



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & 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: Alex Getchell, Associate Planner

Date: January 26, 2015

Re: Cases ZB 2015-01 (UV & V) | Lambda Chi Alpha – Kappa Gamma Zeta

REQUESTS:

Case ZB 2015-01 (UV & V)...949 E. Jefferson Street – Fraternity House. A request for a variance of use from the City of Franklin Zoning Ordinance, Article 3, Chapter 10 to allow the operation of a Fraternity House in the RTN: Residential Traditional Neighborhood zoning district, and a developmental standards variance from Article 7, Chapter 10, to allow the required parking to be located off-site and no spaces specifically designated for persons living in the Fraternity House; residents would utilize campus commuter parking lots. The property is located at 949 E. Jefferson 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.

CONSIDERATIONS:

Proposed Use | Fraternity House | ZB 2015-01 (UV)

1. Petitioner is proposing to utilize the existing single-family residence at 949 E. Jefferson Street, for the Lambda Chi Alpha Fraternity House. The proposal is for 12 to 14 undergraduate fraternity members to reside in the residence, and for it to be used for meeting space for Chapter Meetings for all 40 members.
2. A Fraternity/Sorority House is only listed as a special exception in two zoning districts: RM (Residential: Multi-family), and IN (Institutional) zoning districts. Fraternity/sorority houses are not permitted in any other zoning district, including the RTN (Residential: Traditional Neighborhood) zoning district, within which the subject property falls.
3. See the attached room layout [[Exhibit A](#)], provided by the petitioner, of the existing two-story residence with basement. The exhibits indicate there are 5 bedrooms and a den which could be used as a bedroom. Three (3) bedrooms on the second floor, and two (2) bedrooms and a (1) den/bedroom on the first floor.
4. Based on the information provided, currently, there are two 2 full bathrooms in the residence; one on main level, one in the basement, and no bathrooms on the second floor.
5. See petitioner's attached "Description of Property Use" letter [[Exhibit B](#)].

Parking Requirements

6. 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.”
7. According to Article 7, Chapter 10, Parking Standards:
 - a. Location: No off-street parking spaces may be fully or partially located in a public right-of-way, septic field, required landscape area, or buffer yard.
 - b. Access: 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).
 - c. Sorority/Fraternity/Student Co-op Facilities: Parking spaces for Sorority and Fraternity Houses and student co-ops located in any zoning district shall be provided and shall meet the following standards:
 1. Off-street, paved parking spaces shall be provided at a ratio of 1 parking space for every 2 residents for which the maximum capacity of the facility is designed, **at a minimum**.
 - Petitioner states maximum capacity of the facility is 14 residents = 7 parking space minimum.
 2. Off-street parking spaces may be provided either on-site or off-site within 1,000 feet of the lot occupied by the facility. Parking areas must be designed to prevent vehicles from having to back into or maneuver in any Arterial street.
8. Minimum parking stall size is 9’ x 18’ and must be striped.
9. Each parking space must be paved with asphalt or concrete.
10. A detached two car garage is located behind the residence on the property qualifies as 2 of the minimum 7 parking spaces required for the Fraternity House.
11. Staff is not aware if the petitioners intend to use the detached garage for parking.
12. An alley runs immediately adjacent to the subject property, along the east side of the residence. The alley is within the public right-of-way; per Article 7, Chapter 10, and as stated above, the alley cannot be used as off-street parking for the Fraternity House.

Developmental Standards Variance | ZB 2015-01 (V)

13. Franklin College supports the Lambda Chi Alpha Chapter in securing a residence near campus, and the Vice President of Student Affairs and Dean of Students, E.F. Hall III, has provided a letter which states: “the college will allow and strongly encourage all members of the chapter to register their vehicles on campus, which permits them to park in the lots reserved for students on campus.” [See [Exhibit C](#)]
14. While there are several parking lots on the Franklin College campus within 1,000 feet of the proposed Fraternity House, there will not be specifically designated parking spaces for the members of Lambda Chi Alpha. Available parking spaces for the proposed use will not be guaranteed within 1,000 feet; that being the case, a developmental standards variance is required.

Comprehensive Plan

- 15. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as an Institutional Center. "Franklin’s institutional centers are areas that include either a single dominant institution or a collection of large-scale non-profit facilities. Existing institutional centers include the Franklin Community School Corporation facilities along Eastview Drive and U.S. 31; the area of West Jefferson Street which includes Johnson Memorial Hospital, the Johnson County Fairgrounds, the Methodist Community, the Johnson County Jail facilities, Creekside Elementary School, and Custer Baker Middle School; and the State Street corridor facilities of Franklin College, the Johnson County Public Library, the Franklin Community Center, and the Indiana Masonic Home. While other institutions, such as churches and schools, are located throughout the community, institutional centers are unique due to the prominence of the institutions and their influence on surrounding areas. Institutional centers may include non-institutional land uses, such as offices, retailers, or homes. However, these non-institutional uses typically have a direct, complimentary relationship with the area’s institutions."

