



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: Joanna Myers, Senior Planner
Date: October 28, 2015
Re: Cases ZB 2015-15 (UV) | Starlight Dance Academy

REQUESTS:

Case ZB 2015-15 (UV)...Starlight Dance Academy. A request for a variance of use from the City of Franklin Zoning Ordinance, Article 3, Chapter 22 to allow the operation of a personal service use (dance studio) in the IL: Industrial, Light zoning district and GW-OL: Gateway Overlay district. The property is located at 2112 Early Lane.

PURPOSE OF STANDARD:

The “IL”, Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

CONSIDERATIONS:

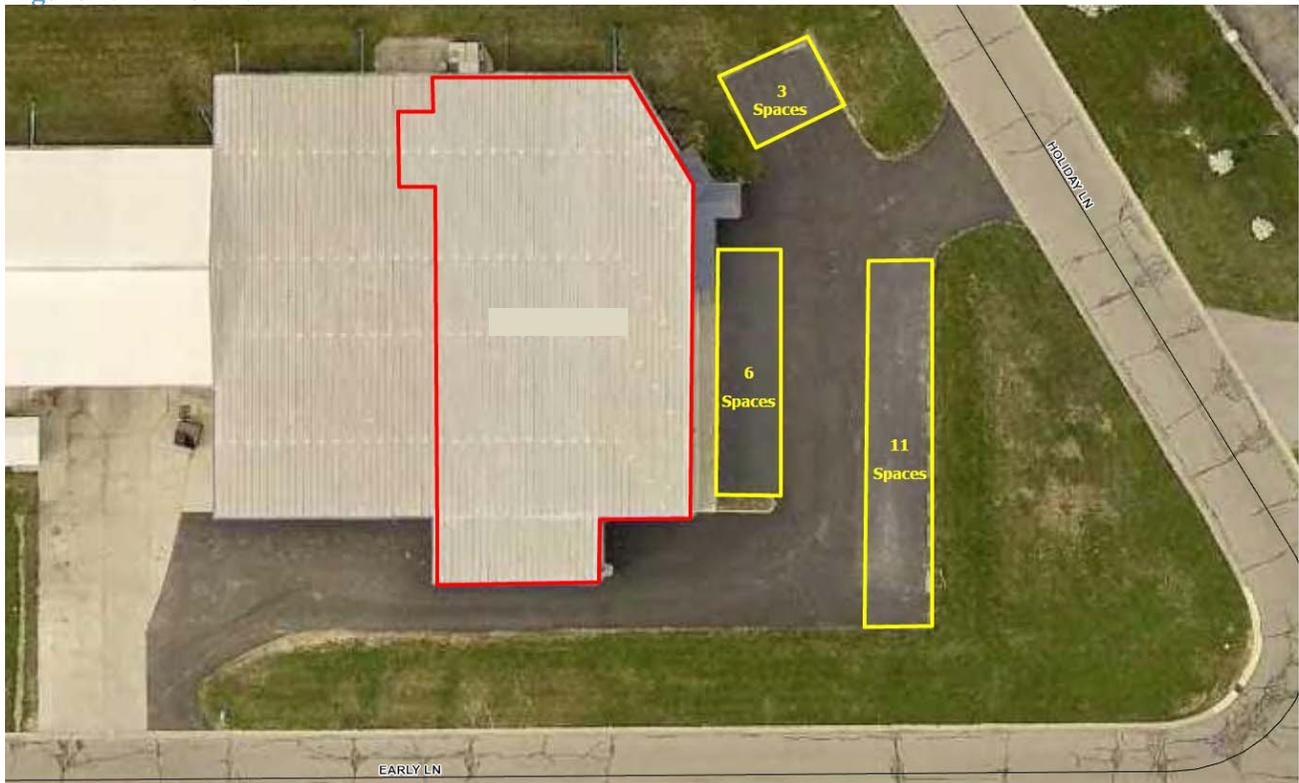
Proposed Use

1. Starlight Dance Academy is proposing to occupy a portion of the building located at 2112 Early Lane. They would occupy approximately 3,200sq. ft. of the facility and maintain no more than 3 employees on site at one time.
2. A personal service use is defined as “an establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair store, or tanning salon.” A dance studio is listed as a personal services use per the land use table in Article 3.2.
3. A personal service use, dance studio, is a non-permitted use in the IL (Industrial: Light) zoning district.
4. Personal service uses (dance studio) are only listed as a permitted use in the following zoning districts: MXD (Mixed Use: Downtown Center), MXN (Mixed Use: Neighborhood Center), MXC (Mixed Use: Community Center), MXR (Mixed Use: Regional Center), and IBD (Industrial Business Development).

