

CITY OF FRANKFORT

Board of Zoning Appeals

May 17, 2023

The City of Frankfort Board of Zoning Appeals met at a Special Meeting on May 17, 2023, in the City Council Chambers, 301 E Clinton St, Frankfort, IN at 5:30 PM.

Upon roll call, the following members were present: Mike Nichols, Isac Chavez, and Sam Payne. Not present: Kevin Myers and David Hussey. Staff members present Don Stock (Zoning Administrator), Mikayla Passmore, and Ashlee Bassett (Administrative Assistant).

Vice President Isac Chavez announces that since President David Hussey is absent, he will run the meeting as the next most senior member. He also mentions that if multiple members of the public wish to speak on behalf of any petition, there will be a three-minute time limit per person. All comments must be respectful, brief, and non-repetitive.

Isac Chavez asks the board if any conflict of interest is present or if any ex-parte contact has occurred, hearing none he proceeds with the special meeting.

MINUTES: Minutes from the April 12, 2023, regular meeting were presented for review. Since members from that meeting are not present tonight, the minutes will be approved at the next meeting.

NEW BUSINESS: Isac Chavez opened the public hearing for Docket #BZA-2023-003 (Variance of Developmental Standards) for John Milholland. The petitioner is not present. Isac Chavez calls on Don Stock to present staff report. Staff report is read in its entirety, staff recommends approval of this petition. Larry Perlee will be constructing this garage. Sam Payne asks if the staff has asked the petitioner to install a footer. Don Stock clarifies that the footer is already present under the concrete slab. He also notes that the garage had shifted off the foundation. Mike Nichols asks if there has been any opposition to this. Don Stock says nobody is here in opposition of this petition.

Isac Chavez closed the public hearing. The board notes that the notice of public hearing was published in the Frankfort Times on May 6, 2023, and certified mailings were mailed to each property owner within 100 feet of the petition site on May 3, 2023. There is no conflict of interest present and quorum was met.

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

Motion made by: Sam Payne

Second: Mike Nichols

Roll Call:

- Yay- Sam Payne, Mike Nichols, Isac Chavez

NEW BUSINESS: Isac Chavez opened the public hearing for Docket #BZA-2023-004 (Special Exception) for Suren Vardanian. The petitioner is present to represent the application. Isac Chavez calls on Don Stock to present staff report. Staff report is read in its entirety, staff recommends approval of this special exception with the contingency that all automobiles awaiting repair must be parked at the back of the property. Don Stock also notes that there will likely be discussion regarding the number of vehicles available for sale on this property, he mentions that the number of vehicles can be placed as a contingency on the approval. He notes that there will not be rental cars present at this location. Repairs to vehicles must be completed indoors by ordinance. Sam Payne asks what kind of repairs will take place. Don Stock says it will not be a body shop, but small car repairs- engine repair, oil changes, normal automotive repair. Mike Nichols notes that the retention pond is at the south of the property. Don Stock says yes and nothing can be placed there because a water line goes through there. Mike Nichols clarifies that the automobiles in need of repair would need to stay on the pavement. Don Stock says yes. Sam Payne asks how they would handle oil spills. Don Stock notes that the petitioner will need to speak to that. Isac Chavez asks how many parking spots are available there. Don Stock says that he's unsure of number, but it is sufficient for this property. Isac Chavez asks if this parking will be shared with the business plaza to the West. Don Stock says no it all belongs to this property. Suren Vardanian approaches board. He notes that there will be no oil spills onsite and that the retention pond is at least 60' from building. Suren also notes that there are companies that pick up the oil so there should be no spillage. He says that the land will be protected from oil leakage onto the ground since it's

