



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin-in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Joanna Myers, Senior Planner

Date: June 23, 2011

Re: Case ZB 2011-03 (UV)

REQUEST:

Case ZB 2011-03 (UV)...Julie Stewart – Retail Shop. A request for a use variance of the City of Franklin Zoning Ordinance Article 3, Chapter 10 to allow the operation of a variety store in a Residential: Traditional Neighborhood (RTN) zoning district. The property is located at 383 E. Madison Street.

PURPOSE OF STANDARD:

The "RTN," Residential: Traditional Neighborhood zoning district is intended to ensure the continued viability of the traditional-style neighborhoods in existence on the effective date of the Zoning Ordinance (May 10, 2004). This district should be used to maintain contextually appropriate setbacks and standards in its traditional neighborhoods.

CONSIDERATIONS:

1. The case was heard at the April meeting. The petitioner requested that the case be continued to the May meeting in order to address the concerns discussed by the Board. The Board granted the continuous by a unanimous vote.
2. Staff met with the petitioner and her business partners on April 21, 2011.
3. At the May meeting, the petitioner requested a continuance to the July 6th meeting in order to allow time to further investigate options for parking. The Board granted the continuous by a unanimous vote.
4. No additional information has been submitted to staff since the May meeting.
5. The petitioner is requesting a use variance to allow a variety store that sells recycled, repurposed, and reclaimed items from the first floor of an existing two-family residential structure with one dwelling unit on the second floor. (See attached site plan.)
6. The petitioner currently operates Salvage Sisters Antique Market from the property located at 398 E. Jefferson Street, which is located southeast of the subject property. The proposed store at 383 E. Madison Street would be a complementary store to Salvage Sisters. (See attached aerial.)

7. The subject property is legal nonconforming in relation to the lot, the structure, the use, and site features. The existing residential structure contains two dwelling units.
8. Article 7, Chapter 10 of the Zoning Ordinance states “Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.”
9. A variety store is defined as “a retail establishment that sells a multitude of consumer goods” and is classified as a Retail Use (Medium Scale) land use per the City of Franklin Zoning Ordinance.
10. A variety store is listed as a permitted use in three of the four Mixed Use zoning districts: MXD (Mixed Use: Downtown Center), MXC (Mixed Use: Community Center), and MXR (Mixed Use: Regional Center). It is not listed as a permitted use or special exception in the MXN (Mixed Use: Neighborhood Center) zoning district.
11. According to Article 7.10:
 - a. A minimum of 1 off-street parking space is required for every 300 sq.ft. of gross floor area of the variety store (rounded to the nearest complete space) plus one (1) space for each employee working on the largest shift. (1st floor = 1,738 sq.ft. 1 employee)
 - b. A minimum of 2 off street parking spaces in required for each dwelling unit.
 - c. Parking spaces shall be provided on the same lot for which they are required
 - d. Each parking space and interior drive must be paved with asphalt or concrete.
12. A total of nine (9) parking spaces would be required to be located onsite. Seven (7) off-street parking spaces are required for the variety store with an additional two (2) required for the dwelling unit.
13. Currently, two (2) off-street parking spaces are provided onsite (existing garage). Four (4) off-street parking spaces are required for a two-family dwelling.
14. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Core Residential. “The core residential areas of Franklin are those which are immediately adjacent to the downtown. These neighborhoods feature a majority of Franklin’s historically significant homes. Land uses in these areas should be dominated by a diversity of single-family homes, and also include neighborhood-scale churches and schools. Historically significant duplexes, multi-family dwellings, and accessory residences which contribute to the character of the area should be maintained and enhanced. The conversion of homes to apartments and businesses should be generally prohibited and otherwise strictly regulated. The most significant land use relationships in this area are between the area’s residential and non-residential uses, and between the area as a whole and the downtown. The area’s mixed uses should continue to support the human-scale features and walkability of the neighborhood. Uses of all types should be of a scale and setback that contribute positively to the character of the area. The strong pedestrian connections to the downtown provided by the area’s sidewalks should be maintained and enhanced. Any redevelopment, infill construction, or renovation in these areas should respect and support their unique character. Elements of that character include vehicle access provided

by alleys, front porches and small front yard setbacks, street trees, and a diversity of housing styles and sizes.”

Surrounding Zoning:

North: RTN, Residential: Traditional Neighborhood
South: MXD, Mixed Use: Downtown Center
East: RTN, Residential: Traditional Neighborhood
West: RTN, Residential: Traditional Neighborhood

Surrounding Land Use:

North: Residential (4 & 1 family) & storage
South: Chamber of Commerce & Retail
East: Multi-family dwelling
West: Two-family dwelling

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 36-7-4-918.4) 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:

The approval of the use variance will be injurious to the public health, safety, or general welfare of the community as the proposal compounds the current situation by increasing the need for off-street parking. The Board may wish to inquire on how the petitioner proposes to address the parking needs of customers, and the residential tenant and their visitors, and the overall impact the proposal will have on area parking and uses.

