



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: September 26, 2025
Re: Case ZB-25-5 (SE & V) Joshua Prine

REQUEST:

Case ZB-25-5 (SE & V)...1045 E. King St. A request by Joshua Prine for a Special Exception Use from the City of Franklin Zoning Ordinance, Article 7, Chapter 3 to allow an accessory dwelling in the RSN, Residential, Suburban Neighborhood zoning district, and a Developmental Standards Variances from the City of Franklin Zoning Ordinance, Article 7, Chapter 3, to allow an accessory dwelling to exceed 1,000 sq. ft. in living area and be permitted 1,064 sq. ft. The property is located at 1045 E. King St.

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: Two-family Residential
West: Single-family Residential

CONSIDERATIONS:

1. The subject property of 1045 E. King St. has an existing single-family residential home with an attached single-car garage. The property is approximately 1.0 acre in size.
2. Petitioner, Joshua Prine, is proposing a significant home remodel and expansion to the residence, including converting the existing garage area to kitchen and adding on a large three-bay garage (approx. 41' x 22'). These proposed remodel activities are permitted by right.
3. Along with the remodel and garage addition, petitioner is proposing an expansion to the structure, for an attached accessory dwelling unit, approximately 1,064 sq. ft. in size, with two bedrooms, 1.5 baths, kitchen, living space, and laundry hookups. [See [Exhibit A: Site & Building Plans](#)]
4. The accessory dwelling would have a separate private exterior entrance from a covered “front porch” and a private entrance from the garage. Internally, a door is proposed on the common wall between the main house living space and the accessory dwelling.

Special Exception – Accessory Dwelling

5. Article 13.2 defines Dwelling, Accessory 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.”
6. Article 13.2 defines Dwelling Unit as “Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by 1 family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.”
7. Accessory dwelling units are listed as a special exception in the following zoning districts: RSN (Residential: Suburban Neighborhood), RS-1 (Residential: Suburban One), RS-2 (Residential: Suburban Two), RS-3 (Residential: Suburban Three), and RTN (Residential: Traditional Neighborhood).
8. Accessory dwelling units are a permitted use in the following zoning districts: RR (Residential: Rural), RT-1 (Residential: Traditional One), RT-2 (Residential: Traditional Two), and RT-3 (Residential: Traditional Three).
9. Subsection 7.3 (D)(1) of the Zoning Ordinance establishes the standards for Accessory Dwelling units:
 - Must be either (a) attached to, and designed and constructed as part of the primary structure or (b) located above a detached garage or workshop.
 - Limited to 1,000 square feet or less of living area.
10. The proposed accessory dwelling unit would be attached to, and designed and constructed as part of the primary structure, and would have ~1,064 sq. ft. of living area [*Variance Requested*].
11. The proposed accessory dwelling unit would be a separate and complete secondary dwelling unit, in conjunction with and clearly subordinate to the primary dwelling unit, in both size and orientation on the property/structure.
12. The proposed accessory dwelling unit, as proposed, would provide inhabitant(s) the ability to prepare food, bathe, launder clothing, two bedrooms, and would incorporate approximately 1,064 sq. ft. of total living space, completely separate from the primary residence.
13. Access to the dwelling includes private entry from its own “front” porch, as well as, a private entry from the garage & back patio; access to the unit does not have to come from, or through the primary dwelling.
14. Special Exception: *Petitioner is proposing a separate & complete dwelling unit clearly subordinate to, and designed as part of, the primary structure; therefore, petitioner requests a Special Exception use approval, from the Accessory Use Standards, to allow an accessory dwelling use in the RSN district.*
15. Development Standards Variance: *Petitioner is proposing for the accessory dwelling unit to exceed 1,000 sq. ft. of living area; therefore, petitioner seeks Development Standards Variance approval, to allow an accessory dwelling unit up to 1,064 sq. ft. of living area.*

Parking Standards

16. According to Article 7.10 of the Zoning Ordinance, Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.
17. According to Article 7.10 of the Zoning Ordinance, a minimum of 2 off-street parking spaces are required for each dwelling unit.

18. All required parking spaces must be designed to provide direct access for vehicles. In no case may areas which do not have direct access be considered a parking space meeting the requirements of this Ordinance (example: a residential driveway shall not be considered a parking space meeting the requirements of this Chapter if a parked vehicle in the driveway prevents direct access to a required parking space in a garage or carport).
19. A minimum of four (4) off-street parking spaces would be required in the district in which it is located. Two dwelling units = 4 spaces in RSN district.
20. Petitioner would be in compliance with the required number of parking spaces.

