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August 22, 2016

HAND DELIVERED

Franklin Department of Planning and Engineering
Attn: Ms. Joanna Myers, Senior Planner
70 East Monroe Street
Franklin, IN 46131

**RE: Homeview Healthcare Operations Company, L.L.C.
Use and Developmental Standards Variance Request
Case No. ZB-2016-11 (UV/V)**

Dear Joanna:

As attorney for the applicant, Homeview Healthcare Operations Company, L.L.C., ("Homeview") enclosed please find the following:

1. Application
2. Legal description
3. Recorded deeds for property
4. Filing Fee: \$350.00 for use variance and \$200 for dimensional variance
5. Aerial map and
6. Vicinity map
7. One (1) copy of the Site Plan

Statement of Intent – USE VARIANCE

This letter will serve as the Statement of Intent, as required by Article 11 Chapter 3 Section (A)(2) of the City of Franklin Zoning Ordinance ("Zoning Ordinance") describing the details of the variance being requested and stating how the request is consistent with the required findings of fact and I.C. 36-7-4-918.4.

Homeview requests a variance from the requirements of Article 3 Chapter 20 of the Zoning Ordinance to allow the construction and operation of a parking lot as a primary use in the Institutional (IN) zoning district on approximately 0.567 acres located

at 605 S. State Street, 506 Palmer Street, 510 Palmer Street, and 530 Palmer Street (“Subject Properties”).

Homeview Health and Rehabilitation Center (“Nursing Home”) is a nursing home located on the south side of Palmer Street, and it is a related business entity with Homeview, the owner of the Subject Properties. Due to additions to the Nursing Home facility that will not result in additional beds, parking spaces will be eliminated, and an off-site parking lot is needed.

The Nursing Home has simply run out of room on the property south of Palmer Street, and it is virtually land locked. Homeview could not purchase property from the adjoining owner on the south side of the Nursing Home. The Nursing Home is bordered by State Street to the west, a railroad track to the east, and Palmer Street to the north.

Homeview acquired the Subject Properties on the north side of Palmer Street to meet its parking needs.

Article 7, Chapter 10, Section C, allows parking spaces to either be located on the lot with the use for which they are required, or on another lot that is within 500 feet of the lot occupied by the use for which they are required, subject to the approval of the Planning Director.

While the Subject Properties are located within 500 feet of the Nursing Home, a parking lot as a primary use is not permitted by the Zoning Ordinance in the IN zoning district without a variance.

Homeview recently sought to vacate Palmer Street and therefore eliminate its need for a use variance, but an adjoining property owner would not consent to the vacation of the public way.

Homeview has been addressing its parking needs for almost two years. On October 1, 2014, the Franklin Board of Zoning Appeals approved the Nursing Home’s use variance to allow the construction and operation of a parking lot as a primary use on two of the Subject Properties (510 and 530 Palmer Street) in Case ZB 2014-12 (UV) with the condition that:

- a. A site development plan approval is required prior to construction.
- b. Final design of the site shall be substantially similar to the proposed preliminary site plan dated August 20, 2014.
- c. Notification is to be given to the adjoining property owners of the date and time of the technical review committee meeting, at least five days in advance.
- d. The buffering as presented will be in place for all adjoining property owners.
- e. No building is to be built on the property.

Since the BZA's use variance approval in 2014, Homeview acquired two (2) other parcels along Palmer Street. Its proposed parking lot will not be substantially similar to the proposed preliminary site plan dated August 20, 2014. Therefore, those two (2) parcels are included in this variance request.

Except for the property acquired from the Johnson County Public Library, the Subject Properties were developed and have been used for residential uses. Since the City of Franklin's amendment to the Zoning Ordinance in 2004 that zoned the Subject Properties to IN, these residential uses were considered legal non-conforming uses within the IN zoning district.

The Site Plan sets forth the proposed future development and specifications for the parking lot.

Statutory factors

- a. **General Welfare:** *the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Homeview is establishing additional parking for a nursing home that has existed in the neighborhood for approximately 30 years.

Palmer Street is a public street that begins at State Street and dead ends before the railroad tracks. Except for the Nursing Home, there is only one (1) other owner along Palmer Street. This owner is a family with no young children occupying a residence at the end of Palmer Street by the railroad tracks.

Except for the family, traffic on Palmer Street is generally only related to the Nursing Home. The proposed parking lot complements the Nursing Home's use of the property south of Palmer Street.

Located in proximity to the Subject Properties are other institutional uses: Franklin College, Johnson County Public Library, the Franklin Community Center, and the Indiana Masonic Home.

The parking lot will not provide hardships for pedestrians and will not result in potentially hazardous traffic conditions.

First, the new main entrance for the Nursing Home will be easily identifiable for pedestrians coming from the parking lot. They will not have to wander up and down Palmer Street looking for the entrance to the Nursing Home.

Second, sidewalks along the east, north, and west perimeters of the parking lot; sidewalks in front of the Nursing Home; and islands in the parking lot will keep pedestrians out of paths of moving vehicles.

The parking lot will provide an adequate number of parking spaces for the Nursing Home's use, and with the parking lot's two main entrances, it lot will not create congestion around the Nursing Home or on Palmer Street.

Homeview will maintain the parking lot, including snow removal.

Homeview will seek approval from the Franklin Board of Public Works and Safety to locate parking spaces within the Palmer Street right-of-way.

The parking spaces are required in order to meet the Zoning Ordinance's parking space requirements for the Nursing Home.

- b. **Adjacent Property:** *the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

The Nursing Home with its existing parking spaces has been in existence on Palmer Street for almost thirty (30) years.

The surrounding institutional uses will not be adversely affected, because they also have parking spaces associated with their uses.

The vehicles using the parking lot will not pass in front of the residence at the end of Palmer Street. The parking lot will not cast light onto the residential lot.