- 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:

The proposed use of the residential structure for a commercial use as a variety store would negatively impact the adjacent properties by introducing a commercial use with daily customers into the residential neighborhood. In addition, a variety store is not listed as a permitted use in the MXN zoning district which indicates that it is not a compatible use in a residential neighborhood.

The Zoning Ordinance states that the intent of the MXN zoning district is “to provide convenience goods, services, and amenities within close proximity of residential areas. This district is further intended to permit the development of traditional, mixed-use neighborhood centers. This district should be protected from non-neighborhood serving land uses.”

- 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:

The strict application of the ordinance will not result in a practical difficulty as the petitioner may continue to use the property as a two-family structure. Staff finds that the practical difficulty of the property is based on the perceived reduction of, or restriction on, economic gain. The petitioner should explain how approval of this variance will result in a practical difficulty in the use of the property.

4. *Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.*

Staff Finding:

Staff finds that the strict application of the terms of the Ordinance will not result in an unnecessary hardship as the petitioner may continue to use the property as a two-family structure.

5. *Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.*

Staff Finding:

The granting of use variance does interfere with the Comprehensive Plan as it states that “historically significant duplexes, multi-family dwellings, and accessory residences which contribute to the character of the area should be maintained and enhanced. The conversion of homes to apartments and businesses should be generally prohibited and otherwise strictly regulated.”

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

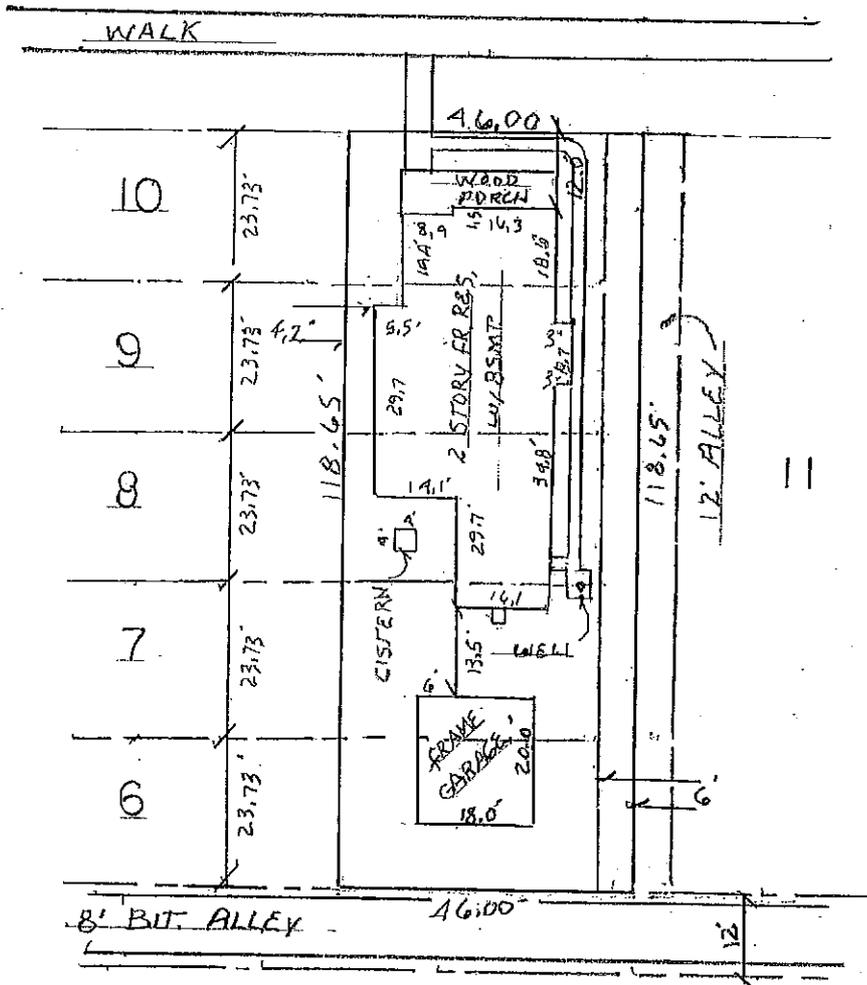
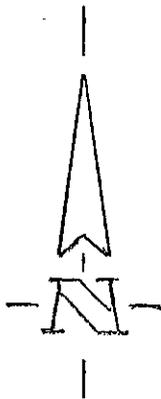
STAFF RECOMMENDATION