Comprehensive Plan & Zoning Ordinance

21. 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."
22. 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.
23. Article 11, Chapter 4 states "Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L))."
24. Article 11, Chapter 4 states "A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception."

CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:

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

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

DECISION CRITERIA – SPECIAL EXCEPTION

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:

The approval of the special exception will not be injurious to the public health, safety, or general welfare of the community. There will be sufficient off-street parking provided and the proposed accessory dwelling unit is designed and will be constructed as part of the primary structure. Moreover, the accessory dwelling unit will be clearly subordinate to the primary residence, in size and orientation on the property. Therefore, staff finds approval, with conditions a. through d., will not be injurious to the general welfare.

2. *Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.*

Staff Finding:

The proposal will meet the development standards for parking and setbacks. While the proposed would not meet the strict limitation on size for accessory dwellings, the proposed accessory dwelling unit is designed and will be constructed as part of the primary structure, including the requirement that it be clearly subordinate to the primary residence, in size and use. Approval of a developmental standards variance will be required to allow the dwelling to be larger than 1,000 sq. ft. in living area.

3. *Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.*

Staff Finding:

The requested use is listed as a special exception under the RSN zoning district regulations and the property is surrounded by other residential properties and uses. Moreover, within a few hundred feet of the property, are multiple accessory dwelling units on other RSN-zoned properties. Therefore, staff finds approval, with conditions a. through d., will not be contrary to the general purposes of the Zoning Ordinance, nor permanently injure other properties or uses.

4. *Comprehensive Plan: The granting of the variance (will or will not) be consistent with the character of the zoning district in which it is located, and (will or will not) be consistent with the Franklin Comprehensive Plan.*

Staff Finding:

The granting of the special exception does not interfere with the Comprehensive Plan as it states: “also encouraged is the occasional incorporation of accessory residences.”

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of an approval.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

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

- a. Special Exception approval is for a single accessory dwelling unit and runs with the subject property.
- b. The accessory dwelling unit living area square footage shall be prohibited beyond 1,000 square feet, unless the Board approves a development standards variance to exceed 1,000 sq. ft.; should the Board approve such a variance, the conditions of the variance shall stipulate the maximum living area.
- c. A minimum of four off-street paved parking spaces are required to be provided on-site.
- 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.

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:

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DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCE

- 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:

The approval of the variance will not be injurious to the public health, safety, morals or general welfare of the community, as the additional 64 sq. ft. of living space will not materially change the use or intensity of the accessory dwelling unit, and the effect it will have on the general welfare of the community. Approval to exceed the standard accessory dwelling unit living area maximum will not result in an unnecessary universal precedent being set, as the unique orientation of the existing primary residence on the property limits the location and orientation of 1) a garage addition, 2) primary residence remodel, and 3) location & orientation of an attached accessory dwelling unit. In order to have a three-car garage addition, the orientation of the garage extension has to be toward the back of the structure. Moreover, in order to provide a simplified gabled-end roof design for the garage and accessory dwelling unit expansion, the dwelling unit was designed in an “L-shape” to wrap around the garage. Therefore, approval will not be injurious to the morals (established zoning standards) and general welfare of the community.

- 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:

The use and value of the adjacent properties will not be affected in a substantially adverse manner, as the additional 64 sq. ft. of living space will not materially change the use or intensity of the accessory dwelling unit, and the effect it will have on adjacent properties.

- 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:

The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property, as the orientation and size of the existing primary residence on the property limits the location and orientation of 1) a garage addition, 2) primary residence remodel, and 3) location & orientation of an attached accessory dwelling unit. In order to have a three-car garage addition, the orientation of the garage extension has to be toward the back of the structure. Moreover, in order to provide a simplified gabled-end roof design for the garage and accessory dwelling unit expansion, the dwelling unit was designed in an “L-shape” to wrap around the garage. Strictly requiring the accessory dwelling to be limited to 1,000 sq. ft. would result in a practical difficulty, as more structurally complex structure would likely be required.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE

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

- Variance approval is for a single attached accessory dwelling unit on the ground floor of the primary structure, not to exceed 1,064 sq. ft. of living area.
- Expansions to the accessory dwelling unit living area square footage shall be prohibited beyond 1,064 square feet.
- All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.