



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: July 28, 2020
Re: Cases ZB 2020-09 (V) | Craig D. Wells

REQUESTS:

Case ZB 2020-09 (V)...250 E Madison Street. A request for three Developmental Standards Variances from the City of Franklin Zoning Ordinance, as follows: 1.) Article 3, Chapter 10, Minimum Ground Floor Living Area; 2.) Article 7, Chapter 6, Traditional Residential Garage Setbacks; and 3.) Article 7, Chapter 6, Traditional Residential Entry Porch Dimensions, in the RTN: Residential, Traditional Neighborhood zoning district, at 250 E Madison 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: RTN, Residential: Traditional Neighborhood

West: RTN, Residential: Traditional Neighborhood

Surrounding Land Use:

North: Single-family Residential
South: Two- & Multi-family Residential
East: Railroad, parking lot, Madison St. Salvage, Single- & Multi-family residential
West: Single-family Residential

CONSIDERATIONS:

1. Petitioner, Craig D. Wells, is proposing a carriage house for the property located at 250 E Madison St, which is a semi-triangular shaped property on the northwest corner of E Madison St and Crowell St.
2. Petitioner proposes for the entire first floor to be unfinished space, except for interior access to the second floor tenant space, with four garage bays. The second floor would be a two-bedroom, 2-bathroom tenant space, with 1,364 sq. ft. in living space. [See [Exhibit A: Floor Plans](#)].
3. Petitioner owns and resides at the adjacent property to the west (248 E Madison St), across the alley, and proposes three of the four garage bays for their personal use, with the fourth garage bay dedicated to the proposed second floor carriage house tenant space.
4. The subject property was previously the site of a residence and a detached single-story garage with small accessory dwelling space. The original house was demolished in 2004 after a fire & the garage still exists.
5. Petitioner proposes the new structure to be located at the south end of the property, in compliance with the RTN build-to front setbacks along E Madison Street and N Crowell St. Driveways are proposed to connect the structure to both the alley to the west and Crowell St to the east. [See [Exhibit B: Site Plan](#)]

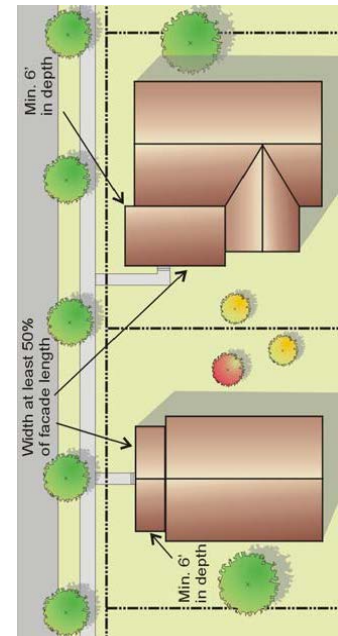
Residential Traditional Neighborhood Lot Standards

6. According to Article 3, Chapter 10, the Minimum Ground Floor Living Area is 40 percent.
7. According to Article 13, Chapter 2, Definitions:
 - **Ground Floor Area** is defined as: “That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit.”
 - **Finished Floor Area** is defined as: “That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.”
8. **Variance (1.):** *Petitioner is requesting a variance from the Minimum Ground Floor Living Area (40% minimum) in the RTN: Residential, Traditional Neighborhood zoning district, to be permitted 0% ground floor living area.*

Traditional Residential Standards

9. The intent of the Traditional Residential Standards is to “establish the unique standards for new residential developments with the character of traditional residential areas.”
10. According to Article 7, Chapter 6, Part 2, Traditional Residential Standards, for the RTN: Residential, Traditional Neighborhood and RT-1, -2, & -3 zoning districts:

- **Entrances:** The main entrance (front door) of all residential structures shall face a public street on which the lot has frontage.
- **Garage Setbacks:** All attached and detached garages with vehicle entrances (garage doors) that face a public street on which the lot has frontage shall be located a minimum of 10 feet behind the setback provided by the living area of the residence. In no instance shall any open porch, bay window, eve, fireplace, exterior stair, or other similar feature be considered part of the living area of the residence.
- **Entry Porches:** The design and construction of all dwelling units shall include an entry porch used to access the main entrance.
 1. **Location:** The porch shall be located either along the front façade or side façade, whichever is consistent with the main entrance location.
 2. **Dimensions:** The length of the porch shall, at minimum, equal 50% of the length of the façade on which it is located. The measurement of the façade length shall exclude any portion occupied by a garage. Each porch shall be a minimum of 6 feet in depth.
 3. **Enclosure:** In no instance shall any required porch be enclosed by walls or screens. Each porch shall be covered by a roof that is integrated into the design of the structure.



