



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

# BZA Staff Report

**To:** Board of Zoning Appeals Members

**From:** Alex Getchell, Associate Planner

**Date:** July 30, 2014

**Re:** Case ZB 2014-07 (V)

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### REQUEST:

**Case ZB 2014-08 (V)...50 Centerbrook Drive.** A request for a variance from the City of Franklin Zoning Ordinance Article 3, Chapter 6, to allow a covered porch addition to be located closer to the front lot line than permitted in the Residential: Suburban Neighborhood (RSN) zoning district. The property is located at 50 Centerbrook Drive, which is located within the extraterritorial area (buffer zone).

### PURPOSE OF STANDARD:

The "RSN", Residential: Suburban Neighborhood zoning district is intended to ensure the continued viability of suburban-style lots in existence on the effective date of this Ordinance. This district should only be used to maintain established setbacks and standards in suburban neighborhoods.

### CONSIDERATIONS:

1. This property is located within the buffer zone. All building permits are to be obtained from Johnson County; however, the development standards (e.g., setbacks) are enforced by the City of Franklin.
2. The petitioner is proposing to construct a roof-only front porch on concrete slab, 10 feet by 16 feet in size, off the front of their residence. See the attached plans.

#### **RSN Front Setbacks & Staff Determination**

3. In the RSN, Residential: Suburban Neighborhood zoning district, front setbacks are established by the front setback shown on the approved subdivision plat.
4. The subject property is located within the Southbrook Resubdivision of a portion of Southbrook Subdivision. When the Resubdivision was platted, front building setback lines were not included on the plat. The front setback was likely enforced by the dimensional standards established for the specific zoning district in place at that time.
5. Due to the lack of a specific front setback in the current RSN district and the lack of a front setback line on the approved plat, it was staff's determination that the average setback of all other primary structures on the same side of the same block would be used as the enforced setback, as it is required in the RTN, Residential: Traditional Neighborhood zoning district.

6. Each of the four houses, including the subject residence, on the north side of Centerbrook Drive is constructed thirty-five (35) feet from the right-of-way.
7. The petitioner is requesting approval for the proposed front porch to be setback twenty-five (25) feet from the right-of-way; ten (10) feet closer than the block average.

#### **Existing Setbacks Throughout Resubdivision of Southbrook**

8. Only two other residences in the subdivision, 51 Centerbrook Drive & 1632 Terrace Court, are located closer than thirty-five (35) feet to a front property line.
9. The property at 51 Centerbrook Drive is a corner lot with two “front yards,” as defined by the zoning ordinance. The front yard and side of the house with the front door, garage door, and driveway is setback forty (40) feet from the Centerbrook Drive right-of-way. The front yard which has the side of the garage facing the street has a setback of approximately twenty-five (25) feet along Terrace Court.
10. The residence at 1632 Terrace Court is setback approximately twenty-five (25) feet. This property is the only lot in the same subdivision, other than the above mentioned corner lot, where the house is located closer than thirty-five (35) feet.
11. There are four (4) houses in the Resubdivision of Southbrook which are setback thirty-five (35) feet.
12. There are twelve (12) houses in the Resubdivision of Southbrook which are setback between forty (40) and fifty-five (55) feet.

#### **Comprehensive Plan**

13. The 2013 Franklin Comprehensive Plan, Long-Term Land Use Plan, identifies this area as Large-Lot Suburban Residential. “Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in large-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood.”
14. According to the 2013 Franklin Comprehensive Plan, Land Use Plan design features, Large-Lot Suburban Residential: “These neighborhoods should include generous setbacks and lot areas. While homes may be setback from the street, individual home designs should include front porches and garages set behind the living area of the home. A variety of compatible housing types and styles should be included in each neighborhood. Widths for local streets in these areas should be relatively narrow, with limited on-street parking. The use of cul-de-sacs is strongly discouraged.”

#### **Zoning Ordinance**

15. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

16. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.

The surrounding zoning and land uses are as follows:

**Surrounding Zoning:**

North: RSN, Residential: Suburban Neighborhood  
 South: RSN, Residential: Suburban Neighborhood  
 East: RSN, Residential: Suburban Neighborhood  
 West: RSN, Residential: Suburban Neighborhood

**Surrounding Land Use:**

North: Residential  
 South: Residential  
 East: Residential  
 West: Residential

**CRITERIA FOR DECISIONS:**

**(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

**DECISION CRITERIA**

1. *General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.*

**Staff Finding:**

Approval of the proposed front porch addition will not crowd any other structure or adjoining property. Nor will it be a traffic hazard, since it will be setback nearly forty (40) feet from the edge of pavement. Therefore, the approval will not be injurious to the public health, safety, morals, or general welfare of the community.

