



## 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:** August 2, 2024 (updated 8/5/24 to correct formatting on pg. 3)

**Re:** Case ZB-24-4 (SE) Bobby Smither

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### REQUEST:

**Case ZB-24-4 (SE)...996 Hurricane Street.** A request by Bobby Smither for a Special Exception Use from the City of Franklin Zoning Ordinance, Article 7, Chapter 3 to allow an accessory dwelling use inside the primary structure in the RTN, Residential, Traditional Neighborhood zoning district. The property is located at the property with a common address of 996 Hurricane 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.

### ZONING:

#### Surrounding Zoning:

North: RTN: Residential, Traditional Neighborhood  
South: RTN: Residential, Traditional Neighborhood  
East: IG: Industrial, General  
West: RTN: Residential, Traditional Neighborhood

#### Surrounding Land Use:

North: Single- & Two-family Residential  
South: Single-family Residential  
East: Hurricane Industrial Complex  
West: Single-family Residential

### CONSIDERATIONS:

1. The subject property of 996 Hurricane Street has an existing single-family residential home, approximately 1,116 sq. ft. in size (per Johnson County Assessor data) with a 20' x 30' old detached garage foundation in the rear. [See [Exhibit A: Existing Floor Plan](#) & [Exhibit B: Site Plan](#)]
2. Petitioner, Bobby Smither, is proposing a complete remodel and an addition to the existing structure, re-orienting the current floor plan, to add a first-floor accessory dwelling unit, approximately 592 square feet in size.
3. The proposed remodel would include two additions squaring off the structure, splitting the first floor into two units, adding a second story for the primary dwelling unit, and making a portion of the first floor into a single-car garage for the primary unit. The primary unit would have approximately 1,290 sq. ft. in living area. [See [Exhibit C: Proposed Floor Plan](#)]
4. The proposed accessory dwelling unit would have approximately 592 square feet of living area, with one bedroom, one full bathroom, and an open kitchen/living room area. [See [Exhibit C](#)]

### **Special Exception – Accessory Dwelling**

5. Accessory dwelling units are listed as a special exception in the following zoning districts: RSN (Residential: Suburban Neighborhood), RS-1 (Residential: Suburban One), RS-2 (Residential: Suburban Two), RS-3 (Residential: Suburban Three), and RTN (Residential: Traditional Neighborhood).
6. Accessory dwelling units are a permitted use in the following zoning districts: RR (Residential: Rural), RT-1 (Residential: Traditional One), RT-2 (Residential: Traditional Two), and RT-3 (Residential: Traditional Three).
7. Article 13.2 defines Dwelling, Accessory as “A separate and complete secondary dwelling unit established in conjunction with and clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property.”
8. Article 7.3 of the Zoning Ordinance limits accessory dwellings to 1,000 square feet and under.
9. Article 7.3 of the Zoning Ordinance requires accessory dwellings to be (a) attached to, and designed and constructed as part of the primary structure, or (b) located above a detached garage or workshop.
10. The proposed accessory dwelling would have approximately 592 sq. ft. of living area and be designed and constructed as part of the primary structure.
11. Special Exception: *Petitioner is proposing a dwelling less than 1000 sq. ft. of living area and designed and constructed as part of the primary structure, and clearly subordinate to the primary dwelling; therefore, petitioner requests a Special Exception use approval, from the Accessory Use Standards, to allow an accessory dwelling use.*

### **Parking Standards**

12. According to Article 7.10 of the Zoning Ordinance, 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.
13. According to Article 7.10 of the Zoning Ordinance, a minimum of 2 off-street parking spaces are required for each dwelling unit.
14. All required parking spaces must be designed to provide direct access for vehicles. In no case may areas which do not have direct access be considered a parking space meeting the requirements of this Ordinance (example: a residential driveway shall not be considered a parking space meeting the requirements of this Chapter if a parked vehicle in the driveway prevents direct access to a required parking space in a garage or carport).
15. By ordinance, a minimum of four (4) off-street parking spaces are required for the primary residence and the proposed accessory dwelling. Two dwelling units = 4 spaces required. The Board has the authority to set the number of required parking spaces. *(Staff's recommendation is for a minimum of three, instead of four, due to the size of the property, and the size of the proposed accessory apartment.)*
16. The proposed structure will provide one (1) attached garage parking space and has available space for additional parking with access from the rear alley.

### **Comprehensive Plan & Zoning Ordinance**

17. The 2013 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.”

18. 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.
19. Article 11, Chapter 4 states “Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L)).”
20. Article 11, Chapter 4 states “A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.”

#### **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, safety, or general welfare of the community, as there will be sufficient off-street parking provided and the proposed dwelling would be approximately 600 sq. ft. with only one bedroom. Therefore, staff finds the proposal will not affect the general welfare in any way.

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 proposal will meet the development standards for parking, setbacks, accessory dwelling size limitation, as well as, its design & construction as part of the primary structure.

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 the property is surrounded by other residential properties and uses, including three other properties within a block, north and south, with two dwelling units in a structure. Therefore, staff finds the proposal will not be contrary to the general purposes of the Zoning Ordinance, nor permanently injure other properties or uses in the same zoning district and vicinity.

4. ***Comprehensive Plan: The granting of the variance (will or will not) be consistent with the character of the zoning district in which it is located, and (will or will not) be consistent with the Franklin Comprehensive Plan.***

**Staff Finding:**

The granting of the special exception does not interfere with the Comprehensive Plan as it states: “Accessory residences and select two and multi-family residential structures may be maintained and incorporated into these areas (Traditional Residential areas) subject to restrictions which ensure adequate parking and compatibility with the scale, function, and design features of the neighborhoods.”

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

**STAFF RECOMMENDATION – SPECIAL EXCEPTION**

Based on the written findings above, staff recommends **approval with the following conditions:**

- a. Special Exception approval is for a single accessory dwelling unit, with one bedroom and one full bathroom, to be designed and constructed as part of the primary structure.
- b. The accessory dwelling unit living area square footage shall be limited to 600 sq. ft. +/- 10 percent.
- c. A minimum of three off-street paved parking spaces are required to be provided on-site.
- 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.