difficult to clean up. Sam Payne says the pond attracts wildlife. Suren Vardanian says he's not paid attention to whether the pond fills up or not. He also notes that the inoperable vehicles cannot be close to the pond since the edge of the pond goes downhill so the vehicles could not be brought back up. Sam Payne mentions an email in opposition of this petition. The email asks how this use will be different from the other petitioners' six parking lots. Sam Payne notes he agrees and doesn't want to see an operation overrun with inoperable cars on the East end of Frankfort. Suren Vardanian clarifies that the company mentioned in the email has nothing to do with this location. He says that the cars pictured in the email is a logistics company that exports cars and has nothing to do with this operation. Suren Vardanian says this operation is in conjunction with Auto BSA located on N Jackson St here in town. Isac Chavez asks if this business will be run similar. Suren Vardanian says that the N Jackson St location will stay in business. Parking at that location is a problem and in order for the business to grow, they're in need of more space. Sam Payne asks how many cars will be present at this location. Suren Vardanian says it depends on funds available, but he anticipates between 100-150 cars. Isac Chavez says that there are multiple dealerships in town. One dealership has expanded and taken over the parking lot. He asks if there is a certain number of cars available to be onsite. Don Stocks says there is nothing in ordinance that sets a certain number of cars to this property. He notes that the board can set a certain number, shall they approve. Isac Chavez clarifies that cars in need of repair will be in the back and cars for sale will be in the front. Don Stock agrees. Isac Chavez calls on public to speak.

Jeremy Kinsler owns commercial property at 311-337 Kentwood Dr. He notes that a lot of his questions have been answered. Jeremy Kinsler wrote the email mentioned previously. Jeremy Kinsler asks about lighting, security fencing, and landscaping. Suren Vardanian says that there will be surveillance cameras day and night and the parking lot lighting will be working efficiently. He says that he would like to install fencing to differentiate between the cars for sale and cars awaiting repair. Don Stock says that fencing was going to be brought to the board (8' fence) but since the meeting was already advertised it could not be brought before the board tonight. Jeremy Kinsler voices that he would like to see the Marsh building occupied.

Sonya Sacra approaches the board. She owns property at the back of the property and is concerned with the parking in the rear lot. She notes that water drains there but does not stay in the pond. Sonya wonders if the rear of the property will turn into a junkyard for cars awaiting repair. Suren Vardanian says his N Jackson St dealership abuts a residential lot. The neighbors have kids that play close to the lot. He states he will not place things on this property that will be dangerous to the neighbors. He also states that anything dangerous will be behind a fence. Suren Vardanian notes he cannot be responsible for the type of car customers bring in, only for the type of cars he's selling. Sonya Sacra asks if the existing fence will be removed. Suren Vardanian says that if the fence is in good condition, it will stay. Sonya Sacra says that right now there are trees/ bushes that block the view of the building, she asks if that will stay. Suren Vardanian says they will stay. Don Stock says per ordinance they will need to stay. Suren Vardanian says the front will always be nice-looking cars for sale, not waiting for repair.

Steve Steining approaches the board and asks Suren Vardanian to elaborate on the plans for fencing. He notes that he wishes for the existing fencing to stay on the East and West side of the property. Suren Vardanian notes that the fencing is for security purposes. He wishes to protect mostly from the street side. Suren says he does not want to alter the rear side of the property but wishes to block off the alleys on each side of the building. Steve Steining asks about hours of operation. Suren Vardanian clarifies that Monday- Friday will be 9a-6p and Sunday's 10a-5p.

Kim Weaver approaches the board and says she lives on the East side of the building and the fence closest to her house is in disrepair. She asks if this fence will be replaced. Suren Vardanian says that his priority is to secure the front. Carol Weaver says that she approached previous owners and they refused to repair the fence. Suren Vardanian says if the fence is in disrepair, it will be replaced/ repaired.

