

HUDDLESTON & HUDDLESTON
ATTORNEYS AT LAW
CLARKE HOUSE
98 WEST JEFFERSON STREET
POST OFFICE BOX 9
FRANKLIN, INDIANA 46131

STEPHEN LEE HUDDLESTON
MARTHA E. McQUEEN
DUSTIN DANIEL HUDDLESTON*
REGISTERED CIVIL MEDIATOR

TELEPHONE (317) 736-5121
FAX (317) 736-5137

*Also Admitted in Florida

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 Center of Franklin, Inc.
Dimensional Variance Request
Case No. 2016-12(V)**

Dear Ms. Myers:

As attorney for the applicant, Homeview Center of Franklin, Inc., (“Homeview”) enclosed please find the following:

1. Application
2. Legal Description
3. Recorded deeds for property
4. Filing Fee: \$200.00
5. Aerial map
6. Vicinity map
7. One (1) copy of the Site Plan

Statement of Intent

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 2.942 acres located at 651 S. State Street and 653 South State Street (“Site”) as described in the Detailed Statement of Reasons for Applying for Variance.

A nursing home is located on the Site. Due to the additions to Homeview's facility that will not result in additional beds, variances are required.

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

Properties on the north side of Palmer Street were acquired to meet Homeview's parking needs. A separate variance petition has been filed for the parking spaces.

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

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

Statutory factors

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

The new one-story entrance will be located within the 25' front yard setback of Palmer Street, but it will be separated from Palmer Street by a curb and sidewalk.

The dumpster and its enclosure will be located at an angle approximately 3.43' and 4.68' from the Palmer Street right-of-way. It will be screened with a masonry wall enclosure that does not open to either Palmer Street or State Street. A sidewalk will separate the dumpster's location from the traveled portion of Palmer Street.

The one-story storage building will be located at the rear of the property closest to the railroad's right-of-way. It will be screened with landscaping along the east and the south.

Some of the parking spaces will be located partially within the Palmer Street right-of-way, and may require maneuvering in Palmer Street. However, these limited number of parking spaces will not create a safety issue, because Palmer Street is not a congested street. The speed limit does not permit high travel speeds. 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 location, orientation, size, and vehicle access to the loading berth is a condition that existed prior to the facility expansion. Currently, semi-truck deliveries park in Palmer Street as they unload and then they back onto State Street to leave. A new delivery area has been designed to allow semi-truck deliveries to

pull off into a new loading area off of the traveled portions of Palmer Street. The new delivery area eliminates the current practice of trucks backing up into the public streets. Though there may be maneuvering within the right-of-way, the new design will enhance safety.

The interior drives at the east entrance will be located within the Palmer Street right-of-way, but it will not interfere with vehicular travel along Palmer Street.

The entrances are less than 100' apart along Palmer Street and entrance lanes exceed 14' per lane, but they are necessary to alleviate the existing conditions that exist when deliveries are made.

- 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.*

Homeview's related company owns the property on the north side of Palmer Street. State Street separates the property from the owner to the west. A railroad is to the east. The property to the south is a 4.71 acre vacant parcel owned by IMH Realty Corporation (the Indiana Masonic Home).

Appropriate screening is provided for the dumpster and the garage/storage building.

The dumpster, dumpster enclosure, storage building, and loading berths are not located near the sole residence located on Palmer Street.

The interior drives located within the Palmer Street right-of-way will not interfere with the only other owners' access to their property at the end of Palmer Street.

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

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.*

The parking spaces within the Palmer Street right-of-way are mostly handicapped spaces that are located near the new main entrance of the facility and the proposed handicapped ramp.

The dumpster is located near the facility's kitchen area and near the concrete delivery area to provide improved access.

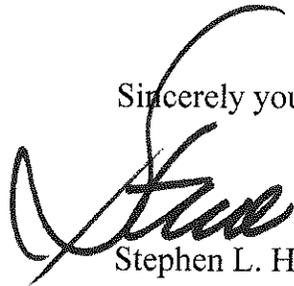
The storage building is located near pavement to provide convenient and practical access. It is located at the rear of the property adjacent to the railroad's right-of-way. There was no other practical location for the storage building on the property.

The loading berths are located in the existing facility.

Due to the configuration, location, existing facility, and size of the property, the variances are required.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Steve', written over the typed name 'Stephen L. Huddleston'.

Stephen L. Huddleston

SLH/mm
Enclosures