

Attachment A:  
Findings of Fact for Use Variance  
Project: Kids in Crisis – Intervention Team, Inc.     Docket \_\_\_\_\_

The purpose of this application is to request a use variance allowing for commercial/ non-profit offices in connection with and supporting the proposed 3-story, 48-unit apartment complex to be known as Rockwell Pointe. Office uses will comprise a very minimal portion of the overall square footage of the building and will be located on the first floor. Office uses are not currently allowed under the Residential Multi-Family (RM) zoning classification. The subject real estate is located within the Interstate 65 Gateway and Corridor adjacent to Umbarger Lane northwest of the armory and consists of approximately 16.27 acres of vacant ground (Parcel no. 41-07-18-034-006.000-0148) (“Real Estate”). A recorded Warranty Deed demonstrating ownership, and an accompanying Preliminary Site Layout and renderings are filed with the application.

1.     ***The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:*** : The approval of the requested variance will not affect the public health, safety, morals and general welfare of the community because the proposed deviation is consistent with development in the area. There is a developed subdivision, Jefferson Pointe, Residential, Suburban Neighborhood (RSN,) to the west, although not adjacent to the Real Estate, and Franklin Cove Apartments, Residential Multi-Family (RM), is situated to the north. Franklin College of Indiana is the owner of an approximately 75-acre undeveloped parcel, Residential-Traditional (RT-1), to the south of the Real Estate. The eastern adjoiners, situated on the east side of Umbarger Lane are Light Industrial (IL) and Mixed-Use Regional Center (MXR). There is no indication that the approval of said application, and resulting variance, would negatively impact the general welfare of the community. The approval of this application will allow applicant to develop the Real Estate to its fullest potential, maintain the nature of development in the area, and enhance the Interstate 65 Gateway and Corridor which is identified in the Comprehensive Plan as an area in need of improvement. The proposed use actually ENHANCES 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 because:*** The effect on surrounding property values, as well as throughout the City, should be enhanced by the proposed development which is designed in a manner that conforms to the current conditions of the Real Estate and the surrounding properties.

3.     ***The need for the variance arises from some condition peculiar to the property involved because:*** Current Residential Multi-Family (RM) zoning does not allow applicant’s intended use for the Real Estate to provide affordable housing, including permanent supportive housing for homeless youth, coupled with on-site services. Kids in Crisis – Intervention Team, Inc. (KIC-IT) and No Place to Call Home (NPTCH) will have permanent offices on site, including staff, on a full-time basis. There will be additional office space available for other County agencies to use as needed to provide wrap-around services for the tenants and others. Those satellite offices will be used by, and available to, many Community Organizations, including but not limited to:

- Adult and Child
- Reach for Youth

- Turning Point
- Assist Indiana
- WorkOne
- Children's Bureau
- Gateway Services
- SSI/SSDI Outreach, Access, and Recovery (SOAR)
- Youth Connections
- Human Services

Without the variance, these wrap-around services cannot be centralized where they will be needed most.

4. ***The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:*** Kids in Crisis -Intervention Team (Kic-it) is a non-profit agency serving youth (ages 16-25) in Johnson County who are homeless or are vulnerable to become homeless, Kic-it is a United Way of Johnson County agency and was a participant in the Indiana Housing and Community Development Authority Supportive Housing Institute. Applicant's mission is to provide a network of support and empowerment for youth to break the cycle of homelessness and promote independence. This project is a big step in that direction and although denial of the requested variance will not prevent construction of Rockwell Point Apartments, denial will impair applicant's ability to provide on-site services, including case management to assist with obtaining community resources, as listed above, creating an unnecessary hardship as it would be necessary for applicant to establish/maintain offices and provide services off-site, requiring transportation for residents elsewhere for services.

5. ***The approval does not interfere substantially with the Comprehensive Plan because:*** The City of Franklin Comprehensive Plan establishes that Multi-Family Residential areas are intended to provide high-density residential options located in close proximity to appropriate goods and services, transportation routes, parks and open spaces. The Real Estate is currently zoned for Multi-Family use. Applicant is seeking a variance permitting commercial offices on-site allowing applicant to provide goods and services to residents of the development and the community as a whole. The same is outlined in the Comprehensive Plan (Section 6 Land Use page 84). Additionally, the Interstate 65 Gateway and Corridor is an area identified in the Comprehensive Plan as an area in need of improvement. The Real Estate and applicant's proposed development therefore does not interfere substantially with the Comprehensive Plan.

Respectfully submitted by:



Eric W. Prime  
VAN VALER LAW FIRM, LLP  
225 S. Emerson Ave., Suite 181  
Greenwood, IN 46143