Zoning Ordinance

- 16. 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.
- 17. 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.
- 18. According to Article 11.3: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.
- 19. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: RTN, Residential: Traditional Neighborhood
South: RTN, Residential: Traditional Neighborhood
East: Franklin College PUD
West: RTN, Residential: Traditional Neighborhood

Surrounding Land Use:

North: Residential
South: Single-family Residential
East: Vacant/Entrance to Franklin College
West: Single-family Residential

ZB 2015-01 (UV)

CRITERIA FOR DECISIONS – USE VARIANCE (FRATERNITY HOUSE):

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

In taking action on all use 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 use variance of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

DECISION CRITERIA – USE VARIANCE (FRATERNITY HOUSE)

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 that approval of the use variance for a Fraternity House, which said use is only permitted by special exception in RM (Residential, Multi-family) and IN (Institutional) zoning districts, will be injurious to the public health, safety, and general welfare of the predominantly single-family residential community. While the subject property is close to the Franklin College campus, the property is also in very close proximity to several single-family residential uses. Additionally, the residence is located on a small lot, with little outdoor area or physical buffering from adjacent residences to the north, west and south. With little space for members to congregate outside, any gatherings outside of the structure will be apparent to, and possibly overflow onto, neighboring properties. Staff also has concerns for the public health, safety, morals, and general welfare of the community, due to the large gatherings of members, which will often be on site. When more people occupy a given space, more cars pass by and are parked, and noise travels with crowds. Moreover, the petitioners are unable to provide on-site parking spaces for 10-12 of the residents of the house, let alone, the visiting guests and other members who reside elsewhere. Due to the configuration of a public alley along the east side of the property, staff has concerns that residents and guests of the Fraternity will use the alley as a driveway/parking area, and back out onto Jefferson Street. Such activity is not permitted by the City, as parking in a public alley and backing on an arterial road is prohibited, due to obvious public health and safety issues.

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 that the adjacent properties would be affected in a substantially adverse manner, as the substantial increase in people coming and going from the property will substantially alter the character of area. Furthermore, an adequate buffer does not exist between the adjacent single-family homes and the proposed Fraternity House. Only 25 to 35 feet separates the proposed Fraternity House from the neighboring homes to the west and southwest. When more people occupy a given space, more cars pass by and are parked, and noise travels with crowds. Additionally, the lack of reserved parking for the Fraternity House could result in a substantial increase in demand for on-street parking on the surrounding streets. If all on-street parking becomes occupied, it could make it difficult for residents of the neighborhood to access their homes, and could result in cars looping the block and/or stopping in the roadway to pick up or drop off persons visiting the proposed Fraternity House.

3. *Peculiar Situation: The need for the variance (arises or does not arise) from some condition peculiar to the property involved.*

Staff Finding:

Staff finds the need for the variance does not arise from a condition or situation peculiar to the property. The property is designed and currently occupied as a single-family home, and is located within a single-family residential zoning district. While the home is relatively large, in that it has 5-6 bedrooms, there are only 2 full bathrooms; a situation not ideal for 12-14 adult men to reside, and for gatherings of 40+ people for chapter meetings.

4. ***Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.***

Staff Finding:

Staff finds that the strict application of the terms of the Ordinance will not result in an unnecessary hardship as the property is designed and currently occupied as a single-family home, and is located within a single-family residential zoning district. Adjacent properties are also utilized for single-family uses. There is no hardship in continuing to utilize the property as a single-family residence.

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

Staff Finding:

The granting of use variance does not interfere with the Comprehensive Plan as the subject property falls with the “Institutional Center” designation on the Future Land Use Maps. Additionally, since the proposed use is closely related and associated with Franklin College, an Institutional use, the proposed use would not interfere substantially with the Comprehensive Plan.

STAFF RECOMMENDATION – USE VARIANCE (VARIETY STORE)

Based on the written findings above, staff recommends **denial** of the Fraternity House petition.

