



## 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, AICP, Senior Planner

**Date:** July 2, 2021

**Re:** Cases ZB 2021-14(V) | 2015 Franklin Cove Ct | Franklin Cove Clubhouse

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### REQUESTS:

**Case ZB 2021-14 (V) Franklin Cove Clubhouse:** A request by Wallick Asset Management LLC, for a Developmental Standards Variance from the City of Franklin Zoning Ordinance, Article 3, Chapter 14, RM: Residential, Multi-Family Lot Standards, to allow a reduced side yard setback for an expansion to the clubhouse building, in the RM: Residential, Multi-Family zoning district. The subject property is located at 2015 Franklin Cove Ct, and is approximately 9.445 acres in size.

### PURPOSE OF STANDARD:

The "RM", Residential: Multi-Family zoning district is intended to provide locations for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums. This district should be used to create high density residential developments in areas with compatible street systems, open space, and other related land uses and amenities.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

### ZONING:

#### Surrounding Zoning:

North: RM: Residential, Multi-Family  
MXR: Mixed-Use, Regional Center  
South: RM: Residential, Multi-Family  
East: MXR: Mixed-Use, Regional Center  
West: RM: Residential, Multi-Family  
North, South, East, & West: GW-OL: Gateway Overlay District

#### Surrounding Land Use:

North: Links at Franklin multi-family (pending)  
Motel 6  
South: Links at Franklin multi-family (pending)  
East: Dukate Fine Remodeling  
West: Links at Franklin multi-family (pending)

### CONSIDERATIONS:

1. Wallick Asset Management, LLC, Petitioner, proposes two expansion areas to the Franklin Cove Apartments Clubhouse, which would encroach into the side yard setback on two sides, at the subject property at 2015 Franklin Cove Court. [[Exhibit A: Floor Plans](#)]
2. Petitioner proposes a 32'-4" x 36'-8" "Community Room" expansion to the south end of the existing clubhouse. The Community Room would include a kitchenette and fireplace.
3. Petitioner proposes a 19'-4" x 25' "computers/training" room on the west side of the building, across from the covered entry/foyer.

### **Multi-Family Lot Standards**

4. According to Article 3, Chapter 14: Multi-Family Lot Standards:
  - **Minimum Side Yard Primary Structure Setback** (measured from adjacent property line)
    - 8 feet – for a duplex structure
    - 50 feet – for all other structure (clubhouse falls under this category)
5. Variance 1.): *Petitioner requests approval to allow the clubhouse expansion on the south side of the building (32’-4” x 36’-8”) to encroach into the setback along the south property line by approximately 30 feet, and be nearly in line with, and a similar setback distance to the south property line as, the existing apartment structures to the east.*
6. Variance 2.): *Petitioner requests approval to allow the clubhouse expansion on the west side of the building (19’-4” x 25’) to encroach into the setback along the west property line by an additional 9 feet. The existing clubhouse is believed to encroach approximately 20 feet into the setback area.*
7. During review of this request, and while cross-referencing property boundary information with The Links at Franklin project that wraps around the Franklin Cove (subject project), staff found an ALTA Survey that indicates a 15’ Sanitary Sewer easement exists along the west side of the subject clubhouse. [See [Exhibit 1: Links at Franklin ALTA snippet](#)]
8. Without confirmation of distances, staff is unable to confirm if the proposed 9’ building expansion to the west would encroach into the Sanitary Sewer easement; construction in said sanitary sewer easement would not be permissible.
9. Staff recommends an ALTA survey be completed for the clubhouse, by the petitioner, to determine the exact location of the clubhouse in relation to the sanitary sewer easement.

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

10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”
11. 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 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:**

Staff finds approval of the proposed variances will not be injurious to the public health, safety, morals, and general welfare of the community. The existing apartment structures to the east are setback a similar distance as proposed for the clubhouse expansion, and approval of the variance to allow the expansion to the south side of the clubhouse will not result in this structure crowding or encroaching upon the adjacent property. Approval of either side setback reduction will not introduce a setback distance significantly different than is already occurring across the entire site. However, staff is confident the proposed nine-foot expansion to the west side of the clubhouse will encroach into a sanitary sewer easement; a situation not permitted, and which would be injurious to the general welfare of the community. Therefore, staff recommends a condition be placed on any approval for the west expansion, that an ALTA Survey be completed prior to building construction permit review and approval, to ensure the expansion will not encroach into any easement.

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 the use and value of adjacent properties will not be affected in a substantially adverse manner. The existing apartment structures to the east are setback a similar distance as proposed for the clubhouse expansion, and approval of the variance to allow the expansion to the south side of the clubhouse will not result in this structure crowding or encroaching upon the adjacent property. Approval of either side setback reduction will not introduce a setback distance significantly different than is already occurring across the entire site. However, staff is confident the proposed nine-foot expansion to the west side of the clubhouse will encroach into a sanitary sewer easement; a situation not permitted, and which would be injurious to adjacent properties. Therefore, staff recommends a condition be placed on any approval for the west expansion, that an ALTA Survey be completed prior to building construction permit review and approval, to ensure the expansion will not encroach into any easement.

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 ordinance will result in practical difficulties in the use of the property, as the proposed setback distances for the clubhouse expansions would be similar to the existing setbacks for apartment structures across the Franklin Cove development. Additionally, due to the existing structure construction, with the laundry room and maintenance garage located at the north end of the subject structure, it is not practical or feasible to expand the clubhouse building on-site, without encroaching into the setback.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE**

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

1. Approval is for a maximum of 32'-4" expansion to the south of the existing structure, and a maximum of 9'-0" expansion to the west, as shown on the building plans submitted with this request.
2. An ALTA Survey is required prior to building construction permit review and approval, to ensure the expansion will not encroach into any easement.
3. Building expansion is not permitted to encroach into a sanitary sewer, drainage & utility, nor any other type of easement on the property. If any portion of the approved expansions are shown to encroach into an easement, the expansion must be reduced accordingly, until all parts of the expansion are outside of any easements.
4. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.