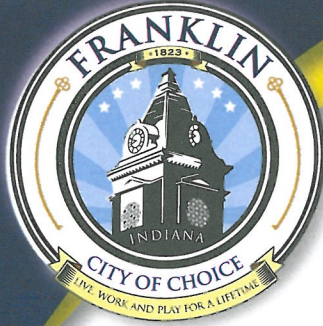




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT · DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

February 1, 2012

Members Present:

Tim Holmes	Secretary
Phil Barrow	Member
Rev. Richard Martin	Member
Brian Alsip	Member
Jim Martin	Member

Others Present:

Joanna Myers	Senior Planner
Kevin Tolloty	Associate Planner
Lynn Gray	Legal Counsel

Call to Order:

Tim Holmes called the meeting to order at 7:00 p.m.

Swearing In:

Lynn Gray swore in new Board member Jim Martin.

Election of Officers:

Phil Barrow made a motion to nominate Tim Holmes as President. Jim Martin seconded the motion. Nominations were closed. The motion passed unanimously.

Rev. Richard Martin made a motion to nominate Phil Barrow as Vice President. Brian Alsip seconded the motion. Nominations were closed. The motion passed unanimously.

Brian Alsip made a motion to nominate Jim Martin as Secretary. Phil Barrow seconded the motion. Nominations were closed. The motion passed unanimously.

Approval of Minutes:

Phil Barrow made a motion to approve the January 4, 2012 minutes as presented. Jim Martin seconded the motion. The members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

ZB 2011-16 (UV) Kim Murray:

Kevin Tolloty stated that he spoke to Ms. Murray and she indicated that she would not be attending. Lynn Gray outlined the Rules & Procedures regarding dismissing the case for lack of want of prosecution. She further stated that the Board had directed Staff to contact Ms. Murray regarding the February meeting. She stated that the Rules & Procedures state that if a case is dismissed it shall not be refiled for a minimum of 12 months.

Action taken on ZB 2011-16 (UV) Kim Murray:

Brian Alsip made a motion to dismiss the petition. Rev. Martin seconded the motion. The motion passed unanimously. The petition has been dismissed

New Business:

ZB 2011-17 (SE/V) Franklin Truck & Auto:

Kevin Tolloty stated that the petition is for a Special Exception for an auto and truck repair facility and a Developmental Standards variance to allow a chain link fence with slats to be used as screening. The property is located in the Industrial Business Development zoning district. The variance is needed because the ordinance does not allow a chain link fence with slats to be used as screening.

Jaclyn Harris, representing the petitioner, stated that the landlord had indicated prior to leasing that the use was permitted and that the fencing was compliant with the requirements. The vehicles being stored are awaiting parts or pick up by the customer.

Ms. Myers stated the special exception is for the use itself, for the auto repair.

Mr. Holmes outlined the state criteria and stated that the petitioner needs to show evidence that the requested special exception meet those requirements.

Ms. Harris stated that the proposed use would not be injurious to the public health, safety or general welfare as the use meets the needs of the area. The customers come from the businesses around the area.

Ms. Harris stated that the parking requirements can be met. Kevin Tolloty stated that a minimum of 15 parking spaces would be provided. Ms. Harris stated that they would make a commitment to provide the minimum required by striping additional space in the parking lot if needed.

Ms. Harris stated that they compliment the area in regards to providing services to people that work and drive through the area for business purposes.

Rev. Martin asked if Ms. Harris was legally able to make commitments. Ms. Gray stated that as the designated individual to speak on behalf of the owner she is able to do so.

Mr. Alsip asked if the lessee has standing. Ms. Gray states that they do as we require an Affidavit of Consent from the owner be provided with the application.

Ms. Harris stated that the location of the business is convenient for patrons and the neighboring area.

Mr. Tolloty stated that staff recommends approval with the following conditions:

1. A minimum of 15 parking spaces be provided and striped
2. That the fencing requirement be provided or obtain the variance.

Action taken on ZB 2011-17 (SE) Franklin Truck & Auto:

Mr. Alsip made a motion to approve the petition with the following conditions:

1. A minimum of 15 parking spaces be provided and striped.
2. The fencing will be brought into compliance within 30 days.

Jim Martin seconded the motion. The motion passed by a unanimous vote. The special exception was approved with conditions.

Ms. Harris stated that the chain link fence with slats will not be injurious to the general welfare of the community because the only difference is that you can see through it more than a wooden fence.

Ms. Harris stated that the proposed fence is consistent with the industrial area and does not negatively affect the adjacent properties or their value. There are no homes nearby.

Ms. Harris stated that the proposed fence would result in a practical difficulty as the lessee would need to coordinate with the owner in order to bring the fence into compliance.

Mr. Tolloty stated that Staff recommends denial.

Mr. Alsip asked if it is correct in the statement that the owner is willing to bring the fence into compliance. Ms. Harris stated that she cannot speak directly for the owner.

Action taken on ZB 2011-17 (V) Franklin Truck & Auto:

Mr. Alsip made a motion to deny the request for the fencing requirement. Mr. Martin asked if the owner will be notified of the outcome of the petition. Mr. Tolloty stated that he can send a copy to the applicant and owner. Mr. Barrow seconded the motion. The motion passed by a unanimous vote. The variance from the fencing requirement has been denied.

Other Business:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 7th day of March, 2012.



Tim Holmes, Chairman


Jim Martin, Secretary