

CITY OF FRANKFORT

Board of Zoning Appeals

August 10, 2022

The City of Frankfort Board of Zoning Appeals met at a Regular Meeting on August 10, 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: Sam Payne, and Kevin Myers. Not present: Mike Nichols and Isac Chavez. Staff members present: Don Stock (Zoning Administrator) and Ashlee Bassett (Administrative Assistant).

MINUTES: Minutes of the July 13, 2022 regular meeting were presented for review.

Motion: Approve minutes as presented.

Motion made by: David Hussey

Second: Sam Payne

Roll Call:

- Yay- Sam Payne, Kevin Myers, David Hussey

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-007 (Use Variance) for Center Township of Clinton County. Trustee Jami Pratt and Coleen Moore are present to represent petition. President Hussey calls on Don Stock to present staff report. Don Stock notes that he sits on the Board of Trustees for Center Township. Staff report is read in its entirety. President Hussey noted that his business provides services to Center Township and their properties. He calls for anyone's desire for him to abstain. Don Stock says that it was appropriate to mention his relationship but he feels he the president is okay to vote on this matter. Sam Payne asks what services are provided. President Hussey states his business does security cameras for them. The board feels that President Hussey is okay to vote on this application. President Hussey calls for any discussion from the board. Sam Payne asks what the basement is used for currently. Jami Pratt says that the previous owners used it as classrooms because it has a kitchenette down there. Sam Payne asks if proper egress is present. Don Stock says that proper egress has been met pending egress windows being installed. Jami Pratt says that they have two windows to install, make the restroom ADA compliant, and install fire alarms. President Hussey echoes Sam's concerns. He asks if the other shelter in town is successful. Jami Pratt says yes it is. President Hussey asks if there are problems with this being so close to other families. Coleen Moore notes that the other shelter is adults only, this shelter is for families and people with children. They don't anticipate trouble being a problem since children will be present. Kevin Myers asks if it will be staffed 24 hours. Jami Pratt notes that the hours may be different than 7pm-7am to allow for children coming from school. Coleen Moore notes that they spoke with Dr. Jill Snyder (neighbor to the South) and she has no objections. President Hussey calls for comments from the public. Hearing none, the public hearing is closed. President Hussey calls for discussion from the board. Hearing none, he moves on to the giving of notice. The board noted that the notice of public hearing was published in the Frankfort Times on July 30, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on July 28, 2022. There is no conflict of interest present and quorum was met. President Hussey calls for a motion.

Motion: Approve application as presented subject to findings of fact in the staff report. Amended: Approve application as presented so long as Center Township is owner.

Motion made by: Sam Payne

Second: Kevin Myers

Roll Call:

- Yay- Sam Payne, Kevin Myers, David Hussey

Don Stock notes that he recommends attaching the Use Variance to property owners instead of the property itself. Sam Payne amends his motion.

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-008 (Variance of Developmental Standards) for Michael Sutton. Michael is present to represent petition. President Hussey calls on Don Stock to present

staff report. Staff report is read in its entirety. President Hussey calls for any discussion from the board. President Hussey asks if the fence has already been installed. Don Stock says that the fence has been started and that it's actually a 6' privacy fence but there is a 2x12 at the bottom making it a 7' fence. President Hussey asks if the existing fence is 7' tall. Michael Sutton says that is the neighbor's fence and its 6'. He also notes that when children are practicing behind him, he wants to make sure that his dogs will not bite the children. President Hussey calls for comments from the public. Hearing none, the public hearing is closed. President Hussey calls for discussion from the board. Hearing none, he moves on to the giving of notice. The board noted that the notice of public hearing was published in the Frankfort Times on July 30, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on July 27, 2022. There is no conflict of interest present and quorum was met. President Hussey calls for a motion.

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

Motion made by: Kevin Myers

Second: David Hussey

Roll Call:

- Yay- Sam Payne, Kevin Myers, David Hussey

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-009 (Variance of Developmental Standards) for Jim Bricker. Jim Bricker's son is present to represent petition. President Hussey calls on Don Stock to present staff report. Staff report is read in its entirety. President Hussey calls for any discussion from the board. Kevin Myers clarifies that the post will go through the soffit. Don Stock says yes it will go through the soffit and the sign face will be above the soffit. He also says that there were multiple sign locations explored. There is a projecting sign that will come down when the freestanding sign goes up. President Hussey clarifies that this will be in the sidewalk. Don Stock says it will be located right off the sidewalk. President Hussey asks if the sidewalks jogs over in this area. Kevin Myers says yes. Don Stock notes that the building was built prior to the ordinances so there were no setbacks in place.

