

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

November 7, 2018

Members Present

Jim Martin	Chairman
Phil Barrow	Vice Chairman
Richard Martin	Secretary
Brian Alsip	Member
Charlotte Sullivan	Member

Others Present

Alex Getchell	Senior Planner I
Lynn Gray	Legal Counsel
Julie Spate	Recording Secretary

Call to Order

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

Roll Call & Determination of Quorum

Approval of Minutes

Phil Barrow made a motion to approve the October 3rd minutes. Charlotte Sullivan seconded the motion. The motion passed, unanimously, 5-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2018-16 (SE) – N. Graham Rd. Kennel

Alex Getchell introduced this special exception request by DND, LLC, for property on North Graham Road immediately north of the Johnson County Animal Shelter. The property is zoned Industrial Light. Currently the property is in the city's Buffer Zone but as of Monday night, the City Council approved annexation for both this property and another immediately north of it, known as the Linville Annexation. The annexation will be finalized and completed January 1, 2020. Until that time it remains in the Buffer Zone. The request before the Board is a special exception request from Article 3, Chapter 22, to allow an animal kennel.

Ms. Gray announced that as this is part of the Linville annexation Ms. Sullivan is recusing herself from the discussion and vote, since it is her family's property.

Petitioner Dave Dowden presented the project for an animal kennel primarily for dogs and some cats. He introduced his three granddaughter owner/operators, Audrey Reardon and sister Natalie in attendance and additionally Katy Kelly. The building will be a little over 15,000 square feet. The front 3000 square foot portion will be business areas such as grooming services, training, merchandise, etc. The animals will never be outdoors and each animal will have their own exclusive 16'x4' area. Dirt moving is projected from spring. The kennel name will be Under One Woof.

Mr. Dowden addressed the decision criteria:

General Welfare: Mr. Dowden stated their only neighbors will be the Johnson County Animal Shelter and Linville farmland. He stated Mr. Linville is in favor of the project.

Development Standards: Mr. Getchell explained the plans provided to date are conceptual and this project has not yet been reviewed for development standards and that will happen during the site development process. Mr. Dowden committed to meeting the development standards as outlined in the ordinance.

Ordinance Intent: Mr. Dowden stated that since a kennel is permitted in the zoning, they will not be doing anything against the ordinance intent.

Comprehensive Plan: Mr. Dowden stated they are in line with the Comprehensive Plan.

Chairman Martin opened the public hearing by asking if there was anyone in the audience wishing to speak for or against the request. No one came forward.

Rev. Richard Martin asked if there was a plan for parking. Mr. Dowden assured there were more spaces planned, than the city requires. He stated one space for every eight animals is the staff suggested requirement. He stated they plan to build in three stages. Initially there will be 36 individual dog units, and there will likely be no more than two staff on site at any one time.

Ms. Gray asked if Mr. Dowden had reviewed staff's recommendation and conditions and if they were acceptable. Mr. Dowden stated his only question was in regard to what the definition of "sound proof" would be, in regard to staff's recommended condition "b." Mr. Dowden stated they have a desire down the road to potentially build a dog park. Ms. Gray instructed that would not possible without coming back to the Board for permission. Mr. Getchell sought to clarify potential misunderstanding that the hours listed for quiet were only for overnight. It would not prevent them from having a park there during the day. Mr. Dowden said the building will be entirely enclosed and dogs staying in the kennel will never be outside. Mr. Getchell explained, for purposes of clarifying condition "b", that "sound proof" meant the dogs cannot be heard from the property line. He then reminded everyone, at this point, it is a recommended condition, and up to the Board to decide upon. Mr. Dowden assured the conditions were understood and acceptable.

Chairman Martin asked if there were any additional questions. There being none, Mr. Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval with five conditions.

- a. Special exception approval for a kennel use shall run with the property.

Mr. Getchell explained the reason for condition "a." being that the ordinance states, unless otherwise specified by the Board, Special Exception approvals run with the applicant. Since the building would be specifically constructed and designed for a kennel use, staff feels it's appropriate to have the approval run with the property.

- b. Dogs shall be kept in an enclosed soundproof structure between the hours of 10:00 p.m. and 7:00 a.m. Soundproof shall be interpreted to mean dogs inside the building would not be audible at the property line.
- c. A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - i. Every eight (8) animals, at capacity, in the kennel facility;
 - ii. Each employee working on the largest shift; and
 - iii. Each business vehicle stored on-site.
- d. The kennel shall not accumulate on the property, nor discharge beyond the lot lines, any waste matter in violation of the applicable standards and regulations of the Johnson County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
- e. Wild Animals, Type I, II, and III, as regulated by the State of Indiana (IC 14-22-26; 312 IAC 9-11) are prohibited from boarding at the property.

