



## 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:** February 25, 2022

**Re:** Cases ZB-22-2 (V) | 151 W Jefferson St | Youngs Creek Park Signage

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#### REQUESTS:

**Case ZB-22-2 (V)...Youngs Creek Park Signage.** A petition by City of Franklin Department of Parks and Recreation, a request for a Developmental Standards Variances from the City of Franklin Zoning Ordinance, Article 8, Chapter 3, Non-residential Sign Standards, to allow a freestanding sign to exceed the height requirements (maximum of 10 feet), in the MXD: Mixed-use Downtown Center zoning district. The property is located 151 W Jefferson St.

#### PURPOSE OF STANDARD:

The "MXD," Mixed-Use: Downtown Center zoning district is intended to provide for the continued viability of the historic central business district. This district is also intended to accommodate and support the use of existing structures within the downtown. It is further intended to permit the continued, contextually appropriate development of the area through re-use and infill development.

#### ZONING:

##### Surrounding Zoning:

North: MXD: Mixed-use, Downtown Center  
South: MXD: Mixed-use, Downtown Center  
East: MXD: Mixed-use, Downtown Center  
West: MXD: Mixed-use, Downtown Center

##### Surrounding Land Use:

North: Blue Cactus, Shale Creek, Blackbird Nest  
South: Youngs Creek Park Amphitheater  
East: Parking Lot west of Johnson Co. Annex  
West: Gas Station

#### CONSIDERATIONS:

1. City of Franklin Department of Parks & Recreation, Petitioner, is proposing three entrance signs for the new Youngs Creek Park, Amphitheater and Farmer's Market. The main entrance sign, and subject of this variance request, would be a freestanding sign, 20'-5" in height, and located at the main entrance to the park from W Jefferson St (151 W Jefferson St), where the current Farmer's Market sign is located. The proposed sign exceeds the height requirements for freestanding signs in the MXD: Mixed-use, Downtown Center. [[Exhibit A: Full Signage Package](#)]
2. Petitioner also plans to construct two other entrance signs, 10' in height, to be located 1.) at the intersection of Jackson St and Wayne St, and 2.) on S Main St at the public parking lot entrance opposite Richard's Brick Oven. These signs are permitted. [[Exhibit A: Full Signage Package](#)]

##### Downtown Sign Standards

3. According to Article 8, Chapter 3, Permitted Non-Residential Sign Chart, for the MXD: Mixed-use, Downtown Center zoning District:
  - Freestanding Sign Type (Multi-Tenant): Permitted
  - Freestanding Sign Height Maximum (Multi-Tenant): 10 feet
  - Freestanding Sign Area per Tenant (Multi-Tenant): 20 sq. ft. x 3 tenants = 60 sq. ft.
4. Therefore, petitioner is permitted a freestanding sign a maximum of 10' in height and 60 sq. ft. in area.

5. Petitioner's proposed design is 20'-5" in height and 56.8 sq. ft. in sign area; therefore, the proposed sign *exceeds the maximum height requirement*, but meets the square footage requirement.
6. Variance Request: *Petitioner is requesting a variance from the Maximum Height requirements for a Freestanding sign in the MXD: Mixed-use Downtown Center zoning district, to be permitted a height of 20'-5".*

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

7. The 2013 Comprehensive Plan, Future Land Use Map, identifies this area as Downtown. "Future land use in the downtown area should support the function of the area as a unique focal point and gathering place for the Franklin community. Downtown Franklin should serve the City as a dynamic activity center that includes retailers, professional offices, residences, civic groups, government facilities, restaurants and bars, and service providers. Future land uses in the downtown should contribute to the establishment of an activity center with a mix of land uses which enhance the current community character that the downtown provides."
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.

#### **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 not be injurious to the public health, safety, morals, or general welfare of the community. Staff finds the proposed sign and requested variance will be beneficial to the public health, safety and general welfare, as the sign is intended to direct large numbers of people to community- and regional-sized events at a facility setback far from Jefferson Street. Furthermore, a sign that meets the ordinance (10' in height) would be significantly less visible and would cause issues for unfamiliar travelers seeking out the park entrance along the busy downtown Jefferson St corridor that has many competing visual stimuli and curb cuts.

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 adversely affect the use and value of adjacent property owners. Staff finds the proposed sign and requested variance will be beneficial to the use and value of adjacent properties, as the sign is intended to direct large number of people to community- and regional-sized events at a facility setback far from Jefferson Street, and the clear signage will help prevent park visitors from wrong turns and parking on adjacent properties. Furthermore, the busy downtown Jefferson St corridor has many competing visual stimuli and curb cuts; the design of the proposed sign with added height and massing will make it clear where visitors are supposed to enter for the Youngs Creek Park, Amphitheater, and Farmers Market.

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 result in practical difficulties at the subject property. The proposed sign is intended to direct large numbers of people to community- and regional-sized events at a facility setback far from Jefferson Street. The strict application of the terms of the ordinance would result in ineffective signage that does not reflect the scale of the uses it is intended to serve. The ten feet height is appropriate for the secondary entrance signs; however, the proposed sign location will be the primary entrance to the facility for most visitors and needs to be quickly and clearly recognizable to prevent traffic hazards. Therefore, staff finds the strict application of the terms of the ordinance will result in practical difficulties.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

Based on the written findings above, staff recommends **approval** of the petition.