



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46181 › 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: July 2, 2012

Re: Case ZB 2012-06 (V)

REQUEST:

Case ZB 2012-06 (V)...111 Commerce Drive. A request for a variance from the City of Franklin Zoning Ordinance Article 7, Chapter 3 to allow a dumpster enclosure to encroach thirteen and six tenths (13.6) feet into the required twenty-five (25) foot rear setback in the Industrial: Business Development (IBD) and Gateway Overlay (GW-OL) zoning districts. The property is located at 111 Commerce Drive.

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.

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 a dumpster enclosure to be placed in a rear setback.
2. The closest corner of the dumpster enclosure would be situated eleven and four tenths (11.4) feet from the rear property line.
3. According to Article 7.3 of the Zoning Ordinance, dumpster enclosures are considered accessory structures and are required to have a minimum twenty-five (25) foot setback from any side or rear property line.
4. There was a site plan approved, however a dumpster enclosure was not included on those plans. The original intent was to house the dumpster inside the building.
5. There has also been an unapproved sketch with the dumpster enclosure proposed to be located in front of the building. This would meet the setback requirements and other zoning requirements.
6. While the previously proposed location in front of the building would meet all zoning requirements, the Gateway Overlay is fairly restrictive in terms of aesthetics and the location of outdoor storage areas. Dumpster enclosures are not specifically addressed under the overlay district and therefore are not specifically subject to its guidelines, but it can be reasonably inferred that locating a dumpster enclosure in front of the building would violate the spirit of the overlay district.

7. The 2002 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.”
8. 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.
9. 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: IBD, Industrial: Business Development/GW-OL
 South: IBD, Industrial: Business Development/GW-OL
 East: IBD, Industrial: Business Development
 West: MXR, Mixed Use: Regional Center/GW-OL

Surrounding Land Use:

North: Grand Rental Station
 South: Hash CPA Group
 East: Yarnell Electric
 West: M&I Bank

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. Previous tenants have located dumpsters in this location (as can be seen from previous aerial photographs) and this is also an easily accessible location for trash haulers.

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 previous tenants have also place dumpsters in this location, but without the required screening.

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 not result in a practical difficulty as the applicant has submitted previous plans that would meet the requirement. The original site plan with the dumpster to be located inside the building would meet zoning requirements and therefore would not result in a practical difficulty. The second sketch, though not officially submitted, placing the dumpster enclosure at the front of the building would also technically meet zoning requirements. The petitioner should explain how approval of this variance will result in a practical difficulty in the use of the property.

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 **denial** of this petition.

If the Board finds that sufficient evidence to approve the Variance and the following modifications to the petition were made, staff would recommend approval:

1. Area directly north of the dumpster enclosure, where dumpster will be located on days of pick-up, shall meet dumpster pad requirements for concrete.

