

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

May 5, 2021

Members Present

Jim Martin
Phil Barrow
Ashley Zarse

Chairman
Vice Chairman
Member

Members Absent

Brian Alsip
Charlotte Sullivan

Member
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

Alex Getchell noted a typo on the agenda citing the minutes dated May 5 as opposed to April 7. The date was correctly noted in the minutes. Ashley Zarse made a motion to approve the minutes of April 7, 2021. Phil Barrow seconded. The motion passed unanimously, 3-0.

Swearing In

Ms. Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2021-04 (V) – Dan Batta – Mr. Getchell introduced the development standards variance request from Dan Batta at 3435 E Greensburg Road. The property is zoned RS-1 (Residential: Suburban One) and is located in the buffer zone though immediately adjacent to Franklin's Corporate Limits. The Comprehensive Plan calls for the area to be large lot suburban residential. Mr. Batta proposes to build a new detached garage, approximately 32'x48', enclosed with a six-foot overhang on one side increasing it to 38'x48'. The variance request is to allow the accessory structure to be located in a front yard. Accessory structure guidelines outline that they are to be placed in a side or rear yard, and to not be any closer to the front yard than the front foundation line of the primary structure. On the petitioner's property, the house is set back approximately 450' from the road. He is proposing the garage be placed

approximately 350' from the road. It will have electric but no water, plumbing or HVAC. The property backs up to the railroad with agricultural crop fields on either side. Franklin College cross country track and athletic fields are across the street. The front portion of the property is wooded.

Dan Batta addressed the decision criteria:

General Welfare: He stated the placement is not directly in front of the house, so it will not change the appearance of the house even if trees did not provide any kind of buffer. They are not a business.

Adjacent Property: He stated they are not by the road, so any future building on adjacent properties should not be affected.

Practical Difficulty: He stated the back yard is not nearly as large as the front yard. The back yard would require an additional electric service.

Chairman Martin opened the public hearing. No one came forward and the public hearing was closed. Chairman Martin requested any questions from Board. There being none, Mr. Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval with four conditions, as outlined in the staff report.

- a. The use of the accessory structure is limited to permitted uses as designated by the RS-1: Residential Suburban One zoning district, only, including uses that meet the standards of a home occupation (ZO Art. 7, Chpt. 7). This should not be interpreted as to allow residential dwelling(s) in the structure.
- b. Commercial or industrial use of the structure is prohibited.
- c. The accessory structure must be constructed as depicted on the building & site plans submitted with this variance application.
- d. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.

Conditions were agreed to by the petitioner. Mr. Barrow made a motion for approval with four staff conditions. Ms. Zarse seconded. Passed unanimously, 3-0.

ZB 2021-05 (V) – Timothy L Flynn – Mr. Getchell gave an overview of this development standards variance request. The property is located at 2590 E 200 S and is in the buffer zone. It is zoned A (A: Agricultural) and the Comprehensive Plan also calls for the area to be agricultural. The petitioner is proposing an addition to an existing detached garage. The existing garage is approximately 32'x40', and the petitioner is proposing a 40'x64' addition with a total height at the peak of 21'. It is to have 14' eave walls and a 4:12 pitch roof. The variance request is to allow an accessory structure to exceed the height and area of the primary structure. The primary structure or residence is approximately 14' in height at the peak of its roof and the area of the residence is 2399 square feet according to assessor records. The addition to the accessory structure will bring the total to 3840 square feet. The petitioner was proposing its use to be trailer storage and antique auto repair inclusive of an auto lift. The property is approximately a half mile west of Mauxferry Road on the north side of E 200 S. The petitioner's property is two parcels. He is working with a surveyor to combine the two parcels in to a single legal description to support the work he desires to do.

Property owner Timothy Flynn reviewed the decision criteria:

General Welfare: He stated the structure is intended for his private use. It will not create obnoxious noise or be a health risk to the community.

Adjacent Property: He stated it will not negatively affect property values or enjoyment of their property. It will make the petitioner's property more pleasing and orderly in appearance as vehicles and equipment will be stored indoors rather than outdoors as is currently the case. Similar structures are on neighboring properties.

