



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin-in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: July 2, 2012

Re: Case ZB 2012-05 (V)

REQUEST:

Case ZB 2012-05 (V)...215 Industrial Drive. A request for a variance from the City of Franklin Zoning Ordinance Article 3, Chapter 23 to encroach twenty-five (25) feet into the required fifty (50) foot rear setback and encroach thirty (30) feet into the required fifty (50) foot side setback in the Industrial: General (IG) and Gateway Overlay (GW-OL) zoning districts. The property is located at 215 Industrial 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.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

CONSIDERATIONS:

1. The petitioner is requesting a variance to encroach twenty-five (25) feet into the required fifty (50) foot rear setback and encroach thirty (30) feet into the required fifty (50) foot side setback.
2. The building setback would be reduced to twenty-five (25) feet in the rear and twenty (20) feet on the side.
3. The lot was originally platted in 2003 under the I-1 zoning guidelines which permitted twenty-five (25) foot rear setbacks and twenty (20) foot side setbacks.
4. The proposed expansion would continue the existing side setback which is currently at twenty (20) feet.
5. The 2002 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."

6. 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.
7. 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 surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IG, Industrial: General/ Gateway Overlay
 South: IG, Industrial: General/ Gateway Overlay
 East: IG, Industrial: General/ Gateway Overlay
 West: IG, Industrial: General/ Gateway Overlay

Surrounding Land Use:

North: Franklin Police Department/Carter Lumber
 South: Plumbers Supply Co.
 East: Pettit Environmental
 West: Retail Strip Center

CRITERIA FOR DECISIONS:

(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

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:

The minimum lot area for the IG Zoning District is 2 acres, however, this lot was legally platted at just under one acre in size. Since the subdivision was platted under the old ordinance and the lots were able to be smaller, the proposed setbacks are in line with the lot size.

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:

The use and value of adjacent properties will not be affected in an adverse manner as the building will not move any closer to its neighbor to the east. The addition is also proposed to remain twenty-five (25) from the rear property line, which is approximately thirty-five (35) feet from a blank, side wall on the warehouse to the south.

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:

The Comprehensive Plan states that sites in this land use category should be large enough to accommodate large-scale facilities and future expansions. This lot is not large enough to accommodate expansions without a reduction in setback requirements. The strict application of the ordinance will result in a practical difficulty as the existing setbacks would severely restrict any future expansion of the building.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

STAFF RECOMMENDATION

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

1. Final site plan approval of the proposed addition.
2. All applicable permits shall be obtained upon approval of variance and site plan.

