

CITY OF FRANKFORT

Board of Zoning Appeals

February 17, 2022

The City of Frankfort Board of Zoning Appeals met at a Special Meeting on February 17, 2022 in the City Council Chambers, 301 E Clinton St, Frankfort, IN at 5:30 PM.

President David Hussey was present and called the meeting to order. Upon roll call, the following members were present: Isac Chavez, Mike Nichols, Sam Payne and Kevin Myers. Staff members present: Don Stock (Zoning Administrator), Mikayla Passmore (Administrative Assistant) and Ashlee Bassett (Administrative Assistant).

MINUTES: Minutes of the February 9, 2022 regular meeting were presented for review.

Motion: Approve minutes as presented.

Motion made by: Mike Nichols

Second: Isac Chavez

Roll Call:

- Yay- Isac Chavez, Mike Nichols, Kevin Myers, David Hussey
- Abstain- Sam Payne

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-01 for Dilato LLC. Jeremy Duff is present to represent Dilato LLC. President Hussey calls on Don Stock to present staff report. Don read ordinance 153.26(G). Staff report is read in its entirety. President Hussey calls for petitioner to speak. Jeremy Duff thanks the board for hearing petition. Sam Payne asks where garages will be oriented. Jeremy states these garages would be facing alley primarily, but on the corners it is possible to access from the street. Sam asks if access to garages would be paved. Jeremy says yes, but they're limited to only paving access to garage. Sam asks where garbage would be set out. Jeremy says he's unsure. Sam notes that alleys are 16' in town and is concerned that garbage trucks will not fit down alley for refuse collection. Don notes that the drainage & utility easement is 26' wide and should be ample space to complete collection. Jeremy says he's measured neighboring alleys and adjacent blocks measured between 13'-15'. Sam asks if alley will be paved. Jeremy says no it will be gravel. Sam states he would prefer to have it paved. (Sam Payne states this alley will be a burden on the city because of the maintenance involved and that the City's alley maintenance fund is sad because of the stone alleys we have right now and we're adding another one. He also asks if this alley was approved by the Board of Works at their initial meeting. Added per motion made by Mike Nichols (seconded by Isac Chavez) at BZA meeting April 13, 2022). Mike Nichols states he disagrees with recommendation to approve. He states that neighboring blocks do not rely on alleys for ingress/ egress so he believes it would be a problem to the area. Mike also says that he feels 14' is only enough for one way traffic and makes it tough for off-street parking. He feels drainage & utility problems are not serious enough to override safety of community. Sam Payne says they could get alley measurements from county surveyor. Don Stock says he has spoken with Jason Forsythe (Street Superintendent) and the garbage trucks can make it comfortably down the alley. Kevin Myers states concern with how properties located in the center of the block would enter/ exit- which way the traffic would flow. Jeremy says that the neighboring blocks have the same configuration and ends of alley are typically wider to accommodate for ingress/ egress. He notes that the alley is wider than 14' with how the stone was laid, it is more like 16' wide. Kevin Myers says he has also spoken with Jason Forsythe and he was told the alley would accommodate the trucks as well. Sam Payne says he feels that the BZA should uphold the ordinances in preparation for the future. President Hussey calls for any further discussion. Isac Chavez asks if the traffic flow could be made one way to help with ingress/ egress. Jeremy says he would not be opposed to it but wants to be consistent with the neighborhood. David Hussey voices concern for designating one way traffic. Kevin Myers states that homeowners will adjust either way. Kevin mentions fire trucks accessing alleys. Sam Payne notes concern for visitors during Holidays. Jeremy says he feels that's an issue throughout the city. Don agrees. President Hussey notes that they're here to vote solely on the alley width. Sam asks what would happen if the variance is denied. Don notes they would be required to build a 20' alley or appeal the decision to the courts. Sam asks if this had to go before City Plan Commission. Don says yes. Some discussion was had regarding alleys in the city. Jeremy Duff says that he would appreciate a decision being made tonight since the plat will go before the Plan Commission next week. President Hussey calls for any further discussion. Don notes there is a neighbor in

the audience. Neighbor voices concern for one way alley. President Hussey closes public hearing. The board noted that the notice of public hearing was ran in the Frankfort Times on February 5, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on February 4, 2022. There is no conflict of interest present and quorum was met.

Motion: Deny as presented, including the following findings of fact (1) alley will be injurious to general welfare because surrounding alleys do not rely solely on them for ingress/ egress; (2) off-street parking requirement would force residents to park on the street thereby adversely affecting the surrounding area and property owners; (3) original plat was written around 1930 it should not influence on today's decision, drainage concerns/ utility easements are not serious enough to override the welfare of the community.

Motion made by: Mike Nichols

Second: Sam Payne

Roll Call:

- Yay- Isac Chavez, Sam Payne, Mike Nichols
- Nay- Kevin Myers, David Hussey

Jeremy Duff asks if an alternate decision could be reached tonight. President Hussey notes that this request has been denied. Don notes that the board should have voted on a different width, instead of denying. Mike notes concern about having alley at all. Some discussion was had regarding relevancy or ordinance in this situation. Kevin Myers asks what the next step would be for petitioner. Don says that he would have to come back with new width as a new petition. Mike Nichols states that the petitioner could build alley at 20'. Don says he will consult with City Attorney for further instruction. He also notes that they intended to make this neighborhood blend into the existing area which would call for an alley. Jeremy notes concern that this project has been strung out and asks if the board would be open to 16'. Sam Payne notes that the Plan Commission should have brought it up when they heard the provisional plat petition. Mike Nichols says he feels 16' alley would accommodate two cars and feels it would be more beneficial for garbage trucks as well. He asks why the 20' alley couldn't fit here. Jeremy says there would be significant issues at this stage in the process. He feels that the minimum width of alley to be maintained could be added as a covenant if the Plan Commission wishes. President Hussey asks if we could contact the city attorney via phone. Kevin Myers states that the variance for the 14' alley has been denied. The variance could have been approved at a wider width instead of denied, but the motion has already been passed. Don notes that he spoke with city attorney and Les Bergum says that since the petition has been denied, petitioner must come back before the board.

With no further business before the board, the meeting was adjourned.

Respectfully Submitted,

Ashlee Bassett

APPROVED AS AMENDED APRIL 13, 2022