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 2011-09 (SE & V)**

REQUEST:
Case ZB 2011-09 (SE)…The Flying Frog Bed & Breakfast. A request for a special exception of the City of Franklin Zoning Ordinance Article 3, Chapter 10 to allow a Bed and Breakfast Facility and a five (5) ft. tall freestanding sign to be located four (4) feet from the right-of-way in a Residential: Traditional Neighborhood (RTN) zoning district. The property is located at 396 N. Main 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 petitioner is requesting a special exception for the purpose of remodeling an existing multi-unit residential structure to operate a Bed and Breakfast Facility. The property is located at the southwest corner of Main Street and Banta Street. (A copy of the site plan and existing floor plan is attached.)

2. Bed and Breakfast Facilities are listed as a special exception in the following zoning districts:
   A (Agriculture), RR (Residential: Rural),
   RTN (Residential: Traditional Neighborhood),
   RT-1 (Residential: Traditional One),
   RT-2 (Residential: Traditional Two),
   RT-3 (Residential: Traditional Three),
   MXD (Mixed Use: Downtown Center),
   MXN (Mixed Use: Neighborhood Center),
   MXC (Mixed Use: Community Center), and
   MXR (Mixed Use: Regional Center).

3. Article 13.2 defines Bed and Breakfast Facility as "a private, owner occupied residence which provides temporary overnight sleeping accommodations and meals to the general public in 10 or fewer guest rooms for periods not to exceed 3 consecutive weeks."

4. Article 13.2 defines Owner as "any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

5. The petitioner (owner of record) has indicated that they would like to use the first floor of the residence as their private residence.

6. 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."

7. According to Article 7.10: a minimum of 2 off-street parking spaces are required for each dwelling unit and 1 off-street parking space shall be provided for every sleeping unit in a Bed and Breakfast, with the exception of MXD zoned properties.

8. A total of six (6) off-street parking spaces should be required for the proposed use. There are currently six (6) off-street parking spaces provided on the west side of the property. Four (4) are located within the garage and two (2) are located immediately adjacent to the garage.

   1 dwelling unit = 2 spaces
   4 sleeping units = 4 spaces

9. According to Article 8.2: signs located in the RTN zoning district may be no greater than 6 sq.ft. in area or four (4) ft. in height and must be located at least 10 feet from the right-of-way.

10. The petitioner is proposing to install a five (5) ft. tall, 6 sq.ft. freestanding sign approximately four (4) feet from the right-of-way. (See the attached sign design and location.)

11. The proposed sign is one (1) ft. taller in height than permitted and encroaches approximately six (6) feet into the required setback.

12. The covered porch is located approximately 11 ft. from the right-of-way and the steps are located approximately 8 ft. from the right-of-way.

13. 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:		**Surrounding Land Use:**	
North:	RTN, Residential: Traditional Neighborhood	North:	Residential
South:	RTN, Residential: Traditional Neighborhood	South:	Residential
East:	RTN, Residential: Traditional Neighborhood	East:	Multi-family residential & Apartments
West:	RTN, Residential: Traditional Neighborhood	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:

SPECIAL EXCEPTION 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 special exception will not be injurious to the public health, safety, or general welfare of the community as the proposal provides the required number of off-street parking spaces and will be the private residence of the owners.

2. ***Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.***

Staff Finding:
The proposed building remodel will be required to meet the requirements of the City of Franklin and State of Indiana and the off-street parking requirements are being met.

3. ***Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.***

Staff Finding:
The requested use is listed as a special exception and will be providing the minimum required number of off-street parking spaces. The properties immediately across Main Street are multi-family structures.

4. ***Comprehensive Plan: The granting of the variance (does or <u>does not</u>) interfere substantially with the Comprehensive Plan.***

Staff Finding:
The Comprehensive Plan states that "the conversion of homes to apartments and businesses should be generally prohibited and otherwise strictly regulated." However, the subject structure has historically been used as a four unit dwelling.

<u>DEVELOPMENT STANDARDS VARIANCE DECISION CRITERIA</u>

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

Staff Finding:
The approval will not be injurious to the public health, safety, morals, and general welfare of the community as the proposed location for the sign is well outside the sight visibility triangle and the proposed sign is at a pedestrian scale.