Site Photographs



215 Industrial Drive – Proposed Expansion Area



215 Industrial Drive – Front

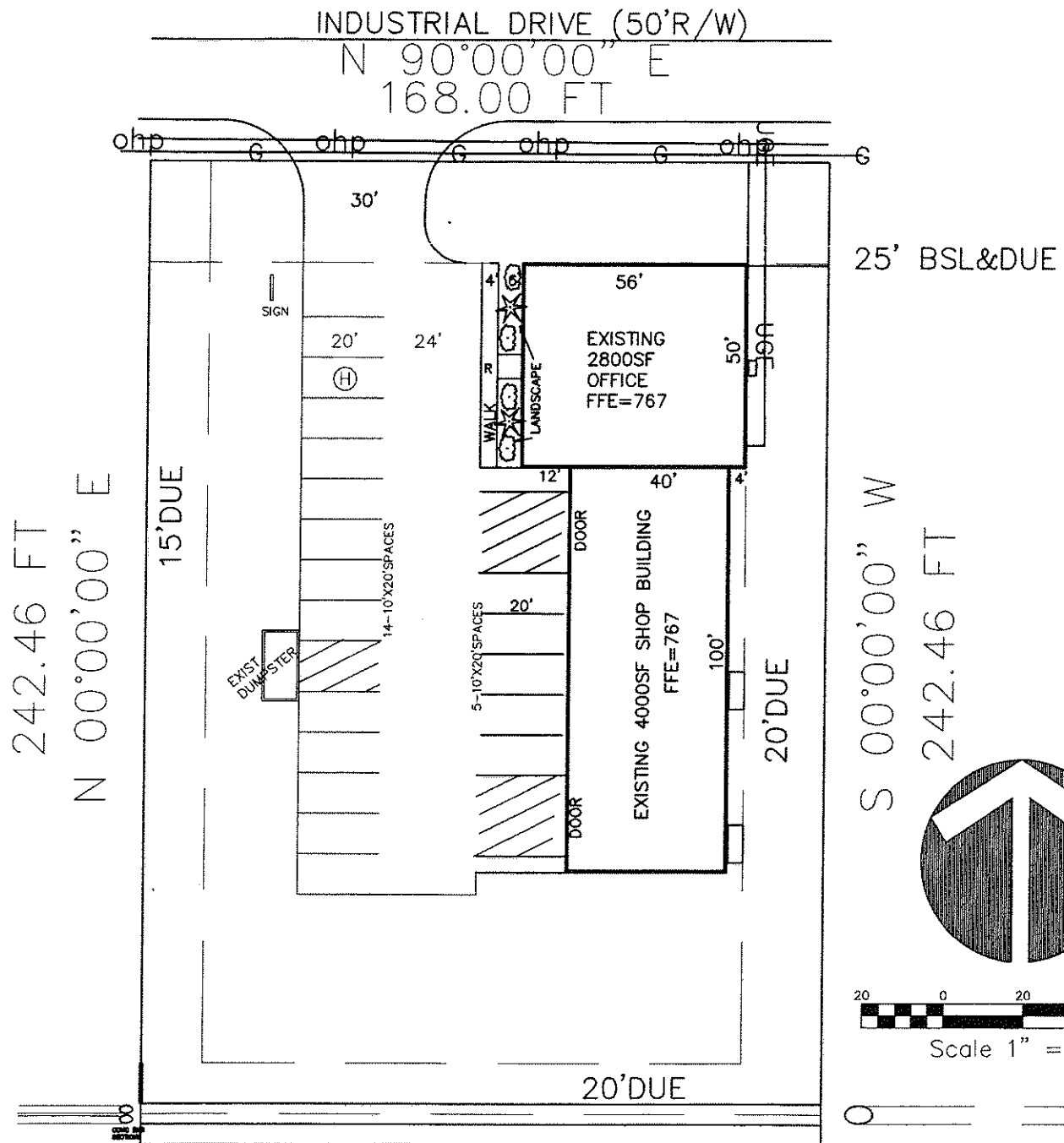
JM STEVENS ENTERPRISES,LLC VARIANCE REQUEST

Rear setback variance from 50' to 25'

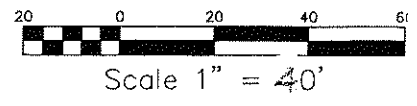
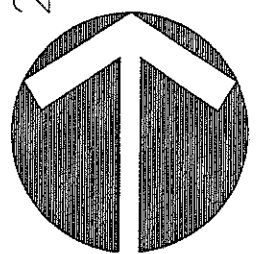
Reasons for Variance Request per statute:

- A) The approval will not be injurious to public health, safety, morals and general welfare of the community as the use is consistent with the existing adjacent properties having rear setbacks of less than 25'. Similar to the same variance granted at Blue Chip Industrial Park the ordinance did not address lots in an Industrial zone of one acre or less making a 50' setback unequitable. This property was constructed prior to the current zoning setback requirements.*
- B) The use and value of the area adjacent to the property in the variance will not be affected in a substantially adverse manner, as this use is now present and commensurate with adjacent properties. Adding a new building and landscaping will enhance the value of adjacent properties.*
- C) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property as it would make the property unexpandable causing AIRTOMIC to move to another site.*

