

Attachment A:
Findings of Fact for Variance from Development Standards
Project: Indiana Members Credit Union Docket _____

1. ***The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:*** The Petitioner seeks a slight variance from the requirement that the primary structure be located a minimum of fifty (50) ft. from the Jefferson Street (aka SR 144) right of way as well relief from the requirement to provide a minimum ten (10) ft. wide landscape buffer between the parking lot and the right of way. The Petitioner seeks permission to vary the set back requirement on this rather small parcel because the north eastern corner of the primary structure is approximately thirty-three (33) ft. from Jefferson Street. As you move further west along Jefferson Street, the primary structure is eventually fifty (50) ft. from Jefferson Street because the street begins bending to the north just in front of the Petitioner's parcel. This is an improvement over the location of the previous primary structure as the Petitioner's proposed primary structure is at least eleven (11) ft. further south.

No evidence exists that the location of the previous primary structure injured the public health, safety, morals and general welfare of the community. The Petitioner's proposed location of new primary structure will improve the public health, safety, morals and general welfare of the community because the Petitioner is moving the structure further to the south so that much less of the building is located within the set back.

Petitioner seeks relief from the ten (10) ft. landscape buffer because its proposed development of the site only allows for landscaping buffering of variable widths as shown on the Landscape Plan prepared and submitted by SEA Group. There is no evidence that the reduction of the landscape buffer will injure the public health, safety, morals and general welfare of the community. The reduction won't be evident to anyone who is driving by the parcel.

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 Petitioner's proposed development of the parcel will improve the use and value of the adjacent properties. With respect to the use, no change will occur as the Petitioner plans to use the parcel just as the Petitioner's predecessor used it – as a financial institution. The parcel and areas adjacent to the parcel carry a mixed use and institutional zoning classification. Furthermore, Petitioner's construction of a modern primary structure more in compliance with the zoning ordinance will improve the property values in the adjacent areas.

3. ***The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because:*** A practical difficulty exists with respect to the Petitioner's use of the parcel because the parcel is actually much smaller than it appears in the public records for two reasons which have nothing to do with the Petitioner's actions or inaction. The State of Indiana owns a portion south of the existing right-of-way, but the Petitioner's predecessors were allowed to encroach on it because the public records are less than clear as to when, how or why the State acquired this area. It is now believed that the State of Indiana must have acquired some of the parcel during improvements to the street many decades ago.

Additionally, on the south side of this parcel, an east/west lane runs from Drake Street to the shopping center which center is just east of the parcel. No recorded easement exists, and it isn't a public road. It is unknown why the Petitioner's predecessors provided such a lane. The City of Franklin has requested that the Petitioner maintain the lane which prevents the Petitioner from moving its primary structure even further to the south.

So, the need for this variance arises due to the State's acquisition of a portion of the parcel at some point in the past as well as the City's request to keep the lane open thereby reducing the size of the parcel and making it impossible to comply with the dimensional provision of the ordinance.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'T. Vander Luitgaren', with a stylized flourish at the end.

Thomas W. Vander Luitgaren
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