



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: May 27, 2022

Re: Cases ZB-22-4 (V) | City of Franklin Fire Department | Fire Station 21

REQUESTS:

Case ZB-22-4 (V)...1701 N Main St. A request for a Developmental Standards Variance from the City of Franklin Zoning Ordinance, Article 3, Chapter 18, MXC: Mixed-use Community Center Lot Standards, to allow a building addition to the Fire Station to encroach into the 20-foot rear yard setback by a maximum of 1.16 feet, in the MXC: Mixed-use Community Center zoning district and the GW-OL: Gateway Overlay district. The property is located at 1701 N Main St and is approximately 0.64 acre.

PURPOSE OF STANDARD:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-midsized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

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: MXC: Mixed-use, Community Center

South: MXC: Mixed-use, Community Center

East: RSN: Residential, Suburban Neighborhood

West: MXC: Mixed-use, Community Center

North, South & West: GW-OL: Gateway Overlay District

Surrounding Land Use:

North: Laundry Mat/Dry Cleaning

South: Chiropractor Office

East: Franklin North Village

West: Rally’s

CONSIDERATIONS:

Variance Request

1. City of Franklin Fire Department, Petitioner, is requesting approval to build an addition to the back of Fire Station 21. The entire project scope includes an expansion and renovation of the existing Fire Station; the expansion area is for bunk rooms and bathrooms and is approximately 1,600 sq. ft. in size. [[Exhibit A: Statement of Intent](#), [Exhibit B: Building Plans](#) & [Exhibit C: Site Plan](#)]
2. Petitioner proposes an expansion 36’ wide by 44’ deep, with six bunk rooms and three full bathrooms. The north corner of the expansion area would be located 19.2 feet from the rear property line, and approximately 18.84 feet at the east corner. [[Exhibit C: Site Plan](#)]
3. The proposed project will allow Fire Station 21 to remain at the current location, as well as, increase the personnel and living quarters.

Lot Standards

4. According to Article 3, Chapter 18, MXC Lot Standards, the minimum rear yard setback distance is twenty (20) feet in the MXC: Mixed-use, Community Center zoning district.
5. Variance Request: *Petitioner is proposing to construct the expansion at the least amount of square footage necessary to accommodate the needs of the fire department personnel, with a rear yard setback distance of 18.84 feet, instead of the 20 feet minimum; a maximum encroachment of 1.16 feet (14 inches).*

Comprehensive Plan & Zoning Ordinance

6. 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."
7. 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.
8. 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 variance, to allow a 1.16 foot encroachment into the rear yard setback, will not be injurious to the public health, safety or general welfare of the community. A reduction of the required twenty-foot setback to an 18.84 foot setback will have no meaningful impact on the public health, safety or general welfare of the community. Approval of the variance will allow the Fire Station to remain at the current location and continue to serve the area, while increasing personnel and improving living quarters on-site.

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 that the use and value of adjacent properties will not be affected in a substantially adverse manner. The proposal represents the least variance necessary and would be virtually indiscernible from adjacent properties, as compared to a structure that was placed at the required setback line.

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 ordinance will result in a practical difficulty in the use of the property, as petitioners have requested the least variance necessary, and the smallest expansion area practical, in order to complete the expansion and renovation project at the site. The Fire Department has a need to provide a certain number of bunks, and the bunks themselves are of a certain size, that reducing the expansion area any further would no longer be feasible; therefore, there is a practical difficulty in strictly applying the terms of the ordinance.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

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