



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: June 27, 2025

Re: Cases ZB-25-3 (V) | Richardson

REQUESTS:

Case ZB-25-3 (V)...201 N Main St. A petition by Rob & Amy Richardson, a request for two Developmental Standards Variances from the City of Franklin Zoning Ordinance, as follows: 1.) Article 3, Chapter 10, Primary structure side yard setback [minimum 5' permitted; 1.8' proposed (East property line)]; and 2.) Article 3, Chapter 10, Primary structure side yard setback [minimum 5' permitted; 1.7' proposed (North property line)]; the subject property is located within the RTN: Residential, Traditional Neighborhood zoning district. The property is located at 201 N. Main St.

PURPOSE OF STANDARD:

The "RTN," Residential: Traditional Neighborhood zoning district is intended to ensure the continued viability of the traditional-style neighborhoods in existence on the effective date of the Zoning Ordinance (May 10, 2004). This district should be used to maintain contextually appropriate setbacks and standards in its traditional neighborhoods.

ZONING:

Surrounding Zoning:

North: RTN: Residential, Traditional Neighborhood
South: MXD: Mixed-use, Downtown Center
East: RTN: Residential, Traditional Neighborhood
West: RTN: Residential, Traditional Neighborhood

Surrounding Land Use:

North: Single-family Residential
South: Professional Law Office
East: Single-family Residential
West: Single-family Residential

CONSIDERATIONS:

Variance Request

1. Rob & Amy Richardson, Petitioners, are seeking Board approval that will allow for a full remodel and two additions to the existing home at the subject property. [[Exhibit A: Statement of Intent](#)]
2. The first proposed addition to the home would square off the southeast corner of the structure to expand the kitchen & living space on the first floor, and primary bedroom suite on the second floor. [[Exhibit B: House Plans & Elevations](#) and [Exhibit C: Site Plan – South Addition](#)]
3. The second proposed addition to the home would be to add a two-car garage on the north side of the structure, which would also include a home office space on the second floor. [[Exhibit B: House Plans & Elevations](#) and [Exhibit D: Site Plan – North Addition](#)]
4. According to Article 3, Chapter 10, Lot Standards, the minimum side yard setback distance for a primary structure is five (5) feet in the RTN: Residential, Traditional Neighborhood zoning district.
5. The subject property is classified as a “corner lot”; according to Article 13, Chapter 2, Definitions, Yard, Rear: “Corner lots shall have no rear yards, only front yards and side yards.”

6. According to Article 13, Chapter 2, Definitions, *Yard, Side*: The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured as the shortest distance between that foundation and the side lot line.
7. Variance #1 Request: *Petitioner is proposing to construct an addition to the southeast corner of the home, to expand the kitchen & living space on the first floor, and primary bedroom suite on the second floor, and have an encroachment of 3.2 feet into the five (5) foot side yard setback, for a proposed setback of 1.8 feet.* [see [Exhibit C: Site Plan – South Addition](#)]
8. The existing southeast corner of the home sits 2.2 feet from the east property line and the northeast corner sits 3.1 feet from the east property line; this means the structure is not parallel to the east property line and gets closer as you move north-to-south. The structure is considered legal non-conforming and can remain, and even be permitted additions, as long as, the non-conformity is not increased.
9. Since petitioners are seeking to square off the SE corner of the home, continuing along the existing east foundation line of the home toward the south, and thereby encroaching farther into the side yard setback, the non-conformity would be increased, and a variance is required.
10. According to the site plan and survey provided by the petitioners, the neighboring home to the east also is not parallel to the same property line, and also angles away from the property line at a similar angle. Staff finds this information important to note, because, despite the angle of the property line, the proposed addition will not be encroaching closer to the neighboring home, and the relative distance between the structures will remain unchanged. [see [Exhibit C: Site Plan – South Addition](#)]
11. Variance #2 Request: *Petitioner is proposing to construct an addition to the north end of the home, to provide an attached two-car garage and second floor home office space, which would have an encroachment of 3.3 feet into the five (5) foot side yard setback, for a proposed setback of 1.7 feet.* [[Exhibit D: Site Plan – North Addition](#)]
12. The existing home has an attached single-car carport that the petitioners wish to remove and replace with an attached 22' wide two-car garage. Above the garage, petitioners have plans for a home office space.

Comprehensive Plan & Zoning Ordinance

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Core Residential. “The core residential areas of Franklin are those which are immediately adjacent to the downtown. These neighborhoods feature a majority of Franklin’s historically significant homes. Land uses in these areas should be dominated by a diversity of single-family homes, and also include neighborhood-scale churches and schools. Historically significant duplexes, multi-family dwellings, and accessory residences which contribute to the character of the area should be maintained and enhanced. The conversion of homes to apartments and businesses should be generally prohibited and otherwise strictly regulated. The most significant land use relationships in this area are between the area’s residential and non-residential uses, and between the area as a whole and the downtown. The area’s mixed uses should continue to support the human-scale features and walkability of the neighborhood. Uses of all types should be of a scale and setback that contribute positively to the character of the area. The strong pedestrian connections to the downtown provided by the area’s sidewalks should be maintained and enhanced. Any redevelopment, infill construction, or renovation in these areas should respect and support their unique character. Elements of that character include vehicle access provided by alleys, front porches and small front yard setbacks, street trees, and a diversity of housing styles and sizes.”
14. 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.

15. 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, to allow encroachments into two side yard setbacks, by 3.2 feet (south addition) and 3.3 feet (north addition), will not be injurious to the public health, safety or general welfare of the community. A reduction of the required five-foot side yard setback to 1.8 feet at the southeast corner of the house -for the kitchen & primary bedroom addition- will not impact the public health, safety or general welfare of the community, as the addition will be in line with the current east foundation line of the house, and only encroach 0.4 feet more than the existing legal nonconforming house, as you move north-to-south. A reduction of the required five-foot side yard setback to 1.7 feet at the northwest corner of the proposed garage will not be injurious to the public health, safety, morals or general welfare of the community, as the addition will not encroach upon, impede, nor endanger the public in any way.

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 proposal for the south addition will be in line with, and represent a continuation of, the current east foundation line of the house. According to the site plan and survey provided by the petitioners, the neighboring home to the east also is not parallel to the same property line, and also angles away from the property line at a similar angle. Staff finds this information important to note, because, despite the angle of the property line causing the encroachment issue, the proposed addition will not be getting any nearer to the neighboring home and the relative distance between the structures will remain unchanged. Additionally, approval to allow the north addition to encroach into the north five foot side setback area will not substantially impact the use and value of adjacent properties, as the proposed addition will not affect the ingress/egress to the adjacent property, the relative separation of structures, nor use of the adjacent property to the north.

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 practical difficulties in the use of the property. In regard to the south addition, petitioners have proposed a reasonable addition to square off & enclose the southeast corner of the home, utilizing the existing south & east foundation lines; however, because the foundation line of the home and the east property line are not parallel, petitioners are unable to complete the addition without the need for variance. In regard to the north addition, petitioners have proposed a standard two-car garage width. Moreover, due to the geometry of the north portion of the property and the proximity of

the existing structure, locating and configuring a two-car garage in any other legal manner is not practical, if not feasible at all.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

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

- a. The south setback encroachment is limited to a maximum encroachment of 3.2 feet.
- b. The north setback encroachment is limited to a maximum encroachment of 3.3 feet.
- c. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.