



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46181 › 877.736.3631 › FAX 317.736.5310 › www.franklin-in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: August 30, 2011

Re: Case ZB 2011-13 (V)

REQUEST:

Case ZB 2011-13 (V)...Woodbury Tax. A request for a variance from the City of Franklin Zoning Ordinance Article 8, Chapter 1, to allow a multi-color, 8' x 1.5' (12 sq. ft.) electronic message board for a total of 28 square feet of signage in the Mixed Use Commercial Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 2048 North Morton Street.

PURPOSE OF STANDARD:

The "MXC", Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

CONSIDERATIONS:

1. The petitioner is requesting a variance to allow installation of an electronic, animated sign, which is not permitted by the Zoning Ordinance.
2. According to Article 8.1 of the Zoning Ordinance, an animated sign is listed as a prohibited sign. Article 13.2 defines an animated sign as "a sign with action, motion, or changing colors or lights, any of which imitates movement. A flashing sign shall be considered to be an animated sign."
3. There is currently one (1) other sign on the property which is approximately 16 square feet in size.
4. The business is allowed up to five (5) signs and up to a total of 120 square feet of signage.
5. The Board of Zoning Appeals have approved similar cases (ZB 2009-05, ZB 2009-19) with following conditions:
 - a. A sign permit be obtained and pay the applicable fees/fines.
 - b. Sign shall be limited to the use of one color per frame.
 - c. Messages shall remain static for a minimum of 8 seconds per frame.
 - d. There shall be no scrolling, animation, or flashing.

6. 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
7. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXC, Mixed Use: Community Center/GW-OL
 South: MXC, Mixed Use: Community Center/GW-OL
 East: MXC, Mixed Use: Community Center/ GW-OL
 West: RSN, Res.: Suburban Neighborhood/GW-OL

Surrounding Land Use:

North: Single Family Residential
 South: JMH Immediate Care (medical)
 East: Crane Fed. Credit Union/Steak & Shake
 West: Single/Multi-Family 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:

The approval of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. The sign will be located on the east façade of the building.

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 use and value of adjacent properties will not be affected in an adverse manner as the sign would be facing east which are commercial properties. The sign should not be visible from any residential property.

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:

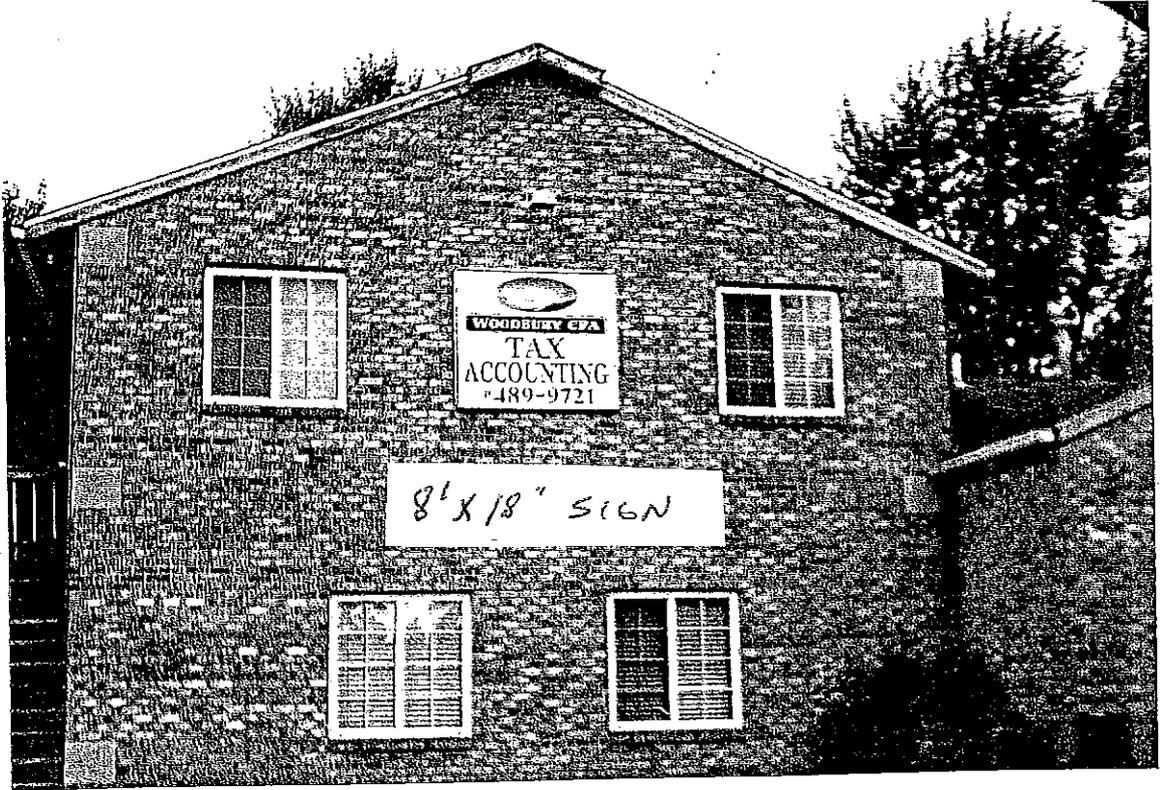
The strict application of the ordinance will not result in a practical difficulty as other types of signage, including changeable copy signs, are permitted. In addition, the petitioner has not reached his maximum for allowed signage and is permitted up to four (4) additional signs totaling an additional 104 square feet. Staff finds that the practical difficulty 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.

