

## **MINUTES**

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

**May 7, 2025**

#### **Members Present**

Bill Carson  
Clinton Nalley  
Jaison Acton  
John Kempski

Chairman  
Vice Chairman  
Member  
Member

#### **Not Present**

Joe Gruss

Secretary

#### **Others Present**

Lynn Gray  
Alex Getchell

Legal Counsel  
Senior Planner I

#### **Call to Order**

Vice Chairman Bill Carson called the meeting to order at 6:00 pm.

#### **Swearing In of New Members: Jaison Acton & John Kempski**

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

#### **Election of Officers**

- a. Chairman (Vacant) –
- b. Vice-Chairman (Bill Carson) –
- c. Secretary (Vacant) –

John Kempski nominated a slate of Bill Carson/Chairman, Clinton Nalley/Vice Chairman and Joe Gruss/Secretary. Nominations were closed. Passed unanimously, 4-0.

#### **Approval of Minutes**

Mr. Nalley made a motion to approve the January 8, 2025 minutes. Mr. Kempski seconded. The motion passed unanimously, 4-0.

#### **Swearing In**

Legal Counsel Gray swore en masse anyone planning to speak.

#### **Old Business**

## **New Business**

**ZB-25-1 (SE/V) – Franklin Apostolic Church** – Senior Planner Alex Getchell presented an overview of these Special Exception and Development Standards Variance requests by Franklin Apostolic Church at 1058 East State Road 144. The property is located between Westview Drive and State Road 144 off Commons Way. The petitioners are proposing to subdivide the property with two lots and a third lot for drainage. The Special Exception for the church is the northeastern most portion of the property. It is proposed to be a two-lot subdivision with a common area for the detention pond. The subject property is entirely conceptual with no subdivision platting complete at this time or site development plan submitted. Since the proposal is for a “church or other place of worship” as defined by Franklin’s zoning ordinance, it requires the Special Exception use approval to located on Lot 1. The use for Lot 2 is unspecified at this time. For the full build out of the church, it is proposed to be a 300-seat church with two fulltime employees and potentially three business vehicles stored on site. Initial construction is purported to be 7,500 square feet with an additional 5,750 square feet in the future. The property is zoned MXN (Mixed Use: Neighborhood Center). In this zoning district, the maximum lot size is one acre. Petitioner is proposing lots larger than one acre. They are committing to a maximum of no more than three acres for either lot. The Comprehensive Plan calls for the area to be a neighborhood activity center. The Special Exception is to allow a church in the MXN (Mixed Use: Neighborhood Center) zoning district. The Development Standards Variance is to allow two lots to exceed the maximum lot size of one acre in the MXN (Mixed Use: Neighborhood Center). Mr. Getchell stated the petitioner provided exhibits. Exhibit A was an outline of their responses to the decision criteria. Exhibit B is the proposed layout. The drawing presents 2.4 acres needed for Lot 1, with a proposed Lot 2 of 1.6 acres. Petitioner’s commitment stands at no more than three acres for each lot.

Donna Smithers with Northpointe Engineering and Surveying was accompanied by the pastor of Franklin Apostolic Church. Ms. Smithers thanked Mr. Getchell for his perfect presentation and explanation of the project and request. She stated agreement with all staff’s recommendations for both the Special Exception and Development Standards Variance. With approval tonight, next steps are professional property survey, design preparation and working with the church on how they wish to proceed with platting and plans.

Mr. Kempski asked if the church currently owns the property. Ms. Smithers stated an agreement pending for purchase.

Mr. Carson opened a public hearing. With no respondents, the hearing was closed. Ms. Gray asked if the history on this property has not included many iterations of development attempts. Mr. Getchell stated the last time to be when a petitioner did not receive grant monies and so did not proceed with the project. Ms. Gray also remembered an attempt at one time for a golf course.

Mr. Getchell gave staff’s recommendation of approval for the Special Exception use with conditions.