Practical Difficulty: He stated his hobby of working on antique vehicles is negatively impacted without an auto lift. His current structure is not high enough nor can it be practically modified to accommodate the lift. His large enclosed car trailer and small bridge crane cannot be put inside his existing structure due to door height.

Chairman Martin opened the public hearing. No one came forward and the public hearing was closed. Chairman Martin requested any questions from Board. There being none, Mr. Martin requested staff's recommendation.

Mr. Getchell gave staff's recommendation for approval with conditions, as outlined in the staff report.

- a. Petitioners must record a new legal description combining their two properties into one tract, and must provide a copy of the recorded document from the Office of the Johnson County Recorder to the City of Franklin Planning Department prior to granting of a Buffer Zone Compliance Certificate approval.
- b. The use of the accessory structure is limited to permitted residential and agricultural uses as designated by the A: Agricultural Zoning district, only, which includes but is not limited to, personal use, uses that meet the standards of a home occupation (ZO Art. 7, Chpt. 7), personal storage, agricultural equipment storage, operable & inoperable vehicle storage of personally owned vehicles, operable & inoperable vehicle repair of personally owned vehicles, storage of personally owned recreational vehicles, utility trailers, boats, and travel-trailers, etc. This should not be interpreted as to allow residential dwelling(s) in the structure.
- c. Commercial or industrial use of the structure is prohibited.
- d. Limited to one automobile lift inside the structure.
- e. Storage of utility trailers, recreational vehicles, including boats and travel-trailers, outside of the proposed enclosed structure, must not exceed a total of 48 hours in any 1-week period with the exception of one 28-foot maximum enclosed car trailer which may be parked adjacent to the existing structure on a designated gravel area for no more than six months.
- f. Outdoor storage of inoperable vehicles and/or vehicle parts is prohibited.
- g. The accessory structure must be constructed as depicted on the building & site plans submitted with this variance application.
- h. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.

Mr. Flynn asked, with regards to condition e, for flexibility on the time allowed for outside storage of a trailer. After a discussion, the Board related to his concern and request for leeway. Condition e was changed to allow for a maximum six months for one 28 foot enclosed car trailer. Condition e was amended to the following: "Storage of utility trailers, recreational vehicles, including boats and travel-trailers, outside of the proposed enclosed structure, must not exceed a total of 48 hours in any 1-week period, with the exception of one 28 foot enclosed car trailer which may be parked adjacent to the existing structure on a gravel surface for no more than six months in any 1-year period."

With the amendment, the conditions were acceptable to the petitioner. Ms. Zarse made a motion for approval with the staff recommended conditions, including the modification to condition e. Mr. Barrow seconded. Passed unanimously, 3-0.

ZB 2021-06 (V) – The Links at Franklin – Mr. Getchell presented the case for three developmental standards request. It is at Benjamin Drive off of King Street with additional connections off of Jefferson Street and Umbarger Lane. The applicant is MultiPro LLC or Chris Dowty. The property is zoned RM (Residential: Multi-Family) and the Comprehensive Plan calls for the area to be a Community Activity Center. The overall development is for multi-family. Proposed are 26 single story buildings, each building ranging between four and eight units, for a total of 162 units. The first variance request is to allow a side yard setback of 45' instead of 50' applied to only one building. The second request is to not require main entrances to be oriented to face a public street. The property falls within the Gateway Overlay district, typically with standards applied to commercial developments. They also apply to multi-family. The third request is to allow modification to a buffer yard type one along the southern boundary of the property. The property is south of King Street and west of Umbarger Lane with a connection on E Jefferson Street on the west. On the southern boundary of the property a Level or Type One buffer yard is required. It is a required 10' set back with one deciduous tree for every 30' of length of the buffer yard, requiring 49 trees for this area the length of the property. The petitioner was requesting a modification to move some trees slightly north and others toward the west boundary.