ZB 2015-01 (V)

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE (PARKING):

(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 VARIANCE (PARKING)

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 be injurious to the public health, safety, morals or general welfare of the community. Staff has several concerns about the proposed parking and how it relates to the general welfare: the zoning ordinance requires a *minimum* of seven (7) parking spaces be provided specifically for the proposed Fraternity House use; the petitioners can only provide two (2) parking spaces within the garage. Staff is not aware if the petitioners even intend to use the garage for parking; if they do not use the garage for parking, *all* of the Fraternity House parking would be susceptible to a first-come, first-serve competition with other Franklin College students or residents in the general vicinity. With 12-14 Fraternity Members residing on the property and 26 to 28 additional members visiting the property regularly, the lack of designated parking will be injurious to the general welfare, as there will likely be a substantial increase in demand for on-street parking in the general vicinity. Moreover, if Lambda Chi Alpha residents, members, and/or guests occupy the on-street parking in the vicinity, to the point of no open spaces, other *non-Franklin College residents* in the area would not have the same benefit of parking nearby in the Franklin College parking lots. Those potential issues underscore the importance of providing on-site and designated parking spaces, nearby.

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 further finds that the use and value of the adjacent property will be affected in a substantially adverse manner, as the lack of reserved parking for the Fraternity House could result in a substantial increase in demand for on-street parking on adjacent streets, creating a first-come, first-serve competition with adjacent residences.

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 may result in a practical difficulty. There is no room to add parking on the same property as the proposed Fraternity House; however, the petitioner can utilize off-site, shared parking, within a 1,000 feet of the property. Lambda Chi Alpha has received a letter from Franklin College, stating they would be allowed to purchase student parking passes and park within campus parking lots; however, no spaces would be specifically reserved for the Fraternity House residents. All campus parking spaces within 1,000 feet of the proposed Fraternity House would be available to every Franklin College student possessing the appropriate parking pass. The Board will have to determine if not being able to procure an agreement with Franklin College, for reserved parking spaces, qualifies as a practical difficulty.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE (PARKING)

Based on the written findings above, staff recommends **denial** of the off-site parking petition.

EXHIBIT A Existing Floor Layout

2nd
Floor

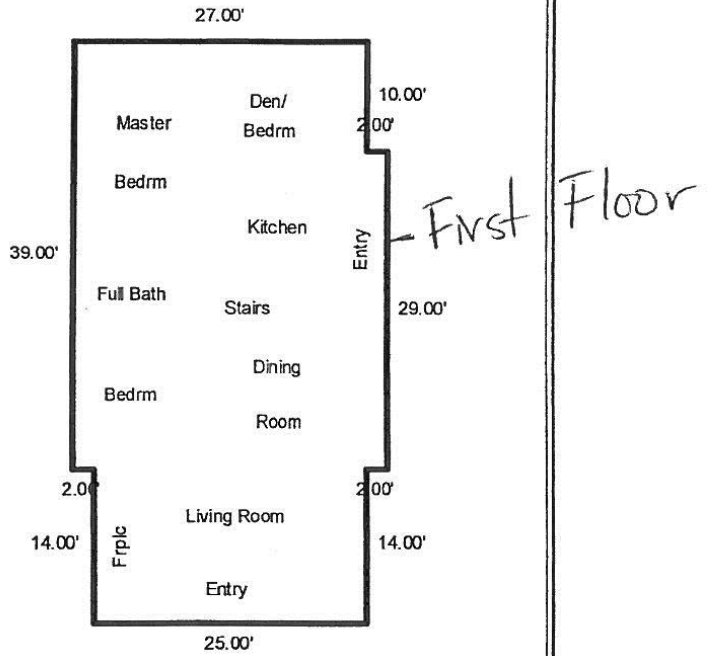
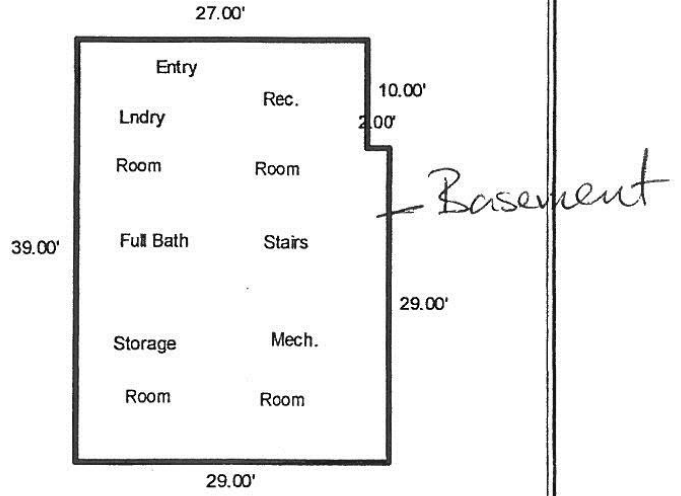
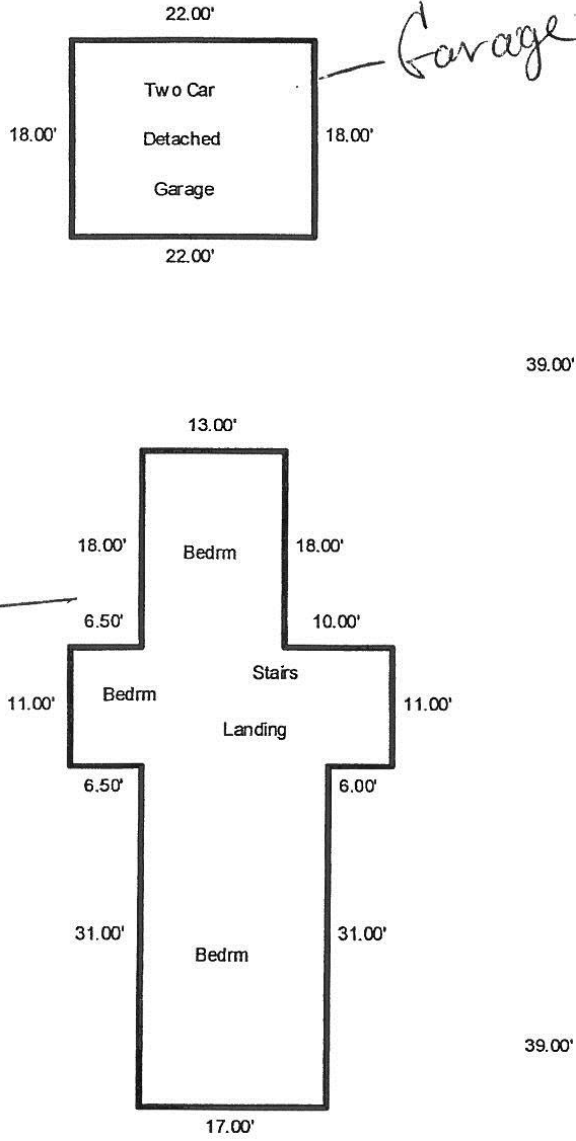


