



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & 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: September 25, 2013
Re: Case ZB 2013-16 (SE & V) Church of the Bible

REQUEST:

Case ZB 2013-16 (SE & V)...211 Hamilton Avenue. A request for a special exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 10, to allow the expansion of a legal nonconforming use as a church facility and developmental standards variances from:

1. Article 7.12(B)(5) – Entrance separation less than 100 feet
2. Article 7.16(E) – Reduction of width of parking lot perimeter landscape area
3. Article 7.16(F) – Reduction of interior parking lot landscape area

in the Residential: Traditional Neighborhood (RTN). The property is located 211 Hamilton Avenue.

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 Church of the Bible is located at 211 Hamilton Avenue and has been operating as a legal nonconforming use.
2. The church has recently purchased additional property and is proposing to expand by adding an additional parking lot with 6 parking spaces to the west of their facility. See attached site plan.
3. The expansion of a legal nonconforming use requires approval from the Board of Zoning Appeals. However, a church use is listed as a special exception within the RTN zoning district. Therefore, it makes the most sense to request the special exception as it would apply to the entire property and the farther expansion of the church operations on their property, as owned to date, would not require additional approval for use from the BZA.

4. The proposed parking lot will be accessed from Hamilton Avenue with the proposed entrance being located approximately 30 feet from the entrance to the existing parking lot.
5. According to Article 7.12(B)(5), the minimum entrance separation is 100 feet.
6. The lot is approximately 120 feet in width and is located within a residential neighborhood.
7. According to Article 7.16(E), parking lots are required to be separated from the right-of-way by a 10 ft. landscape area with plantings.
8. The proposed site plan provides for a landscape area 12 feet in width from the edge of pavement with plantings. The majority of the proposed landscape area is located within the rights-of-way in lieu of on site. The petitioner is requesting a reduction of the required 10 feet on site.
9. According to Article 7.16(F), a minimum of 5% of a parking lot is required to be landscaped with the minimum landscape island being 300 sq.ft. in area.
10. The proposed parking lot is 3,000 sq.ft. in area. To meet the minimum requirements as outlined, a 300 sq.ft. landscape island would be required, which is 10% of the parking lot.
11. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Traditional Residential. "Traditional residential areas include both (1) existing neighborhoods which are extensions of the core residential areas and (2) new development which is consistent in character and design features with the existing traditional and core residential areas. Land use in traditional residential areas is dominated by single-family homes of a diversity of sizes and styles. Also included are isolated occurrences and small clusters of neighborhood-serving convenience businesses, neighborhood parks and open spaces, and neighborhood-scale churches and schools. Accessory residences and select two and multi-family residential structures may be maintained and incorporated into these areas subject to restrictions which ensure adequate parking and compatibility with the scale, function, and design features of the neighborhoods."
12. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

Surrounding Zoning:

North: RTN, Residential: Traditional Neighborhood
 South: RTN, Residential: Traditional Neighborhood
 East: RTN, Residential: Traditional Neighborhood
 West: RTN, Residential: Traditional Neighborhood

Surrounding Land Use:

North: Residential & City Park
 South: Church of the Bible
 East: Residential
 West: Residential

CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

DECISION CRITERIA – SPECIAL EXCEPTION

- 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 or safety of the community as this property has historically been commercial or institutional in nature.

- 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 development plan have been reviewed by the Technical Review Committee. Three variance requests are presented with this case. If the Board would find that sufficient evidence does not support approving the variances, the site would be required to be modified to meet the requirements.

- 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 under the RTN zoning district regulations and will not have an adverse effect on adjoining properties. Churches of this size are generally complementary to residential neighborhoods.

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

Staff Finding:

The granting of the special exception does not interfere with the Comprehensive Plan as the Plan supports the development of neighborhood-scale churches within Traditional Residential areas.

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

STAFF RECOMMENDATION – SPECIAL EXCEPTION

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

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(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 – DEVELOPMENTAL STANDARDS VARIANCE

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 variances will not be injurious to the public health, safety, morals or general welfare of the community as the expansion of the parking area will provide additional off-street parking associated with the church and will elevate the impact of parking along the street.

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 approval of the variances will not adversely affect adjacent properties, as the location of the proposed entrance is similar in nature to surrounding properties. In addition, the proposed landscape area adjacent to the pavement meets the intent of the ordinance as it provides at least a 10 ft. buffer from the parking lot and travel lanes of Hamilton Avenue.

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 result in a practical difficulty as the width and size of the lot restricts the ability to provide the minimum separation between entrances. The small nature of the parking lot expansion would result in an ineffective landscape island while the intent of the ordinance is being met as a 100 sq.ft. landscape area with shrubs and a tree is being proposed.

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

STAFF RECOMMENDATION – DEVELOPMENTAL STANDARDS VARIANCE

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

(NOTE: According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.)

Special Exception: To expand a legal conforming use (Church is within a RT Zone).

Church of The Bible has purchased property to the west of its existing sanctuary. The church currently has 10 parking spaces, situated north of the Sanctuary. This proposal would re-configure the current parking spaces, and add four additional parking spaces.

In addition to the added parking, is a proposal for an additional entry, 1 new street tree, 4 additional site trees, and 25 plantings, including a small (150 Sq Ft) rain-garden.

