

CITY OF FRANKFORT
Board of Zoning Appeals
February 10, 2020

The Frankfort City Board of Zoning Appeals met at a Regular Meeting on February 10, 2020 in the Council Chambers, 301 E. Clinton Street, Frankfort, Indiana at 5:30 p.m.

ROLL CALL: President Kevin Myers was present and called meeting to order. Upon roll call, the following members were present: Isac Chavez, Mike Nichols, and Sam Payne. Not present: David Hussey. Staff members present: Don Stock (Zoning Administrator), Ashlee Bassett (Secretary) and Susan Palmer (Secretary).

MINUTES: Minutes from the January 2021 meeting were presented. Mike Nichols motions to approve. Sam Payne seconds. Upon roll call, four ayes heard. Motion passed.

NEW BUSINESS: President Myers opens public hearing for Docket #FF-2021-00052. Tom Lawler applications for a Use Variance to allow four unit dwelling to continue in B residential district. Don Stock approaches board. Dave Lawler is present and representing owner (Tom Lawler) as legal guardian. 559 Catterlin St. Property is zoned B Residential. Multi-family dwellings are not allowed in B Residential zoning district. Property was purchased in 1970 as a four unit dwelling unit and was never advised to seek variance to make it legal. Dave Crandall LLC will be purchasing property but is unable to sell to him currently since it is an illegal non-conforming use. After sale, Crandall intends to replace interior electric/ plumbing/ HVAC/ siding/ windows/ roof. Don presents staff report in its entirety. Don talks about Comprehensive Plan which talks about eliminating multi-family dwellings. Don states that the Comprehensive Plan is only a plan and should be treated as such. He notes that the comprehensive plan outlines taking illegal conversions and eliminating them. If the variance is granted, it will then become legal. He also states that to tell the owner it cannot exist as a multi-family dwelling when it was built as such is not right. It is his recommendation that the use variance be approved subject to findings of fact in this staff report. Dave's brother, Mike Lawler, states that when the property was purchased it was already a multi-family facility. It was gutted when they purchased it and was purchased as-is. Don states that knowing that it was built as a multi-unit home in the first place, it would be wise to approve as presented. Mike Nichols asks about Dave Crandall LLC's intent to remodel the property, how can the board be sure that these renovations will be done? Dave Lawler reads text from Crandall "my intention is to continue to rent as a 4 unit dwelling pending approval from the board. Renovations will be done as time permits." Mike Nichols questions how they can assure that the renovation will be done. Dave Lawler states that bid for some work has already been approved, just waiting for variance to be approved to have that done. The plan is already in motion. Mike Nichols asks what would happen if it didn't pass. Don says it would cease to operate since it's in a B Residential district. Sam Payne says tax record says three unit dwelling. Dave Lawler states there are 3 units and a workshop. Sam Payne says he would believe that would make it a commercial building. Sam Payne says he spoke with state fire inspector office and their office says four or more units. Sam also questions room sizes to see if they're adequate in size. Dave Lawler says the fourth unit has never been rented. Sam pulls up Beacon tax record and quotes that the record says only three bathrooms. Dave Lawler says that square footage wise, they're fine. Sam says that the City has filed complaints against this property. Lawler's say this problem will be rectified. Sam says he's stuck on the commercial building aspect of it. Don says that if it is kept as a 3 apartment, it should be fine. Don says that since it was built as a 4 unit it would be hard to deny this use variance. Don says the house was built in 1800's meaning there was no ordinances in place when built. The ordinances were enacted in 1967 so it shouldn't even apply to this property. Sam points out the Construction Design Release would need to be obtained before it could be rented as a 4 unit complex. Don says that if you take what Sam's saying-there are lots of illegal dwellings all over town. Don says he doesn't seek out these problems, but he takes care

of them when they come across his desk. Don says that he would need to look into whether a Construction Design Release is needed. Myers says as far as the remodeling portion, it can be added to the motion. Susan Palmer states that it can be added to the motion. Mike Nichols asks if they should speak to Crandall before voting. Dave Lawler says he's sure he'd agree to the remodel timeline since they already signed the purchase agreement as a four unit. Don says work had already started since they stopped him because of the electrical issue. Myers calls for any further discussion. Hearing none, the public hearing is closed. Myers calls for discussion from the board. None heard. Giving of notice in Frankfort Times on January 30, 2021, certified mailings sent out to property owners within 100 feet January 25, 2021. No conflict of interest present. Quorum met. Mike Nichols motions to approve with condition of Mr. Crandall finishing renovation within one year. Sam Payne seconds motion. Upon roll call, four ayes heard. Motion passed.

Hearing no other business, meeting adjourned.

Minute's summary typed by Ashlee Bassett, filling in for Susan Palmer.

Respectfully submitted,

Ashlee Bassett

APPROVED 6/16/2021