



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin-in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: October 25, 2011

Re: Case ZB 2011-15 (SE)

REQUEST:

Case ZB 2011-15 (SE)...Jayson Gardner. A request for a special exception of the City of Franklin Zoning Ordinance Article 3, Chapter 10 to allow an accessory dwelling in a Residential: Traditional Neighborhood (RTN) zoning district. The property is located at 101 Pitt Street.

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.

CONSIDERATIONS:

1. The petitioner is requesting a special exception for the purpose of adding an accessory dwelling unit onto an existing residential structure.
2. 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).
3. 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).
4. 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."
5. Article 7, Chapter 3 of the Zoning Ordinance limits accessory dwellings to 1,000 square feet and under.
6. The size of the proposed accessory dwelling is 616 square feet.

7. Article 7, Chapter 10 of the Zoning Ordinance states “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.”
8. According to Article 7.10: a minimum of 2 off-street parking spaces are required for each dwelling unit are required in the RR, RT-1, RT-2 and RT-3 zones in which accessory dwellings are permitted by right.
9. 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).
10. A minimum of four (4) off-street parking spaces should be required for the accessory dwelling.
2 dwelling units = 4 spaces required.
11. Currently there is a two car garage on the property.
12. All parking spaces shall be provided on the same lot for which they are required or meet the requirements for shared parking. They must be paved with asphalt or concrete.
13. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Traditional Residential. “Traditional residential areas include both (1) existing neighborhoods which are extensions of the core residential areas and (2) new development which is consistent in character and design features with the existing traditional and core residential areas. Land use in traditional residential areas is dominated by single-family homes of a diversity of sizes and styles. Also included are isolated occurrences and small clusters of neighborhood-serving convenience businesses, neighborhood parks and open spaces, and neighborhood-scale churches and schools. Accessory residences and select two and multi-family residential structures may be maintained and incorporated into these areas subject to restrictions which ensure adequate parking and compatibility with the scale, function, and design features of the neighborhoods.”

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: RTN, Residential: Traditional Neighborhood
 South: RTN, Residential: Traditional Neighborhood
 East: RTN, Residential: Traditional Neighborhood
 West: RTN, Residential: Traditional Neighborhood

Surrounding Land Use:

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

CRITERIA FOR DECISIONS:

(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

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 may be injurious to the public health, safety, or general welfare of the community as there is currently not sufficient off-street parking available. There is currently a two-car garage that would suffice for two of the parking spaces, but additional paved area should be included to complete the requirement. The approval would be injurious to the public health if the parking requirement cannot be met. The petitioner should explain how the off-street parking requirements will be met.

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 proposed building remodel will be required to meet the requirements of the City of Franklin and State of Indiana.

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 RTN zoning district regulations and the property is surrounded by other residential properties and uses.

4. ***Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

Staff Finding:

The granting of the special exception does not interfere with the Comprehensive Plan as it states that "Accessory residences and select two and multi-family residential structures may be maintained and incorporated into these areas subject to restrictions which ensure adequate parking and compatibility with the scale, function, and design features of the neighborhoods."

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

STAFF RECOMMENDATION

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

1. A minimum of four (4) paved parking spaces 10'x 20' shall be provided onsite (may include garage parking as two of the required spaces).

Site Photographs



101 Pitt Street – From Corner



101 Pitt Street – Proposed Location



101 Pitt Street – Front



101 Pitt Street – Garage



101 Pitt Street – Rear Yard/West Side

101 Pitt Street



1 inch = 40 feet

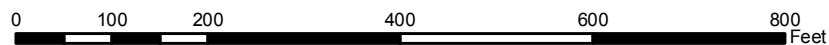
0 20 40 80 120 160 Feet

Created by: K. Tolloty - 10/11
Franklin Planning Dept.

