



## 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](http://www.franklin.in.gov/planning)

# BZA Staff Report

**To:** Board of Zoning Appeals Members

**From:** Alex Getchell, AICP, Senior Planner

**Date:** July 1, 2022

**Re:** Cases ZB-22-5 (V) | 81 & 89 Forest Rd

---

### REQUESTS:

**Case ZB-22-5 (V)...81 & 89 Forest Rd.** A request for a Developmental Standards Variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 15, Fence Standards, to allow fencing in the required front yard setback along State Road 44, in the IL: Industrial, Light zoning district. The property is located at 81 & 89 Forest Road and is approximately 67.8 acres.

### 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.

### ZONING:

#### Surrounding Zoning:

North: IL: Industrial, Light  
South: IL: Industrial, Light  
East: A: Agricultural  
West: IL: Industrial, Light

#### Surrounding Land Use:

North: SR 44, Agricultural Crop Field  
South: Large Lot Single-Family Residential  
East: Apostolic Gospel Church  
West: AISIN

### CONSIDERATIONS:

1. The subject property, approximately 67.8 acres, was recently developed as a “Spec Building,” 954,370 sq. ft. in size. The property owners and petitioners, LA Crossroads I Owner LLC, now have a tenant looking to occupy the space; the tenant desires to have a fence that encloses all of the truck parking and loading docks, including the interior drive along the north side of the building.  
[See [Exhibit A: Fence Exhibit](#) and [Exhibit B: Statement of Intent](#)]

#### Non-residential Fence, Hedge, & Wall Standards

2. According to Article 7, Chapter 15, Part 3: These Non-residential Fence, Hedge, & Wall Standards apply to the Mixed-Use, Institutional, and Industrial zoning districts:
  1. **Height Requirements:** Fences, hedges, and walls shall not exceed 8 feet in height and shall be prohibited in any required front yard setback.
  2. **Prohibited Fences:** All electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm property. Industrial uses and penal and correctional facilities shall also be exempt from this standard.

3. Variance Request: *Petitioner requests approval to be allowed to place an 8' chain link fence within required front setback along the north (State Road 44) side of the property. Petitioner stated the fence would be located approximately 31 feet from the north property line; nineteen feet closer than permitted by ordinance.*
4. The subject property is a corner lot, with two front yards, and two required front yard setbacks:
  - a. West – along Forest Road: 50 foot setback
  - b. North – along State Road-44: 50 foot setback
5. According to Article 7, Chapter 15, Fence Standards, petitioner is not permitted to locate any portion of their fence within the front setbacks outlined above, in Item 4.
6. Petitioner proposes for the fence to enclose the truck court (truck storage areas & loading docks), and the interior drive along the north side of the building. [See [Exhibit A: Fence Exhibit](#)]
7. The proposed fence would encroach into the SR 44 front yard setback for a majority of the frontage along SR44, but only along the portions of the frontage where the interior drive to be enclosed already exists, and where it is already within the required front yard setback. [See [Exhibit C: Fence Exhibit Enlarged](#)]

### **Comprehensive Plan & Zoning Ordinance**

8. 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.”
9. 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.
10. 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.

### **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 will not be injurious to the public health, safety or general welfare of the community, as petitioner's proposal represents the least encroachment practical, while still enclosing & securing the truck court facility.

- 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 approval of the proposed variances will not adversely affect the use or value of adjacent properties, as the areas where the fence would encroach into the required front setbacks, are along State Road-44, where adjacent properties are farther away and unimpacted by the reduced fence setback.

- 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 ordinance will result in a practical difficulty in the use of the property, as petitioner could not enclose the truck court and the interior drive that connects both sides of the truck court within a fence, without the fence encroaching into the front setbacks, as they have proposed. Moreover, petitioner's proposal represents the least encroachment practical, while still enclosing and securing their facility.

## **STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

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

- a. The fence must be constructed as shown on the site plan marked "Logistics Center – Fence Exhibit," dated June 6, 2022, and the construction of the fence shall be a maximum of eight-feet in height.
- b. The fence must not be located closer than 30 feet to the north property line.
- c. Chain link slats shall not be permitted to be used within a required front setback.