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

Staff Finding:
The use and value of adjacent properties will not be affected in an adverse manner as the proposed sign is consistent with the character of the neighborhood.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or <u>will not</u>) 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 signage proposed could be modified to be compliant with the sign regulations for RTN zoned properties. However, it is important to note that the proposed sign would be consistent with the goal of providing pedestrian oriented business signs as outlined in the Comprehensive Plan.

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 **approval with the following conditions:**

1. A minimum of 6 parking spaces shall be provided onsite.
2. All necessary State and local government approvals and permits shall be obtained.

PROPOSED BED AND BREAKFAST
396 NORTH MAIN
FRANKLIN

We purchased this property on 5/27/2011 with the hopes of renovating it to open as a bed and breakfast with 4 guest rooms each with a private bath. Prior to our purchase we researched city, county and state guidelines and contacted the Indiana Bed and Breakfast Association to make sure this house would meet the necessary requirements for a bed and breakfast establishment.

We understand there needs to be one off street parking space for each room and for each of the owners' two vehicles. There is currently one detached 4 car garage and an asphalt area next to the garage with space for 2 cars so there is sufficient off street parking for six vehicles.

As innkeepers we will live on the premises in one-half of the main level. The owners' area will be off limits to guests.

There will be four guest bedrooms on the second level for with each having its own private bathroom and closet. Two of the rooms already have a full bath. Kitchen areas off the other two bedrooms will be converted to bathrooms.

There will be a common area (a living room/parlor) on the main level for guests and another immediately above it on the second level will also be for guests' use. There are two large open front porches on the 1st and 2nd levels and they too will be available for guests to use.

A full gourmet breakfast will be served to guests in the formal dining room and in warm weather on the front porch. We will follow all health department regulations as required.

We will try to renovate the house without affecting the architectural integrity as much as possible. We plan to make necessary exterior repairs, paint the entire exterior and landscape.

Prior to purchasing the property we researched possible sources for guests and feel that visitors to the college, the Methodist and Masonic Homes, the Artcraft Theatre, the antique stores and malls and Camp Atterbury will be the biggest draws. The close proximity to downtown Indianapolis is also attractive to visitors who prefer the charm of a small town to the hotels in the city but still close enough to enjoy the city attractions and events. Other possible sources will be guests celebrating birthdays, anniversaries, honeymoons, etc.

Before opening we would hold an open house and invite the general public to tour the home and acquaint them with our business venture.

We feel a bed and breakfast at this location will benefit not only us by providing income but will also help the City of Franklin by preserving a historical home and by providing an elegant comfortable space for guests to spend a night or two and in turn those guests will be spending money at other local businesses.

We sincerely appreciate your consideration of our application.

SURVEYOR LOCATION REPORT

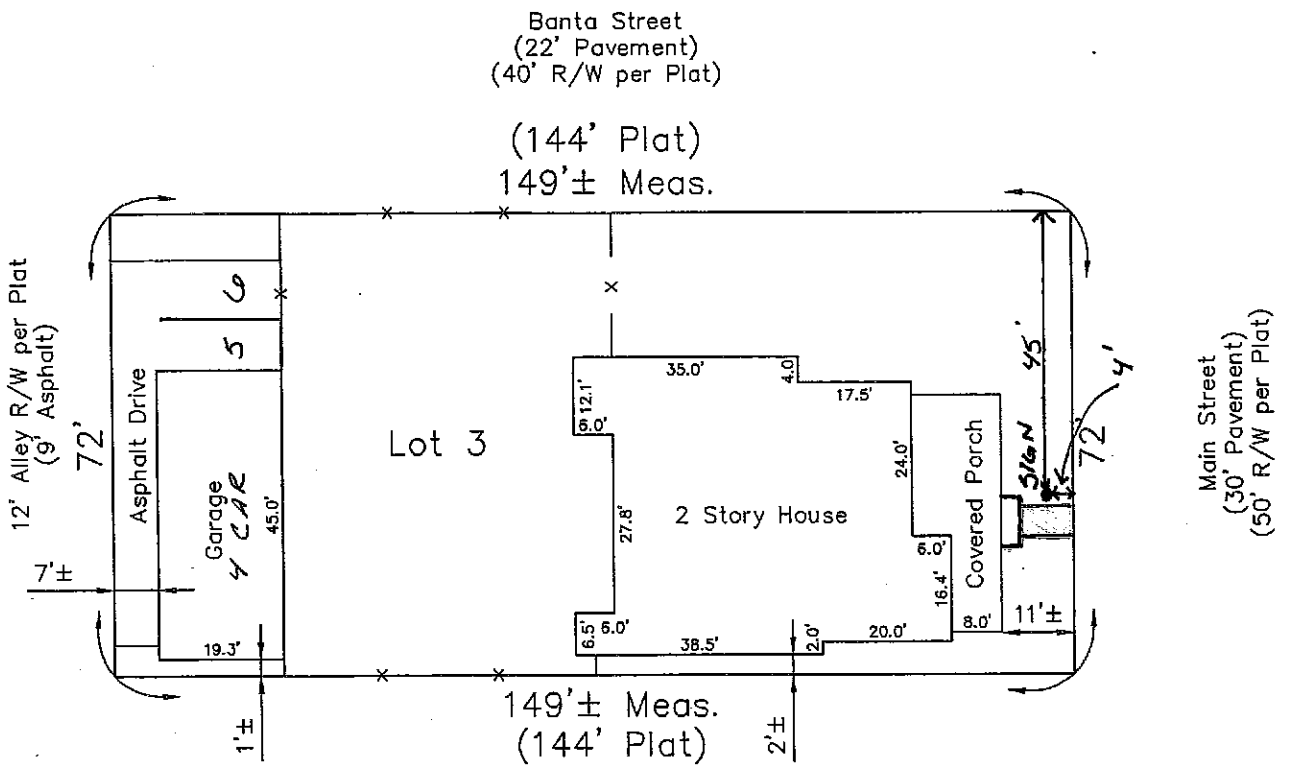
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend

