



## 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](http://www.franklin.in.gov/planning)

### BZA Staff Report

**To:** Board of Zoning Appeals Members  
**From:** Alex Getchell, Associate Planner  
**Date:** April 29, 2015  
**Re:** Case ZB 2015-08 (V) | Fred & Jacqueline Bruner | 491 Park Drive

#### REQUEST:

**Case ZB 2015-08 (V)...491 Park Drive.** A request for a developmental standards variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 3 to allow a detached garage (accessory structure) to be located in a front yard, in the RSN: Residential Suburban Neighborhood zoning district. The property is located within the City's Extraterritorial Area, "buffer zone," at 491 Park Drive, in the Brookside West subdivision.

#### PURPOSE OF STANDARD:

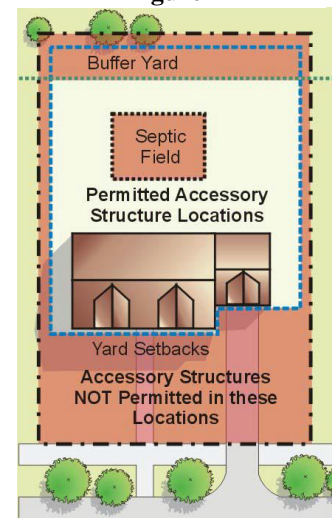
The "RSN", Residential: Suburban Neighborhood zoning district is intended to ensure the continued viability of suburban-style lots in existence on the effective date of this Ordinance. This district should only be used to maintain established setbacks and standards in suburban neighborhoods.

#### CONSIDERATIONS:

##### Current & Proposed Use

1. The petitioners are proposing to locate a three-bay detached garage (28' x 40') within an area of their property defined as a front yard. See the attached site plan and proposed garage elevation.
2. According to the City of Franklin Zoning Ordinance, Article 7, Chapter 3, no accessory structure shall be permitted in any front yard or placed in any operable septic fields (See **Figure 1**).
3. The property is located within the City of Franklin's extraterritorial area ("buffer zone").
4. The petitioners' home is setback approximately 150 feet from the cul-de-sac, and is located at the back of their large residential lot. A large pond occupies the western portion of their property.
5. The proposed garage would be setback approximately 85 feet from the cul-de-sac.
6. The only location on the property where an accessory structure (detached garage) could be placed without being located within the front yard, is the site of the septic field for the residence.

**Figure 1**



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

7. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Agricultural. "Agriculture areas are generally located outside the current city limits in Franklin's extended zoning jurisdiction. Existing agriculture areas within the city limits are prime locations for new development, consistent with the future land use plan map. Agricultural areas are intended to include traditional farming uses, in addition to agricultural products storage and distribution facilities (such as commercial grain elevators), stables, natural preserves, agricultural research facilities, and other animal husbandry and food production related activities."
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.

#### **Surrounding Zoning:**

North: RSN, Residential Suburban Neighborhood  
South: RSN, Residential Suburban Neighborhood  
East: RSN, Residential Suburban Neighborhood  
West: RSN, Residential Suburban Neighborhood

#### **Surrounding Land Use:**

North: Single-family residential  
South: Single-family residential  
East: Single-family residential  
West: Single-family residential

### **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 variance will not be injurious to the public health, safety, morals or general welfare of the community, as the proposed structure will be setback approximately 85 feet from the road and will not crowd any other structure or property. Furthermore, the proposed garage will be setback a similar distance as other homes on the same 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 use and value of the adjacent properties will not be affected in a substantially adverse manner, as approval of the proposed garage would not change the large-lot single-family residential character of the neighborhood. Furthermore, the proposed garage will not crowd any other structure or 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 terms of the ordinance will result in a practical difficulty, as the orientation of the existing residence, at the back of the property, with the large pond to the west, and the septic field to the north/northeast, prevents the petitioners from complying with the terms of the ordinance that prohibit accessory structures in front yards.

**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 with the following conditions**.

If the Board finds sufficient evidence to approve the proposed development standards variances, staff would recommend the following conditions be placed on the approval:

1. All applicable Federal, State, and Local permits and approvals are required, including local building permit(s) from Johnson County Department of Planning and Zoning.

