



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING  
DEPARTMENT OF COMMUNITY DEVELOPMENT

### MINUTES

#### City of Franklin, Indiana BOARD OF ZONING APPEALS

March 2, 2022

##### **Members Present**

Jim Martin	Chairman
Brian Alsip	Member
Ashley Zarse	Member

##### **Others Present**

Alex Getchell	Senior Planner I
Lynn Gray	Legal Counsel

##### **Not Present**

Phil Barrow	Vice Chairman
Charlotte Sullivan	Secretary

##### **Call to Order**

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

##### **Roll Call & Determination of Quorum**

##### **Election of Officers**

Brian Alsip nominated the current slate of officers to continue another year – Mr. Martin/President, Phil Barrow/Vice President and Charlotte Sullivan/Secretary. Ashley Zarse seconded. Passed unanimously, 3-0.

##### **Appointment of Legal Counsel**

Mr. Alsip nominated Lynn Gray. Mr. Martin seconded. Passed unanimously, 3-0.

##### **Approval of Minutes**

Mr. Alsip made a motion to approve the December 1, 2021 minutes. Ms. Zarse seconded. The motion passed unanimously, 3-0.

##### **Swearing In**

Lynn Gray swore en masse anyone planning to speak.

##### **Old Business**

None.

## **New Business**

**ZB 22-1 (V) – 260 Branigin Rd** – Alex Getchell introduced this Development Standards Variance request. The property is zoned MXC (Mixed Use: Community Center). The Comprehensive Plan calls for the area to be a Community Activity Center. The property is a single-family home, considered legal non-conforming, and the petitioner's request is to build a new detached garage. The first variance request is to allow a new structure, a detached garage, in connection with an existing legal non-conforming use of land in the MXC (Mixed Use: Community Center) zoning district. The second variance is to allow the accessory structure to be located within a front yard. The non-conforming section of the ordinance allows for legal non-conforming single-family uses to have one expansion every five years up to 50% of the livable area of the existing residence. The petitioner's request meets that stipulation but is considered a new structure because it is not attached to the existing structure. If it was attached to the house, it would be permitted without a variance. It is also set in front of the house, which is considered in a front yard. The subject property is west of US31 and north of the Branigin Woods neighborhood. The house is set back approximately 150 feet from the right-of-way. The garage will be approximately 110 feet from the right-of-way. The neighboring house is approximately 110 feet from the right-of-way and also has a detached garage in front which is about 80 feet from the right-of-way.

Presenter Cindy Thrasher works for the contractor and introduced the homeowner. Owner Matthew Hinesley went through the three decision criteria.

1. General Welfare: Mr. Hinesley stated they did not believe it would cause harm in any way as it is quite a distance from any others.
2. Adjacent Property: He stated it is not believed to affect the adjacent property owners in any way.
3. Practical Difficulty: He stated they could not determine a way to make it an attached garage as the property sits on a hill and there is approximately a 10-foot drop on each side. Additionally, on the west side there is very little room between the home and property line.

Mr. Alsip asked if the hill was the reason the garage could not be placed behind the house. The homeowner cited both the hill and some living trees they did not choose to take down. Additionally, there is a drainage ditch behind the house to the east.

Chairman Martin opened the public hearing with no one appearing. The public hearing was closed.

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

1. All applicable permits and approvals shall be obtained prior to placement/construction, including but not limited to an Improvement Location Permit ("building permit").
2. The detached garage structure shall not be used as a dwelling unit.

Both conditions were acceptable to the homeowner.

Ms. Zarse made a motion for approval with the two conditions, as outlined by staff. Mr. Alsip seconded. Approved unanimously, 3-0.

**ZB 22-2 (V) – Youngs Creek Park Sign** – Mr. Getchell presented this Development Standards Variance for a sign that will be for the new Youngs Creek Park, Amphitheater and Farmers' Market area. The property is zoned MXD (Mixed Use: Downtown Center) and the Comprehensive Plan calls for the area to

be downtown uses. The request is to allow a free-standing sign to exceed the height requirements limit of 10 feet in this zoning district. The request is for 20' 5" in height. The total square footage is 56.8 square feet. The subject sign will be placed at the main entrance to the area with secondary entrance signs at South Jackson and Wayne Street intersection, and on South Main Street across from Richard's Brick Oven, at the public parking lot entrance. The subject sign will be in the same location as the current Farmers' Market wood post sign. The lower section will be an electronic message board. The upper section will be an illuminated sign.

Parks and Recreation Director Chip Orner gave some background on Youngs Creek Park. He presented the three decision criteria.

1. General Welfare: Mr. Orner stated the amphitheater facility has been designed to hold 5,000 people. For out of town residents, they would like the main entrance to be as visible and easily identified as possible.
2. Adjacent Property: He stated adjacent properties are parking lots and they would like that to be clear and visible as well.
3. Practical Difficulty: He stated a smaller sign would be more difficult to see.

Chairman Martin opened the public hearing with no one appearing. The public hearing was closed.

Ms. Zarse asked if the electronic message board portion of the sign would be on all the time. Mr. Orner responded that it would not. There will be blocks of time when it will be black. It also will have self-dimming capabilities.

Chairman Martin requested staff's recommendation. Mr. Getchell gave staff's recommendation for approval with no conditions.

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

#### **Other Business**


Mr. Getchell announced the new online permitting system.

#### **Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 4th day of May, 2022.

  
Jim Martin, Chairman

  
Charlotte Sullivan, Secretary