Mr. Getchell stated the recommended conditions are to cover potential future activity, including future owners, since the special exception would run with the land.

Ms. Gray stated that condition “d” is the law anyway. She also gave additional explanation on the exception running with the property instead of the applicant. Mr. Dowden assured he agreed with staff recommendations.

Brian Alsip made a motion to approve ZB 2018-16 (SE) with the five conditions as read by staff. Mr. Barrow seconded. The motion passed 4-0, with Ms. Sullivan recused.

ZB 2018-17 (V) – 1299 Graham St.

Mr. Getchell introduced the three developmental standards variance requests by Michael Graham at 1299 Graham Street. The property is zoned IBD for Industrial Business Development, however, it has always existed as a single-family residential property. The first variance request is from Article 10, Chapter 4, for an expansion of a legal, non-conforming use. Though it has always been used residentially, with its industrial zoning, it’s not permitted to have any new structures constructed on the property. Mr. Getchell stated they are proposing a shipping container accessory structure. The second request is from Article 7, Chapter 3, to allow the accessory structure to be partially in the front yard. The third variance request is also from Article 7, Chapter 3, due to the proposed location within the side setback. The IBD zoning district requires a 25-foot side setback for an accessory structure, and they are requesting six feet. Mr. Getchell stated all Franklin residential zoning areas allow a five-foot minimum side setback for accessory structures.

Applicant Michael Graham explained the purpose of the 8’x8’x40’ shipping container to be a storage shed and art studio for their daughter. He stated they had three goals: safety, functionality and nice appearance. He gave a history of their property that has been in their family for over 100 years. The past division of the property in to long narrow strips causes the need for the variance request. When the neighboring mini-warehouses were constructed, Mr. Graham’s property became a shortcut for people walking to and from the mini-warehouses. He stated passersby have been caught in their tree line and garden. Mr. Graham wants the container to occupy a location that their daughter will feel safe in, that it be visible from the house, that it be well lit and reduce the opportunity for vandalism. The proposed location is adjacent to Mr. Graham’s father’s workshop to the west, which is located two feet off of said property line. Advantages to this location are that from Graham Road, his father’s shop will almost completely block the view of the container and from Arvin Road it will be limited to the driveway

to the property line. Once you pass the property line, his father's shop will again block the view and to the east the tree line will block the view. The Pridgeon & Clay factory directly across the street is the only neighbor that will have a view of it, and they will see the end and a diagonal view of the front. It will be more than 50 feet off the front property line.

Mr. Graham addressed the decision criteria:

General Welfare: He stated the structure is pre-fabricated and solid 100% steel. Visibility of it to the neighbors is limited to only partial for one, Pridgeon & Clay.

Ms. Gray asked Mr. Graham if he could give a description of what the build is to look like. Mr. Graham explained French doors on one side and either a window or door on either end. There will be no utilities except for lights in the future and possibly an electric heater. He stated the container is 8'x8'x40'.

Adjacent Property: All his neighbors except Pridgeon & Clay across the street won't even likely see it. They want it to look nice for themselves as well as their neighbors.

Practical Difficulty: He stated the safety of his daughter is his primary concern if the strict application were to be enforced.

If they are approved in the future for electricity, his plan is to run it from his dad's shop into a fuse disconnect like at campgrounds, and the trailer would be wired just like an RV.

Chairman Martin opened the public hearing by asking if there was anyone in the audience wishing to speak for or against the request. No one came forward.

Chairman Martin asked if there were any additional questions. There being none, Mr. Martin requested staff's recommendation.

Mr. Getchell gave staff's recommendation for approval with two conditions, as outlined in the staff report.

- a. All applicable permits and approvals shall be obtained prior to placement/construction, including but not limited to an Improvement Location Permit ("building permit").
- b. The shipping container/structure shall not have permanent utility connections.

Mr. Graham stated he fully accepts the conditions.


Ms. Sullivan made a motion to approve ZB 2018-17 (V) with the conditions recommended by staff. Rev. Martin seconded the motion. The motion passed, unanimously, 5-0.

Other Business

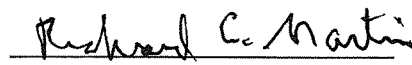
Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 7th day of November, 2018.



Jim Martin, Chairman



Rev. Richard Martin, Secretary