Scott Laird from 500 S Maish Rd approaches the board. He says that Maish Rd and Kentwood Dr are beautiful streets with older, well-kept, homes. Scott Laird says that he represents himself and a few other neighbors. Their concern is the noise coming from the rear of the business. Scott also notes concerns of a business of this type coming into this neighborhood. Suren Vardanian says that his previous location is next to a residential area and he respects the peace of the neighborhood. The working hours will be kept and he simply wishes to make the neighborhood more beautiful. The work will be done inside the building, since the building is huge. Suren says that the only time cars in disrepair will be seen is

when they're driving into the building for repair. He notes limited funds so repairs will not be completed overnight, but he wants a modern good-looking dealership. He mentions the showroom inside.

Isac Chavez closed the public hearing. Sam Payne asks if the number of cars will be limited. Isac Chavez says that board can decide that. Sam Payne also notes that he wants to know the appearance of the building since it's on a major thoroughfare. Suren Vardanian said that changes will not happen overnight but he anticipates a large overhead door to be able to drive car right into the building. He doesn't have an example since he hasn't worked with his architect/ engineer yet. Suren notes that since this was a grocery store there was at any given time at least 100 cars in the parking lot. He asks the board to consider number of cars since this location is being purchased to grow his business out of their own pockets. Sam Payne says he does not want the property to be overrun with vehicles. Don Stock says that prior to the business opening, a design release will be required by the State of Indiana. Don Stock echoes concerns mentioned previously regarding fencing in stable condition, fencing around the rear of the pond, access to the rear of the building is easy. Don Stock says that Building Services has locked one of the entrances to the rear of the building to prohibit further trash from being dumped back there. He recommends a gate to be closed on each side of the building to prohibit entry to the rear of the property. Suren Vardanian says that he will have something installed to prohibit entry to the rear of the building. Don Stock asks if Alicia Albertson (City Attorney) has any concerns about this application. Alicia Albertson says that placing too much of a limit on the cars allowed there may deter the petitioner from purchasing this property. She also mentions that since only three board members are present, all members must vote to approve in order for this to pass. Isac Chavez calls for further discussion from the board. Hearing none, he proceeds.

The board notes that the notice of public hearing was published in the Frankfort Times on May 6, 2023, and certified mailings were mailed to each property owner within 100 feet of the petition site on May 2, 2023. There is no conflict of interest present and quorum was met.

Isac Chavez notes that he recommends the condition that if a car is in the front of the building it should be parked in a parking spot. Sam Payne agrees and says that the lot should be striped and may only hold as many spots as is available in the parking lot. Don Stock asks if 100 parking spots would be sufficient. Suren Vardanian says that for now it would be but his plans are to expand. He hopes that within a year he would outgrow that number of spaces. Mike Nichols asks how many spots could fit there. Don Stock says that he is unsure of exact number of available spots. Suren Vardanian says that anything that doesn't fit in a spot will simply not be put there. There will be customer parking and whatever is left will be filled with cars for sale.

Sam Payne asks if striping can be made a condition of this approval. Don Stock says that he doesn't know if the striping of the lot could be required but the number of cars allowed can be. Suren Vardanian says that the striping disappears every few months so it would always need to be redone. Sam Payne says that the N Jackson St lot had a similar incident with the amount of cars on the lot. Don Stock clarifies that the number of cars was never discussed, only the number of parking spots. The parking spots at the N Jackson St car lot are now marked. Sam Payne says he doesn't want to get into the same situation. Don Stock says the neighbors echoed those concerns, but the concern was with his other company not Autobsa.

Motion: Approve request as presented subject to findings of fact in the staff report and with the following conditions: cars in disrepair must be kept in the rear of the property only/ vehicles for sale may be in the front, and the maximum number of cars for sale for would allowable number pursuant the square footage of the lot minus number of spaces required by city ordinance for customer parking.

Motion made by: Mike Nichols

Second: Sam Payne

Roll Call:

- Yay- Sam Payne, Mike Nichols, Isac Chavez

Isac Chavez calls for any other business. Hearing none, the meeting was adjourned unanimously.

Minute's summary typed by Ashlee Bassett.

Respectfully Submitted,

Ashlee Bassett

APPROVED AUGUST 3, 2023