- a. Special Exception approval for a church or other place of worship use runs with the petitioner at the subject property.
- b. The maximum area for the church or other place of worship use is limited to three (3.0) acres.
- c. A minimum of one hundred (100) off-street parking spaces are required to be provided for patrons of the church.
- d. A maximum of three hundred (300) seats are permitted in the church auditorium.
- e. A minimum of one (1.0) off-street parking space is required to be provided for each employee on-site during the largest shift, and for each business vehicle stored on-site.
- f. Handicap accessible parking spaces are required in accordance with Article 7, Chapter 10.
- g. 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. Nalley moved for approval with staff's conditions. Mr. Kempski seconded. Roll call vote was taken and passed unanimously, 4-0.

Mr. Getchell gave staff's recommendation of approval for the Development Standards Variance with conditions.

- a. A minimum of two (2) lots, plus a common area for drainage, are required.
- b. The maximum lot size for any one lot is three (3.0) acres.

Mr. Nalley moved for approval with staff's conditions. Jaison Acton seconded. Roll call vote was unanimous for approval, 4-0.

**ZB-25-2 (V) – Chick-fil-A** – Mr. Getchell gave an introduction of two Development Standards Variance request for Chick-fil-a. The property is located at the northwest corner of Commerce Drive and US 31. No official address has been assigned yet. It will have a drive through, and it is a permitted use. Lot standards are the focus of the variance requests. It would be part of the Commerce Point subdivision which is proposed for six lots. The subdivision plat is not yet finalized or recorded. They have been through Technical Review Committee for site development plan. Chick-fil-a's new designs all include covered drive through canopies both for ordering and pickup as this one will also be. Along the north property line there is 15' setback, and Chick-fil-a is requesting to encroach in to that 4.2'. They would still be 10.8' from the property line. The canopy would encroach in to the setback by 4.2'. Only the horizontal part of the canopy would be in the setback. The support posts would be outside the building setback line.

Mr. Getchell continued, stating the lot is considered a corner lot with two front yards, and the zoning ordinance does not allow accessory structures to be within a front yard and a dumpster enclosure is considered to be an accessory structure. The zoning is MXC (Mixed Use: Community Center). It also lies within the Gateway Overlay District. The Comprehensive Plan calls for the area to be a community activities center. The first variance request is to allow a drive through ordering canopy to encroach 4.2' into the minimum side yard setback of 15'. The second variance is to allow an accessory structure or dumpster enclosure to be located within a front yard area of a corner lot. The proposed setback for the ordering canopy is 10.8' from the property line. The support pillars would be in the dividing line between the two drive through lanes. The dumpster enclosure would be located 88.2' from the front property line. The restaurant would be 142'. Though in the front yard, it is set back approximately 90' from the right-of-way. Petitioner also provided exhibits to review. Exhibit B is the building elevations and floor plan. Exhibit C is the proposed Commerce Point subdivision plat. There were additional exhibits for the dumpster enclosure and for petitioner drafted responses to the decision criteria.

Civil Engineer Mike Timco with Kimley Horn presented on behalf of Chick-fil-a. The canopy overhang is an integral part of Chick-fil-a's service as they have employees come out to the cars to take orders as opposed to customers speaking to a menu board. With Chick-fil-a's unique model of drive through wrapping three sides of the building combined with being on a corner lot, the dumpster location was very limited without causing disruption to the flow of traffic. The priority was a further distance from US 31. Petitioner also stated full agreement with staff's recommendation and three conditions.

Ms. Gray asked if dumpster enclosure requirements are heightened in the Gateway Overlay District. Mr. Getchell said no. They are further matching the brick of the building. A public hearing was held with no respondents.

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

- a. The north setback encroachment is limited a maximum encroachment of 4.2 feet. The only structural encroachment permitted is the horizontal overhead canopy, and the vertical support posts for the canopy must be located outside of the minimum 15-foot setback.
- b. The dumpster enclosure must be constructed of the same brick material and color as the primary structure, and the metal gates, doors, and coping must coordinate with the primary structure design.
- c. Gates & doors on the dumpster enclosure must remain closed, except when immediate access to the area is required.

The petitioner stated acceptance of the conditions. Mr. Nalley made a motion for approval with conditions. Mr. Kempinski seconded. Roll call vote passed unanimously, 4-0.

**Other Business**

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 2nd day of July, 2025.

---

Bill Carson, Chairman

---

Joe Gruss, Secretary