CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING
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MINUTES

City of Franklin, Indiana
BOARD OF ZONING APPEALS

November 6, 2024

Members Present

Jim Martin	Chairman
Bill Carson	Vice Chairman
Clayton Black	Secretary
Joe Gruss	Member
Clinton Nalley	Member

Not Present

Others Present

Lynn Gray	Legal Counsel
Alex Getchell	Senior Planner I

Call to Order

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

Swearing In New Board of Zoning Appeals Member

Joe Gruss was sworn in by Legal Counsel Lynn Gray.

Roll Call & Determination of Quorum

Approval of Minutes

Bill Carson made a motion to approve the October 2, 2024 minutes. Clayton Black seconded. The motion passed unanimously, 5-0.

Swearing In

Legal Counsel Lynn Gray swore en masse anyone planning to speak.

Old Business

New Business

ZB-24-8 (V) – 1710 Decourcy Lane – Mr. Getchell introduced this developmental standards variance request. The petitioner is Rick Littleton. The property is located on the north side of Decourcy Lane. It is three houses east of Milford Drive. Decourcy Lane is four blocks south of East King Street on the east side of town. This fence request is only across the north portion of the back yard. The request is to allow the fence to be eight feet high in the RSN (Residential: Suburban Neighborhood) zoning district. In all residential zoning districts, the maximum fence height is six feet. The petitioner currently has a six-foot, white, vinyl fence that he wants to replace with an eight-foot white, vinyl fence. There is an elevation drop from the rear of the house down to the property line. Because of this elevation drop, a

six-foot fence is not as effective for privacy purposes as an eight-foot fence. The Comprehensive Plan Land Use Plan calls for the area to be Large Lot, Suburban Residential.

Mr. Littleton presented. When he purchased the property there was a six-foot, white, vinyl, basket weave fence. With time there has been a significant amount of post heave so the fence is no longer level. There is also gapping that allows for smaller animals to get under the fence. Due to the fall of the elevation grade, the two foot addition might afford more privacy. A strong wind also pops the fence slats apart. Mr. Littleton addressed the decision criteria.

1. General Welfare: He maintained that the new fencing would not be injurious.
2. Adjacent Property: He believed it will be an improvement with replacing a deteriorating fence and better construction.
3. Practical Difficulty: There is no privacy and the grade.

Mr. Martin opened and closed a public hearing with no audience respondents. Mr. Carson asked how much the grade is from the back of the house to the existing fence. Mr. Littleton and Mr. Getchell both approximated it to be a three- to four-feet drop.

Staff's recommendation was for approval with conditions.

a. A fence eight (8) feet in height shall be permitted up to the north property line of 1710 Decourcy Ln.
b. Approval is limited to a wood or vinyl material privacy fence running in an east-west direction and presenting the non-structural face to the north for the width of the subject property, between the residence and the property to the north.
c. Chainlink, chainlink with slats, wrought-iron, or similar non-opaque fence types are not included in the fence height variance approval.
d. Approval does not supersede the rights of utilities and/or easement holders along the north end of the subject property.

Mr. Littleton stated the conditions to be acceptable. Mr. Carson moved for approval with conditions. Mr. Nalley seconded. Passed unanimously, 5-0.

ZB-24-10 (UV) – 1420 N. Hurricane Road – Mr. Getchell introduced this use variance request by Chad Warweg. The property is at the northwest quadrant of the roundabout at Arvin Road, Eastview Drive and Hurricane Road. The building is partially used as an irrigation business. Petitioners proposed an additional use for a golf cart sales facility in the IBD (Industrial: Business Development) zoning district. The golf cart sales use is considered an unlisted use because it is not specifically outlined in the zoning ordinance. Staff administratively has the ability to assign what use its most closely related to that is applicable to the use going forward. That was determined in this case to be auto-oriented use. Automobile/Motorcycle/Recreational Vehicle Sales which is a Large Scale auto-oriented use. It is not a permitted use in the IBD (Industrial: Business Development) zoning district.

