



## 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:** December 29, 2022  
**Re:** Cases **ZB-22-14 (V) | 600 International Drive**

### REQUESTS:

**Case ZB-22-14 (V)...600 International Drive.** A petition by Chris Duke (Elite Homes, LLC), on behalf of Innovative 3D Manufacturing, request a Developmental Standards Variance from the City of Franklin Zoning Ordinance Article 3, Chapter 23, IG: Industrial, General Development Standards, to be allowed a 20.5 feet side yard setback for a primary structure (50 feet setback required). The property is located at 600 International Drive.

### PURPOSE OF STANDARD:

The “IG”, Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

### ZONING:

#### Surrounding Zoning:

North: IG: Industrial, General  
South: IG: Industrial, General  
East: IG: Industrial, General  
West: IG: Industrial, General

#### Surrounding Land Use:

North: Industrial Warehousing/Logistics  
South: Carter Lumber  
East: GMI Corporation (CNC Machining)  
West: Natural Stone Creations Inc/  
Water Jet Solutions Inc

### CONSIDERATIONS:

#### Current & Proposed Use

1. The subject property, 600 International Drive, is currently occupied by Innovative 3D Manufacturing and they are seeking an expansion to the existing structure. Chris Duke with Elite Homes, LLC, petitioner, is representing them in this request.
2. According to the petitioner, Innovative 3D Manufacturing is a high-tech advanced manufacturer of Aerospace and defense parts. Building expansion is needed for the rapid growth that has taken place over the last 5 years in order to house more equipment and add a full metrology lab and hire local workforce.
3. According to Johnson County Assessor’s records, the existing structure is approximately 6,390 sq. ft. (390 sq. ft. of mezzanine). Petitioner’s exhibits show the building footprint as 60’ x 100’ and a proposed addition 28’ x 100’ along the west side of the structure. [[Exhibit A: Site Plan](#) & [Exhibit B: Building Plans](#)]
4. The subject property is Lot 4 in the RS Bacon Veneer Subdivision (2001). At the time the RS Bacon Veneer Subdivision was platted, the Zoning Ordinance allowed 20 feet side yard setbacks for this area. In 2004, the Zoning Ordinance & Zoning Map was amended to change the side setback minimum to 50 feet.

### **Primary Structure Side Yard Setback**

5. According to Article 3, Chapter 23, IG: Industrial, General, Development Standards, the minimum side yard setback for a primary structure in the IG zoning district is 50 feet.
6. Variance: *Petitioner is requesting a variance to allow a primary structure to be setback 20.5 feet from the west "side" property line; the Zoning Ordinance requires a minimum of 50 feet.*
7. *Petitioner is requesting to encroach into the side yard area 28 feet for a building expansion. At the time this property was platted/subdivided in 2001, the Zoning Ordinance allowed for a minimum of 20 feet side yard setback. In 2004, the Zoning Ordinance and Zoning Map were amended and the new IG district established 50 feet minimum side yard setbacks on this property.*

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

8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Manufacturing. "Manufacturing areas are intended to accommodate large scale businesses that produce finished products from raw materials. Uses in these areas may include product manufacturers, as well as any related warehousing and offices. Manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. These two factors are the primary distinction between manufacturing areas and light industrial areas."
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.

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

### **CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:**

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, morals, or general welfare of the community. Petitioners' property is located within the RS Bacon Veneer Subdivision, which was originally platted and developed in 2001, at a time when the prior zoning ordinance for the City of Franklin allowed side yard setbacks of 20 feet for this property. Therefore, approval of a 20.5 side yard setback will not be injurious to the general welfare, as the original intent for this area was for smaller setbacks for smaller-scale industrial uses.

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 approval of the proposed variance will not adversely affect the use and value of adjacent properties. Petitioners' property is located within the RS Bacon Veneer Subdivision, which was originally platted and developed in 2001, at a time when the prior zoning ordinance for the City of Franklin allowed side yard setbacks of 20 feet for this property. Therefore, approval of a 20.5 side yard setback will not affect the use and value of adjacent properties, as the original intent for this area was for smaller setbacks for smaller-scale industrial uses.

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 practical difficulties at the subject property, as Petitioners' property is located within the RS Bacon Veneer Subdivision, which was originally platted and developed in 2001, at a time when the prior zoning ordinance for the City of Franklin allowed side yard setbacks of 20 feet for this property. Therefore, the strict application of the ordinance, requiring 50 feet side yard setbacks would result in a practical difficulty in the use of the property, as the original intent for this area was for smaller setbacks for smaller-scale industrial uses.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

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

- a. All applicable permits and approvals shall be obtained prior to placement/construction, including but not limited to an Improvement Location Permit ("building permit").