



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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# BZA Staff Report

**To:** Board of Zoning Appeals Members  
**From:** Alex Getchell, AICP, Senior Planner  
**Date:** August 22, 2017  
**Re:** Cases ZB 2017-14 (V) | Franklin Shell Building

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### REQUESTS:

#### Case ZB 2017-14 (V)...Franklin Shell Building | 40 Linville Way

A request for consideration of a developmental standards variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 11, to allow loading berths to be located in a front yard, in an IL: Industrial, Light zoning district. The subject property is located at 40 Linville Way, which is on the East side of Graham Rd, approximately 800 feet north of the intersection with Commerce Parkway.

### 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.

### CONSIDERATIONS:

#### Project Overview

1. Runnebohm Construction, petitioner, has submitted site development plans to develop an industrial shell building on a proposed 13.11 acre property north of the intersection of Graham Rd and Commerce Pkwy. [See [Exhibit A: Site Plans](#)]
2. The proposed industrial shell building is planned for initial construction of a 50,000 sq. ft. building, with potential expansion up to 200,000 sq. ft.
3. The subject property is part of a larger 68+ acre proposed Linville Business Park subdivision. Primary Plat application and corresponding documents have been submitted, by others, for the subdivision of the overall property into three lots, plus an additional “Block A,” which could be further subdivided at a later date. The proposed primary plat also includes a public street (Linville Way) and right-of-way connecting each of the lots to Graham Road and Commerce Parkway. [See [Exhibit B: Primary Plat](#) (by others)]
4. The proposed Site Development Plans have been reviewed by the entire Technical Review Committee, with comments provided and plan revisions having been resubmitted, but not yet reviewed. Site Development Plan approval cannot be completed without BZA approval of the above listed variance, or conformance with the development standards.

#### Loading Berths

5. *Petitioner is requesting a variance from the Loading Standards, to be allowed loading berths to be located in a front yard.* [[Exhibit A: Site Plans](#)]

6. According to the City of Franklin Zoning Ordinance, Article 7, Chapter 11, “No loading space (loading berth) may be located in any front yard or any required buffer yard.” [Figure 1: Loading Berth Graphic]

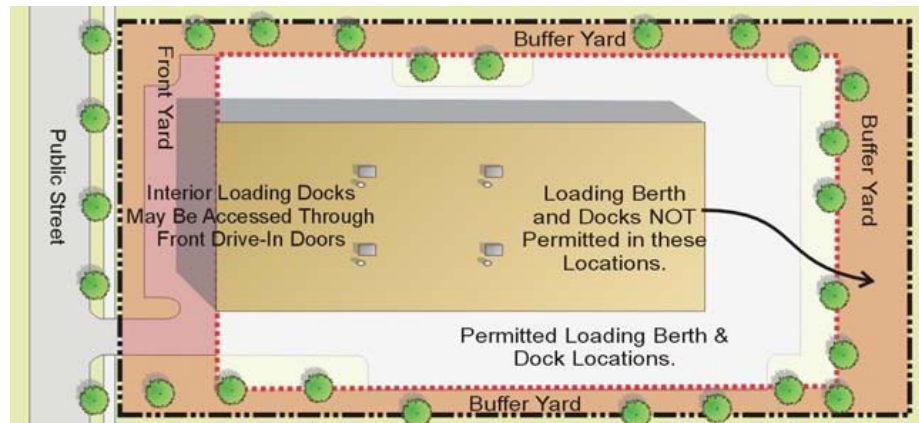


Figure 1: Loading Berth Graphic

7. According to the City of Franklin Zoning Ordinance, Article 13, Chapter 2, Definitions:
- A. Front Yard: “The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.” [Figure 2: Front Yard (Corner Lot)]
  - B. Lot Frontage: “The horizontal distance between side lot lines where a property abuts a street.”
  - C. Street, Public: “A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.”
  - D. Corner Lot: “A lot located at the corner of two or more streets.” [Figure 3: Corner Lot]

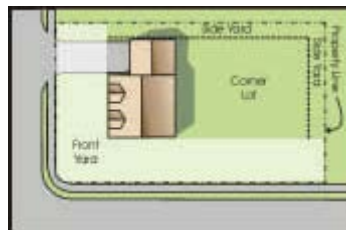


Figure 2: Front Yard (Corner Lot)

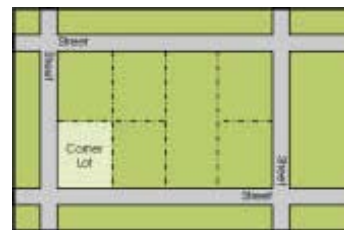


Figure 3: Corner Lot

### 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.

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

**Surrounding Zoning:**

North: IL: Industrial, Light

South: IL: Industrial, Light

East: IL: Industrial, Light

PUD: Planned Unit Development

West: IL: Industrial, Light

**Surrounding Land Use:**

North: Agricultural Crop Field

Single-family Residential

South: Premium Composite Technology

East: Agricultural Crop Field

Heritage Sub. (Single-family Res.)

West: Agricultural Crop Field

Johnson County Animal Shelter

**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. While the proposed loading berths will be within the front yard along the proposed Linville Way, the new public street will only serve industrial users. Loading berths are not proposed for the Graham Road front yard area; therefore, staff finds approval will not be injurious to the general welfare.

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 adjacent properties will not be affected in a substantially adverse manner, as the proposed loading berths will be within the front yard of the proposed Linville Way, a local street that will only serve other industrial users. Furthermore, the subject property is surrounded by LI: Light Industrial zoned properties, industrial users, and agricultural crop fields. Moreover, loading berths are not proposed for the Graham Road front yard area; therefore, staff finds approval of the variance will have no deleterious effect on 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 ordinance will result in a practical difficulty. The proposed 50,000 sq. ft. shell building, with potential for expansion up to 200,000 sq. ft., will be located on a corner lot, due to the proposed public street and dedication of right-of-way, to be known as Linville Way. Petitioner proposes the loading berths to be located on the south side of building (Linville Way) in order to accommodate future expansion of the building to the north and east, with minimal redesign & disruption to the initial structure and pavement construction. Strict application of the ordinance would result in a practical difficulty in the

development of the property, as the project is proposed as a shell building to attract businesses to a facility that is nearly “move-in ready” and which requires minimal construction, now and in the future. Therefore, staff finds the strict application of the ordinance will result in a practical difficulty.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

Based on the written findings above, staff recommends **APPROVAL** with the following condition:

- a. Approval of loading berths in a front yard is limited to the Linville Way front yard only.