



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: November 30, 2022
Re: Cases ZB-22-11 (V) | 1225 E King Street

REQUESTS:

Case ZB-22-11 (V)...Mitch & Jonella Salyers. A petition by Mitch & Jonella Salyers, a request for a Developmental Standards Variance from the City of Franklin Zoning Ordinance Article 7, Chapter 3, to allow an accessory structure to be located within a front yard, in the RSN: Residential, Suburban Neighborhood zoning district. The property is located at 1225 E King Street.

PURPOSE OF STANDARD:

The “RSN”, Residential: Suburban Neighborhood zoning district is intended to ensure the continued viability of suburban-style lots in existence on the effective date of this Ordinance. This district should only be used to maintain established setbacks and standards in suburban neighborhoods.

ZONING:

Surrounding Zoning:

North: RSN: Residential, Suburban Neighborhood
South: RSN: Residential, Suburban Neighborhood
East: RSN: Residential, Suburban Neighborhood
West: RSN: Residential, Suburban Neighborhood

Surrounding Land Use:

North: Single-family Residential
South: Single-family Residential
East: Single-family Residential
West: Single-family Residential

CONSIDERATIONS:

Current & Proposed Use

1. Mitchell & Jonella Salyers, Petitioners, reside in an existing single-family home at 1225 E King Street, and are seeking to add additional covered parking spaces on their property. Petitioners are proposing a 20' x 24' stick-built car port, matching the Tudor style of the residence. [See [Exhibit A: Building Plans](#)]
2. Petitioners' property is Lot 1 in the Sunrise Park Addition (1955). The Sunrise Park Addition includes a platted front yard building setback line of 60 feet. Petitioners' residence was actually constructed about 135 feet from the front property line/right-of-way line of E. King Street.

Accessory Structure in Front Yard

3. According to Article 7, Chapter 3, No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks.
4. Variance: *Petitioner is requesting a variance to allow an accessory structure (detached car port) to be located in the area designated as a front yard by the Zoning Ordinance.* In this case, the front yard area is all of the subject property which is closer to the right-of-way of King Street than the north foundation line of the existing residence. [[Exhibit A: Building Plans](#), [Exhibit B: Site Plan](#) and [Exhibit C: Request Letter](#)]
5. *Petitioner is requesting to encroach into the front yard area approximately 35 feet. Petitioner's residence is setback approximately 135 feet; the proposed car port would be setback approximately 100 feet.*

6. Petitioners' residence is a Tudor style home with a side-load garage on the west end. Petitioners initially desired a car port on the west side of the property; however, a platted utility easement prevents any structures where Petitioners could place the car port and still be able to access their garage. Therefore, petitioners are proposing the car port on the east side of the property, in front of the house, with driveway connection to the existing circular drive. [See [Exhibit B: Site Plan](#)]

Comprehensive Plan & Zoning Ordinance

7. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Large-Lot Suburban Residential. "Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in large-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood."
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.

(**The petitioner will need to address the Criteria for Decisions in their presentation**)

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

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 will not be injurious to the public health, safety, morals, or general welfare of the community. Petitioners' property is one of three larger single-family residential lots located along E. King Street, and all three residences are setback a greater distance than other properties in the general vicinity. Although located in front of petitioners' residence, the proposed car port would be setback approximately twice as far from King Street than the residence located immediately west of petitioners' property (80 N Middleton Rd). Moreover, the proposed car port would be designed in the same Tudor style as petitioners' residence. Therefore, approval will not be injurious to the general welfare.

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 approval of the proposed variances will not adversely affect the use and value of adjacent properties. The proposed car port location, albeit, in the “front yard,” would be setback approximately 100 feet from the right-of-way of E. King Street, and would not encroach into any setback, nor crowd structures on adjacent properties. Moreover, the proposed car port would be designed in the same Tudor style as petitioners’ residence.

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, as the residence is setback far from the road, and more than twice as far as the platted front setback line. The strict application of the terms of the ordinance would, in effect, change the front setback requirement from 60 feet (platted) to 135 feet, and would prevent petitioners from practically utilizing a significant portion of the platted buildable area of the lot.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

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

- a. All applicable permits and approvals shall be obtained prior to placement/construction, including but not limited to an Improvement Location Permit (“building permit”).
- b. The car port shall be constructed in the Tudor style to match the residence, and as depicted in the building plans submitted with this request.
- c. The car port must be located south of the circular drive and must not encroach into the side yard setback.