Mr. Getchell went on to state the petitioners have a new 13,760 square foot structure on the property. Approximately 10,000 square feet of the building is being used for the irrigation company. They seek to use 3,000 square feet for the golf cart sales business. They proposed a maximum of two golf carts to be parked, stored or displayed outside only during business hours. The business hours for the golf cart sales would be Mon-Fri 9am-6pm and Saturdays 9am-1pm. There will be no vehicle carrier trailers or haulers parked or stored on site other than for loading and unloading. There is a municipal code for Franklin regarding where golf carts can and can't be driven on public streets. US 31 and State Road 44 are not permissible roads along with any road with a posted speed limit higher the 40 mph. They are also not permitted on any trails or sidewalks. If they will be on public streets, the golf carts have to be registered with the police department. They receive a sticker for the cart and are required to have seat

belts, headlights, taillights, turn signals and a rearview mirror. The land use plan calls for this area to be business development.

Attorney David Yount with Deppe, Fredbeck and Yount presented. The area within the building for the golf sales business is at the north end. There is a firewall between the two business sections in the structure. In addition to on-site hours, there will also be online sales. Test drives will primarily take place within the property in the significant parking area. Mr. Yount addressed the decision criteria.

1. General Welfare: They did not perceive golf cart sales would be injurious. It would have minimal impact. Except for a few during business hours, carts will be kept inside the facility. They didn't anticipate much traffic impact as there is already traffic in the area. Trailers and haulers would only be on site during deliveries and load outs.
2. Adjacent Property: The location sits within a commercial and industrial area with similar uses. It is harmoniously located between the two city golf courses. It is an attractive building that will be maintained. No remonstrances have been received.
3. Peculiar Situation: It is a new start-up small business that will have a positive economic impact on the community. Golf carts are a new enough phenomena that when the ordinance was drafted, they were not likely contemplated.
4. Unnecessary Hardship: Not allowing the sale of golf carts at this location would be stifling economic development and new business in the community which will employ two individuals to begin with potential for more in the future.
5. Comprehensive Plan: It does not interfere. The intent is to promote and establish businesses in the community. To deny approval would be inconsistent with the purpose of the Comprehensive Plan.

Mr. Martin opened a public hearing. There were no respondents. The hearing was closed. Board members had no questions.

Mr. Getchell added that test driving golf carts would be permitted on the property, because with the only site exit being on the north end of the property on to Hurricane Road with a posted speed limit of 45 mph, they would not be permitted to drive off the property on Hurricane or on the trail adjacent to the property.

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

a. Use variance approval is for a golf cart sales facility use only, and the approval runs with the petitioner, Chad Warweg, at the subject property.
b. All golf carts will be stored, parked, and displayed for sale or rent inside the building at all times, with the exception of a maximum of two (2) golf carts being permitted to be displayed for sale or rent outside, and only within paved and delineated parking spaces on-site, and only during business hours.
c. Golf carts sales onsite business hours:
    1. Mondays through Fridays: 9:00am to 6:00pm
    2. Saturdays: 9:00am to 1:00pm
d. Parking or storage of vehicle carrier trailers and/or haulers on-site is prohibited. This regulation shall not be interpreted to apply to trailers/haulers used during the time and process of temporarily loading or unloading golf carts on-site, as long as loading and unloading does not exceed 2 hours.
e. A minimum of nine (9) parking spaces must be provided for the golf cart sales facility use; parking stalls must be a minimum of 9' x 18'and must be striped;
f. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with all building and fire codes.

Mr. Yount expressed petitioiner's preference to not consume two parking spaces for golf cart display. He identified grass areas, one at the north entrance and a second at the corner on the south of the property near the roundabout. They would like the option to be able to display golf carts at those two locations rather than occupying parking spaces.

Mr. Getchell reported on a permitting portal conversation with Ellen Fredbeck regarding this. This would have required an additional variance and it was determined they woud not pursue due to visibility issues.

Mr. Warweg inquired as to whether it mattered which parking spaces they were displayed in. Mr. Getchell affirmed that as long as they are in an actual parking space, selecting from any of them was fine. Mr. Yount expressed agreement with all conditions. Mr. Black asked if newly purchased golf carts would be delivered given the driving restrictions. Mr. Warweg assured they would be delivered.

Mr. Carson made a motion for approval with staff conditions as amended. Mr. Black seconded. Passed unanimously, 5-0.

Other Business

Adjournment:
There being no further business, a motion to adjourn was made by Mr. Carson. Passed unanimously, 5-0.

Respectfully submitted this 8th day of January, 2025.

Jim Martin, Chairman

Clayton Black, Secretary