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



301 E. Jefferson Street - Franklin, Indiana 46131
 Phone (317) 736-0781 - Fax (317) 736-0791

MADISON STREET

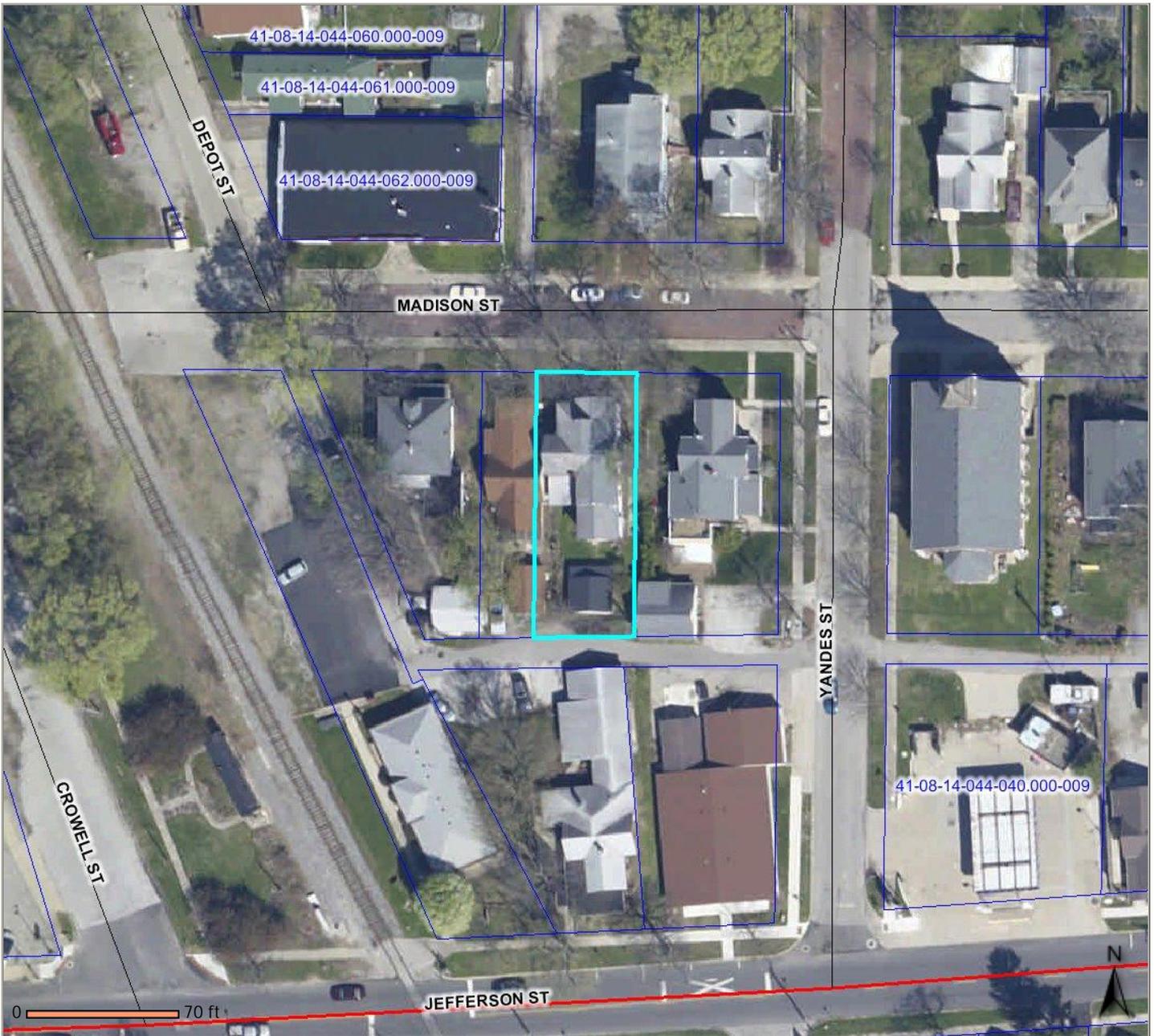


PART OF LOTS 6, 7, 8, 9, & 10 IN ADD. NO. 6 FRANKLIN INDIANA		Prepared For: JULIE STEWART	
Scale: 1" = 30'	Drawn By: JDC	Property Address: 383 E MADISON ST.	Job Number: 100144
Date: 4/15/10	Sheet 2 of 2		

ZB 2011-03(UV)

383 E. Madison Street

Date Created: 4/1/2011
Map Scale: 1 in = 70 ft



Last Data Upload: 3/28/2011 11:54:44 PM

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