- as Submitted by applicant

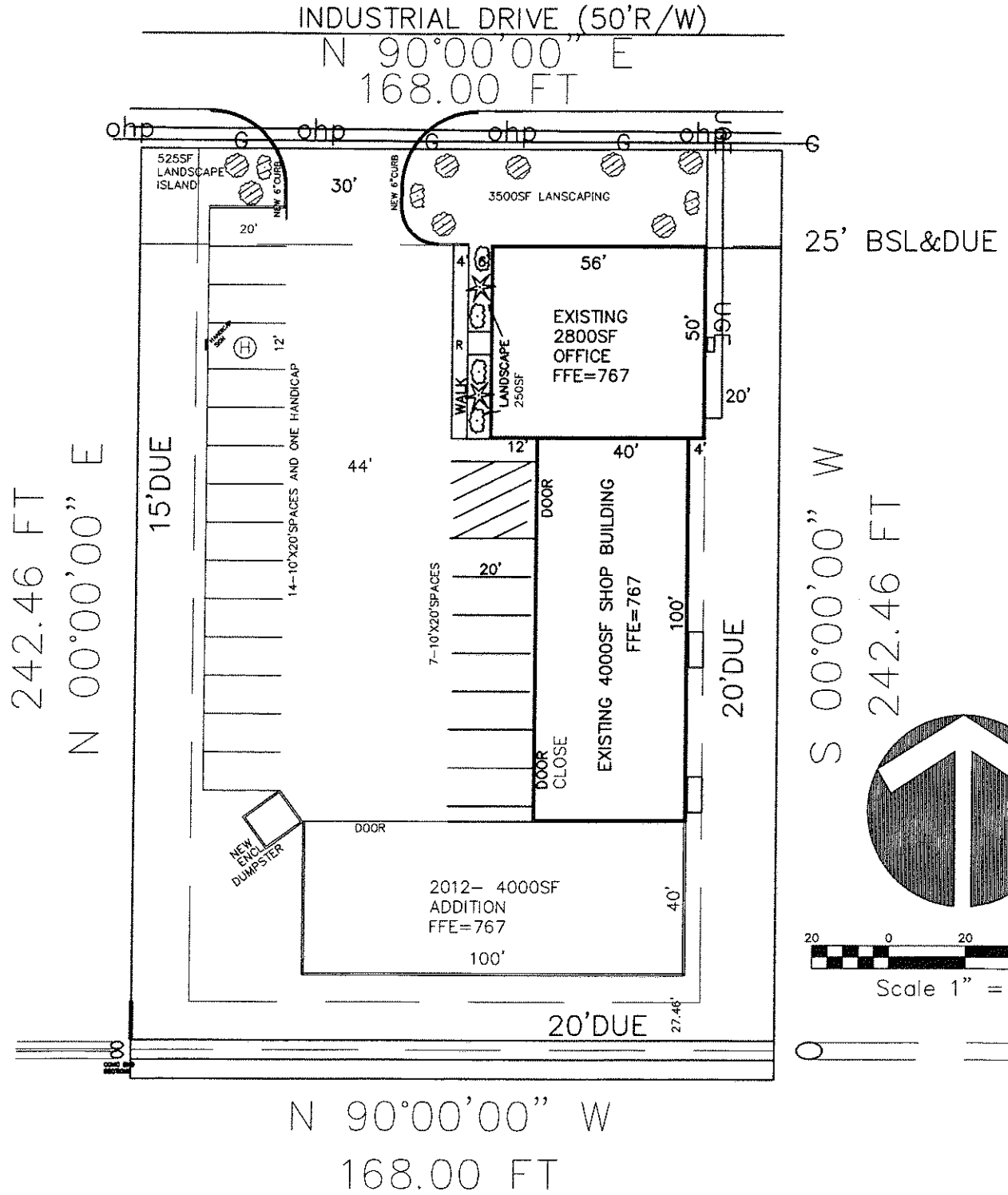


S 00°00'00" W
242.46 FT



N 90°00'00" W
168.00 FT

EXISTING



PROPOSED

215 Industrial Drive

INDUSTRIAL DR