President Hussey calls for comments from the public. Hearing none, the public hearing is closed. President Hussey asks what the intention of a 15' setback is. Don Stock says that the State of IN has the same setback when talking about a State Road. He notes that by keeping it 15' off the road helps lessen vehicle accidents. Sam Payne says that the 15' is measured from the center of the road in case of any road widening to take place. Sam Payne asks if this will be a lit sign. Don Stock says yes. Sam Payne also asks if this will cause a traffic issue. Don Stock says no, it is up high enough that it shouldn't be a distraction. He also says an extensive discussion with Mr. Bricker was had regarding placement of this sign. He notes that by ordinance each business is allowed to have one freestanding sign. It is preferable to have the sign on the North end of the building because it could meet all setbacks, but then it was realized that it would be within the railroad right-of-way which is not allowed. Don Stock says this location is not the most preferable location onsite but it is one that causes the least amount of problems and allows it to still be seen from Washington Street. President Hussey voices that he's glad the sign hasn't been purchased yet because it makes the decision much easier and may not impose a hardship on the owner. He also notes that from the pictures presented it appears that the sign is on the sidewalk. Don Stock says that the picture is not to scale and the post for the sign will not be the same size portrayed on the picture. Sam Payne says it will most likely be a 4"x4" post. Don Stock agrees. President Hussey calls for further discussion from the board. Hearing none, he moves on to the giving of notice. The board noted that the notice of public hearing was published in the Frankfort Times on July 30, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on July 28, 2022. There is no conflict of interest present and quorum was met. President Hussey calls for a motion.

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

Motion made by: Sam Payne

Second: Kevin Myers

Roll Call:

- Yay- Sam Payne, Kevin Myers, David Hussey

NEW BUSINESS: President Hussey opened the public hearing for Docket# BZA-2022-010 (Variance of Developmental Standards) for Miguel Solis. Miguel is present to represent petition. President Hussey calls on Don Stock to present staff report. Staff report is read in its entirety. President Hussey calls for any discussion from the board. Sam Payne asks what is on the back side. Don Stock says there is another house to the rear of this proposed home. Sam Payne clarifies that

Miguel will be more than 10' from the neighbor's property. Don Stock says yes. President Hussey notes that the other building is not close to their property line. Sam Payne asks if the lot will become one or if it will stay as two. Don Stock says it will likely not be re-platted since the owner owns both properties. Sam Payne asks if this would cause issues under the new UDO. Don Stock says no, it may be classified as a non-conforming use which may be sold as long as it is not added onto. He also notes that these lots are sufficient size, when combined, because only 6,000sqft is required to build a home in the B Residential zoning district. Kevin Myers asks if there is opposition from neighbors. President Hussey notes there is no public present to speak on behalf of petition. President Hussey calls for comments from the public. Hearing none, the public hearing is closed. President Hussey calls for discussion from the board. Hearing none, he moves on to the giving of notice. The board noted that the notice of public hearing was published in the Frankfort Times on July 30, 2022 and certified mailings were mailed to every property owner within 100 feet of the petition site on July 29, 2022. There is no conflict of interest present and quorum was met. President Hussey calls for a motion.

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

Motion made by: Kevin Myers

Second: David Hussey

Roll Call:

- Yay- Sam Payne, Kevin Myers, David Hussey

OTHER BUSINESS: President Hussey calls for any other business. He notes that there will be a special meeting August 31st. Don Stock notes that Tony Del Real owns property on E Wabash St East of the Verizon phone store. Tony wants to build a building that will house two businesses. One of the businesses is in a time sensitive situation with their current lease. Don Stock also mentions that Mike Nichols brought to the office's attention that the car dealership on N Jackson St was granted a Variance for parking. He notes that there are lots of cars currently on the lot. He mentions that the board may want owner to come back before the board to discuss that. Sam Payne says yes he would like him to come back before the board to discuss the variance. President Hussey and Kevin Myers agree. Sam Payne notes there is a similar situation on Catterlin St. Don Stock notes that the owner of the property has a lot of legal issues going on with his properties. Sam Payne asks what type of business will be in Tony Del Real's development. Don Stock says he's not comfortable disclosing that information at this time since there is a time sensitive matter with one of the businesses. Don Stock says that he will invite the car lot owner to be present at the next BZA meeting. He also notes that the business presented isn't exactly what is happening at the location. President Hussey asks if the lines are marked on the pavement. Don Stock says no. Sam Payne says if he's not using the business as intended, then he's in violation of the variance that was granted. Some discussion was had regarding type of business present. Don Stock says that car lot owner is trying to purchase adjacent land for a parking lot for his business. He will be invited to the next BZA meeting.

President Hussey asks if Don Stock can provide a run-down of what the responsibilities of the board would be and what the board is allowed to do, legally. He notes that sticking to what was approved is preferable, but he's wondering what would be allowed since he's going against what was approved. Don Stock says he will speak with Les Bergum (City Attorney) and provide information in packets distributed to the board prior to the meeting. Kevin Myers notes that he has noticed more than a dozen cars present at the location at one point. President Hussey notes that he feels it's important to know what the board is allowed to do prior to the owner coming before the board. Don Stock says that his office may work on the issue and see if it can be brought to a compromise prior to bringing him back before the board. President Hussey says that would be great.

President Hussey calls for any other business. Hearing none, meeting was adjourned.

Minute's summary typed by Ashlee Bassett.

Respectfully Submitted,

Ashlee Bassett

APPROVED AUGUST 31, 2022