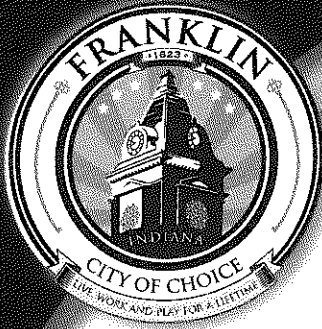




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT · DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

April 3, 2013

Members Present:

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

President
Vice-President
Secretary
Member
Member

Others Present:

Kevin Tolloty
Lynn Gray
Jaime Shilts

Associate Planner
Legal Counsel
Recording Secretary

Call to Order:

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

Approval of Minutes:

Phil Barrow made a motion to approve the February 6, 2013 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ZB 2013-04(V) Pickett, LLC-WITHDRAWN

New Business:

ZB 2013-07 (V) Robin Spalding:

The petition is for a developmental standards variance to allow chickens in a Residential Traditional zoning district. The variance is needed because chickens are considered farm animals and are only allowed on farms which is defined as a minimum of 20 acres.

Robin Spalding, 855 N. Main Street, submitted 6 photos for the record of the chicken coop as Exhibits 1-6. She stated they had the chickens for her granddaughters for 4-H. They don't make any profit off of them, but bring some of the eggs to a senior village.

Ms. Spalding stated the general welfare of the community would not be affected. They keep the coop very clean and follow all cleaning practices.

Ms. Spalding stated the adjacent properties will not be harmed. Her neighbor on one side doesn't mind them and on the other side the neighbors' daughters enjoy them.

James Skaggs, Robin's son, stated they don't run loose in the backyard. The chickens have a pen and it is cleaned out 3 times a week. He stated they don't have the money to get land outside town. There are 9 chickens. They are Rhode Island Reds and Brahmas.

Mr. Alsip stated they do have a zoning violation against them. Ms. Spalding stated that they received it in January and they've had the chickens since last April. Mr. Skaggs stated when the chickens are let out in the yard, they are always out with a person.

Ms. Spalding stated you only hear them at certain times of the day when they are laying. She sent out 16 letters to her neighbors and didn't have anyone complain.

Ms. Spalding stated there is no economic gain; they have them for their granddaughter for 4H.

Mr. Alsip questioned if they agreed that they are farm animals. Ms. Spalding stated they are. Mr. Skaggs stated they also clean up the chicken poop and remove it from the property to a friend's garden.

Rev. Martin stated he felt it the case should go before the City Council instead of the BZA. Ms. Gray stated it would be an amendment to the ordinance.

Mr. Barrow stated it would be hard to enforce for future issues. Ms. Gray stated that the BZA could issue a use variance.

Phillip Spalding, Robin's husband, stated he feels it's an issue that the board can take a look at a case by case basis.

Ada Glass, 899 N. Main Street, stated she lives next door to the Spaldings. She stated the cage is clean and she hasn't had any problems with them at all.

Mr. Tolloty stated he sends out zoning violations based upon complaints. He stated the practical difficulty statute has not been met. Staff recommends denial.

Action taken on ZB 2013-07 (V) Robin Spalding:

Brian Alsip made a motion to approve the variance with the condition that there would be a limit of 9 chickens, subject to the chickens being maintained within the current coop. Tim Holmes seconded the motion. Jim Martin-no, Rev Martin-no, Phil Barrow-no, Tim Holmes-yes, Brian Alsip-yes. The motion failed.

Brian Alsip made a motion to deny the motion based on the lack of evidence to create a practical difficulty. Rev. Martin seconded the motion. Brian Alsip-no, Phil Barrow-yes, Rev. Martin-yes, Jim Martin-yes, Tim Holmes-no. The variance was denied.

ZB 2013-08 (V) Steven Demaree:

The petition is for a developmental standard variance to allow an accessory structure to be built prior to a primary structure.

Steven Demaree, 805 S Nineveh Road, stated he owns the two pieces of property between Nineveh Road and 80 South. The primary residence is on one lot. The second lot has a structure that was built years ago and he would like to build another structure, a 30x40 pole barn, on the second property. Ms. Gray stated the ordinance does not allow an accessory structure without a primary structure on the property. He stated that he had already put a concrete pad on the property and it's ready for the building.

Mr. Demaree stated the general welfare will not be affected. The structure will hardly be visible from the adjoining residences. You can't see it unless you drive by it.

Mr. Demaree stated he is the nearest adjacent property owner.

Mr. Demaree stated the practical difficulty is that there is nowhere on the first parcel of land that is level. A house could be built on the second parcel at a future time.

Ms. Tolloty stated that Staff recommends approval with the condition that all necessary permits are obtained upon approval of the variance.

Action taken on ZB 2013-08 (V) Steven Demaree:

Jim Martin made a motion to approve the variance with the condition that all necessary permits be obtained. Phil Barrow seconded the motion. The motion was approved unanimously.

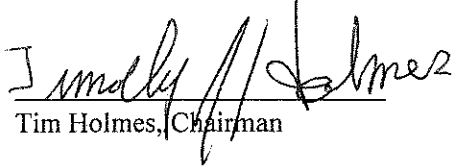
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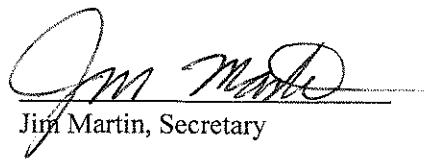
Mr. Tolloty stated that Heartland Bank has received a violation letter for the animation of their sign.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 1st day of May, 2013.


Tim Holmes, Chairman


Jim Martin, Secretary