The parking spaces are not intended to be parking spaces for use by the general public. They are to serve the Nursing Home.

The parking lot will be maintained and kept clean.

- c. **Practical Difficulty:** *the need for the variance arises from some condition peculiar to the property involved.*

The Subject Properties were formerly four (4) small lots that together total approximately 0.567 acres. The Subject Properties were encouraged to convert from prior residential uses to institutional uses when the property was zoned IN.

The Subject Properties combined creates a very small parcel that is zoned IN.

An adjacent lot to the east of the Subject Properties is the only residential lot remaining on Palmer Street

The Subject Properties are located across from the Nursing Home that has been in existence for approximately 30 years, is expanding its facilities, and that has no other option as to where it can locate the parking spaces that are required by other provisions of the Zoning Ordinance.

The Subject Properties are located along Palmer Street which dead ends before reaching the nearby active railroad. The Subject Properties cannot be combined with the property on which the Nursing Home is located to create one parcel with the Nursing Home and all associated parking spaces, because the public road, Palmer Street, separates them.

- d. **Unnecessary Hardship:** *the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

The Subject Properties combined are not large enough for use as an institutional facility with all of the applicable setbacks, landscaping, and parking requirements.

Article 7, Chapter 10, Part 3 of the Zoning Ordinance imposes parking standards that apply to the IN zoning district, and it requires a minimum number of parking spaces for the Nursing Home. The Nursing Home's expansion project will eliminate parking spaces, and its plans cannot accommodate additional parking on the property south of Palmer Street.

Homeview explored vacating Palmer Street in order to combine the properties north and south of Palmer Street into one parcel, but it did not obtain an adjacent owner's consent.

While Article 7, Chapter 10, Section C, of the Zoning Ordinance allows parking spaces to be located on another lot that is within 500 feet of the lot occupied by the use for which they are required, a parking lot as a primary use is not permitted by the Zoning Ordinance in the IN district without a variance.

The Indiana Masonic Home is west of the Subject Properties and the Johnson County Public Library is north of the Subject Properties. However, due to the location of their existing parking spaces, it would not be practical for the Nursing Home to share their parking spaces. Their parking spaces are simply too far away.

The Subject Properties will not be used for general public parking as such parking lots are permitted as a primary use in the MXD, MXC, MXR, IBD, IL, and IG districts under the Zoning Ordinance. Such parking lots are intended to benefit various nearby businesses. In contrast, Homeview's parking lot's sole purpose is to serve the Nursing Home on the other side of Palmer Street.

Nearby properties have no need to use Homeview's parking spaces. Homeview's proposed use will not violate the intent of the Zoning Ordinance. The parking spaces will only benefit the Nursing Home. Instead of parking being a true "primary use," of the Subject Properties, it would actually be a secondary or accessory use to the Nursing Home facility.

- e. **Comprehensive Plan:** *the approval does not interfere substantially with the comprehensive plan.*

The future land map classifies the area for Institutional Center. The Comprehensive Plan recognizes that where institutional centers are located within developed areas of Franklin, “a balance must be achieved between the expansion needs of the institutions and the preservation and quality of surrounding neighborhoods.” (See p. 76). It also recognizes that institutional centers “must be easily accessible for both residents and visitors.” (See p. 76).

Homeview’s proposed parking project achieves an appropriate balance between meeting the Nursing Home’s expansion needs and preserving the surrounding neighborhood as it reduces traffic that would otherwise pass in front of the remaining home to access the Nursing Home.

Statement of Intent DEVELOPMENTAL STANDARDS VARIANCE

This letter will serve as the Statement of Intent, as required by Article 11 Chapter 3 Section (A)(2) of the City of Franklin Zoning Ordinance (“Zoning Ordinance”) describing the details of the variance being requested and stating how the request is consistent with the required findings of fact and I.C. 36-7-4-918.5.

Homeview requests a variance from the requirements of the provisions of the Zoning Ordinance on approximately 0.567 acres located at 605 S. State Street, 506 Palmer Street, 510 Palmer Street, and 530 Palmer Street (“Site”) as described in the Detailed Statement of Reasons for Applying for Variance.

Statutory factors

- a. **General Welfare:** *the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Palmer Street has a 50’ right-of-way. Portions of the parking spaces are located within the right-of-way and therefore, vehicles in these spaces will maneuver on Palmer Street.

Palmer Street dead ends before railroad tracks to the east, and it does not experience heavy traffic. The only owners along Palmer Street are the Nursing Home and the owners of one (1) residence at the eastern end of Palmer Street. The City of Franklin has an abundance of street parking. Residents and visitors are accustomed to street parking within Franklin.

There are other institutional facilities in the area: Franklin College, Johnson County Public Library, Franklin Community Center, and the Indiana Masonic Home.

- b. **Adjacent Property:** *the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

The only owners along Palmer Street are the Nursing Home and the owners of one (1) residence at the eastern end of Palmer Street.

The owners of the one (1) residence at the end of Palmer Street will have adequate access to their property.

The Nursing Home has been in existence for approximately 30 years.

Other institutional facilities in the area: Franklin College, Johnson County Public Library, Franklin Community Center, and the Indiana Masonic Home will not be affected in a substantially adverse manner.

- c. **Practical Difficulty:** *the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The situation shall not be self-imposed, nor be based on perceived reduction of, or restriction on economic gain.*

Due to the Site's configuration, location, small size, and the perimeter landscaping that is required along the property, variances are required.

Further, the variances are required to meet the Nursing Home's parking requirements and to provide sufficient space for the vehicles to maneuver within the parking lot.

Thank you for your attention in this matter. If you have any questions, please contact me.

Sincerely yours,



Stephen L. Huddleston

SLH/mm
Enclosures