member
Richard Martin	Member

Others Present

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

Call to Order

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

Roll Call & Determination of Quorum

Approval of Minutes

Phil Barrow made a motion to approve the September 4th minutes. Richard Martin seconded the motion. The motion passed unanimously.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

New Business

ZB 2019-14 (V) – 216 E Jefferson St – Alex Getchell introduced the developmental standards variance request by the new homeowner, Shawn Bennett. His agent, Mike Wood, is in attendance to represent him. The zoning is MXD (Mixed Use: Downtown Center). The Comprehensive Plan calls for this area to have downtown development. The property is currently a single family residence. They are requesting a variance to allow a new accessory structure, a detached garage in connection with a legal non-conforming use. The single family residential use is the legal non-conforming use. An existing carport is on the property, and they wish to change it out to be a detached garage. The property is the third house east of Home Avenue, right next to American Family Insurance and the Moxy Salon to the east. The proposed detached garage is 30' wide, 20' deep and 20' from the rear alley. The MXD zoning district allows for a zero foot setback, so the three foot setback on either side meets the ordinance. Mr. Getchell stated the variance is solely to allow a new accessory structure with a non-conforming use.

Mike Wood, the owner's agent, presented. He explained the planned demolition of the existing carport to be replaced by a detached, one-story, two-car garage. It will have a hip roof design to match surrounding historic homes. A 20-foot concrete slab driveway will connect the garage to the alley behind the property. The garage will include front and rear lighting and will be painted to match the house. Concrete board and not vinyl will be used.

Mr. Wood reviewed the three decision criteria as presented in the staff report, expressing their desire to adopt as written. He went on to address each criteria separately:

1. General Welfare – He stated it will be an improvement over the existing carport built in 1966. The lighting will provide increased public safety and security near the alley.
2. Adjacent Property – He stated the garage will be built three feet from each neighboring property line. It will not impede access to neighboring structures or driveways.
3. Practical Difficulty – He stated the proposed garage will provide significant improved storage versus the existing carport.

Chairman Martin opened the public hearing by asking if anyone wanted to speak for or against the request. No one else was in attendance, so the public hearing was closed.

Rev. Martin asked if there had been any objection from neighbors. Mr. Wood said none had been received, but stated one neighbor expressed support for the carport being taken down. Mr. Getchell added that staff had received no interest in the case. He stated all adjoining property owners were notified, and it was also published in the paper.

Chairman Martin asked if there were any additional questions from the Board; there being none, Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval of the variance as outlined in the staff report, with three conditions:

- a. All applicable permits and approvals shall be obtained prior to construction, including but not limited to an Improvement Location Permit ("Building Permit") for the garage.
- b. Approval of a new structure shall be limited to a 20' x 30' single-story detached garage.
- c. Garage must be setback at least 20 feet from alley.

Mr. Wood stated petitioner's agreement with the three conditions.

During staff's presentation of recommendation, neighbor Chris Chung entered Council Chambers. Though the public hearing was already closed, Mr. Martin permitted Neighbor Chris Chung to ask her questions. Ms. Gray swore her in before speaking. Ms. Chung stated that her property has an easement with the home at 49 N. Home that goes back to the alley. Her concern is with visibility to be able to back out of her driveway. She asked if the 20-foot driveway was to the front of the garage or all the way in to the garage. Mr. Wood stated it to be to the front of the garage and to the south edge of the alley. Ms. Gray thought it to be more visibility than is currently available. Ms. Chung stated her second concern is for cars parked in the driveway outside out of the garage near the alley as it is close for them to get out and make the 90-degree turn. Ms. Chung asked if there could be an agreement for cars to not park in the driveway near the alley. Ms. Gray identified that to be beyond the Board's scope. Ms. Gray stated in this zoning district there is a zero foot setback requirement and the petitioner is setback three feet.

Mr. Wood suggested Ms. Chung speak with Mr. Bennett thinking perhaps multiple visitors at one time could be asked to park to the left of the garage rather than the right. Thirdly, Ms. Chung expressed concern for construction traffic, due to the proximity of the garage to her driveway, parking unwittingly in front of her driveway, blocking her ability to get out. Ms. Gray informed that nothing before the Board today allows for anyone to be on Ms. Chung's private property. Mr. Wood assured he would help monitor the construction traffic to insure it doesn't happen during the course of this project. He will give Ms. Chung his phone number. There being no further questions of comments, Mr. Martin closed the public hearing a second time.

Mr. Barrow made a motion to approve ZB 2019-14 (V) with staff's recommendation and three conditions. Rev. Martin seconded the motion. Mr. Alsip (arrived at 6:18 p.m.) abstained. The motion carried, 3-0.

Other Business

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th day of November, 2019.


Jim Martin, Chairman


Charlotte Sullivan, Secretary