



## 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:** January 30, 2020

**Re:** Cases ZB 2020-03 (V) | 1551 Amy Lane | Avera Commercial

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### REQUESTS:

**Case ZB 2020-03 (V)...1551 Amy Lane.** A request for a Developmental Standards Variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 3, Accessory Structure Location, to allow a dumpster enclosure to be located within a front yard, in the IL: Industrial, Light zoning district. The property is located at 1551 Amy Lane.

### 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:

1. Petitioner, Avera Commercial, LLC, proposes to develop the property at 1551 Amy Lane, also known as Lot 11 in the Hurricane Industrial Park, with a 9,607 sq. ft. multi-tenant building. Specific users have not yet been identified; however, the plan is for small scale commercial and/or industrial users.
2. Petitioner submitted Site Development Plans for review by the Technical Review Committee; the full Technical Review Committee reviewed the plans at the December 19, 2019 meeting. Petitioner has since resubmitted their plans & response letter to those comments. [See [Exhibit A: Site Plans 01/06/20](#)]
3. The revised site plans are currently under review by the Technical Review Committee. Approval of the Site Development Plans cannot be completed without approval of the proposed variance, or full compliance with the dumpster enclosure standards.

### Accessory Use & Structure Standards

4. According to Article 7, Chapter 3: Accessory Use & Structure Standards:

E. **Accessory Structure Location:** Accessory structures shall comply with the following location requirements:

1. Septic Fields: No accessory structures shall be placed in any operable septic fields.
2. Landscaping & Buffer Areas: No accessory structure shall encroach into any required landscaped area or buffer yard.
3. Yard Location: **No accessory structure shall be permitted in any front yard**, or within the required side and rear yard setbacks specified by the Permitted Accessory Structures table.

5. Variance: *Petitioner requests approval to be allowed to place the dumpster enclosure on the west side of the building, which is considered a front yard, by ordinance. The dumpster enclosure is proposed to be 11' x 12', with split face block walls 6'-4" tall and a 100% opaque gate.*
6. 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 1: 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 2: Corner Lot]

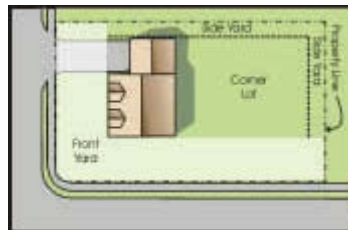


Figure 1: Front Yard (Corner Lot)



Figure 2: Corner Lot

### Comprehensive Plan & Zoning Ordinance

7. 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."
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.

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

**Surrounding Zoning:**

North: IL: Industrial, Light  
IBD: Industrial, Business Development  
South: IL: Industrial, Light  
East: IL: Industrial, Light  
West: IL: Industrial, Light

**Surrounding Land Use:**

North: Superior Systems & Supply Inc.  
Style Dance Academy  
South: Pro Industries  
East: Vacant Industrial Lot  
West: Cornett Roofing Systems

**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 variances will not be injurious to the public health, safety or general welfare of the community, as the dumpster enclosure will be completely opaque, with split face block walls and a 100% opaque gate, which will serve to hide the dumpster and refuse from view, and help prevent refuse from blowing unabated. Moreover, the dumpster enclosure will be placed close to the primary structure and will be constructed with materials matching the building.

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 dumpster enclosure will be completely opaque, with split face block walls and a 100% opaque gate, which will serve to hide the dumpster and refuse from view, and help prevent refuse from blowing unabated. Moreover, the dumpster enclosure will be placed close to the primary structure and will be constructed with materials matching the building.

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 the property is regulated similar to a corner lot, with road frontage wrapping around the property from the southwest corner, around the curve of Amy Lane, and up to the northeast corner of the lot. Moreover, the configuration of the lot, combined with the regulation that accessory structures cannot be located in front yards, creates practical difficulties in developing the overall traffic pattern for the property, including cars, delivery trucks, and trash trucks, while still maintaining setback requirements for both the primary structure and the dumpster enclosure.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

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

- a. The dumpster enclosure must be constructed consistent with the site plans submitted January 6, 2020.”
- b. The gate to the enclosure must be 100% opaque and must remain closed, except when immediate access to the area is required.