

CITY OF FRANKFORT

Board of Zoning Appeals

April 13, 2022

The City of Frankfort Board of Zoning Appeals met at a Regular Meeting on April 13, 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 17, 2022 regular meeting were presented for review.

Motion: Approve amended minutes as follows: in regards to Riley Development alley- need to add “this alley will be a burden on the city because of the maintenance involved; alley maintenance fund is depleted because of the stone alleys we have right now and that we’re adding another one; asked if BOW approved this alley during their initial meeting.” Mike Nichols agrees.

Motion made by: Mike Nichols

Second: Isac Chavez

Roll Call:

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

President Hussey asks members of the board if any board members have any conflict of interest with petitions being heard tonight. No comment was made from the board. President Hussey then asks if any ex parte contact has been made with petitioners or other board members about petitions being heard tonight. Hearing none, he proceeds with meeting.

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-02 for Bradley Gill at 653 Delphi Ave. Mr. Gill & his wife are present to represent petition. President Hussey calls on Don Stock to present staff report. Staff report read in its entirety. Sam Payne asks distance between house and garage currently. Don Stock says it is just over 10'. Sam asks if the distance is at least one and a half times the height of the building so that in case the building falls, it won't hit the house. Don says that ordinance is not applicable here because it is not over 25' in height. Don says he does not believe if this building should fall, that it would not cause problems to surrounding properties. President Hussey clarifies this is a Variance of Developmental Standards, not a Use Variance. He calls on petitioner to address board. Sam Payne asks which way gables will run on building. Mr. Gill says they will run east & west. President Hussey calls for comments from public. Hearing none, public hearing is closed. No discussion heard from board members. The board noted that the notice of public hearing was ran in the Frankfort Times on April 2, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on March 21, 2022. There is no conflict of interest present and quorum was met. President Hussey reads findings of fact (read from Findings of Fact sheet handed to each board member and kept on file with docket) and board agrees that all findings appear to have been met.

Motion: Approve as presented based on findings of fact in staff report.

Motion made by: Sam Payne

Second: Kevin Myers

Roll Call:

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

Mr. Gill asks if position of gables influences decision of board. Sam Payne says no he was just worried about fall distance from garage to the home. Mr. Gill says he has sufficient room between garage and home. Sam Payne says he just wanted to clarify.

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-03 for S&L Properties Frankfort LLC/ Culver's of Frankfort proposed to be located at 2301 E Wabash St. Christopher McGuire is present to represent petition. President Hussey calls on Don Stock to present staff report. Staff report is read in its entirety. Sam Payne asks if

state has approved setback of building. Don says the setback will be addressed in the next docket. President Hussey calls on petitioner to speak. Chris McGuire approaches board to thank staff for their professionalism. He says he has worked in 22 states and that the team here is quite good. Mike Nichols asks if McDonald's has double drive-through. Don says yes they do and explains why it was called a double drive-thru- there are two lanes and one drive-up window. He feels it has been designed well and will allow easy exit if customers decide to exit drive thru. President Hussey calls for any discussion from public. Hearing none, public hearing is closed. The board noted that the notice of public hearing was ran in the Frankfort Times on April 2, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on March 29, 2022. There is no conflict of interest present and quorum was met. President Hussey reads findings of fact and board agrees that all findings appear to have been met.

Motion: Approve as presented subject to findings of fact in staff report.

Motion made by: Kevin Myers

Second: Sam Payne

Roll Call:

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

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-04 for S&L Properties Frankfort LLC/ Culver's of Frankfort proposed to be located at 2301 E Wabash St. Christopher McGuire is present to represent petition. President Hussey calls on Don Stock to present staff report. Staff report read in its entirety. Don also notes that he wanted to specifically address the East/ South building-mount signage- he notes that ordinance allows signage for buildings fronting more than one thoroughfare. He states that height of signage is appropriate. The East building-mount sign would allow for E SR 28 traffic to see the building signs. Lighting plan (photometric plan) was distributed to board. This plan shows amount of light coming from signage/ lights and light trespass onto other properties. The South mount sign is the biggest sign in question since there is an apartment complex behind them. He notes that by the time the light reaches the property line, it is very minimal and would not be a challenge to the apartments. Don believes that these signs would not be a hindrance to nearby properties. Sam Payne notes that he believes that the building is required to meet the INDOT setbacks. Don says that he does not have a concrete answer, but will follow up after meeting. Sam Payne asks petitioner if property has been purchased. Chris McGuire approaches board and says that a purchase agreement is in place, contingent upon approvals from board. He also notes that the state has seen the drawings for this building and they had no concerns with this development. President Hussey calls for any discussion from public. Shan Sheridan (Clinton County Chamber of Commerce) approaches board. He notes that this firm has worked diligently with the current owners of the building and owners are aware of contingencies placed on purchase agreement. Sam Payne noted concern since King of Pancake House is still operational at this time. Shan Sheridan notes that it's not unusual to get obstacles taken care of prior to the sale of the building. President Hussey calls for any further public comment. Hearing none, public hearing is closed. No discussion was heard from the board. The board noted that the notice of public hearing was ran in the Frankfort Times on April 2, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on March 29, 2022. There is no conflict of interest present and quorum was met. President Hussey reads findings of fact (regarding front setback, building-mount signage and electronic message board) and board agrees that all findings appear to have been met.

Motion: Approve as presented subject to findings of fact in staff report.

Motion made by: Sam Payne

Second: Mike Nichols

Roll Call:

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

OTHER BUSINESS: Sam Payne says Don Stock was supposed to get back with the board regarding Riley Development alley. Don Stock notes that Les Bergum (city attorney) classified the alley as a subdivision issue and not a zoning issue which is why it did not come back before the BZA. He states that Les Bergum feels it should have never come before the BZA in the first place, it should have gone straight to the Plan Commission. He also notes pride in watching the board think through these issues and not rubber stamping everything that comes before them. Sam Payne asks if alley was hear by CPC. Don Stock says it was approved at 14' by CPC. Mike Nichols clarifies that CPC approved alley to be installed at 16'; it was

initially heard at 14' but was bumped up to 16'. Sam Payne asks if the alley will be blacktopped. Mike Nichols says it will be stone. Sam Payne says that will add another maintenance cost to the city. He also notes that the city is supposed to be broke and that this alley will only add to the maintenance required. Mike Nichols says he doesn't feel the city is supposed to be broke. Sam Payne says he was told the city is broke. President Hussey calls for any relevant points regarding the alley. Hearing none, the meeting was adjourned.

Respectfully Submitted,

Ashlee Bassett

APPROVED MAY 25, 2022