



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: April 27, 2016

Re: Cases ZB 2016-06 (SE) | Troy & Jennifer Wright | 1361 S. Old US Hwy 31

REQUESTS:

Case ZB 2016-06 (SE): A request for a Special Exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 5, to allow animal boarding/stables (requesting up to four horses), in the RR: Residential, Rural zoning district. The property is located at 1361 S. Old US Hwy 31, and is 6.61 acre in size. The property is located with the City's Extraterritorial "Buffer Zone" area.

PURPOSE OF STANDARD:

The "RR", Residential: Rural zoning district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to promote and maintain agricultural operations, while also allowing increased development in areas adjacent to developed infrastructure. This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.

CONSIDERATIONS:

Proposed Use | Horse Stable

1. Petitioners recently purchased the subject 6.61 acre property with a plan to repurpose an existing multi-bay carport, for the care of up to four horses on property.
2. Petitioners are committing to keep only four horses and petitioners will not keep any other livestock/ "farm animals" (cows, pigs, sheep, goats, etc.). See the attached petitioner's letter of intent [[Exhibit A](#)].
3. A stable is defined by Merriam-Webster Dictionary as "a building in which horses are kept, fed, and cared for;" and also as "the group of racehorses that belong to the same owner."
4. Animal Boarding/Stables is listed as a Special Exception use in the "RR" (Residential: Rural) zoning district, and is listed as a permitted use in only the "A" (Agricultural) zoning district.
5. "Farm Animals" are defined as: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Site Plan

6. See the attached site plan [[Exhibit B](#)]. The site plan shows the existing 20' x 60' structure which the petitioners plan to modify into a 4-stall barn, with tack room and a grooming area.
7. Petitioners also propose to add a graded sand riding arena, approximately 80' x 200', and will fence three areas for pasture.

Comprehensive Plan

8. 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.”

Zoning Ordinance

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.
10. According to Article 11.4: 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)).
11. According to Article 11.4: 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.

Surrounding Zoning:

North: RR, Residential: Rural
South: RR, Residential: Rural
East: RR, Residential: Rural
West: RR, Residential: Rural

Surrounding Land Use:

North: Single-family Residential
South: Single-family Residential
East: Railroad; Agricultural Crop Field
West: Single-family Residential

ZB 2016-06 (SE)

CRITERIA FOR DECISIONS – SPECIAL EXCEPTIONS:

(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 – 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:

Staff finds the approval of the special exception, with the petitioner’s commitment to a maximum of four horses and no other farm animals on the property, will not be injurious to the public health, safety, or general welfare of the community. The subject property is approximately 6.6 acres and the petitioners plan to utilize only about 2.5 acres for the horses. Additionally, there are other properties in the general vicinity which have kept farm animals for a number of years; the addition of four horses will not affect the character or general welfare of this predominantly agricultural and large-lot rural residential area.

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.

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 proposed use of the property, as a single-family residence with a family-run four-horse farm, directly reflects the Zoning Ordinance intent for the Rural Residential zoning district, which allows for a mixture of agriculture and residential uses.

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

Staff Finding:

Staff further finds that the granting of the special exception will not substantially interfere with the Comprehensive Plan, as the Comprehensive Plan includes “stables” in the Future Land Use Plan for “Agricultural” areas.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

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

1. A maximum of four (4) horses are permitted on-site at any given time; all other “farm animals”, as defined in the Zoning Ordinance, shall be prohibited.
2. Horse-related competitions of any kind shall be prohibited.
3. Horse trailers stored on the property shall be currently licensed, insured, and operable.
4. Approval of this Special Exception shall run with the petitioners and their immediate heirs.
5. Any expansion, enlargement, or addition of horses shall require Board of Zoning Appeals approval.
6. Where applicable, Improvement Location Permit(s) shall be obtained prior to construction/renovation.
7. All signage and/or outdoor lighting shall conform to Zoning Ordinance Standards.