



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: September 30, 2022

Re: Cases **ZB-22-9 (SE/UV) | 599 Earlywood Dr**

REQUESTS:

Case ZB-22-9 (SE/UV) Scott & Michelle Graham: A request for a Special Exception from the City of Franklin Zoning Ordinance: Article 3, Chapter 23, to allow inoperable vehicle storage, in the IG: Industrial: General zoning district; and a Use Variance request from Article 3, Chapter 23, to allow an auto repair and body shop use in the IG: Industrial General zoning district. The subject property is located on the south side of Earlywood Drive, at common address of 599 Earlywood Drive, and is 1.58 acres in size.

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: Amcor Rigid Plastics manufacturing
Case Agricultural Implement Sales

South: Direct Conveyors, LLC

East: Johnson Co. REMC Contractor Storage Yard

West: Direct Conveyors, LLC

CONSIDERATIONS:

Current & Proposed Use

1. The subject property is the former site of Moonlight Automotive, at 599 Earlywood Drive. The prior use, Recreational Vehicle repair, service, and machine shop was conditionally approved by the Board of Zoning Appeals in December 2015. Moonlight Automotive sold the property to Scott & Michelle Graham, who desire to use the property for a similar auto repair use.
2. *Petitioners, Scott & Michelle Graham, are proposing to relocate their existing business, an auto repair & body shop, to the subject property, and are therefore, requesting Use Variance approval.*
3. Petitioners recently sold their long-time wrecker service business, but they still own one wrecker truck. Petitioners stated they do not currently intend to restart the wrecker business, but they do not want to rule it out for the future; *therefore, petitioners are seeking Special Exception approval for inoperable vehicle storage (related to wrecker service) at the same time as the Use Variance for the auto repair & body shop.*

Special Exception – Inoperable Vehicle Storage

4. An Inoperable Vehicle Storage use is defined as: “The outdoor storage of motor driven vehicles and their parts, that cannot be operated in their current state.”
5. An Inoperable Vehicle Storage use is listed as a special exception use in only the “IG,” Industrial: General zoning district. Inoperable Vehicle Storage is not permitted by right in any district.
6. The subject property is in the “IG,” Industrial, General zoning district; *therefore, petitioners request a Special Exception approval for the inoperable vehicle/wrecker service at the subject property.*

Use Variance – Auto Repair & Body Shop

7. An Auto Repair & Body Shop use is classified as an Auto Oriented Use, Medium Scale; said use is defined as: “Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, oil change/lube shops, and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Land Use Matrix included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or small scale.”
8. Auto Repair & Body Shop is listed as a Permitted use in only the “MXC,” Mixed-use: Community Center zoning district. Auto Repair & Body Shop is listed as a Special Exception use in the “MXR,” Mixed-use: Regional Center, and “IBD,” Industrial: Business Development zoning districts.
9. The subject property is in the “IG,” Industrial, General zoning district; *therefore, petitioners are requesting a Use Variance for the auto repair & body shop at the subject property*

Parking Standards

10. According to Article 7, Chapter 10, Parking Standards, Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance: Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for nonconforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.
11. According to Article 7, Chapter 10, Parking Standards:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Each employee working on the largest shift;
 - Each business vehicle stored on-site;
 - Every 200 square feet of office space/waiting area; and
 - Every 200 square feet in any car wash, repair or modification facility.
 - Minimum parking stall size is 9’ x 18’ and must be striped.
 - Each parking space must be paved with asphalt or concrete.
12. According to Article 7.10 of the Zoning Ordinance, Petitioners would be required to provide:
 - Office space/waiting area (1,450 sq. ft.): 7 spaces
 - Repair, Service, and Machine Shop (6,200 sq. ft.): 31 spaces
 - Employees on largest shift (6): 6 spaces
 - Business vehicles (6): 6 spaces
 - TOTAL SPACES REQUIRED: 50 spaces
13. At least one (1) space provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.
14. The property has an existing gravel parking lot behind the opaque fence; staff has determined this portion of the parking lot is a legal-nonconforming site feature and the petitioner is not required to pave or concrete the existing parking lot. If the parking lot area is expanded/enlarged, only the expanded area would be required to be paved.

Storage of Vehicles to be Repaired

15. According to Article 7, Chapter 10, the outdoor storage of vehicles associated with permitted auto repair facilities shall be completely enclosed with a 6 foot tall, 100% opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of 6 foot tall, 100% opaque wooden doors.
16. There is an existing opaque wood fence enclosing a vehicle storage area at the back of the property, which is approximately 14,900 sq. ft.

Customer Parking

17. In front of the fence, there is an existing paved parking lot for customers dropping off and picking up vehicles for repair.
18. Staff recommends a condition of approval that petitioner provide at least seven (7) paved and striped parking spaces in front of the fence, for customer drop-off/pick-up.

There is availability for the required fifty (50) parking spaces, on-site, with seven (7) provided in front of the fence for customers, and forty (43) provided behind the fence, including inside the structure, for vehicles to be repaired and for employee and business vehicle parking.

Comprehensive Plan & Zoning Ordinance

19. 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."
20. 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.
21. According to Article 11.3: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.

CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:

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

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

DECISION CRITERIA – SPECIAL EXCEPTION – INOPERABLE VEHICLE STORAGE

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 approval of the proposed special exception for inoperable vehicle storage will not be injurious to the public health, safety, morals, and general welfare of the community, as the general vicinity is zoned almost exclusively for the highest intensity industrial uses. The subject property is far from residential uses, is

not located with the Gateway Overlay District, and was previously used for recreational vehicle repair; therefore, approval will not be a nuisance to the general vicinity. Moreover, the subject property is located on the City of Franklin designated “Truck Route,” which will aid in reducing the wrecker service traffic in non-industrial areas. Therefore, the approval will not be injurious to the public health or safety.

2. ***Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.***

Staff Finding:

Staff finds the requirements and development standards for the requested use will be met.

3. ***Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.***

Staff Finding:

The requested use is listed as a special exception under the Industrial General zoning district regulations and the proposed use, with the existing screening/fencing, will not result in an adverse impact on adjoining properties. The subject property is adjacent to industrial uses on all sides, including outdoor storage yards, which will not be affected by the proposed use. Due to the heavy industrial nature of the general vicinity, and the structures on the subject property and to the west and south, the inoperable vehicle storage will be hidden not only by the required opaque fencing, but by adjacent structures. Moreover, approval will not be contrary to the general purposes served by the Zoning Ordinance, as the IG district “is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts.”

4. ***Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

Staff Finding:

The granting of the special exception does not interfere with the Comprehensive Plan as the Plan states land uses in the manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. Therefore, staff finds the proposal would not interfere with the goals of the Comprehensive Plan.

STAFF RECOMMENDATION – SPECIAL EXCEPTION – INOPERABLE VEHICLE STORAGE

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

- a. Special Exception approval for inoperable vehicle storage, associated with the wrecker service and auto repair & body shop, shall run with the applicants at the subject property.
- b. The opaque fence construction must be consistent with the requirements of the zoning ordinance, with the fence and gate being 100% opaque and between six and eight feet in height.
- c. A minimum of one parking space must be provided for each employee on the largest shift and for each business vehicle stored on-site.

CRITERIA FOR DECISIONS – USE VARIANCE:

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

In taking action on all use 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 use variance of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

DECISION CRITERIA – USE VARIANCE – AUTO REPAIR & BODY SHOP

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 use variance, with the proposed conditions, will not be injurious to the public health, safety, or general welfare of the community. All of the required parking will be provided and the vehicles to be repaired will be stored in an area enclosed by a 100% opaque fence. Additionally, approval, with the proposed conditions, will provide a paved entrance and parking area for the public. Moreover, the proposed use, albeit not permitted in the IG district, is of similar intensity as an industrial use and of the prior use of the same property.

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 adjacent properties would not be affected in a substantially adverse manner, as the general vicinity is comprised of a variety of industrial land uses with similar intensity of uses, including agricultural implement sales, outdoor contractor storage, and other large scale manufacturing uses. Moreover, the prior use of the property was for recreation vehicle repair. Therefore, the continuation of an auto repair shop on the property will not substantially impact adjacent properties in a negative manner.

3. ***Peculiar Situation: The need for the variance (arises or does not arise) from some condition peculiar to the property involved.***

Staff Finding:

Staff finds that the need for the variance does arise from a condition peculiar to the property involved, as staff has found that with the relatively small size of the structure and property for industrial users, finding a permitted industrial user to operate from this facility would be difficult. Additionally, similar facilities that would suit an auto repair shop, which are also zoned appropriately, do not appear to exist in the general vicinity. Moreover, this property was previously used as a recreational vehicle repair shop under Board approval of ZB-2015-18 (UV).

4. ***Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.***

Staff Finding:

Staff finds that the strict application of the terms of the Ordinance will result in an unnecessary hardship, as the impact of the proposed auto repair shop is similar in nature, or even less than, as some of permitted uses in the IG zoning district: agricultural products terminal, truck freight terminal, warehouse & distribution facility. Moreover, this property was previously used as a recreational vehicle repair shop under Board approval of ZB 2015-18 (UV).

5. ***Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

Staff Finding:

Staff finds the granting of the use variance will not interfere with the Comprehensive Plan. The Comprehensive Plan designates this area as a manufacturing area, and further clarifies these areas “may include facilities that involve emissions or the outdoor storage of materials and finished products.” The similarities between the outdoor storage of manufacturing materials/finished products and vehicles to be repaired is significant enough that staff believes there will not be any interference with the Comprehensive Plan.

STAFF RECOMMENDATION – USE VARIANCE – AUTO REPAIR & BODY SHOP

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

- a. Use Variance approval for an auto repair & body shop is limited to, and runs with the applicants, at the subject property.
- b. The opaque fence construction must be consistent with the requirements of the zoning ordinance, with the fence and gate being 100% opaque and between six and eight feet in height.
- c. All vehicles stored onsite, either pre-, during-, or post-repair, shall be stored within the enclosed fence storage area or inside the building, except during times of drop-off/pick-up by customers.
- d. A minimum of one parking space must be provided for each employee on the largest shift, for each business vehicle stored on-site, and for every 200 square feet in the body shop facility.
- e. At least one parking space reserved for disabled persons must be provided, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.