EXHIBIT B

Lambda Chi Alpha – Zoning Request

Description of Property Use

Address: 949 E Jefferson St Franklin, IN 46131

Dear Zoning Board:

Lambda Chi Alpha Housing Corporation would like to pursue the purchase of the property at 949 E Jefferson Street, Franklin, IN. This facility would be expected to hold 12 - 14 Franklin College undergraduates who are members of Lambda Chi Alpha – Kappa Gamma Zeta. It will not be necessary for the Housing Corporation to make additions to the house as it is large enough to comfortably accommodate 12-14 brothers. The primary use for this property would be for the housing of the undergraduate brothers and to be used for a meeting space for Chapter Meetings. This facility would be under the strict rules and regulations put in place by the Lambda Chi Alpha General Fraternity, Franklin College and the Lambda Chi Alpha Housing Corporation. The Fraternity is prohibited from hosting certain gatherings without the consent of Franklin College and Lambda Chi Alpha General Fraternity.

The house would be managed by the Lambda Chi Alpha Housing Corporation, which meets monthly. The Housing Corporation will have clear rules set in place for brothers living in the house. These rules will be set in place to make sure the house will be kept up and maintained in an appropriate manner. Any deviation from those clear rules will be addressed and the consequences will be strictly enforced by the Housing Corporation and Franklin College. This is a beautiful home and we intend to keep it well preserved. The Housing Corporation will also have a maintenance fund set aside for proper upkeep of the house. The Housing Corporation is composed of Franklin College Alumni who are brothers of Lambda Chi Alpha. We hope to give the current undergraduate men the same opportunity that we had to live in a fraternity house and make long lasting bonds of brotherhood.

Thank you for your kind consideration.



2015.01.14

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Martin Chastain

Lambda Chi Alpha Housing Corporation - President

EXHIBIT C



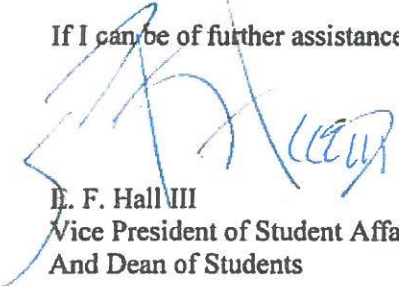
STUDENT AFFAIRS DIVISION

December 22, 2104

To whom it may concern:

Franklin College supports the efforts of the Lambda Chi Alpha Chapter to secure a residence near the college campus. Once the chapter has done so, the college will continue to allow and strongly encourage all members of the chapter to register their vehicles on campus, which permits them to park in the lots reserved for students on the campus.

If I can be of further assistance, please feel free to contact me.



E. F. Hall III
Vice President of Student Affairs
And Dean of Students

101 Branigin Boulevard • Franklin, Indiana 46131-2623
(317) 738-8080 • (800) 852-0232 • Fax (317)738-8097
www.franklincollege.edu