2. *Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.*

**Staff Finding:**

Approval of the proposed front porch addition may affect the adjacent properties in a substantially adverse manner. The existing residence is setback the same distance (35') as all other residences on the same block. A porch ten (10) feet closer to the road may substantially disrupt the uniform setbacks and character of the neighborhood. Additionally, as a result of approval of this request (25' setback), the block average front setback would also be reduced and other houses could then be located closer to right-of-way. Conversely, the proposed covered front porch addition (10' x 16') may support the value of the area, by adding architectural character and outdoor living area to the home.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

**Staff Finding:**

Staff finds that the strict application of the ordinance may result in a practical difficulty. There is no alternative for adding a covered front porch without encroaching into the front setback; however, this house has long existed and been used as a single family residence without a covered front porch. The question becomes: when an existing house is constructed at the setback line, is a person's desire to add a covered front porch significant enough to constitute a practical difficulty in improving their property in a practical manner? And, is construction of a 10' x 16' covered porch 'improvement in a *practical manner*' in this case?

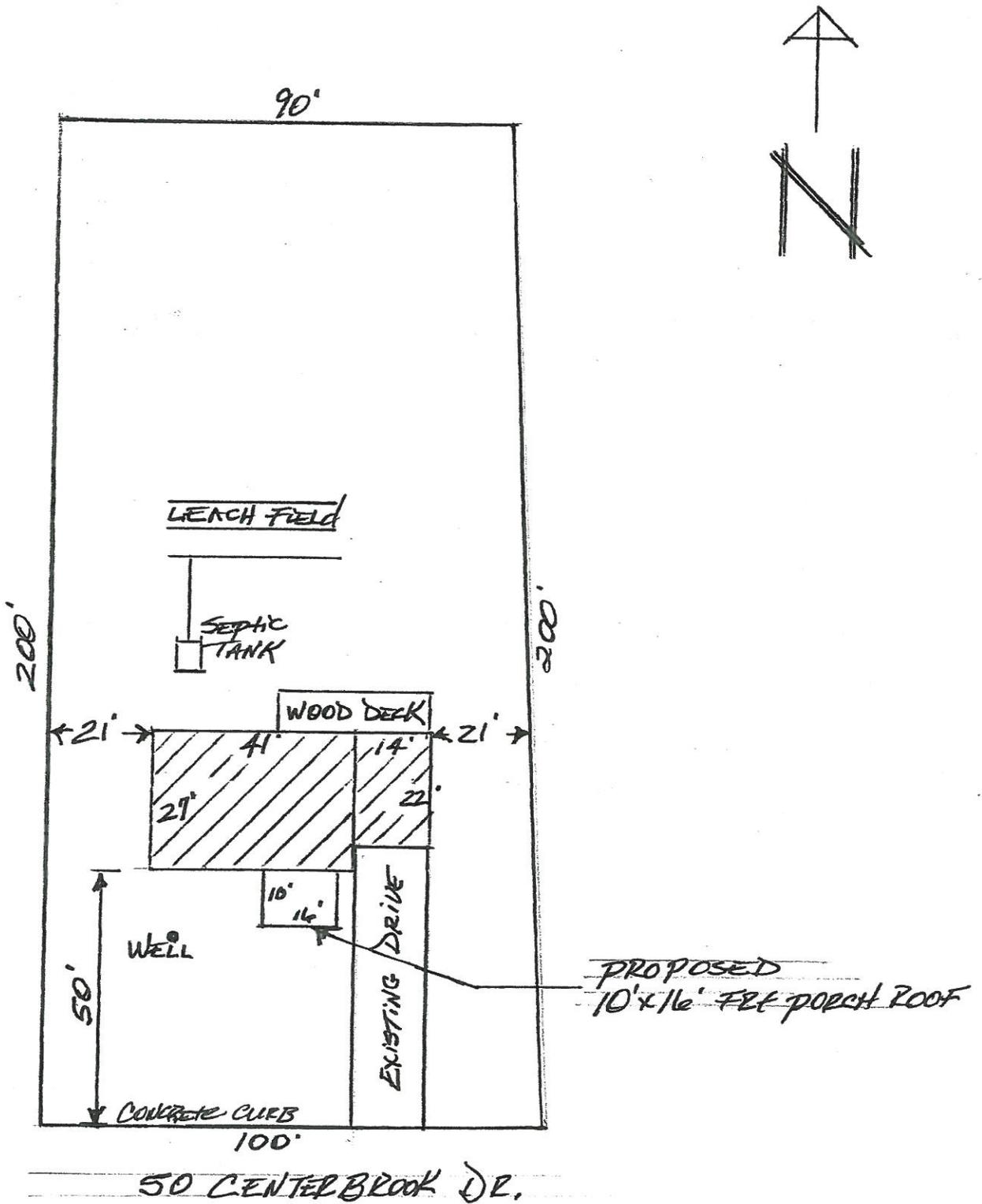
**Please Note:** The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

**STAFF RECOMMENDATION**

Based on the written findings above, staff recommends **denial**.

If the Board finds sufficient evidence to approve the proposed development standards variances, staff would recommend the following conditions be placed on the approval:

1. Obtain all permits/approvals from City of Franklin and Johnson County prior to construction.
2. A minimum of ten (10) feet of separation must be maintained between the porch and well.



LOT 4A SOUTHBROOK

DAVID & SASSIE LOWE

PLOT PLAN  
SCALE 1" = 30'

