



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, AICP, Senior Planner

Date: April 30, 2021

Re: Cases ZB 2021-04 (V) | Dan Batta | 3435 E Greensburg Rd

REQUESTS:

Case ZB 2021-04 (V)...3435 E Greensburg Rd. A request for consideration of a development standards variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 3, Accessory Structure Standards, to allow an accessory structure to be located in a front yard, in the RS-1: Residential, Suburban One zoning district. The property is located at 3435 E Greensburg Rd, Franklin, IN 46131, and is located within the City of Franklin Extraterritorial "Buffer Zone" Zoning Jurisdiction.

PURPOSE OF STANDARD:

The "RS-1", Residential: Suburban One zoning district is established to provide suburban style, medium to low density single-family residential development along with contributing infrastructure and other necessary features.

ZONING:

Surrounding Zoning:

North: RS-1: Residential: Suburban One
South: RSN: Residential: Suburban Neighborhood
East: RS-1: Residential: Suburban One
West: RS-1: Residential: Suburban One

Surrounding Land Use:

North: Franklin College Athletic Fields/XC Track
South: Railroad, Large Lot Residential
East: Agriculture crop field
West: Agriculture crop field

CONSIDERATIONS:

1. Petitioner, Dan Batta, is requesting approval to be allowed to construct an accessory structure within an area on his property that is considered "front yard." Accessory structures are required to be in line with, or behind the front foundation line of the primary structure (residence). [See [Exhibit A: Site Plan](#)]
2. The proposed detached garage/workshop structure would be 32' (38' with 6' overhang) x 48' and setback ~350 feet from Greensburg Rd; the residence is setback approximately 450 feet from Greensburg Rd.
3. The proposed metal sided and roofed accessory structure would have electric service, but would not have water, plumbing, nor HVAC. [See [Exhibit B: Building Plans](#)]

Accessory Structure in Front Yard

4. According to Article 7, Chapter 3, No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks.
5. Variance Request: *Petitioner is requesting a variance to allow an accessory structure to be located in the area designated as a front yard by the Zoning Ordinance.* In this case, the front yard area is all of the subject property which is closer to the right-of-way of E Greensburg Road, than the front foundation line of the existing residence. [See [Exhibit A: Site Plan](#)]

Comprehensive Plan & Zoning Ordinance

6. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Large-Lot Suburban Residential. “Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in large-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood.”
7. The 2013 Franklin Comprehensive Plan, Land Use Plan, also addresses the desired Design Features for Large-Lot Suburban Residential: “These neighborhoods should include generous setbacks and lot areas. While homes may be setback from the street, individual home designs should include front porches and garages set behind the living area of the home. A variety of compatible housing types and styles should be included in each neighborhood. Widths for local streets in these areas should be relatively narrow, with limited on-street parking. The use of cul-de-sacs is strongly discouraged”
8. 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.
9. 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.

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 – DEVELOPMENT STANDARDS VARIANCES

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:

Staff finds the approval of the variance will not be injurious to the public health, safety, or general welfare of the community, as the proposed structure will be setback approximately 350 feet from Greensburg Rd, the front two-thirds of petitioner's property is heavily wooded, and the neighboring properties on both sides are agricultural crop fields.

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 (Next Page):

Staff Finding:

Staff finds the use and value of the adjacent properties will not be affected in a substantially adverse manner, as the proposed structure will be setback approximately 350 feet from Greensburg Rd, the front two-thirds of petitioner's property is heavily wooded, and the neighboring properties on both sides are agricultural crop fields.

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:

Staff finds the strict application of the ordinance will result in practical difficulties related to the requested variance at the subject property, as the existing residence is located toward the rear of the property and is setback 450 feet from Greensburg Rd. The strict application of the ordinance would result in the front 450 feet of petitioner's property being rendered unbuildable and would severely limit possible locations for this structure on the property.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **approval** of the petition with the following conditions, a. through d.:

- a. The use of the accessory structure is limited to permitted uses as designated by the RS-1: Residential Suburban One zoning district, only, including uses that meet the standards of a home occupation (ZO Art. 7, Chpt. 7). This should not be interpreted as to allow residential dwelling(s) in the structure.
- b. Commercial or industrial use of the structure is prohibited
- c. The accessory structure must be constructed as depicted on the building & site plans submitted with this variance application.
- d. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.