Site Photographs

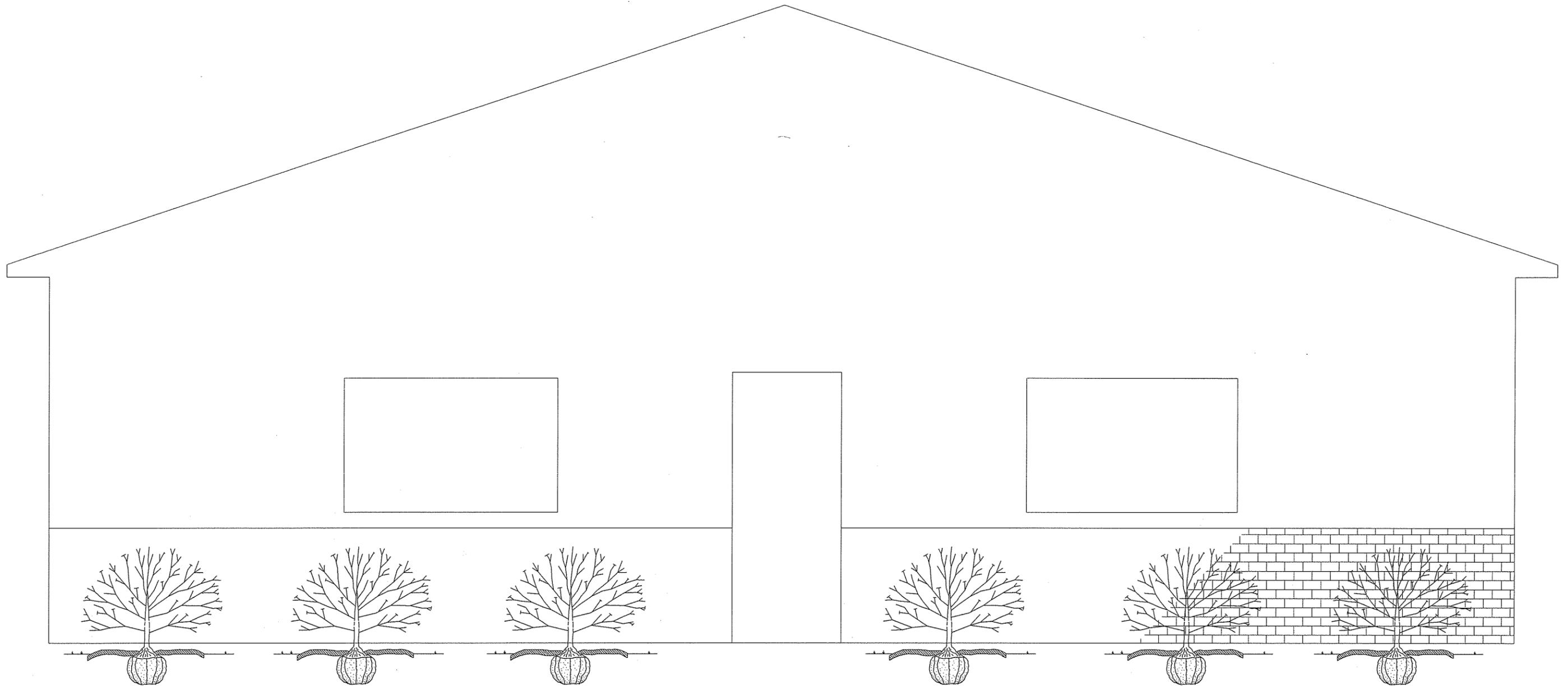


111 Commerce Drive – Side View

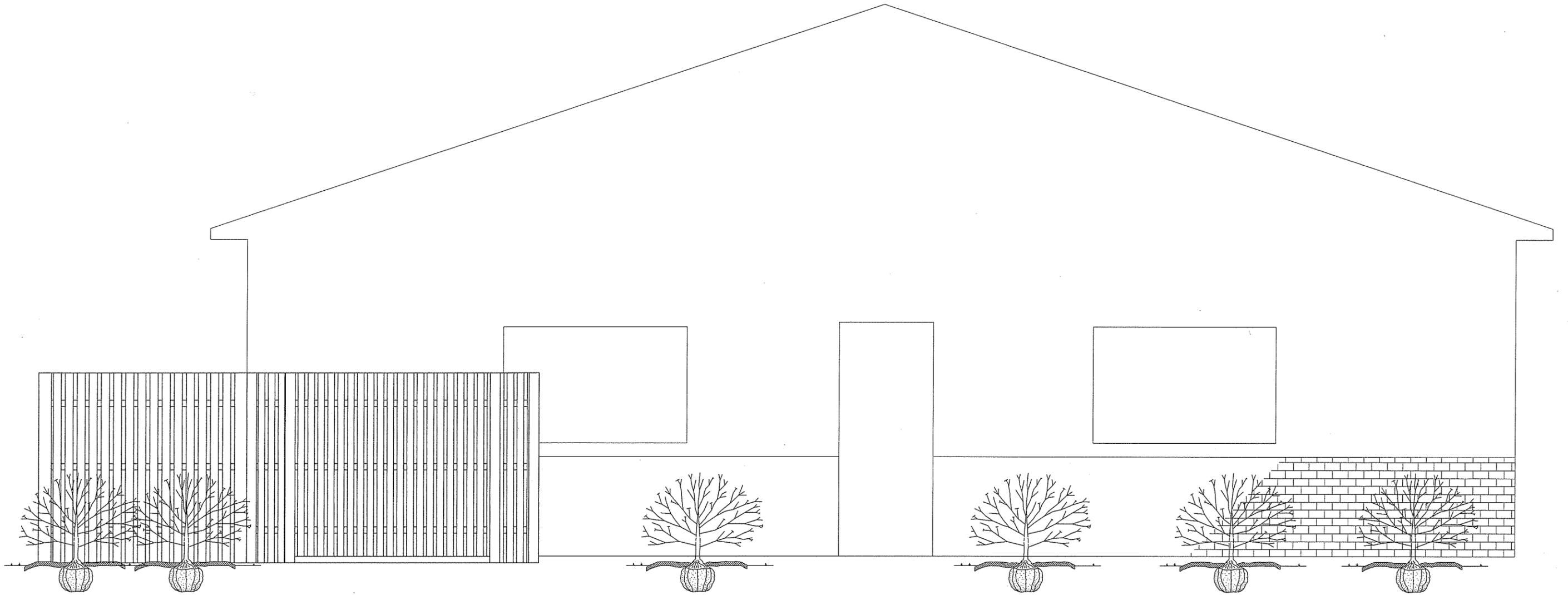


