



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

August 7, 2024

Members Present

Jim Martin	Chairman
Bill Carson	Vice Chairman
Clayton Black	Secretary
Joe Abban	Member
Clinton Nalley	Member

Not Present

Lynn Gray	Legal Counsel
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Others Present

Alex Getchell	Senior Planner I
Joanna Tennell	Senior Planner II

Call to Order

Jim Martin called the meeting to order at 6:00 pm.

Roll Call & Determination of Quorum

Approval of Minutes

Bill Carson made a motion to approve the July 7, 2024 minutes. Clayton Black seconded. The motion passed unanimously, 5-0.

Swearing In

Senior Planner Joanna Tennell swore en masse anyone planning to speak.

Old Business

New Business

ZB-24-4 (SE) – Bobby Smither – Alex Getchell introduced the special exception request by Bobby Smither for the property located at 996 Hurricane Street. It is located on the west side of Hurricane Street just south of Province Street and across from the Hurricane Industrial Complex. The property is approximately 50' x 125' and currently a single-family, residential property with a single structure and rear shed. The request is to allow an accessory dwelling unit use inside the primary structure in the RTN (Residential: Traditional Neighborhood) zoning district. An accessory dwelling unit is defined by the zoning district as "a separate and complete secondary dwelling unit established in conjunction with and

clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property”.

Mr. Getchell went on to state the following: The petitioner is proposing a remodel and addition to the structure. The addition would be the squaring off of a couple corners of the structure. The accessory dwelling unit would be approximately 600 square feet. The primary dwelling after remodel and additions would increase to approximately 1290 square feet. The petitioner is proposing a single-car garage to be incorporated as part of the structure. The property has rear alley access. There is an existing 20' x 30" garage foundation at the back of the property. There are three properties within a block of the property that have two dwelling units, both north and south of the property. The Comprehensive Plan calls for the area to be traditional residential uses and states that accessory residences may be maintained and incorporated into traditional residential areas subject to restrictions that insure adequate parking and compatibility with the scale, function and design features of the neighborhood. The petitioner submitted the floor plan entered as an exhibit that Mr. Getchell presented in the meeting. There is also a plan to relocate the stairs within the structure.

Petitioner Bobby Smither presented his desire to remodel the home to upgrade to current standards and requiring less maintenance. The rear half of the house has a weak foundation which he will repair as well. He anticipates the project to take approximately six to seven months, repairing the exterior first and interior work over the winter. In addressing the decision criteria, Mr. Smither highlighted that the remodel will bring the home up to modern codes and make it safer. His investment will be greater than a standard remodel. The small extra unit will provide him additional income to cover his investment. He desires to accommodate a larger family unit while maintaining their privacy. He would like to install a more energy efficient roof system. Mr. Smither believes the remodel is in Franklin's best interest.

Mr. Martin opened a public hearing. There being no respondents, the hearing was closed.

Mr. Carson asked if this was a rental property and not the primary residence of Mr. Smither. Petitioner confirmed. He asked how many residents were in the property currently and how many were planned for upon completion of the remodel. Mr. Smither identified the current tenant to be a single woman with two children. He foresees the possibility of a single, senior individual to be a future tenant for the small apartment. In the other side would potentially be a small family with one or two children. Mr. Carson asked if there have been any code violations over the past three to five years. Mr. Smither reported the health department having been there on a sewer line break a few years ago. It has been repaired and resolved. Mr. Smither plans to make the crawl space a little deeper which will enhance public health. He foresees replacing much of the foundation.

Joe Abban believes the parking in the area to already be tight. Mr. Smither responded that there is enough space in the back for five parking spots, one in the garage and two on-street parking. The current tenant is the one who asked for the remodel, and she would like to move back in.

Clayton Black asked if the current tenant who requested the remodel and wants to move back in upon its completion is the individual who let it get to its deteriorated condition currently. Mr. Smither confirmed and explained that he purchased the property initially already in rough condition. He believes the current tenant's situation has changed for the better financially to allow her to maintain the property adequately this time. Mr. Black expressed his reservation over the current tenant moving back in after the remodel. Mr. Smither added that the rent will substantially increase.

Mr. Carson didn't believe the decision criteria have been met. He held that adding additional residents and vehicles to the property he believes will continue to not be kept up well will not better the surrounding properties. He felt he could not vote in favor of the special exception. Mr. Black concurred.

Ms. Tennell reminded that the request before the board is whether an accessory dwelling is an appropriate use at this location. It is related to the built structure and having two dwellings and not tied to individuals.

Mr. Abban reiterated his concern over the density of the area.

There being no further comments or questions by the Board, Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval, based on the written findings as outlined in the staff report, but with additional conditions:

- a. Special Exception approval is for a single accessory dwelling unit, with one bedroom and one full bathroom, to be designed and constructed as part of the primary structure.
- b. The accessory dwelling unit living area square footage shall be limited to 600 sq. ft. +/- 10 percent.
- c. A minimum of four off-street paved parking spaces are required to be provided on-site.

Mr. Getchell stated, by ordinance, the Board is required to set the number of parking spaces that a Special Exception use is required to provide. It also states a minimum of two parking spaces is required for each dwelling unit. Because of the size of the small accessory dwelling unit, the staff recommendation is for three instead of four. The Board can change the required number to address any parking concerns they might have. Petitioner Smither added that he had enough room in the back to put up to five parking spaces.

- d. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.
- e. A certified plot plan/site plan must be provided at time of building permit submittal, and must be stamped & signed with the seal of a licensed surveyor or professional engineer.
- f. Driveway(s) and parking space(s) must be hard surface, with either concrete or asphalt and connect to the public way. A right-of-way permit is required where work is performed in the public right-of-way.
- g. The property must be brought into full compliance with the municipal code and zoning ordinance.

Petitioner agreed to all conditions.

Mr. Abban asked how many people by state law can live in 600 feet. Mr. Getchell identified this square footage to be larger than a legally defined "tiny house". Ms. Tennell identified that the smallest square footage of a house is 120 square feet.

Mr. Smither plans to put a fence in between the two units to make each a smaller area to maintain.

Mr. Black expressed support for the petition with staff's addition of three additional conditions. He asked if the structure as it stands now is in compliance. Mr. Smither responded that per modern code, probably not. Mr. Black asked with the non-compliance issues if the six-month turnaround time was still realistic. Mr. Smither stayed committed to that projection.

Mr. Black made a motion for approval with staff recommended conditions, except to require four parking spaces, instead of three, as recommended by staff. Clinton Nalley seconded. The motion passed 3-2, with Misters Carson and Abban voting against the motion.

Mr. Getchell identified that for a special exception, the project has to be begin within one year and completed before the permit expiration. Ms. Tennell explained that the startup will take some time due to requirements for the granting of the special exception and building permit.

Other Business

Adjournment:

There being no further business, a motion to adjourn was made by Mr. Carson and seconded by Mr. Nalley for adjournment. Passed unanimously, 5-0.

Respectfully submitted this 4th day of September, 2024.



Jim Martin, Chairman



Clayton Black, Secretary