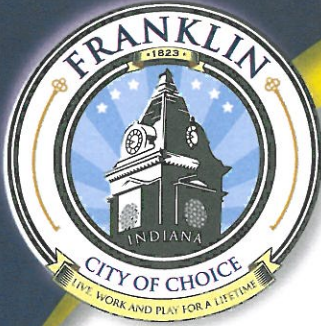




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

September 7, 2011

Members Present:

Richard Pfifer
Bob Swinehamer
Tim Holmes
Rev. Richard Martin

Chairman
Vice Chairman
Secretary
Member

Members Absent:

Phil Barrow

Member

Others Present:

Joanna Myers
Kevin Tolloty
Lynn Gray
Jaime Harshman

Senior Planner
Associate Planner
Legal Counsel
Recording Secretary

Call to Order:

Richard Pfifer called the meeting to order at 7:00 p.m.

Approval of Minutes:

Tim Holmes stated that he was noted as both absent and present in the August minutes. Lynn Gray noted that on page 4 the statement by her should read ordinance, not variance as written. Tim Holmes made a motion to approve the August 3, 2011 minutes with corrections. Bob Swinehamer seconded the motion. The members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

ZB 2011-12 (UV & V): Hurricane Road Industrial Development Company:

Kevin Tolloty stated that the case was continued from the August 3, 2011 meeting. A use variance for auto sales and a developmental standards variance for the expansion of a legal non-conforming use in the

Industrial Business Development is requested. A variance is needed for the existing auto repair and a use variance is required, as auto sales are not allowed in the IBD zoning district. The petition has been modified since it was last before the Board to include the condition that relief is granted from the required screening for repair vehicles and that designated spaces are not required for the developmental standards variance. It has also been modified to include as a part of the use variance that if the variance is approved, the display area would not be required to be individually striped but delineated instead.

Jack Rogers, representing Hurricane Road Development, stated that representation was the same as before. There are a number of bays in which cars are repaired. Photos were given to the Board that show the cars waiting to be repaired. He stated the vehicles do not need to be properly screened. It is common repair practice to park the car out in the front until a bay is open. He stated there is no problem with providing 2 parking stalls, a space of 10'x20' for the salesmen. No more than 25 vehicles will be for sale at one time. He stated they would like to have a square painted for the sales area for the cars to be parked within. They are requesting the variances to have the auto repair and sales business. The employee's cars would not interfere with anything going on. He stated they are asking for the variances so they can proceed with their business plan.

Mr. Swinehamer clarified that the first use variance is to allow sales. The second is the expansion of the legal nonconforming use. Ms. Myers stated the vehicles that are being stored are the ones that need to be screened, not the ones that are being worked on. Mr. Swinehamer stated they had already delineated an area for sales. The only questions are the approval for the expansion of the legal non-conforming use and the automobile sales. Ms. Myers questioned if the petition was agreeing to screen the vehicles that were being stored. Mr. Rogers stated that would be fine. He stated they would store them back behind the building. Ms. Myers questioned if they were obtaining an auto sales license or salvage license. John Manchester, the business owner, stated it would be an auto sales license.

Mr. Tolloty stated that Staff recommends approval of the variance from developmental standards with the following conditions:

1. All outdoor storage of vehicles for repair shall be properly screened.

If the Board finds sufficient evidence to approve the use variance and the following modifications to the petition were made, staff would recommend approval:

1. Provide a minimum of 2 striped parking stalls, 10 feet by 20 feet in size.
2. No more than 25 vehicles to be displayed for sale.
3. The vehicle display area shall be delineated by a solid white line. The area must be a minimum of 20 feet in depth and sufficient to accommodate 25 vehicles.

Action taken on ZB 2011-12 (UV & V): Hurricane Road Industrial Development Company:

Tim Holmes made a motion to the petition with the following conditions:

1. All outdoor storage of vehicles for repair shall be properly screened.
2. Provide a minimum of 2 striped parking stalls, 10 feet by 20 feet in size.
3. No more than 25 vehicles to be displayed for sale.
4. The vehicle display area shall be delineated by a solid white line. The area must be a minimum of 20 feet in depth and sufficient to accommodate 25 vehicles.

Bob Swinehamer seconded the motion. The motion passed unanimously.

New Business:

ZB 2011-13 (V): Max Woodbury:

Mr. Tolloty stated the petition is for a developmental standards variance to allow an electronic message board sign in the Mixed Use Community Center and Gateway Overlay zoning district. A variance is needed as animated and scrolling type signs are not permitted by the zoning ordinance.

Max Woodbury stated that they have started a new firm and need to have some exposure along US 31. They'd like to place a sign that is the same as Bleke's Tire, Walgreens, CVS, the Methodist Church and Franklin Schools. The sign will be on the building. He stated that the sign will not affect any residential area and will be able to be seen by Wal-Mart and Steak N' Shake. It is a new business; it is not a continuation of the old Woodbury and Company. Mr. Woodbury stated that signage is very important to them. It would be located in front of the building, not on the highway.