11. **Variance (2.):** *Petitioner is requesting a variance from the Garage Setbacks, to be permitted to not setback the proposed garage from the living area on the east side of the structure. This standard does not apply to the garages on the west side of the proposed structure, as the alley is not considered a public street.*
12. **Variance (3.):** *Petitioner is requesting a variance from the Entry Porch Dimensions, to be permitted an entry porch to be less than 50% of the length of the façade wall on which it is located. The proposed entry porch is on the east façade wall, which has an overall length of 55'-3"; the proposed entry porch would be 13'-4" in width along the façade wall. Excluding the width of the garage door (10'-0"), petitioner would be required to provide an entry porch at least 50% of 45'-3", or 22'-7 1/2" in width; petitioner's proposal is deficient 9'-3 1/2".*

Comprehensive Plan

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Core Residential. "The core residential areas of Franklin are those which are immediately adjacent to the downtown. These neighborhoods feature a majority of Franklin's historically significant homes. Land uses in these areas should be dominated by a diversity of single-family homes, and also include neighborhood-scale churches and schools. Historically significant duplexes, multi-family dwellings, and accessory residences which contribute to the character of the area should be maintained and enhanced. The conversion of homes to apartments and businesses should be generally prohibited and otherwise strictly regulated. The most significant land use relationships in this area are between the area's residential and non-residential uses, and between the area as a whole and the downtown. The area's mixed uses should continue to support the human-scale features and walkability of the neighborhood. Uses of all types should be of a scale and setback that contribute positively to the character of the area. The strong pedestrian connections to the downtown provided by the area's sidewalks should be maintained and enhanced. Any redevelopment, infill construction, or renovation in these areas should respect and support their unique character. Elements of that character include vehicle access provided by alleys, front porches and small front yard setbacks, street trees, and a diversity of housing styles and sizes."

Zoning Ordinance

14. 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.
15. 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 proposed variances will be injurious to the public health, safety, morals, or general welfare of the community, as the proposed carriage house would not meet three of the key characteristics of the RTN district and the development standards specifically established for residences in said district: ground floor living area, garage setback, and entry porch dimensions. Approval of the three requested variances would be directly contradictory to the RTN District Stated Intent: (RTN district) as intended to ensure the continued viability of the traditional-style neighborhoods in existence on the effective date of the Zoning Ordinance, and this district should be used to maintain contextually appropriate setbacks and standards in its traditional neighborhoods. The RTN district is characterized by residences with large

front porches, living areas on the first floor, small front setbacks, human scale, and vehicular access predominantly provided via alley access in the rear or along the sides of properties. In the RTN district, it is rare for vehicular access to be provided from the front (public street), instead of an alley; when it is, garages are typically detached and setback behind the house entirely. Moreover, approval of the three variances would disrupt the contextually appropriate setbacks for garages relative to living space, and vary from the entry porch standards of the traditional neighborhoods. Lastly, approval of the proposed variances would be out of step with the Comprehensive Plan Land Use Plan, specifically as it relates to: 1.) human-scale features and setback being in line with the character of the area, 2.) “redevelopment, infill construction, or renovation respecting and supporting the unique character” of the Core Residential Area, and 3.) “the elements of character including vehicle access provided by alleys, and front porches.”

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:

Staff finds approval of the proposed variances will not directly affect the use and value of adjacent properties in a substantially adverse manner, as the proposed use is primarily single-family residential in nature, albeit partially shared with the property at 248 E Madison Street. Moreover, the overall structure would be constructed at the required build-to front setback lines, and would not encroach or 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:

Staff finds the strict application of the terms of the ordinance will not result in practical difficulties in the use of the property. The subject property has minimal restrictions on the buildable area of the site: 12’ build-to setback along Madison Street, 10’ build-to setback along Crowell Street, and 5’ minimum setbacks along both alleys on the west and north. The subject property has the flexibility of vehicular access available along the entirety of all four sides. A single-family residence, with or without attached and/or detached garage(s) can be constructed on the subject property without the need for variances.

Staff believes the situation has been created by the petitioner’s self-imposed restrictions on the use and design of the structure. Petitioner is not required to provide any garage bays, let alone the four proposed and occupying the entire first story. Additionally, all garage bays could be designed to be accessed from the alley to the west, thereby allowing the entry porch to be expanded along Crowell Street and eliminate the entry porch dimensions variance and the garage setback variance, altogether. Staff believes the variance related to ground floor living area is also self-imposed, due to the petitioner’s desire to use nearly three-quarters of the ground floor of this structure for garage, entertainment, and exercise space related to their adjacent property at 248 E Madison Street. The property at 248 E Madison Street is not prevented from additional structure(s) for garage, entertainment, or other personal use space. Moreover, the subject property at 250 E Madison Street is not beholden to the petitioner’s self-imposed limitations at 248 E Madison Street.

Furthermore, petitioner desires a non-traditional primary structure for the subject property; carriage house structures are permitted as accessory apartments, by way of special exception approval above detached garages; however, these accessory dwellings are limited to sizes smaller than petitioner proposes and are required to be on the same lot as a primary single-family residence.

In conclusion, staff finds the situation to be self-imposed, as the subject lot is of a size and geometry that is conducive to permitted traditional residential structures, with or without attached or detached-garage/carriage house, petitioner desires to use the property in a non-traditional manner, and petitioner has a specific non-traditional design that they do not wish to vary from.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **denial** of the petitions.