101 Pitt Street

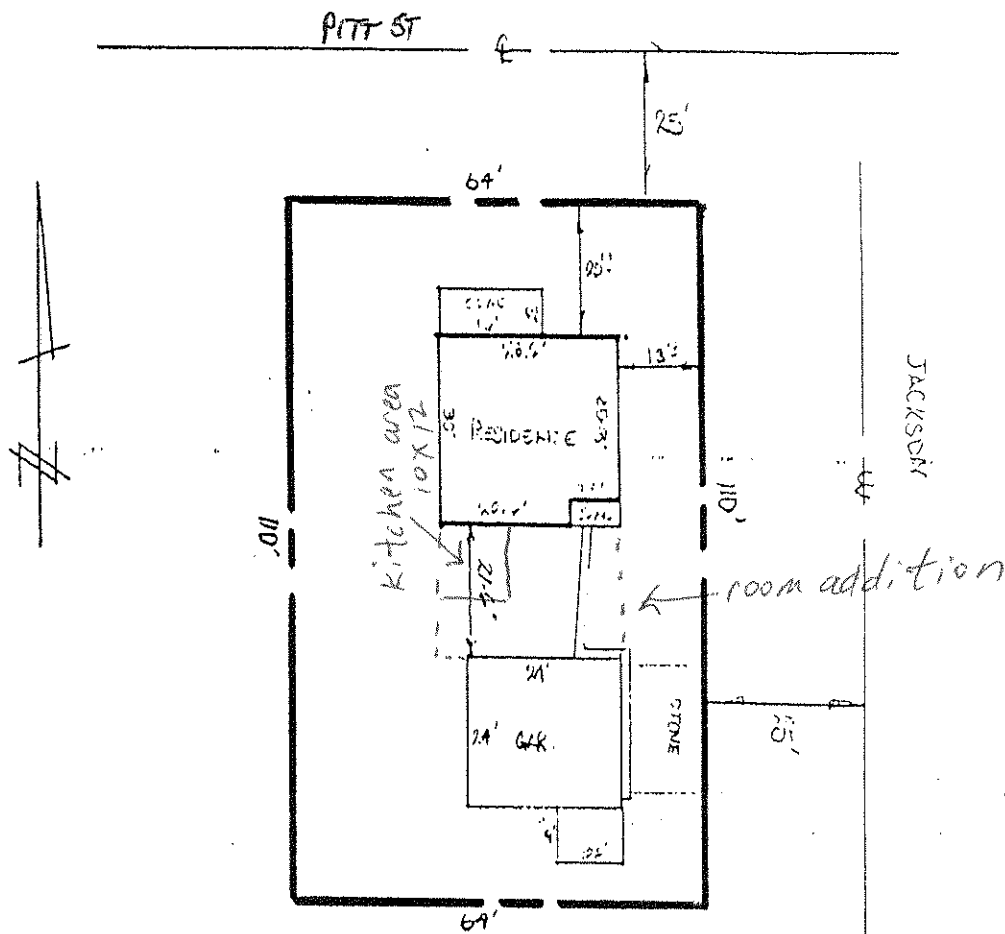


1 inch = 200 feet



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Franklin Planning Dept.

son and Laura P.	DRAWING NO. 38-0847
erry L. and Wilma	SCALE: 1" = 4'
Merchant Mortgage Corp.	DRAWN BY: J. J.
ADDRESS: 101 Pitt	CHECKED BY: LGA
ERED BY: National Escrow Title Co.	REVISED:



Lot No. 39 in Crim's Addition to the City of Franklin, Indiana, as recorded in Plat Book 1, page 63 in the Office of the Recorder of Johnson County, Indiana.

This is to Certify that the subject property does not lie in a special flood hazard zone as established by the Federal Emergency Management Agency, Federal Insurance Administration, as per Flood Insurance Rate Map No. 180114 0002B, dated April 1, 1981.

Subject to easements of record.

I, the undersigned, hereby certify that this plat represents a mortgage inspection made under my direction on the above described real estate. I further certify that the building or buildings situated on the above-described real estate are located within the boundaries of said premises and that the buildings on the adjoining properties do not encroach on the above-described real estate.