



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: August 29, 2012

Re: Case ZB 2012-09 (V)

REQUEST:

Case ZB 2012-09 (V)...1707 N. Morton Street. A request for a variance from the City of Franklin Zoning Ordinance Article 5, Chapter 4 to allow a non-permitted material on the south side exterior and to extend the use of the same material on the front façade in the Mixed Use: Community Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 1707 N. Morton Street.

PURPOSE OF STANDARD:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-midsized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

CONSIDERATIONS:

1. The petitioner is requesting a variance to allow the use of EIFS (exterior insulation and finishing system) on two exterior walls, which is not an expressly permitted material.
2. EIFS can be roughly described as synthetic stucco.
3. The front façade of the structure is EIFS and the side and rear walls are vinyl sided.
4. The developer is proposing to upgrade the south façade to EIFS so that it matches the current front façade and to extend the material on the front façade an additional four (4) feet in height.
5. According to Article 5.4 of the Zoning Ordinance; *Exterior Materials*: The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Planning Director shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All facade wall exterior building materials shall be high quality materials. Permitted materials include brick or face tile, wood, native stone, glass (reflective glass shall be limited to a maximum of 50% of the area of any facade wall on which glass is used), tinted and/or textured concrete masonry units (such as split-face block and burnished block), tilt-up concrete panels that are adorned or textured as to conform to 5.4(C)(1)(a)(v), architectural pre-cast concrete and architectural metal.

6. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."
7. 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.
8. 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.

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXC, Mixed Use: Community Center/GW-OL
 South: MXC, Mixed Use: Community Center/GW-OL
 East: MXC, Mixed Use: Community Center/GW-OL
 West: MXC, Mixed Use: Community Center/GW-OL

Surrounding Land Use:

North: Retail/Auto Sales
 South: Rally's
 East: Various Retail/Fire Station
 West: Northwood Plaza

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. While the material is not expressly permitted, it will match the existing exterior surface and will be an upgrade over the existing siding on the side of the building.

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 property is surrounded by other commercial properties and the proposed variance would most likely improve property values by improving the building.

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 requirement to use one of the materials listed in Article 5.4, while ideal for new construction, would not match the current front façade of the building. It is of Staff opinion that the best material to be used for the proposed changes would be one that matches the current state of the building and furthermore, it would be impractical to ask that the entire façade of this tenant space be made to meet requirements as the remainder of the building would not be changed.

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** of this petition.

