



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
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BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: February 29, 2012

Re: Case ZB 2012-02 (V)

REQUEST:

Case ZB 2012-02 (V)...Gregory Leugers. A request for a variance from the City of Franklin Zoning Ordinance Article 8, Chapter 2, to allow an eighteen (18) square foot, six (6) foot tall freestanding sign to be located in the front yard in the Residential: Traditional Neighborhood (RTN) zoning district. The property is located at 10 Highland Avenue.

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 variance to relocate the eighteen (18) square foot hanging sign (6' x 3'), approximately six (6) feet in height to in front of the building and convert it to a freestanding sign.
2. According to Article 8.2 of the Zoning Ordinance, signs in residential districts shall not be larger than six (6) square feet and no taller than four (4) feet in height.
3. The sign to be relocated is currently located on the west side of the building.
4. The existing sign is a legal nonconforming sign.
5. According to Article 10.5 of the Zoning Ordinance, "Intentional Alterations: Any legal nonconforming sign that is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed."
6. 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

7. 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: MXN, Mixed Use: Neighborhood Center
East: RTN, Residential: Traditional Neighborhood
West: MXN, Mixed Use: Neighborhood Center

Surrounding Land Use:

North: Single Family Residential
South: Assisted Living Residential
East: Single Family Residential
West: Insurance Office

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 variance will not be injurious to the public health, safety, morals, or general welfare of the community. The sign will be located entirely on the property, west of the large tree located in the front of the property. The sign should not extend past the existing tree and therefore should not cause any further issues with visibility.

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 adjacent properties will not be affected in an adverse manner as the sign will be one-sided and should be shielded from the existing residential to the east by the large tree. The sign should be mostly hidden from any residential property.

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 ordinance will result in a practical difficulty as the maximum size allowed for a sign in a residential district is only six square feet. While this parcel is zoned residential, it is, and has been for some time, commercial in nature and it is reasonable that a sign be allowed large enough that it may be seen from the Main Street corridor. In addition, the layout of the parking lot and the low height of the building create a situation in which the existing wall sign is not practical and is easily obscured by parking (see photo). Staff finds that the practical difficulty is not based on the perceived reduction of, or restriction on, economic gain.

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 conditions:**

1. Sign permit shall be obtained upon approval of variance
2. Sign shall not exceed six (6) feet in height

Site Photographs

Existing Sign



Existing Sign – Obscured by Parking



Proposed Sign Location



10 Highland Avenue



Approx. Sign Location

HIGHLAND AVE

N MAIN ST

1124

1107

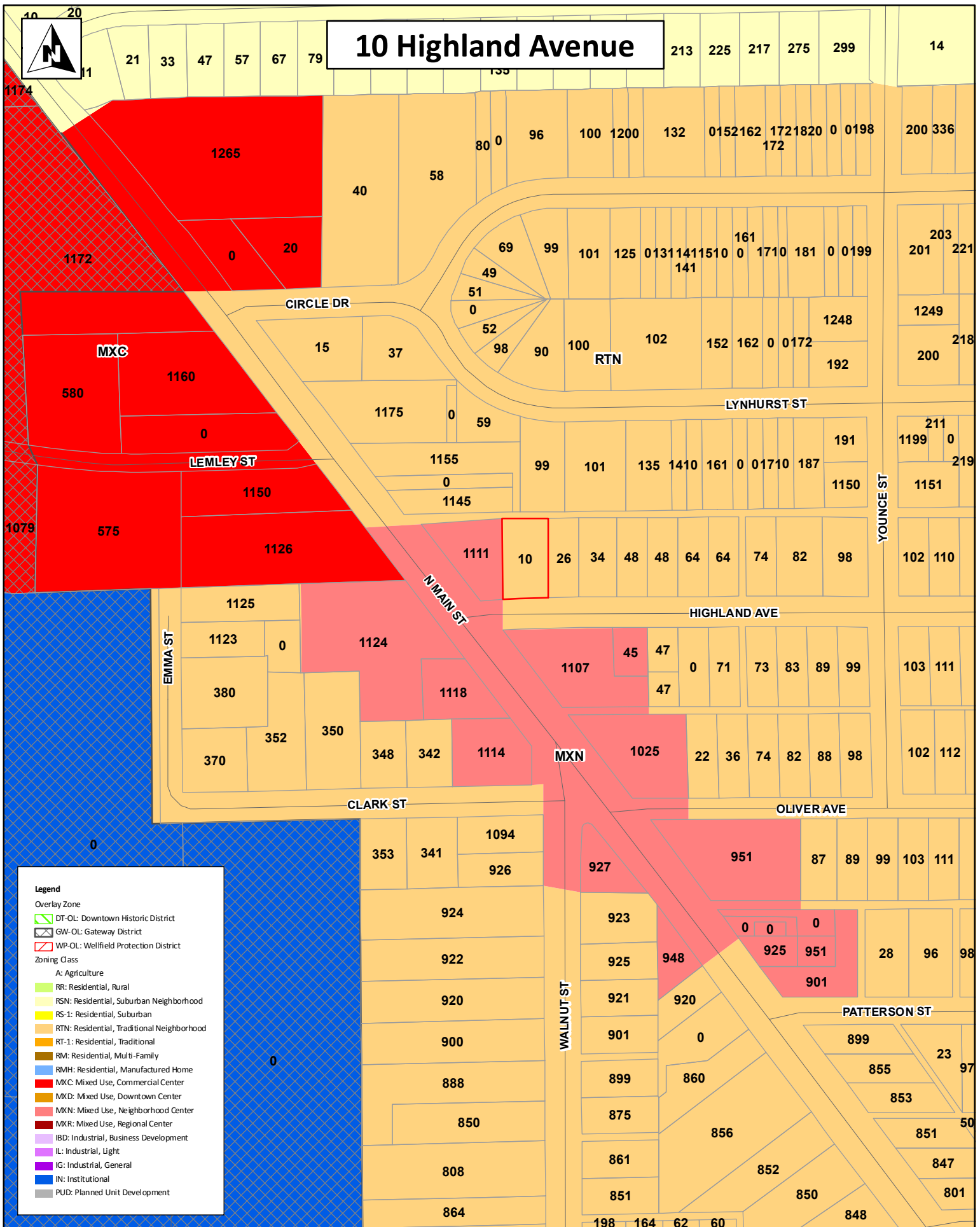
45

Legend

1118

1 inch = 40 feet

Created by: K. Tolloty - 2/12
Franklin Planning Dept.



1 inch = 200 feet

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Franklin Planning Dept.