

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

September 7, 2022

Members Present

Jim Martin
Phil Barrow
Brian Alsip
Ashley Zarse

Chairman
Vice Chairman
Member
Member

Members Absent

[Vacant Appointment]

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 August 3, 2022 minutes. Phil Barrow seconded. The motion passed unanimously, 4-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB-22-7 (V) – 49 W. Monroe St. – Alex Getchell presented the Developmental Standards Variance request by Upstream Prevention. Inc. The property is approximately a block away from City Hall, located on the south side of Monroe Street. It is the Sharp Graphics building between Coffeehouse Five and By Tavi. The request is for a public art mural on the exterior wall on the west side of the building. It is the east wall of the alley running between this property and By Tavi on the west. The wall is approximately 26' tall, stepping down as it goes to the back, and 62' in total width from front to back. The planned mural will be 18' high and 54' wide, somewhat centered in the wall space. A professional artist has been contracted to complete the work and was in attendance at the meeting. Murals are considered a sub-type or sub-sign of the wall signs of Franklin's zoning ordinance. They are required to

meet Franklin's sign standards. Staff has requested the petitioner not provide the mural content, so the Board cannot be perceived as making their decision based on any content, therefore, remaining content neutral and protecting the First Amendment Rights. The review is solely to determine the ability for a mural the size requested to be placed on this site. Should the BZA approve the mural, the Public Arts Advisory Commission (PAAC) will also review the mural and make any needed recommendations for type of materials and accompanying details. The PAAC meet tomorrow morning in Council Chambers.

The property is zoned MXD (Mixed Use: Downtown Center). The Comprehensive Plan calls for it to be Downtown uses. The request is to allow a mural to be painted on the west-facing, exterior, alley façade wall, 18'x54' in size, and for the mural to be permitted in addition to the signage allowance for the property. The three variances are to exceed the maximum number of signs, to exceed the maximum area of a wall sign and to exceed the maximum total area of signage for the property.

Kathleen Ratcliff, executive director of Upstream Prevention, was the applicant and presented the three decision criteria.

1. General Welfare: The staff gave recommended conditions, and the applicant is amenable to them.
2. Adjacent Property: Franklin is trying to increase downtown public art, and they want to help with that effort.
3. Practical Difficulty: Without the three requested variances, with the strict reading of the ordinance, they would have to cancel their project. They would not be able to do a full wall mural based upon current zoning restrictions.

Chairman Martin opened a public hearing. There being no respondents, the hearing was closed. Mr. Barrow asked what the plan for long-term maintenance would be and if there was a guarantee for a prescribed length of time. Ms. Gray responded that it is included in the submittal and also highlighted that the PAAC has guidelines.

There being no further questions, Chairman Martin requested staff's recommendation. Mr. Getchell gave staff's recommendation for approval with conditions as outlined in the staff report.

- a. The mural must receive approval from the City of Franklin Public Arts Advisory Commission prior to applying for & obtaining a sign permit, and prior to starting work on the painting of the mural.
- b. All revisions to the design of the mural, and all future mural designs must be reviewed by the Franklin Public Arts Advisory Commission prior to starting work on the painting of the mural.
- c. Designs must not include nudity, suggestive poses, hate speech or imagery that any group might find obscene, offensive or morally shocking.
- d. The mural must be maintained in accordance with the Franklin Public Arts Advisory Commission's approval, stated guidelines and design criteria, for the life of the mural, including all future mural designs.
- e. Board of Public Works and Safety approval of the closure times and dates of the public alley is required prior to starting work on the painting of the mural.
- f. The mural must be completed within ninety (90) days of the start of painting.
- g. Mural content must remain unchanged, except for complete or partial removal, or repair of damaged or faded paint for a minimum of three (3) years.
- h. The mural must be hand-painted directly on the building surfaces using exterior paint and a protective graffiti block clear-coat.
- i. Lighting of the mural must comply with the Exterior Lighting Standards in the Zoning Ordinance, Article 7, Chapter 18, specifically for Lighting of Building Façades.

The applicant agreed to the conditions. Mr. Alsip made a motion for approval. Mr. Barrow seconded. Passed unanimously by roll call vote, 4-0.

Other Business

Election of Officer – Secretary – The Plan Commission is the appointing authority for Charlotte Sullivan’s replacement, and they have not met since her resignation. Mr. Alsip nominated Ashley Zarse for Secretary. Mr. Barrow seconded. Passed unanimously by roll call vote, 4-0.

Mr. Alsip will not be in attendance at October’s meeting.

Adjournment:

There being no further business, Mr. Barrow moved to adjourn. Ms. Zarse seconded. Passed unanimously, 4-0.

Respectfully submitted this 7th day of September, 2022.

Jim Martin, Chairman

Ashley Zarse, Secretary