R/W	Right-of-Way
—— x ——	Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Scale: 1"=30'



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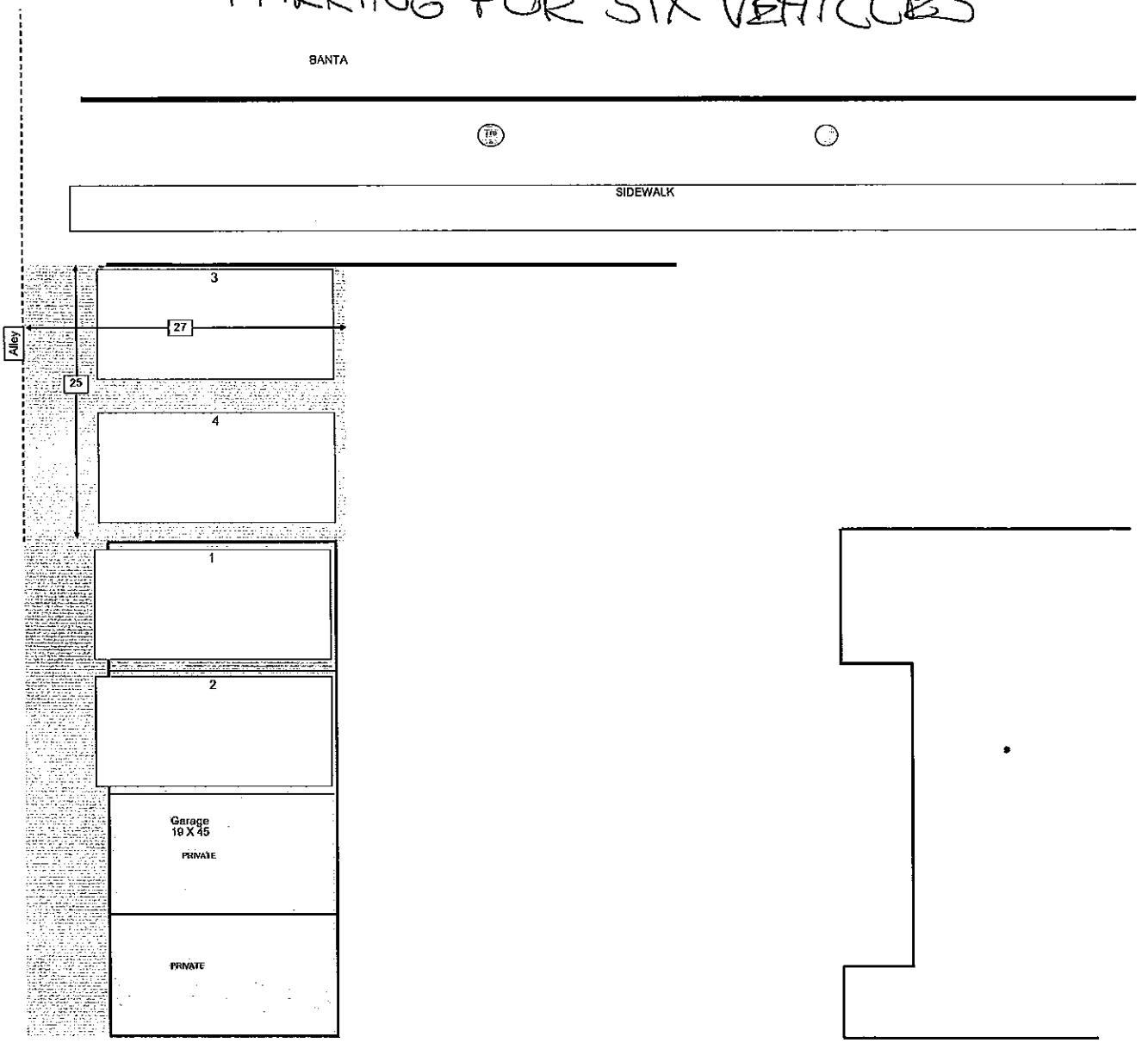
RICHARD A. O'BRIAN
REGISTERED
No. 80880017
STATE OF INDIANA
LAND SURVEYOR