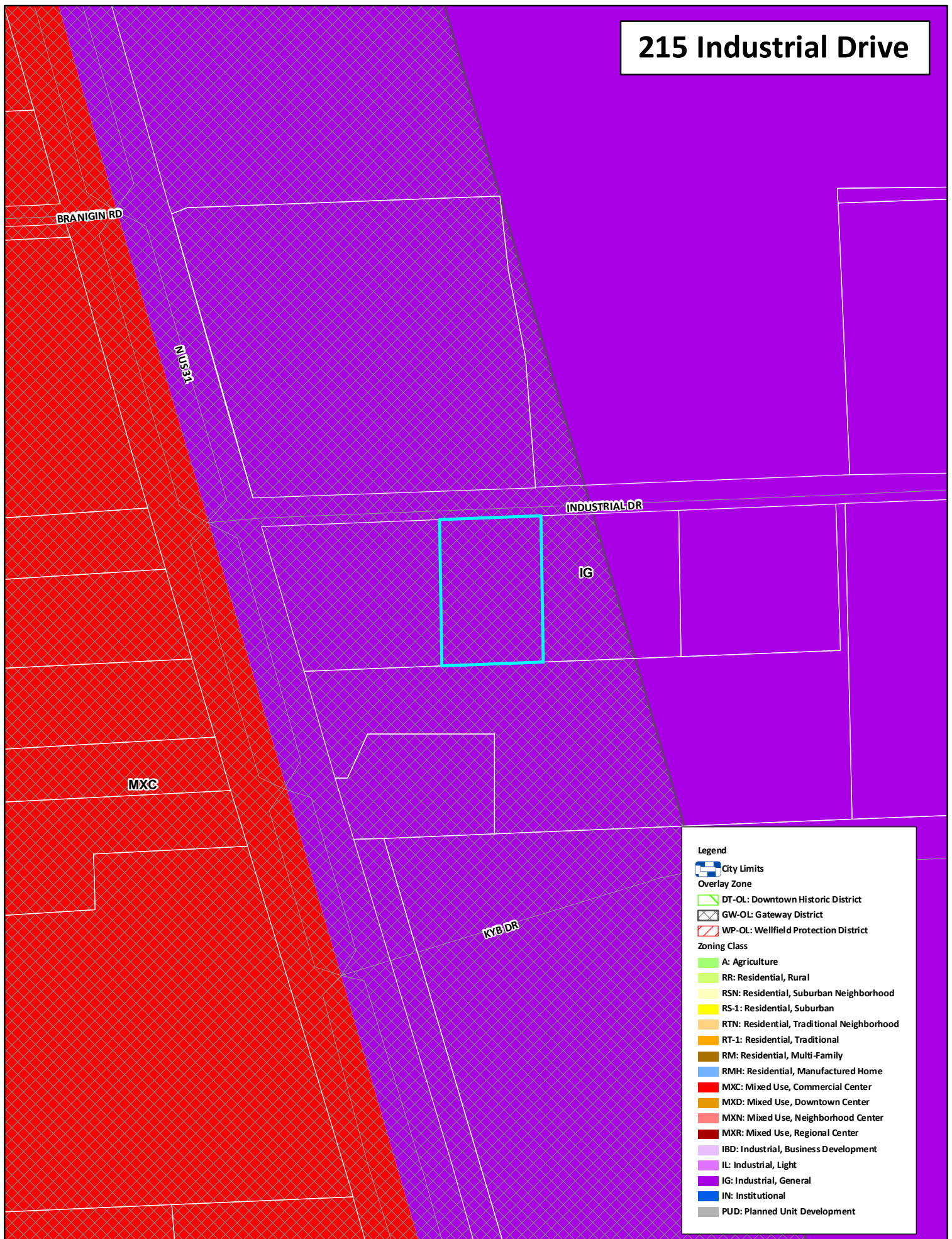
NUSC631

KYB DR

1 inch = 100 feet

Created: Franklin Planning Dept. - 6/12
K. Tolloty

215 Industrial Drive



1 inch = 200 feet

Created: Franklin Planning Dept. - 6/12
K. Tolloty