



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: May 18, 2016

Re: Cases ZB 2016-04 (V) | Benham & Edwards, LLC | Graham Street Storage

REQUESTS:

Case ZB 2016-04 (V)...Graham Street Storage. A request for consideration of a developmental standards variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 9, to allow the top of bank of the detention pond to provide less than two (2) feet of free-board protection above the 100-year flood elevation for the area in which the pond is located, in the IBD: Industrial, Business Development zoning district. The property is located at 1137 Graham Street, approximately 350 feet south of Arvin Rd.

PURPOSE OF STANDARD:

The “IBD”, Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

Proposed Use

1. The Petitioner has submitted Site Development Plans, PC 2015-19 (SPR), for the expansion of the existing two-building self-storage facility. The Site Development Plan on file includes two proposed buildings, with up to five more buildings in the future, and an outdoor RV & Trailer storage area, on 3.5 acres of property on the east side of Graham Street. [[Exhibit A: Construction Plans 11/30/15](#)]
2. The proposal includes a nearly 11,000 sq. ft. pond for storm water detention. The design of the pond includes the following:
 - A. Normal Pool Elevation: 740.00
 - B. Top of Bank Elevation: **742.00**
 - C. 100 Year Elevation: **741.70**
 - D. Bottom Elevation: 730.00
3. According to Article 7, Chapter 9 of the City of Franklin Zoning Ordinance, the top of bank, of all retention and detention ponds, shall provide 2 feet of free-board protection above the 100-year flood elevation for the area in which any pond is located.
4. The petitioner is proposing to provide **0.3 feet of free-board protection** above the 100-year flood elevation for the area in which the pond is located.
5. Site Development approval cannot be completed, as submitted, without BZA approval of the above listed development standards variances, or conformance with the free-board standard.

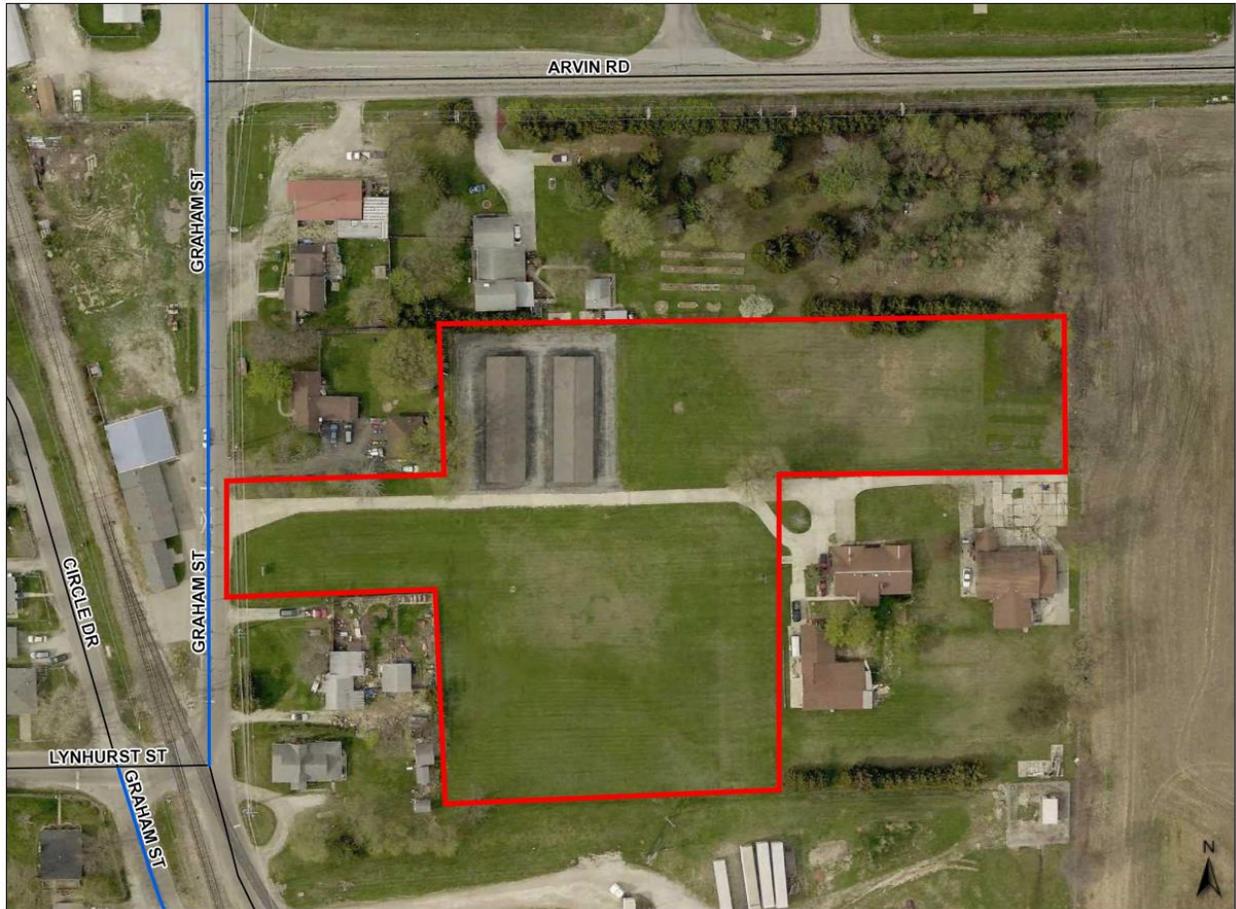


Figure 1: Aerial Location Map

Comprehensive Plan & Zoning Ordinance

6. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. “Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor’s offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved.”
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.

9. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IBD: Industrial, Business Development
South: IG: Industrial, General
East: IG: Industrial, General
West: IBD: Industrial, Business Development

Surrounding Land Use:

North: Single-family residential
South: Tractor-trailer storage
East: Single-family residential; Manufacturing
West: Single-family residential;
Microwave Devices, Inc

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(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 VARIANCES

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 the approval of the proposed variance may be injurious to the public health, safety, and general welfare of the community. As proposed, petitioner states the water level of the detention pond will rise 1.7 feet during a 100-year rainfall event; petitioner has only provided an additional 0.3 feet of free-board protection above that 100-year level. Rainfall events with greater than a 100-year rainfall rate would top the banks of the pond and push excess water onto the properties to the east and south. There is a residence and detached accessory building immediately east of the proposed pond, which is constructed at, or slightly below, the elevation of the proposed top of bank of the pond. City engineering staff would prefer a minimum free-board elevation at least 1.0 foot above the 100-year flood elevation; however, it does not appear that is possible on this site. The proposed top of bank elevation is a result of balancing the need for free-board protection above the 100-year flood elevation, with the need to move surface drainage, from the North and West, into the pond.

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 the use and value of the adjacent properties will not be affected in a substantially adverse manner. While the proposed variance could be injurious to the general welfare during substantial rainfall events, staff does not believe approval of the petition would substantially affect how adjacent properties will be used, nor will approval substantially alter the value of the adjacent properties.

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:

Staff finds the strict application of the terms of the ordinance will result in a practical difficulty, as the property is very flat, and the outlet for the pond on the southeast corner of the property dictates the normal pool level of the pond to be 740.00, as proposed. If the top of bank were elevated higher to meet the free-boarding requirement, positive drainage would not be possible, as surface water could not enter the pond from the North and West.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **approval** of the petition.

If the Board finds sufficient evidence to approve the developmental standards variance, staff recommends the following conditions be attached to the approval:

- a. A minimum of 0.3 feet of free-board protection shall be provided above the 100-year flood elevation for the area in which the pond is located.