111 Commerce Drive – Rear View

Front Elevation - No Dumpster Enclosure



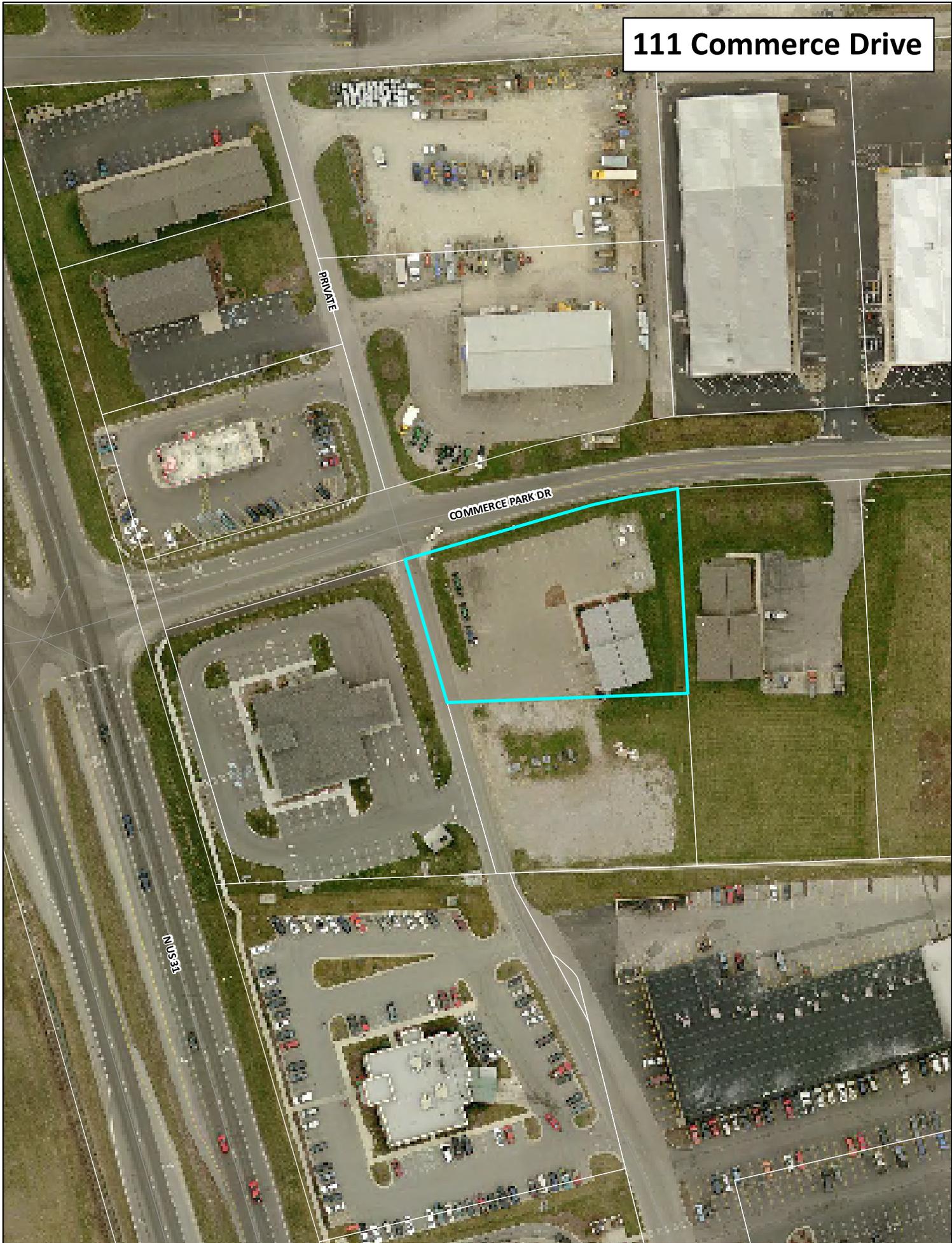
Front Elevation - With Dumpster Enclosure