Rev. Martin questioned if the old sign would be staying up. Mr. Woodbury stated that keeping it up was their intention. The electronic sign would be for messages. Mr. Pfifer questioned what color the sign was. Mr. Woodbury stated he thought it was amber in color.

Mr. Woodbury stated that he agreed with the Staff in that it will not be injurious to the public.

Mr. Woodbury stated the adjacent property will not be visible from residential areas.

Mr. Woodbury stated it will provide the use of the building for their CPA firm as the building needs to be occupied. Mr. Holmes questioned why they need to switch to the smaller sign. Mr. Woodbury stated the sign will be better suitable for what they are trying to accomplish since they are on a second tier. He stated the sign that is there now is seen when you drive into Steak N' Shake, but if you are going to the hospital or to Matlock, you don't see it. Mr. Woodbury stated that an electric sign would be seen easier as it will be in color. He stated that there is not enough room on the building for a larger sign on the north or south ends.

Ms. Myers stated that Bleke's and Penningtons are both in violation of the ordinance and communication is being made with them.

Mr. Tolloty stated that Staff recommends denial. If the Board does recommend approval, Staff would recommend the following conditions:

1. A sign permit be obtained and applicable fees paid.
2. The sign be limited to one color per frame.
3. The message shall remain static for a minimum of 8 seconds per frame.
4. No scrolling animation or flashing

Action taken on ZB 2011-13 (V): Max Woodbury:

Bob Swinehamer made a motion to approve the case with the following conditions:

1. A sign permit be obtained and applicable fees paid.
2. The sign be limited to one color per frame.
3. The message shall remain static for a minimum of 8 seconds per frame.
4. No scrolling animation or flashing
5. No additional signs be added to the building.

Tim Holmes seconded the motion. The motion was passed unanimously.

ZB 2011-14 (UV): Dennis Dougherty:

Mr. Tolloty stated that the petition is for a use variance at 990 Hamilton Avenue for a two family dwelling in the Industrial General zoning district. The variance is needed as the IG zoning district does not allow residential uses, specifically a two family residence. The property is currently a legal non-conforming single family dwelling.

Dennis Dougherty, 205 S. Home Ave, stated that he bought the property as a rental property and to clean up the area. The surrounding property to the east is contaminated and is getting cleaned up. The properties at 760, 960 & 980 are all empty. The street is depressed. He stated that he went to the Post Office to get an address and they sent him to the Planning Department. He stated that he has a draftsman that is renting and a professor from the college that would like to move in.

Mr. Dougherty stated that the general welfare will not be injurious to the public. The property was run down and he is bringing it back.

Mr. Dougherty stated the adjacent property will not be affected. The house is probably the best house in the area. The property will be clean. The neighbors that are left there have said they are glad he is cleaning up the place.

Mr. Dougherty stated that there is a practical difficulty in using the property with an industrial use as it is a residential property.

Mr. Dougherty stated that it would be an unnecessary hardship to use the building as it appears to be made into a double already.

Mr. Dougherty stated it would not interfere with the comprehensive plan. Mr. Swinehamer stated to Mr. Dougherty that he consider that he could run into issues later since the property is zoned IG and anything could be built around him.

Mr. Swinehamer questioned how many off street parking spaces there are. Mr. Dougherty stated that a couple cars could be parked in the circle driveway. Across from the upstairs apartment there is a 20'x 20' area for parking. There is also parking by the barn. He stated that total you could park between 8 and 10 cars. He stated there was plenty of space.

Mr. Swinehamer questioned if all the exterior work was completed. Mr. Dougherty said the exterior of the house was completed but not the barn. The barn will be used for storage.

Ms. Gray questioned if all the building permits needed to be obtained. Ms. Myers stated that a remodel permit was required for the house.

Mr. Tolloty stated the Staff recommends denial but if the Board finds sufficient evidence would recommend the following conditions:

1. Minimum of five (5) parking spaces be provided on site.
2. A building permit be obtained and all fees and/or fines are paid.

Mr. Dougherty stated that he would be okay with those conditions.

Action taken on ZB 2011-14 (UV): Dennis Dougherty:

Rev. Martin made a motion to approve the variance with the following conditions:

1. Minimum of five (5) parking spaces be provided on site.
2. A building permit be obtained and all fees and/or fines are paid.

Tim Holmes seconded the motion. The motion passed unanimously.

Other Business:

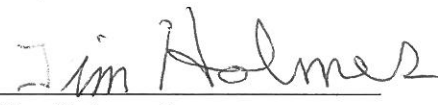
None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 2nd day of November 2011.


Richard Pfifer, Chairman


Tim Holmes, Secretary