Parking Requirements

5. 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.”
6. According to Article 7.10:
 - a. A minimum of 1 off-street parking space is required for every 200 sq.ft. of gross floor area of the dance studio (rounded to the nearest complete space) plus one (1) space for each employee working on the largest shift. (Dance studio = 3,200 sq.ft. + 3 employees)
 - b. Parking spaces may either be located on the lot with the use(s) for which they are required, or on another lot that is within 500 feet.
 - c. Minimum parking stall size is 9’ x 18’ and must be striped.
 - d. Each parking space must be paved with asphalt or concrete.
7. Based on the square footage of the proposed dance studio (3,200 sq.ft.) and number of employees (3), a total of nineteen (19) parking spaces would be required to comply with the Zoning Ordinance regulations.
8. At least one (1) space provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.
9. Using the figure from case ZB 2015-07 Habitat for Humanity Restore, there is availability for twenty (20) parking spaces on-site. Staff confirmed that total, using measurements on aerial photography. [Figure 1]

Figure 1: ZB 2015-07



Comprehensive Plan & Zoning Ordinance

- 10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Light Industrial. “Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw materials. Light industrial facilities generally do not produce emissions of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area.”
- 11. 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.
- 12. 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.
- 13. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXR, Mixed-use: Regional Center
 South: IL, Industrial: Light
 East: IL, Industrial: Light
 West: IL, Industrial: Light

Surrounding Land Use:

North: Professional Office Space
 South: Vacant Industrial Lots/State Armory
 East: Mini-self-storage facility
 West: O.C. Repair & Fabrication (Auto Repair)
 by BZA approval of special exception (ZB 2007-21)

CRITERIA FOR DECISIONS – USE VARIANCE (VARIETY STORE):

(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 (VARIETY STORE)

- 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 the approval of the use variance will not be injurious to the public health, safety, or general welfare of the community. The proposed use, personal service use (dance studio), would be a permitted use on the properties immediately north of the subject property and the minimum required number of parking spaces can be provided on site.

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 not be affected in a substantially adverse manner, as the general vicinity is comprised of a wide variety of land uses, including professional offices, day care center (currently vacant), mini-self-storage facility, construction contractor's office, auto and heavy truck repair and emergency service company, and an industrial operating supply distributor. Therefore, the introduction of the proposed use to the area, will not substantially impact adjacent properties in a negative manner.

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

Staff Finding:

Staff finds that the need for the variance does arise from a condition peculiar to the property involved, as staff has found that dance and gymnastic studios require structures with higher ceiling clearance than generally available in the zoning districts in which the use is permitted. Similar facilities, that are also zoned appropriately, do not appear to exist in the general vicinity. In addition, the facility's north property line is the division line between the MXR zoning district, in which the use is a permitted use, and IL zoning district, in which it is listed as a non-permitted use.

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 result in an unnecessary hardship, as the impact of the proposed dance studio is similar in nature, or even less than, as some of permitted uses in the IL zoning district: medical clinic, conference center, and business/trade school .

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

Staff Finding:

Staff finds the granting of use variance will not interfere with the Comprehensive Plan. The similarities between uses listed in the Comprehensive Plan (daycare center, dry cleaner and bank) and the proposed dance studio, which can have the same impact to traffic and parking, are significant enough that staff believes there will not be any interference with the Comprehensive Plan.

STAFF RECOMMENDATION – USE VARIANCE (DANCE STUDIO)

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

- a. Any expansion or relocation, within the facility, of the dance studio shall require favorable action, including new findings of fact and conditions of approval, by the Board.
- b. A minimum of nineteen (19) parking spaces, at least 9' x 18' in size, shall be maintained onsite, with appropriate pavement markings, specifically for the dance studio use.
- c. An application shall be submitted to the Division of Fire & Building Safety Plan Review Branch of the Indiana Department of Homeland Security for the change of use, and the structure shall meet all building code requirements for the change of use.
- d. All applicable Federal, State, and Local permits and approvals are required.