Chris Dowty with MultiPro introduced Brittany Heidenreich with TLF to present. Ms. Heidenreich stated site development review will take place with staff soon. The single building the side yard setback variance request is being made for will be in the first phase of construction. It is actually only two feet within the setback but they requested five to allow a little flexibility. The Franklin Cove Apartments on the other side of the property line is 40' away.

Ms. Heidenreich stated the inner streets within the proposed development are all to be private streets. The fronts of their buildings face the inner streets.

Ms. Heidenreich stated that along the southern property line there is an existing 30' sanitary sewer easement with a 15-18" line running through. The petitioner proposed a drainage easement around their detention ponds. They still plan for the 10' buffer yard but not place plantings there because the sanitary sewer and pond easements is 150' of green space and future wet pond. In moving trees to the west property line, they are still being provided for the existing housing development adjacent. The landscaping plan will potentially be refined from all deciduous to incorporating some evergreen in the 70' length. The south property line trees are shifted north to be placed outside of the 30' sanitary sewer easement. They will save what existing trees they can if possible.

Ms. Heidenreich reviewed the decision criteria:

General Welfare: She stated the majority of the buildings will meet or exceed the setback requirements. Any encroachment of one building is limited to 10% of the overall setback. All units will still face a street but simply a private street. The requirement is more in place for commercial development over multi-family development. The south buffer yard is already in place as a 30' sanitary sewer easement.

Adjacent Property: Petitioner saw no negative impact on adjacent property for the same reasons cited in general welfare. Having a downstream system for storm water is to benefit adjacent property so it can be handled on site. Green space is being provided and the 10' buffer yard is still being met.

Practical Difficulty: With the 70' setback provided on the other side of the road and the width of the petitioner's property, they requested the variance on the multi-family side. The only way to have dwellings facing public streets is to dedicate the private drives to public streets, but they wish to keep them as private streets.

Mr. Getchell stated there will be a full site development review of this project.

Chairman Martin opened the public hearing. Respondent Don Johnson lives in the housing addition to the west. They have a drainage issue currently from the field. He asked if the drainage from the proposed development will make their drainage issue worsen. Ms. Gray explained the ordinance criteria that post-development rate of runoff cannot exceed the pre-development rate of runoff. Ms. Gray asked if streets will be developed according to city specifics and requirements. Mr. Getchell did not believe so as they are private drives and not wide enough. Ms. Heidenreich described the plan to be heavy duty asphalt with curbs. City standards would be confirmed through city engineer review during site development review. Ms. Gray set forth the reality that the maintenance of private streets often still comes back to the city with complaints. Street lighting will also be private but according to city ordinance standards.

There being no further comments from the public, the public hearing was closed.

Mr. Barrow sought clarification on access streets to the development and likely traffic flow patterns. The development would have street access on King Street, Jefferson Street, and Umbarger Lane.

There being no further questions from the Board, Chairman Martin requested staff's recommendation.

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

- a. Approval of the side yard setback reduction to forty-five (45) is limited to "Building 7" as depicted on the site plan submitted with this request.
- b. The main entrance for all dwelling units must face, or be oriented toward, the private drives internal to this development.
- c. Approval of the Buffer Yard Type 1 modification is limited to the shifting/relocating of the required plantings. The Buffer Yard Type 1 setback distance must be provided.
- d. A maximum of fifty percent of the required Buffer Yard Type 1 plantings are permitted to be shifted/relocated to the Buffer Yard Type 2 and/or adjacent required setback area, adjacent to the homes along Reagan Circle. All plantings not shifted/relocated to said area, must be located within the required Buffer Yard Type 1 area along the southern boundary and/or within the adjacent required building setback area.
- e. Two (2) qualifying evergreen conifers can be substituted for every one (1) broad-leaf deciduous tree that is shifted from the Buffer Yard Type 1 to the Buffer Yard Type 2.

The conditions were acceptable to the petitioner. Mr. Barrow made a motion for approval with staff recommended conditions. Ms. Zarse seconded. Passed unanimously, 3-0.

Other Business

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 2nd day of June, 2021.

Jim Martin, Chairman

Charlotte Sullivan, Secretary