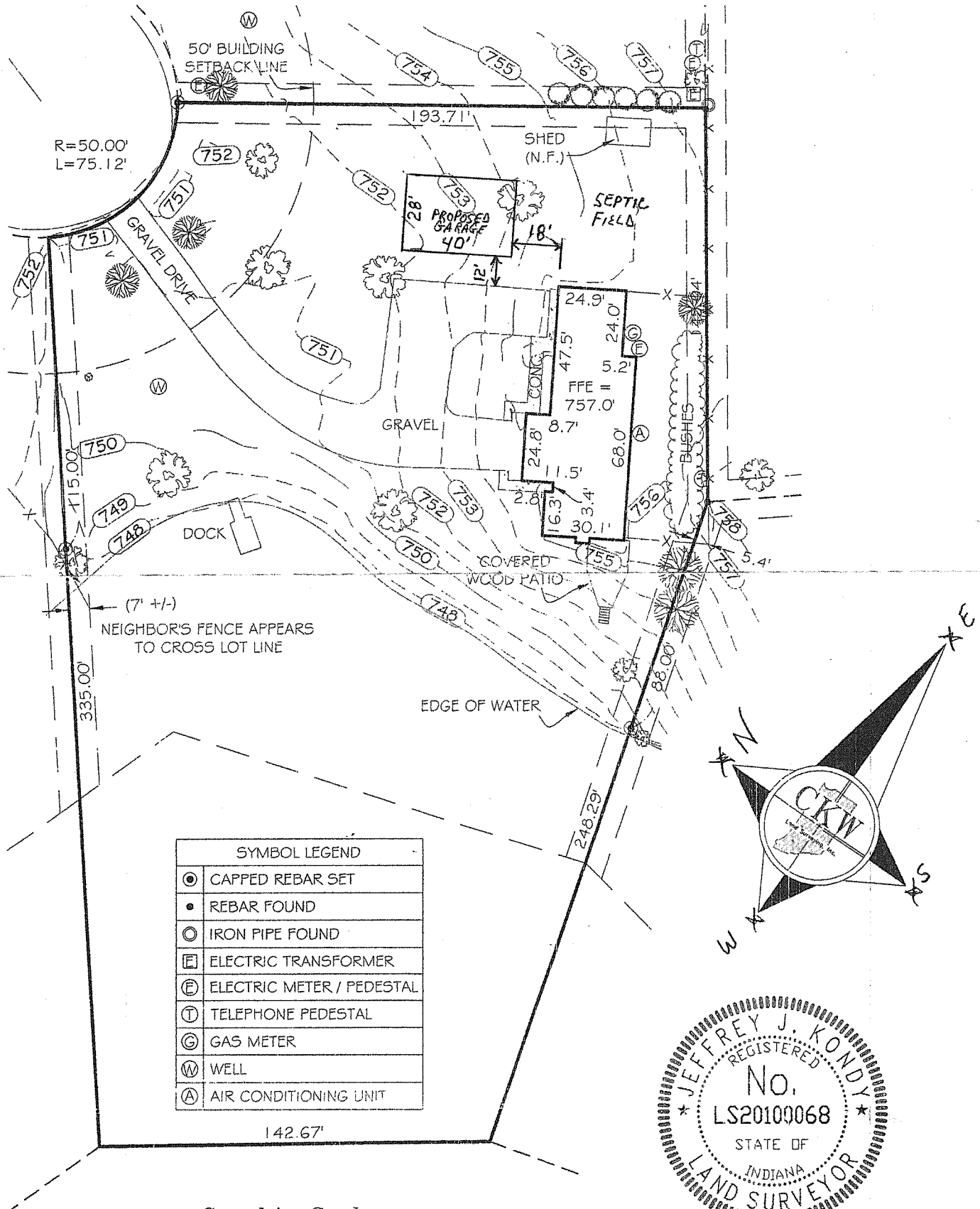
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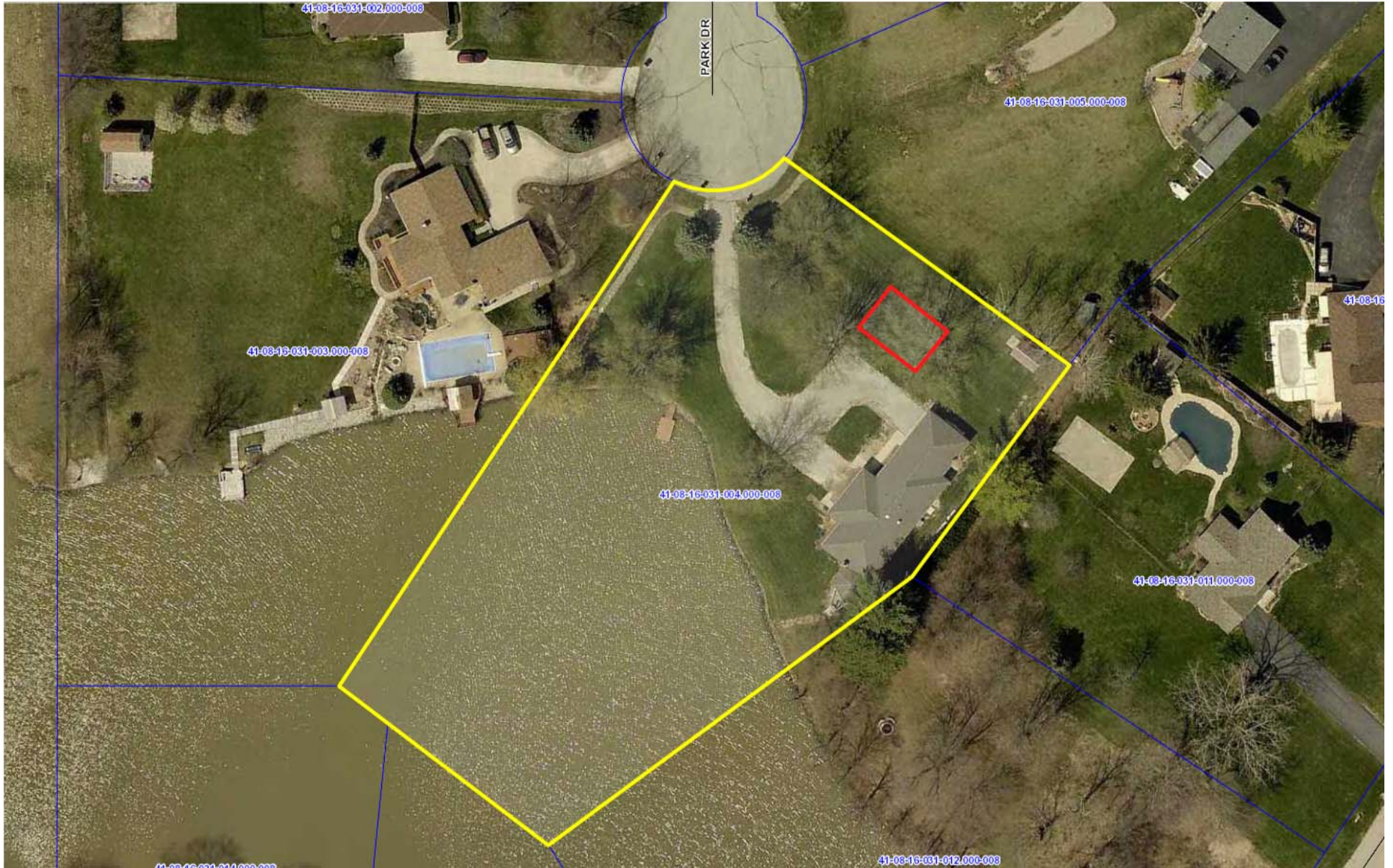
301 EAST JEFFERSON STREET - FRANKLIN, INDIANA 46131

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# Lot Survey







41-08-16-031-002.000-008

PARK DR

41-08-16-031-005.000-008

41-08-16-031-003.000-008

41-08-16-031-004.000-008

41-08-16-031-006.000-008

41-08-16-031-011.000-008

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