Variance Developmental Standards:

Article: Drive Separation 7.12, B-5a

The proposed site plan calls for reconfiguring the existing 30 foot entry (to be a 25 foot), and adding an additional 21 foot entry to the west, enabling access to new spaces. The entire lot line is only 110 feet, our proposed separation is 30 foot at the property line.

Article: Parking Lot Separation 7.16, E

This existing lot has 10 no-conforming parking spaces (less than the required 10 x 20), upon completion our combined new & existing lot will have 14 conforming spots. We have configured the lots so to gain as many spaces as possible, while improving the size and layout of the existing. Our lot will have at the least, a 12 foot green space between the edge of pavement on Hamilton Ave & our lot, to increase this to 19 foot would eliminate 3 parking spaces, and give us only a net gain of one space.

Article: Interior Landscape 7.16, D, & F

Our buildings, and grounds are well maintained, it's part of who we are, and our commitment to the community we serve. Because of size limitations we are asking for a landscape variance.

We commit to: A. One Street Tree, and 4 Additional Site Trees.

B. 25 new plantings, including bushes, & Landscape grass, as per Site Plan.

C. A 10 x 20 Rain-garden, with appropriate plantings, per Landscape Plan.

D. A four foot landscaped strip separating the new and existing spaces.

E. A 6 Foot Wood Privacy fence to be placed West of the new lot.

F. Parking spaces will have Bumpers (stops).

G. The Rain-garden will have a 6" concrete curb, constructed to assist drainage and protect plantings.

1. THE APPROVAL WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY;
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER;
3. THE STRICT APPLICATION OF THE TERMS OF THE FRANKLIN ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES 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.

Site Plan

Part of Lots 95 & 96 ~ Hamilton and Oyer
Addition to Franklin

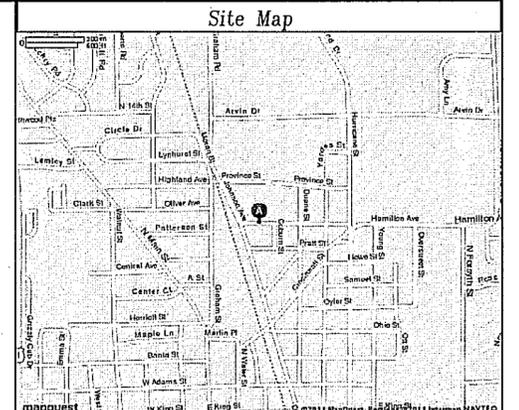
STR A - TC = 737.40
INV. N 12" RCP - 733.5
INV. S 6" HDPE - 733.6

STR B - TC = 737.40
INV. E 12" RCP - 732.8
INV. S 12" RCP - 732.9

EX STR C - TC =
INV. S 36" CMP - 731.8
INV. W 12" RCP - 732.0

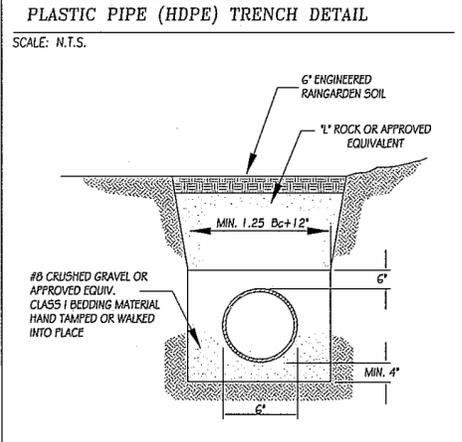
SYMBOL LEGEND			
	PROPOSED SIGN		GROUND LIGHT
	HANDICAPPED PARKING		SANITARY MANHOLE
	UTILITY POLE		WATER METER
	AREA LIGHT		FIRE HYDRANT
	BOLLARD		EXISTING TREE
	TRAFFIC DIRECTION		PROPOSED BUSH
	ELECTRIC METER		PROPOSED TREE
	GAS METER		AIR CONDITIONING UNIT

EXISTING GRADE PROPOSED GRADE



SCHMIDT MEMORIAL PARK

ROARING RUN



LOT SIZE: 16,100 SQ. FT.
EXISTING HARD SURFACE AREA: 7,500 SQ. FT.
PROPOSED PARKING ADDITION: 3,000 SQ. FT.
TOTAL DISTURBANCE IS LESS THAN 7,000 SQ. FT.



NOTE:
BACKFILL UNDER DRIVE AND PARKING TO BE COMPACTED NO. 53 STONE, EXTENDING 5 FEET BEYOND EDGE OF PAVEMENT.
NO ADDITIONAL LIGHTING IS PROPOSED.

Revisions



JEFFREY J. KANDY PROFESSIONAL LAND SURVEYOR NO. 20100068

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Prepared For:

Church of the Bible
211 Hamilton Avenue
Franklin, Indiana 46131

Project

211 Hamilton Avenue,
Franklin, Indiana
Johnson County

Sheet Title

Site Plan (Phase 3)

Scale 1" = 20'	Drawn CAP	Designed N/A	Checked JKK
Work Order No. 120344		Sheet Number 3	
Date: December 6, 2012		of 6	

September 14, 2013 - 9:51am
C:\Users\jpkandy\Documents\CKW_2012\120344\plan\120344.dwg