



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & 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: January 29, 2013

Re: Case ZB 2013-04 (V)

REQUEST:

Case ZB 2013-04(V)...3011 Hudson Street. A request for a variance from the City of Franklin Zoning Ordinance Article 3, Chapter 21, to allow a lot area larger than five (5) acres in the Industrial: Business Development (IBD) zoning district. The property is located at 3011 Hudson Street.

PURPOSE OF STANDARD:

The "IBD", Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

1. The petitioner is requesting to create a lot ten (10) acres in size.
2. The maximum permitted lot size in the IBD zoning district is five (5) acres.
3. The existing lot to be split is approximately 26.8 acres in size.
4. The property is served by a recently paved local road that is designed for small volumes of traffic, and is not intended for larger scale uses.
5. The lot size requirement is designed to limit the size and scale of all development that occurs within this zoning district.
6. 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.

7. 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.
8. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. "Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor's offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved."

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IBD, Industrial: Business Development
 South: IG, Industrial: General
 East: IBD, Industrial: Business Development
 West: IBD, Industrial: Business Development

Surrounding Land Use:

North: Undeveloped/Agricultural
 South: Undeveloped/Agricultural
 East: Undeveloped/Agricultural
 West: Undeveloped/Residential

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 approval of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. The development of the lot will be done with respect to new construction guidelines and will otherwise meet zoning requirements.

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 should not be affected in an adverse manner. The surrounding properties are various types of industrial zones and uses, with the exception of a legal, non-conforming residential use.

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 strict application of the ordinance will not result in a practical difficulty. A rough estimate of the proposed structure and related drainage areas shows that well under half of the ten (10) acre proposed parcel would be utilized. Because of this reason, Staff is of the opinion that there is no practical difficulty in meeting the five (5) acre maximum lot size requirement. Furthermore, the basis for the maximum lot size is to encourage smaller scale businesses and industries, and to prevent large scale industries from this zoning district. The large amount of open area on this site would allow for the operation to expand well beyond the scale that is intended for this location. The petitioner should explain why this request constitutes a practical difficulty.

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

STAFF RECOMMENDATION

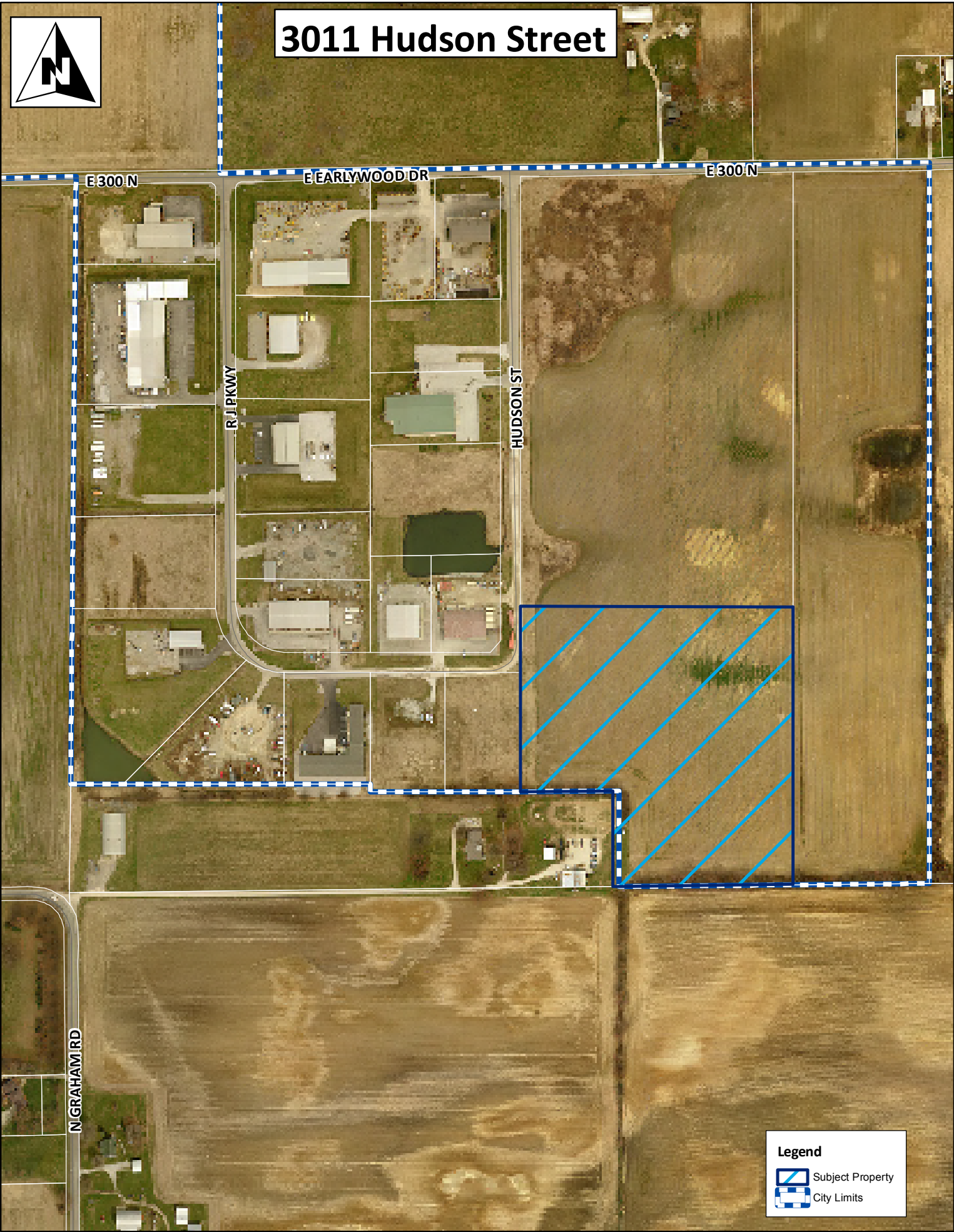
Based on the written findings above, staff recommends **denial** of the petition.

If the Board finds sufficient evidence to approve the proposed variance and the following modifications to the petition were made, staff would recommend approval.

1. A site development plan shall be submitted for review and approval by the Technical Review Committee.
2. All applicable permits shall be obtained before construction.



3011 Hudson Street



Legend

-  Subject Property
-  City Limits



3011 Hudson Street

A

E 300 N

E EARLYWOOD DR

E 300 N

R J PKWY

HUDSON ST

IBD

N GRAHAM RD

IL

Legend



Subject Property
City Limits

Steven B. Williams,
Engineering and Surveying
3868 East 700 North
Whiteland, Indiana 46184
Phone: 317-460-7730 Fax: 317-535-1864

DIMENSIONAL DESIGN VARIANCE REQUESTED:

TO PLAT A LOT GREATER THAN 5 ACRES IN AREA

REASONS FOR VARIANCE PER STATUTE:

- A) The approval will not be injurious to the public health, safety, morals, and general welfare of the community as the use is consistent with existing property tract sizes. To divide the 10 acre tract into two lots would impose lot line setbacks and easements damaging the intended warehouse complex use. I understand the reason for minimum lot sizes, but I cannot think of any reason for maximum lot sizes.
- B) The use and value of the area adjacent to the property in the variance will not be affected in a substantially adverse manner due to the reasons stated above and the unique nature of this property being in existence in the county for many years where ten acre tracts are allowed.. Value will be enhanced by new construction and landscaping.
- C) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property as they will damage the development area of the property. There is no desire to divide the property into two or more industrial tracts.