Site Photographs



Front Façade



South Side Façade

**Firehouse Subs
1707 N. Morton St.**



SCHOOLHOUSE RD

LOCHRY RD

NORTHWOOD PLAZA DR

N MAIN ST

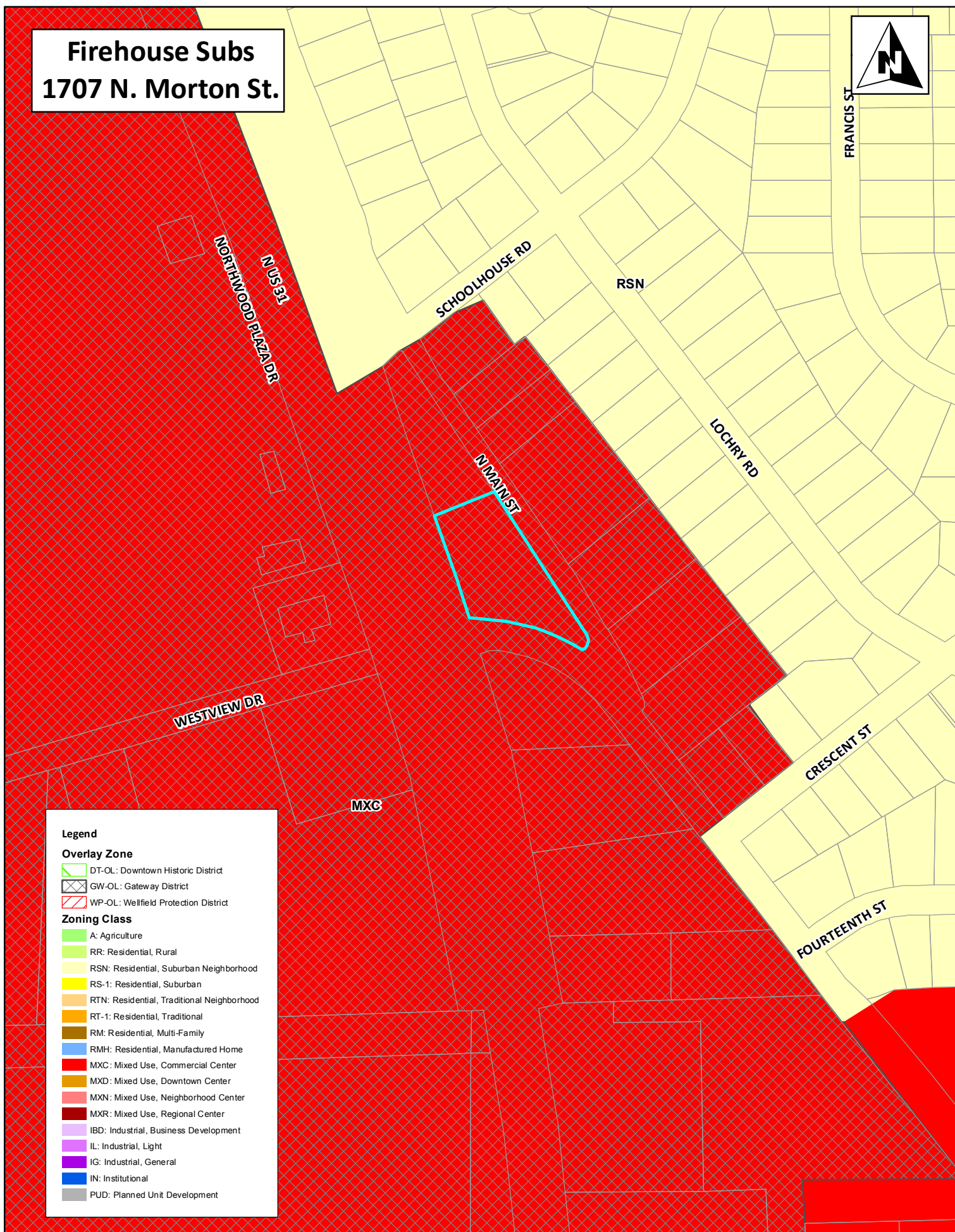
WESTVIEW DR

NUS31

1 inch = 100 feet

Created: Franklin Planning Dept. - 8/12
K. Tolloty

Firehouse Subs 1707 N. Morton St.



Legend

Overlay Zone

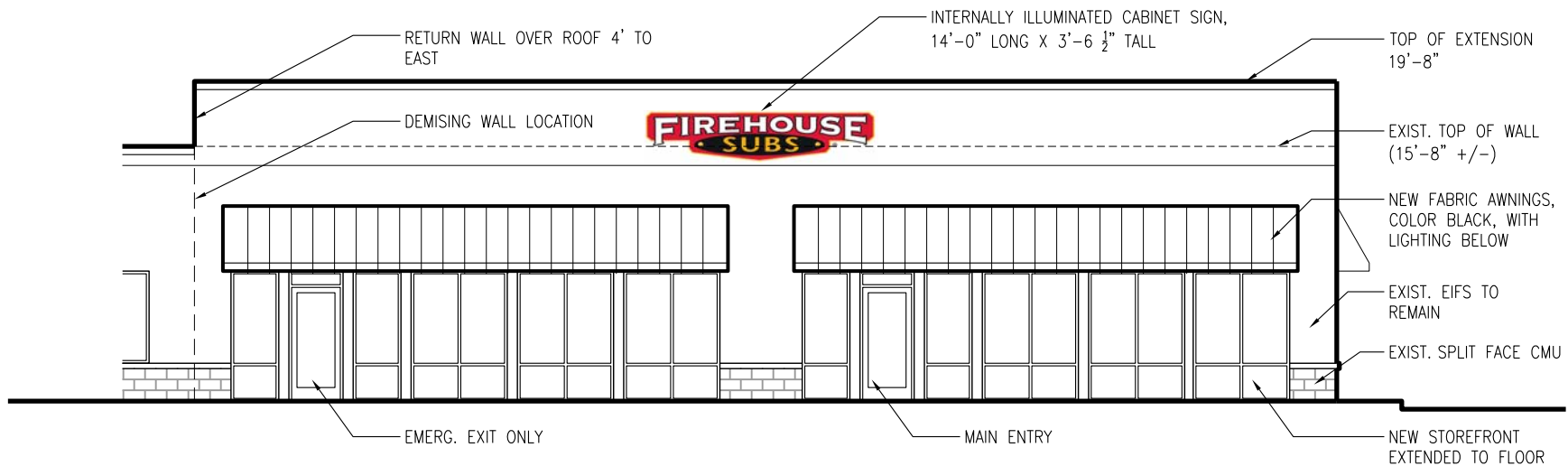
- DT-OL: Downtown Historic District
- GW-OL: Gateway District
- WP-OL: Wellfield Protection District

