

CITY OF FRANKLIN BOARD OF ZONING APPEALS

PETITION FOR VARIANCE (OF USE)

O.C. Repair & Fabrication
Case Number ZB 2016-15 (UV)

FINDINGS OF FACT

Comes now before the City of Franklin Board of Zoning Appeals and finds that the following must be proven for approval:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The need for the variance arises from some condition peculiar to the property involved.
4. The strict application of the terms of the ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.
5. The granting of the variance does not interfere substantially with the Franklin Comprehensive Plan.

The Board of Zoning Appeals after hearing the presentation of the Petitioner and after a public hearing, does hereby find and determine as follows:

1. The petitioner agreed to the following conditions:
 - a. All applicable permits/approvals shall be obtained, including but not limited to: recording of secondary plat, site development plan approval, building permits, sign permits, etc.
 - b. Petitioner shall provide parking in compliance with Article 7, Chapter 10, Parking Standards.
 - c. The primary business shall be the repair of trucks and trailers.
 - d. There shall be only occasional sales of parts and trucks that are due to non-payment of repairs.
 - e. All oils and lubricants are contained within tanks and not discharged on the premises.
 - f. All repairs shall be done completely within the building.
 - g. All vehicles stored onsite, either pre-, during-, or post-repair, shall be stored completely within a 6 foot tall, 100% opaque wood, stone or masonry fence storage area, or inside the building, except during times of drop-off/pick-up by customers.
2. The Board finds the proposed use, primarily a large truck and trailer repair and service business, is similar in intensity, appearance and operation to other businesses in the immediate vicinity, including the contractor storage yards of Pickett Equipment Parts directly across Hudson Street and Fisher Contracting on adjoining property to the south. Therefore, the Board finds approval of the use variance for the proposed Truck Sales & Service Center will not be injurious to the public health, safety, and general welfare of the community.
3. The Board further finds the use and value of adjacent properties will not be affected in a substantially adverse manner, as the proposed use, primarily a large truck and trailer repair and service business, is similar to other businesses in the immediate vicinity, such as Pickett Equipment Parts and Fisher Contracting (both contractor storage yards). Approval of the proposal would allow a potential undesirable use, in other parts of the City, to be clustered with other like uses.

4. The need for the variance does arise from a condition peculiar to the property involved, as the Board found the property is in close proximity to similar uses that are permitted in the same district, such as the contractor storage yards/facilities for Pickett Equipment Parts and Fisher Contracting. The Board finds the prohibition of the proposed use in the IBD district to be atypical with the out-right permission of other like uses in the district.
5. The Board finds that the strict application of the terms of the Ordinance will result in an unnecessary hardship, as similar uses are operating from adjacent properties, without the need for Board of Zoning Appeals approval, and without any major distinguishing attributes between the uses that warrant greater scrutiny.
6. The Board finds the granting of the use variance will not substantially interfere with the Comprehensive Plan, as the Land Use Plan designates this area as a "Business Development" area, and further elaborates on the character of these areas to include small scale and new local companies, with both industrial and commercial qualities, and those businesses needing outdoor storage and/or heavy equipment. The Board finds the proposed use closely aligns with all characteristics, as outlined in the 2013 Comprehensive Plan, for Business Development Areas; therefore, approval will not substantially interfere with the Comprehensive Plan.
7. Therefore, the Board of Zoning Appeals of the City of Franklin finds the Petitioner has met the requirements set out in numbers 1-5 above. Thus, the Board does have the power to authorize the requested use variance.
8. The petition for use variance therefore is approved with the following conditions agreed to by the petitioner:
 - a. All applicable permits/approvals shall be obtained, including but not limited to: recording of secondary plat, site development plan approval, building permits, sign permits, etc.
 - b. Petitioner shall provide parking in compliance with Article 7, Chapter 10, Parking Standards.
 - c. The primary business shall be the repair of trucks and trailers.
 - d. There shall be only occasional sales of parts and trucks that are due to non-payment of repairs.
 - e. All oils and lubricants are contained within tanks and not discharged on the premises.
 - f. All repairs shall be done completely within the building.
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DATED this 7th day of December, 2016.

A handwritten signature in black ink, appearing to read "Tim Holmes", is written over a horizontal line.

Tim Holmes, Chairman
City of Franklin Board of Zoning Appeals