



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING
DEPARTMENT OF COMMUNITY DEVELOPMENT

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

February 3, 2021

Members Present

| | |
|--------------------|---------------|
| Jim Martin | Chairman |
| Phil Barrow | Vice-Chairman |
| Charlotte Sullivan | Secretary |
| Brian Alsip | Member |
| Ashley Zarse | Member |

Others Present

| | |
|---------------|------------------|
| Alex Getchell | Senior Planner I |
| Lynn Gray | Legal Counsel |

Call to Order

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

Roll Call & Determination of Quorum

Election of Officers

- Chairman
- Vice-Chairman
- Secretary

Brian Alsip made a motion to keep last year's slate of officers. Charlotte Sullivan seconded. Passed unanimously, 5-0.

Appointment of Legal Counsel

Ms. Sullivan nominated Lynn Gray to serve as legal counsel. Phil Barrow seconded. Passed unanimously, 5-0.

Approval of Minutes

Mr. Alsip made a motion to approve the minutes of December 2, 2020. Ms. Sullivan seconded. The motion passed unanimously, 5-0.

Swearing In

Ms. Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2021-01 (UV) – 3059 N Morton St. – Alex Getchell presented the use variance request by Matt Kwiatkowski at 3059 N Morton Street. The request is to allow one or two office uses in the classification of an administrative professional office in the IG (Industrial: General) zoning district. The property also falls in the Gateway Overlay District. The Comprehensive Plan Land Use plan calls for the area to be manufacturing. The current use of the property is considered legal non-conforming because it is a government office. According to the ordinance for non-conforming uses, the current and proposed uses are considered dissimilar by ordinance but they are both office uses. The applicant is proposing to relocate his business from West Jefferson Street to this location. The property is immediately south of the Fletcher pre-owned car sales lot and immediately north of the Farm Credit Mid-America building which was approved last fall for a similar use variance request. There are 23 existing parking spaces on site. The Board is required to set the number of parking spaces required whenever a use variance is approved.

Matt Kwiatkowski presented the five decision criteria.

1. General Welfare – With an insurance office, they will continue as the location is currently.
2. Adjacent Property – They will not be affected adversely.
3. Peculiar Situation – Nothing is changing from the current situation.
4. Unnecessary Hardship – The size of the lot is not suitable for an industrial use, but is suitable for an office use.
5. Comprehensive Plan – It does not interfere substantially with the Comprehensive Plan.

A public hearing was held. Developer Billy Bemis, as the builder and current owner of the building, spoke in support of Mr. Kwiatkowski and his request. There is a purchase agreement pending subject to BZA approval of the variance. The public hearing was closed.

Ms. Sullivan asked if a tenant for the other side has been secured. Mr. Kwiatkowski replied in the negative as he is awaiting the BZA decision at this meeting.

Mr. Getchell presented staff's recommendation for approval with five conditions.

- a. Use variance approval is for one or two office uses (administrative/professional office) and approval is limited to and runs with the applicant, Matt Kwiatkowski, at the subject property, 3059 N Morton St.
- b. While the use variance remains active and in effect on the property, no more than two business uses are permitted on the property.
- c. Twenty-three (23) parking spaces shall be provided onsite. Ten (10) spaces are to be allocated for the use of the structure as an office, and the remaining thirteen (13) spaces are allocated for employees and business vehicles stored on-site.
- d. The total number of on-site employees on any given shift and the number business vehicles stored on-site must not together exceed thirteen (13).
- e. All applicable Federal, State, and Local permits / approvals shall be obtained prior to construction activity, including but not limited to: State Construction Design Release, Local Building & Sign Permits, etc.


Conditions are acceptable to both owner Mr. Bemis and prospective buyer Mr. Kwiatkowski. A motion for approval with five conditions was made by Ms. Sullivan, seconded by Mr. Barrow. Passed unanimously 5-0.

Other Business

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 3rd day of March, 2021.


Jim Martin, Chairman
Charlotte Sullivan, Secretary