Side/Rear Elevation - With Proposed Dumpster Enclosure

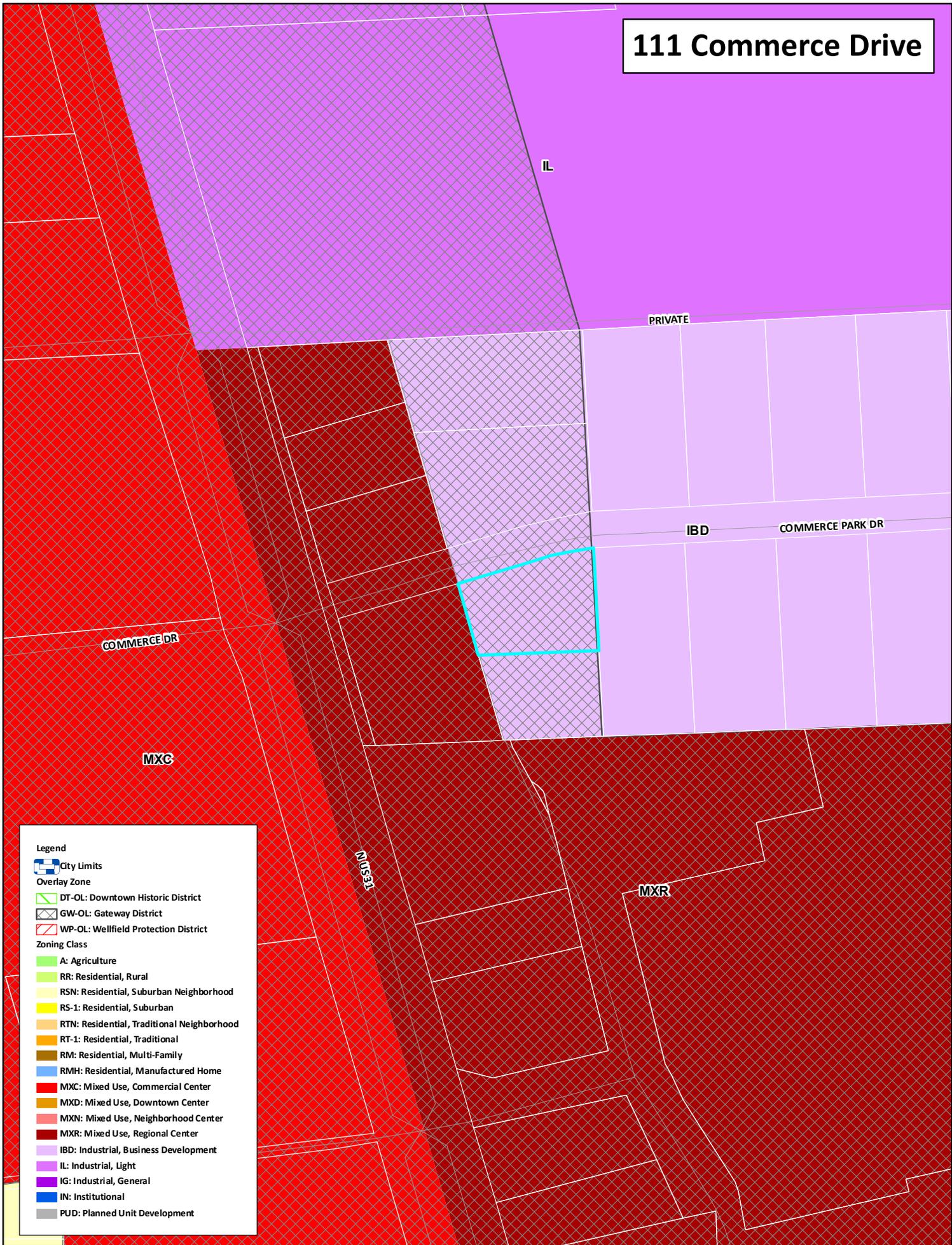
111 Commerce Drive



1 inch = 100 feet

Created: Franklin Planning Dept. - 6/12
K. Tolloty

111 Commerce Drive



Legend

City Limits

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