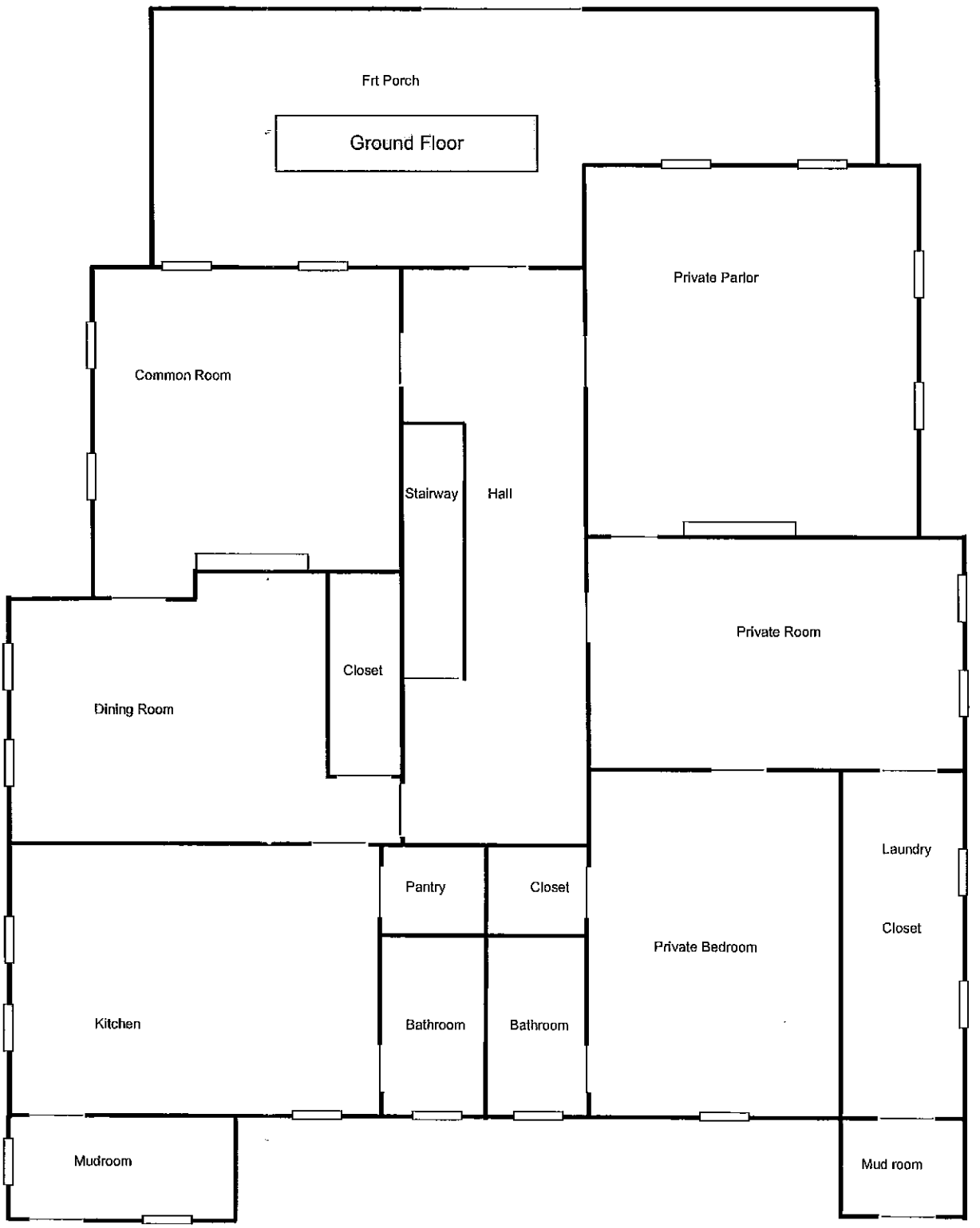
CERTIFIED: May 25, 2011

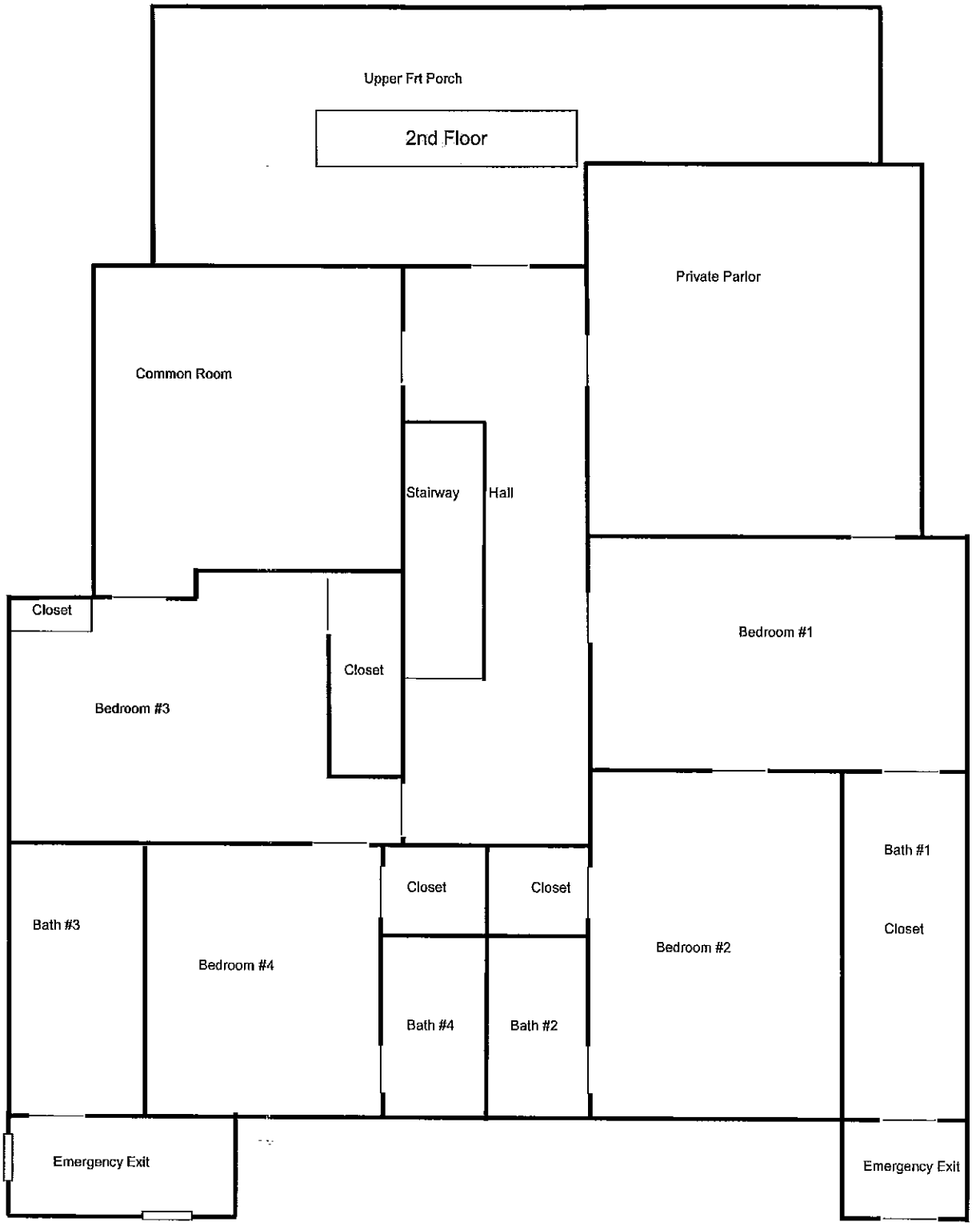
Richard A. O'Brian

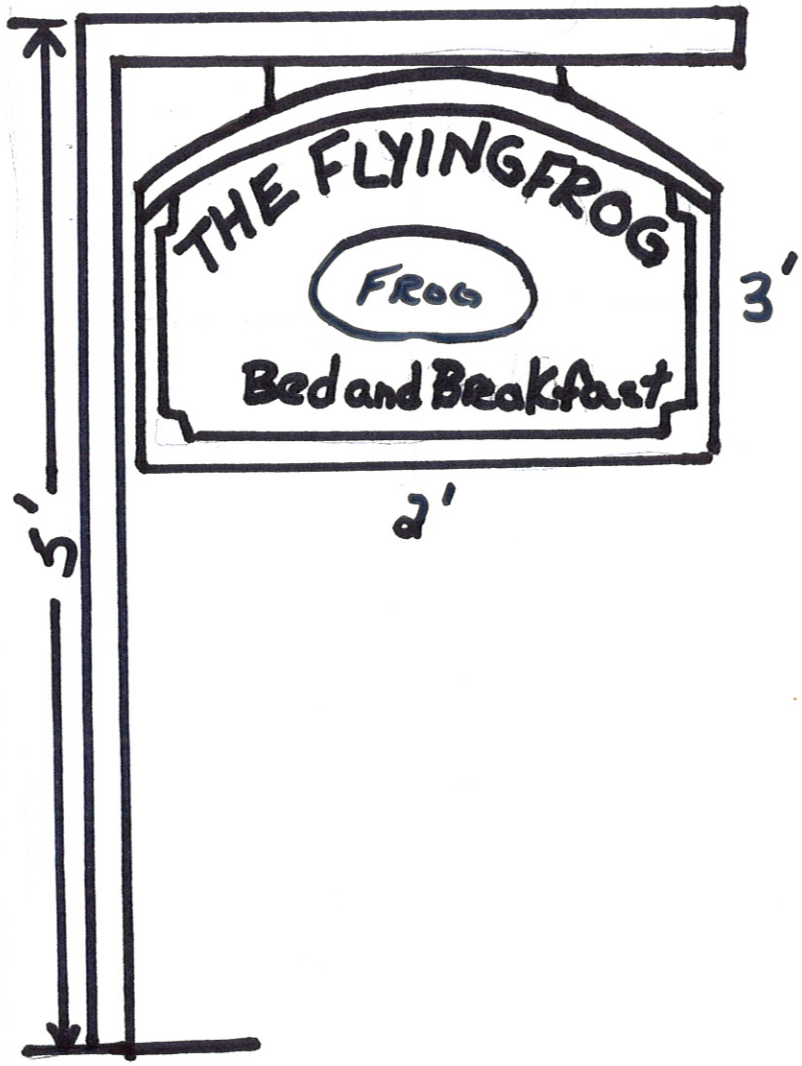
Richard A. O'Brian
Registered Land Surveyor,
Indiana #80880017
Job No.: 2011051379
Sheet 2 of 2

PARKING FOR SIX VEHICLES




Frt Porch
Ground Floor
Private Parlor
Common Room
Stairway
Hall
Private Room
Closet
Dining Room
Laundry
Pantry
Closet
Closet
Private Bedroom
Kitchen
Bathroom
Bathroom
Mudroom
Mud room


Upper Frt Porch
2nd Floor
Private Parlor
Common Room
Stairway
Hall
Closet
Closet
Bedroom #1
Bedroom #3
Bath #1
Closet
Closet
Closet
Bath #3
Bedroom #4
Bedroom #2
Bath #4
Bath #2
Emergency Exit
Emergency Exit


THE FLYINGFROG
FROG
Bed and Breakfast
3'
2'
5'