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

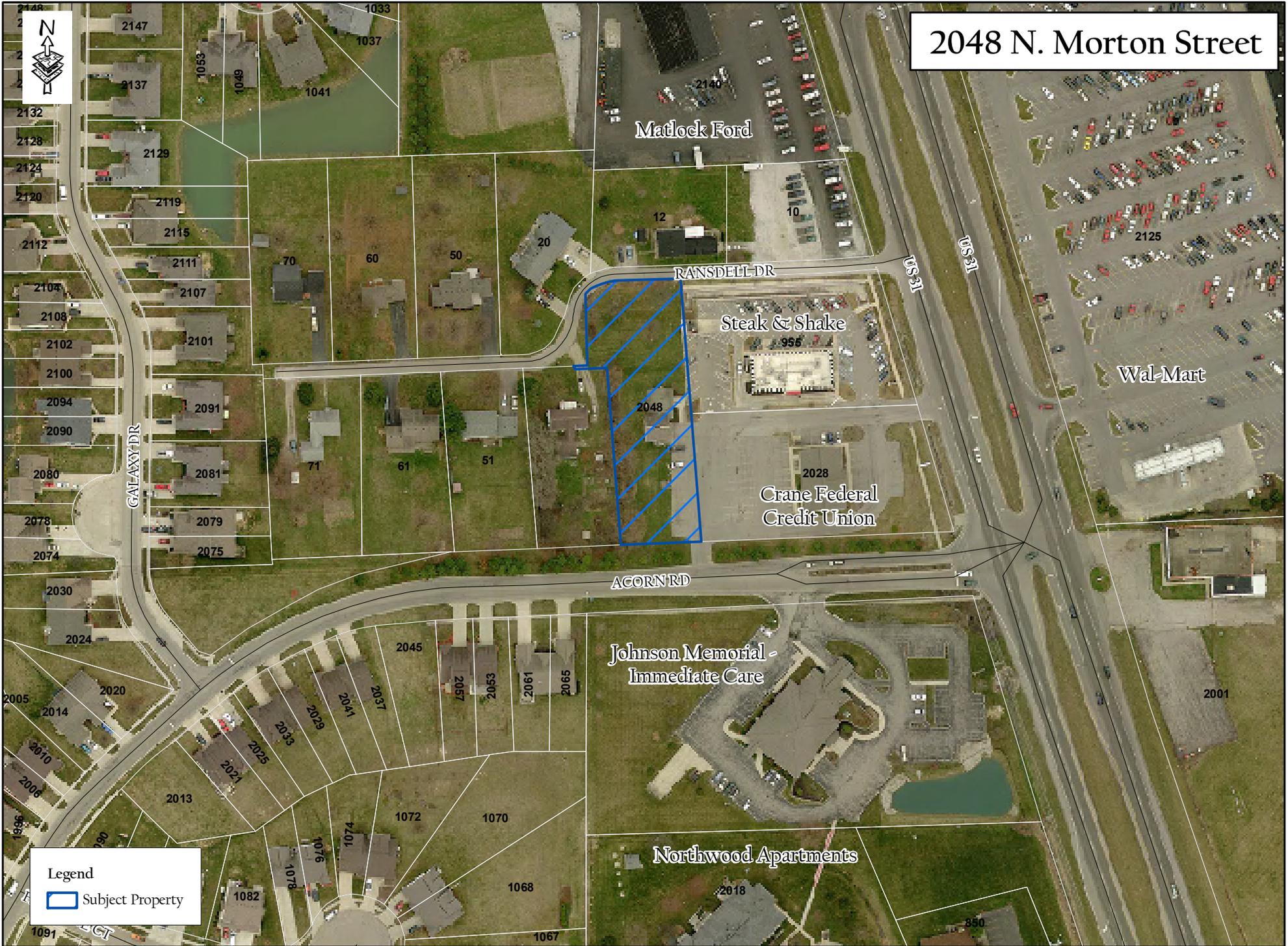
STAFF RECOMMENDATION

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

2048 N. Morton



2048 N. Morton Street



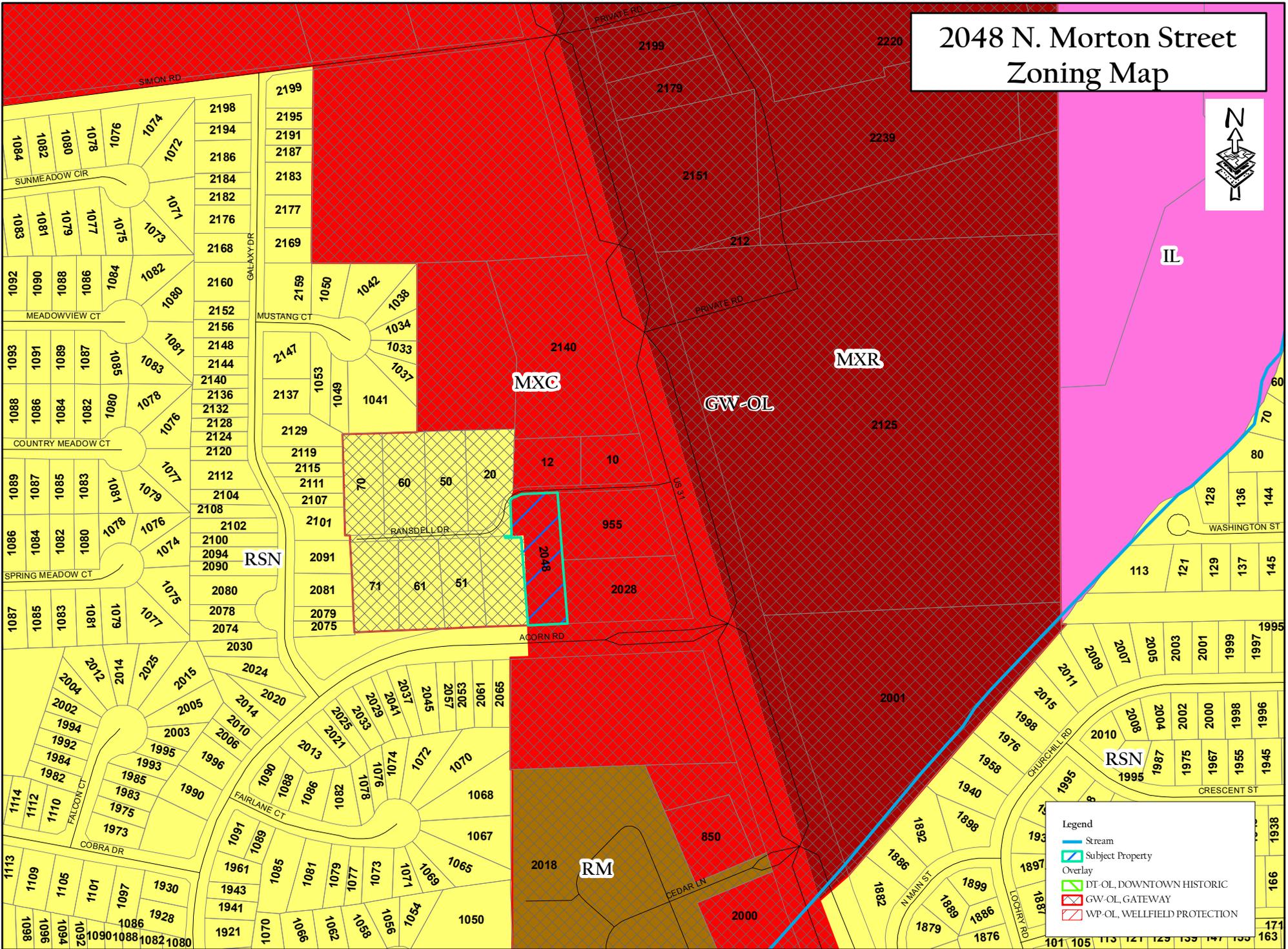
Legend
Subject Property

1 inch = 150 feet



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Franklin Planning Dept.

2048 N. Morton Street Zoning Map



Legend

- Stream
- Subject Property
- Overlay**
- DT-OL, DOWNTOWN HISTORIC
- GW-OL, GATEWAY
- WP-OL, WELLFIELD PROTECTION

1 inch = 300 feet



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