Zoning Class

- A: Agriculture
- RR: Residential, Rural
- RSN: Residential, Suburban Neighborhood
- RS-1: Residential, Suburban
- RTN: Residential, Traditional Neighborhood
- RT-1: Residential, Traditional
- RM: Residential, Multi-Family
- RMH: Residential, Manufactured Home
- MXC: Mixed Use, Commercial Center
- MXD: Mixed Use, Downtown Center
- MXN: Mixed Use, Neighborhood Center
- MXR: Mixed Use, Regional Center
- IBD: Industrial, Business Development
- IL: Industrial, Light
- IG: Industrial, General
- IN: Institutional
- PUD: Planned Unit Development

1 inch = 200 feet

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K. Tolloty



FRONT ELEVATION

3/32" = 1'-0"

6/10/12

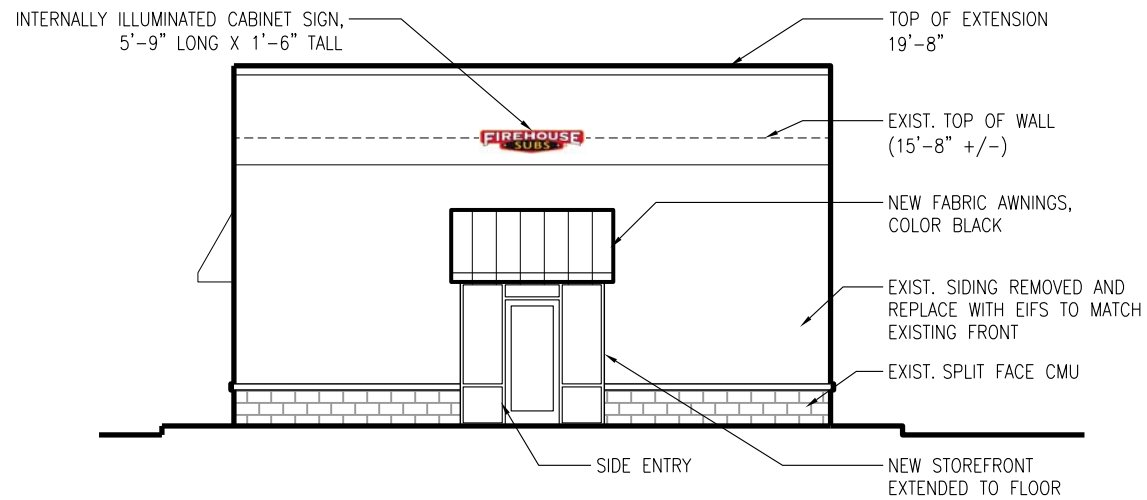
FIREHOUSE SUBS PROPOSED FRONT ELEVATION FRANKLIN, INDIANA

6925 EAST 96TH ST., SUITE 105
INDIANAPOLIS, IN 46250
317 . 288 . 0681 VOICE
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SIDE ELEVATION

3/32" = 1'-0"

6/10/12

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