

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

April 7, 2021

Members Present

Jim Martin
Charlotte Sullivan
Brian Alsip

Chairman
Secretary
Member

Members Absent

Phil Barrow
Ashley Zarse

Vice-Chairman
Member

Others Present

Alex Getchell
Lynn Gray

Senior Planner I
Legal Counsel

Call to Order

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

Roll Call & Determination of Quorum

Approval of Minutes

Brian Alsip made a motion to approve the minutes of February 3, 2021. Charlotte Sullivan seconded. The motion passed unanimously, 3-0.

Swearing In

Ms. Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2021-02 (SE/V) – 730 Industrial Drive/Best Way Disposal – Alex Getchell presented the special exception and developmental standards variance request for 730 Industrial Drive, by Bestway Disposal Transfer Station. The property is zoned IG (Industrial: General) and the Comprehensive Plan calls for the area to be manufacturing. The special exception request is to allow a waste disposal facility and the property is already being used as such, but petitioners are proposing a new structure on the property. The ordinance requires that if there is to be any expansion or new structure with a use that is not permitted by special exception it requires a special exception approval. The developmental standards variances are to allow side and rear setbacks of 15 feet for the new structure, 15 feet from the rear and both side property lines. The plan is to concrete the current gravel area and the building will be placed at the back of the property.

Innovative Engineering representative Tony Rench presented. They currently have features within 17 feet, so Mr. Rench maintained the 15-foot setback request was only a minor change. He reviewed the decision criteria.

Special exception decision criteria; Mr. Rench stated:

General Welfare – He did not believe it would be injurious as it continues the current use on site.

Development Standards – Standards will be met with the exception of the accompanying variance requests from side yard setbacks.

Ordinance Intent – It is IG (Industrial: General) zoning which is the only zoning classification with the special exception use, so the intent will be met.

Comprehensive Plan – In keeping with the ordinance intent, it does meet the Comprehensive Plan requirements as well.

Development standards variance decision criteria; Mr. Rench stated:

General Welfare – It will not be injurious as they are not changing the setback from existing features currently on site.

Adjacent Property – There should be no reduction in value as the current site is staying basically the same.

Practical Difficulty – The site would be difficult to expand with 100-150-foot span and a 50-foot side yard setback.

Chairman Martin opened the public hearing and there were no respondents. Chairman Martin requested any further questions or comment from the Board and there were none. Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval of the special exception with conditions:

1. Special Exception approval for a waste disposal facility use is limited to, and runs with 600 Land, Inc., at the subject property.
2. A minimum of nine (9) passenger vehicle parking spaces are required to be provided on-site. At least one space must be designated for handicap accessible parking.
3. Handicap accessible parking spaces are required in accordance with Article 7, Chapter 10.
4. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.
5. Per the letter from Johnson County Surveyor, Gregg Cantwell, provided for the February Technical Review Committee meeting, "this site will require Johnson County Drainage Board approval.

He also presented staff's recommendation for approval of the developmental standards variance with one condition.

1. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.

The petitioner accepted all conditions associated with both requests.

Ms. Sullivan made a motion for approval of the special exception with five conditions. Mr. Alsip seconded. Passed unanimously, 3-0.

Ms. Sullivan made a motion for approval of the developmental standards variance with one condition. Mr. Alsip seconded. Passed unanimously, 3-0.

ZB 2021-03 (V) – 1982 N 400 E – Mr. Getchell introduced the developmental standards variance request by Wallace Walker. The property is zoned RR (Residential: Rural) and located in the buffer zone. The Comprehensive Plan calls for the area to be Large Lot Suburban Residential. This request is to allow an accessory dwelling to be located on the ground floor of an accessory structure. In the RR (Residential: Rural) zoning district, accessory dwellings are permitted by right. The standards require them to be attached to the primary structure or on the second floor of an accessory structure. The subject property is bordered on the east by I65. The structure would be just north of the house set back at least 47 feet from the west property line; the minimum side yard setback is five feet. Just to the east of the proposed structure will be a pool they will put in. The floor plan indicates it will be an accessory dwelling in conjunction with a pool house.

Attorney Gray asked for the differentiation in definition of an accessory dwelling and second dwelling. Mr. Getchell explained an accessory dwelling to be based on the size, clearly subordinate to the primary dwelling and has to be less than 1000 square feet in area.

Petitioner Nathan Brown represented Mr. and Mrs. Walker as their contractor. He supported all that Mr. Getchell introduced with regards to the project, confirming the plan to take it from a two-story structure to a one-story structure.

Mr. Brown reviewed the decision criteria for a development standards variance; Mr. Brown stated: General Welfare: It is in a rural area with very little surrounding development. They don't plan to do anything significant. It will never be used as rental property.

Adjacent Property: It is surrounded by woods and I65.

Practical Difficulty: They will follow all standards and codes. Because of the original home placement combined with pond and woods, the placement of the accessory structure is limited. The 50-foot setback on the interstate side adds a difficulty as well.

Chairman Martin opened the public hearing and there were no respondents.

Mr. Alsip asked the size of the structure. Petitioner responded that total under roof is 834 square feet not inclusive of the carport.

Chairman Martin requested any further questions or comment from the Board and there were none. Chairman Martin requested staff's recommendation.

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

1. All applicable federal, state, county, and local permits/approvals are required: including, but not limited to, compliance with all building, fire, and health codes.
2. The accessory structure must be constructed as depicted on the building & site plans submitted with this variance application.

The petitioner accepted both conditions.

Ms. Sullivan made a motion for approval with conditions. Mr. Alsip seconded. Passed unanimously, 3-0.

Other Business

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 5th day of May, 2021.

Jim Martin, Chairman

Charlotte Sullivan, Secretary